

STATEWIDE GRIEVANCE COMMITTEE

Candlewood Hills Tax District
Complainant

vs.

Grievance Complaint #07-0948

Peter S. Vannucci
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, 1061 Main Street, Bridgeport, Connecticut on April 9, 2008 and July 9, 2008. The hearings addressed the record of the complaint filed on September 27, 2007, and the probable cause determination filed by the Danbury Judicial District Grievance Panel on January 15, 2008, finding that there existed probable cause that the Respondent violated Rules 1.3 and 1.4(a) and (b) of the Rules of Professional Conduct.

Notice of the April 9, 2008 hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on March 6, 2008. Notice of the July 9, 2008 hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on June 2, 2008. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Frank Blando pursued the matter before this reviewing committee on April 9, 2008, and Chief Disciplinary Counsel Mark A. Dubois pursued the matter before this reviewing committee on July 9, 2008. The Respondent appeared represented by Attorney Dennis McDonough and testified. Attorney Joseph Gegeny represented the Complainant at the hearings. No exhibits were received into evidence at the hearings.

Reviewing committee member Attorney Mary Sommer was not available for the July 9, 2008 hearing due to her recent appointment as a judge of the Superior Court. Both Disciplinary Counsel and the Respondent agreed to the participation of Attorney Thomas Maxwell, Jr. as the third member of the reviewing committee in this matter. Accordingly, Attorney Maxwell reviewed the record, including the transcript of the April 9, 2008 hearing and participated in this decision.

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

The Complainant is a special taxing district organized and existing pursuant to Chapter 105 of the Connecticut General Statutes. In 2006, the Respondent represented the Complainant in the collection of delinquent special taxes in the amount of \$3,225.20 owed to the Complainant from Saban Mustafoski on real property known as 39 Candle Hill Road in New Fairfield, Connecticut.

The Respondent conducted a tax sale of the real property on August 19, 2006 to Ellen Salomack for the sum of \$25,000. The buyer paid the Respondent, as trustee, the sales price of \$25,000 in August 2006.

Pursuant to Section 12-157(c) of the Connecticut General Statutes, the Respondent lodged the Tax Collector's Deed with the New Fairfield Town Clerk on August 31, 2006. The deed could have been recorded on the New Fairfield Land Records after six months, i.e. late February or early March, 2007. However, the deed was not recorded on the New Fairfield Land Records until April 27, 2007.

The Respondent paid the Complainant \$3,225.20 by check dated April 27, 2007 from his trustee account. On July 19, 2007, the Respondent was "in the process of starting the paperwork to pay this [\$22,307.99] into court as per the statute." On that same date, the Respondent mailed a required affidavit to the Complainant's Tax Collector, Nancy Laedke, for execution.

As of the date of the first reviewing committee hearing in this matter on April 9, 2008, the funds were still in the Respondent's trustee account. In June of 2008, the Respondent filed an interpleader action in the Superior Court for a determination as to the proper distribution of the remaining funds. Throughout the period of the Respondent's representation of the Complainant in this matter, the Respondent did not keep the Complainant's representatives informed of these delays.

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

The Respondent failed to represent the Complainant with reasonable diligence and promptness in violation of Rule 1.3 of the Rules of Professional Conduct. The Respondent should have ensured that the Tax Collector's Deed was recorded in late February or early March rather than late April. The Respondent should not have delayed until late July to start the paperwork to pay the balance of the sale proceeds into court, including the required affidavit. Also, the Respondent should not have delayed until May of 2008 to file an interpleader action regarding the balance of the sale proceeds. The Respondent also violated Rules 1.4(a) and (b) of the Rules of Professional Conduct by failing to keep his client reasonably informed of the status of the special tax collection matter and the delays involved therein.

Grievance Complaint #07-0948

Decision

Page 3

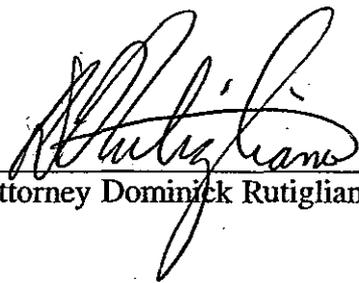
Accordingly, this reviewing committee reprimands the Respondent for violating Rules 1.3, 1.4(a) and 1.4(b) of the Rules of Professional Conduct.

(5)

asc

DECISION DATE: 7/25/08

Grievance Complaint #07-0948
Decision
Page 4

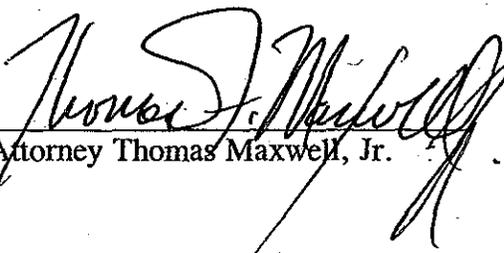


Attorney Dominick Rutigliano

Grievance Complaint #07-0948

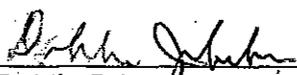
Decision

Page 5



Attorney Thomas Maxwell, Jr.

Grievance Complaint #07-0948
Decision
Page 6



Ms. Dahlia Johnston