

ORIGINAL

IN THE SUPREME COURT OF OHIO

**OHIO STATE BAR ASSOCIATION**

1700 Lake Shore Drive  
P.O. Box 16562  
Columbus, OH 43216-6562

Alleged Relator

Case No. 09-0966

vs.

**GARY ALLAN HEATH**

6478 Winchester Blvd. #389  
Canal Winchester, Ohio 43110

Alleged Respondent

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**MEMORANDUM IN OPPOSITION TO RELATORS MOTION TO STRIKE**

1. Alleged respondent continues in its most recent document, Motion to Strike, and Memo Contra(combined) to distort the record and mislead this Administrative Review Tribunal.

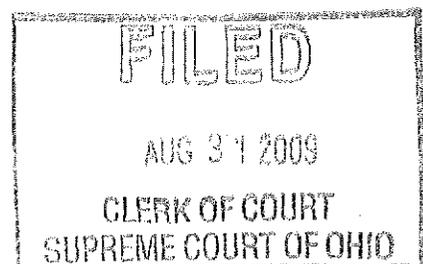
(a) Relator states in its MOTION TO STRIKE, MOTION TO STRIKE MEMO CONTRA, filed on August 18<sup>th</sup>, 2009 that "Relators claim that pro bono legal work does not require a license to practice law is wrong."

This is a bare assertion with no supporting law or authorities, because there are none.

Alleged Respondent stated this issue as a matter of fact and submitted his Exhibit from the Chicago Bar Association. Alleged Respondent did not create this Rule or Exhibit. Alleged Respondent accurately stated the Bar Association's own rule which should be sufficient cause for dismissal of this action.

(b) In the same document relator states,"Attorney Mason stated in deposition that his client, Mrs Burson, was extremely troubled upon receipt of Mr. Heath's letter demanding over \$4 million in damages".

This statement by Relator, in its most recent document, is based completely on Exhibit(A) in Relators Complaint. This is a continuation of fraudulent evidence and falsifications of the record is an attempt to influence this Administrative Review Tribunal to an unjust decision. This is a violation of ethics and Disciplinary Rules as stated in Section 4 above.



(c) In the same document Relator states “Mr. Heath has acknowledged that preparing documents for a third party to file in court and demanding money from one person on behalf of another”.

Again This statement by Relator, in its most recent document, is based completely on Exhibit(A) in Relators Complaint. This is a continuation of fraudulent evidence and falsifications of the record in an attempt to influence this Administrative Review Tribunal to an unjust decision. This is a violation of ethics and Disciplinary Rules as stated in Section 4 above.

Sections 1 through 5 above clearly demonstrate violations of ethics and Disciplinary Rules by Relator and or Relators Council.

Relator and or Relators council has continued its violation of ethics and Disciplinary Rules, distortion and or outright falsification of the record from the inception of this case to the present.

Alleged respondent may have made a mistake, but does not believe that he did anything unethical or harmful to anyone or that was unauthorized practice of law. Any action by alleged Respondent Related to this action, was a one time thing and has not been repeated, and will never be repeated. This is in contrast to Relators continuing ethical and disciplinary violations etc.

Continuing ethical and disciplinary violations of Relator are far greater than anything of which alleged Respondent is accused.

Alleged respondent firmly believes that he has done nothing unethical and has harmed no one, nor violated any statue, and has not done anything construed as the practice of law. I also believe that the bar association has no jurisdiction over anyone that is not a bar member nor any authority to complain against anyone who is not a bar(union) member.

However if this Administrative Review Tribunal (Pursuant to the Code of Professional Responsibility, DEFINITIONS, (6) “Tribunal”, includes all courts and all other adjudicatory bodies.), concludes that I did anything that might be construed as the practice of law, over my objection and protest, then I enter the following statements and recommendation.

2. In Relators document filed, August 18<sup>th</sup> 2009, states, “Relators have complied with all rules of procedure in this matter.” This is a false statement.

Gov. Bar R. VII, § 4. Application of Rule. All proceedings arising out of complaints of the unauthorized practice of law **shall** be brought, conducted, and disposed of in accordance with the provisions of this rule.

Gov. Bar R. VII, §5a.(A)(1) Upon receipt of substantial, credible evidence demonstrating

that an individual or entity has engaged in the unauthorized practice of law ....the relator, **shall** do both of the following:(**emphasis added**)

(a) Prior to filing ... make a reasonable attempt to provide ... respondent, with notice, ... that a motion requesting an interim order that the respondent cease and desist engaging in the unauthorized practice of law will be filed with the Supreme Court.

(b) File a motion with the Supreme Court... .

Relator and or relators council, in this case ignored the mandatory requirements of Bar R. VII, §5a.(A)(1).

This is a violation of the Code of Professional Responsibility, DR 1-102 (A)(4). Engage in **conduct** involving **dishonesty**, **fraud**, deceit, or misrepresentation.(**emphasis added**)

3. Relator stated in RELATORS RESPONSE TO RESPONDENTS FIRST SUBMISSION OF INTERROGATORIES AND ADMISSIONS, dated October 15<sup>th</sup>, 2008, ADMISSION 1(A) ANSWER, "Relator submits that alleged respondent has violated Ohio Revised Code Section 4705.07".

And again in ADMISSION 2(A) ANSWER, Relator states, "alleged respondent has engaged in the unauthorized practice of law in violation of Ohio Revised Code Section 4705.07"

The above actions of the Relator and or Relators Council, are **improper**, **unethical**, **threatening** Respondent with charges under the Revised Code and are a violation of DR 7-105(A lawyer shall not present, participate in presenting, or threaten to present criminal charges solely to obtain an advantage in a civil matter.

4. Relator has insisted emphatically that this case is a matter of law. Relator stated in RELATORS RESPONSE TO RESPONDENTS FIRST SUBMISSION OF INTERROGATORIES AND ADMISSIONS ...ADMISSION 1(A) answer...dated October 15<sup>th</sup>, 2008, "This is an action of law", and in ADMISSION 2(A) answer "this is an action of law."

In fact as the Supreme Court of Ohio certainly knows, and Relators Council should know but obviously does not know, that this case is purely an administrative action and that the Supreme Court is acting only as an Administrative Review Tribunal.

Relators alleged complaint is nothing more than a union grievance, and "the Board" has no power other than to make a recommendation, if this case were a matter of law, the board could enter a judgement.

Failure to understand and comprehend this fundamental difference, between administrative actions and procedure, is proof of incompetence of Relators Council, and that Relators Council are not qualified to represent Relator in this case.

This is a violation of DR 6-101(A) A Lawyer shall not (1) Handle a matter...he is not competent to handle, (3) Neglect a legal matter entrusted to him.

5. Alleged relator submitted its original complaint November 16, 2007, with Exhibit (A), which is a fraudulent document of which Respondent had no knowledge. This document is an obvious forgery. The signature is not even close to that of alleged Respondent, and the name is not even spelled correctly.

Alleged Respondent has testified, by his sworn Affidavit, through out these proceedings, that he had no knowledge of Exhibit (A) until Relators Complaint was filed.

In alleged Respondents response dated December 7<sup>th</sup>, 2007 it was clearly stated,  
(6)...contains a signature forgery of Gary Allan Heath and is a fraud upon the court.  
(9)...Respondent did not create...did not sign...did not mail

Relator made no attempt what so ever to determine the source or authenticity of it's Exhibit (A).

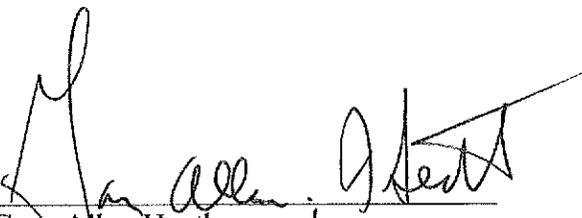
Continuing to maintain this allegation is a violation of DR 7-102 (1) shall not... take other action...when it is obvious that such action would...maliciously injure another. (4) Knowingly use...false evidence.

Based on the above, and the entire record in this case Respondent recommends as follows:

1. Since Respondent, Gary Allan Heath, has assured and now reassures this Administrative Review Tribunal that he will never again do anything that might even be remotely construed as the unauthorized practice of law, in the future, "even for my mom", issuance of an injunction is moot and is of no consequence to Respondent one way or the other.

2. Sections 1 through 5 above clearly prove that the ethical and disciplinary violations of the Relator and or the Relators Council, are continuing and far worse than anything done by alleged Respondent.

3. If this administrative review concludes that Respondent has done anything considered as unauthorized practice of law, (which respondent does not believe he has done) then alleged Respondent recommends a civil penalty of \$1.00.

  
Gary Allan Heath  
6478 Winchester Blvd# 389

Canal Winchester, Ohio 43110

**PROOF OF SERVICE**

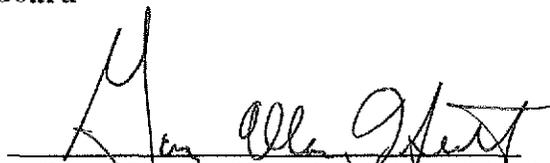
I, Alleged Respondent, Gary Allan Heath, hereby certify that I served a true copy of the **MEMORANDUM IN OPPOSITION by Regular Mail Delivery 8/31/2009** to ;

**OHIO STATE BAR ASSOCIATION  
1700 Lake Shore Drive  
P.O. Box 16562  
Columbus, OH 43216-6562**

**Eugene P. Whetzel(0013216)  
Ohio State Bar Association  
1700 Lake Shore Drive  
P.O. Box 16562  
Columbus, OH 43216-6562**

**Tricia A. Sprankle(0070971)  
Kohler & Smith Co., LPA  
7650 Rivers Edge Drive, Suite 101  
Columbus, OH 43235**

**BOARD ON THE UNAUTHORIZED PRACTICE OF LAW  
Michelle A. Hall, Secretary of the Board  
65 S. Front St. 5<sup>th</sup> Floor  
Columbus, OH 43215**

  
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Alleged Respondent, Gary Allan Heath