

OPINIONS OF THE SUPREME COURT OF OHIO

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Cleveland Bar Association v. Allanson.

[Cite as Cleveland Bar Assn. v. Allanson (1995), Ohio St.3d .]

Attorneys at law -- Misconduct -- Public reprimand -- Failure to cooperate in investigation of alleged misconduct -- Failure to timely register as an attorney.

(No . 94-2673 -- Submitted -- March 7, 1995 -- Decided May 24, 1995.)

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-04.

In a complaint filed on February 16, 1993, relator, Cleveland Bar Association, charged respondent, Charles S. Allanson III of Cleveland, Ohio, Attorney Registration No. 0025428, with two counts of professional misconduct. A panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court ("board") heard the matter on December 16, 1993.

Count I of the complaint charged that respondent had violated a number of Disciplinary Rules, including DR 2-110(A)(3) (failure to promptly return unearned fees), and that he had not cooperated in relator's investigation, a violation of former Gov.Bar R.V(5)(A) (now Gov.Bar R. V[4][G]). At the conclusion of its witness's testimony, relator either dismissed or elected not to prosecute all but the charges of noncooperation, which relator considered to include respondent's failure to act on their agreement for his refund of a \$300 retainer. The parties stipulated to respondent's initial failure to cooperate in the investigation and to his failure to refund the retainer as promised. The panel thus found a violation of former Gov.Bar R. V(5)(A).

Count II charged that respondent had failed to timely register as an attorney as required by Gov.Bar R. VI(6)(A) (sic Gov.Bar R. VI[1][A]). Evidence submitted to the panel established that respondent did not even attempt to comply with registration requirements for the 1989-1991 and 1991-1993 biennial periods until six months after he was served with the instant complaint. The panel thus found a violation of Gov.Bar R. VI(1)(A).

The panel recommended that respondent receive a public reprimand for these infractions. The board adopted the panel's findings and recommendation.

Michael I. Shapero, for relator.
Charles S. Allanson III, pro se.

Per Curiam. We have reviewed the record and agree with the board's findings and recommendation. Charles S. Allanson III is hereby publicly reprimanded for his failure to cooperate with an investigation of alleged misconduct and his failure to timely register as an attorney. Costs taxed to respondent.

Judgment accordingly.

Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.