

STATE OF CONNECTICUT



Michael P. Bowler
Statewide Bar Counsel

Frances Mickelson-Dera
Christopher L. Slack
First Assistant Bar Counsel

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STATEWIDE GRIEVANCE COMMITTEE

www.jud.ct.gov/sgc/
Second Floor - Suite Two
287 Main Street, East Hartford, Connecticut 06118-1885

01/07/2011

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

WILLIAM A FERNANDEZ
LAW OFFICE OF
WILLIAM A. FERNANDEZ
1795 5TH AVENUE
BAY SHORE NY 11706

RE: GRIEVANCE COMPLAINT #09-1030
DE JESUS FUENTES vs. FERNANDEZ

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 Gail S. Kotowski
LYNCH TRAUB KEEFE & ERRANTE PC
Edwin De Jesus Fuentes

NOTICE REGARDING DECISION
SANCTIONS OR CONDITIONS

GRIEVANCE COMPLAINT # 09-1030

THE ATTACHED DECISION IS PRESENTLY STAYED IN ACCORDANCE WITH PRACTICE BOOK §§2-35 AND 2-38.

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).

SECTION 2-38 STATES, IN PART, AS FOLLOWS:

(b) ... Enforcement of a decision by a reviewing committee imposing sanctions or conditions against the respondent ... shall be stayed for thirty days from the issuance to the parties of the final decision of the reviewing committee pursuant to Section 2-35(g). If within that period the respondent files with the Statewide Grievance Committee a request for review of the reviewing committee's decision, the stay shall remain in effect for thirty days from the issuance by the Statewide Grievance Committee of its final decision pursuant to Section 2-36. If the respondent timely commences an appeal [of the sanctions or conditions to the Superior Court] pursuant to subsection (a) of this section, such stay shall remain in full force and effect until the conclusion of all proceedings, including all appeals, relating to the decision imposing sanctions or conditions against the respondent. If at the conclusion of all proceedings, the decision imposing sanctions or conditions against the respondent is rescinded, the complaint shall be deemed dismissed as of the date of the decision imposing sanctions or conditions against the respondent.

DECISION DATE: 1/7/11



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

287 Main Street
Second Floor – Suite Two
East Hartford, CT 06118-1885
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Attorney Patricia King
First Assistant Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney William Fernandez
Law Office of William Fernandez
19 Eden Road
Bay Shore, NY 11706

RE: Grievance Complaint #09-1030, Edwin de Jesus Fuentes v William Fernandez

Dear First Assistant Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Proposed Disposition Pursuant to Practice Book § 2-82(b)* (hereinafter "*Proposed Disposition*") filed December 14, 2010 and submitted for approval in the above referenced matter. After careful consideration of the *Proposed Disposition*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(d) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on October 13, 2010¹, the undersigned hereby APPROVE the *Proposed Disposition*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the First Assistant Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Proposed Disposition* is hereby made an order of this reviewing committee. The Respondent is reprimanded and ordered to make restitution to the Complainant in the amount of \$1,000 no later than fourteen days after the date of the approval of this agreement.

There was a vacancy on the reviewing committee at the time of the hearing. Both the First Assistant Disciplinary Counsel and the Respondent waived the participation of a lay member of the reviewing committee in the consideration and decision of the *Proposed Disposition*. Accordingly, the matter was considered and decided by the undersigned.

So ordered.

¹ The Proposed Disposition was the subject of the October 13, 2010 hearing, but the written, executed Proposed Disposition was not filed with the reviewing committee until December 14, 2010.

Grievance Complaint #09-1030
Decision
Page 2

cc: Attorney Gail Kotowski
Attorney Steven Errante
Attorney Carlos Piovchetti
Edwin de Jesus Fuentes

(E)
KO

DECISION DATE: 1/7/11

Grievance Complaint #09-1030

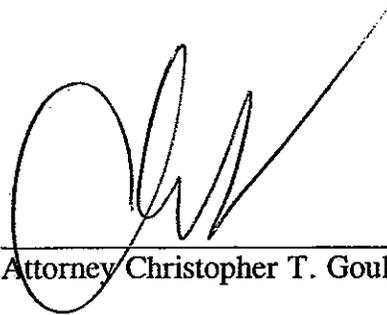
Decision

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Attorney Frank J. Riccio, II

Grievance Complaint #09-1030
Decision
Page 4



Attorney Christopher T. Goulden

DEC 14 2010

STATEWIDE GRIEVANCE COMMITTEE

EDWIN DE JESUS FUENTES
Complainant

v.

GRIEVANCE COMPLAINT #
09-1030

WILLIAM FERNANDEZ
Respondent

PROPOSED DISPOSITION PURSUANT TO PRACTICE BOOK § 2-82(b)

Pursuant to Practice Book § 2-82(b), and Practice Book § 2-82(a)(1), the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. William Fernandez (hereinafter Respondent), juris number 418514, was admitted to the bar of the State of Connecticut on June 28, 2001 and has a disciplinary history consisting of two prior sanctions.
2. The Respondent has been sanctioned as follows:

Santiago v. Fernandez, No. 04-0226, 2004: restitution to complainant;
Pena v. Fernandez, No. 05-0077, 12/2/2005: six hours of CLE in Professional Responsibility.
3. The Respondent has registered with the Statewide Grievance Committee for 2010 and is currently in good standing.
4. This matter was instituted by a grievance complaint dated November 20, 2009.
5. On March 25, 2010, the Litchfield Judicial District Grievance Panel found probable cause that the Respondent violated Rules 1.5(b) and 8.4(3) of the Rules of Professional Conduct.
6. The Respondent has tendered an affidavit pursuant to Practice Book § 2-82(d) attached hereto, and admits that he did not communicate his fees in writing to the Complainant and misapplied Complainant's money orders and that this conduct violated Rules 1.5(b) and 8.4(3) of the Rules of Professional Conduct.

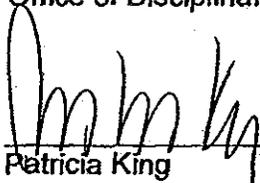
7. The Respondent and Disciplinary Counsel agree that the Respondent will be reprimanded and required to provide restitution to Complainant pursuant to Practice Book §2-37(a).
8. The Respondent and Disciplinary Counsel agree that the Respondent will provide \$1,000 in restitution to the Complainant. Not later than 14 days after Statewide Grievance Committee approves this agreement, Respondent will send a check made out to Edwin Fuentes for \$1,000.00 to Patricia King, RE: 09-1030, Office of Chief Disciplinary Counsel, 100 Washington St., Hartford, CT 06106.
9. The Respondent and the Disciplinary Counsel agree that the Disciplinary Counsel will recommend that the Statewide Grievance Committee impose the sanction set forth in this agreement. If this agreement is rejected by the Statewide Grievance Committee, the admission of misconduct and the proposed disposition shall be withdrawn, shall not be made public, and shall not be used against the Respondent in any further proceedings. In that event, the matter shall be referred for further proceedings to a different reviewing committee, pursuant to Practice Book §2-82(b).

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its consideration, possible acceptance and disposition in accordance with Practice Book § 2-82(b).

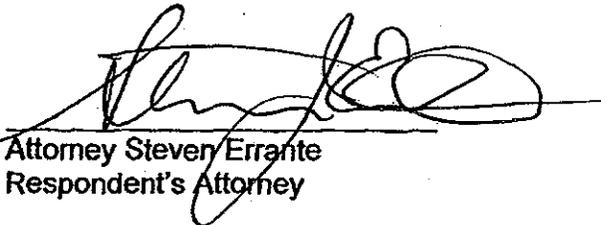
Office of Disciplinary Counsel,

12/9/10
Date

By:


Patricia King
Assistant Disciplinary Counsel

12/7/10
Date


Attorney Steven Errante
Respondent's Attorney

STATEWIDE GRIEVANCE COMMITTEE

EDWIN DE JESUS FUENTES
Complainant

v.

GRIEVANCE COMPLAINT #
09-1030

WILLIAM FERNANDEZ
Respondent

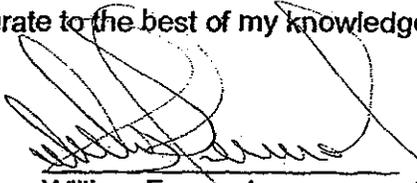
AFFIDAVIT

New York
STATE OF ~~CONNECTICUT~~
COUNTY OF *Suffolk*)^{Ss}

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book § 2-82(d), I make the following affidavit:

1. The Admission of Misconduct attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to this matter being tendered to a reviewing committee of the Statewide Grievance Committee for consideration, possible acceptance and disposition.
3. I am aware that I have a right to a full evidentiary hearing on this matter with the assistance of an attorney, and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress, and I am fully aware of the consequences of this Affidavit and Admission of Misconduct.
5. I am aware of the current proceeding regarding my alleged violation of Rules 1.5(b) and 8.4(3) of the Rules of Professional Conduct.

6. I admit that I did not communicate the fees in writing to the Complainant and misapplied Complainant's money orders, and that this conduct violated Rules 1.5(b) and 8.4(3) of the Rules of Professional Conduct.
7. I agree that the Disciplinary Counsel will recommend that I be reprimanded and that I provide restitution to Complainant pursuant to Practice Book §2-37(a).
8. Not later than 14 days after Statewide Grievance Committee approves this agreement, I will provide restitution to Complainant in the form of a check made out to Edwin Fuentes for \$1,000.00 sent to Patricia King, RE: 09-1030, Office of Chief Disciplinary Counsel, 100 Washington St., Hartford, CT 06106.
9. I agree that the Disciplinary Counsel will recommend that the Statewide Grievance Committee impose the sanction set forth in this agreement. If this agreement is rejected by the Statewide Grievance Committee, the admission of misconduct and the proposed disposition shall be withdrawn, shall not be made public, and shall not be used against me in any further proceedings. In that event, the matter shall be referred for further proceedings to a different reviewing committee, pursuant to Practice Book §2-82(b).
10. The foregoing is true and accurate to the best of my knowledge and belief.


William Fernandez

Subscribed and sworn to before me

This 6 day of December 2010.



Notary Public/
Commissioner of the Superior Court

LUISA TERRA
NOTARY PUBLIC, State of New York
No. 01TE5075435
Qualified in Suffolk County
Commission Expires March 31, 2011