

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Daniel W. Ewald
PRB File No. PRB-013-2023

RESPONDENT'S ANSWER TO PETITION OF MISCONDUCT

NOW COMES the Respondent Daniel W. Ewald, by and through his attorneys, Boylan Associates, P.C. and files this answer to the Petition of Misconduct:

Count 1: Admitted that on August 28, 2014, Responded acknowledged the signature of the seller on a deed to transfer real property when the seller appeared by telephone and that on December 27, 2019 he filed a copy of the deed with the Town for recording in the land records; otherwise denied.

Count 2: Admitted that Respondent did not timely record the August deed and that the failure to record resulted in the clients' failure to have the deeded right of way.

Count 3: Denied.

Count 4: Denied.

Count 5: Denied.

Facts alleged in support of Petition:

1. Admitted.
2. Admitted.
3. Admitted, with the exception of the word "small."
4. Respondent is without sufficient information to admit or deny this paragraph.
5. Respondent is without sufficient information to admit or deny this paragraph.
6. Admitted.
7. Respondent is without sufficient information to admit or deny this paragraph.

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8. Respondent is without sufficient information to admit or deny this paragraph.
9. Respondent is without sufficient information to admit or deny this paragraph.
10. Respondent is without sufficient information to admit or deny this paragraph except for knowing that Mr. Robinson was ill.
11. Respondent is without sufficient information to admit or deny this paragraph. Respondent was under the belief the parcel was gifted to the Bellimers.
12. Respondent is without sufficient information to admit or deny this paragraph.
13. Respondent is without sufficient information to admit or deny this paragraph.
14. Denied as stated.
15. Admitted there was no discussion regarding conflicts of interest; otherwise denied.
16. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted that Mr. Robinson did not appear in person before Respondent and that Respondent did not witness him signing the deed. Respondent responds, however, that Mr. Robinson, who Respondent knew very well, acknowledged to him on the phone, that he executed the deed as his free act. Respondent denies any requirement that he needed to witness Mr. Robinson actually sign the deed.
23. Admitted, with the exception that Respondent did not falsely attest.

24. Respondent is without sufficient information to admit or deny this paragraph.
25. Respondent is without sufficient information to admit or deny this paragraph.
26. Respondent is without sufficient information to admit or deny this paragraph.
27. Admitted.
28. Admitted the survey shows the Bellimer parcel to be 18.3 acres rather than 12+/- they represented to Respondent. Respondent is without sufficient information to admit or deny the remaining allegations of this paragraph.
29. Admitted.
30. Respondent is without sufficient information to admit or deny this paragraph.
31. Denied that the Bellimers had no communications with Respondent in December 2014. Respondent is without sufficient information to admit or deny the remaining allegations of this paragraph.
32. Respondent denies any conflict of interest and denies any discussion regarding conflicts was needed.
33. Admitted.
34. Admitted.
35. Admitted.
36. Admitted.
37. Admitted.
38. Admitted.
39. Admitted.
40. Admitted.
41. Admitted.

42. Admitted.

43. Admitted that the Bellimers did not review the December 16, 2014 deed; otherwise denied.

44. Admitted.

45. Admitted.

46. Admitted.

47. Respondent is without sufficient information to admit or deny this paragraph.

48. Respondent is without sufficient information to admit or deny this paragraph.

49. Admitted.

50. Respondent admits Mr. Bellimer spoke with him about this, but is without sufficient information to admit or deny the remainder of this paragraph.

51. Respondent is without sufficient information to admit or deny this paragraph.

52. Admitted the quoted language was taken from emails of Respondent to Mr. Bellimer; otherwise denied.

53. Denied.

54. Admitted.

55. Admitted.

56. Admitted that Respondent located a copy of the signed August 27, 2014 deed that did not have the acknowledgement filled in; otherwise denied.

57. Denied. On or about December 27, 2019, Respondent filled in the acknowledgement form as he had done on August 28, 2014 in order to present a true and accurate copy of that deed for recording.

58. Denied that Respondent did anything misleading; otherwise admitted.

59. Admitted that on December 27, 2019, Respondent filed the copy of the August 27, 2014 deed and the December 26, 2019 affidavit in the Town office to be recorded in the land Records; otherwise denied.

60. Denied.

61. Admitted.

62. Admitted.

DATED at Springfield, Vermont on November 6, 2023.

BOYLAN ASSOCIATES, P.C.

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