

VIRGINIA:

Before the Virginia State Bar Disciplinary Board

In the Matter of

*Roger Kent Grillo
Attorney at Law*

*VSB Docket Nos. 14-021-099663
15-021-099971, 15-021-100400,
15-021-100613, 15-021-100885,
15-021-101152*

On January 20, 2015, came Roger Kent Grillo and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when allegations of Misconduct are pending, the nature of which are specifically set forth in the attached affidavit, Respondent acknowledges that that the material facts upon which the allegations of Misconduct are pending are true.

The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts his Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Roger Kent Grillo be and the same hereby is revoked, and that the name of the said Roger Kent Grillo be stricken from the Roll of Attorneys of this Commonwealth.

Entered this 21st day of January, 2015

For the Virginia State Bar Disciplinary Board

*By Barbara Sayers Lanier
Barbara Sayers Lanier, Clerk of the Disciplinary System*

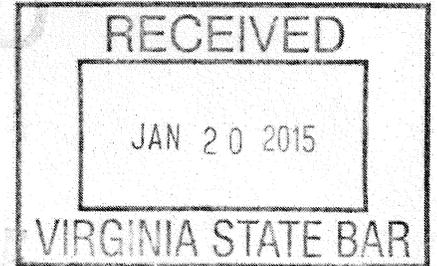
VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTERS OF
ROGER KENT GRILLO

VSB Docket Nos. 14-021-099663
 15-021-099971
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AFFIDAVIT DECLARING CONSENT TO REVOCATION

Roger Kent Grillo ("Respondent"), after being duly sworn, states as follows:

1. That he was licensed to practice law in the Commonwealth of Virginia on September 22, 1978;
2. That he submits this Affidavit Declaring Consent to Revocation pursuant to Part 6, Section IV, Paragraph 13-28 of the Rules of the Supreme Court of Virginia.
3. That his consent to revocation is freely and voluntarily rendered, that he is not being subjected to coercion or duress, and that he is fully aware of the implications of consenting to the revocation of his license to practice law in the Commonwealth of Virginia;
4. That he is aware that he is the subject of a pending disciplinary proceeding involving allegations of misconduct, the specific nature of which is as follows:

14-021-099663

In September 2013, the complainant, Evangeline Smith ("Ms. Smith"), hired Respondent to file a Chapter 7 bankruptcy petition on her behalf and paid Respondent an advance fee payment of \$1,327.00 for the fees and costs of the representation. Respondent failed to reasonably communicate with Ms. Smith, never filed a bankruptcy petition on her behalf, and closed his law practice in 2014 without notifying Ms. Smith or making arrangements regarding her file and matter. Respondent deposited Ms. Smith's advance fee payment of \$1,327.00 into trust; however, he disbursed all of the monies out of trust without having earned the fees or paid the costs for the representation, thereby

converting and misappropriating those monies. Respondent has not refunded to Ms. Smith any portion of her \$1,327.00 advance fee payment monies.

15-021-099971

On July 9, 2014, the bar received notification from PNC Bank that Respondent's trust account was overdrawn by \$87.22 on June 26, 2014, as a result of the presentment of a check in the amount of \$100.00. Respondent's explanation for the overdraft is that he: i) disbursed out of his trust account unearned fees totaling approximately \$7,000-8,000; and ii) failed to perform the accountings and maintain the records required by Rule 1.15 of the Rules of Professional Conduct for approximately 10 years prior to closing his law practice in 2014.

15-021-100400

In March 2013, the complainant, Rodney C. Lang ("Mr. Lang"), hired Respondent to file a bankruptcy petition on his behalf and paid Respondent an advance fee payment of \$1,372.00 for the fees and costs of the representation. Respondent failed to reasonably communicate with Mr. Lang, never filed a bankruptcy petition on behalf of Mr. Lang, and closed his law practice in 2014 without notifying Mr. Lang or making arrangements regarding his file and matter. Respondent deposited Mr. Lang's advance fee payment of \$1,372.00 into trust; however, he disbursed all of the monies out of trust without having earned the fees or paid the costs for the representation, thereby converting and misappropriating those monies. Respondent has not refunded to Mr. Lang any portion of his \$1,372.00 advance fee payment monies.

15-021-100613

In August 2013, the complainant, Carlton G. Marshall ("Mr. Marshall"), hired Respondent to file a bankruptcy petition on his behalf and paid Respondent an advance fee payment of \$1,327.00 for the fees and costs of the representation. Respondent failed to reasonably communicate with Mr. Marshall, never filed a bankruptcy petition on behalf of Mr. Marshall, and closed his law practice in 2014 without notifying Mr. Marshall or making arrangements regarding his file and matter. Respondent deposited Mr. Marshall's advance fee payment of \$1,327.00 into trust; however, he disbursed all of the monies out of trust without having earned the fees or paid the costs for the representation, thereby converting and misappropriating those monies. Respondent has not refunded to Mr. Marshall any portion of his \$1,327.00 advance fee payment monies.

15-021-100885

In April 2014, the complainant, John C. Stephenson, hired Respondent to file a bankruptcy petition on behalf of Maria C. Stephenson ("Ms. Stephenson"), and paid Respondent an advance fee payment of \$1,327.00 for the fees and costs of the representation. Respondent failed to reasonably communicate with Ms. Stephenson, never filed a bankruptcy petition on her behalf, and closed his law practice in 2014 without notifying Ms. Stephenson or making arrangements regarding her file and matter. Respondent deposited the advance fee payment of \$1,327.00 into trust; however, he disbursed all of the monies out of trust without having earned the fees or paid the costs for the

representation, thereby converting and misappropriating those monies. Respondent has not refunded any portion of the \$1,327.00 advance fee payment monies.

15-021-101152

In February 2014, the complainant, Lisa S. Gray ("Ms. Gray"), hired Respondent to file a bankruptcy petition on her behalf and paid Respondent an advance fee payment of \$1,327.00 for the fees and costs of the representation. Respondent failed to reasonably communicate with Ms. Gray, never filed a bankruptcy petition on her behalf, and closed his law practice in 2014 without notifying Ms. Gray or making arrangements regarding her file and matter. Respondent failed to maintain the advance fee payment of \$1,327.00 in trust, and disbursed all of the monies without having earned the fees or paid the costs for the representation, thereby converting and misappropriating those monies. Respondent has not refunded any portion of the \$1,327.00 advance fee payment monies.

5. That he acknowledges that the material facts upon which the allegations of misconduct are predicated are true; and

6. That he submits this Affidavit and consents to the revocation of his license to practice law in the Commonwealth of Virginia because he knows that if the disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, he could not successfully defend them.

Given this 12th day of JANUARY, 2015.

Roger Kent Grillo

Roger Kent Grillo
Respondent

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF ACCOMACK, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before me by Roger Kent Grillo on this 12th day of JANUARY, 2015.

Debra B. Roberts

Notary Public

My Commission expires: 2/28/2015

