

JOEL MIRANDA BUENAVENTURA

Public Reprimand No. 2017-12

Order (public reprimand) entered by the Board on December 11, 2017.

SUMMARY¹

The respondent, Joel Miranda Buenaventura, was admitted to the bar of Massachusetts on December 9, 2003. The respondent is employed as an attorney with a state agency. He has no history of prior discipline.

The respondent is also a notary public of the Commonwealth of Massachusetts. From time to time, in the ordinary course of his employment, the respondent notarizes documents on behalf of the agency; in addition, he periodically notarizes personal documents for fellow employees of the agency.

In April 2014, at work, a fellow employee asked the respondent to notarize a Home Affordable Modification Agreement for himself and his wife. The document that the employee asked the respondent to notarize already contained a signature purporting to be that of the wife. The respondent had never met the wife, and she was not present. In response to the employee's request, the respondent notarized the wife's signature on the agreement, falsely acknowledging that she had personally appeared before him, provided her driver's license for identification and acknowledged that her signature was made voluntarily for the stated purpose. The respondent believed in good faith that the employee's wife was too busy at work to come before him and that she had assented to the agreement. In fact, the employee's wife never signed and had no knowledge of the agreement.

In October 2015, at work, the same fellow employee asked the respondent to notarize a Lump Sum Benefit Election form for himself, and an accompanying Spouse's Waiver of Survivor Annuity form for his wife. On the Lump Sum Benefit Election form, the fellow employee requested a lump sum payment directly to himself of his pension benefits in or about the amount of \$64,121.57. The document provided that no further benefits would be due to the employee or to his spouse.

The spouse's waiver that the fellow employee asked the respondent to notarize already contained a signature purporting to be that of his wife. The respondent had still never met the wife, and she was not present. In response to the employee's request, the respondent notarized the wife's signature on the waiver, falsely acknowledging that she had

¹ Compiled by the Board of Board Overseers based on the record of proceedings before the board.

personally appeared before him, provided her driver's license for identification and acknowledged that her signature was made voluntarily for the stated purpose. The respondent believed in good faith that the employee's wife was too busy at work to come before him and that she had assented to the waiver. In fact, the employee's wife never signed and had no knowledge of the Spouse's Waiver.

In early 2017, during her divorce proceedings, the wife learned that her name had been forged in April 2014, on the Home Affordable Modification Agreement, and in October 2015, on the Spouse's Waiver of Survivor Annuity form, and that the respondent had purportedly witnessed and notarized her signatures.

The respondent was not paid for his services and enjoyed no economic benefit.

The respondent's conduct in notarizing the fellow employee's wife's signatures when she was not present, had not signed the documents in his presence and had not indicated that her signature was voluntarily affixed for the purposes stated within the document violated Mass. R. Prof. C. 8.4(c).

This matter came before the Board of Bar Overseers on a stipulation of facts and disciplinary violations and a joint recommendation for a public reprimand. On October 16, 2017, the board unanimously voted to accept the stipulation and the joint recommendation and imposed a public reprimand.