

STATEWIDE GRIEVANCE COMMITTEE

Zenas Zelotes
Complainant :

vs. :

Matthew Rousseau
Respondent : Grievance Complaint #09-0412

Gregg Wagman
Respondent : Grievance Complaint #09-0414

Steven Lesko
Respondent : Grievance Complaint #09-0415

Kenneth Lenz
Respondent : Grievance Complaint #09-0416

Russell Small
Respondent : Grievance Complaint #09-0418

SUMMARY DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a consolidated hearing at the Superior Court, 80 Washington Street, Hartford, Connecticut on November 12, 2009. The hearing addressed the record of the complaints filed on April 27, 2009 and the following probable cause determinations:

In Grievance Complaints #09-0412 and #09-0414, the finding by the New London Judicial District Grievance Panel on August 25, 2009, that there existed probable cause that the Respondents Matthew Rousseau and Gregg Wagman, respectively, violated Rules 7.2(c) and 8.4(1) of Rules of Professional Conduct.

In Grievance Complaint #09-0415, the finding by the Middlesex Judicial District Grievance Panel on July 10, 2009, that there existed probable cause that the Respondent Steven Lesko violated Rules 7.2(c) and 8.4(1) of the Rules of Professional Conduct.

In Grievance Complaint #09-0416, the finding by the Ansonia/Milford Judicial District Grievance Panel on July 23, 2009, that there existed probable cause that the Respondent Kenneth Lenz violated Rule 7.2(c) of the Rules of Professional Conduct.

In Grievance Complaint #09-0418, the finding by the Fairfield Judicial District Grievance Panel on August 5, 2009, that there existed probable cause that the Respondent Russell Small violated Rules 7.2(c) and 8.4(4) of Rules of Professional Conduct.

Notice of the hearings was mailed to the Complainant, to the Respondents and to the Office of Chief Disciplinary Counsel on October 8, 2009. Pursuant to Practice Book §2-35(d), Chief Disciplinary Counsel Mark A. Dubois pursued the matters before this reviewing committee. The Complainant appeared at the hearings and testified. Respondents Gregg Wagman and Steven Lenz, represented by Attorney Kimberly A. Knox, appeared at the hearings. Respondents Matthew Rousseau, Steven Lesko and Russell Small, represented by Attorney David P. Atkins, appeared at the hearings and by agreement Respondent Matthew Rousseau testified first in the consolidated hearing. Nine exhibits were admitted into evidence. At the conclusion of the Respondent Matthew Rousseau's testimony, the Respondents made an oral Motion to Dismiss the grievance complaints against all of the Respondents.

In a letter dated December 10, 2009, Attorney David Atkins, on behalf of Respondents Matthew Rousseau, Steven Lesko and Russell Small, requested that this reviewing committee make a letter from the Illinois Attorney Registration and Disciplinary Commission concerning an investigation into Attorney Kevin Chern, a principal of Total Attorneys, Inc. part of the record in the pending Motion to Dismiss the grievance complaints. By letter dated December 11, 2009, Attorney Kimberly Knox, on behalf of Respondents Gregg Wagman and Steven Lenz, made the same request of this reviewing committee. By letters dated December 11 and 14, 2009 Chief Disciplinary Counsel Mark Dubois objected to the admission of the letter by the Illinois disciplinary authority into the record.

This reviewing committee issues the following summary orders:

The objection by the Chief Disciplinary Counsel to the inclusion in the record of the letter by the Illinois Attorney Registration and Disciplinary Commission is sustained.

The Respondents' motion to dismiss is granted as to all the Respondents.

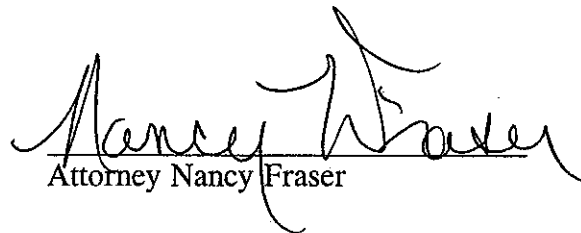
Accordingly, the above referenced grievance complaints are dismissed. A full decision will be forthcoming.

(E)

SUMMARY DECISION DATE:

1/15/10


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Attorney Nancy Fraser

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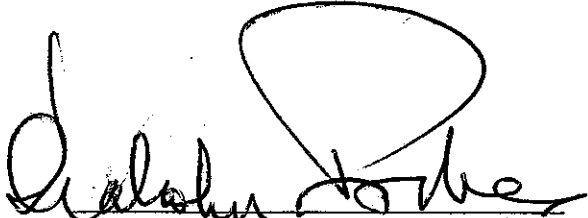


Attorney William J. O'Sullivan

Grievance Complaints #09-0412, #09-0414, #09-0415, #09-0416, #09-0418

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A handwritten signature in black ink, appearing to read "Malcolm Forbes". The signature is written in a cursive style with a large, prominent loop at the end of the last name.

Mr. Malcolm Forbes