

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

08-2498

In Re: :

Complaint against : **Case No. 08-025**

Aaron Anthony Ridenbaugh : **Findings of Fact,**
Attorney Reg. No. 0076823 : **Conclusion of Law and**
: **Recommendation of the**
Respondent : **Board of Commissioners on**
: **Grievances and Discipline of**
Disciplinary Counsel : **the Supreme Court of Ohio**

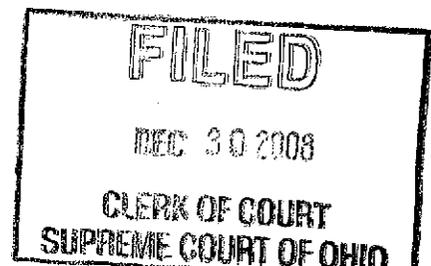
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Relator :
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INTRODUCTION

¶1. This matter was heard on October 6, 2008, before a panel of the Board of Commissioners on Grievances and Discipline consisting of Shirley Christian, McKenzie Davis and Stephen C. Rodeheffer, Chair. None of the panel members resides in the district from which the Complaint originated or served on the probable cause panel that certified this complaint.

¶2. Appearing on behalf of the Relator, Office of Disciplinary Counsel, was Heather Hissom. The Respondent appeared represented by Attorney Richard C. Alkire.

¶3. The pleadings in this case consisted of a Complaint filed against Respondent on March 31, 2008, and Respondent's Answer filed May 27, 2008. The parties stipulated to the basic, underlying facts regarding the Respondent's conduct, and violation of the Code of Professional Responsibility and the Ohio Rules of Professional Conduct. Respondent and Relator stipulated to the following disciplinary violations:



- a. ORPC 8.4(b) – Committing an illegal act that reflects adversely on the lawyer’s honesty or trustworthiness;
- b. ORPC 8.4(h) – Engaging in conduct that adversely reflects on the lawyer’s fitness to practice law;
- c. DR 1-102(A)(3) – Engaging in conduct that involves moral turpitude;
- d. DR 1-102(A)(6) – Engaging in conduct that adversely reflects on the lawyer’s fitness to practice law.

¶4. The parties did not agree upon a sanction for these violations.

FACTS

¶5. The Respondent, Anthony Ridenbaugh, was licensed to practice law on November 10, 2003. Upon his admission to the bar he was hired as a law clerk by Judge Russ Kendig, Bankruptcy Judge for the U.S. Bankruptcy Court, Northern District of Ohio. At the conclusion of his two year term Respondent was hired by the law firm of Gibson and Lowry of Cuyahoga Falls, Ohio, as an associate.

¶6. According to the psychiatric and other expert testimony, Respondent apparently weathered a somewhat troubled childhood that was marked by abandonment by his father and step-father, financial difficulty, and a mother who suffered through multiple health issues. Apparently these events, plus a personality characterized by low self esteem, pushed Respondent into a variety of self-destructive behavioral patterns highlighted by substance abuse and extensive viewing of pornography.

¶7. Sometime in 2004 Respondent began engaging in the voyeuristic activities that led to his ultimate arrest in April of 2007. According to him, he was wandering through his apartment complex a few years ago and heard a couple engaging in sexual intercourse. He then hatched the idea of secretly placing a digital tape recorder outside the apartment window in a location where

the voices of the persons engaged in sex could be taped. He would then retrieve the recording and upload it into his computer for future use. He engaged in this activity for quite a long time with a number of residents at his complex until April 21, 2007, when a resident saw him outside the window attempting to place the recorder. When he realized he had been discovered, Respondent left the complex only to return later to waiting law enforcement officials whom the victim had called to the scene. Upon being questioned Respondent fully confessed to his conduct and was arrested.

¶8. A later search of his apartment revealed that Respondent was not only guilty of the voyeurism for which he had been arrested, but he also had in his possession child pornography consisting of three videos and hundreds of still photos showing minors in various stages of nudity or engaged in sexual acts. The police then discovered that Respondent had manufactured a peep hole that allowed him to view the female resident in an adjoining apartment.

¶9. Initially Respondent was indicted on three counts of intercepting wire, oral or electronic communications in violation of R.C. §2933.32(A)(1) (4th degree felonies) and four counts of voyeurism in violation of R.C. §2907.08(A) (1st degree misdemeanors). Eventually Respondent entered a guilty plea to a bill of information charging him with three counts of pandering sexually oriented matter involving a minor in violation of R.C. §2907.322(A)(5) (4th degree felonies) and one count of the illegal use of a minor in sexually oriented material or performance in violation of R.C. §2907.323(A)(3) (5th degree felony). After a presentence investigation was completed, Respondent was sentenced on November 21, 2007 to a 48 month prison term, 60 days of which he served before being granted a judicial release on January 17, 2008.

¶10. On February 7, 2008, the Supreme Court of Ohio issued an interim suspension based on the Respondent's felony conviction. Since the interim suspension he has been clerking for the same law firm with which he was employed at the time of his arrest.

DISCIPLINARY RULE VIOLATIONS

¶11. Based upon the testimony, stipulations and exhibits, the Panel finds by clear and convincing evidence that Respondent violated the stipulated provisions of the Code of Professional Responsibility and Rules of Professional Conduct listed in Paragraph 3, *above*.

SANCTION

¶12. The parties stipulated to the following mitigating factors:

- a. No prior disciplinary action;
- b. Full and free disclosure to the disciplinary board and cooperative attitude toward the proceedings;
- c. The imposition of other sanctions or penalties.

There were no stipulations with respect to aggravating factors.

¶13. The Relator recommended a two year actual suspension with no credit for the interim suspension. Respondent's counsel requested a two year suspension with six months stayed with credit for the interim suspension.

¶14. The Panel makes the following factual determinations with respect to aggravating factors that were present in this case.

- a. There was clearly a selfish motive behind Respondent's conduct. He succumbed to his sexual fetishes without regard to the privacy and well being of his victims.
- b. Respondent's conduct involved multiple offenses that took place over a period of years.

- c. Respondent's conduct was directed at vulnerable victims, particularly with respect to his viewing child pornographic material.

¶15. The Panel finds the following mitigating factors:

- a. Although only a young lawyer having practiced less than five years before his interim suspension, Respondent does in fact have no disciplinary record.
- b. Respondent has fully cooperated not only in the disciplinary process, but also the judicial process as well.
- c. Respondent has made every attempt to rectify his misconduct by seeking and continuing treatment for the psychological and psychiatric disorders discussed below.
- d. There have unquestionably been other, significant sanctions that have been imposed on Respondent, many of which will continue for years, if not a lifetime.

¶16. The offenses committed by Respondent were despicable acts. In the case of the voyeurism Respondent's fetishes led him to intrude into the most intimate aspects of the lives of unsuspecting individuals, many of whom felt compelled to relocate after Respondent's activity was unveiled. And in the case of the child pornography, Respondent's viewing of minors for sexual gratification provides direct financial and other support for an insidious subculture that victimizes the most defenseless of our society.

¶17. On the other hand, Respondent presented compelling expert testimony that explained Respondent's resort to this behavior. By nature a shy individual who has struggled with his self esteem all of his life, Respondent looked to substance abuse and pornography for escape. This man's personal failings were aggravated by his being involved in a relationship with a woman who, while professing an emotional attachment for the Respondent, found it impossible to sever her emotional attachment to a demanding mother. As Dr. Steven Levine reported to the Panel, Mr. Ridenbaugh eventually developed a sense of hopelessness for his private life and simply gave in to what were irresistible, immature impulses.

¶18. The Panel was impressed by Respondent's own statement that in the end his arrest was a good thing. It forced him to come to grips with his emotional life and do something to turn his world around. He immediately contacted OLAP regarding his psychological and substance abuse problems and eventually entered into a contract with that organization. He sought psychiatric hospitalization and eventually psychotherapy with Dr. Steven Levine; treatment that has continued uninterrupted for over a year and a half. He also attends group sex therapy and AA.

¶19. Interestingly, the testimony revealed that, notwithstanding the mess that was his private life, Respondent performed well as a lawyer. Indeed, the law firm that employed him decided to retain him as an associate even in the face of extensive, humiliating publicity and indicated they would retain him as a law clerk through the period of his suspension. Even Relator's counsel admitted that this case was not about neglect or competency, "but was about something other than that." (T.270)

¶20. The determination of an appropriate sanction ultimately must answer the query of how much more punishment our disciplinary system is required to impose beyond what the judicial system has meted out, when the protection of the public is not an issue? Not only has Mr. Ridenbaugh been arrested and incarcerated, he will bear the brand of "felon" for the rest of his life and may possibly have to register as a sex offender for twenty years.¹ These facts accompanied by the public humiliation that has come from his ordeal, his having to serve 300 hours of community service cleaning a Goodwill facility, and the restrictions imposed by his probation have caused the Panel to conclude that the judicial system has fairly exacted its pound of flesh and that additional, significant punishment by our disciplinary system is not required.

¹ Whether Respondent will have to register as a sex offender was still a matter that had not yet been determined as of the date of the disciplinary hearing.

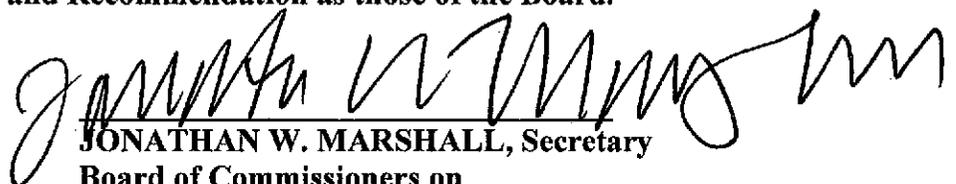
¶21. It is the Panel's recommendation that Aaron Anthony Ridenbaugh be suspended from the practice of law for two years with no credit for his interim suspension. During this period Mr. Ridenbaugh will do the following:

- a. Comply with the terms of his probation as directed by the Court of Common Pleas, Stark County, Ohio;
- b. Comply with his OLAP contract;
- c. Continue to seek and obtain psychiatric therapy and counseling;
- d. Refrain from violating Gov Bar R.V (8)(G) with respect to the employment of suspended attorneys.

BOARD RECOMMENDATION

Pursuant to Gov. Bar Rule V(6)(L), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on December 4, 2008. The Board adopted the Findings of Fact and Conclusions of Law of the panel. However, the Board recommends, given the nature of his crimes and the need to protect the public, that Respondent, Aaron Anthony Ridenbaugh, be indefinitely suspended with no credit for time served under the same terms as those recommended by the panel and further that an independent psychiatric report of his mental health fitness be provided prior to reinstatement in the State of Ohio. The Board further recommends that the cost of these proceedings be taxed to the Respondent in any disciplinary order entered, so that execution may issue.

Pursuant to the order of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Recommendation as those of the Board.



**JONATHAN W. MARSHALL, Secretary
Board of Commissioners on
Grievances and Discipline of
the Supreme Court of Ohio**

**BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF THE SUPREME COURT OF OHIO**

FILED

SEP 25 2008

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

Aaron Ridenbaugh
Atty. Reg. No.: 0076823
26700 CR 406
Fresno, Ohio 43824

**AGREED
STIPULATIONS
BOARD NO. 08-025**

DISCIPLINARY COUNSEL
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

AGREED STIPULATIONS

Relator, Disciplinary Counsel, and respondent, Aaron Ridenbaugh, do hereby stipulate to the admission of the following facts and exhibits.

STIPULATED FACTS

1. Respondent, Aaron Ridenbaugh, was admitted to the practice of law in the State of Ohio on November 10, 2003. Respondent is subject to the Code of Professional Responsibility and the Rules for the Government of the Bar of Ohio.
2. Respondent's license to practice law was suspended on February 7, 2008 pursuant to Gov. Bar Rule V(5)(A)(4).
3. On May 21, 2007 Respondent was arrested and charged with one count each of: voyeurism R.C. 2907.08, a misdemeanor of the third degree; criminal trespass, R.C. 2911.21, a misdemeanor of the fourth degree; and possession of criminal tools, R.C. 2923.24(A), a misdemeanor of the first degree.

4. Respondent pled not guilty to the charges in the Massillon Municipal Court and was released on ten-percent cash as surety bond of \$1,750.00.
5. On June 27, 2007 Respondent's case was bound over to the Stark County Court of Common Pleas for possible felony indictment.
6. On July 24, 2007, Respondent was indicted on the following charges: three counts of interception of wire, oral or electronic communications, R.C. 2933.52(A)(1), felonies of the fourth degree; and four counts of voyeurism, R.C. 2907.08(A), misdemeanors of the third degree.
7. Of those charges, one count of interception of wire, oral or electronic communications and one count of voyeurism occurred on April 21, 2005. One count of interception of wire, oral or electronic communications and one count of voyeurism occurred on September 27, 2006. The remaining count of interception of wire, oral or electronic communications and two counts of voyeurism occurred on May 21, 2007.
8. On August 17, 2007 Respondent was arraigned on the felony charges and pled not guilty.

9. On October 16, 2007 a bill of information charged Respondent with the following:
three counts of pandering sexually-oriented matter involving a minor, R.C. 2907.322(A)(5), felonies of the fourth degree; and one count of illegal use of a minor in a nudity-oriented material or performance, R.C. 2907.323(A)(3), a felony of the fifth degree. All of the counts occurred on November 9, 2006.
10. Respondent pled guilty to all of the charges on October 17, 2007.
11. On November 21, 2007 Respondent was sentenced to a total of 48 months in prison on the charges with sentencing as follows:
Sixteen months on each count of interception of wire, oral or electronic communications to run consecutively;
Twenty days on each count of voyeurism to run concurrently;
Sixteen months on each count of pandering sexually-oriented matter involving a minor to run concurrently; and
Twelve months on the count of illegal use of a minor in a nudity-oriented material or performance to run concurrently.
12. Respondent was released on or about January 17, 2007.
13. Respondent is currently on probation.
14. Respondent was evaluated by OLAP on June 4, 2007 and signed an OLAP contract.

15. Respondent has been in treatment with Steven B. Levine, M.D. since June 2007.

STIPULATED VIOLATIONS

For misconduct occurring after February 1, 2007, respondent's conduct constitutes violations of Rule 8.4(b), (It is professional misconduct for a lawyer to commit an illegal act that reflects adversely on the lawyer's honesty and trustworthiness); and Rule 8.4(h), (It is professional misconduct for a lawyer to engage in any other conduct that adversely reflects on the lawyer's fitness to practice law).

For misconduct occurring before February 1, 2007, respondent's conduct constitutes violations of DR 1-102(A)(3), (A lawyer shall not engage in conduct involving moral turpitude); and DR 1-102(A)(6), (A lawyer shall not engage in any other conduct that adversely reflects on his fitness to practice law).

STIPULATED EXHIBITS

1. Jackson Township police reports
2. Indictment of July 24, 2007 (Case no. 2007CR1068)
3. Bill of Information of October 16, 2007 (Case no. 2007CR1748)
4. Transcript of plea hearing, October 17, 2007
5. Stark County Court of Common Pleas Journal Entry Sentencing Form, November 21, 2007.
6. Transcript of sentencing hearing, November 21, 2007
7. Stark County Court of Common Pleas Criminal Hearing Disposition Sheet, January 16, 2008.

8. Judgment Entry, Judicial Release, January 23, 2008
9. Order of the Supreme Court of Ohio of February 7, 2008 suspending respondent from the practice of law
10. September 16, 2008 & November 16, 2007 letters of Megan Robertson, MSW, LSW,
11. June 25, 2008 & November 5, 2007 report of Steven B. Levine, MD
12. Sixteen page curriculum vita of Steven B. Levine, MD

STIPULATED MITIGATING AND AGGRAVATING FACTORS

Relator and Respondent stipulate to the following mitigating factors pursuant to BCGD Proc. Reg. § 10 (B)(2):

- (a) absence of a prior disciplinary record;
- (b) full and free disclosure to disciplinary board or cooperative attitude toward proceedings.
- (c) imposition of other penalties or sanctions.

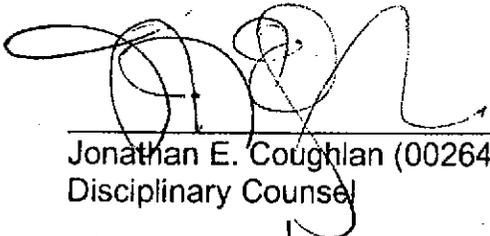
There are no stipulated aggravating factors.

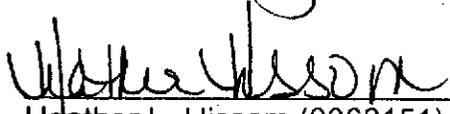
SANCTION

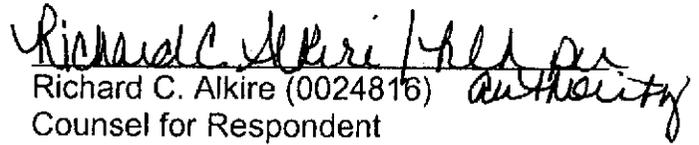
Relator and Respondent are unable to stipulate to an appropriate sanction. Instead the parties leave the determination as to appropriate sanction to the wisdom and discretion of the panel.

CONCLUSION

The above are stipulated to and entered into by agreement by the undersigned parties on this 25th day of September, 2008.


Jonathan E. Coughlan (0026424)
Disciplinary Counsel


Heather L. Hissom (0068151)
Assistant Disciplinary Counsel


Richard C. Alkire (0024816) *authority*
Counsel for Respondent

will sign original at hearing
Aaron Ridenbaugh (0076823)
Respondent