VIRGINIA:

Before the Virginia State Bar Disciplinary Board

In the Matter of

Beverly Anne English *Attorney at Law*	*VSB Docket Nos.*	*17-022-106951, 17-022-107014,* *17-022-107134, 17-022-107295*

On January 31, 2017 came Beverly Anne English and presented to the Board an Affidavit Declaring Consent to Revocation of her license to practice law in the courts of this Commonwealth. By tendering her 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 her Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Beverly Anne English be and the same hereby is revoked, and that the name of the said Beverly Anne English be stricken from the Roll of Attorneys of this Commonwealth.

Entered this 1st day of February, 2017

Virginia State Bar Disciplinary Board

William H. Atwill

Digitally signed by William H. Atwill
DN: cn=William H. Atwill, o=Virginia State Bar, ou=Disciplinary Board, email=batwill@atandlpc.com, c=US
Date: 2017.02.01 13:56:08 -05'00'

By _____

William H. Atwill, Jr.
Chair

IN THE MATTERS OF BEVERLY ANNE ENGLISH
VSB Docket No.: 17-022-106951
VSB Docket No.: 17-022-107014
VSB Docket No.: 17-022-107134
VSB Docket No.: 17-022-107295

AFFIDAVIT DECLARING CONSENT TO REVOCATION

COMMONWEALTH/STATE OF VIRGINIA
CITY/COUNTY OF VIRGINIA BEACH, to-wit:

THIS DAY personally appeared before me, a Notary Public in and for the City/County and State aforesaid, BEVERLY ANNE ENGLISH a/k/a BEVERLY ENGLISH TAYLOR, and after being duly sworn, stated as follows:

1. I, Beverly Anne English, reside at 716 Bob White Lane, Virginia Beach, VA 23464.

2. I have been admitted to the Virginia State Bar on October 2, 1984. My bar license number is 24261.

3. I last practiced law as Beverly A. English, P.C., at 144 Business Park Drive, Suite 104, Virginia Beach, VA.

4. During my career as a lawyer licensed in Virginia, no disciplinary action has previously been taken against me.

5. All of the captioned complaints involve allegations of misconduct, are currently under investigation before the Second District Committee, Section 2, and arise from the mishandling and misdisbursement of settlement monies totaling in excess of $700,000 from multiple real estate transactions in which I acted as settlement agent in 2016.

I have provided written responses to the complaints to the Virginia State Bar, which I hereby affirm and incorporate herein by attachment and reference. See Exhibit 1.

6. I concede that I failed to: i) adequately oversee real estate transactions in which I acted as settlement agent; and ii) review, audit or reconcile my trust account , which allowed third parties with whom I contracted to provide real estate settlement services and to whom I granted access to my trust account to engage in a scheme of embezzlement and fraud, which impacted negatively not

only my clients, but also other third parties involved in the real estate transactions. I did not participate in, assist with, or have knowledge of, any of the embezzlements and I have reported the suspected responsible parties to law enforcement.

7. One civil suit is currently pending in the Circuit Court of the City of Suffolk, to-wit: *Old Republic National Title Insurance Company v. 1st Choice Title, Inc., CRS Title, Inc., Streamwood Title, Inc., Asbury Settlement, Inc., Jeffrey G. Deguzman, Linda Asbury Deguzman, Beverly A. English, P.C., and Beverly E. Taylor*, Case No.: CL16-596. My malpractice carrier, Torus National Insurance Company, has been put on notice of the claim.

8. Three (3) civil suits are currently pending in the Circuit Court of the City of Virginia Beach, to-wit:

a. *Ruby M. Johnson v. Bennett Gallaher, Beverly E. Taylor f/k/a Beverly A. English, and Beverly A. English, PC*, Case No.: CL16-5326;

b. *Phillip J. Addison and Helen Addison v. Perrish Ingram, Angel Ingram, Beverly E. Taylor f/k/a Beverly A. English, and Beverly A. English, PC*, Case No.: CL16-5396;

c. *HPR, LLC v. Asbury Settlement, Inc., Beverly A. English, P.C., Beverly E. Taylor, CRS Title, Inc., Jeffrey G. Deguzman, Linda Asbury Deguzman, and Scenic Hills, LLC*, Case No.: CL16-5625.

My malpractice carrier, Torus National Insurance Company, has been put on notice of these claims.

9. The malpractice carrier at the time of events alleged in the aforementioned suits was:

Torus National Insurance Company
Policy No.: 82276G163APL
Harborside Financial Center
Plaza 5, Suite 2600
Jersey City, NJ 07311

<u>Attorney for Torus National Insurance Company</u>:
Gary L. Gassman, Esq.
Cozen O'Connor
123 North Wacker Drive, Suite 1800
Chicago, IL 60606
(312) 474-7994

10. I ceased practicing real estate before the first pending complaint was lodged with the Virginia State Bar. I have no current clients.

11. I possess no files or property which needs to be returned to clients.

12. I possess no trust monies, or property of any other nature, which needs to returned to clients or other parties.

13. This Affidavit Declaring Consent to Revocation is being filed pursuant to Part 6, Section IV, Paragraph 13-28 of the Rules of the Supreme Court of Virginia. My consent to revocation is freely and voluntarily rendered. I am fully aware of the implications of consenting to revocation of my license, and I do so without having been subjected to any coercion or duress and because I know that if disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, I could not successfully defend them.

14. I do not dispute the material facts in the allegations contained in the aforementioned complaints.

15. I am fully aware of my responsibilities under Virginia Supreme Court Rules, Part VI, Section IV, §13-29. I have no clients for which I am currently handling matters as counsel, and I have no cases or appearances before courts in which I am counsel of record, or matters in which there are opposing attorneys.

And, further the Affiant sayeth naught.

BEVERLY A. ENGLISH

Acknowledged, subscribed, and sworn to before me this 27 day of January, 2017, by BEVERLY A. ENGLISH a/k/a BEVERLY ENGLISH TAYLOR, being either personally known to me or having produced identification.

Notary Public

My Commission Expires:
10/31/2020

SEAL:

Julie T. Summers
Notary Public
Reg #198398
Commonwealth of Virginia
My Commission Expires October 31, 2020

L:\Document Directory\T\Taylor, Beverly E\Old Republic National Title\VSB Complaint\Affidavit Consenting to Revocation - Revised #3.docx

Wolcott | Rivers | Gates
ATTORNEYS AT LAW

REGINA F. AMICK
W. BRANTLEY BASNIGHT, III
DAVID M. BASTIAANS
RICHARD E. BIEMILLER
STEVEN L. BROWN
ADAM M. CARROLL
BARRY DORANS
CARL A. EASON
CHESHIRE I'ANSON EVELEIGH
JOHN F. FABER, JR.
RONALD M. GATES
AMEET I. HABIB
DANIELLE N. JARVIS
DOUGLAS E. KABLE
KYLE D. KORTE
JENNIFER T. LANGLEY

200 Bendix Road, Suite 300
Virginia Beach, Virginia 23452
Telephone (757) 497-6633
Fax (757) 497-7267
www.wolcottriversgates.com

DIANA LYN C. MCGRAW
SAMUEL W. MEEKINS, JR.
MARK V. PASCUCCI
M. POWELL PETERS
STEPHEN P. PFEIFFER
ANTHONY F. RADD
DAVID N. REDA
WILSON R. RIVERS
GLEN M. ROBERTSON
C. ARTHUR ROBINSON, II
JOHN F. SAWYER
CULLEN D. SPECKHART
LESLIE R. WATSON
MARSHALL A. WINSLOW, JR.
EDWARD W. WOLCOTT, JR.

September 14, 2016

M. Brent Saunders, Esq.
Senior Asst. Bar Counsel
Virginia State Bar
1111 E. Main Street, Suite 700
Richmond, VA 23219-0026

Re: Beverly Anne English
VSB Docket #17-022-106951
VSB Docket #17-022-107014

Dear Mr. Saunders,

Please be advised that this firm has been retained to represent the interest of Beverly Anne English a/k/a Beverly E. English with regard to (1) your August 29, 2016 correspondence enclosing the complaint of Ruby Johnson, same being dated August 25, 2016, and (2) your September 7, 2016 correspondence enclosing the complaint of Phillip L. Addison, same being September 2, 2016.

By way of background, it should be noted that Beverly English commenced practice in Virginia in 1984, having completed her studies at William & Mary. During that entire time, she has never received a private reprimand or any public discipline of any nature whatsoever through the Virginia State Bar. She started a solo practice in approximately 2000, which was geared toward residential real estate closings and appearances in the Social Security/Disability arena. At the current time, she does not maintain a practice of any nature whatsoever, save and except making appearances for other law firms at social security and disability hearings on a case-by-case basis.

Ms. English does not contest that she was the closing attorney for the closing of Ruby Johnson's home at 1108 Matthew Henson Street, Norfolk, Virginia. It is stipulated that the settlement occurred on July 11, 2016. Ms. English currently has no basis to dispute that the settlement proceeds were transferred to Ms. English and that the Bank of America mortgage on the subject property was not timely paid in the approximate amount of $35,173.35. The check was written on Beverly A. English, P.C.'s Trust Account (the "Escrow Account"), and there is no dispute that the check bounced.

By way of explanation, Ms. English has had a long-standing relationship with Linda DeGuzman which has spanned approximately 17 years. Ms. DeGuzman was affiliated with numerous title and settlement agencies operated by Ms. DeGuzman and her husband. These title and/or settlement agencies were: 1st Choice Title, Inc.; CRS Title, Inc.; Streamwood Title, Inc.; and Asbury Settlement, Inc. It is believed that these title companies secured title policies on behalf of purchasers, many of whom were represented by Beverly A. English, P.C., and

Carl A. Eason, Esq.
eason@wolriv.com

that these title policies were underwritten by Old Republic National Title Insurance Company ("Old Republic"). Ms. English was shocked that Mrs. DeGuzman, whom she had trusted for years, could commit a crime of this magnitude.

Old Republic, a Florida corporation, became aware that payoffs had not been made on mortgages, when it started receiving claims and calls on the policies. Thereafter, Old Republic hired William D. Bayliss at WilliamsMullen, P.C., and immediately launched an investigation to secure the files and customer information from the title agencies operated by Mr. & Mrs. DeGuzman. For your convenience, Bill Bayliss' telephone number is (804) 420-6000.

Ms. English was also contacted at this point to see if she had any knowledge relative to the overdraft of the Escrow Account, the location of the client files, and, by that point, any information she had regarding Mr. & Mrs. DeGuzman. As is apparent, the four (4) title and/or settlement agencies provided real estate services and closing assistance, and acted as disbursement agents for Ms. English's law firm. By this time, Mr. & Mrs. DeGuzman had ceased operation of all the title and/or settlement agencies and had removed the hard disk drive which contained all of the financial and client files maintained by Beverly A. English, P.C.

Frustrated and desperately in need of the true financial and accounting information to conduct an audit, Mr. Bayliss instituted suit on behalf of Old Republic in Suffolk Circuit Court on or about August 10, 2016. A copy of the Complaint is provided herewith as Exhibit A. Ms. English was, likewise, interested in getting the hard disk drive back, and cooperated at all times with Old Republic in the advancement of its audit. On August 17, 2016, Mr. Bayliss and counsel for Ms. English, Larry Lockwood, secured an Order from Suffolk Circuit Court commanding Mr. & Mrs. DeGuzman to, within 48 hours of entry of the Order, produce all hard drives, software, computers, and the like, containing such financial information necessary for the audit. A copy of this Order is provided herewith as Exhibit B.

Mrs. DeGuzman, likely in anticipation of criminal charges, retained the services of Richard H. Doummar, Esq.; Mr. Doummar's telephone number is (757) 422-0061. Likewise, Mr. DeGuzman retained the services of criminal defense attorney James O. Broccoletti, whose telephone number is (757) 466-0750. Additionally, Mr. & Mrs. DeGuzman have consulted with a local law firm relative to the filing of a bankruptcy, but have yet to retain that firm. Mr. & Mrs. DeGuzman have not disputed, through counsel or otherwise, being responsible for the disappearance of trust monies belonging to Beverly A. English, P.C.

Armed with the Circuit Court Order relative to surrender of the computer files, Mr. Bayliss contacted Richard Doummar. The hard drive is now located in Mr. Doummar's office, and access has been provided to Old Republic, which is conducting its audit. Upon completion of the audit, the results will be shared with Beverly A. English, P.C., and will also be available for the Virginia State Bar's review.

To the initial complaint, VSB Docket #17-022-106951, Ruby Johnson is currently represented by William C. Bischoff, Esq., who may be reached at (757) 416-6008. Mr. Bischoff has been in contact with Mr. Bayliss, and it is hopeful that the deed of trust which was not properly paid off incident to Ms. Johnson's closing will be paid by the carrier in the immediate future.

Ms. English will make available all financial and client records which were maintained electronically by her law firm. Any and all records of any nature whatsoever pertaining to client files in their entirety and financial matters, including disbursements, were maintained on the hard drive. Ms. English has not had an opportunity to review the files since the hard drive was unlawfully removed from her law firm by Mr. & Mrs. DeGuzman and is now being audited by Old Republic pursuant to the Circuit Court ruling. The passwords to the information were changed, presumably by the DeGuzmans, and Old Republic has secured IT assistance such that the information can be accessed. This occurred on September 7th. The audit is on-going, but no further information is available at this time. Both the evidence maintained on the hard drive, and the hard drive itself, will be maintained and preserved, and made available to the Virginia State Bar. It contained all documents responsive to the subpoena *duces tecum* issued by the Virginia State Bar on August 29, 2016, receipt of which is hereby acknowledged.

In addition to Ruby Johnson's transaction, which is referenced in Paragraph 15 of the Complaint filed on behalf of Old Republic, there is another transaction known to Ms. English where a payoff was not made. This arises out of a closing for 709 River Hollow Road, Chesapeake, Virginia. A check in the amount of $345,547.33 was issued from the Escrow Account, but was returned for insufficient funds.

Relative to VSB Docket #17-022-107014, the closing took place on June 1, 2016. The seller, Phillip Addison, contacted Bill Bischoff (who is representing Ruby Johnson), and Mr. Bischoff referred Mr. Addison directly to Bill Bayliss. Old Republic has been able to retrieve a copy of the file for this closing, and a copy is provided herewith as Exhibit C. (Please note: these are the only documents which have been provided to either Ms. English or her counsel by Old Republic as of the date of this correspondence.) Mr. & Mrs. Addison's mortgage was with First Land Mortgage Servicing, and the payoff amount shown on the Disbursements Summary was $257,898.24. On June 9, 2016, the Escrow Account bank statement (see Exhibit U) shows that a wire was sent to First Land Mortgage Servicing in the amount of $25,789.82. Ms. English does not know if this was the result of a typo (the omission of a digit from the wire request), or if this was an intentional act on the part of the DeGuzmans. This appears to be part of the embezzlement schedule.

By agreement of counsel, there is currently no active advancement of the litigation pending in Suffolk Circuit Court while the parties are conducting an audit of the records to ascertain the true and full extent of the DeGuzmans' embezzlement from the Escrow Account. At all times material to the instant complaints, the Escrow Account was maintained at TowneBank. There was only one (1) trust account, and that is Account No.: 0261031627; this is the same account referred to in this response as "the Escrow Account." In addition, Beverly A. English, P.C., maintains an operating account (Account No.: 0261002767) and a tax account (Account No.: 0261013203). The banking relationship is maintained through TowneBank employees John Biaocco (757-628-6352) and Jennifer Carey (757-628-6353). Inquiry was made through John Biaocco on September 12, 2016, as to whether or not the overdraft was reported to the Virginia State Bar. TowneBank indicated that the Escrow Account was opened as an "escrow" account, but not as an IOLTA account.

A copy of the Escrow Account bank statements, including copies of the front of all cancelled checks as provided by TowneBank with the bank statements, for January 1, 2015 through August 31, 2016 are provided herewith (see Exhibits D through W). A preliminary analysis indicates that, in addition to the three (3) known deeds of trust which were not paid off, there is something in the aggregate neighborhood of $39,000.00 worth of

bounced checks. A more refined and precise figure will be provided to the Virginia State Bar upon completion of the audit being performed by Old Republic.

The activities of Mr. & Mrs. DeGuzman through their various title and/or settlement agencies will be reported to the authorities as soon as the data is retrieved from the hard drive and the audit is available. Ms. English was unaware of this illegal activity and did not benefit in any way from it.

Preliminary contact has been made with Ron Pohrivchak, a Virginia State Bar Investigator, and Ms. English pledges her full cooperation with the Virginia State Bar to resolve this situation. Again, Ms. English is engaging in absolutely no practice of any nature whatsoever, save and except making appearances for other law firms at social security and disability hearings as stated above. The work involved in these limited appearances involves invoicing for her services directly to the referring law firm at the completion of the hearing. Ms. English maintains absolutely no trust funds of clients and has shut down her practice, save and except for these limited appearances for other law firms. Ms. English pledges that there will be no change in the current status of her practice until such time as the Virginia State Bar has an opportunity fully investigate this situation and this situation has been resolved.

As soon as the hard drive can be secured from Old Republic, who is analyzing the data thereon pursuant to the terms of the Order entered in Suffolk Circuit Court, it will be made available to the Virginia State Bar. Please let me know if this is acceptable.

As always, I remain ready and willing to discuss this matter with you and to assist you in any way I am able.

Very truly yours,

Carl A. Eason

CAE/jys
Enclosures

cc: Beverly E. Taylor

Wolcott | Rivers | Gates
ATTORNEYS AT LAW

REGINA F. AMICK
W. BRANTLEY BASNIGHT, III
DAVID M. BASTIAANS
RICHARD E. BIEMILLER
STEVEN L. BROWN
ADAM M. CARROLL
BARRY DORANS
CARL A. EASON
CHESHIRE I'ANSON EVELEIGH
JOHN F. FABER, JR.
RONALD M. GATES
AMEET I. HABIB
DANIELLE N. JARVIS
DOUGLAS E. KAHLE
KYLE D. KORTE
JENNIFER T. LANGLEY

200 Bendix Road, Suite 300
Virginia Beach, Virginia 23452
Telephone (757) 497-6633
Fax (757) 497-7267
www.wolcottriversgates.com

DIANA LYN C. MCGRAW
SAMUEL W. MEEKINS, JR.
MARK V. PASCUCCI
M. POWELL PETERS
STEPHEN P. PFEIFFER
ANTHONY F. RADD
DAVID N. REDA
WILSON R. RIVERS
GLEN M. ROBERTSON
C. ARTHUR ROBINSON, II
JOHN F. SAWYER
CULLEN D. SPECKHART
LESLIE R. WATSON
MARSHALL A. WINSLOW, JR.
EDWARD W. WOLCOTT, JR.

September 28, 2016

M. Brent Saunders, Esq.
Senior Asst. Bar Counsel
Virginia State Bar
1111 E. Main Street, Suite 700
Richmond, VA 23219-0026

Re: Beverly Anne English
VSB Docket # 17-022-107134

Dear Mr. Saunders,

Please be advised that this firm has been retained to represent the interest of Beverly Anne English a/k/a Beverly E. English with regard to your September 20, 2016 correspondence enclosing the complaint of Reliable Titles, Inc. ("Reliable"), same being dated September 13, 2016. After meeting with Ms. Taylor and Ron Pohrivchak on September 26, 2016, it appears that the checks referred to by Reliable in its complaint were all returned due to insufficient funds as having been caught up in the overdraft caused by the embezzlement of Ms. DeGuzman. We have contacted Ms. Taylor's insurance carrier in the hopes that payment can be made to Reliable such that it will be made whole. Ms. Taylor is of very limited financial means at this time, but she is making what payments she can on such returned items in the interim.

Very truly yours,

Carl A. Eason

CAE/jys

cc: Beverly E. Taylor (via email only)
Donna Joyce Hall, Esq. (via email only)
Ron Pohrivchak (via email only)

Carl A. Eason, Esq.
eason@wolriv.com

Wolcott | Rivers | Gates
ATTORNEYS AT LAW

REGINA F. AMICK
W. BRANTLEY BASNIGHT, III
DAVID M. BASTIAANS
RICHARD E. BIEMILLER
STEVEN L. BROWN
ADAM M. CARROLL
BARRY DORANS
CARL A. EASON
CHESHIRE I'ANSON EVELEIGH
JOHN F. FABER, JR.
RONALD M. GATES
AMEET I. HABIB
DANIELLE N. JARVIS
DOUGLAS E. KAHLE
KYLE D. KORTE
JENNIFER T. LANGLEY

200 Bendix Road, Suite 300
Virginia Beach, Virginia 23452
Telephone (757) 497-6633
Fax (757) 497-7267
www.wolcottriversgates.com

DIANA LYN C. MCGRAW
SAMUEL W. MEEKINS, JR.
MARK V. PASCUCCI
M. POWELL PETERS
STEPHEN P. PFEIFFER
ANTHONY F. RADD
DAVID N. REDA
WILSON R. RIVERS
GLEN M. ROBERTSON
C. ARTHUR ROBINSON, II
JOHN F. SAWYER
CULLEN D. SPECKHART
LESLIE R. WATSON
MARSHALL A. WINSLOW, JR.
EDWARD W. WOLCOTT, JR.

October 10, 2016

M. Brent Saunders, Esq.
Senior Asst. Bar Counsel
Virginia State Bar
1111 E. Main Street, Suite 700
Richmond, VA 23219-0026

Re: Beverly Anne English
VSB Docket #17-022-107295

Dear Brent,

As per the responses which I have previously provided to the Virginia State Bar in Docket Nos. 17-022-106951, 17-022-107014, and 17-022-107134, the failure to remit, or provide credit for, the earnest money deposits maintained in Ms. English's trust account arose as a consequence of the embezzlement which, as you know, is still under investigation. As indicated in the prior responses, we are hopeful that insurance proceeds will take care of the victims, but that final determination has yet to be made. We do not dispute that the checks should have issued from Ms. English's office, nor do we dispute that the funds did not clear.

Very truly yours,

Carl A. Eason

CAE/jys

cc: Beverly E. Taylor (via email only)
Donna Joyce Hall, Esq. (via email only)
Ron Pohrivchak (via email only)

Carl A. Eason, Esq.
eason@wolriv.com