

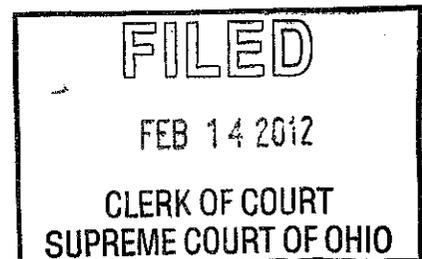
BEFORE THE BOARD OF COMMISSIONERS  
ON  
GRIEVANCES AND DISCIPLINE  
OF  
THE SUPREME COURT OF OHIO

In Re:	:	SCO Case No. 1996-1993
Reinstatement of	:	BOC Case No. 95-13
Edward G. Rinderknecht Attorney Reg. No. 0025845	:	Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio
Respondent	:	
Cincinnati Bar Association	:	
Relator	:	

**REINSTATEMENT TO THE PRACTICE OF LAW**

{¶1} Respondent, Edward G. Rinderknecht, was indefinitely suspended from the practice of law on June 18, 1997. *Cincinnati Bar Assn. v. Rinderknecht* (1997), 79 Ohio St.3d 30. The indefinite suspension followed an investigation by the Cincinnati Bar Association into Respondent's conduct and a formal hearing held before a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court. In its *per curiam* decision, the Supreme Court described the hearing and the evidence against Respondent as follows:

At this hearing, relator attempted to prove that respondent had conceived of a program, in conjunction with a business consultant and a doctor, in which recent accident victims would receive calls from employees of the program. The caller would attempt to secure the medical and legal business of the accident victim for the doctor and respondent. Relator also attempted to prove that respondent hired people to monitor police radio scanners and appear at accident scenes to secure the business of the accident victims for the doctor and respondent. Respondent attempted to prove that he did not participate in any such program.



Nevertheless, the panel found that the respondent hired Frank Lalli, a long-time business associate, to help respondent organize his office. Respondent introduced Lalli to Dr. Robert Barner, a chiropractor. Barner hired Lalli to market Barner's chiropractic practice.

To do this, Lalli created the Ohio Accident Assistance Program ("OAAP"). OAAP hired telephone solicitors to call accident victims to inform the victims about their rights, including receiving medical care and legal representation. In reality, OAAP attempted to steer business to Barner and respondent. Respondent paid OAAP \$1,075 per month for this service.

Respondent and Barner also paid Robert "L.A." Jackson to drive individuals to and from their offices for appointments. According to the testimony, Jackson monitored a police scanner for accidents. On learning of an accident, he appeared at the scene, sometimes before the police arrived, and offered to transport the victim to see Barner and respondent. Jackson received between \$100 and \$200 for each referral.

Under Count I, Dale Daniels received a telephone call at his house from OAAP following his automobile collision. OAAP set Daniels up with appointments to see Barner and respondent. The caller also set up similar appointments for Dante Seta an acquaintance of Daniels, who was also injured in the collision.

The panel found that respondent had violated DR 2-101(F)(1) (soliciting business by telephone), 2-103(B) and (C) (entering into agreement with and making payment to a non-approved organization to promote services as an attorney), and 2-104(A) (giving unsolicited advice that persons should obtain legal counsel and then accepting employment from those persons).

As to Count II, Andrea Jones and Devon Flowers received telephone calls after an automobile collision from a person named "Roxanne," who stated that she worked for an agency that could help them. On Roxanne's recommendation, Jones scheduled appointments with respondent. According to the testimony, a Roxanne Jacobs worked for Barner and respondent at the time the telephone calls were made.

The panel found that respondent had violated the same Disciplinary Rules as in Count I.

Finally, as to Count III, Frank C. Walker was in an automobile accident. Jackson appeared at the scene immediately and approached Walker. Jackson gave Walker respondent's business card, on the back of which was Jackson's pager number, and recommended that Walker should retain Respondent. Relator claims that Jackson received \$100 for Walker's referral.

The panel found that respondent had violated DR-2-101(F)(1), 2-103(A) and (B) (accepting employment that an attorney's agent has recommended), and 2-104(A).

*Id.* at 31-32.

{¶2} On July 28, 2011, Respondent filed a petition for reinstatement. The petition was referred to the Board of Commissioners on Grievances and Discipline, and a panel consisting of Alvin R. Bell, Charles Coulson, and Judge John B. Street, chair, all of whom are duly qualified members of the Board, was appointed to hear this matter. None of the panel members resides in the appellate district where this matter arose. A hearing was held on the petition for reinstatement in Columbus, Ohio, on November 30, 2011. Mr. Coulson was not able to attend the hearing, and the parties agreed that he would participate by reviewing the transcript of the hearing and participating in the decision of the panel after this review. At the hearing, John B. Pinney represented the Cincinnati Bar Association and D. Chris Cook represented the Lorain County Bar Association, which was added to the case as a co-relator. Respondent appeared and was represented by Jay Milano.

{¶3} Reinstatement proceedings are governed by the provisions of the Rules for the Government of the Bar. Gov. Bar R. V, Section 10(E) sets forth the factors for reinstatement:

The petitioner shall not be reinstated unless he or she establishes all of the following by clear and convincing evidence to the satisfaction of the panel hearing the petition for reinstatement:

- (1) That the petitioner has made appropriate restitution to the persons who were harmed by his or her misconduct;
- (2) That the petitioner possesses all of the mental, educational, and moral qualifications that were required of an applicant for admission to the practice of law in Ohio at the time of his or her original admission;
- (3) That the petitioner has complied with the continuing legal education

requirements of Gov. Bar R. X, Section 3(G);

(4) That the petitioner is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action.

The order of reinstatement may be subject to conditions the Supreme Court considers appropriate including, but not limited to, requiring the petitioner to serve a period of probation on conditions the Supreme Court determines and requiring the petitioner to subsequently take and pass a regular bar examination of the Supreme Court and take the oath of office.

{¶4} The evidence presented at the hearing consisted of stipulated facts and exhibits including character references, and the testimony of Respondent. Respondent established by clear and convincing evidence the requisites for reinstatement: (1) he has repaid the client security fund the full amount of restitution totaling \$10,910.21; (2) he possesses all of the mental, educational, and moral qualifications that were required of an applicant for admission to the practice of law at the time of his original admission; (3) he has complied with the continuing legal education requirements Gov. Bar R. X, Section 3(G) by completing 166.75 total hours and 27 hours of professional conduct training; and (4) he is now a proper person to be readmitted to the practice of law in Ohio.

{¶5} Respondent is now 63 years of age. He resides in Sheffield Lake, in Lorain County, Ohio, and if reinstated, plans to establish an office in Lorain County where he would only represent law firms specializing in oil and gas law. Although admitted to practice law in 1976, Respondent's actual experience has been very limited. He clerked for his father's law firm in Toledo for about 18 months. He then left the practice of law in 1978 to co-found a company called Royal Petroleum Properties, a full-service developmental oil and gas company. The company drilled in excess of 450 wells and by 1982 had approximately 120 employees. Respondent then left that company to form a sister company, Empire Securities Group Inc., to

promote capital formation primarily for Royal Petroleum. Both companies were quite successful for a number of years until the international price of oil crashed in the late 1980's. Respondent tried to keep the companies operating, but ultimately they failed and were dissolved.

{¶6} In 1992, Respondent opened a solo law practice in Cincinnati, where he resided until his suspension in 1997. His law practice consisted of probate, personal injury, and minor criminal cases. After his suspension, he moved to the Virgin Islands and flew a hot air balloon for 18 to 24 months. He then took employment with a Buffalo Grove/Chicago, Illinois based company, International Profit Associates. He worked for about 18 months for that company as a seniority manager for northwest Ohio where he was responsible for marketing their services.

{¶7} He then moved to Cleveland and went to work for Nathan Zaremba of Zaremba Cleveland Communities, a builder of planned unit development communities. He worked for Zaremba from 2000 to 2005. When he left that employment, there was a dispute over money owed to Respondent from commissions he had earned. Respondent hired an attorney to represent him in the matter. The attorney performed some work and sent Respondent a bill. He was surprised by the amount of the bill and told the attorney of his concern. He never heard back from the attorney and did not pursue the money from Zaremba any further. When he filed for reinstatement, the attorney contacted the Lorain County Bar and reported that Respondent still owed her money. He has now settled with the attorney.

{¶8} From 2005 to 2007, Respondent established Sagamore Land Development Company in Lorain County. He worked as an independent consultant serving the Ohio oil and gas industry primarily in lease acquisitions. In 2007, he went to work for Kopf Builders as its sales manager in Aqua Marine, a mixed community of both condominium and apartment

complexes. In 2009, he worked for SmashTour.com, LLC, an online social media community dedicated to supporting and assisting working musicians. That company has now gone out of business because it could not compete with Sony Corporation's ReverbNation.

{¶9} Respondent is now seeking the privilege of practicing law again. The impetus for his petition for reinstatement is that his daughter is about to graduate from law school at the University of Georgia. Both his father and grandfather were lawyers, and he wants to remove the stain that his actions have caused on his family. November 30, 2011 Hearing Tr. at 40-41.

{¶10} At the original hearing before his suspension, Respondent denied any wrongdoing. At the hearing on his reinstatement, he acknowledged that he deserved his suspension and took responsibility for his actions. *Id.* at 41,50, and 57. He still denies that he was the driving force behind the scheme that was involved previously, but he does admit that he was aware of it and participated in it. *Id.* at 70-74. He has expressed sincere contrition and has fully cooperated with Relator in his request for reinstatement. He has abided by the terms of his suspension, and he has met all the requirements for reinstatement. Friends and colleagues, who have known him for years, attest to his good character and fitness, and they support his return to the practice of law. Joint Ex. 2.

### **RECOMMENDATION**

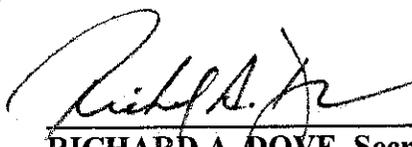
{¶11} The petitioner requested that his reinstatement petition be granted and that he be reinstated to the practice of law. Neither Relator opposes his reinstatement. The panel recommends that the petition be granted and that Edward G. Rinderknecht be reinstated to the practice of law on the following conditions: (1) he be on probation for a period of two years, and

(2) the Lorain County Bar Association appoint a monitor to advise him on establishing a law practice, consult with him on a regular basis, and monitor his practice.

**BOARD RECOMMENDATION**

Pursuant to Gov. Bar R. V, Section 10(G)(5) and (6), the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on February 10, 2012. The Board adopted the Findings of Fact, Conclusions of Law, and Recommendation of the panel and recommends that Respondent, Edward G. Rinderknecht, be reinstated to the practice of law in the State of Ohio on the conditions set forth in the panel report. The Board further recommends that the cost of these proceedings be taxed to 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.**



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**RICHARD A. DOVE, Secretary  
Board of Commissioners on  
Grievances and Discipline of  
the Supreme Court of Ohio**