

STATEWIDE GRIEVANCE COMMITTEE

Hartford J.D., G.A. 13 and the town  
of Hartford Grievance Panel  
Complainant

:

vs.

:

Grievance Complaint #09-0441

Francis Minter  
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, 235 Church Street, New Haven, Connecticut on November 4, 2009. The hearing addressed the record of the complaint filed on May 4, 2009, and the probable cause determination filed by the Windham Judicial District Grievance Panel on September 11, 2009, finding that there existed probable cause that the Respondent violated Rules 8.1(2) and 8.4(4) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on October 5, 2009. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Suzanne Sutton pursued the matter before this reviewing committee. The Respondent appeared at the hearing and testified.

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

On February 9, 2009, the Complainant was asked to investigate the Respondent's failure to pay the following outstanding court judgments:

1. LePito v. Minter and Associates (SCANB-131913)

On October 25, 2002, a default judgment entered against the Respondent in small claims court for \$2,291.36 for failure to pay a marshal's service fee. The Respondent was ordered to pay the entire amount by November 14, 2002;

2. CBIA Service Corporation v. Francis Minitier (SCAH-155013)

On March 23, 2004, a default judgment entered against the Respondent in small claims court for \$1,665.36. The Respondent was ordered to make weekly payments of \$35 to the plaintiff starting on April 28, 2004;

3. Discovery Bank v. Francis Minitier (SCAH-173507)

On June 9, 2005, a default judgment entered against the Respondent in small claims court for \$2,789.77. The Respondent was ordered to make weekly payments of \$35 to the plaintiff starting on July 1, 2005;

4. SNET Information Services, Inc. v. Francis Minitier (CV05-4016130S)

On August 8, 2006, a judgment entered against the Respondent in Superior Court for \$5,056.81 for failure to pay Yellow Page advertising fees. On September 4, 2007, an execution was returned unsatisfied;

5. Spectrum Engineering Group, LLC v. Francis Minitier, (SCC1909)

On February 10, 2009, the Complainant's counsel, Attorney John Quinn, sent a letter to the Respondent requesting him to provide a response within thirty days. Failing to receive a response from the Respondent, the Complainant filed the instant grievance complaint on May 4, 2009.

On May 7, 2009, the grievance complaint was sent to the Respondent. The Respondent was advised of his duty pursuant to Practice Book §2-32 to respond to the grievance complaint within thirty days. The Respondent did not submit a response to the grievance complaint.

This reviewing committee also considered the following:

The Respondent acknowledged receiving a copy of the grievance complaint, but did not respond because he believes that the failure to pay a judgment does not constitute conduct prejudicial to the administration of justice. The Respondent maintained that Rule 8.4(4) is unconstitutionally void for vagueness. The Respondent further explained that he did not file an answer making this claim because he believed it was obvious that the Rule is unconstitutional.

With respect to the judgments, the Respondent maintained that he believes he satisfied the LePito judgment in 2005 or 2006. The Respondent testified that he does not have any documentation to support his claim and that any checks he issued to pay the judgment are stored in boxes located in his garage and are difficult to access.

The Respondent testified that the CBLA Service Corporation judgment concerned the payment of health insurance premiums. The Respondent believes that the matter was resolved in 2009. The Respondent testified that he thought there was a letter from the plaintiff's counsel addressing the resolution, but he was unable to locate it.

The Respondent acknowledged that the Discovery Bank judgment remains outstanding. The Respondent testified that he has not made any of the \$35 weekly payments ordered by the court because he is concentrating on paying money he owes to the IRS.

The Respondent testified that the SNET judgment also remains outstanding. The Respondent maintained that he has been making \$200 payments on the judgment and has a letter from the plaintiff's counsel evidencing this agreement. The Respondent requested an opportunity to provide this letter to this reviewing committee. We gave the Respondent one week following the hearing to provide the letter. The Respondent failed to do so.

The Respondent was unable to provide this reviewing committee with any information regarding the Spectrum Engineering Group judgment. The Respondent testified that he does not know who Spectrum Engineering Group is and does not believe he owes a judgment to them. The Respondent maintained that he is presently experiencing financial difficulties.

The Respondent's disciplinary history reflects the following: a reprimand issued by the Statewide Grievance Committee on 6/23/06; a reprimand issued by the Statewide Grievance Committee on 9/8/06; a reprimand issued by the Statewide Grievance Committee on 2/15/07 (Respondent's appeal dismissed; appeal pending at Appellate Court); a reprimand issued by the Statewide Grievance Committee on 4/19/07 (Respondent's appeal dismissed; appeal pending at Appellate Court); a reprimand issued by the Statewide Grievance Committee on 4/17/08 (Respondent's appeal dismissed; appeal pending at Appellate Court); an order of presentment issued by the Statewide Grievance Committee on 4/16/09; an order of presentment issued by the Statewide Grievance Committee on 9/17/09; and an order of presentment issued by the Statewide Grievance Committee on 10/30/09.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. The record before this reviewing committee indicates that the Respondent has failed to make any effort to pay the Discovery Bank judgment entered against him in June of 2005. The Respondent was ordered to make weekly payments of \$35. The Respondent acknowledged that he has not made any attempt to satisfy the judgment. Furthermore, the Respondent has not taken any action to get the judgment

modified. He has simply chosen to ignore the judgment. Although the Respondent maintained that he is experiencing financial difficulties in his practice and is concentrating on paying an IRS debt, he failed to provide any evidence to this reviewing committee to support these claims.

The Respondent maintained that he satisfied the 2002 LePito judgment in 2005 or 2006. The Respondent, however, failed to provide any evidence to support this claim, maintaining that his records were in storage. The Respondent also maintained that he resolved the 2004 CBIA Service Corporation judgment sometime in 2009. The Respondent, however, was unable to provide any documentation to support this claim. The Respondent also failed to provide any documentary evidence to support his allegation that he had entered into a payment plan to satisfy the SNET judgment. The Respondent requested and was given one week to provide documentary evidence of this payment plan. The Respondent, however, failed to provide this evidence. This reviewing committee concludes that the record lacks any evidence to support the Respondent's allegations that any of these four judgments have been satisfied or are in the process of being paid. Accordingly, we conclude that the Respondent's failure to pay the judgments entered against him in the LePito, CBIA Service Corporation, Discovery Bank and SNET cases constitutes conduct prejudicial to the administration of justice in violation of Rule 8.4(4) of the Rules of Professional Conduct. This reviewing committee was unable to conclude that the Respondent failed to satisfy the judgment entered against him in the Spectrum Engineering Group case since there was no evidence presented regarding this judgment other than the case name and docket number.

This reviewing committee further concludes that the Respondent failed to respond to the grievance complaint. The record indicates that the Respondent failed to respond to the investigating panel's February 10, 2009 request for information prior to the initiation of this grievance complaint and to the May 7, 2009 letter requesting a response to the grievance complaint after it was filed. Furthermore, we do not find that the Respondent established good cause for his failure to respond to the grievance complaint. The Respondent's belief that Rule 8.4(4) is void for vagueness does not relieve him of his duty to respond to the grievance complaint. A response making this argument would have satisfied his duty to respond. Accordingly, we find that the Respondent's failure to respond to the investigating panel and to the grievance complaint constitutes a violation of Rule 8.1(2) of the Rules of Professional Conduct. Furthermore, the Respondent's failure to respond to the grievance complaint also constitutes a violation of Practice Book §2-32(a)(1).

This reviewing committee concludes that the Respondent's violation of Rules 8.1(2) and 8.4(4) of the Rules of Professional Conduct and Practice Book §2-32(a)(1) warrant a presentment. Accordingly, we direct Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the court may deem appropriate.

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Attorney Hugh Cuthbertson

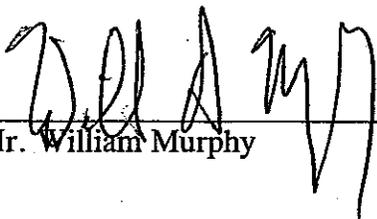
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Jorene M. Couture  
Attorney Jorene Couture

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Mr. William Murphy