

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS
SANDRA L. SGROI, JJ.

2010-06523

OPINION & ORDER

In the Matter of Jonathan Mason-Kinsey, admitted as
Jonathan G. Mason-Kinsey, a suspended attorney.

Grievance Committee for the Second, Eleventh, and
Thirteenth Judicial Districts, petitioner;
Jonathan Mason-Kinsey, respondent.

(Attorney Registration No. 3067642)

DISCIPLINARY proceeding instituted by the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts. By decision and order of this Court dated September 15, 2009, the respondent was suspended from the practice of law for a period of three years, commencing October 15, 2009, based on 10 charges of professional misconduct. By decision and order on application of this Court dated October 28, 2010, as amended by decision and order dated November 23, 2010, the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts was authorized to institute and prosecute a second disciplinary proceeding against the respondent based on the acts of professional misconduct set forth in a verified petition dated June 28, 2010, the Grievance Committee was directed to serve the respondent with a petition within 20 days after receipt of a copy of the Court's order, and the issues were referred to the Honorable Jerome M. Becker, as Special Referee to hear and report. By decision and order on motion of this Court dated December 7, 2010, the Grievance Committee's time in which to serve the petition was extended. By decision

August 2, 2011

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and order on motion of this Court dated March 16, 2011, the Honorable Jerome M. Becker was relieved as Special Referee, and the issues raised by the petition and any answer thereto were reassigned to the Honorable Charles J. Thomas, as Special Referee to hear and report. The respondent, who was admitted to the Bar at a term of the Supreme Court in the Second Judicial Department on November 15, 2000, under the name Jonathan G. Mason-Kinsey, has now submitted an affidavit of resignation dated March 25, 2011.

Diana Maxfield Kears, Brooklyn, N.Y., for petitioner.

Jonathan Mason-Kinsey, Brooklyn, N.Y., respondent pro se.

PER CURIAM. The respondent acknowledges that on December 13, 2010, he was personally served with a copy of the petition dated June 28, 2010, which contained three charges of professional misconduct. Charge one alleged that he failed to cooperate with the investigation of the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts (hereinafter the Grievance Committee), and charges two and three alleged that he engaged in the unauthorized practice of law during his suspension. In his answer to the petition, the respondent admitted to charges one and two.

The respondent is aware that the Grievance Committee is investigating an additional complaint of professional misconduct against him regarding his representation of a buyer in the purchase of four residential properties after he was suspended from the practice of law. He acknowledges that if additional charges were brought predicated on these new allegations, he could not successfully defend himself on the merits against such charges.

The respondent acknowledges that his resignation is freely and voluntarily rendered, that he is not being subjected to coercion or duress by anyone, and that he is fully aware of the implications of its submission.

The respondent's resignation is submitted subject to any application by the Grievance Committee for an order directing that he make restitution and that he reimburse the Lawyers' Fund for Client Protection pursuant to Judiciary Law § 90(6-a). He acknowledges the continuing jurisdiction of the court to make such an order, which could be entered as a civil judgment against him. The respondent specifically waives the opportunity afforded him by Judiciary Law § 90(6-a) (f) to be heard in opposition thereto.

The Grievance Committee recommends that the respondent's resignation be accepted.

Inasmuch as the proffered resignation complies with the requirements of 22 NYCRR 691.9, it is accepted and, effective immediately, the respondent is disbarred and his name is stricken from the roll of attorneys and counselors-at-law. The disciplinary proceeding previously authorized by order of this Court dated October 28, 2010, as amended, is discontinued in light of the respondent's resignation.

PRUDENTI, P.J., MASTRO, RIVERA, SKELOS and SGROI, JJ., concur.

ORDERED that the resignation of Jonathan Mason-Kinsey, admitted as Jonathan G. Mason-Kinsey, is accepted and directed to be filed; and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, Jonathan Mason-Kinsey, admitted as Jonathan G. Mason-Kinsey, is disbarred and his name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that Jonathan Mason-Kinsey, admitted as Jonathan G. Mason-Kinsey, shall continue to comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, Jonathan Mason-Kinsey, admitted as Jonathan G. Mason-Kinsey, is commanded to continue to desist and refrain from (1) practicing law in any form, either as principal or as agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if Jonathan Mason-Kinsey, admitted as Jonathan G. Mason-Kinsey, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in his affidavit of compliance pursuant to 22 NYCRR 691.10(f); and it is further,

ORDERED that the disciplinary proceeding authorized by decision and order of this Court dated October 28, 2010, as amended, is discontinued.

ENTER:


Matthew G. Kiernan
Clerk of the Court