STATE OF CONNECTICUT

STATEWIDE GRIEVANCE COMMITTEE

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05/09/2011

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HARTFORD CT 06106

PAMELA ANN OLEJARCZYK
PAMELA A. OLEJARCZYK
245 CHERRY STREET
MILFORD CT 06460

RE: GRIEVANCE COMPLAINT #10-0751
NORMAN vs. OLEJARCZYK

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P. Bowler

Encl.
cc: Attorney J A. Rebollo
Hope E. Norman

NOTICE REGARDING DECISION
- PRESENTMENT -

GRIEVANCE COMPLAINT # 10-0751

THE ATTACHED DECISION IS PRESENTLY STAYED IN ACCORDANCE WITH PRACTICE BOOK §2-35.

SECTION 2-35 STATES, IN PART, AS FOLLOWS:

> **(e) ... Enforcement of the final decision ... shall be stayed for thirty days from the date of the issuance to the parties of the final decision. In the event the respondent timely submits to the statewide grievance committee a request for review of the final decision of the reviewing committee, such stay shall remain in full force and effect pursuant to Section 2-38(b).**

Note: This stay terminates upon the issuance of a final decision by the Statewide Grievance Committee.

DECISION DATE: 5/9/11

STATEWIDE GRIEVANCE COMMITTEE

Hope E. Norman Complainant	:	
vs.	:	Grievance Complaint #10-0751
Pamela A. Olejarczyk Respondent	:	

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, 80 Washington Street, Hartford, Connecticut on February 10, 2011. The hearing addressed the record of the complaint filed on August 31, 2010, and the probable cause determination filed by the Ansonia/Milford Judicial District Grievance Panel on December 7, 2010, finding that there existed probable cause that the Respondent violated Rules 1.1, 1.3, 1.4 (a) and (b), and 8.4(4) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on January 5, 2011. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Suzanne B. Sutton pursued the matter before this reviewing committee. The Complainant appeared at the hearing and testified. The Complainant's husband, Robert Long, also testified. The Respondent did not appear. Two exhibits were admitted into evidence.

There was a vacancy on the reviewing committee at the time of the hearing in this matter. Since the Assistant Disciplinary Counsel waived the participation of the third reviewing committee member, this matter was heard and decided by the undersigned.

This reviewing committee finds the following facts by clear and convincing evidence:

In 2004, the Complainant's father established special needs trusts for the Complainant's two sisters, Elizabeth Norman and Mary-Joyce Norman. The Respondent became the trustee and administrator for the trusts in 2007. At that time, each trust contained in excess of $200,000, and the sisters relocated to a house in Dover, Delaware, purchased by the trusts for the benefit of the sisters. In 2008, the Respondent made payments, on behalf of the trusts, for the applicable homeowner association fees, city taxes and county taxes. However, in 2009 and 2010, the Respondent failed to do so. The Complainant and her husband met with the Respondent on April 21, 2010, and provided copies of the past due invoices to the Respondent, who agreed to pay them. However, the Respondent did not do so, and the fees and taxes remain in arrears.

Mary Joyce Norman passed away in March of 2010. As required by the terms of the trusts, the Respondent agreed to initiate the process of transferring the assets of Mary Joyce's trust into Elizabeth's trust, and to change the deed on the Delaware property, but the Respondent failed to do so. In June of 2010, Elizabeth Norman wrote to the Respondent requesting an accounting for both trusts, but the Respondent has not provided them. Throughout this period, the Respondent failed to reply to numerous communication attempts from the Complainant and Elizabeth Norman.

In her written answer to the grievance complaint, the Respondent stated that she would transfer the deed and the assets, pay the outstanding taxes and fees, and absorb the interest and penalties. She further stated that she would voluntarily resign as trustee.

In a letter dated December 23, 2010, the Disciplinary Counsel requested that the Respondent provide a complete copy of the files for the trusts, including an accounting of the funds. The Respondent did not respond to this request.

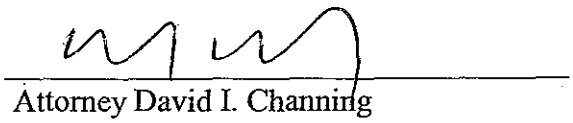
Just prior to the hearing in this matter, in a letter dated February 8, 2011, the Respondent stated she would not appear at the hearing as she did not wish to challenge or dispute the allegations, and reiterated that she would resign as trustee and turn the trust assets over to a successor trustee.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct in this matter. The Respondent's failure to maintain property of the trusts by paying fees and taxes on the Delaware property constitutes both a lack of competence and a lack of diligence, in violation of Rules 1.1 and 1.3, respectively, of the Rules of Professional Conduct. The Respondent failed to reply to numerous communication efforts, in violation of Rule 1.4 (a) and (b) of the Rules of Professional Conduct. The Respondent's failure to uphold her duties as trustee and administrator constitutes conduct prejudicial to the administration of justice, in violation of Rule 8.4(4) of the Rules of Professional Conduct.

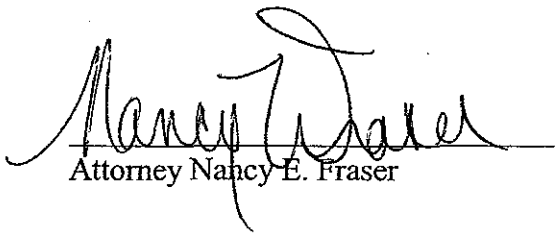
This reviewing committee directs Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the Court deems appropriate. Additionally, this reviewing committee is concerned by the Respondent's failure to appear for the hearing in this matter, and considers her failure to reply to Disciplinary Counsel's letter dated December 23, 2010 as a knowing failure to respond to a disciplinary authority, in violation of Rule 8.1(2) of the Rules of Professional Conduct. Since a presentment is a trial de novo, the Disciplinary Counsel is directed to add this as a charge in the presentment complaint.

(8)
jf

DECISION DATE: 5/9/11



Attorney David I. Channing



Attorney Nancy E. Fraser