

STATEWIDE GRIEVANCE COMMITTEE

Lijun Tian
Complainant

:

vs.

:

Grievance Complaint #07-0193

Paulus H. Chan
Respondent

:

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted hearings at the Superior Court, 80 Washington Street, Hartford, Connecticut on September 6, 2007 and November 1, 2007. The hearings addressed the record of the complaint filed on February 28, 2007, and the probable cause determination filed by the New Haven Judicial District Grievance Panel for Geographical Area 7 and the towns of Branford, East Haven, Guilford, Madison and North Branford on June 11, 2007, finding that there existed probable cause that the Respondent violated Rules 1.5 and 8.4(3) of the Rules of Professional Conduct.

Notice of the September 6, 2007 and November 1, 2007 hearings were mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on August 3, 2007 and September 28, 2007, respectively. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Frank Blando pursued the matter before this reviewing committee. The Complainant appeared and testified. The Respondent appeared and testified. An exhibit was received into evidence. Chien Rowe was sworn in as an interpreter for the Complainant.

This reviewing committee makes the following findings of fact by clear and convincing evidence:

In October of 2006, the Respondent represented the Complainant in connection with the Complainant's purchase of real property located at 118 Shuttle Meadow Avenue in New Britain, Connecticut. On September 8, 2006, the Respondent and the Complainant executed a written retainer agreement which provided that the Respondent would charge the Complainant \$500 for the representation. The Respondent charged the Complainant \$500 plus \$300 for bank representation, \$100 for document preparation, \$50 for the title bringdown, and \$147 in excess of the cost of recording fees.

This reviewing committee also considered the following:

The Respondent testified that some of the fees he charged the Complainant at the closing resulted from mistakes. The Respondent further testified that he will make restitution to the Complainant for any overcharges.

This reviewing committee finds the following violation of the Rules of Professional Conduct by clear and convincing evidence:

The Respondent's overcharges to the Complainant in connection with the October 2006 closing on 118 Shuttle Meadow Avenue in New Britain, Connecticut constituted an unreasonable fee in violation of Rule 1.5 of the Rules of Professional Conduct. The Respondent's \$300 charge for bank representation, \$100 charge for document preparation, \$50 charge for the bringdown, and \$147 excess charge for recording fees rose to the level of a violation of Rule 1.5 of the Rules of Professional Conduct. We do not, however, conclude that these overcharges rose to the level of conduct involving fraud, deceit, dishonesty or misrepresentation in violation of Rule 8.4(3) of the Rules of Professional Conduct.

Accordingly, this reviewing committee reprimands the Respondent for violating Rule 1.5 of the Rules of Professional Conduct. Additionally, pursuant to Practice Book §2-37(a)(2), the Respondent is ordered to make restitution to the Complainant in the amount of \$597 within sixty (60) days of the issuance of this decision. The Respondent is further ordered to provide the Statewide Grievance Committee with written confirmation of his compliance with this condition within thirty (30) days of making restitution to the Complainant in the amount of \$597.

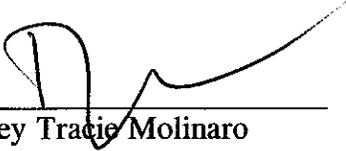
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DECISION DATE: 2/1/08

Grievance Complaint #07-0193

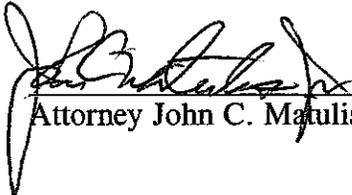
Decision

Page 3



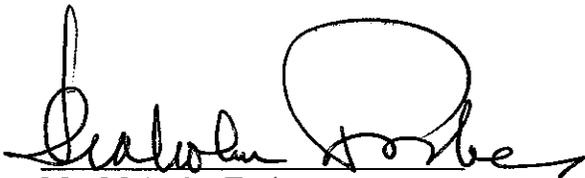
Attorney Tracie Molinaro

Grievance Complaint #07-0193
Decision
Page 4



Attorney John C. Matulis

Grievance Complaint #07-0193
Decision
Page 5



Mr. Malcolm Forbes