

People v. Titoni, 00PDJ020, 3/30/00. Attorney Regulation.

The Presiding Disciplinary Judge approved the parties' Conditional Admission of Misconduct and disbarred Frank W. Titoni from the practice of law. Respondent met Walter Sohle ("Sohle"), an investor from Germany, who had come to Denver to consider an investment of \$650,000 in a certain company. At the initial meeting, Sohle believed that respondent was his lawyer. Respondent first became involved in the transaction because a principal of the company asked him to act as trustee. The representatives of the company presented respondent's client with an engagement agreement which designated respondent as the trustee, and stated that Sohle would make a high rate of return in a short time on his investment. Respondent confirmed this to be true, and Sohle signed the agreement. Although respondent as trustee was obligated to deposit the client's funds into an account with a securities firm, he placed the check instead in a trust account. Respondent misrepresented to the company that the \$650,000 was in a specific account with a securities firm. Respondent later wire-transferred the client's funds to a third party, and admits that he did not have the client's approval to do so. Although respondent wrote to the client stating that he would complete an accounting of the investment and transfer funds to the client's account, he never did so; rather, he continued to answer the client's questions with misrepresentations. Respondent agreed without the client's authorization that the third party could take a fee of \$100,000.00 from the funds previously transferred to him. To date, the client has never received the return of any of his funds or interest thereon. Respondent's conduct constituted a violation of Colo. RPC 8.4(c), Colo. RPC 1.15(a) and Colo. RPC 1.15(b), Colo. RPC 1.8(a), Colo. RPC 1.7(b).