

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1531 Disciplinary Docket No. 3  
Petitioner :  
 :  
 :  
v. : No. 107 DB 2009 and File No. C4-10-239  
 :  
 :  
 :  
LERROY FRANK GRIMM, JR., : Attorney Registration No. 24728  
Respondent : (Allegheny County)

ORDER

**PER CURIAM:**

AND NOW, this 2<sup>nd</sup> day of September, 2010, there having been filed with this Court by Leroy Frank Grimm, Jr., his verified Statement of Resignation dated July 14, 2010, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of Leroy Frank Grimm, Jr., is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania retroactive to November 25, 2009; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola

As of: September 2, 2010

Attest:

Chief Clerk

Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1531 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 107 DB 2009 & File No. C4-10-239
	:	
v.	:	Attorney Registration No. 24728
	:	
LEROY FRANK GRIMM, JR.	:	
Respondent	:	(Allegheny County)

**RESIGNATION BY RESPONDENT**

Pursuant to Rule 215  
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
: No. 107 DB 2009  
Petitioner : (sur Complaint File #C4-09-388)  
: and  
: No. DB 2010  
vs. : (Complaint File #C4-10-239)  
:  
LEROY FRANK GRIMM, JR., : Attorney Registration No. 24728  
:  
Respondent : (Allegheny County)

RESIGNATION  
UNDER RULE 215, Pa.R.D.E.

Leroy Frank Grimm hereby states that he is a member of the Bar of the Supreme Court of Pennsylvania and is the Respondent named in the Petition for Discipline filed with the Disciplinary Board of the Supreme Court of Pennsylvania at the number indicated above. In conformity with Rule 215 of the Pennsylvania Rules of Disciplinary Enforcement, he further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on November 23, 1976. His attorney registration number is 24728.

2. He was temporarily suspended from the practice of law pursuant to Rule 208(f)(5), Pa.R.D.E., by Order of the Supreme Court of Pennsylvania dated October 26, 2009, until further definitive action by the Court. He has not yet been readmitted.

3. He wishes to resign from the Bar, his resignation is freely and voluntarily rendered, he is not being subjected to coercion or duress, and he is fully aware of the implications of submitting his resignation.

4. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature and specifics of which have been made known to him in regard to complaint file #C4-09-388 by the Petition for Discipline filed at Board No. 107 DB 2009, a copy of which is attached hereto and incorporated herein as Exhibit 1, and in regard to complaint file #C4-10-239, by a letter of allegations, dated May 12, 2010, a copy of which is attached hereto and incorporated herein as Exhibit 2.

5. He acknowledges that the material facts, upon which are predicated the allegations of professional misconduct so lodged against him, are true.

6. He submits his resignation because he knows that he could not successfully defend himself against the misconduct under investigation.

7. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b).

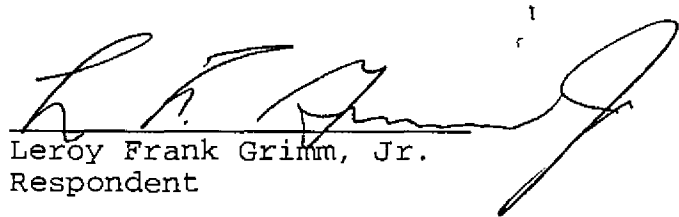
8. He requests that his resignation be made retroactive to November 25, 2009, the effective date of his suspension pursuant to Rule 208(f)(5), Pa.R.D.E. by the Supreme Court of Pennsylvania.

9. Office of Disciplinary Counsel takes no position on his request for retroactivity.

10. He has not consulted with counsel in regard to submitting his resignation.

In accordance with Rule 215, Pa.R.D.E., this statement is made by the signatory subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Signed this 14<sup>th</sup> day of JULY, 2010.

  
Leroy Frank Grimm, Jr.  
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1531, Disciplinary Docket  
: No. 3  
Petitioner :  
: No. 107 DB 2009 - Disciplinary  
v. : Board  
:  
LERoy FRANK GRIMM, JR., : Attorney Registration No. 2472  
:  
Respondent : (Allegheny County)

PETITION FOR DISCIPLINE

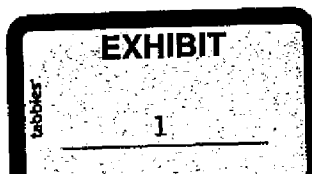
Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Susan N. Dobbins, Disciplinary Counsel, files the within Petition for Discipline, and charges Respondent, Leroy Frank Grimm, Jr., with professional misconduct in violation of the Rules of Professional Conduct as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the duty to investigate all matters

FILED

APR 27 2010

Office of the Secretary  
The Disciplinary Board of  
Supreme Court of Pennsy



We hereby certify the within to  
be a true and correct copy.

*Susan N. Dobbins*

involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Leroy Frank Grimm, Jr., was born on November 24, 1949. He was admitted to practice law in the Commonwealth of Pennsylvania on November 23, 1976.

3. Respondent was temporarily suspended from the practice of law pursuant to Rule 208(f)(5), Pa.R.D.E., by Order of the Supreme Court of Pennsylvania dated October 26, 2009, until further definitive action by the Court. Respondent has not yet been readmitted.

4. Respondent's last known attorney registration mailing address is 20 East Main Street, Carnegie, PA 15106. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

#### CHARGE

5. On November 1, 2006, Ignacy H. Kuziemycki (hereinafter, decedent) a resident of New Jersey, died testate. At the time of his death, decedent owned real property in Allegheny County, Pennsylvania.

6. Steven B. Molder, Esquire, was the Pennsylvania attorney representing decedent's estate, and Michael Weiss, Esquire, was the New Jersey attorney for decedent's estate.

7. On February 16, 2007, a closing was held in regard to decedent's property located at 5708 Walnut Street, Unit C-2, Pittsburgh, PA 15232 (hereinafter, Walnut Street property), for which Respondent, as an agent for Landco USA, Inc., acted as the settlement agent.

8. The HUD-1 Settlement Statement indicated, among other things, that:

(a) The contract sales price was \$80,000;

(b) The net proceeds due to the seller, the Estate of Ignacy H. Kuziemyk (hereinafter, decedent's estate), was \$62,767.37; and,

(c) \$8,000.00 was escrowed by Respondent for Pennsylvania inheritance taxes due regarding decedent's estate.

9. On February 16, 2007, a wire transfer in the amount of \$79,916.72 was credited to Respondent's National City Bank Landco USA, Inc., Closing Escrow Account No. 658637374



(hereinafter, Closing Escrow Account) regarding Ronald M. Ploucha, the purchaser of the property from decedent's estate.

10. Respondent paid various disbursements related to the sale of decedent's property from the \$79,916.72 in escrowed funds that Respondent had received from Mr. Ploucha for his purchase of the property.

11. By check No. 38501, dated February 16, 2007, in the amount of \$8,000.00, made payable to Landco USA Inc. West, and annotated "Inheritance Tax Escrow," Respondent transferred \$8,000.00 with which he was entrusted on behalf of decedent's estate to his National City Bank Landco Inc., West Escrow Account No. 201050145 (hereinafter, West Escrow Account).

12. On February 26, 2007, the balance in Respondent's West Escrow Account was \$14,862.42, which included the \$8,000 deposit.

13. On about May 7, 2007, Mr. Molder made a payment, in the amount of \$1,215.00, to the Pennsylvania Department of Revenue Inheritance Tax Division on behalf of decedent's estate.

14. On August 31, 2007, the balance in Respondent's West Escrow Account was \$7,584.94, which was \$415.06 below his entrustment regarding decedent's estate.

15. On September 28, 2007, the balance in Respondent's West Escrow Account was \$2,347.01, which was \$5,652.99 below his entrustment regarding decedent's estate.

16. From September 29, 2007 through at least March 30, 2008, the fluctuating balance in Respondent's West Escrow Account was below his entrustment regarding decedent's estate.

17. On March 31, 2008, the balance in Respondent's West Escrow Account was \$801.48, which was \$7,198.52 below his entrustment regarding decedent's estate.

18. On April 30, 2008, the balance in Respondent's West Escrow Account was \$362.18, which was \$7,637.82 below his entrustment regarding decedent's estate.

19. From May 1, 2008 through at least September 29, 2008, Respondent's West Escrow Account was deficient with regard to his entrustment pertaining to decedent's estate.

20. On September 30, 2008, the balance in Respondent's West Escrow Account was \$.01, which was \$7,999.99 below his entrustment regarding decedent's estate.

21. None of the disbursements made from Respondent's West Escrow Account were made to or for the benefit of decedent's estate.

22. Respondent misappropriated the \$8,000 with which he was entrusted on behalf of decedent's estate.

23. On Respondent's 2007-2008 PA Attorney's Annual Fee Form and his 2008-2009 PA Attorney's Annual Fee Form, Respondent did not disclose under Section B: PA Financial Data, his Closing Escrow Account and his West Escrow Account, as required.

24. By facsimile transmission dated October 30, 2008, Mr. Molder informed Respondent that:

(a) He was working with Mr. Weiss regarding inheritance tax issues of decedent's estate;

(b) It was his understanding that Respondent had a settlement on February 16, 2007, on the Walnut Street property;

(c) He was inquiring whether or not Respondent retained an escrow for inheritance taxes; and,

(d) He would like a copy of the settlement sheet mailed to him.

25. Respondent did not respond to Mr. Molder's facsimile transmission dated October 30, 2008.

26. On November 14, 2008, Mr. Molder paid additional inheritance taxes, in the amount of \$2,345.00, on behalf of decedent's estate.

27. By facsimile transmission dated December 17, 2008, Mr. Molder:

(a) Enclosed a copy of the Supplemental Inheritance Tax Return and Notice of Adjustment indicating the payment of the Inheritance Tax covering the property on Walnut Street for which Respondent was holding an escrow in the amount of \$8,000; and,

(b) Requested that Respondent please send a check payable to decedent's estate so that he may finalize this matter.

28. Respondent did not respond to Mr. Molder's facsimile transmission dated December 17, 2008.

29. On various occasions during December 2008 through January 2009, Mr. Molder's secretary telephoned Respondent's office and left voicemail messages, as well as messages with Respondent's secretary and "Bob Rebman," in which she asked that Respondent call Mr. Molder regarding the escrowed funds Respondent was holding for decedent's estate.

30. Respondent did not respond to any of the inquiries made by Mr. Molder's office.

31. By facsimile transmission dated January 14, 2009, Mr. Molder:

(a) Informed Respondent that this was a follow-up to his letter of December 17, 2008; and,

(b) Asked Respondent to advise him of the status of the escrowed funds transaction regarding decedent's estate.

32. Respondent did not respond to Mr. Molder's facsimile transmission dated January 14, 2009.

33. By letter dated February 4, 2009, sent to Respondent by certified mail return receipt requested, Mr. Molder informed Respondent that:

(a) This was his final follow-up to at least two previous letters and several phone calls regarding the escrowed funds Respondent was holding on behalf of decedent's estate for an Inheritance Tax escrow;

(b) He previously supplied Respondent with the proof of record adjustment and administrative

correction indicating that the Inheritance Tax was paid in full;

(c) He was again making final demand for the escrow that Respondent held;

(d) If Respondent's company continued to fail to respond, Respondent would leave decedent's estate no choice but to make appropriate inquiries to the Pennsylvania Insurance Department or local prosecutor to pursue this matter; and,

(e) If he did not hear from Respondent's office within ten days, he would advise the decedent's estate to pursue its legal remedies.

34. Respondent did not respond to Mr. Molder's certified letter dated February 4, 2009.

35. By letter dated March 20, 2009, sent to Respondent by certified mail return receipt requested, Mr. Molder advised Respondent, among other things, that:

(a) He was writing on behalf of decedent's estate;

(b) He had written three letters regarding the escrow that Respondent was holding from the sale of decedent's property;

(c) A copy of the settlement statement was enclosed which showed on line 509(a), that Respondent's company was holding \$8,000 in escrow for Inheritance Tax;

(d) He was also enclosing a copy of the Inheritance Tax Record Adjustment indicating all Inheritance Taxes had been paid;

(e) All previous written contacts as well as numerous telephone messages had been ignored by Respondent's company; and,

(f) If he did not receive a response to this correspondence within ten days, his next step would be to contact the Disciplinary Board of the Supreme Court of Pennsylvania to lodge a complaint regarding the failure to respond and to turn over funds held in escrow.

36. Respondent did not respond to Mr. Molder's certified letter dated March 20, 2009.

37. On April 1, 2009, Mr. Molder's secretary:

(a) Called Respondent's office about the escrowed funds that Respondent was holding in regard to decedent's estate;

(b) Asked Mr. Rebman if Mr. Molder could speak with Respondent about the money Landco was holding in escrow regarding decedent's estate;

(c) Requested that Mr. Rebman have Respondent call Mr. Molder;

(d) Learned that Respondent's office had recently moved, but the mail was being forwarded to Respondent's new address, which was 20 East Main Street, Carnegie, PA 15106; and,

(e) Was told Respondent was not available to speak with Mr. Molder.

38. By letter dated April 1, 2009, sent to Respondent by certified mail return receipt requested, Mr. Molder sent Respondent the same letter that he had sent to Respondent on March 20, 2009 to Respondent's new address of 20 East Main Street Carnegie, PA 15203.

39. Respondent did not:



(a) Respond to Mr. Molder's certified letter dated April 1, 2009; nor,

(b) Return Mr. Molder's call.

40. Despite the relocation of Respondent's office, all letters sent by Mr. Molder to Respondent were delivered to Respondent's office and were signed for by a representative of Respondent's office.

41. Respondent did not file his 2009-2010 Pennsylvania Attorney's Annual Fee Form identifying accounts in which on May 1, 2009 or at any time after May 2, 2008 he held entrusted funds.

42. Respondent has not repaid to decedent's estate the \$8,000 with which he was entrusted.

43. By his conduct as alleged in Paragraphs 5 through 42 above, Respondent violated the following Rules of Professional Conduct:

(a) Rule of Professional Conduct 1.15(a) (for conduct occurring before September 20, 2008) - A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship separate from the lawyer's own property. Such

property shall be identified and appropriately safeguarded. Complete records of the receipt, maintenance and disposition of such property shall be preserved for a period of five years after termination of the client-lawyer relationship or after distribution or disposition of the property, whichever is later.

(b) Rule of Professional Conduct 1.15(b) (for conduct occurring on or after September 20, 2008) - A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.

(c) Rule of Professional Conduct 1.15(e) (for conduct occurring on or after September 20, 2008) - Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the

property; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment.

(d) Rule of Professional Conduct 1.15(f) (for conduct occurring on or after September 20, 2008) - All Nonqualified Funds shall be placed in a Trust Account or in another investment vehicle specifically agreed upon by the lawyer and the client or third person which owns the funds.

(e) Rule of Professional Conduct 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make

such findings of fact, conclusions of law, and recommendations  
for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION  
CHIEF DISCIPLINARY COUNSEL

By *Susan N. Dobbins*  
Susan N. Dobbins  
Disciplinary Counsel  
Attorney Registration No. 52108  
The Disciplinary Board of the  
Supreme Court of Pennsylvania  
Suite 1300, Frick Building  
437 Grant Street  
Pittsburgh, PA 15219  
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BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1531, Disciplinary Docket  
: No. 3  
Petitioner :  
: No. 107 DB 2009 - Disciplinary  
v. : Board  
: Attorney Registration No. 24728  
LERoy FRANK GRIMM, JR., :  
Respondent : (Allegheny County)

VERIFICATION

The statements contained in the foregoing Petition for Discipline are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

4/23/10  
Date

Susan N. Dobbins  
Susan N. Dobbins  
Disciplinary Counsel