

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

**VIRGINIA STATE BAR EX REL.
SECOND DISTRICT COMMITTEE**

Complainant

v.

CL 08-4004

BRIAN GAY

Respondent

(In the Matter of Brian Gay
VSB Docket No. 06-022-2717)

MEMORANDUM ORDER

This cause came to be heard on September 30, 2008 by a duly convened, three-judge court consisting of the Honorable Birg E. Sergent, Retired Judge, the Honorable Alfred D. Swersky, Retired Judge, and the Honorable Aundria D. Foster, Chief Judge Presiding. The Virginia State Bar appeared by its Assistant Bar Counsel Paul D. Georgiadis. The Respondent, Brian Gay, was present and was represented by counsel Alan D. Zaleski.

This matter came before the Court on Respondent Brian Gay's appeal of Public Admonition without Terms issued on May 19, 2008 following an April 17, 2008 hearing before the Virginia State Bar Second District Committee—Section II. Pursuant to §54.1-3935 of the Code of Virginia, Respondent demanded this appeal be heard by a three-judge panel of this court.

Pursuant to Pt. 6, §IV, ¶13 I.3. of the Rules of Court, the Court considered the record in this matter, the briefs of the parties, and the oral argument of the parties. The Court

AFFIRMS the finding of the District Committee as the Court finds there is substantial evidence in the record upon which the District Committee could reasonably have found a violation of Rule 8.4 (b) and that said finding was not contrary to the law; and upon consideration of said findings, the Court

AFFIRMS the District Committee's sanction of Public Admonition without Terms and hereby admonishes the Respondent Brian Gay for his conduct.

The court reporter who transcribed these proceedings is Angela D. Stuedemann, Ronald Graham and Associates, Inc., 5344 Hickory Ridge, Virginia Beach, VA 23455-6680.

Let the Clerk of the Court send a copy *teste* to all counsel of record.

ENTERED

October 8, 2008

Aundria D. Foster

Aundria D. Foster
Chief Judge Designate

I ASK FOR THIS:

Paul D. Georgiadis

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SEEN AND OBJECTED TO:

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CERTIFIED TO BE A TRUE COPY
OF RECORD IN MY CUSTODY
TINA E SINNEN, CLERK
CIRCUIT COURT, VIRGINIA BEACH, VA
BY *Ann W. Galt*
DEPUTY CLERK