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STATEWIDE GRIEVANCE COMMITTEE

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287 Main Street, East Hartford, Connecticut 06118-1885

11/08/2011

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

ROBERT J RECIO
560 WASHINGTON ROAD
P.O. BOX 420
WOODBURY CT 06798

RE: GRIEVANCE COMPLAINT #11-0459
WATERBURY JD GRIEVANCE PANEL vs. RECIO

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,

A handwritten signature in cursive script, appearing to read "m.p. bowler".

Michael P. Bowler

Encl.

cc: Attorney Michael A. Georgetti
WATERBURY JD GRIEVANCE PANEL

NOTICE REGARDING DECISION
SANCTIONS OR CONDITIONS

GRIEVANCE COMPLAINT # 11-0459

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: 11-8-11

STATEWIDE GRIEVANCE COMMITTEE

Waterbury Judicial District
Grievance Panel :
Complainant :
vs. : Grievance Complaint #11-0459
Robert J. Recio :
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, 300 Grand Street, Waterbury, Connecticut on October 4, 2011. The hearing addressed the record of the complaint filed on June 13, 2011, and the probable cause determination rendered by the New Haven Judicial District Grievance Panel for Bethany, New Haven and Woodbridge on August 16, 2011, finding that there existed probable cause that the Respondent violated Rules 8.1(1) and (2), and 8.4(1), (2), (3) and (4) of the Rules of Professional Conduct as well as Practice Book §§2-27(d) and 2-32(a)(1).

Notice of the October 4, 2011 hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on September 6, 2011. The Respondent's notice to his last registered office address was returned as undeliverable. Thereafter on September 9, 2011, the Office of Statewide Bar Counsel mailed notice of the hearing to the Respondent's last registered home address. Pursuant to Practice Book §2-35(d), Acting Chief Disciplinary Counsel Patricia A. King pursued the matter before this reviewing committee. Mr. William B. Secor appeared by videoconference and testified. The Respondent did not appear or testify. No exhibits were admitted into evidence.

At the time of the hearing in this matter, this reviewing committee of the Statewide Grievance Committee had one non-attorney member vacancy. Accordingly, our reviewing committee did not have a third member. The Acting Chief Disciplinary Counsel waived the participation of the third member of the reviewing committee in this matter and agreed to have the undersigned render this decision.

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

At a prior grievance hearing in Frost v. Recio, Grievance Complaint #10-0738, the Respondent appeared and testified. The grievance complaint involved whether or not he had made a misrepresentation on a bankruptcy filing. During the Respondent's presentation of his defense, he indicated a series of unfortunate events in his life and in his partner William B. Secor's life that led to the financial problems and the filing of a bankruptcy. He then

stated, "after my settlement had been received, to myself and my partner, William B. Secor, who is no longer with us, we proceeded to buy the house...." Frost v. Recio, March 9, 2011 hearing Tr. at 25.

After the March 9, 2011 hearing in Frost v. Recio, the Disciplinary Counsel discovered Secor was still alive. They referred this statement to a grievance panel for an investigation into the matter. The Complainant then filed this grievance complaint. A copy of this grievance complaint was sent to the Respondent by certified mail at his last registered office address. The grievance complaint was returned as undeliverable because the forwarding time had expired and it was then sent to the Respondent's last registered home address. The Respondent did not file an answer to the grievance complaint.

Secor is alive. He did have a series of unfortunate medical issues which led to the couple's financial problems. He has not spoken with the Respondent since the end of 2009 and the two are no longer partners.

In Frost v. Recio, Grievance Complaint #10-0738, the reviewing committee found the Respondent engaged in misconduct by failing to register with the Statewide Grievance Committee since 1997. To date, the Respondent still has not registered with the Statewide Grievance Committee.

This reviewing committee also considered the following:

The Respondent was placed on interim suspension on January 24, 1996. Thereafter, the Respondent was suspended on March 31, 1998 with conditions. The Respondent was suspended on September 11, 2000 for failure to pay the Client Security Fund fee and has also been placed on administrative suspension since May 22, 2007. The Respondent last registered on November 3, 1997.

Disciplinary Counsel agreed that the misrepresentation by the Respondent was not material to the underlying grievance complaint in Frost v. Recio, Grievance Complaint #10-0738.

This reviewing committee concludes by clear and convincing evidence that the Respondent violated the Rules of Professional Conduct. We consider each finding of probable cause in turn.

Rule 8.1(1) and (2):

The Panel found probable cause that the Respondent violated Rule 8.1(1) and (2) of the Rules of Professional Conduct by making a false statement of material fact at the March 9, 2011 Frost v. Recio hearing. The Respondent made a misrepresentation to the prior reviewing committee by stating Secor is no longer with us. That phrase is commonly used as a euphemism to indicate a person is deceased. While we find a misrepresentation was

made, we do not find it to be material. There is insufficient evidence that the Respondent violated Rule 8.1(1) or (2) of the Rules of Professional Conduct by making a misrepresentation to the reviewing committee about Secor, because it was not material.

Rule 8.4(1), (2), (3) and (4):

The Panel found probable cause that the Respondent violated Rule 8.4(1), (2), (3) and (4) of the Rules of Professional Conduct by making a false statement of material fact at the March 9, 2011 Frost v. Recio hearing.

We do not find that the Respondent violated Rule 8.4(2) or (4) of the Rules of Professional Conduct as to his misrepresentation. Because the misrepresentation was not material it was not a crime to make the misrepresentation, nor do we find it to be prejudicial to the administration of justice. The misrepresentation did not affect the reviewing committee's analysis of the Respondent's conduct nor the appropriate discipline to impose. Since it did not affect their administration of justice, we do not see how it was prejudicial. Since the Respondent is a suspended lawyer, we do not think his statements are given the same weight and authority as an active officer of the court. If his license were active, we may have found a misstatement under oath to be prejudicial to the administration of justice without consideration of whether or not it was a material fact.

We do find clear and convincing evidence that the Respondent violated Rule 8.4(1) and (3). There is clear and convincing evidence that the Respondent misrepresented that Secor was deceased to the reviewing committee. It appears the misrepresentation occurred in an attempt to gain sympathy for the Respondent's financial problems.

The Respondent did not answer the grievance complaint. We find clear and convincing evidence that the Respondent's failure to answer this complaint violates Rule 8.1(2) of the Rules of Professional Conduct as well as Practice Book Section 2-32(a)(1).

Despite the reviewing committee's ruling in March of 2011, the Respondent still has not registered with the Statewide Grievance Committee and has not provided a current address for communication. We find clear and convincing evidence that the Respondent has violated Rule 8.4(1) and (4) as well as Practice Book §2-27(d) by failing to register and provide a current address. The failure to provide a current address is prejudicial to the administration of justice because it prevents the Respondent from receiving notice of complaints, charges and hearings and, consequently prevents the Respondent from answering the charges and allowing the disciplinary authorities to investigate the complaint. It is also prejudicial to the administration of justice to ignore a directive by a prior reviewing committee to register with the Statewide Grievance Committee.

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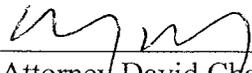
Since we conclude that the Respondent violated Rules 8.1(2) and 8.4(1), (3), and (4) of the Rules of Professional Conduct as well as Practice Book §§2-27(d) and 2-32(a)(1), we reprimand the Respondent.

(D)

EMR

DECISION DATE: 11-8-11

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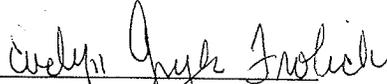


Attorney David Channing

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Attorney Evelyn-Gryk Frolich