

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Melvin Fink
PRB File No. 012-2019

**DISCIPLINARY COUNSEL'S MOTION TO AMEND
PETITION OF MISCONDUCT**

EXHIBIT 8

C

STATE OF VERMONT

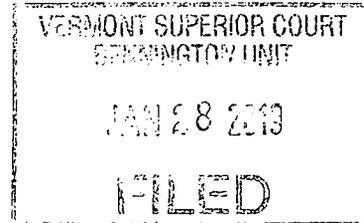
SUPERIOR COURT
BENNINGTON UNIT

CRIMINAL DIVISION
DOCKET NO. ~~2-19 Bncr~~
124-1-19 Bncr

STATE OF VERMONT

v.

MELVIN FINK



INFORMATION BY ATTORNEY GENERAL

BY THE AUTHORITY OF THE STATE OF VERMONT, the Attorney General for the State of Vermont, upon his oath of office, charges:

LEWD AND LASCIVIOUS CONDUCT

CHARGE CODE: 13V2601

OFFENSE CLASS: F

On or about ^{July} ~~June~~ 17, 2017, MELVIN FINK (DOB:03/31/1943) of Springfield, Vermont, at Peru, Vermont, was a person who knowingly and unlawfully engaged in open and gross lewdness and lascivious behavior, to wit; MELVIN FINK, without lawful purpose or consent, grabbed the back of Jeanne Howell's head, forced her face to his face, and inserted his tongue into her mouth and partially down her throat, in violation of 13 V.S.A. § 2601 and against the peace and dignity of the State of Vermont.

PENALTY: Imprisonment for not more than five years or a fine of not more than \$300.00 or both.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

COUNT 2 of 2

LEWD AND LASCIVIOUS CONDUCT

CHARGE CODE: 13V2601

OFFENSE CLASS: F

On or about ^{July} June 17, 2017, MELVIN FINK (DOB:03/31/1943) of Springfield, Vermont, at Peru, Vermont, was a person who knowingly and unlawfully engaged in open and gross lewdness and lascivious behavior, to wit; MELVIN FINK, without lawful purpose or consent, pushed his fingers, through the clothing of Jeanne Howell, into the anus of Jeanne Howell, in violation of 13 V.S.A. § 2601 and against the peace and dignity of the State of Vermont.

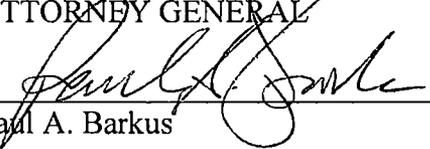
PENALTY: Imprisonment for not more than five years or a fine of not more than \$300.00 or both.

Dated: January 25, 2019

Respectfully submitted,

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: 
Paul A. Barkus

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

This information was presented to me and I have found probable cause this 29th day of Jan, 2019.


Superior Court Judge

****Affidavit****
Vermont State Police
18B104012

STATE OF VERMONT
Bennington County S.S.

NOW COMES Det. Sgt. Jesse Robson, Affiant, being duly sworn and on oath, deposes and says he has probable cause to believe Melvin D. Fink DOB 03-31-1943 committed the offense of Lewd & Lascivious Conduct, in violation of 13 VSA 2601, based on the following:

- 1.) On 7-6-18 Jeanne Howell reported to the Vermont State Police that she was sexually assaulted. I spoke with Howell and arranged for an interview at VSP Westminster on 7-9-18. Jeanne told me that this incident occurred on July 17th 2017 at 215 Moss Brook RD, Town of Peru, Bennington County, and State of Vermont. Jeanne told me that the male who assaulted her was an attorney who provided legal services related to Jeanne's son and a family court custody situation he was involved in. She identified this attorney as Melvin Fink.
- 2.) When Jeanne and I met in a conference room at VSP Westminster, she had with her numerous legal documents related to the court case Fink represented her family members on. This case involved Jeanne's son John in child custody proceedings related to his daughter and the child's mother, in family court. I learned that Fink received a \$10,000 retainer to represent her son. During my interview with Jeanne, I noticed that she was organized, articulate, and could recall numerous dates and details. At a later time, she provided me with documentation which corroborated her statement. Also present at VSP Westminster was Jeanne's friend, identified to me as Joseph J. Coscia.
- 3.) Jeanne provided a sworn audio recorded statement, of which there is a narrative report on file at VSP Westminster with this case. At the conclusion of the interview, she signed and swore to the truthfulness of her statement. The following is a brief summary of facts she provided, with corresponding dates which were either provided the day of my interview with Jeanne, or in subsequent documents and timelines she sent me:
 - Fink was hired in November 2016 to represent Jeanne's son John Howell in court.
 - In a court hearing on June 6th 2017, Fink recused himself as John's attorney. He met with Jeanne and John in a conference room at the courthouse after his recusal. He told them that he would still offer counseling to Jeanne, and she in turn could give advice to John for future hearings.
 - In July of 2017 Jeanne Howell exchanged phone calls and emails with Fink regarding several concerns and questions she had, related to an upcoming court hearing. Jeanne was referring to these as "8 points" that she wanted to discuss with Fink. It was decided that she would meet

him at his legal office on July 17th, 2017. That morning, she received a call from Fink earlier than 0800, and he asked that the meeting be switched to her home (215 Moss Brook RD in Peru). Jeanne told me that she prepared for this meeting by setting out 8 piles of paperwork for her 8 points, and also purchased food for breakfast at a local store. She was home preparing for her home to be shown by a relator.

- Jeanne stated that all of the sudden, she turned around to see Fink in her home, standing several rooms in from the entrance. She was surprised by this because she did not hear knocking, and that he had to pass through several rooms to get to where she first saw him. Fink told her that he came in because the door was open. Jeanne told me that although the door was not locked, she did not think it was ajar. Jeanne told me that she chalked his entrance up to bad manners, and tried focusing on the 8 points she set out.
- Instead of accompanying Jeanne to the kitchen where she had the paperwork for her 8 points set out, he stayed put in another area of the home. Fink then said to Jeanne "you're captivating" and then asked "Do you know you're captivating?" Jeanne told me that she was still very focused on the upcoming court hearing and was unsure how to respond so she said "thank you?" (Jeanne demonstrated this in a questioning upward inflecting manner).
- Jeanne went into the kitchen and Fink followed however he did not approach her paperwork piles so she began bringing them over one by one. Fink then told Jeanne that he has a book he would show her although he shouldn't show it and she can't tell anyone about it. Jeanne said the book was a law book related to grandparent rights and school attendance records.
- When we discussed what happened next, I noticed Howell becoming more visibly upset, she was pausing for water, shutting her eyes and telling herself that she had to get through this. Jeanne said that Fink told her "I want to pleasure you". He then asked if she believed in chemistry. Jeanne responded by asking what kind of chemistry, like as in school. I interpreted her statement as farcical or an effort to stall Fink. He replied "no, like between two people". He then repeated that he wanted to pleasure her however he only has until 2 PM.
- Howell stated that he then grabbed the back of her head and pulled it toward her with strength and pushed his tongue into her mouth. With his other hand he grabbed her by the back and it felt like his tongue was down her throat. She would later describe recalling his saliva and how strong and pointy his tongue was. She referred to her buttocks as her backside, and said his other hand went down to her backside with his fingers pushing onto her anus outside her clothing which was pants and underwear. Howell said he was so strong and she did not know what the consequences would be if she did not go along with what was happening.
- I asked what she referred to as consequences and she specified that she was concerned for her son and granddaughter since Fink is their legal source. At this time his right hand is holding the back of her head while his tongue is in her mouth and his left hand is on her buttocks with left fingers on her anus outside of clothing. She was thinking that she can't get out of this, when will it end and would she be hurt or killed if she tried to fight him off. She remembered thinking that he was grabbing her backside so hard that it would leave an imprint.

- He then pulled his face back and repeated "I want to pleasure you". At that time Howell knew she had to get out of the situation, did not want to anger him, and however knew she was not going to let him keep doing this. She then replied with "aren't you married?" He then replied that marriage has nothing to do with it, and he wanted to pleasure her. At this time his arms were holding her elbows. Howell then told him No, she can't let him pleasure her, she is not interested in sex and felt this way since her husband died. He asked if she was sure this was her answer and she said yes.
 - Fink let go, grabbed his book and turned around to leave. Once outside he stopped again and repeated that he wanted to pleasure her and shook his head as if in disbelief and when she said no he said "wrong answer" and "your loss".
 - Howell stated that she felt pain in her mouth, butt, and anus from Fink's actions.
- 4.) I conducted a follow-up recorded interview with Jeanne Howell on 7-17-18. This interview was conducted on the telephone and Jeanne acknowledged the previously signed waiver related to the truthfulness of her statement. Among other topics we discussed (which are also documented in a report I wrote which summarizes the entire second interview), I asked Jeanne why she waited almost 1 year to make a report to police. Jeanne told me that the delay was due in part to concerns for her son's mental health following the outcome in court, as well as her concerns for what John would do to Fink. She also was concerned that fallout could occur in court with a negative impact upon her granddaughter. It should be noted that she seemed overwhelmed and was crying at this point. She put the phone down and returned back a short time later.
 - 5.) I then asked Jeanne to go into more detail surrounding the physical contact between her and Fink. I specifically asked if she participated in the kiss or perceivably kiss him back. She said that she did not kiss him back, and tried to relax due to the tight hold her had on her. She also stated that she froze and just stood there. She said that he brought his face close to her and shoved his tongue into his mouth. She did not consider at the time why she did not close her teeth. She acknowledged that an option could have been fighting him, however she chose not to because it may turn into a fight which could lead to her being raped. She clarified that although his fingers were on her anus over her pants and underwear, there was no penetration inside her, however she felt the pressure of his fingers.
 - 6.) Jeanne provided me a photograph of text messages exchanged between she and Joseph Coscia shortly after Fink left Jeanne's home in Peru on July 17th, 2017.
 - 7.) Regarding billable hours for services by Fink, it was first believed that he omitted charging Jeanne for the July 17th 2017 visit to her home. Subsequently, I received a copy of the refund letter dated November 9th, 2017. It included an itemized list of charges billed against the \$10,000 retainer at the rate of \$200 per hour. I noticed an apparent discounted rate for the 7-17-2017 visit, as it was listed as 1 hour however in contrast to the other services Fink provided, she was only charged \$100. The following is the copy/paste from July 17th 2017:

07/17/17

Conference with Jeanne Howell.

Hrs/Rate

1.00

200.00/hr

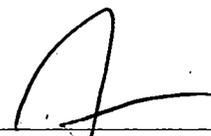
Amount

100.00

- 8.) On 8-9-18 I spoke with Fink on the phone after we exchanged messages and missed calls. I explained that there was a criminal complaint made against him. I asked if we could meet for an interview. Fink did not immediately refuse the notion to meet with me, however he wanted to consult with his attorney first, referencing the existence of a bar complaint also occurring. A short time later I received faxes, emails and later a USPS letter from David Sleigh asking that I do not contact Fink without his knowledge, consent and presence. I contacted Sleigh on the phone and asked if I could arrange an interview with Fink. He told me that he was not against this however he would get back to me.
- 9.) On 12-3-18 I received notice from Deputy Attorney General Paul Barkus that their office would be proceeding with a criminal charge against Melvin Fink. On 12-4-18 I received confirmation from the law office of David Sleigh that they would accept a citation on Fink's behalf. After sending this office an e-mail scanned citation, it was sent back with David Sleigh's signature. Case sent to the Attorney General's office for prosecution.
- 10.) This affiant respectfully requests the Court to order the defendant to arrange for and appear at VSP Westminster for fingerprinting and photographing associated with routine booking.

Subscribed and sworn to before me on
This 14th day of December, 2018


(Notary Public)


(Affiant)
12-14-18