

**OHIO STATE BAR ASSOCIATION v. AMERICAN FORECLOSURE
SPECIALISTS, L.L.C.**

[Cite as *Ohio State Bar Assn. v. Am. Foreclosure Specialists, L.L.C.*,
124 Ohio St.3d 300, 2010-Ohio-148.]

*Unauthorized practice of law — Consent decree pursuant to Gov.Bar R. VII(5b)
— Conduct enjoined.*

(No. 2009-1640 — Submitted September 30, 2009 — Decided January 27, 2010.)

ON FINAL REPORT by the Board on the Unauthorized Practice of Law of the
Supreme Court, No. UPL 08-02.

{¶ 1} Pursuant to Gov.Bar R. VII(5b), the Board on the Unauthorized Practice of Law has recommended our approval of a consent decree proposed by relator, Ohio State Bar Association, and respondent, American Foreclosure Specialists, L.L.C. We accept the board's recommendation and approve the proposed consent decree submitted by the parties as follows:

{¶ 2} 1. Respondent admits that it engaged in the unauthorized practice of law by drafting and preparing a court pleading and providing it to one of its customers with instructions to file the same with the court.

{¶ 3} 2. American Foreclosure Specialists, L.L.C., its successors and assigns, and its officers, members, agents, representatives, and employees are permanently enjoined from providing legal advice and drafting and preparing court pleadings for and on behalf of residents of the state of Ohio.

{¶ 4} 3. American Foreclosure Specialists, L.L.C., its successors and assigns, and its officers, members, agents, representatives, and employees are permanently enjoined from providing legal services, including the drafting of

SUPREME COURT OF OHIO

court pleadings or providing legal advice to Ohio residents or otherwise engaging in the unauthorized practice of law in the state of Ohio.

{¶ 5} 4. American Foreclosure Specialists, L.L.C., agrees to refund the sum of Nine Hundred Ninety Five Dollars (\$995) to Scott A. Heffernan and Patricia A. Heffernan, which sum represents the fee paid by Scott A. Heffernan and Patricia A. Heffernan to respondent, American Foreclosure Specialists, L.L.C.

{¶ 6} 5. Pursuant to Gov.Bar R. VII(8)(B) and UPL Reg. 400(F), no civil penalty is to be imposed for the reasons that:

{¶ 7} a. Respondent fully and completely cooperated in the investigation of this complaint and admitted engaging in the unauthorized practice of law;

{¶ 8} b. Only one instance of the unauthorized practice of law was committed;

{¶ 9} c. Respondent has never previously been charged with the unauthorized practice of law;

{¶ 10} d. American Foreclosure Specialists, L.L.C., agrees to refund to the affected third parties the fees charged by American Foreclosure Specialists, L.L.C.

{¶ 11} Costs are taxed to respondent.

So ordered.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur.

Buckingham, Doolittle & Burroughs, L.L.P., and Robert C. Meyer; and Eugene P. Whetzel, Bar Counsel, for relator.

Jurca & Lashuk, L.L.C., and Jeffrey J. Jurca, for respondent.
