

ORIGINAL

BEFORE THE SUPREME COURT OF OHIO

Columbus Bar Association,	:	
	:	
Relator,	:	
	:	
v.	:	Case Number: 08-822
	:	
John Eugene DiAlbert	:	
	:	
Respondent.	:	

SUPPLEMENTAL
AFFIDAVIT OF COMPLIANCE

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Phone: (614) 340-2053
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RECEIVED
MAY 27 2014
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
MAY 27 2014
CLERK OF COURT
SUPREME COURT OF OHIO

SUPPLEMENTAL AFFIDAVIT OF COMPLIANCE

TO: The Clerk of the Supreme Court of Ohio
65 South Front Street, 8th Floor
Columbus, Ohio 43215-3431

Office of Disciplinary Counsel
250 Civic Center Drive, Ste. 325
Columbus, Ohio 43215-7411

I, John Eugene DiAlbert, the Respondent in Case Number 2008-822 hereby swear and affirm that the following matters required to be fulfilled by me have been completed:

1. This Supplemental Affidavit of Compliance is being filed in response to undated correspondence from Melissa Ferguson, Case Management Counsel; **(Exhibit K¹)**
2. I paid restitution of \$350.00 to Mary Cabeen's spouse, Joe C. Cabeen, on August 12, 2013, because Mary Cabeen passed away on April 9, 2013; **(Exhibit L)**
3. I had previously provided Exhibit L to my counsel who has advised me it was his error to not include it with my previously filed Application for Reinstatement;
4. Pursuant to Gov. Bar R. V(10)(A)(1)(a) no formal disciplinary proceedings are currently pending against me;
5. Pursuant to Gov. Bar R. V(10)(A)(1)(b) I never had any felony conviction and therefore did not have any term of probation, community control, intervention in lieu of conviction, or any other sanction imposed that I was required to complete; and,
6. Pursuant to Gov. Bar R. V(10)(A)(1)(c) I have complied with my CLE requirements as evidenced by **Exhibit J** to my Application for Reinstatement previously filed in this case.

¹ Exhibits A-J were filed with my Application for Reinstatement in this case, so we are continuing with Exhibits K and L herein to this Supplemental Affidavit of Compliance.

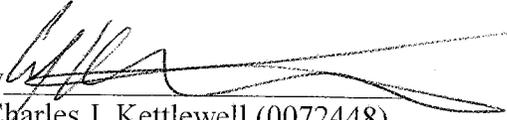
CERTIFICATE OF SERVICE

This is to certify that a by depositing same in the U.S. mail, postage pre-paid, this 22nd
day of May 2014, a copy of the foregoing Supplemental Affidavit of Compliance has been
served upon:

Scott Drexel
Disciplinary Counsel
250 Civic Center Drive, Ste. 325
Columbus, Ohio 43215-7411

And,

Bruce Campbell (0010802)
Aimee Alysha Alexander Clous (0070627)
Columbus Bar Association
175 S Third St., Suite 1100
Columbus, OH 43215-5193

By 
Charles J. Kettlewell (0072448)

The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE
MAUREEN O'CONNOR

CLERK OF THE COURT
MARK H. REED

JUSTICES
PAUL E. PFEIFER
TERRENCE O'DONNELL
JUDITH ANN LANZINGER
SHARON L. KENNEDY
JUDITH L. FRENCH
WILLIAM M. O'NEILL

TELEPHONE 614.387.9530
FACSIMILE 614.387.9539
www.supremecourt.ohio.gov

John Eugene DiAlbert
782 Dempsey Road
Westerville, Ohio 43081-830

Re: *Columbus Bar Association v. John Eugene DiAlbert*, Case No. 2008-0822

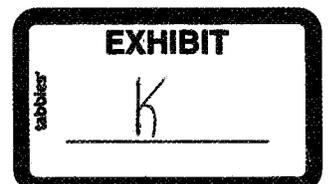
Dear Mr. DiAlbert:

On October 14, 2008, the court suspended you from the practice of law for a period of two years, with the last eighteen months stayed on the conditions that you (1) stay in compliance with the three-year Ohio Lawyers Assistance Program recovery contract entered on August 10, 2007; (2) pay restitution to Mary Cabeen in the amount of \$350 within thirty days of the court's suspension order; (3) upon application for reinstatement, prove through a medical professional, approved by both parties, that you can competently and ethically practice law; and, (4) upon reinstatement, serve a two-year monitored probation in accordance with Gov.Bar R.V(9). On May 2, 2014, you filed an application for reinstatement. The Supreme Court of Ohio has informed the clerk's office that it will not consider an application for reinstatement until the attorney has complied with the court's orders and Rules for the Government of the Bar of Ohio.

The court's suspension order required you to pay restitution to Mary Cabeen in the amount of \$350 within thirty days of the court's suspension order. You must submit proof of this payment to the court.

In addition, Gov.Bar R. V(10)(A)(1) of the Rules for the Government of the Bar provides that an application for reinstatement shall be accompanied by an affidavit executed by the respondent indicating all of the following:

- (a) Whether any formal disciplinary proceedings are pending against the respondent;
- (b) Whether the respondent has completed a term of probation, community control, intervention in lieu of conviction, or any sanction imposed as part of a sentence for a felony conviction;
- (c) Whether the respondent has complied with the continuing legal education requirements of Gov.Bar R. X, Section 3(G).



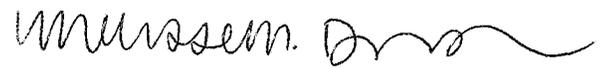
Mr. John Eugene DiAlbert
Page two

Your application for reinstatement was not accompanied by the affidavit required by Gov.Bar R. V(10)(A)(1). You may file additional documentation to support your compliance with this rule.

Note that all documents filed with the court in this case must meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio.

Please contact me at (614)387-9541 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melissa M. Ferguson".

Melissa M. Ferguson
Case Management Counsel

cc: Charles J. Kettlewell

John E. DiAlbert
782 Dempsey Road
Westerville, OH 43081

August 12, 2013

Mary C. Cabeen
C/O Joe C. Cabeen, Sr.
152 Sandstone Loop E.
Westerville, OH 43081-4578

RE: \$350.00 restitution to Mary

Dear Mr. Cabeen:

I'm sure you recall that my license to practice law was suspended by the Supreme Court of Ohio back in 2008. I'm in the process of applying to have it reinstated. One of my reinstatement requirements was to pay Mary \$350.00. I was never able to afford to do that and Mary was quite forgiving about it.

My current employer has encouraged and supported me with getting my license back. They have advanced all the money required including the money Mary has been entitled to receive from me.

In my attempt to locate Mary so that I could arrange for her to be paid I discovered that she recently passed away. I was so saddened to read that, I am truly sorry for your loss.

Despite her passing, I feel that she is entitled to be paid what was rightfully due her. As her surviving spouse I would like to pay you the money in her honor. Enclosed is a check made payable to you in the amount of \$350.00.

Please sign and date below where indicated to acknowledge receipt of this payment.

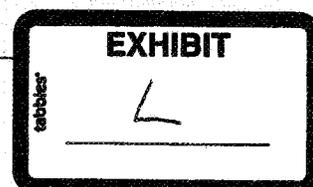
Very truly yours,

John E. DiAlbert

I, Joe C. Cabeen, Sr., on behalf of my now deceased spouse, Mary C. Cabeen, acknowledge receipt of the sum of \$350.00 paid to me by John E. DiAlbert.

Joe C. Cabeen Sr.
Joe C. Cabeen, Sr.

8/12/2013
Date





CAPITAL RECOVERY SYSTEMS, INC.
 OPERATING ACCOUNT
 750 CROSS POINTE RD., SUITE S
 COLUMBUS, OH 43230
 (614) 575-0590

THE HUNTINGTON NATIONAL BANK
 COLUMBUS, OHIO 43260

10807

25-2/440

8/9/2013

PAY TO THE ORDER OF Joe C. Cabeen, Sr.

\$350.00

Three Hundred Fifty and 00/100*****

DOLLARS

Joe C. Cabeen, Sr.
 152 Sandstone Loop E.
 Westerville, OH 43081-4578

[Handwritten Signature]
 VOID AFTER 90 DAYS



MEMO John DiAlbert

AUTHORIZED SIGNATURE

⑈010807⑈ ⑆044000024⑆ 01892179562⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

CAPITAL RECOVERY SYSTEMS, INC.

Joe C. Cabeen, Sr.

8/9/2013

10807

350.00

0102 Operating Acco John DiAlbert

350.00

Mary C. Cabeen

Cabeen Mary C. Cabeen, passed away Tuesday, April 9, 2013. Born July 20, 1941 in Lawrenceburg, Indiana to George R. and Anna M. Ambro. Survived by devoted, loving husband of 46 years, Joe Cabeen; son, John (Regina); daughter, Melissa (Jeff) Wilson; six grandchildren, Regina (deceased), Kenny, Jonathon, Brittany, Cayleigh and Amber. Mary died peacefully at home surrounded by her loving family. Memorial Service will be held at 2:30 p.m. Friday at HILL FUNERAL HOME, 220 S. State St., Westerville, where family will receive friends one hour prior to service. Deacon Tom Barford officiating. In lieu of flowers, donations may be sent in her memory to Faith Mission of Columbus, 315 E. Long St., Columbus, OH 43215.

Published in The Columbus Dispatch on April 10, 2013