

People v. Richard Michael Gee. 14PDJ077. March 2, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Richard Michael Gee (Attorney Registration Number 37308) from the practice of law for one year and one day. The suspension takes effect April 6, 2015. To be reinstated, Gee will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

In 2013, the owner of a commercial warehouse hired Gee to assist in a possible legal action. The warehouse owner sought recovery from former tenants for mold growth and water damage. Gee hired a consultant to evaluate the damage to the warehouse, with the understanding that the owner would be financially responsible for the consultant's report.

The consultant evaluated the warehouse and submitted a report in June 2013. In July 2013, the consultant sent Gee an invoice for \$1,515.00. At Gee's request, the owner mailed Gee a check in the same amount to pay the invoice. Gee received the check in late July. He did not deposit it into his trust account, nor did he pay the invoice with the funds provided. Instead, he kept the check on his desk for about a month and a half. In September 2013, Gee deposited the check into his operating account.

In late October 2013, the consultant emailed Gee, asking for payment. Gee responded immediately, saying the check had gone out in that day's mail. That statement was false. Gee thereafter did not return calls and emails from the consultant about the invoice. Gee did not pay the invoice until March 2014, after the consultant filed a request for investigation with the Office of Attorney Regulation Counsel.

In this case, Gee violated Colo. RPC 1.15(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15(c) (a lawyer shall keep separate any property in which two or more persons claim interests until there is an accounting and severance of those interests); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). Due to the predominating mitigating factors—including the absence of prior discipline, Gee's divorce, and several instances of significant illness in his family at the time of his misconduct—the parties stipulated that a period of suspension, rather than disbarment, is the appropriate sanction.