

VIRGINIA:

BEFORE THE FIFTH DISTRICT SECTION I COMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF BENNETT ALLAN BROWN, ESQUIRE
VSB DOCKET NO. 09-051-078236

JUL 12 2010

**DISTRICT COMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)**

VSB CLERKS OFFICE

On May 18, 2010, a hearing in this matter was held before a duly convened Fifth District Section I Committee consisting of William Q. Robinson, Esquire, Gary V. Davis, Esquire, Beth A. Bittel, Esquire, Scott A. Surovell, Esquire, Harry A. Thomas, Lay Member, and Debra Powers, Esquire, presiding.

The Virginia State Bar was represented by Kathleen M. Uston, Assistant Bar Counsel. Respondent, who did not file an Answer to the Charges of Misconduct served upon him but who was duly noticed of the date, time and location of the hearing, was present and represented himself *pro se*.

Pursuant to Part 6, §IV, ¶13-16.X.4 of the Rules of the Supreme Court of Virginia, the Fifth District Section I Committee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand with Terms.

I. FINDINGS OF FACT

1. At all times relevant hereto, Bennett Allan Brown ("Respondent") has been an attorney licensed to practice in the Commonwealth of Virginia.

2. The Charges of Misconduct in this matter arose out of the Respondent's qualification on or around July 20, 1980, as Administrator of the Estate of George William Hunt, deceased.

3. On November 14, 2008, the Commissioner of Accounts for Fairfax County, the Honorable John H. Rust, Jr., issued a Summons to the Respondent due to the Respondent's failure to file a required accounting for the Hunt Estate. This Summons was personally served upon the Respondent on November 20, 2008, and required his response within thirty (30) days of the date of service.

4. On January 26, 2009, the Virginia State Bar received notification from Commissioner Rust of the Respondent's failure to file the required accounting in the Hunt Estate, and of the issuance of the Summons and Rule to Show Cause.

5. On February 3, 2009, a copy of this complaint was sent to the Respondent at his address of record with the Virginia State Bar and his response thereto was demanded within twenty-one (21) days.

6. The Respondent failed to respond to this February 3, 2009, letter despite his obligation under the rules to do so.

7. On or around March 29, 2010, a Charge of Misconduct was served upon the Respondent. Pursuant to Part 6, §IV, ¶13-16.X.4 of the Rules of the Supreme Court of Virginia, the Respondent had an obligation to file a Response to the Charges of Misconduct within twenty-one (21) days of the date of service of same upon him. The Respondent failed to file a response to the Charges of Misconduct despite his obligation to do so.

II. NATURE OF MISCONDUCT

The District Committee finds that the behavior giving rise to the foregoing Findings of Fact supports the conclusion that the Respondent violated the following Rules of Professional conduct:

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

- (c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]

III. DISTRICT COMMITTEE DETERMINATION

Accordingly, it is the decision of the District Committee that the Respondent shall receive a Public Reprimand with Terms. The terms and conditions which shall be met are as follows:

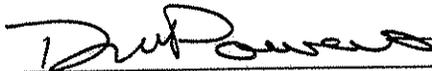
1. The Respondent shall refrain from committing any violations of the Rule of Professional Conduct cited above for a period of eighteen (18) months. If, during that eighteen (18) month probationary period, a finding is made by any disciplinary tribunal that the

Respondent has violated the Rule of Professional Conduct cited above, then this term shall be deemed to have been violated.

Upon satisfactory proof that the above noted terms and conditions have been met, a Public Reprimand with Terms shall then be imposed. If, however, the terms as outlined above are violated, then this matter shall be certified to the Disciplinary Board for sanction determination in accordance with Part Six, Section IV, Paragraph 13-15.G of the Rules of the Supreme Court.

Pursuant to Part Six, Section IV, Paragraph 13-9.E.1 of the Rules of the Supreme Court, the Clerk of the Disciplinary System shall assess costs.

FIFTH DISTRICT COMMITTEE SECTION I
OF THE VIRGINIA STATE BAR



By: Debra Powers, Esquire
Chair

CERTIFICATE OF SERVICE

I certify that I have this 9th day of July, 2010, mailed a true and correct copy of the District Determination (Public Reprimand with Terms) by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to Respondent, Bennett Allan Brown, Esquire at Suite 200N, 3905 Railroad Avenue, Fairfax, Virginia, 22030-3907, his last address of record with the Virginia State Bar.



Kathleen M. Uston
Assistant Bar Counsel