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BOARD OF PROFESSIONAL
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IN DISCIPLINARY DISTRICT VI
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

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2013 OCT -4 PM 2:28
BOARD OF PROFESSIONAL
RESPONSIBILITY
RW EXEC. SEC.

IN RE: HUNTLY SCOTT GORDON,
BPR No. 021195, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee

DOCKET NO. 2011-2050-6-KB

FINDINGS OF FACT AND CONCLUSIONS OF LAW BY THE HEARING PANEL ON THE
PETITION BY THE BOARD FOR DISCIPLINE

I.
STATEMENT OF THE CASE

This matter came to be heard on September 24, 2013, upon the Petition for Discipline filed by the Board of Professional Responsibility against Huntly Scott Gordon, a licensed attorney. After consideration of the arguments of counsel, the testimony of Scott Sohr, Jeff Ennis, Steve Church and Huntly Scott Gordon, the exhibits introduced at the hearing, and the record as a whole, including the proposed findings of fact and conclusions of law filed by counsel for the respective parties, the Hearing Panel finds as follows:

II.
PANEL DECISION

The Panel finds Huntly Scott Gordon violated the Rules of Professional Conduct, Rule 8.4 (a). Specifically, the Panel finds Huntly Scott Gordon violated the Rules of Professional Conduct, Rule 1.8 (a). The punishment imposed is Public Censure pursuant to Rules of Professional Conduct of the Supreme Court of Tennessee, Rule 9, Section 4.4.

III.
FINDINGS OF FACTS

Rock Creek Development, LLC ("Rock Creek") is a limited liability company with three (3) members, Linked, LLC, RC Properties, LLC and Rock Ivy Holdings, LLC. Rock Creek Development, LLC's president is Scott Sohr.

Mr. Jeff Ennis and Mr. Steve Church are the owners of Linked, LLC.

Huntly Scott Gordon is one of the owners of Rock Ivy Holdings, LLC.

Rock Creek Development, LLC was formed on May 1, 2006 for the purpose of developing real property in the Spring Hill area.

To this end, Rock Creek acquired approximately 685 acres for development in 2006.

The property acquired included three (3) residences which were in existence and occupied when Rock Creek Development, LLC purchased the property.

Huntly Scott Gordon, despite not having a written agreement with Rock Creek Development, LLC, began to receive rents from the tenants of the properties owned by Rock Creek Development, LLC and residing at one of the residence. Huntly Scott Gordon asserts this was based on conversations with Scott Sohr, the Rock Creek Development, LLC President, for him to receive the rents in lieu of money and in exchange for legal services for Rock Creek Development, LLC.

Mr. Sohr, in his testimony, disputed that such conversations ever occurred.

On October 30, 2008, Rock Creek Development, LLC held a meeting regarding "the explanation of rental agreements, hunting, and past income derived from leases, etc."

At the meeting of Rock Creek Development, LLC, the members discussed the leases on the houses and how much rents Mr. Gordon had received.

Mr. Gordon testified to and presented as an exhibit a compilation of rents received for

the specific time periods and indicated that the same information had been provided to the members of Rock Creek Development, LLC at the October 30, 2008 meeting.

Thereafter, Rock Creek Development, LLC pursued a disciplinary complaint with the Board of Professional Responsibility with Disciplinary Counsel asserting ethical misconduct in violation of Rules 8.4(a) and 8.4(c) of the Rules of Professional Conduct.

IV. CONCLUSIONS OF LAW

The Respondent, Huntly Scott Gordon, violated Rule 8.4(a) of the Tennessee Rule of Professional Conduct in his failure to comply with Rule 1.8 (a) of the Tennessee Rules of Professional Conduct.

Specifically, the Panel determined Huntly Scott Gordon, was involved in business transactions with Rock Creek Development, LLC as a lawyer and in non lawyer capacities. Huntly Scott Gordon, as a lawyer, failed to make a disclosure in writing as to receiving the rents and free housing in lieu of money prior to engaging in legal services on behalf of Rock Creek Development, LLC.

Moreover, Huntly Scott Gordon, failed to obtain the written consent of Rock Creek Development, LLC prior to receiving such benefits for legal services.

Additionally, lawyers are and should be held to higher standards, especially when they are participating in business transactions involving lawyer and non lawyer activities for which they have a pecuniary interest.

The Panel determined there was insufficient proof Huntly Scott Gordon violated Rule 8.4(c) of the Rules of Professional Conduct.

V.
AGGRAVATING AND MITIGATING CIRCUMSTANCES

The Hearing Panel considered Aggravating and Mitigating circumstances. ABA *Standards for Imposing Lawyer Sanctions*, as approved February, 1986, amended February, 1992.

Although there was proof of other aggravating factors and mitigating factors, the Panel would submit there was insufficient proof to support the standard of preponderance of evidence as to those factors.

The Panel did find sufficient proof as to certain aggravating factors and mitigating factors.

The Panel finds the following Aggravating Factors are applicable under the ABA Standard Rule 9.22 as follows:

- (b) selfish motive
- (l) substantial experience in the practice of law

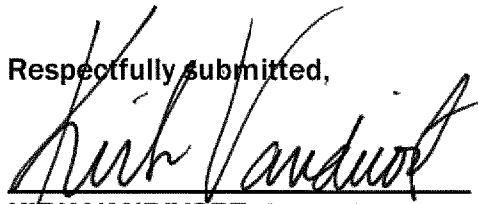
The Panel finds the following Mitigating Factors are applicable under the ABA Standard Rule 9.32 as follows:

- (a) Absences of a prior disciplinary record

VI.
COSTS

The Panel finds Huntly Scott Gordon should be required to bear the costs of the hearing.

Respectfully submitted,

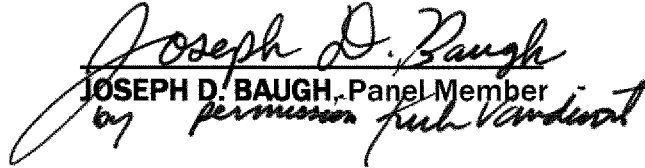


KIRK VANDIVORT, Panel Chair



GARY WILKINSON, Panel Member

by *permission Kirk Vandivort*



JOSEPH D. BAUGH, Panel Member

by *permission Kirk Vandivort*

NOTICE: This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 1.3 by filing a Petition for Writ of Certiorari, which petition shall be made under oath or affirmation and shall state that it is the first application for the Writ. See Tenn. Code Ann. § 27-8-104(a) and 27-8-106.