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Court of Appeals
Bessie Decker
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Attorney Grievance Commission of Maryland, Petitioner, vs. Allen R. Dyer, Esq. and Susan B. Gray, Esq. Respondents.	**IN THE COURT OF APPEALS OF MARYLAND** Misc. Docket AG No. 36 September Term, 2015

RESPONDENTS' RESPONSE TO PETITIONER'S EXCEPTIONS AND RECOMMENDATION FOR SANCTION AND RESPONDENTS' RECOMMENDATIONS RE: DISCIPLINARY PROCEEDINGS

Allen Ray Dyer and **Susan Baker Gray**, Respondents, *pro se*, exercise their rights, pursuant to MARYLAND RULE 19-728(b) to response to Petitioner's Exceptions and make recommendations to the Court as follows:

INTRODUCTION

A reading of *Petitioner's Exceptions* reveals troubling aspects of the behavior of the Maryland Attorney Grievance Commission ("AGC") that not only undermines the public's confidence in the disciplinary system but, also, calls into question whether systemic problems require revision of the attorney grievance

process.[1]

On Aug. 22, 2014, William Erskine, Esq., an opposing counsel[2] in an ongoing, bitterly fought, Howard County referendum case, determined it was his "obligation" to file an expansively vague grievance complaint alleging violation of "numerous rules of professional conduct." [*see:* Evidence Exhibit W, a copy of which is attached hereto as Exhibit W.] For many months the AGC inquisition ran parallel with the proceedings in the referendum litigation.[3] During the entire inquisition, however, Respondents have politely, but firmly, demanded due process, due notice and open proceedings. Respondent Dyer even prepared and filed a *Petition for Writ of Prohibition* in an effort to add Maryland judicial support for Respondents' insistence on due process, due notice and open proceedings.

On September 3, 2015, the AGC filed a petition for disciplinary action against Respondents in Howard County Circuit Court. Then, for five months, the

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[1] Transcript references will be of the form "T-####" for reference to the Bates # of a compilation of all trial court transcripts in chronological order. A copy of the compiled transcripts will be filed in electronic, searchable form with MDEC and hard copies will be filed with the Clerk of the Court of Appeals.

[2] MD. RULE 19-300.1 ¶20 warns: "the purpose of the Rules can be subverted when they are invoked by opposing parties as procedural weapons."

[3] Interestingly, Mr. Jaffe, a citizen that has filed a complaint with the AGC in another politically charged situation, has provided an affidavit indicating the AGC has a provision in place to avoid such parallel proceedings. *See: Jaffe Affidavit* attached hereto as Exhibit 1.

AGC's never ending inquisition stumbled about in the Howard County Circuit Court. Finally, thanks to the ethical perceptions of the Honorable Judge Louis A. Becker, III, on January 29, 2016, the grievance case venue was transferred to Anne Arundel County Circuit Court where the Honorable Judge Ronald A. Silkworth spared no effort in attempting to graft the basic elements of due process onto the ungainly records of a complex politically charged referendum case.

In response to Judge Silkworth's persistent efforts to provide a fair process, the AGC continued to refuse to provide due notice of the charges against Respondents. In face of the AGC's repeated refusals to show its hand, the Court maintained a respectful courtroom demeanor at all times where Respondents were provided ample opportunity to question the AGC's sole material witness, an opposing counsel from the Howard County referendum case. During the prolonged hunt for the factual basis of the inquisition, Respondents repeatedly forced the AGC's material witness, William Erskine, to recant testimony regarding MD RULE 1-341 "frivolous appeals"; the core of Mr. Erskine's grievance complaint against Respondents. [T-1556 thru T-1571, May 5, 2016].

Petitioner's Exceptions captures, and memorializes, the vague, conclusory laundry list approach that has come to characterize the instant inquisition, but, adds

a truly disturbing dimension to the apparently uncontrolled behavior of the AGC. *Petitioner's Exception #11: Non-material Findings* (*Petitioner's Exceptions*, p. 50) plunges into a rant of arrogance and disrespect for the presiding judge. Respondents participated fully in the sixteen (16) days of hearings in Anne Arundel County Circuit Court and there is no basis or justification for the improper and disrespectful comments levied against Judge Silkworth by the AGC. Judge Silkworth's court room demeanor is a model of even temperament and control and the charge by the AGC that Judge Silkworth made "false and/or misleading" findings (page 50) goes well beyond the pale.

The AGC's attack on the Court even displays a failure to understand that the burden of proof in proving a good faith belief that no valid obligation exists as a justification under Rule 4.3(c) "knowingly disobey an obligation under the rules of a tribunal **except for an open refusal based on an assertion that no valid obligation exists**" on the Respondent and never on the Court. (Emphasis added.) For example, in footnote 63 (*Petitioner's Exceptions*, page 59) the AGC argued:

> f.n. 63 Judge Silkworth stated, at Findings at 85: "The Respondents had a good faith belief that their clients had a First Amendment right not to attend depositions noted by Mr. Erskine, one of their opposing counsel under the particular circumstances of this case." Neither Judge Silkworth nor the Respondents have been able to provide any legal authority that supports such a contention.

By grouping the Court with Respondents, the AGC displays a fundamental misunderstanding of the role of the Court in an adversary system. Indeed, the AGC appears to have expected the Court to place itself in the role of an inquisition Judge tasked with ignoring the rules of evidence and, instead, shouldering the burden of extracting a confession of wrongdoing.

Regardless, Respondents readily acknowledge that they shoulder the burden of proof when refusing to follow a court order they considered legally invalid and that awareness led the Respondents to repeatedly presented legal precedent [e.g. *Jane Gray, Et Al.'S Opposition to Normandy Venture Limited Partnerships Emergency Motion to Dismiss Appeal For Lack of Appellate Jurisdiction; and Request for Sanctions* filed: July 14, 2014. Evidence Exhibit S, a copy of which is attached hereto and marked as Exhibit S. *Non Parties' Limited Appearance to Oppose Normandy, et al's Motion for Sanctions and Supporting Points and Authorities*, filed: Aug. 26, 2014. Evidence Exhibit X, a copy of which is attached hereto and marked as Exhibit X] during the underlying referendum case and during the AGC inquisition in order to explain to the Court and to Petitioner AGC the legal precedence involved in a core political speech situation and FIRST AMENDMENT ramifications of using a fishing expedition against non-party

referendum petition circulators. In addition to the legal explanations provided in the underlying referendum litigation, Respondents submitted a recap and additional legal research during the presentation of their case before the Court. For example, on May 19, 2016 Respondents submitted and moved into evidence Exhibit FFFFFF: *Prefatory Comments RE: Vague Allegations against Respondents*, [a copy of which is attached hereto and marked as Exhibit FFFFFF]. Respondents' *Prefatory Comments* adds to the extensive legal references in support of Respondents firm belief that: attorney grievance proceedings should be open (*See:* 2007 Georgetown Journal of Legal Ethics. *The Case For Less Secrecy In Lawyer Discipline* by Leslie C. Levina [Evidence Exhibit ZZZZZ, a copy of which is attached hereto as Exhibit ZZZZZ]); in support of recognizing that unreported opinions are a serious problem for the judiciary (*See: Request For Admission #3 Unreported Opinion Articles*, filed January 30, 2016 [Evidence Exhibit SSSSS]); and recognition that referendum petition circulators are entitled to FIRST AMENDMENT protection from discovery fishing expeditions (*See: Perry v. Schwarzenegger*, 591 F.3d 1147 (2009) [Evidence Exhibit AAAAAA, a copy of which is attached hereto as Exhibit AAAAAA].

Unfortunately, based on the AGC's ignorant claim that "Respondents have

[not] been able to provide any legal authority that supports such a contention" (footnote 63, *Petitioner's Exceptions*, page 59), Respondents must conclude the AGC have literally closed its eyes and ears to Respondents' legal explanations and arguments.

RESPONDENTS' RESPONSE TO PETITIONER'S EXCEPTIONS AND RECOMMENDATION FOR SANCTION

Exception 1: Judge Silkworth's Finding that Respondent Gray and her Clients Were Entitled to Notice of the January 8, 2014 Hearing is Clearly Erroneous.

This conclusion is precisely correct. Respondent Gray and her clients were entitled to notice for the following reasons:

1. Her clients were parties to the agency proceeding in BOE's decision denying ballot access. As parties to the agency proceedings they were entitled to RULE 7-202(d)(3) notice, including instruction that they needed to file with the Circuit Court a notice of intention to participate in the 866 judicial review within 30 days of the mailing of such notice. The BOE may have sent Markovitz and Jane Gray in November 2013 a letter noting that case 866 had been brought, however this letter (Pet. Ex.) did not indicate that they needed to respond to the court. It is well settled law that parties to an agency proceeding remains a party to a petition for judicial review unless

they abandon their party status or a court dismisses them. In this case, neither Markovitz or Jane Gray had notice that they needed to file with the court.

The Board issued its RULE 7-202(d)(3) Notice for cases 866, 213, 220 & for 230 on January 24, 2014, certifying compliance as of that date with the Rule. Ms. Gray was sent a copy of this filing by the BOE, on or about this date, which interestingly coincided with the closure of her clients' cases by the entry of the consolidation order. She timely filed on Feb. 4, 2014 with the court, notices of intent to participate in Normandy's petition for judicial review cases 866 and 220. Under *Morris v. Howard Research and Development*, 278 Md. 417, 423 (1976). Citizens never abandoned their status as an interest party to BOE judicial reviews; they just never received notice from the agency of their need to do something until after their cases were closed. Thus, they continued to be a party to any agency proceeding in the Circuit Court.

The January 8th Hearing had been scheduled on a motion to dismiss filed by HCBE. As of December 9, 2013, that motion had been supplemented to include, at least in part, the claims raised by Citizens. The HCBE MTD Supplemental was

obviously not intended by HCBE to constitute an entirely new motion, but rather an extension of the original motion it had filed. Because it was partly aimed at Citizens' claims, Citizens clearly had an interest in being present at any hearing in which the Court would consider all or part of the HCBE MTD. Indeed, all parties with an interest in a motion to dismiss or its outcome are to entitled to notice under MD. RULE 1-324.[4] *Dypski v. Bethlehem Steel Corp.*, 74 Md. App. 692, 695-696 (1988) ("The purpose of MD. RULE 1-324 is to prevent hardships which may result from a lack of notice…In the case at bar, the clerk, as we have previously observed, sent a copy… to the Workmen's Compensation Commission but not to [Appellant]. The rule does not contemplate or permit notification to less than all the parties in interest.").

In short, Judge Silkworth's finding that Citizens was entitled to receive notice of the January 8th Hearing was entirely correct, and as such, *Petitioners First Factual Exception* should be overruled.[5]

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[4] It should have been abundantly clear to anyone that Citizens was interested in both the original and supplemented versions of the MTD, and this is precisely the reason that Ms. Markovitz was listed as a recipient of said motions on the Certificate of Service.

[5] Interestingly enough, Petitioner asserts that its *First Factual Exception* is relevant to whether the Respondents violated MLRPC 8.2(a) and/or 8.4(d). Indeed, Petitioner is mistaken. Its first factual exception is not relevant to any of

Exception 2: Judge Silkworth's Finding that the Respondents had a Good Faith Belief that the January 8, 2014 Hearing was an *Ex Parte* Meeting is Clearly Erroneous

Respondents contend that the January 8, 2014 hearing was indeed *ex parte*. What is the Definition of "*ex parte*"?

In *Ex parte Lexington County*, 314 S.C. 220, 225 (1994), the Supreme Court of South Carolina discussed the definition of "*ex parte*." Citing BLACK'S LAW DICTIONARY 297 (5th ed. 1983), the Court noted "*Ex parte* is defined as a hearing in which the court or tribunal hears only one side of the controversy. A judicial proceeding is said to be *ex parte* when it is taken for granted at the instance and for the benefit of one party only, and without notice to, or contestation by, any person adversely interested." Several other courts have cited this and similar definitions of "*ex parte*." *See e.g., Mercy Regal. Health Sys. v. Dept. of Health*, 165 Pa. Commw. 629, 638 (1994); *In re Kaufman,* 187 W. Va. 166, 177, n. 5 (1992); *Kessel v. Leavitt*, 204 W. Va. 95, 153 (1998) ("*Ex parte* is defined as 'on one side only; by or for one party…'"). *See also State v. Richey*, 2015 Wisc. App. LEXIS 205 at *22-23 (App. Dist. 3 2015) (citing BLACK'S LAW DICTIONARY 697 (10th ed.

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the conclusions surrounding disciplinary rules in this case. Rather, it is *Petitioner's Second Factual Exception* that is of relevance to its legal conclusions. These two factual exceptions are really wholly unrelated as explained in the next section.

2014)) ("The term '*ex parte*' is defined as done or made at the instance and for the benefit of one party only, and without notice to, or argument by, anyone having an adverse interest.") (Internal quotation marks omitted).[6]

At the 1/8/14 hearing, the BOE and Normandy attorneys, Oh and Erskine talked about how they wanted the consolidation of the referendum cases to occur and the sequential order in which they wanted various motions which affected Respondent Gray's clients' case addressed. These were all things that ultimately affected the merits of Citizens cases and they had a right to be there and argue how they wanted things to be handles.

How Judge Gelfman characterized the January 1, 2014 proceeding is irrelevant. What matters is whether subjects which affected or potentially Respondent's cases were discussed at that hearing; they clearly were. Had Respondent Gray been at the hearing she could have vociferously opposed merging all cases together in a method whereby the lost their separate identities and thus

[6] In the *Exceptions*, Petitioner appears to make the same arguments about statements that employed the term "secret" rather than the term "*ex parte*." In *Am. Assn. of People with Disabilities v. Smith*, 227 F.Supp.2d 1276, 1285 (M.D. Fla. 2002), the U.S. District Court for the Middle District of Florida considered the definition of "secret." The Court noted in relevant part: "'Secret' is defined as 'something that is kept from the knowledge of others or shared only with those concerned'…"). *Id.* at 1285 (quoting BLACK'S LAW DICTIONARY (7th ed. 1999).

allowed Normandy, et al, to participate in the referendum *Petition for Judicial Review* cases as other than an "interested party" limited to supporting the agency decision.

Exception 3: Judge Silkworth Erred when He Failed to Find Citizens Received Timely Service Copies of the Motion to Consolidate and that They did not Oppose the Consolidation.

Petitioner presented no evidence at trial or in her exceptions to support the requested *Finding*.

Judge Silkworth heard the testimony of the entire proceeding and indicated that he read all documents in the underlying cases. He therefore was most qualified to determine whether the statements alleged in *Exception 3* are correct or have relevance as to whether Respondent broke any rule. He concluded not. As Respondent testified at trial, not responding to the BOE's *Motion to Consolidate* was a tactical decision made by Ms. Gray and at least one other attorney. As testified to and as found in the text of documents filed in the underlying cases, Respondent Gray did not have a problem with the type of consolidation where cases are kept separate and do not lose their separate identities and opportunity for separate judgment. Mr. Richman's *Motion to Consolidate*, through his reference to *Carroll Craft* in his *Points and Authorities*, indicated that he intended the cases

to be kept separate in the consolidation. This is how the case should have been consolidated. Merging the cases into case 866, effectively merged all cases into a null case because there was no subject matter jurisdiction in 866—similarly because Normandy was not "aggrieved" by the BOE's final decision, there was not subject matter jurisdiction in Normandy's case 220. This effectively kept Normandy in the case as other than an interested party. *See Roskelly v. Lamone*, 396 Md. 27, 45 (2006) (cause of action under E.L. §6-209 arises for a proponent of referendum certification upon any decision by the Board of Elections that terminates the process leading to certification); *Doe v. Montgomery Co. Bd. of Elections*, 406 Md. 697, 713-718 (2008) (cause of action under E.L. §6-209 arises for an opponent of referendum certification upon certification of the referendum petition by the Board of Elections). It is well-settled law that the courts do not have subject matter jurisdiction to hear an administrative appeal that is taken from a non-final decision of the agency. *See Collier v. Carter*, 100 Md. 381 (1904) (a person seeking to disqualify certain voters could not file an action in court prior to submitting an application to the board of registry of voters and awaiting a final decision of the board of registry of voters on the matter since the disqualification of voters was in the nature of an appeal from the action of the board); *Klein v.*

Colonial Pipeline Co., 285 Md. 76 (1979) (Court lacked subject matter jurisdiction where appellant did not exhaust administrative remedies prior to filing action in Court); *Magan v. Medical Mut. Liab. Ins. Soc'y.*, 81 Md. App. 301 (1989) (Court lacked subject matter jurisdiction to hear petition for judicial review where administrative remedies had not been exhausted).

Exception 4: Judge Silkworth Erred when He Failed to Make Findings of Material Facts Related to the First Round of Appellate Filings

Judge Silkworth heard the testimony of the entire proceeding and indicated that he read all documents in the underlying cases and those filed in his Court. He referenced the filings describes as the "First Round of Appellate Filings" in his decision and clearly found that Respondent Gray had "substantial justification for her concerns [that required these filing] as they related to the Circuit Court procedural issues. Judge Silkworth's statements that there was a problem with closing the various files; that the consolidation was " botched;" were substantiated in testimony from Wayne Robey, Clerk of the Howard County Circuit Court and Respondent Gray. Petitioner provided no evidence to the contrary. Judge Silkworth's finding that "All of these problems, particularly in the context of this complex and time sensitive litigation gave justification to the Respondent's filings"

clearly shows that Judge Silkworth heard and understood the totality of the testimony and circumstances. *Exceptions* p. 7, footnote 9.

Exception 5: Judge Silkworth Erred When He Failed to Find the Second Round of Appellate Filings was not Supported by Law.

Petitioner presented no fact or law that supports the requested finding.

Judge Silkworth's findings as to what Petitioner identifies as the "Second Round of Appellate Findings" clearly set forth Respondent Gray's reason for appealing Judge Gelfman's April 1, 2014 Order asserting that the "Court is of the opinion it maintains jurisdiction." This section is obviously simply background information to him, though he does note that "no Appellate court took any action suggesting that sanctions should be imposed on the Respondent for the filing of frivolous pleadings." *Findings* at 28.

Exception 6: Judge Silkworth Erred when He Failed to Make Findings of Material Facts Relating to the Third Round of Appellate Filings

Judge Silkworth heard the testimony of the entire proceeding and indicated that he read all documents in the underlying cases and those filed in his Court. He clearly can characterize what he believes are the relevant facts. Petitioner has never asserted or identified any law to support its conclusory statements included this requested finding.

This is the first discovery appeal. It is very similar to the second discovery appeal which Judge Silkworth discusses at length in that circulators were fearful of being deposed for no reason. They could not a get a decision from the trial court on their *Emergency Motion to Quash Subpoenas and for a Protective Order*. They were left in limbo as they had no idea how long the stay would be in place. Judge Silkworth notes at *Findings* at 39, "No action was taken by, and no claim was made to the Court of Special Appeals that Respondents acted in bad faith or without substantial justification.

Exception 7: Judge Silkworth Erred when He Failed to Find the Fifth Round of Appellate Filings was not Supported by Fact or Law

This is Second Discovery Appeal, filed Jane 30, 2014.

In requesting this finding, Petitioner continues to testify to her own version of the facts, without evidence, support or oath. She simply provides no bases for stating that Judge Silkworth's findings regarding these filings are in error. It would seem that the only conceivable reason Petitioners can make these assertions is that she truly believes that the FIRST AMENDMENT in Maryland is a *red herring*, as she so clearly stated [T-2922, 21-25 (May 20, 2016, p. 90)] and then reversed [T-2957, 24 – T-2958, 5 (May 20, 2016, pp. 125-126)] at trial.

Judge Silkworth's Findings as to these filings were accurate, methodical, and correct.

Exception 8: Judge Silkworth Erred when He Failed to Find the Final Round of Appellate Filings was not Supported by Fact of Law

Petitioner's allegations are without support in law or fact. Petitioner has not presented any support for her requested finding.

Indeed, outrageously, Petitioner misrepresents to this Court what Judge Silkworth found. Starting on page 16 and continuing on page 17 of *Petitioner's Exceptions*, Petitioner says she is quoting Judge Silkworth's finding. The last three lines of paragraph of 1 which she cites:

> "[t]hey argued that their clients wanted to litigate the matter further and that the court 'can always order a special election,'"

was not what Judge Silkworth found. *See:* Silkworth decision page 60, paragraph 3, last line:

> "The Respondents, on the other hand, pressed the Court to grant summary judgment in their favor in the declaratory judgment action and 'put [the referendum] on the ballot.'"

At the very least Petitioner has negligently misquoted a finding of Judge Silkworth while, in the same document, Petitioner accused Judge Silkworth of "false and/or misleading" findings (page 50).

Exception 9: Judge Silkworth Made Numerous Errors Relating to the Discovery Issues in the Declaratory Judgment Action

On page 24 of *Petitioner's Exceptions* she appears to rewrite Judge Silkworth findings as she would like them to read. Beginning on page 24, paragraph 1 and continuing through page 43, and the remaining paragraphs in Exception 8, Petitioner creates her own set of facts as she would like them to be and then based on her view of the facts proceeds to argue why Judge Silkworth's findings were incorrect. This is impermissible. This Court did not appoint the Petitioner and its counsel to be investigator, prosecutor, and judge in this case.

Judge Silkworth's statements and conclusions are correct as to all discovery matters.

Exception 10: Judge Silkworth Erred when He Failed to Find the Respondents Made Numerous Statements with Reckless Disregard as to Their Truth or Falsity Concerning the Qualifications or Integrity of Judges and The Clerk

For the first time in the entirety of this case Petitioner reveals the specific statements Respondents were alleged to have made. Guessing as to what several of the charges would be Respondents testified and explained them at trial. Judge Silkworth's findings are correct as to them. As to the other, Respondents never had an opportunity to respond since they did not know the charges.

Again, as to this exception, Petitioner totally rewrites Judge Silkworth's "Facts" with her own version of the "facts" and then argues why Judge Silkworth's conclusions as they relate to how he sees the case are wrong. Petitioner cannot do this as she is not investigator, prosecutor and judge in this case.

Exception 11: Non Material Findings

Petitioners assertions in this section questioning Judge Silkworth's integrity and commitment to affording all parties due process is simply outrageous!!!!! For the 30 plus community members who sat in his courtroom at various points in time, they reported to Respondents that they felt due process was the hallmark of Judge Silkworth's court room. *Petitioner's Exceptions,* on the other hand, are filled with false statements and misrepresentations. It is hard to take the time to even dignify her assertions with a response as they are so out of line.

Respondents agree wholeheartedly with the statement made by Judge Silkworth as to Petitioner and Complainant. The are well thought-out, well founded and from feedback Respondents have received from community member who were at trial, precisely correct and right on the money.

Exception 12: Judge Silkworth Erred when He Failed to Make Findings Regarding Aggravating Factors

Again Petitioner apparently feels it again can make its own "facts," –facts

clearly at odds with testimony in the case. Again, based on its own view of the world, Judge Silkworth was wrong. Petitioner has no basis for her argument.

This argument is offensive, untrue and frivolous. On May 20, 2016, Petitioner told the Court that she was dropping all charges related to Rule 3.3 and 4.1. [Transcript T-2828, lines 23-12 through T-2839, line 5.] As the first paragraph on page 57 of *Petitioner's Exceptions* reads, these allegations of submitting false evidence, false statement and fraud are back into Petitioner's assertions ----and, as with almost everything Petitioner has done in this case, without a shred of evidence. Respondents object to Petitioner use of the court room to baldly attack Respondents' integrity.

SUMMARY OF ARGUMENT REGARDING EXCEPTIONS

A. None of Judge Silkworth's Findings of Fact Were Clearly Erroneous, and as such, All of Petitioners' Exceptions Thereto Should Be Overruled

B. With Respect to Each of the Disciplinary Rules Charged, All of Judge Silkworth's Legal Conclusions Were Correct, and as such, Petitioner's Exceptions Thereto Should Be Overruled

RESPONDENTS' RECOMMENDATIONS RE: DISCIPLINARY PROCEEDINGS

1. In light of the *Findings of Fact and Conclusions of Law* by Judge Silkworth, all charges against Respondents should be dismissed and all of Respondents costs

shall be paid by the Petitioner.

2. In light of the unrelenting efforts of the Respondents to engage in fully open proceedings before the Attorney Grievance Commission and the Commission's inability to provide such open process due to its interpretation of the Attorney Grievance rules and procedures, Respondents' respectfully request the Court to order the Rules Committee to review the Attorney Grievance rules and procedures and propose amendments to the Attorney Grievance rules and procedures to provide for fully open attorney grievance proceedings at the request of any attorney or client and, thereby, bring Maryland attorney grievance proceeding into accordance with the FIRST AMENDMENT rulings in the cases referenced in Respondent Dyer's *Petition for Prohibition*, January 7, 2015, a copy of which is attached hereto as Exhibit 2 and incorporated herein.

WHEREFORE, for the above reasons, Respondents prays this Court to deny all of *Petitioner's Exceptions and Recommendation for Sanction* and, over time, give consideration to adoption of *Respondents' Recommendations re: Disciplinary Proceedings* in order to do justice and to improve the practice of law in Maryland.

Nov. 29, 2016. Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2016, I electronically sent, via MDEC, a copy of the foregoing paper to: Lydia E. Lawless, Assistant Bar Counsel and Glenn M. Grossman, Bar Counsel; Attorney Grievance Commission of Maryland, 200 Harry S. Truman Parkway, Suite 300, Annapolis, MD 21401, counsel for Petitioner.

_____/s/_____
Allen R. Dyer

CERTIFICATE OF COMPLIANCE WITH RULE 1-322.1

I HEREBY CERTIFY THAT this filing was prepared in compliance with Rule 1-322.1.

_____/s/_____
Allen R. Dyer