

IN THE SUPREME COURT OF OHIO

<b>Disciplinary Counsel,</b>	:	<b>Case No. 2019-0099</b>
	:	
<b>Relator,</b>	:	
	:	
<b>vs.</b>	:	
	:	
<b>Kelley Andrea Bosecker</b>	:	
	:	
<b>Respondent.</b>	:	

---

**RELATOR'S REPLY TO RESPONDENT'S RESPONSE  
TO ORDER TO SHOW CAUSE**

---

**Scott J. Drexel (0091467)**  
Disciplinary Counsel  
Relator

**Kelley Andrea Bosecker (0006194)**  
1400 Gandy Blvd., #706  
Saint Petersburg, FL 33702  
Respondent, *Pro Se*

**Michelle R. Bowman (0074233)**  
Assistant Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411  
614.461.0256  
614.461.7205 – fax  
M.Bowman@sc.ohio.gov

**IN THE SUPREME COURT OF OHIO**

<b>Disciplinary Counsel,</b>	:	<b>Case No. 2019-0099</b>
	:	
<b>Relator,</b>	:	
	:	
<b>vs.</b>	:	
	:	
<b>Kelley Andrea Bosecker, Esq.</b>	:	
	:	
<b>Respondent.</b>	:	

---

**RELATOR’S REPLY TO RESPONDENT’S RESPONSE  
TO ORDER TO SHOW CAUSE**

---

On January 25, 2019, this Court filed an Order to Show Cause notifying respondent, Kelley Andrea Bosecker (“respondent”), that disciplinary counsel of the Supreme Court had filed with the Clerk of the Court a certified copy of the September 27, 2018 order of the Supreme Court of Florida disbaring respondent from the practice of law. This Court’s Order to Show Cause directed respondent to notify the Court within 20 days of the service of the Order to Show Cause of any claim predicated upon the grounds set forth in Rule V(20)(C)(1) of the Supreme Court Rules for the Government of the Bar of Ohio (“Gov.Bar R.”) that the imposition of identical or comparable discipline in this State would be unwarranted and the reasons for that claim.<sup>1</sup>

---

<sup>1</sup> Gov.Bar R. V(20)(C)(1) provides that the Supreme Court will impose identical or comparable discipline to that imposed in the other jurisdiction unless the attorney proves, by clear and convincing evidence (a) a lack of jurisdiction or fraud in the other jurisdiction’s disciplinary proceeding; or (b) the misconduct established warrants substantially different discipline in Ohio.

On February 13, 2019, respondent filed with this Court her response to the Court's Order to Show Cause ("OSC response"). In her OSC response, respondent asserts that the misconduct established in her Florida disciplinary proceeding warrants a different discipline in Ohio. Respondent explained that she was disbarred for violating the Florida Supreme Court's 45-day suspension order imposed on May 6, 2016 in *Fla. Bar v. Bosecker*, No. SC15-1592. Respondent stated that she was "unjustly disbarred from the practice of law in the State of Florida"; however, respondent admitted that she "made some mistakes" and expressed remorse for her misconduct.

Respondent filed an appeal with the Florida Supreme Court relating solely to the issue of the appropriate sanction to be imposed upon respondent. In her OSC response, respondent attached a copy of the document, filed with the Florida Supreme Court on October 12, 2018, entitled "Petitioner's Motion for Rehearing." Relator's search of the Florida Supreme Court's docket revealed that, on December 10, 2018, the Florida Supreme Court denied respondent's Motion for Rehearing.

Additionally, in her OSC response, respondent correctly distinguishes the Florida Supreme Court's disciplinary sanction of disbarment as not being permanent, i.e., respondent may re-apply for admission to the Florida Bar after a five-year period of suspension. Conversely, the sanction of disbarment in Ohio, pursuant to Gov.Bar R. V(12)(B), is permanent. Respondent asserts that the sanction of an indefinite suspension in Ohio, pursuant to Gov.Bar R. V(12)(A), is comparable to a disbarment sanction imposed by the Florida Supreme Court. Further, respondent argues that she should be permitted to re-apply for admission to the Bar of the Supreme Court of Ohio after a period of suspension and that this Court should impose no more than an indefinite suspension upon her.

Pursuant to the provisions of Gov.Bar. R. V(20)(B)(2), relator respectfully submits this reply to respondent's OSC response.

The Florida Supreme Court held that the evidence presented at respondent's disciplinary hearing established clearly and convincingly that respondent violated Fla. Bar Rules 3-5.1(e) by continuing to practice law while suspended; Fla. Bar Rule 3-5.1(h) by failing to timely provide notice to clients of her suspension order; and Fla. Bar Rule 4-8.4(c) for engaging in misrepresentation to the court relating to notice of her suspension to her clients and for her dishonesty in failing to promptly notify her clients, opposing counsel, and the courts of her suspension, thereby warranting disbarment. If respondent had engaged in the same conduct in Ohio as she committed in Florida, her conduct would likewise have violated the provisions of Rule 5.5 and 8.4(c) of the Ohio Rules of Professional Conduct for respectively, practicing law under suspension, and engaging in dishonesty, fraud, deceit, or misrepresentation.

This Court has routinely imposed indefinite suspensions for attorneys who continued to practice law during license suspensions. *See, e.g., Disciplinary Counsel v. Freeman*, 126 Ohio St.3d 389, 2010-Ohio-3824, 934 N.E.2d 328; *Disciplinary Counsel v. Higgins*, 117 Ohio St.3d 473, 2008-Ohio-1509, 884 N.E.2d 1070; *Toledo Bar Assn. v. Crandall*, 98 Ohio St.3d 444, 2003-Ohio-1637, 786 N.E.2d 872.

While respondent argued that her Florida misconduct warrants a different disciplinary sanction in Ohio, she failed to submit any disciplinary decisions imposed by this Court, or other credible evidence, to support her argument.

### **CONCLUSION**

Respondent has failed to sustain her burden, by clear and convincing evidence, of demonstrating that the misconduct for which she was sanctioned in Florida warrants substantially

different discipline in Ohio. However, relator agrees with respondent that the Florida sanction of disbarment is most similar to an indefinite suspension in Ohio. Although distinguishable, an indefinite suspension in Ohio requires the attorney to serve, at a minimum, a two-year suspension. In Florida, the sanction of disbarment requires the attorney to serve, at a minimum, a five-year suspension. In either state, respondent would be required to apply for reinstatement and demonstrate her fitness to practice law before being reinstated to the practice of law.

Therefore, relator respectfully submits that this Court should issue an order imposing an indefinite suspension upon respondent. Additionally, relator respectfully submits that the Court's order should prohibit respondent from seeking reinstatement to the practice of law in Ohio until she has been reinstated to the practice of law in the State of Florida.

Respectfully submitted,



---

Scott J. Drexel (0091467)  
Disciplinary Counsel



---

Michelle R. Bowman (0074233)  
Counsel of Record  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411  
614.461.0256  
614.461.7205 – fax  
M.Bowman@sc.ohio.gov

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Relator's Reply to Respondent's Response to Order to Show Cause* has been served upon respondent, Kelley Andrea Bosecker, Esq. by electronic mail at kabosecker@gmail.com on this 28<sup>th</sup> day of February 2019.



---

Michelle R. Bowman (0074233)  
Counsel of Record