

July 22, 2011

THE SOCIETY FOR THE HISTORIC PRESERVATION OF THE COLUMBIA AIR  
CENTER, INC.

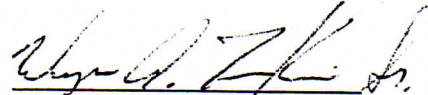
RE: Inquiry pertaining to the relationship between Wayne A. Tonkins, Sr. president of the Society for The Historic Preservation of the Columbia Air Center, Inc. and the Society for the Preservation of Black Aviation History, Inc.

Response:

CHRONONOLOGY

1. Wayne A. Tonkins, Sr. was the consultant / attorney for the Society for the Preservation of Black Aviation History, Inc. (hereinafter the corporation) (see "Consultant / Client Contract Agreement" attached).
2. One of the officers of the corporation (Mr. Renton Bean) who worked with Mr. Tonkins at the Federal Aviation Administration represented himself as a law school graduate taking the bar examination. However, the people on the job referred to him as an attorney and he did nothing to point out he had not passed a bar examination and was not an attorney.
3. Mr. Tonkins eventually discovered Mr. Renton Bean was listed on the internet as Renton Bean Esq. a private company categorized under legal services with his home address.
4. A board meeting was called in January 2010 to discuss the matter. All of the members of the board including Mr. Bean were provided a copy of the American Bar Association's "Quick and easy ethics tips for new lawyers" which clearly stated, "Don't jump the gun, if you're a law school graduate who hasn't yet passed the bar, you're not a lawyer yet, so you can't practice law." "Don't refer to yourself as a "lawyer" or append "Esq." to your name until you've successfully passed the bar. Falsely holding oneself out as a lawyer is among the activities that are generally found to constitute the unauthorized practice of law." (see the attached American Bar Association material and the Google searches for Renton S.P. Bean, Esq.) The corporation was advised by Mr. Tonkins of its responsibility as a 501(c)(3) Tax Exempt Business Organization to exercise "Due Diligence" in such matters.
5. January 27, 2010 Mr. Bean submitted an Affidavit to the corporation and to Mr. Tonkins stating he had not appended "Esq." to his name or held himself out to the public as an attorney. (see attached affidavit)
6. Mr. Beans conduct did not appear to change and Mr. Tonkins who is an attorney with over 23 years of practicing law without a single complaint or sanction by the Courts or by the "Bar" withdrew from the corporation to avoid the appearance of aiding and abetting in the unauthorized practice of law. (see attached written notice of consultant terminating the consultant agreement with the corporation dated May 3, 2010)

7. A Google search dated 11/2/2010 for Renton S.P. Bean, Esq. showed the same information was available to the public (see attached Google search dated 11/2/2010) and Mr. Bean is still referred to as an attorney, counselor and lawyer by his co-workers at the FAA.

  
Wayne A. Tonkins, Sr

WAYNE A. TONKINS, ESQUIRE  
11933 Autumnwood Lane  
Fort Washington, MD. 20744

CONSULTANT / CLIENT CONTRACT AGREEMENT

This legally binding CONTRACT AGREEMENT, made this 1 day of March 2008, by and between the charter members of The Society for the Preservation of Black Aviation History, Inc. and the Society for the Preservation of Black Aviation History Incorporated of 314 Syria Court, Fort Washington, Maryland 20744, hereinafter, Client and Wayne A. Tonkins, Esq., of 11933 Autumnwood Lane, Fort Washington, Maryland 20744, hereinafter, Consultant is as follows:

The Client hereby retains the undersigned consultant to:

1. Prepare the articles of incorporation, the bylaws, and the supporting documentation to create and incorporate "The Society for the Preservation of Black Aviation History, Inc." as a non stock Maryland non-profit corporation.
2. Prepare the Department of The Treasury Internal Revenue Service Application For Recognition of Tax Exemption Under Section 501(c)(3) of the Internal Revenue Code (Form 1023) and all ancillary documentation.
3. Advise the client regarding its options while operating under section 501(c)(3) of the Internal Revenue Service Code.
4. Prepare the articles of incorporation, bylaws, and the supporting documentation to create and incorporate "Croom Executive Airport, Inc." as a non-stock Maryland non-profit general aviation airport.
5. Prepare the Department of The Treasury Internal Revenue Service Application For Recognition of Tax Exemption Under Section 501(c)(3) of the Internal Revenue Code (Form 1023) and all ancillary documentation for "Croom Executive Airport, Inc."
6. Advise Client regarding its options pertaining to section 501(c)(9) of the Internal Revenue Service Code also known as "Voluntary Employee Benefit Associations" (VEBA).
7. Assist Client regarding 501(c)(9) matters.
8. Assist Client to obtain the Columbia Air Center site from the current owner, the Maryland-National Capital Park and Planning Commission.

9. Provide fund raising for the Croom Executive Airport, Inc. Project.

The Client further agrees to pay all costs incurred in connection with this matter (filing fees, etc.).

It is agreed that the Consultant shall receive as compensation regarding items numbered 1 – 8 three hundred seventy five dollars (\$375.00) per hour for services rendered once the Client has a minimum of five hundred thousand dollars in assets.

Consultant will receive twenty (20%) per cent of all funds collected from any and all contributors or any and all contributions to the Society for the Preservation of Black Aviation History Inc., and / or Croom Executive Airport, Inc., or in connection with the airport project. The Consultant will receive twenty (20%) of all funds he directly or indirectly solicited on behalf of the Client. Consultant will receive the aforementioned twenty (20%) per cent of all collected funds as long as these contributors contribute to the Client in any capacity. If the relationship between Client and Consultant is severed Client agrees to continue to remit twenty (20%) per cent of all funds received from contributors and or contributions directly or indirectly solicited by Consultant.

The Consultant may terminate this agreement at any time and for any reason by giving written notice to the Client at his last known address. The Client agrees this legally binding contract is terminated three business days from the date of the termination letter or three days after receipt of the termination letter from the Consultant, whichever occurs first.

The Client may terminate this agreement at any time and for any reason by giving written notice of termination to the Consultant at his last known address. The Consultant agrees this legally binding contract is terminated three business days from the date of the termination letter or three days after receipt of the termination letter from the Client, whichever occurs first.

Upon termination of the Consultant by the Client, the Client will receive from the Consultant a final bill for services rendered, if appropriate within two (2) weeks from the date the termination is effective pursuant to this agreement. The Client agrees to pay to the Consultant the entire amount of the bill within ten business days of the date of the final bill.

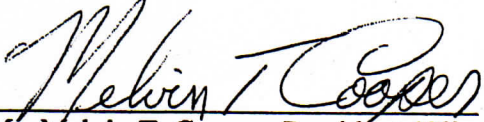
The parties to this contract agree that the individual charter members of The Society for the Preservation of Black Aviation History, Inc. and the charter members of Croom Executive Airport, Inc. are not individually or severally liable regarding this contract. Only the corporate entity "The Society for the Preservation of Black Aviation History, Inc., and /or Croom Executive Airport, Inc. are responsible parties to this contract with Consultant.

The signatures of the parties indicate their intent for this document to be a legally binding contract upon each of the parties, enforceable under the laws of the state of Maryland and the United States of America.

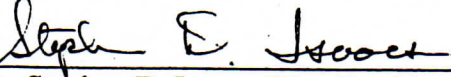
SIGNATURES:

  
Wayne A. Tonkins, Esq. (Consultant)

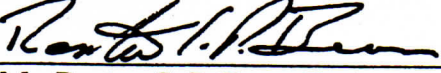
DATE: 3/1/08

  
Mr. Melvin T. Cooper, President (Client)  
Charter Member  
The Society for the Preservation of Black Aviation History, Inc.

DATE: 3/1/08

  
Mr. Stephen D. Isaacs, Vice President (Client)  
Charter Member  
The Society for the Preservation of Black Aviation History, Inc.

DATE: 3/1/08

  
Mr. Renton S. P. Bean, Treasurer (Client)  
Charter Member  
The Society for the Preservation of Black Aviation History, Inc.

DATE: 03/01/08

Affidavit of Renton S. P. Bean

I, Renton S. P. Bean, do hereby swear or affirm under oath that the following statement is made freely and voluntarily to and for the use of "The Society for the Preservation of Black Aviation History, Inc." regarding the issue of practicing law without a license (unauthorized practice of law), knowing that this statement may be used in evidence. I understand that this statement is not confidential and may be shown to any party who has an official interest.

1. I am a 1999 graduate of the University of the District of Columbia Law School.
2. As of the date of this affidavit I have not been nor have I held myself out to have been admitted to a bar or license to practice law in any jurisdiction in the United States or its territories.
3. I have not directly nor indirectly held myself out to the public in any manner as an attorney, lawyer or provider of legal services requiring a license to practice law. I have not appended "Attorney-At-Law", "Esq." or any other suffix or prefix that could mislead or misrepresent my status as a law school graduate.
4. I further declare I have not held myself out to the public as an attorney, lawyer, or provider of legal services requiring a license to practice law directly or indirectly in any manner in the past, nor currently, nor do I intend to do so in the future until such time as I am licensed to practice law.

I hereby declare under penalty of perjury under the laws of the United States that the foregoing statement is true, correct, and complete to the best of my knowledge.

Signature: Renton S. P. Bean Date: 01/27/10

[Signature]  
Notary Public, District of Columbia

My Commission Expires: 09/14/2011

*Subscribed & Sworn to  
before me this January  
27th 2010.  
Jacqueline Celcius  
Notary Public  
District of Columbia*  
[Signature]  
1/27/10



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Do you have a question about legal ethics that affects your practice? [ETHICSearch](#) can help. For quick and confidential research assistance, click [here](#) to send your questions.

### Quick and easy ethics tips for new lawyers

By Kathryn A. Thompson  
*ETHICSearch, research counsel*

**Don't jump the gun. If you're a law school graduate who hasn't yet passed the bar, you're not a lawyer yet, so you can't practice law.** The definition of the "practice of law" is typically broad and varies from state to state. And—since it is a matter of law, not ethics—[ABA Model Rule 5.5 \(a\)](#) merely prohibits a lawyer from practicing law in a jurisdiction where it would be prohibited. This means that you must look outside the ethics rules to track down whatever statutes, case law or court rules define and regulate the practice of law in your particular jurisdiction. For a directory of unlicensed practice of law committees and related resources, visit the ABA's Client Protection [home page](#).

Share your opinions on this issue on the [discussion board](#).

**Don't refer to yourself as a "lawyer" or append "Esq." to your name until you've successfully passed the bar.** Falsely holding oneself out as a lawyer is among the activities that are generally found to constitute the unauthorized practice of law. You can generally indicate that you hold a J.D. degree—but only if it's clear from the context that you are not attempting to hold yourself out as a lawyer. For example, while listing a J.D. degree on a resume is widely accepted, use of the credential in law firm marketing materials could be problematic absent a disclaimer that you have not yet passed the bar and are thus not licensed to practice law. So refrain from ordering business cards and letterhead until the positive bar results are in—only then are you a bona fide "lawyer."

For further information on the use of titles by lawyers, read "[Tussle Over Titles—Ethics Opinions Wrangle With Terms Lawyers Use to Identify Themselves](#)," which appeared in the January 2008 edition of the *ABA Journal*.

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**Just because you're a licensed "lawyer" now doesn't mean you don't have to worry about unauthorized practice.** [ABA Model Rule 5.5](#) seems straightforward enough: lawyers who have passed the bar in one state are licensed to practice in that jurisdiction only. But with the advent of the Internet it's easier than ever to cross state lines—without even leaving your desk. Keep in mind that if you plan on using a web site to advertise, you may have to comply with the ethics rules of other states, particularly if it is perceived that you are providing or attempting to provide legal services there. You may wish to visit the [web site](#) of the ABA Commission on Multijurisdictional Practice, which offers a trove of useful resources addressing out-of-state practice.

**Just because you're not licensed there doesn't mean you can't run into trouble with the out-of-state ethics authorities.** [Under ABA](#)

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**Model Rule 8.5**, a jurisdiction may sanction a lawyer who provides or attempts to provide legal services within that jurisdiction, whether or not the lawyer is licensed to practice there.

**Don't assume the advertising rules are obvious or intuitive. They're not.** The advertising rules vary tremendously from state to state. Some states prohibit client testimonials, some require lawyers to register Web sites, and still others require specifically worded disclaimers when sending certain types of e-mail. This is one area where you can't rely on common sense—you need to know your state rules and keep abreast of your state's ethics opinions.

The ABA Center for Professional Responsibility maintains a [web page](#) that compiles resources on ethics and advertising, including a chart that tracks the differences between state advertising and solicitation rules and the ABA Model Rules of Professional Conduct. It's a vital resource for finding out how your state advertising rules vary from the Model Rules. And while we're on the topic, make sure to bookmark the home page of the [Center's Policy Implementation Committee](#), which tracks the adoption of the Model Rules and provides useful charts that compare state variations of many Rules.

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**It is getting more and more difficult to be a jack-of-all trades in law, like medicine and other professions—without sacrificing competence.** General practitioners still exist, but lawyers starting out should be wary of taking on too much, too fast. Although the [official comments to ABA Model Rule 1.1](#) (Competence) specifically state that "a newly admitted lawyer can be as competent as a practitioner with long experience," a lawyer's lack of experience in a particular area of the law is no defense to incompetent representation. Newly admitted lawyers should think twice before accepting cases in unfamiliar areas of the law. When in doubt, you should consider declining the representation or seeking the assistance of supervisory lawyers or more experienced co-counsel.

**You can't charge a client for time spent getting up to speed on an unfamiliar topic.** [ABA Model Rule 1.1](#) indicates that a lawyer's competence is assumed. Thus, charging a client higher fees to account for time spent getting acquainted with basic legal principles does not comport with that Rule or the [Rule 1.5](#) requirement that fees be reasonable. For general information on billing, refer to [ABA Formal Opinion 93-379 \(1993\)](#) (Billing for Professional Fees, Disbursements and Other Expenses). The ABA Section of Business Law's "[Statement of Billing Principles](#)," similarly concludes that "Lack of experience should be appropriately reflected in a lawyer's hourly rate."

For additional information on proper billing practices, peruse the extensive bibliography of resources on billable hours available at the ABA Section of Business Law's Web site, particularly the [Online Toolkit](#), which is provided by that entity's Ad Hoc Committee on Billable Hours.

**Just because you relied on the advice of a supervisory lawyer doesn't mean you get a get-out-of-jail-free card.** [ABA Model Rule 5.2](#) (Responsibilities of a Subordinate Lawyer) plainly states that you are not excused from your ethical duties simply because your actions were directed by someone else.

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**In addition to refraining from the prohibited conduct, if another lawyer acts or urges you to act unethically you are obliged to report the lawyer to the appropriate authority.** And yes—that includes your boss. [ABA Model Rule 8.3](#) (Reporting Professional Misconduct) compels a lawyer who knows that another lawyer or judge has committed misconduct raising a "substantial question" about honesty or fitness to report this information to the appropriate authority unless the information is otherwise protected by the confidentiality rules. See [ABA Model Rule 1.6](#) (Confidentiality of Information).

**If you decide to refer a matter to a more experienced lawyer, you could ultimately be responsible for the competent handling of the matter.** [ABA Model Rule 1.5\(e\)](#) permits a division of fees with another lawyer as long as the division is in proportion to the services performed by each lawyer, or if each lawyer assumes joint responsibility for the representation. According to [ABA Informal Ethics Op. 85-1514 \(1985\)](#), a lawyer who agrees to share "joint responsibility for the representation" must make reasonable efforts to ensure that the other

lawyer complies with the ethics rules on the matter for which fees will be divided. The assumption of responsibility includes "ethical responsibility to the extent a partner would have ethical responsibility for actions of other partners in a law firm in accordance with Rule 5.1, and the same responsibility to assure adequacy of representation and adequate client communication that a partner would have for a matter handled by another partner in the firm under similar circumstances."

ABA Model Rules of Professional Conduct are available [here](#). Learn more about the ETHICSearch research service, and other resources of the ABA Center for Professional Responsibility at [www.abanet.org/cpr](http://www.abanet.org/cpr).

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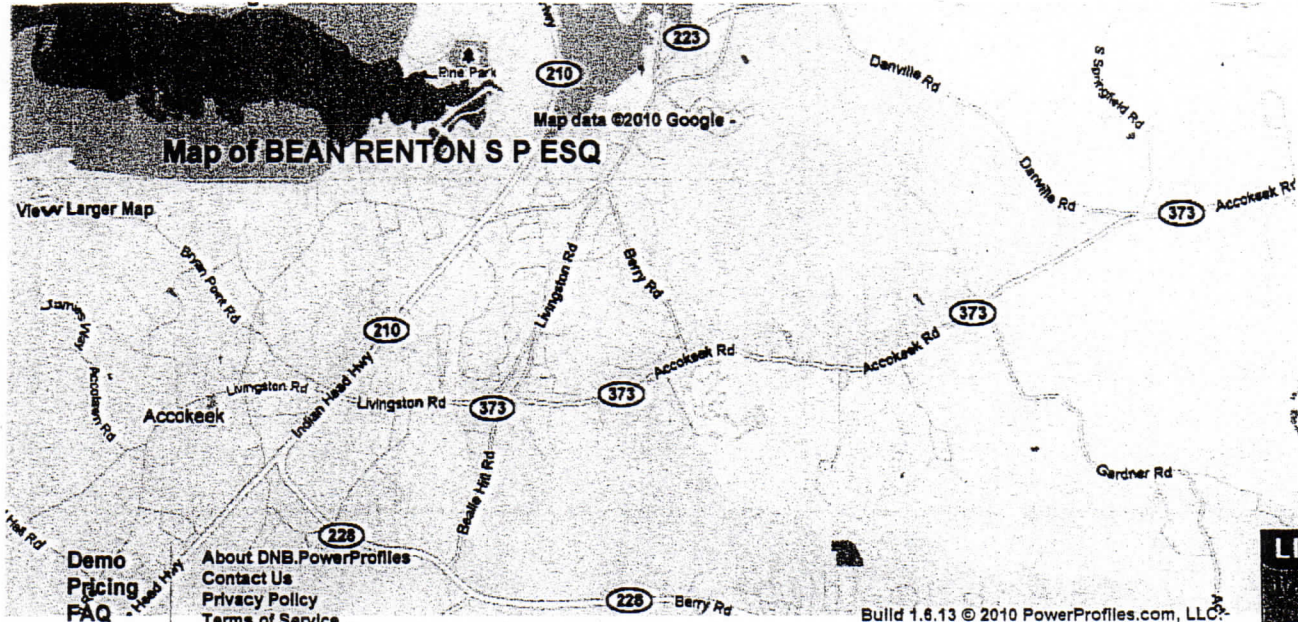
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Seattle, **Renton & So. Ry. Co.**, 55 Wash. 625, 104 Pac. 825; West-by v. ... **Bean**, to do the work, and that they acted under his orders and direction. ...

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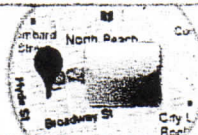
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<b>Line Of Business:</b>	Legal Services Office
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<b>Estimated # of Employees:</b>	2
<b>Year Founded:</b>	2001
<b>Estimated Employees for This Location:</b>	2

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Wayne A. Tonkins, Esq.  
11933 Autumnwood Lane  
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May 3, 2010

Mr. Melvin Cooper, President  
"The Society for the Preservation of Black Aviation History, Inc."  
314 Syria Court, Fort Washington, MD 20744

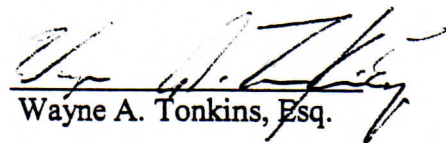
RE: Written **NOTICE** of Consultant terminating the Consultant / Client Contract Agreement dated March 1, 2008.

Pursuant to the aforementioned agreement I exercise my option to notify the president of the corporation on May 3, 2010 that I shall no longer serve as "Consultant" to the corporation. Accordingly, the contract is terminated three (3) business days from the date of this letter. The effective date is Thursday, May 6, 2010 at close of business.

Under the existing circumstances I truly believe this action is in the best interest of the corporation, the people I deeply respect and in my best interest.

I wish you God's speed in your endeavors and may you only know success.

Sincerely,

  
Wayne A. Tonkins, Esq.

CC: Mr. Stephen Isaacs, Vice President