

**IN THE SUPREME COURT OF OHIO**

**In re:** :  
**Complaint against** : **Case No. 2014-096**  
**James Christopher Zury** :  
**Respondent** :  
**Disciplinary Counsel** :  
**Relator** :

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**CERTIFICATION OF DEFAULT**

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**James Christopher Zury (0065389)**  
758 Olde Mill Drive  
Westerville, Ohio 43082

**Disciplinary Counsel**  
Attn: Scott Drexel (0091467)  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215

**Richard A. Dove (0020256)**  
Board of Professional Conduct  
65 South Front Street, 5<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 387-9370  
[rick.dove@sc.ohio.gov](mailto:rick.dove@sc.ohio.gov)

**Audrey E. Varwig (0073265)**  
Assistant Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215  
614-461-0256  
[a.varwig@sc.ohio.gov](mailto:a.varwig@sc.ohio.gov)

IN THE SUPREME COURT OF OHIO

**In re:** :  
**Complaint against** :  
**James Christopher Zury** :  
**Respondent** : **CERTIFICATION**  
**Disciplinary Counsel** : **Gov. Bar R. V, Section 14**  
**Relator** :

Pursuant to Rule V, Section 14, of the Supreme Court Rules for the Government of the Bar of Ohio, I hereby certify that the respondent in the above-captioned matter has failed to file an answer to the formal complaint certified to the Board of Professional Conduct on November 25, 2014.

Attached to this certification is an affidavit setting forth the attempts to serve the complaint on the respondent and copies of documents referenced in the affidavit.



\_\_\_\_\_  
**RICHARD A. DOVE**  
**Director, Board of Professional Conduct**  
**of the Supreme Court of Ohio**

STATE OF OHIO )  
 ) ss:  
COUNTY OF FRANKLIN )

**AFFIDAVIT**

I, Richard A. Dove, having been duly sworn according to the laws of Ohio, hereby depose and say:

1. I am the Director to the Board of Professional Conduct of the Supreme Court of Ohio (“Board”). Pursuant to Rule V of the Supreme Court Rules for the Government of the Bar of Ohio, I am responsible for serving certified disciplinary complaints on the parties and maintaining the records of cases certified to the Board.
2. On November 26, 2014, a formal complaint was certified to the Board in the matter of *Disciplinary Counsel v. James Christopher Zury*, Board Case No. 2014-096.
3. On November 26, 2014, a notice and copy of the certified complaint were sent via certified mail to the respondent at 758 Olde Mill Drive, Westerville, Ohio 43082. The address to which the certified mail was sent is the respondent’s residence address as reflected in the attorney registration records maintained by the Supreme Court of Ohio, Office of Attorney Services.
4. On January 22, 2015, the certified mail referenced in ¶ 3 was returned to the Board from the United States Postal Services and marked “unclaimed, return to sender, not deliverable as addressed, unable to forward.”
5. On January 22, 2015, a notice and copy of the certified complaint were sent to Sandra H. Grosko, Clerk of the Supreme Court of Ohio requesting that the Clerk accept service on behalf of the respondent pursuant to Gov. Bar R. V, Section 27(B).
6. On January 27, 2015, the Board received a certification from Sandra H. Grosko acknowledging receipt of the documents referenced in ¶ 5.
7. On January 27, 2015, a notice of intent to certify the respondent’s default was sent to the respondent at the address referenced in ¶ 3.
8. As of the date of this affidavit, the notice referenced in ¶ 7 has not been returned to the Board from the address referenced in ¶ 3. The respondent has not filed an answer to the formal complaint pending before the Board or otherwise responded to the certification of the complaint or the notice of intent to certify his default.
9. Attached to this affidavit are true and accurate copies of the following documents contained in the case file that is maintained in the Board offices:

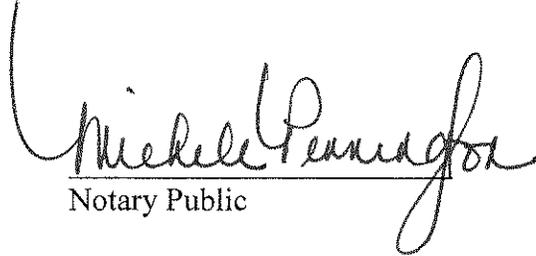
- a. The formal complaint certified to the Board on November 26, 2014 and sent to the respondent at his address via certified mail on that date (Attachment A);
- b. The envelope sent to the respondent by certified mail at the address referenced in ¶ 3 of this affidavit and returned as undeliverable to the Board by the United States Postal Service (Attachment B);
- c. The correspondence sent to Sandra H. Grosko on January 22, 2015 (Attachment C);
- d. The certification received from Sandra H. Grosko on January 27, 2015 (Attachment D); and
- e. The notice of intent to certify the respondent's default sent to the respondent's address on January 27, 2015 (Attachment E).

**FURTHER AFFIANT SAYETH NAUGHT.**



**Richard A. Dove (0020256)**  
**Director, Board of Professional Conduct**

Sworn to before me and subscribed in my presence this 2<sup>nd</sup> day of March, 2015.



Notary Public



MICHELE PENNINGTON  
Notary Public, State of Ohio  
My Commission Expires 1/10/17

FILED

NOV 25 2014

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

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

In re:

Complaint against

James Christopher Zury, Esq.  
758 Olde Mill Drive  
Westerville, OH 43082

No. 14-096

Attorney Registration No. (0065389)

COMPLAINT AND CERTIFICATE

Respondent,

(Rule V of the Supreme Court Rules for  
the Government of the Bar of Ohio.)

Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411

Relator.

Now comes the relator and alleges that James Christopher Zury, an Attorney at Law, duly admitted to the practice of law in the state of Ohio is guilty of the following misconduct:

1. Respondent, James Christopher Zury, was admitted to the practice of law in the state of Ohio on November 13, 1995. Respondent is subject to the Code of Professional Responsibility, Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. Respondent was employed as a Regional Staff Attorney by American Family Insurance from approximately August 13, 2010 to March 29, 2013. His responsibilities in the in-house legal department included representing American Family and its insureds in civil litigation in Ohio. Accordingly, Respondent represented American Family in disputes

Attachment A

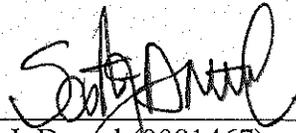
regarding payment for repairs and/or labor charged by Three-C Body Shops, Inc.

("Three-C").

3. Prior to June 2012, respondent settled a case in which Three-C promised to pay American Family \$8,540.54.
4. Damon Eugene ("Chip") Wetterauer, Jr. represented Three-C at the time that the settlement was entered into by the parties. Mr. Wetterauer died on August 22, 2012.
5. Respondent did not obtain a written agreement memorializing the settlement.
6. On or about June 20, 2012, Mr. Wetterauer personally delivered a check issued by Three-C in the amount of \$1,750.00 to respondent. The check was issued on June 20, 2012. Respondent endorsed the check and misappropriated the funds for his own use.
7. Several months after receiving the check, and a few weeks after terminating his employment with American Family, respondent delivered a certified check in the amount of \$1,750.00 issued from his own funds to American Family.
8. Respondent's supervisor, Martin Hulthen, called respondent to inquire about the certified check delivered by respondent. In an attempt to conceal the misappropriation, respondent told Hulthen that Mr. Wetterauer's widow delivered \$1750.00 in cash to respondent's home to satisfy the above-referenced settlement.
9. Mr. Wetterauer's widow denied providing any cash payment to respondent. The explanation respondent provided to Hulthen was not true.
10. Respondent's conduct violates Prof. Cond. R. 1.15 (e) (A lawyer shall promptly deliver funds or other property to a client or third party) and Prof. Cond. R. 8.4(c) (A lawyer shall not engage in conduct involving fraud, dishonesty, deceit or misrepresentation).

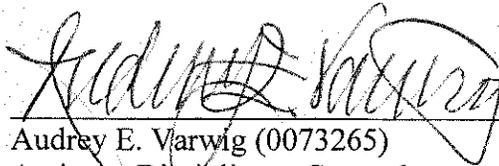
## CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility and Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.



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Scott J. Drexel (0091467)  
Disciplinary Counsel



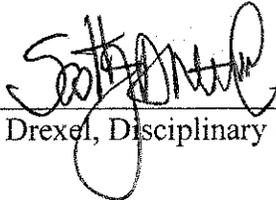
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Audrey E. Varwig (0073265)  
Assistant Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411  
614.461.0256  
614.461.7205 – fax  
A.Varwig@sc.ohio.gov

## CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Audrey E. Varwig is duly authorized to represent relator in the premises and has accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: November 25, 2014

  
\_\_\_\_\_  
Scott J. Drexel, Disciplinary Counsel

### **Gov. Bar R. V, § 4(I) Requirements for Filing a Complaint.**

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

\* \* \*

(7) Complaint Filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the Certified Grievance Committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant.

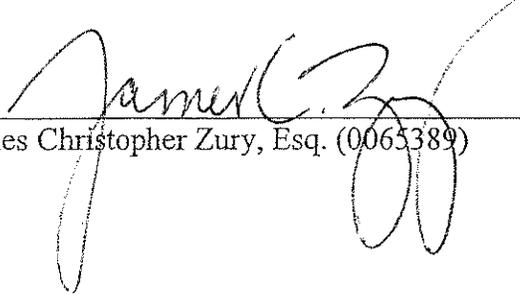
(8) Complaint Filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(9) Service. Upon the filing of a complaint with the Secretary of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the Certified Grievance Committee of the Ohio State Bar Association, the local bar association, and any Certified Grievance Committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose.

**WAIVER OF PROBABLE CAUSE DETERMINATION**

I, James Christopher Zury, have reviewed the draft complaint and waive review of the complaint by a probable cause panel pursuant to Gov. Bar R. V, Section 6(D)(1).

SIGNED on this 25<sup>TH</sup> day of November, 2014.

  
\_\_\_\_\_  
James Christopher Zury, Esq. (0065389)

**FILED**

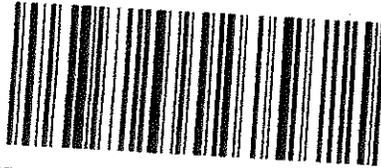
**NOV 25 2014**

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

**CERTIFIED MAIL**

**Supreme Court of Ohio**

COMMISSIONERS ON GRIEVANCES AND DISCIPLINE  
100 BROADWAY STREET, 5TH FLOOR, COLUMBUS, OHIO 43215-3431



7160 3901 9849 1364 9376

RETURN RECEIPT REQUESTED

neopost

11/26/2014

US POSTAGE

\$06.67

**RECEIVED** P 13215  
JAN 13 2015

JAN 22 2015

**BOARD OF PROFESSIONAL CONDUCT**

James Christopher Zury  
158 Olde Mill Drive  
Westerville, OH 43082

*Handwritten signature/initials*

NIXIE 430 DE 1009 0001/16/15

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

4308238429 0047

43215 03431

BCI 43215343196 72646-04126-04-22

Attachment B

# The Supreme Court of Ohio

## BOARD OF PROFESSIONAL CONDUCT

65 SOUTH FRONT STREET, 5<sup>TH</sup> FLOOR, COLUMBUS, OH 43215-3431  
Telephone: 614.387.9370 Fax: 614.387.9379  
www.supremecourt.ohio.gov

PAUL M. DE MARCO  
CHAIR  
WILLIAM J. NOVAK  
VICE-CHAIR

RICHARD A. DOVE  
DIRECTOR  
D. ALLAN ASBURY  
SENIOR COUNSEL  
HEIDI WAGNER DORN  
COUNSEL

January 22, 2015

Sandra H. Grosko  
Clerk of the Court  
Supreme Court of Ohio  
65 South Front Street, 8<sup>th</sup> Floor  
Columbus, Ohio 43215-3431

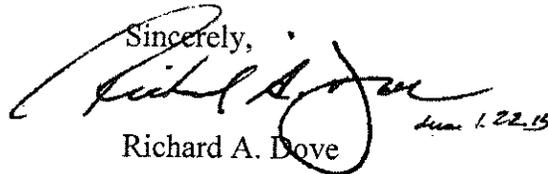
RE: Disciplinary Counsel v. James Christopher Zury, Case No. 2014-096

Dear Ms. Grosko:

Enclosed please find a Complaint and Certificate and Notice to Respondent of Filing of Complaint, which the Board has been unable to serve on the above named Respondent. On November 26, 2014, we attempted certified mail service at 758 Olde Mill Drive, Westerville, OH 43082 which is the residence address listed on attorney registration, there is no employer address listed on attorney registration. On January 22, 2015, we received returned mail marked "return to sender, not deliverable as addressed, unable to forward."

Please accept service on behalf of the above Respondent and issue a Certificate to that effect for our file.

Thank you for your assistance in this matter.

Sincerely,  
  
Richard A. Dove  
Jan. 22, 15

Enclosure

Attachment C

# The Supreme Court of Ohio

FILED

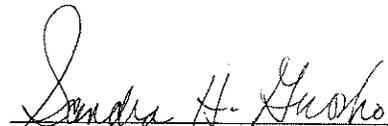
JAN 27 2015

## CERTIFICATION

BOARD OF PROFESSIONAL CONDUCT

I, Sandra H. Grosko, certify that I was served on the twenty-sixth day of January 2015, with a copy of the Notice to Respondent of Filing of Complaint, a copy of the Complaint and Certificate, and a copy of an Entry, issued in the case of In re: James Christopher Zury, Respondent v. Disciplinary Counsel, Relator (Case No. 14-096).

I received true and attested copies of the documents set forth above, addressed to the Respondent at his last known address, from the Director of the Board of Professional Conduct in conformity with Rule V, Section 27(B) of the Rules for the Government of the Bar.

  
\_\_\_\_\_  
Sandra H. Grosko  
Clerk of the Court

**Attachment D**

# The Supreme Court of Ohio

## BOARD OF PROFESSIONAL CONDUCT

65 SOUTH FRONT STREET, 5<sup>TH</sup> FLOOR, COLUMBUS, OH 43215-3431

Telephone: 614.387.9370 Fax: 614.387.9379

[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

PAUL M. DE MARCO

CHAIR

WILLIAM J. NOVAK

VICE-CHAIR

RICHARD A. DOVE

DIRECTOR

D. ALLAN ASBURY

SENIOR COUNSEL

HEIDI WAGNER DORN

COUNSEL

January 27, 2015

James Christopher Zury  
758 Olde Mill Drive  
Westerville, OH 43082

Re: Disciplinary Counsel v. James Christopher Zury, Case No. 2014-096

Dear Mr. Zury:

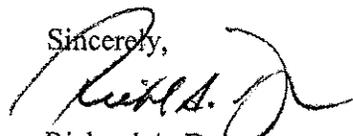
On November 26, 2014, the Board of Professional Conduct certified a formal complaint naming you as the respondent in the above-captioned disciplinary matter. A copy of the enclosed complaint was sent to you via certified mail to 758 Olde Mill Drive, Westerville, OH 43082 and service was returned as undeliverable. Pursuant to Gov. Bar R. V, Section 27(B), the complaint was served on the Clerk of the Supreme Court, and the Clerk accepted service on January 27, 2015. As of the date of this letter, the Board has not received your answer to the formal complaint or a motion to extend the time for filing an answer.

Pursuant to Gov. Bar R. V, Section 14, you are hereby notified that the Board will certify your default to the Supreme Court thirty days from the date of this letter. To avoid certification of default, you must file an answer to the formal complaint with the Board prior to the expiration of the thirty-day period. No extension of time to file an answer is authorized by the rule.

Please note that the certification of default may result in your immediate suspension from the practice law by the Supreme Court of Ohio.

If you have questions regarding this matter, please contact the Board at (614) 387-9370.

Sincerely,



Richard A. Dove

Enclosure

cc: Scott Drexel, Disciplinary Counsel  
Audrey Varwig, Assistant Disciplinary Counsel

Attachment E