

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

David W. Tidd :
Former Magisterial District Judge :
Magisterial District 03-2-04 : 3 JD 2016
Third Judicial District :
Northampton County :

RECEIVED AND FILED
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OF PENNSYLVANIA
2017 JAN 17 P 4:30

PROPOSED JOINT STIPULATIONS OF FACT

AND NOW, this 17th day of January, 2017, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (the Board), and Former Judge David W. Tidd, by and through their undersigned counsel, and files these Proposed Joint Stipulations of Fact pursuant to C.J.D.R.P. No. 502(D)(2), as follows:

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.
2. From January 4, 2010 through July 25, 2016, Judge Tidd served as Judge of Magisterial District Court No. 03-2-04.
3. On July 25, 2016, Judge Tidd resigned from his position as Magisterial District Judge.
4. Based on Confidential Requests for Investigation at JCB File Nos. 2014-510, 2015-227, 2015-237, 2015-285, 2015-286, and 2015-421, the Board investigated the instant matter.

5. As a result of its investigation, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there is probable cause to file formal charges against Judge Tidd in this Court.

6. Some of the alleged judicial misconduct occurred prior to December 1, 2014 and therefore, the Old Rules Governing Standards of Conduct of Magisterial District Judges (R.G.S.C.M.D.J.) apply to those allegations of misconduct.

7. Some of the alleged judicial misconduct occurred after November 30, 2014 and therefore, the New R.G.S.C.M.D.J. apply to those allegations of misconduct.

A. Retaliation

8. On August 11, 2011, former President Judge Kimberly J. McFadden and two Northampton County Court Administrators, Jill Cicero and Debra French, met with Judge Tidd to discuss an anonymous complaint filed against him.

9. During the April 23, 2015 meeting behind a locked door, Judge Tidd asked his court clerks, who among them had communicated about court business with David Repyneck, his political opponent for the position of magisterial district judge in the upcoming Primary Election.

10. Sometime prior to May 19, 2015, Primary Election Day, Judge Tidd decided to take that day off from work to campaign at the polls for his reelection to the position of magisterial district judge.

11. On May 19, 2015, Primary Election Day, Judge Tidd believed that B.A. had purposefully ignored his request to clear his calendar for that day.

12. In his June 18, 2015 email to Northampton County Deputy Court Administrator Debra French, Judge Tidd wrote:

"I am requesting the immediate removal of [B.A., court clerk] from my Court as it has come to my attention that

she has taken part in filing a complaint against me with the Judicial Conduct Board.”

13. On June 18, 2015, Northampton County Court Administration arranged for the transfer of B.A. from Judge Tidd’s district court to another Northampton County magisterial district court.

14. By his same June 18, 2015 email to Deputy Court Administrator French, Judge Tidd requested that his former court clerk, D.K., who retired in December 2014 and now serves as a floater court clerk, “not be assigned to this court until further notice as I believe she took part in the filing of the [Board] complaint as well.”

15. On or about June 22, 2015, Judge Tidd told C.B. that she was not permitted to call D.K.

16. On the afternoon of February 19, 2016, Judge Tidd received the Board’s Notice of Full Investigation (NOFI).

17. Hellertown Police Sergeant Jeffrey Johnston’s name appears in the Board’s February 19, 2016 NOFI.

18. Judge Tidd is acquainted with Sergeant Johnston who appears regularly for police matters at District Court 03-2-04.

19. At 9 a.m. on an unknown date in February 2016, soon after his receipt of the Board’s NOFI, Judge Tidd placed a telephone call from his personal cell phone to Hellertown Police Sergeant Johnston.

20. During the February 2016 telephone call, Judge Tidd stated that he had received a letter from the Judicial Conduct Board.

21. During the February 2016 telephone call, Judge Tidd said he knew that Sergeant Johnston and Officer Michael Dattilio had cooperated with the Board’s investigation.

22. During the February 2016 telephone call, Judge Tidd posed questions to Sergeant Johnston including:

- a. "Did I ever do wrong to you?" and
- b. "Why didn't you come to me about your problems instead of talking to the Judicial Conduct Board?"

23. During the February 2016 telephone call, Judge Tidd told Sergeant Johnston that as a result of the investigation by the Judicial Conduct Board, Sergeant Johnston might have to go to Harrisburg to testify.

24. Robert Shupp is the Chief of Police at the Hellertown Police Department.

25. Chief Shupp's name does not appear in the Board's February 19, 2016 NOFI.

26. On that same morning in February 2016, soon after his conversation with Sergeant Johnston, Judge Tidd drove to the Hellertown Police Department and asked to meet with Chief Shupp.

27. During his February 2016 in-person conversation, Judge Tidd asked Chief Shupp, "Do you have any specific issue with the way my court is being run?"

28. On May 8, 2016, Judge Tidd sent an email communication to Deputy Court Administrator French, requesting "the immediate transfer" of C.B. and T.D., another one of his court clerks.

29. In his May 8, 2016 email to Deputy Court Administrator French, Judge Tidd claimed that C.B., was a witness for, and cooperating with the Board, and that both clerks were "insubordinate."

B. Improper Demeanor

30. On August 11, 2011, former President Judge McFadden and Court Administrators Cicero and French, met with Judge Tidd to discuss an anonymous

complaint filed against him. The complaint identified a potential conflict of interest arising from Judge Tidd's legal representation of Maria Nieves in an enforcement of judgment case in the Court of Common Pleas.

31. Judge Tidd had previously entered judgment in the *Nieves* case involving failure to pay condominium fees in his district court. *Society Hill v. Nieves*, Docket No. MJ-03204-CV-0000134-2010. Additionally, Judge Tidd's law firm provided legal representation in a bankruptcy matter for Ms. Nieves in federal bankruptcy court.

32. On January 23, 2012, a defendant appeared for a hearing at Judge Tidd's court without first filing a Notice to Defend. As a result, the hearing had to be rescheduled so that the plaintiff would have the opportunity to appear at the proceeding. *Sterling Jewelers, Inc. v. Echenberg*, MJ-03204-CV-0000188-2011.

33. On February 8, 2012, Deputy Court Administrator French initiated a telephone conversation with Judge Tidd, on behalf of former President Judge McFadden, to schedule a February 13, 2012 meeting to discuss complaints about his conduct at his district court.

34. During his deposition, Judge Tidd recalled that during the February 13, 2012 meeting, former President Judge McFadden told him not to curse and to wear his judicial robe.

35. On October 9, 2014, Constable Douglas Fulmer transported a defendant from Lehigh County Prison to Judge Tidd's district court for a scheduled preliminary hearing on three misdemeanor charges including Driving Under the Influence - Impaired Ability, 1st offense, 75 Pa.C.S.A. § 3802 §§ D2. *Commonwealth v. Butler*, Docket No. MJ-03204-CR-0000198-2014

- a. The preliminary hearing in the *Butler* matter was initially scheduled for August 28, 2014, but Judge Tidd granted a defense continuance so that the defendant could obtain counsel;
- b. By October 9, 2014, the defendant had not yet obtained counsel;
- c. On October 9, 2014, while standing at the counter of the reception area of his court, Judge Tidd asked the defendant if he wanted to waive his hearing; and
- d. The defendant responded that he wanted to fight the charges.

36. At 8:46 a.m. on May 19, 2015, Primary Election Day, B.A sent a text message to Judge Tidd and asked if he was coming to the district court for four hearings that were scheduled that morning.

37. On May 19, 2015, Judge Tidd returned the call to B.A. and screamed and cursed at her as follows:

"Are you fucking kidding me, please tell me you are fucking kidding me."

38. B.A. explained to Judge Tidd that there were only four hearings scheduled that day.

39. Judge Tidd screamed into the phone:

"Are you fucking kidding me, I'm supposed to have off today."

40. Judge Tidd ended the phone call by hanging up on B.A.

41. Just as the phone call ended, Upper Saucon Township Police Officer Daniel Bencsics arrived at Judge Tidd's district court for a traffic summary trial. *Commonwealth v. Melhem III*, Docket No. MJ-03204-TR-0000653-2015.

42. Within approximately one minute of hanging up the phone, Judge Tidd drove his vehicle at a rapid speed into the parking lot and entered the district court building in a rage.

43. After speaking with Deputy Court Administrator French by telephone, Judge Tidd told his court clerks, "Everything's continued per [Deputy Court Administrator], and it's on the Court. Continuances on the Court."

44. Judge Tidd exited the district court building just as Attorney Mark Minotti drove into the court parking lot with his client for his traffic summary trial scheduled in Judge Tidd's court that morning. *Commonwealth v. Melhem III*.

45. Judge Tidd left the district court building at 8:32 a.m. saying, "They're killing me."

C. Ex Parte Communications re: Traffic Matters

46. Judge Tidd is acquainted with Hellertown Police Officer Michael Dattilio who frequently appears at District Court 03-2-04 on police matters.

47. When Officer Michael Dattilio arrived at Judge Tidd's district court for traffic summary trials, Judge Tidd routinely asked, "Did you work out a deal?"

48. In or about May 2015, Slate Belt Regional Police Officer Matthew Messinger forgot that he was scheduled to appear that day as the citing officer at a traffic summary trial scheduled in Judge Tidd's court.

49. On the day of the May 2015 traffic summary trial, one of Judge Tidd's court clerks called Officer Messinger to remind him of the proceeding at district court.

50. Officer Messinger informed the clerk that he could be at District Court 03-2-04 in 30 to 50 minutes.

51. A few minutes after the clerk's call to Officer Messinger, Judge Tidd placed a telephone call to him.

52. Judge Tidd asked Officer Messinger if he would accept a guilty plea from the defendant to a lesser traffic offense than the one for which he cited the defendant.

53. Officer Messinger agreed to the negotiated guilty plea as presented to him by Judge Tidd.

D. Special Consideration

54. Judge Tidd and Attorney James J. Burke are professional colleagues and friends.

55. Between October 2007 and December 2015, Police Officers in Northampton County issued multiple parking citations to Attorney Burke.

56. Pennsylvania Rule of Criminal Procedure No. 401 governs the "Means of Instituting Proceedings in Summary Cases Charging Parking Violations."

57. When a police officer issues a parking ticket to an individual for parking illegally, that individual must respond within the time specified on the ticket. Pa.R.Crim.P. No. 401(A).

58. If the individual who has received a parking ticket chooses to enter a guilty plea, that individual may complete the guilty plea portion on the back of the ticket and submit it along with a payment of the amount specified on the ticket.

59. If the individual who has received a parking ticket fails to enter a plea or pay the amount due on the ticket, a traffic citation is then filed in the appropriate magisterial district court by the citing police officer.

60. Upon the filing of a traffic citation in the district court, the magisterial district judge shall issue a summons which grants the individual 10 days to respond. Pa.R.Crim.P. No. 411(A).

61. Per his instructions, Judge Tidd's court clerks informed him on multiple occasions that a warrant for Attorney Burke was scheduled to issue on a traffic citation for a parking violation.

62. When Judge Tidd called Attorney Burke about his outstanding traffic citations, he told him, "If he [Burke] didn't take care of it, I would be forced to issue a warrant."

63. Judge Tidd believes it was acceptable to call Attorney Burke and advise him to pay the amount due on his traffic citation as a matter of professional courtesy.

E. Failure to Recuse

64. Judge Tidd has known Attorney Burke for approximately 13 to 15 years.

65. Judge Tidd considers Attorney Burke to be his friend.

66. Between January 2010 and June 2016, Attorney Burke routinely represented defendants in Judge Tidd's district court.

67. Since 2010 when he became a magisterial district judge, Judge Tidd went out to lunch with Attorney Burke on at least five occasions.

68. Judge Tidd continued to preside over cases in his district court wherein the defendants were represented by Attorney Burke.

69. On April 7, 2016, Attorney Burke requested a defense continuance for a Preliminary Hearing in a criminal case, *Commonwealth v. Lohman*, Docket No. MJ-03203-CR-0000094-2016.

70. On April 8, 2016, Judge Tidd granted the defense continuance in *Lohman* and rescheduled the Preliminary Hearing for May 24, 2016. Subsequently, the defendant waived his right to the Preliminary Hearing.

F. Failure to Accord Full Right to Be Heard

71. Each defendant who appeared at Judge Tidd's court for a traffic summary trial had previously entered a not guilty plea pertaining to the charged traffic violation(s), requested a summary trial and received notice of the scheduled proceeding.

72. Between 2011 and February 2016, unless a criminal defendant or the defendant's attorney requested that a waiver of a preliminary hearing be conducted in the courtroom, Judge Tidd routinely conducted such waivers at the counter of the reception area of his court.

G. Conflicts of Interest and Prioritization Business of Court

73. From approximately 2006 through January 17, 2011, Attorneys Tidd and John Everett Cook, Esquire were law partners who practiced law in the United States Bankruptcy Court for the Eastern District of Pennsylvania.

74. Sometime after Judge Tidd assumed the bench in January 2010, Judge Tidd and Attorney Cook divided their work at their law practice pertaining to bankruptcy matters as follows:

- a. Judge Tidd, acting in his role as a lawyer, handled consults and case management; and
- b. Attorney Cook "work[ed] the case."

75. On February 23, 2006, Judge Tidd filed a Bankruptcy Petition, No. 06-20168-ref, on behalf of his clients, Jose E. Nieves and Maria del Pilar Nieves, under

Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania.

- a. On August 31, 2010, Society Hill at Saucon Valley filed a civil complaint in Judge Tidd's district court against Maria Nieves for failure to pay condominium fees. *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. MJ-03204CV-0000134-10;
- b. On October 1, 2010, Attorney Cook, Judge Tidd's law partner, was responsible for "working" the Nieves' bankruptcy case which was still an open matter in U.S. Bankruptcy Court;
- c. On October 1, 2010, Judge Tidd entered judgment for the plaintiff, Society Hill at Saucon Valley, and against Ms. Nieves in the amount of \$4,438.00. Docket No. MJ-03204CV-0000134-10;
- d. On January 17, 2011, Judge Tidd and Attorney Cook formally dissolved their partnership in their law practice;
- e. On February 11, 2011, in the U.S. Bankruptcy Court, an Order was entered in the Nieves bankruptcy case at No. 06-20168-ref, discharging the debts and the case was closed; and
- f. By letter dated February 14, 2011, Attorney Laura Tobey informed Judge Tidd that she represented Society Hill at Saucon Valley and requested a copy of the judgment entered on October 1, 2010 at Docket No. MJ-03204CV-0000134-10.

76. On February 18, 2011, Society Hill at Saucon Valley filed a civil suit in the Court of Common Pleas against Maria Nieves to enforce the October 1, 2010

judgment entered by Judge Tidd. *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. C-0048-CV-2011-01498.

- a. On an unknown date, Judge Tidd, acting in his capacity as an attorney, agreed to provide legal representation for Ms. Nieves in the enforcement action in the Court of Common Pleas at Docket No. C-0048-CV-2011-01498, without performing an adequate conflicts check; and
- b. Judge Tidd asserted that when Ms. Nieves conferred with him about legal representation in the enforcement action at Docket No. C-0048-CV-2011-01498, she presented him with paperwork which included the Court of Common Pleas docket number, but did not contain the district court number.

77. On March 16, 2011, Society Hill at Saucon Valley filed a second civil case against David Nieves, II & Maria Nieves, in Judge Tidd's district court, for failure to pay condominium fees. *Society Hill at Saucon Valley v. David Nieves, II & Maria Nieves*, MJ—03204-CV-0000053-2011.

- a. On April 11, 2011, Attorney Tobey wrote to Judge Tidd to confirm that her client, Society Hill at Saucon Valley, agreed to accept payment from Maria Nieves to resolve its civil case against her at CV-0000134-10;
- b. In her April 11, 2011 letter, Attorney Tobey stated that Judge Tidd had confirmed that Ms. Nieves possessed that amount of money in her bank account and would hand deliver a check to Ms. Tobey the following day;

- c. On April 20, 2011, Judge Tidd requested a change of venue in the second civil matter filed in his district court, *Society Hill at Saucon Valley v. David Nieves, II & Maria Nieves*, MJ—03204-CV-0000053-2011 “due to my representation of the defendant Maria Nieves;”
- d. On April 26, 2011, former President Judge McFadden issued an Order to transfer the case to another district court due to a possible conflict of interest; and
- e. The 2010 and 2011 Society Hill at Saucon Valley civil debt cases against the Nieves occurred long after Judge Tidd filed the 2006 Bankruptcy Petition on their behalf.

78. Society Hill at Saucon Valley is not listed as a creditor in the *Nieves* Bankruptcy Petition or Final Order.

79. After receiving an anonymous complaint, on August 11, 2011, then President Judge McFadden and Court Administrators Jill Cicero and Debra French met with Judge Tidd to discuss the appearance of a conflict of interest that arose from Judge Tidd providing legal representation for Ms. Nieves in the Court of Common Pleas in *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. C-0048-CV-2011-01498.

- a. At the August 11, 2011 meeting, Judge Tidd informed former President Judge McFadden and Court Administrators Cicero and French that he reported the incident to the Special Court Judges Association (SCJA) Ethics and Professionalism Committee and that the Committee would discuss the issue at its September 6, 2011 meeting;

- b. At the August 11, 2011 meeting, Judge Tidd advised former President Judge McFadden and Court Administrators Ciccero and French that after he discovered the conflict that arose from his representation of Ms. Nieves in the Court of Common Pleas case, *Society Hill at Saucon Valley v. Maria Nieves*, Docket No. C-0048-CV-2011-01498, he transferred *Society Hill at Saucon Valley v. David Nieves, II & Maria Nieves*, MJ—03204-CV-0000053-2011, out of his district court;
- c. Three weeks after the August 11, 2011 meeting with former President Judge McFadden, on September 2, 2011, Judge Tidd sent a letter to the SCJA Ethics and Professionalism Committee; and
- d. On September 25, 2011, the SCJA Ethics and Professionalism Committee sent an advisory opinion to Judge Tidd, specifying the particular Rules Governing Standards of Conduct of Magisterial District Judges (effective through November 30, 2014) which were applicable to the potential conflicts arising from his legal representation of bankruptcy clients while also deciding civil credit and debt matters in his role as judge.

80. In his March 17, 2016 response to the Board's February 19, 2016 Notice of Full Investigation, Judge Tidd stated that he relied on the September 25, 2011 advisory opinion of the SCJA Ethics and Professionalism Committee to determine if his legal representation of bankruptcy clients presented a conflict of interest with his responsibilities as judge.

81. One month after receiving the advisory opinion from the SCJA Ethics and Professionalism Committee, on October 27, 2011, Capital One Bank filed a civil complaint against Leslie A. Ziegler in Judge Tidd's district court for failure to pay sums due and owing on her revolving credit account. *Capital One Bank v. Ziegler*, Docket No. MJ-03204-CV-0000190-2011.

- a. On an unknown date prior to December 13, 2011, Ms. Ziegler contacted Judge Tidd's law offices to discuss a potential bankruptcy case;
- b. On an unknown date prior to December 13, 2011, Ms. Ziegler spoke with Judge Tidd by telephone and explained her legal issues to him.
- c. On December 13, 2011, Ms. Ziegler met with Judge Tidd, paid the fee for his services in full and discussed filing for bankruptcy;
- d. Capital One Bank filed its complaint against Ms. Ziegler, in Judge Tidd's district court 61 days prior to the December 13, 2011 meeting between Judge Tidd and Ms. Ziegler;
- e. During the December 13, 2011 meeting, Judge Tidd told Ms. Ziegler that he could "make the hearing [scheduled in his district court] go away;"
- f. Two days later, on December 15, 2011, Judge Tidd sent a letter to Deputy Court Administrator French, requesting a change of venue in the *Capital One Bank v. Ziegler* case "due to a conflict as I currently represent the Defendant in a civil matter;"
- g. On December 16, 2011, former President Judge McFadden issued an Order transferring the case from Judge Tidd's district court to Judge

Manwaring's district court. A new docket number was assigned to the case: MJ-03201-CV-0000180-2011;

- h. On January 13, 2012, Judge Tidd filed a Bankruptcy Petition, No. 12-10338-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Ms. Ziegler; and
- i. Capital One Bank is listed as a creditor in Ms. Ziegler's Bankruptcy Petition at Section F, Unsecured Nonpriority Claims.

82. On October 11, 2010, Equable Ascent Financial, LLC filed a civil complaint against Ian Cortez in Judge Tidd's district court for failure to pay the principle on credit granted by Wamu Chase 14 with the account assigned to Equable Ascent Financial. *Equable Ascent Financial, LLC v. Ian Cortez*, Docket No. MJ-03204-CV-0000143-2010.

- a. On January 6, 2011, Judge Tidd entered judgment for defendant, Mr. Cortez and against Equable Ascent Financial;
- b. On February 22, 2012, First Financial Investment Fund filed a civil complaint against Ian Cortez in Judge Tidd's district court for failure to pay the principle on credit granted by HSBC Bank Nevada NA Bowflex with the account assigned to First Financial Investment. *First Financial Investment Fund v. Ian Cortez*, Docket No. MJ-03204-CV-0000038-2012;
- c. On April 25, 2012, Judge Tidd entered judgment for defendant, Mr. Cortez and against First Financial. First Financial Investment Fund

- filed an appeal in the Court of Common Pleas of Northampton County;
- d. On August 13, 2012, Security Credit Services filed a civil complaint against Ian Cortez in Judge Tidd's district court for failure to pay the principle amount due and owing on credit card debt. *Security Credit Services v. Ian Cortez*, Docket No. MJ-03204-CV-0000123-2012;
 - e. On October 2, 2012, Judge Tidd entered judgment for defendant and against Security Credit Services;
 - f. During the time period that the three *Cortez* cases were before him, Judge Tidd entered judgments for the defendant when the plaintiffs failed to appear;
 - g. On May 22, 2013, Mr. Cortez consulted with Judge Tidd, acting in his capacity as an attorney, about representation in a bankruptcy proceeding;
 - h. Judge Tidd agreed to represent Mr. Cortez in bankruptcy court, reasoning that Mr. Cortez had no matters pending in his district court;
 - i. On October 16, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-19031-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Mr. Cortez; and
 - j. First Financial Investment Fund is listed as a creditor in Mr. Cortez's Bankruptcy Petition at Section F, Unsecured Nonpriority Claims.

83. On February 10, 2012, Target National Bank filed a civil complaint against Kathleen M. Pagel in Judge Tidd's district court for failure to pay the balance on an open ended credit card. *Target National Bank v. Pagel*, Docket No. MJ-03204-CV-0000025-2012.

- a. On March 29, 2012, Judge Tidd entered a default judgment for the plaintiff, Target National Bank and against Ms. Pagel in the amount of \$10,070.76;
- b. On December 6, 2012, Ms. Pagel met with Judge Tidd at his law offices to discuss his representation of Ms. Pagel in her bankruptcy case;
- c. On February 5, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-11036-mdc, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Kathleen Pagel; and
- d. Target National Bank is listed as a creditor in Ms. Pagel's Bankruptcy Petition at Schedule F, Unsecured Nonpriority Claims.

84. On October 11, 2012, PPL Electric Utilities filed a civil complaint against Franklin and Dawn Craig in Judge Tidd's district court for failure to pay the balance due on their electric service contract. *PPL Electric v. Craig*, Docket No. MJ-03204-CV-0000162-2012.

- a. On November 14, 2012, Judge Tidd entered judgment in favor of the plaintiff, PPL Electric Utilities and against Franklin and Dawn Craig in the amount of \$10,116.17;

- b. The docket in *PPL Electric v. Craig* does not state that Judge Tidd entered a default judgment;
- c. At his June 14, 2016 Board deposition, Judge Tidd stated that the magisterial district court file did not contain a Notice of Intent to Defend, PPL generally did not appear at hearings and he likely entered a default judgment for PPL based on the non-appearance of both parties;
- d. Sixteen days later, on November 30, 2012, Ms. Craig met with Judge Tidd at his law offices to discuss his representation of the Craigs in their potential bankruptcy case;
- e. On February 4, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-10958-ref, under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his clients, Franklin and Dawn Craig;
- f. PPL is listed as a creditor in the Craigs' Bankruptcy Petition at Section F, Unsecured Nonpriority Claims; and
- g. Judge Tidd denied that he was aware of the November 14, 2012 default judgment entered in his district court at the time he agreed to represent the Craigs in their bankruptcy case.

85. On November 19, 2012, Discover Bank filed a civil complaint against Lonna Deschler in Judge Tidd's district court for failure to pay the amount due on her account. *Discover Bank v. Lonna Deschler*, Docket No. MJ-03204-CV-0000175-2012.

- a. On December 13, 2012, Judge Tidd entered a default judgment for the plaintiff, Discover Bank, and against Ms. Deschler in the amount of \$1,975.83;
- b. On January 22, 2013, Capital One Bank filed a civil complaint against Tyrone Deschler in Judge Tidd's district court for failure to pay the balance due on his credit card account. *Capital One Bank (USA) v. Tyrone A. Deschler*, Docket No. MJ-03204-CV-000009-2013;
- c. On February 19, 2013, Judge Tidd entered a default judgment for the plaintiff, Capital One Bank, and against Mr. Deschler in the amount of \$4,314.68;
- d. On August 13, 2013, Judge Tidd met with Ms. Deschler at his law office to discuss his representation of the Deschlers in their potential bankruptcy case;
- e. On August 16, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-17187-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his clients, Lonna and Tyrone Deschler; and
- f. Capital One Bank and Discover Bank are listed as creditors in the Deschler's Bankruptcy Petition at Section F, Unsecured Nonpriority Claims.

86. On November 9, 2012, Gilberto Cruz met with Judge Tidd at his law offices to discuss legal representation in his potential bankruptcy case.

- a. On July 10, 2013, DeWire Dental LLC filed a civil complaint against Gilberto Cruz in Judge Tidd's district court for failure to pay in full the balance due on dental services rendered. *DeWire Dental LLC v. Gilberto Cruz*, Docket No. MJ-03204-CV-0000105-2013;
- b. Twenty days later, on July 30, 2013, Judge Tidd filed a Bankruptcy Petition, No. 13-166686-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Gilberto Cruz;
- c. On October 1, 2013, Judge Tidd filed an Amended Chapter 7 Statement of Current Monthly Income and Means Test Calculation (Form 22A) on behalf of his clients, Gilberto and Diane Cruz;
- d. On October 7, 2013, Judge Tidd entered a Notice of Judgment in the civil case in his district court, ruling in favor of the plaintiff, DeWire Dental, and against Gilberto Cruz in the amount of \$774.73;
- e. Mr. Cruz appealed the judgment. On June 25, 2014, a panel of arbitrators at the Court of Common Pleas entered an arbitration award in favor of DeWire Dental and against Mr. Cruz in the amount of \$250; and
- f. DeWire Dental is not listed as a creditor in the Cruz's Bankruptcy Petition.

87. On August 31, 2012, Deborah Repash met with Judge Tidd at his law offices to discuss his representation of her in a potential bankruptcy case.

- a. On June 7, 2013, Cavalry SPV I, LLC filed a civil complaint against Ms. Repash in Judge Tidd's district court. *Cavalry SPV I, LLC v. Repash*, Docket No. MJ-0324-CV-0000084-2013; and
- b. On July 1, 2013, Judge Tidd properly requested that *Cavalry SPV I, LLC v. Repash* be transferred out of his district court because his law firm represented the defendant in federal bankruptcy proceedings.

88. On September 15, 2013, Calvary, SPV I, LLC filed a civil complaint against Joseph F. Killo in Judge Tidd's district court for failure to make timely payments on a credit account issued to Killo by Citibank with assignment to Calvary SPV I, LLC. *Calvary SPV I, LLC v. Joseph F. Killo*, Docket No. MJ-03204-CV-0000144-2013.

- a. On November 26, 2013, Judge Tidd entered a default judgment in favor of the plaintiff, Calvary SPVI, LLC and against Mr. Killo in the amount of \$4,194.35;
- b. On November 19, 2013, FFIF-ACM Opportunity Fund LLC filed a civil complaint against Joseph Killo in Judge Tidd's district court for defaulting on a credit account granted by ELAN with assignment to FFIF-ACM Opportunity Fund LLC. *FFIF-ACM Opportunity Fund LLC v. Joseph Killo*, Docket No. MJ-03204-CV-0000173-2013;
- c. On March 5, 2014, Judge Tidd entered a default judgment for the plaintiff, FFIF-ACM Opportunity Fund LLC, and against Mr. Killo in the amount of \$5,894.32;

- d. On October 23, 2014, Joseph Killo met with Judge Tidd at his law offices to discuss his representation of Mr. Killo in his potential Chapter 13 bankruptcy filing;
- e. On November 18, 2014, Judge Tidd filed a Bankruptcy Petition, No. 14-19140-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Mr. Killo; and
- f. Calvary SPV I, LLC and FFIF-ACM Opportunity Fund LLC are not listed in Mr. Killo's Bankruptcy Petition.

89. On February 20, 2014, Capital One Bank USA filed a civil complaint against Heidi L. Trexler in Judge Tidd's district court for failure to pay the balance due on her credit card account. *Capital One Bank USA v. Heidi L. Trexler*, Docket No. MJ-03204-CV-0000015-2014.

- a. On March 12, 2014, Judge Tidd entered judgment for the plaintiff, Capital One Bank USA, and against Heidi Trexler in the amount of \$6,354.71;
- b. Less than one year later, on February 19, 2015, Ms. Trexler met with Judge Tidd at his law offices to discuss his representation of her in a potential bankruptcy case;
- c. On March 6, 2015, Judge Tidd filed a Bankruptcy Petition, No. 15-11582-ref, under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Heidi Trexler; and

- d. Capital One Bank is listed as a creditor in Ms. Trexler's Bankruptcy Petition at Schedule F, Unsecured Nonpriority Claims.

90. On March 7, 2014, Jennifer L. Frey met with Judge Tidd in his law offices to discuss his representation of her in a potential bankruptcy case.

- a. On May 23, 2014, First Commonwealth FCU filed suit against Jennifer L. Frey in Judge Tidd's district court for failure to pay the unpaid balance on a personal loan. *First Commonwealth FCU v. Jennifer L. Frey*, Docket No. MJ-03204-CV-0000058-2014;
- b. On June 2, 2014, Judge Tidd signed a Notice of Judgment, dismissing the case, *First Commonwealth FCU v. Jennifer L. Frey*, without prejudice with the notation "no service see attached;"
- c. On June 24, 2014, First Commonwealth FCU requested that the civil case be reinstated with service to Ms. Frey via constable;
- d. Thereafter, notice was issued that a hearing in *First Commonwealth FCU v. Jennifer L. Frey* was scheduled at Judge Tidd's district court on July 30, 2014;
- e. By letter dated July 17, 2014 and addressed to Court Administrator Jill Smith, Judge Tidd requested a change of venue in *First Commonwealth FCU v. Jennifer L. Frey* because he was representing Ms. Frey in her bankruptcy matter;
- f. On July 17, 2014, Judge Tidd filed a bankruptcy case under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Pennsylvania on behalf of his client, Ms. Frey;

- g. On July 23, 2014, President Judge Baratta entered an Order transferring *First Commonwealth FCU v. Jennifer L. Frey* to Magisterial District Judge Romig-Passaro; and
- h. First Commonwealth FCU is listed in Ms. Frey's Bankruptcy Petition at Schedule F, Unsecured Nonpriority Claims.

91. On February 10, 2014, Paul E. Getz, Jr. met with Judge Tidd at his law offices to discuss his representation of Mr. Getz in a potential bankruptcy matter.

- a. On January 20, 2015, Discover Bank filed a civil complaint against Mr. Getz in Judge Tidd's district court. *Discover Bank v. Getz, Jr.*, Docket No. MJ-03204-CV-0000005-2015; and
- b. On February 11, 2015, Judge Tidd properly requested that *Discover Bank v. Getz, Jr.* be transferred out of his district court because his law firm represented the defendant in federal bankruptcy proceedings.

Respectfully submitted,

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January 17, 2017

By:


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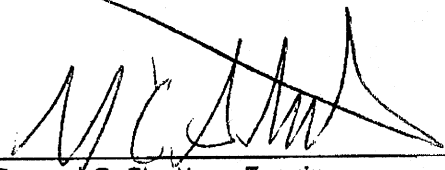
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