

Supreme Court of Kentucky

2017-SC-000241-KB

BRYAN EDWARD BENNETT
KBA NO. 87888

MOVANT

V.

IN SUPREME COURT

KENTUCKY BAR ASSOCIATION

RESPONDENT

OPINION AND ORDER

Movant, Bryan Edward Bennett, admitted to the practice of law on October 29, 1999, moves this Court for a public reprimand. Movant's Kentucky Bar Association ("KBA") member number is 87888 and his bar roster address is 1410 Versailles Road, Lexington, Kentucky 40504.

In July of 2014, Ortencia Quintana Orozco retained Movant to assist her in obtaining an adjustment of her immigration status. Ms. Orozco remitted payment to Movant in the amount of \$3,025.00. Movant was inexperienced in immigration status adjustment and was unaware that Ms. Orozco's "priority date" did not fall within the mandated timeframe. Consequently, on January 13, 2015, the United States Customs and Immigration Service ("USCIS") issued a Notice of Action rejecting Ms. Orozco's adjustment status application, as her priority date was not current. USCIS returned the application and filing fees to Movant. However, Movant failed to refund Ms. Orozco any funds. After

learning of the application's rejection, Ms. Orozco attempted to call Movant, but was unable to speak with him personally. Ms. Orozco also appeared at Movant's office and was told that he was unavailable.

On August 22, 2016, the Fayette County Sheriff personally served Movant with a Bar Complaint and a request for additional information. On November 28, 2016, the Inquiry Commission issued a six-count Charge against Movant, which was subsequently amended on April 13, 2017. The Amended Charge alleged the following violations of the Rules of Professional Conduct: Count I, SCR 3.130-1.3 (failure to diligently represent client); Count II, SCR 3.130-1.4(a)(4) (failure to promptly comply with reasonable requests for information); Count III, SCR 3.130-1.4(b) (failure to explain a matter to permit client to make an informed decision); Count IV, SCR 3.130-1.15(a) (failure to hold client's property separately from own property); Count V, SCR 3.130-1.16(d) (failure to take steps reasonably practicable to protect client's interest upon termination); Count VI, SCR 3.130-8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority).

Movant admits to the misconduct as described in the Amended Charge. In an effort to resolve this disciplinary action, Movant has since repaid Ms. Orozco and negotiated a sanction with the Office of Bar Counsel pursuant to SCR 3.480(2). The discipline the parties request is for this Court to publicly reprimand Movant for his misconduct. The KBA agrees that the recommended discipline is appropriate and supported by similar cases. In support of its position, the KBA directs the Court to *Riley v. Kentucky Bar Ass'n*, 262 S.W.3d

203 (Ky. 2008), *Kentucky Bar Ass'n v. Noble*, 118 S.W.3d 586 (Ky. 2003), and *Parker v. Kentucky Bar Ass'n*, 390 S.W.3d 792 (Ky. 2013).

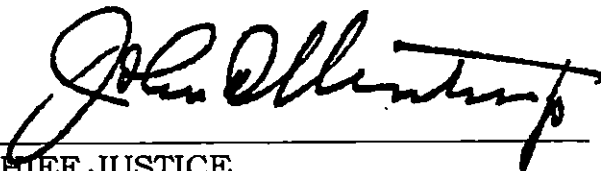
It is in this Court's discretion to accept the negotiated sanction. *Anderson v. Kentucky Bar Ass'n*, 262 S.W.3d 636, 638 (Ky. 2008). In light of the aforementioned cases, which present similar discipline imposed for analogous misconduct, this Court finds that the consensual discipline proposed by Movant and agreed to by the KBA is appropriate. Therefore, Movant's motion for a public reprimand is hereby granted.

ACCORDINGLY, IT IS ORDERED THAT:

1. Movant, Bryan Edward Bennett, KBA Member No. 87888, is hereby publicly reprimanded for his violations of SCR 3.130-1.3, SCR 3.130-1.4(a)(4), SCR 3.130-1.4(b), SCR 3.130-1.15(a), SCR 3.130-1.16(d), and SCR 3.130-8.1(b).
2. Pursuant to SCR 3.450, Movant is directed to pay all costs associated with these disciplinary proceedings in the amount of \$141.25, for which execution may issue from this Court upon finality of this Order.

All sitting. All concur.

ENTERED: August 24, 1017.


CHIEF JUSTICE