

GRIEVANCE FORM

PAGE ONE

RETURN FORM TO: Office of the General Counsel
Oklahoma Bar Association
P.O. Box 53036
Oklahoma City, OK 73152

Complainant Information:

Prefix: ☒ Mr. ☐ Mrs. ☐ Ms.

First Name: Jonathan

Date of birth: [REDACTED]

Middle Name: Sylvester

Email: jonathan@ocpathink.org

Last Name: Small

Telephone:

Address: 1401 N Lincoln Blvd.

Home: _____

City: Oklahoma City

Business: 405-602-1467

State: OK Zip code: 73104

Mobile: [REDACTED]

Attorney against whom you wish to file a grievance: (NO LAW FIRMS)

Prefix: ☒ Mr. ☐ Mrs. ☐ Ms.

First Name: Anthony

Telephone:

Middle Name: _____

Last Name: Moore

Business: [REDACTED]

Address: [REDACTED]

Home: _____

City: Clinton

Mobile: _____

State: OK Zip code: 73601

Email: [REDACTED]

1. Did you employ the attorney? Yes _____ No ☒

a. Approximate date you employed the attorney: _____

b. Was there a written agreement for services? Yes _____ No _____
(If yes, attach copy)

c. What, if any, was the amount paid to the attorney? _____

d. Date Paid: _____ (attach proof of payment)

*** DO NOT WRITE ON BACK OF FORM ***

*** DO NOT SEND ORIGINAL DOCUMENTS, PROVIDE COPIES
AS ORIGINALS CANNOT BE RETURNED ***

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2. If you did not employ the attorney, what is your connection to him/her?
Mr. Moore assisted his spouse in filing three
Privibus VPOs against me, Dave Bond & Ray Carter.
3. Please furnish the following information, if available:
- a. Name of Court/County: Custer County District Court
 - b. Case Number: PB-22-40
 - c. Title of Suit: Rachel Moore vs. Jonathan
Small
 - d. Approximate Date case was filed: 6/20/2022
4. If you are or have been represented by any other attorney with regard to this same matter, state the name and address of the other attorney:
- Name: Sammy Duncan
Address: 1400 NW 16TH
City: Oklahoma City
State: OK Zip code: 73106
5. If you have made a grievance about this same matter to any other Official or Agency, state its (their) name(s), and the approximate date you reported it:
- _____
- _____
6. In the event a disciplinary hearing is held, would you be willing to appear and testify as a witness? Yes ☒ No ☐

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7. Names and addresses of witnesses to this grievance:

A. <u>Dave Bond</u>	B. <u>Ray Carter</u>	C. <u>Ryan Haunrie</u>
Name	Name	Name
<u>1401 N Lincoln Blvd</u>	<u>1401 N Lincoln Blvd</u>	<u>1401 N Lincoln Blvd</u>
Address	Address	Address
<u>Oklahoma City</u>	<u>Oklahoma City</u>	<u>Oklahoma City</u>
City	City	City
<u>OK</u> <u>73104</u>	<u>OK</u> <u>73104</u>	<u>OK</u> <u>73104</u>
State Zip	State Zip	State Zip
Telephone Number(s)	Telephone Number(s)	Telephone Number(s)
<u>dave@ocpathink.org</u>	<u>Ray@ocpathink.org</u>	<u>ryan@ocpathink.org</u>
Email Address	Email Address	Email Address

8. Nature of grievance against the attorney explained in full detail. (Use a separate piece of paper if necessary). If you employed the attorney, state what you employed him/her to do. Include what the attorney did or did not do. Further information may be requested.

See attached.

I hereby certify that I have read the foregoing matters and that they are true and correct to the best of my knowledge.

Jonathan D. Small II
Your Signature

7/8/2022
Date

This grievance form must be signed before it can be considered.
It is imperative that you notify this office of an address change.
If you are not available as a witness, your grievance may be dismissed.

Nature of Grievance Against Anthony Moore

On June 20, 2020, Anthony Moore (OBA No. 22429) took his wife to the Custer County Courthouse to get protective orders against myself, Dave Bond, and Ray Carter (Case Nos. PO-22-40, PO-22-39, and PO-22-42 respectively). Moore has stated this publicly, acknowledging his role in these filings. It also appears that while Anthony Moore's wife filled out section 4 (Description of Incident(s)), Anthony Moore may have filled out the other sections of the forms.

The filing of these actions was an abusive political stunt. It misused the tools of justice—particularly a process intended to protect real victims—as a weapon against perceived political opponents. In doing so, Moore misrepresented both the facts and the law. It appears he misled a judge and may have suborned perjury. His conduct violated the Oklahoma Rules of Professional Conduct and was far below the Oklahoma Bar Association's Standards of Professionalism, which state that a lawyer "will not make statements that are false" and will "be honest, professional and civil."

Title 22 is clear that only someone who is currently or was previously an intimate partner or family or household member may seek a protective order. An exception is for allegations of stalking, but stalking was not alleged in the petition nor was a police report included (which is required for stalking). The lack of necessary relationship was also apparent on the face of the petition.

The petition for protective order is a form with directions on how to fill it out. Part 1A asks the petitioner to check a box for the appropriate intimate partner/household family member. None of these boxes were checked on the forms for these protective orders. Section 1B states "If you DID check on one or more items in Section A above, then complete this section." Despite not having checked a box in Section A, Petitioner checked the box in Section 1B for "Victim of Harassment." Section 1C states, "If you DID NOT check one or more items in Section A above, then complete this section." Not a single box in Section C was checked. This facial deficiency strongly suggests the protective orders were an abuse of the judicial process. Anthony Moore, as an officer of the court and former assistant district attorney, should know better.

In Section 3, the Moores again checked a box that they knew was facially deficient. The box for harassment was checked. The definition of harassment directly below the checkbox states that harassment is the "knowing and willful course or pattern of conduct **by a family or household member or an individual who is or has been involved in a dating relationship with the person . . .**" None of the individuals named in the protective orders meet or have ever met that definition. As an attorney and officer of the court, Anthony Moore knew, or should have known, the petitions were unlawful and an abuse of the court system.

In the Petitioner's description of the incident, Petitioner stated "I received a series of text messages from two untraceable google voice phone numbers." Despite this admission that there were only messages from two numbers, the Moores sought—and obtained—protective orders against *five* people including those named above. It defies the laws of mathematics and reason to think five people can harass you (assuming the definition of harassment is met in the first place) from only two numbers. Here, again, Anthony Moore, as an officer of the court has a duty not to abuse the court process by seeking *five* protective orders when by Petitioner's own admission, only *two* numbers were used.

Anthony Moore has claimed that he filed the above-mentioned protective orders because myself and the other two men are Hallie Milner's direct supervisors. Even if that were true (none of us directly supervise Hallie), and even if Hallie Milner sent a text message to the Petitioner (as opposed to Anthony Moore himself), that would not provide the legal justification for protective orders against myself, Dave Bond, and Ray Carter. There is no vicarious liability for protective orders. Anthony Moore is a licensed attorney and knew, or should have known, that there were *numerous* flaws in the petitions for protective orders.

And it's not just the facial deficiencies with the petitions that suggest the whole thing was a dirty political trick. The context surrounding the protective orders matters as well.

Anthony Moore was aware that a 501(c)(4) called "People for Opportunity" was running independent expenditures against his campaign. I and Dave Bond are members of that organization, and Anthony Moore is under the impression that Ray Carter is also affiliated with People for Opportunity (this is not true, but Moore has publicly stated that he believes this). We have strong policy disagreements with Moore—that is no secret. In response, he has made no secret of his intense personal animus against us. He is entitled to his feelings and free speech, but not to use the tools of justice as his personal political weapons.

After the filing of the protective order against me, I have attempted to ascertain the facts behind this situation. My own investigation suggests that Anthony Moore's wife received not "a series of text messages from two ... numbers," but rather one single text message from, of course, one single phone number. I further believe that any claim that OSBI linked myself, Dave Bond, or Ray Carter to that message is entirely false. If I am correct, then sworn statements made to the contrary are perjury and anyone who induced or suggested such statements suborned perjury.

The petition for protective orders were filed just eight days before Anthony Moore's primary election. The night of the election, after polls had closed, Chris Cotner, attorney for the Moores, offered to dismiss the protective orders. Once a settlement agreement was

sent over, it was clear the Moores were trying to get us to sign a non-disclosure and waive any form of redress in return for them dropping the protective orders.

Unwilling to surrender our rights, our attorney told the court that we were ready to move forward with our motion to dismiss and, if necessary, the normal hearing on whether to make the protective orders permanent. Once the Moores knew they couldn't extract something from us in exchange for dropping the protective orders, they dropped them on their own before having to appear for what would surely have been an embarrassing hearing (for all the reasons listed above).