

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: March 23, 2017

D-46-17

In the Matter of EVAN NATHANIEL
TURGEON, an Attorney.

MEMORANDUM AND ORDER
ON MOTION

(Attorney Registration No. 5028170)

Calendar Date: March 13, 2017

Before: McCarthy, J.P., Garry, Clark, Mulvey and Aarons, JJ.

Evan Nathaniel Turgeon, Falls Church, Virginia, pro se.

Monica A. Duffy, Attorney Grievance Committee for the Third
Judicial Department, Albany, for Attorney Grievance Committee for
the Third Judicial Department.

Per Curiam.

Evan Nathaniel Turgeon was admitted to practice by this Court in 2012 and has previously listed a business address in Washington, DC with the Office of Court Administration. By sworn affidavit filed with this Court on July 22, 2016, Turgeon seeks leave to resign from the New York bar for nondisciplinary reasons (see Uniform Rules for Attorney Disciplinary Matters [22 NYCRR] § 1240.22 [a]). The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) opposes the application by correspondence from its Chief Attorney.

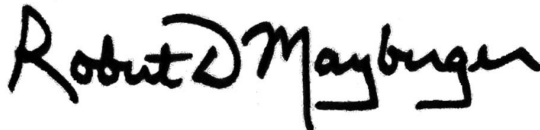
At the time that his application was filed with this Court, Turgeon was in violation of Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 since he had failed to fulfill his biennial registration requirements within 30 days of his 2016 birthday. Notably, this violation has not been cured to date. Inasmuch as Turgeon is therefore subject

to potential disciplinary action (see Judiciary Law § 468-a [5]; Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4 [d]; see also Matter of Attorneys in Violation of Judiciary Law § 468-a, 113 AD3d 1020, 1021 [2014]; Matter of Arms, 251 AD2d 743, 743-744 [1998]; Matter of Ryan, 238 AD2d 713, 713-714 [1997]; Matter of Farley, 205 AD2d 874, 874-875 [1994]), he is ineligible for nondisciplinary resignation and his application must be denied (see Matter of Cluff, ___ AD3d ___, 2017 NY Slip Op 01753 [2017]; Matter of Bomba, 146 AD3d 1226, 1226-1227 [2017]). Further, any future application by Turgeon must be supported by proof of his full satisfaction of the requirements of Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 (see Matter of Frank, 146 AD3d 1228, 1228-1229 [2017]).

McCarthy, J.P., Garry, Clark, Mulvey and Aarons, JJ.,
concur.

ORDERED that Evan Nathaniel Turgeon's application for permission to resign is denied.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court