

## THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street  
Suite 600  
Nashville, TN 37219

January 11, 2018

James M. Hivner, Clerk  
100 Supreme Court Building  
401 Seventh Avenue, North  
Nashville, TN 37219-1407  
615-253-1470

### MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

Chris Craft  
Chairperson

Timothy R. Discenza  
Disciplinary Counsel

Patrick J. McHale  
Assistant Disciplinary Counsel

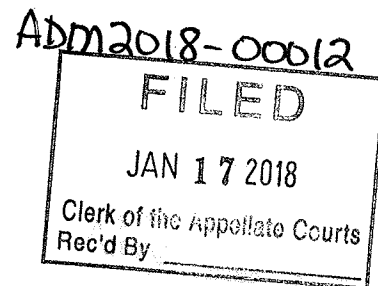
Kenny Armstrong  
Miles Burdine  
Angelita B. Dalton  
Joe F. Fowlkes  
Tas Gardner

Dee Gay  
J. Ronald Hickman  
Chris A. Hodges  
Thomas W. Lawless  
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### FOR PUBLIC RELEASE

The Honorable David Daniel Boyd  
110 East Main Street  
Courthouse Annex, Room 302  
Rogersville, Tennessee 37857

RE: Board of Judicial Conduct Complaint  
File No. B17-7170



Dear Judge Boyd:

This letter shall serve as a public letter of reprimand, which along with the attached Order of Suspension, is issued pursuant to your agreement with an investigative panel of this Board.

This complaint is based upon your self-report to Disciplinary Counsel of the Tennessee Board of Judicial Conduct of a Petition for Discipline filed against you by the Tennessee Board of Professional Responsibility on October 3, 2017. This petition is attached to this letter as Exhibit 2. You are currently a part-time Juvenile Judge for Hawkins County, Tennessee and are allowed to practice law as well as performing your judicial duties.

The petition for discipline alleges that you committed ethical violations of the Rules of Professional Conduct for attorneys, as set forth in Rule 8 of the Rules of the Supreme Court of Tennessee. These rules dealt with the competence and diligence required of attorneys in the representation of their

clients, and also covered the rule dealing with the misconduct of an attorney engaging in conduct that involves dishonesty, fraud, deceit or misrepresentation. Some of these violations occurred during your term as Juvenile Judge.

On September 29, 2017, you entered a Conditional Guilty Plea to the Petition for Discipline that had been filed. In this Conditional Plea you admitted your guilt to violating Tennessee Rules of Professional Conduct 1.3(diligence), 4.1(a) (Truthfulness in Statements to Others) and 8.4(a) and (c) (Misconduct) which is attached to this letter as Exhibit 2. The Tennessee Board of Professional Responsibility and the Supreme Court of Tennessee approved this plea.

The sanctions imposed by the Supreme Court of Tennessee included, among other sanctions, a three-year suspension, with one hundred twenty days active suspension and the remainder on probation.

The Canon or Rules violated by the above-described conduct are the following, as they were in effect at the time of the conduct:

CANON 1 — A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

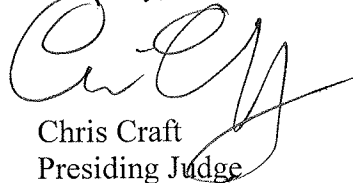
A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Upon the entry of the Conditional Guilty Plea you self-reported this activity to Disciplinary Counsel to the Board of Judicial Conduct, and have cooperated in resolution of this matter.

You have also agreed to an Order of Suspension from your duties as a Juvenile Judge pursuant to T.C.A. § 17-5-301(f)(1). This suspension is for a term of 120 days and covers the period of time ordered to be an active suspension of your License to Practice Law as ordered by the Tennessee Supreme Court. This Order of Suspension is attached to this letter as Exhibit 1.

Accordingly, this letter constitutes a Public Reprimand for your actions in the above matter, pursuant to Tenn. Code Ann. § 17-5-301.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft", written in a cursive style. The signature is positioned above the printed name and title.

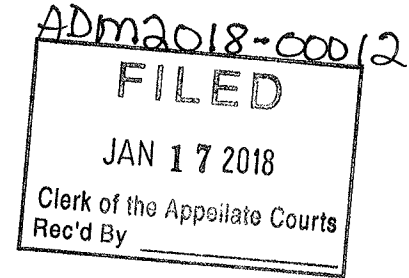
Chris Craft  
Presiding Judge

CC/bep

IN THE TENNESSEE BOARD OF JUDICIAL CONDUCT

IN RE: JUDGE DANIEL BOYD  
JUVENILE JUDGE  
HAWKINS COUNTY, TENNESSEE

File No. B17-7170



AGREED ORDER OF SUSPENSION

This cause came on to be considered by the Board of Judicial Conduct on ~~December~~ <sup>January</sup> 10, 2017 upon the agreement of Judge Daniel Boyd and Timothy Discenza, Disciplinary Counsel to the Tennessee Board of Judicial Conduct, with the approval of the assigned Investigative Panel of the Tennessee Board of Judicial Conduct.

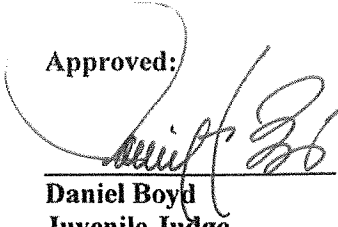
Tenn. Code Ann. § 17-5-301(f)(1) provides that the Board has the power to impose as a sanction suspension of a Judge without the impairment of compensation for such period as the Board determines. On recommendation of Disciplinary Counsel, the members of the Investigative Panel of were consulted, advised of the agreement of Judge Daniel Boyd to consent to a 120-day period of suspension and approved of this sanction.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Juvenile Court Judge Daniel Boyd is hereby suspended for a term of 120 days beginning on ~~December~~ <sup>January</sup> 10, 2017 and ending on ~~April~~ <sup>May</sup> 10, 2018. Judge Daniel Boyd is prohibited during the term of this suspension from exercising any judicial power or authority, including, but not limited to, the holding of court, the setting or resetting of cases, the issuance of warrants or review of affidavits for probable cause, the setting or changing of bonds, the administration of oaths or the issuing of oral or written rulings on matters already heard but not yet ruled upon prior to the issuance of this order.

ENTERED this 10<sup>th</sup> day of ~~December~~ <sup>January</sup> 2017

  
Chris Craft  
Board Chair

Approved:




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**Daniel Boyd**  
**Juvenile Judge**



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**Lucian T. Pera**  
**Attorney for Daniel Boyd**



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**Timothy R. Discenza**  
**Chief Disciplinary Counsel**  
**Tennessee Board of Judicial Conduct**

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

FILED

2016 OCT -3 PM 4: 34

BOARD OF PROFESSIONAL  
RESPONSIBILITY

*kw*  
EXEC. SEC.

IN RE: DANIEL GRAHAM BOYD,  
BPR# 22448, Respondent,  
An Attorney Licensed to  
Practice Law in Tennessee  
(Hawkins County)

DOCKET NO. 2016-2638-1-WM

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PETITION FOR DISCIPLINE

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Comes now the Petitioner, the Board of Professional Responsibility of the Supreme Court of Tennessee, by and through Disciplinary Counsel, pursuant to Rule 9 of the Rules of the Supreme Court, and files this Petition for Discipline against Daniel Graham Boyd.

Text

1. The Respondent, Daniel Graham Boyd, is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee in 2003. The Respondent's most recent primary/office address as registered with the Board of Professional Responsibility is 115 East Main Street, P.O. Box 298, Rogersville, Tennessee 37857-0298. The Respondent's Board of Professional Responsibility number is 22448.

2. Pursuant to Tenn. Sup. Ct. R. 9, § 8.1, any attorney admitted to practice law in Tennessee is subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the Hearing Committee, hereinafter established, and the Circuit and Chancery Courts.

3. Pursuant to Tenn. Sup. Ct. R. 9, § 1, the license to practice law in this state is a privilege and it is the duty of every recipient of that privilege to conduct himself at all times in

conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline.

4. Mr. Boyd has failed to conduct himself in conformity with said standards and is guilty of acts and omissions in violations of the authority cited. The Board of Professional Responsibility authorized the filing of formal charges on September 9, 2016.

**File Nos. 47686-1-ES – Complainant – Debbie Johnson**

5. On May 31, 2016, the Board of Professional Responsibility received a complaint of misconduct from Debbie Johnson alleging ethical misconduct by Mr. Boyd. A true and exact copy of the complaint is attached hereto as Exhibit A.

6. On June 21, 2016, the Board sent a copy of the complaint to Mr. Boyd and requested a response within ten (10) days. A true and exact copy of the Board's letter is attached hereto as Exhibit B.

7. Mr. Boyd provided a response to the complaint on July 13, 2016. A true and exact copy of the July 13, 2016 response is attached hereto as Exhibit C.

8. Mr. Boyd provided a second response to the complaint on August 8, 2016. A true and exact copy of the August 8, 2016 response is attached hereto as Exhibit D.

9. Debbie Johnson, Brenda Hensley and Connie Mead are the daughters of Marie Chappell. Ms. Chappell was married to Freeman Chappell. Mr. Chappell died on September 10, 2016. Mr. and Ms. Chappell had been married for twenty-six years. Ms. Chappell is now of advanced age, suffers from dementia and resides in a nursing home.

10. A true and exact copy of Mr. Chappell's last will is contained within Exhibit A.

11. In September, 2010, Ms. Chappell and her daughters met with Mr. Boyd to discuss

her rights in regard to her husband's estate. Mr. Boyd agreed to represent Ms. Chappell by filing a petition for her spouse's elective share.

12. At all times material hereto, T.C.A. § 31-4-102(a)(1) provided that a petition for elective share must be filed within nine months after the decedent's death.

13. Mr. Boyd never filed the petition for elective share.

14. By not filing the petition for elective share within nine months of her husband's death, Ms. Chappell is forever barred from dissenting from her husband's will and taking an elective share.

15. Pursuant to her husband's will, Ms. Chappell was to receive a bequest of \$5,000 as well as a life estate in her husband's real estate. Her elective share of his estate would have exceeded what she should receive pursuant to his will.

16. On a number of occasions since 2010, Mr. Boyd has made false statements to Ms. Chappell and/or her daughters intending to make them believe that the petition for elective share had been filed and was progressing normally.

17. On a number of occasions since 2010, Mr. Boyd has falsely told Ms. Chappell and/or her daughters that court hearings were scheduled regarding the petition for elective share.

18. On one occasion, Mr. Boyd falsely told Ms. Chappell and/or her daughters that such a court hearing was being postponed because Mr. Chappell's sons had hired a lawyer.

19. On one occasion, Mr. Boyd falsely told Ms. Chappell and/or her daughters that such a court hearing was being postponed because his mother was having a kidney transplant.

20. In 2015, Mr. Boyd falsely told Ms. Chappell and/or her daughters that two of Mr. Chappell's three sons had "signed the house over to her."



21. In 2015, Mr. Boyd falsely told Ms. Chappell and/or her daughters that Mr. Chappell's other son had hired Attorney Randy Fleming and that Mr. Boyd had discussed the matter with Mr. Fleming.

22. Thereafter, Mr. Boyd falsely told Ms. Chappell and/or her daughters that the other son "had signed the papers and it was on Judge Jenkin's desk for him to sign."

23. On December 17, 2013, Mr. Boyd paid \$5,000 to Ms. Chappell. A true and exact copy of the check is contained within Exhibit A.

24. Mr. Boyd falsely told Ms. Chappell and/or her daughters that the \$5,000 was being paid to her from Mr. Chappell's estate. Instead, the \$5,000 payment came from Mr. Boyd's personal funds and was made to conceal from Ms. Chappell and/or her daughters the fact that he had taken no action to pursue his representation of her.

25. By failing to timely file the petition for elective share, Mr. Boyd violated RPC 1.1 (Competence) and 1.3 (Diligence).

26. By making false statements to Ms. Chappell and/or her daughters, Mr. Boyd violated RPC 8.4(c) (Misconduct).

27. By his actions, Mr. Boyd has violated the following Rules of Professional Conduct: 1.1 (Competence), 1.3 (Diligence) and 8.4(a) and (c) (Misconduct).

#### **ALLEGED VIOLATIONS**

28. The acts and omissions by Mr. Boyd constitute ethical misconduct in violation of the relevant portions of Rules of Professional Conduct 1.1, 1.3 and 8.4(a) and (c):

#### **Rule 1.1 COMPETENCE**

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

**Rule 1.3  
DILIGENCE**

A lawyer shall act with reasonable diligence and promptness in representing a client.

**Rule 8.4(a) and (c)  
MISCONDUCT**

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**AGGRAVATING FACTORS**

29. After misconduct has been established, ABA Standards for Imposing Lawyer Sanctions, Section 9.2, provides for aggravating circumstances that may justify an increase in the degree of discipline to be imposed against him.

30. Mr. Boyd's dishonest or selfish motive is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against him.

31. Mr. Boyd engaged in a pattern of misconduct which is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against him.

32. Mr. Boyd committed multiple offenses which is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against him.

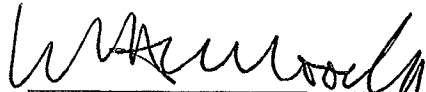
33. The vulnerability of Mr. Boyd's victim is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against him.

34. Mr. Boyd has substantial experience in the practice of law which is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against him.

**PRAYER FOR RELIEF**

35. WHEREFORE, PETITIONER REQUESTS that a Hearing Panel be appointed to hear testimony and to receive evidence in this cause and to make such finding of fact and order such disciplinary action as it may deem appropriate.

Respectfully Submitted,



William C. Moody, BPR No. 6752  
Disciplinary Counsel--Litigation  
10 Cadillac Drive, Suite 220  
Brentwood, Tennessee 37027  
(615) 361-7500

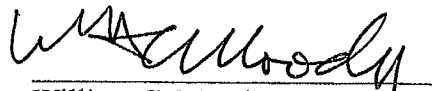
**NOTICE TO PLEAD**

**TO:** Daniel Graham Boyd  
Boyd & Boyd  
115 East Main Street  
Rogersville, Tennessee 37857

You are hereby notified that you are required to file your Answer with **Rita Webb, Executive Secretary, Board of Professional Responsibility, 10 Cadillac Drive, Suite 220, Brentwood, Tennessee 37027**, and serve a copy of your Answer upon Disciplinary Counsel within thirty (30) days after service of this Petition. If you fail to file an Answer, the allegations contained in the Petition for Discipline shall be deemed admitted and a default judgment taken.

**Certificate of Service**

I certify that a copy of the foregoing has been sent to Respondent, Daniel Graham Boyd, by First Class U.S. Mail and by Certified Mail, No. 7012 3460 0000 0392 4450, Return Receipt Requested, addressed to him at Boyd & Boyd, 115 East Main Street, Rogersville, Tennessee 37857, on this the 4 day of October, 2016.

  
William C. Moody  
Disciplinary Counsel

CG

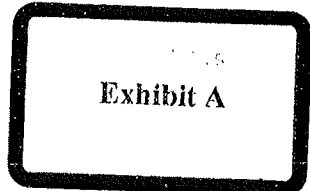
**Candis Grooms**

**From:** admin@tbpr.org  
**Sent:** Tuesday, May 31, 2016 10:47 AM  
**To:** Complaints - Board of Professional Responsibility  
**Subject:** Complaint Form Submission

# Complaint Form Submission

5-31-16  
need doc.  
JG

- **Name Prefix:** Ms.
- **First Name:** Debbie
- **Last Name:** Johnson
- **Home Address1:** P.O. Box 378
- **Home Address2:**
- **Home City:** Church Hill
- **Home State:** TN
- **Home Zip:** 37642
- **Home Phone:** (423) 292-3255
- **Employer Name:**
- **Work Address1:**
- **Work Address2:**
- **Work City:**
- **Work State:**
- **Work Zip:**
- **Work Phone:**
- **Incarcerated?:** false
- **Inmate Id:**
- **Cell Phone:**
- **Preferred Place of Correspondence:** Home
- **Email:** debbiejohnson2@yahoo.com
- **Formality Type:** Formal Complaint
- **Lawyer First Name:** Daniel
- **Lawyer Last Name:** Boyd
- **Lawyer Address1:** 115 East Main St.
- **Lawyer Address2:**
- **Lawyer City:** Rogersville
- **Lawyer State:** TN
- **Lawyer Zip:** 37857
- **Lawyer Phone:** (423) 272-3619
- **Lawyer Date of First Contact:**
- **Lawyer Date of Last Contact:**
- **Case Category:** Civil
- **Case Number:**
- **Case County:** Hawkins
- **Case Federal District:**
- **Lawyer Relation:** My Attorney
- **Type of Case:** Estate
- **Criminal Type?:** false



- **Criminal Charges:**
- **Stage of Criminal Case:**
- **Concerns:** He was our attorney for 5 years in a real estate claim. I found out he lied to us and didn't do anything he said he done.
- **Alternate First Name:** Brenda
- **Alternate Last Name:** Hensley
- **Alternate Address1:** 454 Ridgefields Rd.
- **Alternate Address2:** Apt. 2
- **Alternate City:** Kingsport
- **Alternate State:** TN
- **Alternate Zip:** 37660
- **Signature:** Debbie Johnson
- **Signature Date:** 2016-05-31

[View Complaint Form Submission](#)

June 16, 2016

My mother's first contact with Attorney Boyd was after her husband, Freeman Chappell, passed away in September, 2010. In his will he had left the house to his three sons (Doug, Dwayne and David). My mother was to live there until she passed away. We went to see Mr. Boyd after the passing of my step father to see if my mother, Hallie Marie Chappell, could get the house or a portion of the house. Mr. Boyd assured us since they were married for 26 years my mother was entitled to a portion of the house. He later told us she was entitled to the house. My mother was having to pay the taxes and pay for all the upkeep on the house. Her homeowners insurance was cancelled because it was in her late husband's name and they would not let her continue with the policy. Five years later when we asked Mr. Boyd for a copy of my mother's file we find out nothing has been done with this case. For five years we have had numerous meetings with Mr. Boyd in his office and he would tell us that my mother is getting the house. On numerous occasions he told us we were going to court but then he would call us the night before or the morning and tell us it was postponed. On one occasion he told us we were going to court but to come to his office first. When we arrived at his office he inform us that court was postponed because the sons had retained an attorney. On one occasion he told us his mother was handling the real estate and that she had to go in for a kidney transplant. Many times we asked Mr. Boyd what we owed him and he would say nothing. My sister told him several times we would pay him if he would just do something with the case. He always told us he wasn't going to charge our mom. In 2015 Mr. Boyd informed us that two of the sons had signed the house over to her and the other son had retained Attorney Randy Fleming in Kingsport. He advised he had talked to Attorney Fleming and advised that if he couldn't pay my mother everything that she had paid on the house that the boys needed to sign it over to her. At a later date he informed us that the other son had signed the papers and it was on Judge Jenkin's desk for him to sign. We waited about 2 weeks and called him back, he stated again it was on the Judge's desk and that he would walk over to pick it up. We never got any response after continually calling him. In January I finally called Judge Jenkin's office and they did not have any such paperwork. The secretary told me I needed to contact my lawyer. February 1, 2016, I called the Clerk's office in Hawkins

County in regard to the past due land taxes. The lady that answered said she would look it up for me. I explained to the lady the reason the taxes were behind was because it had been tied up in court for five years. She asked for the name on the case and I told her Freeman Chappell Sr. She looked on the computer and said there was nothing in court filed under that name or my mother's name. I told her it was supposed to be on Judge Jenkins's desk for him to sign and she replied what is on his desk now he will sign tomorrow. She did say maybe it was in another court, but it was not in Judge Jenkin's court. I contacted an Attorney I knew from my work. I explained it to him and he asked if the will was ever probated. I told him I didn't think so. He said the estate would have to be opened before the boys could ever get the house to sign over to my mom. I then called Mr. Boyd's office and requested the file. The lady who answered the phone at his office would always say Daniel is taking care of that and you will have to talk to him. He stopped returning our calls at this point. I called again and the lady who answered the phone said Daniel would have to mail it to my mother, but it was never received. I finally called again and advised the lady that answered the phone that I was my mother's power of Attorney and I would be down to pick the file up. I picked the file up on March 23, 2016. I went out to my car and opened the envelope and could not believe the enclosed is what was in the file. I went back in the office and Daniel's father whom is also an attorney in the same law firm asked me if he could help me and I explained to him what Daniel had done to us. I also told him that Daniel used his wife's kidney transplant as a reason the case being postponed. And if what he said in this letter was true how I would even know his wife had a kidney transplant. Enclosed are the documents that were in the file. There is a letter he wrote on March 18, 2016 stating he talked to my mother in 2011 and she did not want to pursue the case against her step-sons. If he had truly talked to my mother shouldn't the letter been dated in 2011. If this was true why did we have numerous meetings with him and he told my mother she was getting the house. Why did he call us and tell us we were going to court and then tell us it was postponed. If he had dropped the case why did he tell us that the sons had signed it over to her and it was on the Judge's desk to be signed? He only wrote this letter after we asked for the file. My mother is 83 years old and we have been lied to for 5 years. In 2013 Mr. Boyd did get my mother the \$5000.00 that was left to her in the will. He said he received it from the step sons. There is nothing in her file where he got the check, any

correspondence he had about the check. The check was written from their personal account. I thought Attorneys had to have a separate account to handle client's money. In the letter, Mr. Boyd stated he gave my sister, Connie, the \$5000.00 check in late 2011 or 2012. The check was dated 12/17/13. The letter he wrote on March 18, 2016 after I requested the file should have been written after 12/17/13 if what he says in the letter was true.

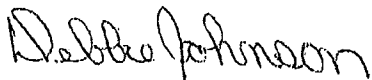
In closing, I would like to say Daniel Boyd never one time told us he was closing our Mother's case. During this time my sister also hired him to handle another matter for her. She will be filing out a separate complaint for the way he handled her case. I am disappointed that a lawyer who is also a Judge chose to lie to my mother and us instead of telling us he didn't have time to work on the case. We realize now we should have gotten another attorney years ago, but Daniel always told us he was going to get the house for our mother.

Please review this complaint. If need I should be able to produce phone records where calls were made to his office.

Tuesday, May 24, 2016, Dwayne, David and Teresa Chappell (Dwayne Chappell's wife) went in my mother's house and stole several items. Teresa admitted to the police she went in and took the family bible. The DA is refusing to charge them because of the will. This also could have been avoided if Daniel Boyd had not lied to us.

Thursday, June 9, 2016, I found out Daniel Boyd is handling an adoption for David Chappell's daughter.

Sincerely,



Debbie Johnson

P.O. Box 378

Church Hill, TN 37642




June 17, 2016

Board of Professional Responsibility

10 Cadillac Dr. Suite 220

Brentwood TN. 37027

 RECEIVED  
JUN 20 2016  
BOARD OF PROFESSIONAL  
RESPONSIBILITY

Attached is the follow up on the electronic complaint I filed on Attorney Daniel Boyd.

Debbie Johnson

423-292-3255

June 17, 2016

Board of Professional Responsibility

10 Cadillac Dr. Suite 220

Brentwood TN. 37027

Attached is the follow that was in the file.

Debbie Johnson

423-292-3255

BOYD AND BOYD  
ATTORNEYS AND COUNSELLORS  
BOYD BUILDING  
115 EAST MAIN STREET  
P. O. BOX 298  
ROGERSVILLE, TENNESSEE 37857

PHILLIP L. BOYD  
DANIEL G. BOYD

TELEPHONE 423-272-3619  
TELECOPIER 423-272-5866

March 18, 2016

Ms. Marie Chappell  
443 Fleming Road  
Kingsport, Tennessee 37660

Re: Estate of Freeman Douglas Chappell, Sr.

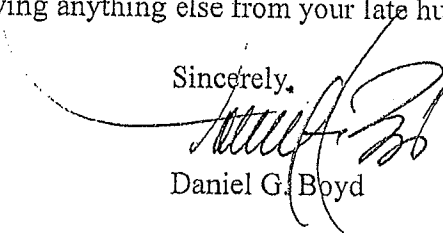
Dear Ms. Chappell,

Enclosed please find the following: (1) the Petition for Elective Share prepared in anticipation of your electing against your late husband's estate and (2) a copy of your husband Last Will and Testament.

The Petition was prepared at your request; however, it was my understanding pursuant to a telephone conversation with you in early 2011, you did not wish to take your stepsons to court. As a result, I began working to get your portion under the will paid. The will left you \$5,000.00 (paid to you in late 2011 or at some point in 2012 and delivered to your daughter, Connie), all of the home furnishings, and a life estate in the marital residence at 489 South Central Avenue, Church Hill.

Upon your electing to take under the will, this precluded you from filing your elective share and further receiving anything else from your late husband's estate.

Sincerely,

  
Daniel G. Boyd

DGB

IN RE: Estate of	)	IN CHANCERY AT ROGERSVILLE
<b>FREEMAN DOUGLAS CHAPPELL, SR.</b>	)	
Deceased	)	
<b>MARIE CHAPPELL</b>	)	
Petitioner	)	
vs.	)	
<b>DOUG CHAPPELL , Executor</b>	)	
<b>of the Estate of Freeman Douglas Chappell, Sr.;</b>	)	
<b>DWAYNE CHAPPELL and</b>	)	
<b>DAVID CHAPPELL,</b>	)	
Beneficiaries	)	
Defendants	)	No.

**PETITION FOR ELECTIVE SHARE AND  
TO SET ASIDE EXEMPT PROPERTY AND YEAR'S SUPPORT**

1. The decedent, FREEMAN DOUGLAS CHAPPELL, SR, died on September 10, 2010. The decedent's place of residence was 489 South Central Avenue, Church Hill, Hawkins County, Tennessee.
2. Petitioner is surviving spouse of decedent. Petitioner and decedent were lawfully married. Petitioner and the decedent were married at the date of decedent's death.
3. The decedent left a last will dated July 1, 1998, which has not been admitted to probate. A copy of the decedent's *Last Will and Testament* is attached hereto as an exhibit.
4. The decedent is survived by the following heirs whose names, relationships, and addresses are: Petitioner who is the surviving spouse of the decedent; Douglas Chappell, Hawkins County, Tennessee, son; Dwayne Chappell, Hawkins County, Tennessee, son; David Chappell, Hawkins County, Tennessee, son.

5. The defendants are beneficiaries under the decedent's will as set forth in the preceding paragraphs. The Executor of the decedent's estate, Douglas Chappell, is also a defendant.

6. The decedent owned real estate located at 489 South Central Avenue, Church Hill, Tennessee.

7. The decedent owned the following described personal property at death:

Household electrical appliances, Household and kitchen furniture, appliances and household musical and amusement instruments all held jointly with petitioner/wife.

Bank accounts with an unknown balance; cash, bank accounts, stocks and bonds, unknown at this time but believed to have had substantial cash on hand as well as bank accounts.

8. In the year preceding decedent's death, the decedent provided a net income for use by the decedent and petitioner of \$25,000.

9. The routine living expenses petitioner has incurred and anticipates incurring during the year following decedent's death are approximately \$10,000.

10. The following amounts and property are deduction in computing the decedent's net estate:

- (a) Funeral expenses;
- (b) Administration expenses;
- (c) Homestead;
- (d) The property set aside to the plaintiff as exempt property pursuant to statute; and
- (e) The amount set aside to the plaintiff as year's support pursuant to statute.

12. Petitioner has notified the decedent's heirs and beneficiaries under the decedent's will and all other interested parties of the fact this petition has been filed.

13. The Tennessee Inheritance Tax Return has not been filed.

WHEREFORE, PETITIONER PRAYS:

1. The Court set a time and place for a hearing on this petition.
2. The Court award petitioner all exempt property allowed by Tennessee Code Annotated 30-2-101.
3. The Court award year's support in the amount of \$25,000, payable in cash or in property.
4. The Court determine the decedent's net estate.
5. The Court determine the elective share and order its distribution or vesting to the surviving spouse.
6. For general relief.

MARIE CHAPPELL

---

DANIEL G. BOYD [B.P.R. # 022448]  
Attorney for *Petitioner*  
P.O. Box 298  
Rogersville, TN 37857  
423-272-3619

CERTIFICATE OF SERVICE

I, Daniel G. Boyd, Attorney for *Marie Chappell*, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, a copy of the foregoing was served upon the following by mailing same to them at the following addresses:

Mr. Dwayne Chappell  
340 Silverlake Road  
Church Hill, Tennessee 37642

Mr. David Chappell  
617 Old Union Road  
Church Hill, Tennessee 37642

Mr. Douglas Chappell  
523 Linville Street  
Church Hill, Tennessee 37642

\_\_\_\_\_  
Attorney for *Petitioner*

June 17, 2016

Board of Professional Responsibility

10 Cadillac Dr. Suite 220

Brentwood TN. 37027

Attached is a note we attached to some pictures we had taken of the roof and other damages to the house. This was also in the file when I picked it up from Mr. Boyd .

Debbie Johnson

423-292-3255



Roof & shingles

Heat pump

2013 - \$200.00

2014 - \$350.00

Taxes

Since 2010

Mom has paid 2 years.

You should have in her file

Had to put in new commode

Marie Chappell

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.

DEPOSIT TICKET

MARIE CHAPPELL  
BRENDA HENSLEY  
489 S. CENTRAL AVE.  
CHURCH HILL, TN 37642

87-2567242

DATE

12-18-13

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

SIGN HERE IF CASH RECEIVED FROM DEPOSIT



THE  
Citizens  
BANK  
OF EAST TENNESSEE  
ROBERTSVILLE • SNEEDVILLE • CHURCH HILL, TN

DO NOT USE DEPOSIT TICKET RAHTINGS \* FOR  
AUTOMATIC PAYMENTS. USE VOIDED CHECK.

FOR 20129671 312 935 012

CHECKS OR TOTAL  
FROM OTHER SIDE

TOTAL  
ITEMS

SUB TOTAL

LESS CASH

NET  
DEPOSIT \$

50000

CASH

*Marie Chappell*  
*Brenda Hensley*  
*ATTEMPT*

BOYD AND BOYD  
ATTORNEYS AT LAW  
P.O. BOX 298  
ROGERSVILLE, TENNESSEE 37857

9363

87-5-640

⑤ 12.12.13  
date

\$ 5,000.00

Pay to the order of Mavis Mappel  
Five Thousand & 00/100

dollars  Signature Required  
Deposit to A/C

**usbank** All of us serving you.™

For Mavis Mappel Estate



⑆009363⑆ ⑆064000059⑆ 456204355193⑆

**LAST WILL AND TESTAMENT**  
**OF**  
**FREEMAN DOUGLAS CHAPPELL, SR.**



**FREEMAN DOUGLAS CHAPPELL, SR.**, domiciled at 489 South Central Avenue, Church Hill, Hawkins County, Tennessee 37642, do make, publish, and declare this to be my Last Will and Testament, hereby revoking all wills, codicils and testamentary expressions heretofore made by me.

**ARTICLE ONE**  
**PAYMENT OF DEBTS, EXPENSES, COSTS**

I direct that all of my just debts, my funeral expenses (including the cost of a suitable monument at my grave if I have not already purchased one), unpaid charitable pledges (whether or not the same are enforceable obligations of my estate) and the cost of administration of my estate be paid as soon as practicable after my death.

My Executor, in his sole discretion, is authorized to accelerate the payment of any debt or charitable pledge, payment of which may be due at some future date or which may be payable in installments, upon such terms, as to discount or otherwise, as he may deem advisable. My Executor, in his sole discretion, may pay from my domiciliary estate all or any portion of the costs of administration and similar proceedings in other jurisdictions.


In the event that any property or interest in property passing under this Will, by operation of law, or otherwise, by reason of my death (other than as a part of my residuary estate), shall be encumbered by mortgage or lien, or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to or paid from my estate, but that the devisee, legatee, joint-owner taking by survivorship, or beneficiary receiving such property or interest in property shall take it subject to all encumbrances existing at the time of my death.

THIS INSTRUMENT PREPARED BY:  
LAW OFFICES OF MICHAEL A. FAULK  
107 East Main Boulevard  
Post Office Box 2080  
Church Hill, Tennessee 37642

1

**ARTICLE TWO  
PAYMENT OF DEATH TAXES**

I direct that there shall be paid out of my residuary estate, without apportionment, all estate, inheritance, succession and other taxes (together with any penalty and interest thereon), assessed by reason of my death, imposed by the government of the United States, or any state or territory thereof, or by any foreign government or political subdivision thereof in respect of all property required to be included in my gross estate for like tax purposes by any of such governments, whether the property passes under this Will or otherwise, including property over which I have a taxable power of appointment (but excluding Qualified Terminable Interest Property), without contribution by any recipient of any such property.



**ARTICLE THREE  
BEQUESTS AND DEVISES**


I give, devise, and bequeath all of my property, whether real, personal, and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this will, including all lapsed legacies and devises and all life insurance payable to my estate (but excluding any property over or concerning which I may have any power of appointment), as follows:

- a. The latest model automobile that I own at the time of my death I give to my son, FREEMAN DOUGLAS CHAPPELL, JR. The next newest automobile that I own at the time of my death I give to my son, DAVID M. CHAPPELL;
- b. All of the household furnishings which are exclusively mine and not held jointly with my beloved wife, MARIE CHAPPELL, I give devise, and bequeath to my beloved wife, MARIE CHAPPELL;
- c. I give devise and bequeath the right to live in the house which is presently in my name only to my wife, MARIE CHAPPELL, for as long as she shall live in that house by herself and is still able to care for herself, but no longer than her lifetime. At the happening of the earlier of the two above-noted events -- that is she can no longer care for herself, or that she no longer lives in the house by herself -- I give devise and bequeath the remaining interest to said house to my three sons, FREEMAN DOUGLAS CHAPPELL, JR., C. DWAYNE CHAPPELL, and DAVID M. CHAPPELL, in equal shares, per stirpes;

My Executor is given full discretion to sell the house at that time and is to, after having it appraised by an appraiser agreeable to all of my three sons, FREEMAN DOUGLAS CHAPPELL, JR., C. DWAYNE CHAPPELL, and DAVID M. CHAPPELL, offer the sale of the house first to my son, C.

DWAYNE CHAPPELL, at the appraised price. If my son, C. DWAYNE CHAPPELL, he does not choose to purchase my house at the appraised price, then it is to be sold and the net proceeds therefrom divided in three equal shares between my sons, FREEMAN DOUGLAS CHAPPELL, JR., C. DWAYNE CHAPPELL, and DAVID M. CHAPPELL. In the event he does purchase the home, he is to pay each of his two brothers, one-third (1/3) of the appraised price;

3140  
d. I give devise and bequeath the first Five Thousand Dollars (\$5,000.00) of the Certificate of Deposit which is in my name exclusively at Citizens Bank of East Tennessee to wife, MARIE CHAPPELL, and the balance to my three sons, FREEMAN DOUGLAS CHAPPELL, JR., C. DWAYNE CHAPPELL, and DAVID M. CHAPPELL, in equal shares, per stirpes;

  
e. All of the rest and residue of my estate, whether real, personal, or mixed, tangible and intangible, whatsoever nature and wheresoever situated, including all property which I may acquire after the execution of this Will, including lapsed legacies and devises, but excluding any property over or concerning which I may have any power of appointment to my three sons, FREEMAN DOUGLAS CHAPPELL, JR., C. DWAYNE CHAPPELL, and DAVID M. CHAPPELL, in equal shares, per stirpes.

**ARTICLE FOUR  
RESIDUARY CLAUSE**

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises and all life insurance payable to my estate, I bequeath and devise to my three sons, FREEMAN DOUGLAS CHAPPELL, JR., C. DWAYNE CHAPPELL, and DAVID M. CHAPPELL.

**ARTICLE FIVE  
POWERS OF EXECUTOR**

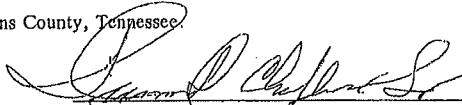
I authorize my Executor (including any substitute or successor personal representative) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate, to exercise any or all the powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly of 1963, Tenn. Code Anno. §35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. The powers (as set out in said statute on the date of the execution of this Will) are granted, notwithstanding that said statute may be amended hereafter or repealed at the time of my death. My Executor is given full discretion in making arrangements for my last rites and burial but I direct that my Executor shall see that I am interred in the burial plot next to Haley and Ruth Harper.

**ARTICLE SIX  
APPOINTMENT OF EXECUTOR**

I appoint my son, FREEMAN DOUGLAS CHAPPELL, JR., Executor of this my Last Will and Testament. I direct that no bond be required of my Executrix for the faithful performance of his duties. I excuse the above-named Executor from filing an inventory and filing accountings of the assets of my estate; and I vest my said Executor with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death at such time and price and upon such terms and conditions (including credit) as he may determine and to do every other act and thing necessary or appropriate for the complete administration of this Will.

If my said Executor, FREEMAN DOUGLAS CHAPPELL, JR., shall predecease me or for any reason shall fail to qualify as Executor hereunder (or having qualified, shall die or resign), then, and in such event, I appoint my son, C. DWAYNE CHAPPELL, as my substitute Executor and in such capacity, shall possess and exercise all powers and authority hereinconferred on my Executor. The said substitute Executor is also excused from making bond, filing an inventory, and filing accountings of the assets of my estate.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and three (3) preceding typewritten pages and for the purpose of identification I have initialed each page, all in the presence of the persons witnessing it at my request on this the 1st day of July, 1998, at Church Hill, Hawkins County, Tennessee.

  
FREEMAN DOUGLAS CHAPPELL, SR.  
Testator

**ATTESTATION**

The foregoing instrument, consisting of this and four (4) preceding typewritten pages, was signed, sealed, published and declared by FREEMAN DOUGLAS CHAPPELL, SR., the Testator, to be his Last Will and Testament, in our presence, and we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 1<sup>st</sup> day of July, 1998, at Church Hill, Hawkins County, Tennessee.

Marian L. Dibow residing at 168 Lena Dr.  
WITNESS

Janice A. Porter residing at Rogersville, TN 37857  
WITNESS 406 Browning Circle  
Church Hill, TN. 37642



AFFIDAVIT

STATE OF TENNESSEE  
COUNTY OF HAWKINS

Marian L. Gibson and Janice G. Carter  
make oath or affirm that:

1. The Testator has asked us to sign this Affidavit.
2. The Testator signed the foregoing instrument on the date shown thereon and at the time of such signing, he informed us that it was his Last Will and Testament.
3. He signed his Last Will and Testament when we were both in his sight and presence. He then requested us to sign his Last Will and Testament as attesting witnesses, which we did in his sight and presence and in the sight and presence of each other.
4. The Testator is more than eighteen (18) years of age.
5. In our judgment, Testator is legally competent to make a Last Will and Testament.

Marian L. Gibson Janice G. Carter  
WITNESS WITNESS

SWORN OR AFFIRMED AND SUBSCRIBED before me, this the 1<sup>st</sup> day of July, 1998.

Michael A. Faulk  
NOTARY PUBLIC

My Commission Expires: March 31, 2002



BOARD OF PROFESSIONAL RESPONSIBILITY  
of the  
SUPREME COURT OF TENNESSEE

10 CADILLAC DRIVE, SUITE 220  
BRENTWOOD, TENNESSEE 37027  
(615) 361-7500  
(800) 486-5714  
FAX: (615) 367-2480  
www.tbpr.org

KEVIN D. BALKWILL  
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ALAN D. JOHNSON  
WILLIAM C. MOODY  
M. PRESTON SHIPP  
EILEEN BURKHALTER SMITH  
A. RUSSELL WILLIS  
DISCIPLINARY COUNSEL

SANDY L. GARRETT  
CHIEF DISCIPLINARY COUNSEL  
KRISANN HODGES  
DEPUTY CHIEF DISCIPLINARY COUNSEL  
BEVERLY P. SHARPE  
DIRECTOR OF CONSUMER ASSISTANCE  
LAURA L. CHASTAIN  
ETHICS COUNSEL

June 21, 2016

**CONFIDENTIAL**

Daniel Boyd, Esquire  
115 E Main St  
Po Box 298  
Rogersville, TN 37857-0298

When Responding Please Use:  
Re: File No. 47686-1-ES

Dear Mr. Boyd:

Enclosed is a complete copy of the original complaint received by the Board of Professional Responsibility concerning your conduct. Supreme Court Rule 9, Section 15(a) requires that a complete copy of the original complaint and any addition or supplemental written submissions be provided to you. It is necessary that you **submit a clear and concise statement within ten days of your receipt of this letter** concerning your acts surrounding the above matters for the purpose of a disclosure of the truth. A copy of your response will be sent to the Complainant to ascertain the Complainant's comments.

**Your failure to timely respond to this complaint of misconduct will result in the filing of a Notice of Petition for Temporary Suspension, pursuant to Section 12.3 of Tennessee Supreme Court Rule 9.**

Your cooperation will enable a proper disposition to be made of this matter in a manner consistent with the rights of the public and the protection of attorneys from unfounded complaints. Please note that Tennessee Supreme Court Rule 9, Section 32, addresses the extent of confidentiality applicable to this matter.

Sandy Garrett  
Chief Disciplinary Counsel

By: *Eileen Burkhalter Smith*  
Disciplinary Counsel

ES:cg

Enclosure

**Exhibit B**

**BOYD AND BOYD**

ATTORNEYS AND COUNSELLORS

BOYD BUILDING

115 EAST MAIN STREET

P. O. BOX 298

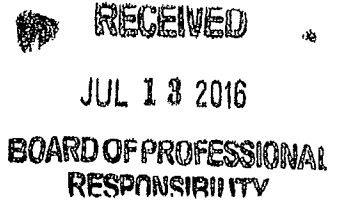
ROGERSVILLE, TENNESSEE 37857

PHILLIP L. BOYD  
DANIEL G. BOYD

TELEPHONE 423-272-3619  
TELECOPIER 423-272-5866

July 8, 2016

Ms. Eileen Burkhalter Smith  
Disciplinary Counsel  
Tennessee Board of Professional Responsibility  
10 Cadillac Drive, Suite 220  
Brentwood, Tennessee 37027



Re: File No 47686-1-ES

Dear Ms. Smith:

Please let this serve as my response to the complaint filed against me by Ms. Debbie Johnson and Ms. Brenda Hensley. My response is as follows:

Ms. Marie Chappell was referred to me by attorney Rick Spivey of Kingsport. Mr. Spivey contacted me in the mid to late fall of 2010 regarding Ms. Chappell. Ms. Chappell's husband, Freeman Chappell, had passed away, I believe, in the early fall of 2010.

Upon meeting Ms. Chappell, I reviewed her late husband's will with her and the correspondence received from attorney Mike Faulk regarding the administration of Mr. Chappell's estate. I further explained to her she could elect against the will and take her elective share. I explained that if she elected against the will, given the length of their marriage, she would receive much more than what was given under the terms of the will. I explained to her she would have to file a petition for her elective share and that would go against the estate and, in essence, would bring suit against Mr. Chappell's sons. I must add, Ms. Chappell was accompanied by two (2) of her three daughters at this meeting. I do not remember which ones came with her.

Upon preparing the *Petition for Elective Share* (attached to Ms. Johnson and Ms. Hensley's complaint) I called Ms. Chappell to inform her I had prepared the necessary document as we had discussed. I again informed her she would have to file this and notice in the heirs of the estate (her step-sons) and the Court would hold a hearing on this. Ms. Chappell's response to me was, "I do not want to sue those boys." I instructed her she wasn't suing them *per se*, but that she was suing the estate to elect against her husband's will. She informed me she did not want to pursue that. Unfortunately and admittedly, I did not follow up our conversation with a letter as I should have done.

Sometime after this conversation with Ms. Chappell, I received a telephone call from one of Ms. Chappell's daughters. I cannot remember to which daughter I spoke. The subject of the conversation was Ms. Chappell's claim against the estate and what was the next

Exhibit C

step. I informed the daughter her mother did not wish to pursue anything against the estate and her step-sons.

After informing the daughter of her mother's decision, I received other telephone calls from Ms. Chappell's daughters stating their mother had changed her mind. I told them I would work on getting things arranged to proceed. Unfortunately, however, I did not confirm these statements with Ms. Chappell. Phone calls and conversations between myself and Ms. Chappell's daughters continued over the course of several months.

In August, 2011, I was appointed by the Hawkins County Commission to serve as the Hawkins County Juvenile Judge after my predecessor was appointed to the General Sessions bench. The Juvenile Judge seat is a part-time position holding court on Tuesdays and Thursdays. To say that position is limited to only Tuesdays and Thursdays, however, would not be accurate.

After being appointed, my calendar work week became almost unmanageable. I found myself not being in my law office much at all as I was having to do five days of law practice and managing that business into three days per week. On top of that, I was having to manage, for all intents and purposes, a full-time Juvenile Court docket. Many times, I was going a full week without being in my law office as I was holding my juvenile docket on Tuesdays and Thursdays and in court with my law practice on Mondays, Wednesdays, and Fridays. To say I was (and am) overwhelmed is an understatement.

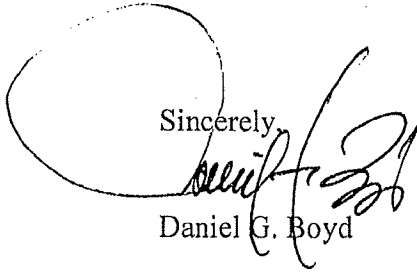
It was at this time my conduct toward Ms. Chappell's family became dishonest. I found myself, being overwhelmed, telling them I was working on Ms. Chappell's case. For all intents and purposes, I expected to work on their case. Unfortunately, I found myself not having the time to work on the case and leading them to believe I was. In hindsight, I should have either referred them to my father (who is my law partner) or referred them to another attorney. It has never been my intent to harm or cause harm to Ms. Chappell or her family. I admittedly was overwhelmed and did not handle the situation appropriately.

With regard to the allegation of me representing David Chappell's daughter in an adoption proceeding, I just found out this when, around June 9, 2016, as alleged in the complaint, someone anonymously called my office and spoke to my assistant, Bonnie. The caller stated she knew my ties to the Chappell family and we needed to check our client list. Nothing was said about the names or why this caller believed there was a conflict. Only through the process of elimination was it determined I am, in fact, representing Mr. David Chappell's daughter. Mr. Chappell's name has never been discussed in my meeting with his daughter nor has Ms. Chappell's claim been discussed. In fact, I never would have thought my client was his daughter as she is married and goes by the last name of "Jones." Further, I do not believe it to be a conflict as this client is not an heir under the Last Will and Testament of Freeman Chappell.

In closing, I do agree my conduct has been dishonest. I do agree I have violated the Rules of Professional Conduct.

Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

  
Daniel G. Boyd

DGB

**BOYD AND BOYD**  
ATTORNEYS AND COUNSELLORS  
BOYD BUILDING  
115 EAST MAIN STREET  
P. O. BOX 298  
ROGERSVILLE, TENNESSEE 37857

PHILLIP L. BOYD  
DANIEL G. BOYD

TELEPHONE 423-272-3619  
TELECOPIER 423-272-5866

August 4, 2016

Ms. Eileen Burkhalter Smith  
Disciplinary Counsel  
Tennessee Board of Professional Responsibility  
10 Cadillac Drive, Suite 220  
Brentwood, Tennessee 37027

**RECEIVED**  
AUG 08 2016  
**BOARD OF PROFESSIONAL  
RESPONSIBILITY**

Re: File No 47686-1-ES

Dear Ms. Smith:

Please let this correspondence serve as my response to Ms. Johnson's letter dated July 19, 2016.

I do not expect for my admissions to my conduct to be the "end of it." I understand the ramifications of my actions are far-reaching, both from Ms. Chappell's side and my side. I am admitting to my actions because I have been unethical. I also understand there are consequences to my actions.

I will address the continued allegation that a conflict of interest exists due to my representation of someone associated with the Chappell family. As stated previously, I have never had a discussion with Mrs. Jones regarding her family or who her parents are. It never crossed my mind that her being a "Chappell" made her the daughter to one of Ms. Johnson's former step-brothers. Further, Mrs. Jones was referred to me by her mother and step-father, Mr. and Mrs. Henegar. I had done work for them many years ago. Again, I have never discussed Ms. Marie Chappell's matters with Mrs. Jones nor did I ever think to discuss who her parents are with her. I still believe there is no conflict of interest.

Ms. Johnson is correct in that I should have told them I did not have time. As stated in my previous correspondence, I should have referred them to either another attorney or to my father.

As to the \$5,000.00, that came out of my pocket. I did not receive it from any of Ms. Chappell's step-sons. I did not receive it from another attorney. As the pressure of my actions built and I began being questioned about that aspect, I paid the money out of my pocket.

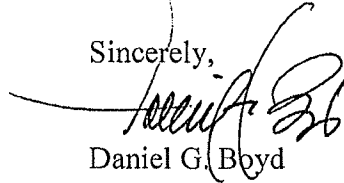
Being overwhelmed is the reason for my actions. I understand, however, that does not justify my actions. I was contacted by the family and told them I would help. Unfortunately, I let things spiral out of control to a degree.

**Exhibit D**

Again, I do not expect this to be the end of it. I am fully aware of the consequences of my actions. I am admitting to my conduct because it is the right thing to do. Of course, the right thing to do on the outset was to represent them to the best of my ability and do what I said I was going to do or refer them to someone that could help them.

Should there be the need for additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel G. Boyd", written over a horizontal line.

Daniel G. Boyd

DGB