

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Melvin Fink
PRB File No. 012-2019

DISCIPLINARY COUNSEL'S MOTION TO LIFT STAY

EXHIBIT 2

STATE OF VERMONT

SUPERIOR COURT
BENNINGTON UNIT

CRIMINAL DIVISION
Docket No. 124-1-19 Bncr

STATE OF VERMONT

v.

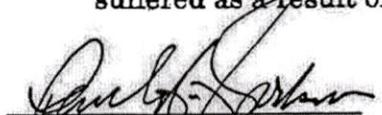
MELVIN FINK

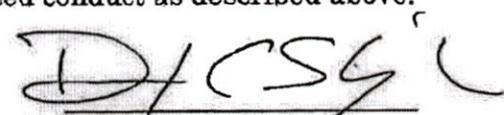
NOTICE OF RESOLUTION AGREEMENT

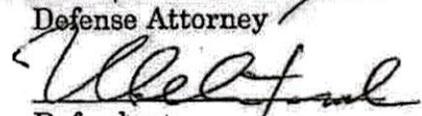
The State has agreed to refer the above-captioned case to Diversion provided that the Defendant first admit to a stipulated set of facts under oath during a diversion referral colloquy with the Court. During that hearing, the parties agree the victim, J.H., shall have an opportunity to offer a public impact statement to the Court. The State has conferred extensively with J.H. and she supports this resolution.

Stipulated Factual Basis for Diversion Referral

1. Melvin Fink was a lawyer for J.H.'s adult son until he withdrew; but, he continued in an advisory role and responded to the son's inquiries through his mother, J.H.
2. Mr. Fink acknowledges that J.H. and her son perceived their relationship as akin to a lawyer client relationship and ethical norms regulating his conduct, while not strictly applicable, should have provided guidelines for his conduct.
3. While at J.H.'s house to review documents, Mr. Fink erroneously perceived that J.H. harbored romantic feelings for him. While there, and without invitation, instigation or consent, express or implied, from J.H., Mr. Fink embraced her, putting his hands on her clothed buttocks and kissed her. He asked her if she wanted him to pleasure her. J.H. did not invite or consent to Mr. Fink's advance.
4. Mr. Fink understands that his conduct violated the norms that J.H. would have expected to govern a professional meeting.
5. Mr. Fink is truly sorry and apologizes for the emotional distress that J.H. has suffered as a result of Mr. Fink's unwanted conduct as described above.


Assistant Attorney General


Defense Attorney


Defendant

Kmc
11/7/23