

Supreme Court of Kentucky**FINAL**

2005-SC-000919-KB

DATE 1-31-06 E.A. Goupp, DCKENTUCKY BAR ASSOCIATION,
CLE COMMISSION

MOVANT

V.

IN SUPREME COURT

BRUCE WAYNE LOMINAC

RESPONDENT

OPINION AND ORDER

The CLE Commission of the Kentucky Bar Association has recommended that the Court find Respondent, Bruce Wayne Lominac, whose Bar Roster Address is 104 Falls Street, Suite B-1, London, Kentucky 40741 and whose KBA Member Number is 86232, in non-compliance with the minimum annual continuing legal education requirements (MCLE) of SCR 3.661 for the 2004-2005 educational year. Pursuant to our Show Cause Order of November 3, 2005, both the Movant and the Respondent have submitted Responses outlining their respective positions.

Despite numerous warnings, Respondent failed to complete his MCLE requirements during the time allotted for the 2004-2005 academic year. Similarly, he failed to submit his Application for Extension of Time for Completion of Continuing Legal Education in a timely manner—though it was due September 10, 2005 Respondent's application was postmarked September 13, 2005. Having reviewed the responses from each of the parties, it seems clear that Respondent's reliance on his personal records of CLE attendance, rather than on the official records maintained by the KBA, was a primary reason for his non-compliance. Although it is unnecessary to provide any

detailed explanation of the circumstances which led to Respondent's deficiency, it must be noted that Respondent's non-compliance was clearly documented in his official CLE Record and it was his responsibility to correct any discrepancies which might have existed between his personal file and the official record.

As such, upon the CLE Commission's certification of the Respondent's name to this Court for CLE non-compliance under SCR 3.669, we find that Respondent has failed to show cause why he should not be suspended from the practice of law or otherwise sanctioned. Wherefore, the following sanctions are adopted pursuant to SCR 3.370(10).

ACCORDINGLY, IT IS HEREBY ORDERED:

For his non-compliance with the minimum CLE requirements of SCR 3.661 for the 2004-2005 educational year:

(1) We hereby ORDER Respondent to pay a fine in the amount of four hundred dollars (\$400.00), payable to the Kentucky Bar Association within twenty (20) days from the date of this Order.

(2) It is also ORDERED that the CLE Commission apply back 2.5 hours of the 4.0 technologically-transmitted credits Respondent earned after June 30, 2005 to Respondent's 2004-2005 CLE record.

(3) Respondent must complete and report to the CLE Commission the remaining 1.25 live credits he needs for 2005 "apply-back" compliance within twenty (20) days of the date of this Order. If Respondent fails to complete and report the credits in a timely manner, he will be subject to suspension from practice for non-compliance upon motion of the Commission and Order of this Court.

(4) Furthermore, pursuant to SCR 3.667(2), Respondent shall not apply for a non-hardship extension for either the 2005-2006 or the 2006-2007 educational years.

All concur.

ENTERED: January 19, 2006.


CHIEF JUSTICE