

ORIGINAL

THE SUPREME COURT OF OHIO
BOARD OF COMMISSIONERS ON THE
THE UNAUTHORIZED PRACTICE OF LAW

03-1535

TOLEDO BAR ASSOCIATION,
Relator,

v.

CHELSEA TITLE AGENCY OF
DAYTON, INC. d.b.a. CHELSEA
TITLE AGENCY OF TOLEDO,
Respondent.

FILED
AUG 28 2003
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

Case No. UPL 03-02

FINAL REPORT

This matter came before the Board of Commissioners on the Unauthorized Practice of Law ("Board") on the Relator's Complaint filed on January 6, 2003. Respondent appeared through counsel and filed its Answer on January 27, 2003. Thereafter, the Relator and Respondent entered into a "Stipulation and Waiver [sic]" which they submitted to the Board on April 17, 2003. As a result, the hearing on this cause has been waived.

The Board, upon consideration of the stipulations between Relator and Respondent, enters the following findings and recommendations.

FINDINGS OF FACT

1. Relator, Toledo Bar Association, is duly authorized to investigate activities and to initiate complaints to prevent the unauthorized practice of law within the State of Ohio. (Gov. Bar R. VII, Sections 4 and 5.)
2. Chelsea Title Agency of Dayton, Inc. ("Respondent") is an Ohio corporation doing business as Chelsea Title Agency of Toledo, at 4841 Monroe Street, Toledo, Ohio 43623. Respondent is a for-profit corporation, and it is not

an attorney licensed to practice law in Ohio or any other jurisdiction. Respondent is in the business of marketing title insurance.

3. On or about September 28, 2001, Respondent, through a non-lawyer agent, prepared a deed purporting to convey property located in Wood County, Ohio. A copy of this deed was attached to the Complaint as Exhibit 1.

4. The grantor(s) on the deed were customers of Respondent's title insurance business.

5. The deed was prepared by a non-lawyer by means of entering data into a computer format previously provided to it by an attorney. Respondent caused the grantor(s) to sign the deed. The deed was neither reviewed by, nor prepared under the supervision of, an attorney. The deed contains language that it was prepared by an attorney, when in fact it was not.

6. On or about May 9, 2002, the Secretary of the Unauthorized Practice of Law Committee of the Toledo Bar Association notified Respondent that, in the opinion of that Committee, Respondent's actions described above constituted the unauthorized practice of law. Respondent was requested to cease the practice of preparing deeds for its title insurance customers.

7. In October or November, 2002, Respondent prepared another deed on behalf of another customer. A true and accurate copy of that deed was attached to the Complaint as Exhibit 2. This deed was also prepared by a non-attorney in the manner described in paragraph 5, above.

8. Relator and Respondent waived notice and hearing pursuant to Gov. Bar R. VII, Section 7(C), and they agree that the Board may proceed pursuant to Section 8 of Gov. Bar R. VII.

9. Respondent has admitted that it prepared the deeds as described in paragraphs 3, 5, and 7 hereof, and it has acknowledged and agreed that such actions constitute the unauthorized practice of law.

10. Respondent has represented that it has ceased the practices described above and it has consented to issuance of a permanent injunction against it to prohibit such conduct in the future.

CONCLUSIONS OF LAW

1. The Supreme Court of Ohio has original jurisdiction regarding the admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law. Section 2(B)(1)(g), Article IV, Ohio Constitution; *Royal Indemnity Co. v. J.C. Penney Co.* (1986), 27 Ohio St.3d 31, 501 N.E.2d 617; *Judd v. City Trust & Savings Bank* (1937), 133 Ohio St. 81, 12 N.E. 2d 288.

2. The unauthorized practice of law consists of rendering legal services for another by any person not admitted to practice law in Ohio. (Gov. Bar R. VII, Section 2(A)).

3. The preparation by a non-attorney of deeds conveying title to real property for the customers of a title insurance company constitutes the unauthorized practice of law. *Lorain County Bar Assoc. v. Kennedy* (2002), 95 Ohio St. 3d 116; *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23.

4. Respondent has admitted, and the Board so finds, that it has engaged in the unauthorized practice of law by permitting certain of its agents or employees who were not licensed to practice law in Ohio to prepare for its customers deeds of conveyance of real property.

RECOMMENDATION

The Board recommends that the Supreme Court of Ohio accept Respondent's stipulation that it engaged in the unauthorized practice of law.

The Board recommends that the Supreme Court of Ohio accept Respondent's consent to be enjoined from engaging in the unauthorized practice of law in the future.

STATEMENT OF COSTS

Attached as Exhibit A is a statement of costs and expenses incurred to date by the Board and Relator in this matter.



Ralph E. Dill, Chair
Board of Commissioners on the
Unauthorized Practice of Law

**BOARD OF COMMISSIONERS ON THE
UNAUTHORIZED PRACTICE OF LAW OF THE
SUPREME COURT OF OHIO**

STATEMENT OF COSTS

Case No. UPL 03-02

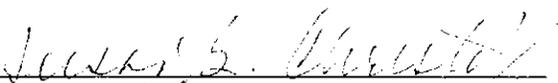
*Toledo Bar Association, Relator v. Chelsea Title Agency of Dayton, Inc. d.b.a. Chelsea
Title Agency of Toledo, Respondent*

To date, no expenses have been incurred.

EXHIBIT A

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Report was served by certified mail upon the following this 28th day of August, 2003: Toledo Bar Association, 311 N. Superior Street, Toledo, Ohio, 43604; Chelsea Title Agency of Dayton, Inc. d.b.a. Chelsea Title Agency of Toledo, 4841 Monroe Street, Toledo, Ohio, 43623; Gregory B. Denny, Esq., 1300 National City Bank Building, 405 Madison Avenue, Toledo, Ohio, 43604-1238; Jonathan B. Cherry, Esq., Bar Counsel, Toledo Bar Association, 311 N. Superior Street, Toledo, Ohio, 43604; Richard S. Koblentz, Esq. and Bryan L. Penvose, Esq., Koblentz & Koblentz, 55 Public Square, Ste 1170, Cleveland, Ohio, 44113; Eugene P. Whetzel, Esq., Ohio State Bar Association, Unauthorized Practice of Law Committee, 1700 Lake Shore Drive, PO Box 16562, Columbus, Ohio, 43216-6562; Jonathan Coughlan, Disciplinary Counsel, Office of Disciplinary Counsel, 250 Civic Center Drive, Ste 325, Columbus, Ohio, 43215.


Susan B. Christoff, Secretary to the Board