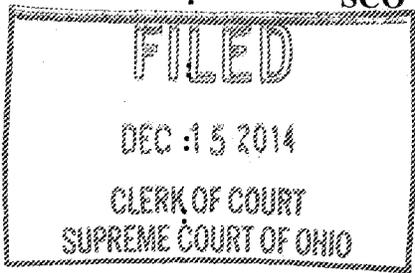


ORIGINAL

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

In re: :
Complaint against : Board Case No. 2013-040
Deborah Marie Marinelli :
Attorney Reg. No. 0074193 : SCO Case No. 2014-0971

Respondent
Stark County Bar Association
Relator



**SUPPLEMENTAL REPORT AND RECOMMENDATION
ON REMAND FROM THE SUPREME COURT OF OHIO**

{¶1} This matter came before the panel upon the issuance by the Supreme Court of Ohio of a remand order dated September 5, 2014. The Court remanded this matter with an order for the Board “to determine the amount of restitution currently owed to respondent’s former clients.” *Stark Cty. Bar Assn. v. Marinelli*, 2014-Ohio-3832.

{¶2} Based on a review of the supplemental exhibits submitted by the parties and Respondent, the panel finds that Respondent has made complete restitution to the clients identified in and in the amounts set forth in ¶39 of the Board report filed on June 9, 2014 and recommends reporting the same to the Supreme Court.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

{¶3} A formal hearing in this matter was held on May 2, 2014 before a panel consisting of Martha Butler Clark, McKenzie K. Davis, and Paul M. De Marco, chair. On June 9, 2014, the Board filed a report recommending a sanction of a two-year suspension of Respondent’s license

to practice law, with the final year of the suspension stayed on conditions. The report also recommended that Respondent serve a two-year period of probation upon reinstatement.

{¶4} Paragraph 39 of the Board report reads as follows:

Despite abandoning her clients' cases, Respondent did not refund any fees to them prior to the hearing in this matter. Instead, she produced at the May 2, 2014 hearing copies of cashier's checks dated April 30, 2014 in varying amounts, which she intended to transmit following the hearing to the clients owed refunds, with the help of the Clients' Security Fund. The checks were in the following amounts: Brock, \$999; Evans, \$1,150; Young, \$1,130; Lee and Ross, \$1,206; Hancock, \$825; Beyler, \$999; Simpson, \$1,131; Petty, \$1,091; Jarvis, \$1,150; Walker, \$1281; Lechner, \$950; Sedon, \$1,306; Goebler, \$1,400; Thomas, \$1,149; Ingram, \$800; Tracy, \$1,200; Cooper, \$1,100; Rakes, \$1,306; Sokol, \$950; and Willaman, \$1,505. These checks amounted to full refunds for all of the grievants except Life, Snyder, and Elliott.

{¶5} No restitution was deemed owed to Respondent's clients Life, Snyder, and Elliot.

See Board report at ¶¶33-35. Neither the panel nor the Board found that Respondent engaged in professional misconduct in connection with her representation of these clients.¹

{¶6} Following receipt of the Supreme Court's remand order, the panel chair conducted a telephone conference with counsel for Relator and Respondent. On September 10, 2014, the panel chair reopened the record in this matter to allow the parties to file supplemental evidence on the issue of restitution. The panel chair granted Respondent two extensions of time to submit the supplemental evidence.

{¶7} The parties stipulated to the submission of Exhibits 5, 6, and 7 that were filed with the Board on October 15, 2015.

{¶8} Exhibit 5 is a letter from Janet Green Marbley, administrator of the Clients' Security Fund. Ms. Green Marbley's letter documents the Fund's distribution of 14 cashier's

¹ Respondent was found to have violated her duty to cooperate in a disciplinary proceeding [Prof. Cond. R. 8.1(b)] based on her failure to respond to Relator's requests for information in connection with grievances filed by Life and Elliot. The other misconduct allegations regarding Respondent's representation of these clients were either withdrawn by stipulation of the parties or dismissed by the hearing panel. See Board report at ¶¶43-52.

checks, which were provided by Respondent to clients identified in ¶39 of the Board report filed with the Supreme Court on June 9, 2014. The letter further indicates that six of the cashier's checks were returned to Respondent because the individuals to whom the checks were made payable did not have claims pending with the Clients' Security Fund.

{¶9} Exhibit 6 consists of a copy of three certified mail receipts to clients Thomas, Rakes, and Sokol. The parties stipulate that these receipts document the clients' receipt of their restitution checks on June 13, 2014.

{¶10} Exhibit 7 consists of (1) a fax from Respondent to her counsel advising that the United States Postal Service was unable to trace the original correspondence and checks for three clients [Evans, Jarvis, and Willaman] and confirming that the cashier's checks were not presented for payment to the issuing bank, and (2) copies of new cashier's checks that were reissued and sent via certified mail on October 14, 2014.

{¶11} The panel chair issued an order dated October 20, 2014 directing Respondent to further supplement the record with an affidavit regarding the content of Exhibit 7 and proof of receipt of the certified mail sent to Evans, Jarvis, and Willaman.

{¶12} On October 23, 2014, November 7, 2014, and December 3, 2014, Respondent filed additional supplements to the record that included affidavits from Respondent and proof of receipt of the certified mail by Evans, Jarvis, and Willaman. The supplement filed on November 7, 2014 was *sua sponte* labeled as Exhibit 8, and the supplement filed on December 3, 2014 was *sua sponte* labeled as Exhibit 9. Given the parties' cooperation in this matter and the fact that there is no dispute as to the payments made, these supplemental exhibits were *sua sponte* admitted into evidence and made part of the record.

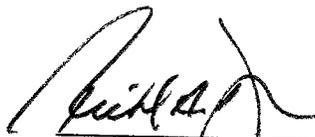
{¶13} Attached to this report is a table listing Respondent's clients, the amount of restitution owed to each client, the manner in which restitution was made, and the supplemental exhibits and documents reflecting proof of restitution.

{¶14} The panel has reviewed the supplemental evidence filed by the parties in light of the findings contained in the Board report filed with the Supreme Court on June 9, 2014. Upon review of the supplemental exhibits referenced in this report, the panel finds, by clear and convincing evidence that Respondent has made restitution to the clients and in the amounts set forth in ¶39 of the Board's June 9, 2014 report. The panel recommends that this finding be transmitted to the Supreme Court in response to its September 5, 2014 remand order.

BOARD RECOMMENDATION

Pursuant to Gov. Bar R. V, Section 6, the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter, on remand from the Supreme Court, on December 12, 2014. The Board adopted the findings of fact, conclusions of law, and recommendation of the panel and advises the Supreme Court that Respondent has made full restitution to the clients and in the amounts set forth in ¶39 of the Board's initial report filed on June 9, 2014 .

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.



RICHARD A. DOVE, Secretary

Stark County Bar Association v. Deborah Marie Marinelli
SCO Case No. 2014-0971/BCGD Case No. 2013-040

RESTITUTION TABLE

Client	Restitution Owed	Manner Paid	Exhibit with Proof of Payment
Brock	\$999	Through CSF	Exhibit 5
Young	\$1,130	Through CSF	Exhibit 5
Lee/Ross	\$1,206	Through CSF	Exhibit 5
Hancock	\$825	Through CSF	Exhibit 5
Beyler	\$999	Through CSF	Exhibit 5
Simpson	\$1,131	Through CSF	Exhibit 5
Petty	\$1,091	Through CSF	Exhibit 5
Walker	\$1,281	Through CSF	Exhibit 5
Lechner	\$950	Through CSF	Exhibit 5
Sedon	\$1,306	Through CSF	Exhibit 5
Goebler	\$1,400	Through CSF	Exhibit 5
Ingram	\$800	Through CSF	Exhibit 5
Tracy	\$1,200	Through CSF	Exhibit 5
Cooper	\$1,100	Through CSF	Exhibit 5
Rakes	\$1,306	Respondent	Exhibit 6
Sokol	\$950	Respondent	Exhibit 6
Thomas	\$1,149	Respondent	Exhibit 6
Willaman	\$1,505	Respondent	Exhibits 7, 8 & 9
Evans	\$1,150	Respondent	Exhibits 7 & 8
Jarvis	\$1,150	Respondent	Exhibits 7 & 8