STATE OF MAINE

Board of Overseers of the Bar   GCF Nos. 08-017 and 08-197

BOARD OF OVERSEERS OF THE BAR

Petitioner

v.

PETER K. MASON, ESQ.
of Searsport, Maine
Me. Bar #0433

Respondent

STIPULATED REPORT OF FINDINGS and ORDER of
PANEL B OF THE GRIEVANCE COMMISSION
M. Bar R. 7.1(e)(2)
M. Bar R. 7.1(e)(4)

On April 16, 2009 after due notice, Panel B of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 7.1(c)(2)(E) concerning misconduct by the Respondent, Peter K. Mason, Esq. in the above two docketed grievance complaints. The disciplinary proceeding was commenced by the filing of a stipulated Disciplinary Petition by the Board of Overseers of the Bar (the "Board") on February 19, 2009.

Prior to the disciplinary hearing, the parties submitted a Stipulated Report of Findings and Order for the Grievance Commission Panel's review and consideration. Present at the hearing were Attorney Mason, his counsel, Karen G. Kingsley, Esq. and Bar Counsel J. Scott Davis for the Board. The complainants, Keirsten Wyman and Tammy Tracey, were provided with a draft copy of the Report by the Board, attended the hearing and were provided the opportunity to address the Panel.
Having reviewed the Stipulated Disciplinary Petition and heard comments of counsel, the Panel makes the following disposition:

**FINDINGS**

Respondent Peter K. Mason, of Searsport, County of Waldo, State of Maine, has been at all times relevant hereto an attorney duly admitted to and engaged in the practice of law in the State of Maine and subject to the Maine Bar Rules. Attorney Mason was admitted to the Maine bar in 1972 and is currently registered with the Board of Overseers of the Bar as an attorney engaged in the active practice of law.

On or about January 12, 2008 Keirsten Wyman filed a grievance complaint against Attorney Mason. Ms. Wyman's complaint alleged that on October 17, 2007, Attorney Mason had exposed his genitals to her as they each were at the gas pumps and parking area of the On the Run Gasoline Station and Convenience Store in Winterport, Maine.

Attorney Mason was prosecuted and convicted after a jury-waived trial for the crime of Indecent Conduct concerning that incident involving Ms. Wyman.

By her complaint letter dated May 25, 2008, Tammy Tracey filed a similar grievance complaint against Attorney Mason. Her complaint likewise alleged that Attorney Mason had exposed himself on more than one occasion from 2004-2007 in public locations, including at both the parking lot of and
inside her place of employment, a convenience store in Stockton Springs. Ms. Tracey was a former client of Attorney Mason.

Attorney Mason was charged by a second criminal complaint with engaging in Indecent Conduct concerning Ms. Tracey’s allegations. That second complaint has been filed with prosecution deferred by the prosecutor responsible for handling it.

In his initial written response letter to each grievance complaint, Attorney Mason disputed the charges. Attorney Mason now agrees, however, and the Panel so finds that his conduct referenced in each of these two complaint matters violated Maine Bar Rules 3.1(a)(conduct unworthy of an attorney) and 3.2(f)(2)(illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness, or fitness in other respects). Attorney Mason has entered into a contract dated February 5, 2009 with the Maine Assistance Program for Lawyers and Judges (MAP) and has commenced an assessment, evaluation and treatment program as recommended by his clinical psychologist.

**CONCLUSION AND SANCTION**

The Maine Bar Rule 2(a) specifically requires attorneys to comply with the Code of Professional Responsibility at all times, notwithstanding the fact there may be no specific current attorney/client relationship or pending court matter at issue. The Rule further provides that the purpose of bar disciplinary proceedings is not punishment, but rather the protection of the public from
attorneys who, by their conduct, have demonstrated that they are unable, or likely to be unable, to discharge properly their professional duties.

The Panel notes that Attorney Mason has taken responsibility for his misconduct in each instance and has commenced a treatment program. During this hearing, Attorney Mason expressed his remorse for his violations of the Code of Professional Responsibility and the discomfort and upset his actions obviously caused to both Ms. Wyman and Ms. Tracey. Attorney Mason further agrees, as a condition of Panel approval of this Stipulated Report and Order, to comply with the terms of his three (3) year contract with MAP. Bar Counsel has confirmed that Attorney Mason has no prior public professional sanction record on file with the Board.

The Panel accepts the proposed disposition and the waiver by Attorney Mason of his right to file a Petition for Review as evidenced by his signature below.

Panel B hereby issues a **Public Reprimand** to Attorney Peter K. Mason pursuant to M. Bar R. 7.1(e)(3)(C)(4).

Dated: April 16, 2009

/s/ J. Scott Davis, Bar Counsel

/s/ Karen G. Kingsley, Esq.

/s/ Peter K. Mason, Esq.
Grievance Commission Panel B

/s/
John R. Bass II, Esq., Chair

/s/
Maurice A. Libner, Esq.

/s/
Susannah White