

**IN THE  
SUPREME COURT OF OHIO**

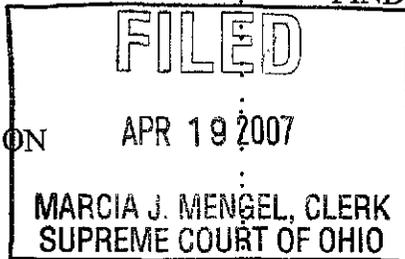
DISCIPLINARY COUNSEL  
Petitioner

CASE NO. 05-398

FINDINGS OF FACTS

vs.

MICHAEL TROY WATSON  
Respondent



By Order filed August 21, 2006 the Ohio Supreme Court remanded this matter to the Board of Commissioners on Grievance and Discipline to appoint a Master Commissioner to hold a hearing to determine “factual issues raised by Disciplinary Counsel’s Motion for Order to Appear and Show Cause and at respondent’s appearance before this Court on August 8, 2006.”

By entry filed August 30, 2006 this matter was referred to Master Commissioner Judge W. Scott Gwin pursuant to Gov. Bar Rule V(2)(B)(4) to conduct the hearing ordered by this Court.

On November 13, 2006 Master Commissioner Gwin received from the Supreme Court of Ohio an entry defining the scope of the hearing to be conducted in this matter as follows: “1) remand shall include the factual allegation set forth in Disciplinary Counsel’s Motion to Show Cause; and 2) remand shall include allegations concerning respondent’s participation in a foreclosure action referred to during oral argument held before the court on August 8, 2006. Remand shall not include allegations, concerning respondent’s

participation in a foreclosure action, reported after August 8, 2006.”

On January 25, 2007 the Master Commissioner conducted a telephone status conference call with Respondent Michael Troy Watson and Robert R. Berger, Assistant Disciplinary Counsel. During the course of the status call the Master Commissioner “strongly recommended to the parties that both Mousa AbedRabbo and Ida Oliver be subpoenaed for the evidentiary hearing scheduled in this matter for February 23, 2007, and, further that each witness be deposed prior to that hearing to avoid any hearsay problems that could arise from the reliance of the parties upon what third parties have represented each witness to have said or not to have said.

“Assistant Disciplinary Counsel Berger was encouraged to file an amended show cause motion or a clarification of the same to include specific allegations as to Respondent’s actions concerning the Ida Oliver foreclosure count. In that way all parties will be prepared to litigate the issues at the February 23, 2007 hearing.” [Judgment Entry, filed January 29, 2007 at 3].

On January 30, 2007 Disciplinary Counsel filed an Amended Motion for an Order to Appear and Show Cause. In the Amended Motion, Disciplinary Counsel indicated that he did not intend to proceed on the allegations previously made against the respondent involving the Eastown Eagle Supermarket on the basis that there was not clear and convincing evidence of this allegation due to the fact that the primary witness, Mousa AbedRabbo, submitted an affidavit denying his previous statements made to Disciplinary Counsel’s investigator. Accordingly, Disciplinary Counsel’s Amended Motion detailed the allegations against the respondent upon which Disciplinary Counsel intended to proceed at the February 23, 2007 evidentiary hearing. Those allegations

concerned only the matter referred to by the parties as the Ida Oliver foreclosure action.

Disciplinary Counsel deposed Respondent on January 17, 2007. Respondent's deposition was filed with the Board of Commissioners on Grievances & Discipline on February 14, 2007. [Hereinafter referred to as "DT."].

An evidentiary hearing was conducted in this matter on February 23, 2007 in the Cuyahoga County Court of Appeals, Courtroom No. 2, One Lakeside Avenue, Cleveland, Ohio 44113. A transcript of the proceedings was filed on March 6, 2007. The Master Commissioner further permitted the Respondent to video tape the hearing. [Transcript, February 23, 2007 at 81]. [Hereinafter referred to as "Evid.T."].

Respondent Michael Troy Watson appeared at the hearing pro se. Disciplinary Counsel was represented at the hearing by Robert R. Berger, Assistant Disciplinary Counsel.

Master Commissioner Gwin informed Respondent that he had the right to hire an attorney to represent him in the contempt proceedings. [Evid. T. at 75-76; 81-82]. Respondent acknowledged that right; however Respondent indicated that he is presently without funds to retain counsel. [Id.]. Noting that contempt proceedings can involve civil or criminal sanctions or a combination of civil and criminal sanctions, Master Commissioner Gwin informed the parties that Respondent may have a right to appointed counsel should he be found to be indigent. [Id.]. Master Commissioner Gwin further informed the parties that his jurisdiction in this matter, as defined by the Ohio Supreme Court's directives, is solely to make findings of fact with respect to the Motion to Show Cause filed by Disciplinary Counsel. [Evid. T. at 82-83]. The question of whether or not Respondent is entitled to appointed counsel would be resolved at the Supreme Court

level, as that tribunal will make the ultimate finding of whether or not Respondent is in contempt of court and what sanctions to impose should they make such a finding. [Id. at 84-85].

Based upon the petition, the documentary evidence, the files, and the records Master Commissioner Gwin makes the following findings of fact.

#### **FINDINGS OF FACT**

Respondent, Michael Troy Watson, Ohio Supreme Court Registration No. 0029023 was admitted to the practice of law in the State of Ohio in May, 1983.

On May 22, 2002, Respondent was suspended from the practice of law for one year. *Disciplinary Counsel v. Watson*, 95 Ohio St.3d 364, 2002-Ohio-2222, 768 N.E.2d 617.

On December 26, 2002, Respondent was suspended from the practice of law for two years, with one year stayed. This one year suspension was ordered to be served consecutively with the prior one year suspension. *Disciplinary Counsel v. Watson*, 98 Ohio St.3d 181, 2002-Ohio-7088, 781 N.E.2d 212.

On December 7, 2005, Respondent was permanently disbarred from the practice of law in the State of Ohio. *Disciplinary Counsel v. Watson*, 107 Ohio St.3d 182, 2005-Ohio-6168, 837 N.E.2d 764.

On April 3, 2006, Relator, Disciplinary Counsel, filed a motion for order to show cause why respondent should not be held in contempt for failing to obey the Ohio Supreme Court's order of December 7, 2005.

On January 30, 2007, Relator, Disciplinary Counsel, filed an amended motion to show cause why respondent should not be held in contempt for failing to obey the Ohio

Supreme Court's order of December 7, 2005.

The amended motion to show cause concerns a foreclosure action filed in March, 2005 on a property owned by Ida Mae Oliver, located at 17105 Mapleboro Avenue, Maple Heights, Ohio 44137. [Evid. T. at 32; Relator's Exhibit 3].

Respondent was contacted by a family member of Ms. Oliver who indicated to respondent that the subject property was in foreclosure. [Evid. T. at 33; DT. at 25-26].

Respondent met with Ida Mae Oliver three or four times to view the property, with respondent "indicating to her [his] desire to purchase the property if there was some way we could make a deal". [Evid. T. at 35; DT. at 26-27].

In May, 2006, Respondent drafted and prepared an "Assignment of Property" with respect to the subject property. [Relator's Exhibit 4; Evid. T. at 35; DT. at 34]. This document released and assigned all of Ida Mae Oliver's rights in the subject property to respondent. [DT. at 35-36; Evid. T. at 35-37; Relator's Exhibit 4]. Said document contains a legal description of the property, as well as a reference to the pending foreclosure action "CV-05-556766 Chase Home Finance LLC fka Chase Manhattan Mortgage Corporation v. Ida Oliver." Respondent paid Ms. Oliver consideration of \$500.00 for the subject property. [DT. at 37-38; Evid. T. at 102]. Respondent presented this document to Ms. Oliver. [Evid. T. at 38-39]. Ms. Oliver and respondent each signed this agreement. [Evid. T. at 38; DT. at 29; Relator's Exhibit 4]. Respondent filed this document with the Cuyahoga County Recorder's Office. [Evid. T. at 43; DT. at 36].

Respondent drafted a document entitled "Limited Power of Attorney." [Realtor's Exhibit 5; Evid. T. at 43; DT. at 38]. Respondent prepared this document to facilitate the purchase of the subject property. [Evid. T. at 43; DT. at 41-42]. Ida Mae Oliver signed

the power of attorney on May 18, 2006. [Evid. T. at 44; DT. at 41]. This document was filed with the Cuyahoga County Recorder's Office. [Relator's Exhibit 5; Evid. T. at 43; DT. at 38].

Respondent drafted a Quit-Claim deed for the subject property. [Relator's Exhibit 6; Evid. T. at 44; DT. at 41]. Ms. Oliver signed this deed on May 18, 2006. [Relator's Exhibit 6; Evid. T. at 44; DT. at 41]. This deed was filed with the Cuyahoga County Recorder's office on January 24, 2007. [Evid. T. at 46; 86].

Respondent drafted a document titled "Notice of Appearance of Successor in Interest." [Relator's Exhibit 7; Evid. T. at 47; DT. at 45]. Ms. Oliver and respondent signed this document. [Relator's Exhibit 7; Evid. T. at 49]. This document was filed by respondent in *Chase Home Finance LLC fka Chase Manhattan Mortgage Corporation v. Ida Oliver, et al.* Cuyahoga County Court of Common Pleas, Case No. CV-05-556766 on May 22, 2006. [Relator's Exhibit 7; Evid. T. at 96-97; 102-103; DT. at 45].

Respondent drafted a document titled "Motion of Leave to File Answer Instantor." [Relator's Exhibit 8; Evid. T. at 50; DT. at 51]. Respondent drafted the document with signature lines for himself and Ms. Oliver. [Evid. T. at 50]. This document reads, in part: "NOW comes the Defendant Ida Oliver by and through her Successor in Interest Michael Troy Watson and respectfully moves this Honorable Court for an Order granting Defendants and Successor in Interest Leave to File their Answer Instantor a copy of which is attached hereto and incorporated by reference herein as Exhibit 'A'." [Evid. T. at 52; DT. at 55]. The Motion further recites: "The Defendant currently has a family member residing at the subject property and expected to be able to depend on this family member to satisfy the outstanding obligations." Respondent does

not, and did not, have a family member residing at the subject premises. [Evid. T. at 54; DT. at 57-58]. Respondent signed this document, and further, signed Ida Oliver's name to this document followed by his initials. [Evid. T. at 50; DT. at 52-53]. Respondent filed or caused this document to be filed in *Chase Home Finance LLC fka Chase Manhattan Mortgage Corporation v. Ida Oliver, et al.* Cuyahoga County Court of Common Pleas, Case No. CV-05-556766 on May 31, 2006. [Relator's Exhibit 8; Evid. T. at 50; DT. at 52].

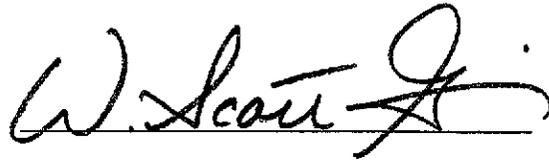
Respondent drafted a document titled "Answer of Defendant Ida Oliver Surviving Spouse of Fred Oliver (Deceased)". [Relator's Exhibit 9; Evid. T. at 54; DT. at 58-59]. Respondent signed Ida Oliver's name to this document with his initials behind it. [Evid. T. at 55; DT. at 59]. Respondent also signed his own name to the document. [Evid. T. at 54-55; DT. at 59]. The document begins: "NOW comes the Defendant Ida Oliver and for her Answer to Complaint of Plaintiff states the following..." [Relator's Exhibit 9; Evid. T. at 56; DT. at 59-60]. The document further recites: " 5. That the Defendant reserves the right to amend her Affirmative Defenses as the Discovery in this lawsuit proceeds...Defendant demands that Plaintiff's Complaint be dismissed with prejudice at Plaintiff's costs and any and all other relief to which she may be entitled..." [Relator's Exhibit 9]. Other than the signature line on page 2 of this document Respondent's name is not mentioned within the body of the document. [Relator's Exhibit 9]. Respondent filed or caused this document to be filed in *Chase Home Finance LLC fka Chase Manhattan Mortgage Corporation v. Ida Oliver, et al.* Cuyahoga County Court of Common Pleas, Case No. CV-05-556766 on May 31, 2006. [Relator's Exhibit 9; Evid. T. at 55; DT. at 58-59].

Respondent drafted a document titled "Response to Motion for Default Judgment." [Relator's Exhibit 10; Evid. T. at 59; DT. at 65-67]. Respondent signed Ida Oliver's name to this document with his initials behind it. [Evid.T. at 61; DT. at 67]. Respondent also signed his own name to the document. [Evid. T. at 60-61]. This document begins: "NOW comes the Defendants Ida Mae Oliver and Ida Oliver Surviving Spouse of Fred Oliver and respectfully moves this Honorable Court for an Order overruling the Default Motion of the Plaintiffs...." [Relator's Exhibit 10]. Respondent filed or caused this document to be filed in *Chase Home Finance LLC fka Chase Manhattan Mortgage Corporation v. Ida Oliver, et al.* Cuyahoga County Court of Common Pleas, Case No. CV-05-556766 on May 31, 2006. [Relator's Exhibit 10; Evid. T. at 60; DT. at 66].

Respondent drafted a document titled "Motion for Continuance of Default Hearing Scheduled for August 3, 2006". [Relator's Exhibit 11; Evid. T. at 63; DT. at 70]. Respondent signed this document. [Evid. T. at 63; DT. at 70]. Respondent filed or caused this document to be filed in *Chase Home Finance LLC fka Chase Manhattan Mortgage Corporation v. Ida Oliver, et al.* Cuyahoga County Court of Common Pleas, Case No. CV-05-556766 on July 24, 2006. [Relator's Exhibit 11; Evid. T. at 63; DT. at 70].

All objections and motions not specifically ruled upon, or that were taken under advisement are hereby overruled.

Having complied with the Ohio Supreme Court's Orders of August 30, 2006 and November 13, 2006, this matter is referred to the Ohio Supreme Court for further proceedings according to law.

A handwritten signature in black ink, appearing to read "W. Scott Gwin", written over a horizontal line.

JUDGE W. SCOTT GWIN