

SUPREME COURT OF KENTUCKY

Inquiry Commission v. Traci Lee Tidball Peppers

No. 2020-SC-000172 (Ky. Aug. 20, 2020) · No. 2020-SC-000172 · Decided August 18, 2020

OPINION

PER CURIAM.

Supreme Court of Kentucky 2020-SC-000172 INQUIRY COMMISSION MOVANT V. IN SUPREME COURT TRACI LEE TIDBALL PEPPERS RESPONDENT ORDER Pursuant to SCR 3.165(1), the Inquiry Commission has petitioned this Court to enter an order temporarily suspending Respondent, Traci Lee Tidball Peppers, from the practice of law in the Commonwealth of Kentucky.

The Inquiry Commission asserts there is probable cause to believe Respondent has misappropriated funds held for others to her own use or has been otherwise improperly dealing with said funds. In its petition, the Inquiry Commission states it received information from Brian K. Pack, conservator for Garrett Hunter Graven, a minor, accusing Peppers of improperly converting \$24,415.00 of the minor's money to her own use.

Pack was appointed conservator for the child after Peppers was removed in March 2020 for failing to file periodic settlements for the child's estate for five years and informing the Barren District Court at a show cause hearing she was unable to provide any such accounting.

As detailed in Pack's report, between April 2016 and January 2020, Peppers made a series of transfers from the minor's bank accounts into her own personal and business accounts without court approval and with no apparent benefit to the child. Immediately prior to Pack completing his report, Peppers voluntarily repaid the estate \$27,000.00 to cover the amounts she had improperly withdrawn, plus interest.

Peppers self-reported her actions to the Kentucky Bar Association which instituted a disciplinary action against Peppers. In her response to the Inquiry Commission's petition, Peppers claims temporary suspension based on the allegations is unwarranted, but she submits no facts or documentation in support of her claim, other than her statement she possesses no client funds and does not act in a fiduciary capacity for any client and her pledge to fully cooperate in the disciplinary action.

She acknowledges her inappropriate actions and the accuracy of Pack's report. On an examination of the Inquiry Commission's petition and supporting documents, as well as the response, this Court finds probable cause, as required by SCR 3.165(1)(a), to believe Respondent has misappropriated client funds to her own use or has otherwise improperly dealt with such funds.

This Court also finds probable cause, under SCR 3.165(1)(b), to believe Respondent's misappropriations pose "a substantial threat of harm to [her] clients or to the public." 2 ACCORDINGLY, IT IS HEREBY ORDERED as follows: 1. Respondent is temporarily suspended from the practice of law in the Commonwealth of Kentucky, effective upon the date of entry of this order, pending further orders from this Court; 2.

Disciplinary proceedings against Respondent shall be initiated by the Inquiry Commission pursuant to SCR 3.160, unless already begun or unless Respondent resigns under terms of disbarment; 3. Pursuant to SCR 3.165(5), Respondent shall, within twenty (20) days from the date of the entry of this Order, notify—in writing—all clients of her inability to provide further legal services and furnish the Director of the Kentucky Bar Association with copies of all such letters; 4.

Pursuant to SCR 3.165(6), Respondent shall immediately, to the extent reasonably possible, cancel and cease any advertising activities in which she is engaged. All sitting. Minton, C.J.; Hughes, Keller, Lambert, Nickell, and VanMeter, JJ., concur. Wright, J., would deny the Petition for Temporary Suspension. ENTERED: August 20, 2020.

CHIEF JUSTICE 3