

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2164 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 115 DB 2014
v.	:	
	:	Attorney Registration No. 82146
JOSEPH J. BRIELMANN,	:	
Respondent	:	(Philadelphia)

**ORDER**

**PER CURIAM**

**AND NOW**, this 20<sup>th</sup> day of May, 2015, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated April 29, 2015, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Pa.R.D.E. 215(g), and it is

ORDERED that Joseph J. Brielmann is suspended on consent from the Bar of this Commonwealth for a period of one year and one day, and he shall comply with all the provisions of Pa.R.D.E. 217.

A True Copy Patricia Nicola  
As Of 5/20/2015

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

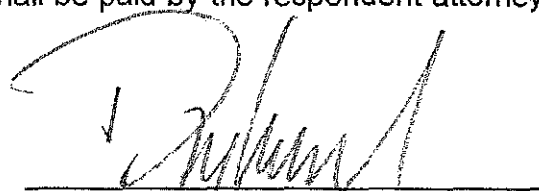
OFFICE OF DISCIPLINARY COUNSEL	:	No. 115 DB 2014
Petitioner	:	
	:	
v.	:	Attorney Registration No. 82146
	:	
JOSEPH J. BRIELMANN	:	
Respondent	:	(Out of State)

RECOMMENDATION OF THREE-MEMBER PANEL  
OF THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members R. Douglas W. Leonard, Brian John Cali, and Tracey McCants Lewis, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 26, 2015.

The Panel approves the Joint Petition consenting to a one year and one day suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.

  
\_\_\_\_\_  
Douglas W. Leonard, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: 4/29/2015

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

: No. 115 DB 2014

v. :

: Atty. Reg. No. 82146

JOSEPH J. BRIELMANN, :

Respondent : (Out of State)

JOINT PETITION IN SUPPORT OF DISCIPLINE  
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and by Patricia A. Dugan, Disciplinary Counsel, and Respondent, Joseph J. Brielmann, who is represented by Kelly S. Sullivan, Esquire, file this Joint Petition In Support Of Discipline on Consent under Rule 215(d) ("the Joint Petition"), of the Pennsylvania Rules of Disciplinary Enforcement, and respectfully represent that:

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

**FILED**

MAR 26 2015

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

admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

2. Respondent, Joseph J. Brielmann, was born on September 25, 1970, and was admitted to practice law in the Commonwealth on October 2, 1998.

3. Respondent's registered office address was 18 W Front Street, Media, Pennsylvania, 19063 in Delaware County; however, Respondent currently resides at 7044 Brier Creek Court, Lakewood Ranch, Florida 34202.

4. By Order dated August 2, 2012, the Pennsylvania Supreme Court placed Respondent on administrative suspension, effective September 1, 2012.

5. Petitioner filed a Petition for Discipline against Respondent with the Secretary of the Disciplinary Board on July 25, 2014. Respondent was personally served with the Petition for Discipline in Florida on August 7, 2014. Petitioner filed an Affidavit of Proof of Service with the Disciplinary Board on August 14, 2014.

6. Respondent did not file an Answer to the Petition for Discipline.

7. Pa.R.D.E. 208(b)(3) states, "[w]ithin twenty (20) days of the service of a petition for discipline, the

respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted."

8. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

**SPECIFIC FACTUAL ADMISSIONS AND  
RULES OF PROFESSIONAL CONDUCT VIOLATED**

9. Respondent hereby stipulates that the following factual allegations are true and correct and that he violated the charged Rules of Professional Conduct and Rules of Disciplinary Enforcement as set forth herein.

**The Elaine Deeney Matter**

10. In September of 2009, Elaine Deeney moved into a new condominium in Brookhaven, Pennsylvania.

11. Ms. Deeney purchased the condominium with the intent of hiring someone to remove the new, tall kitchen cabinets and replace them with more suitable cabinets that she would purchase herself.

12. Ms. Deeney contacted Counters-n-Cabinets Direct to remove and install said cabinets.

13. Louis Kutlus of Counters-n-Cabinets Direct allegedly did not install the cabinets correctly, which

eventually caused one of the cabinets to crash to the floor, thereby damaging the new hardwood floor and breaking the contents contained in the cabinet.

14. Ms. Deeney attempted, albeit unsuccessfully, to resolve the matter with Mr. Kutlus and Counters-n-Cabinets Direct.

15. On March 19, 2010, Ms. Deeney filed a *pro se* complaint against Louis Kutlus in Magisterial District Court #32-2-39, before The Honorable C. Walter McCray, III, captioned as *Elaine Deeney v. Louis Kutlus*, docket no. MJ-32239-cv-132-2010.

16. On August 17, 2010, Judge McCray entered a judgment in favor of Ms. Deeney for \$1,296.00 plus \$110.00 in costs for a total of \$1,406.00.

17. On August 31, 2010, Louis Kutlus filed a civil appeal of the judgment in the Delaware County Court of Common Pleas, docket no. 10-053660, and an arbitration date of June 1, 2011 was scheduled.

18. Subsequently, Ms. Deeney received Respondent's name from the lawyer referral service of the Delaware County Bar Association and contacted Respondent.

19. On September 13, 2010, Respondent:

- a. met with Ms. Deeney for an initial consultation concerning her case;

- b. agreed to take her case;
- c. requested a \$1,500.00 initial retainer; and
- d. provided her with a fee agreement.

20. On September 14, 2010, Ms. Deeney went to Respondent's office and gave Respondent a personal check, #831, made payable to Respondent, in the amount of \$1,500.00.

21. On or about September 16, 2010, Respondent endorsed the back of check #831 and deposited it into Respondent's account, #XXXXXXXX2969.

22. Respondent failed to deposit the funds into an Interest on Lawyers Trust Account ("IOLTA").

23. In October of 2010, Ms. Deeney began contacting Respondent's office because she had not heard from Respondent. She left messages with a female receptionist.

24. Respondent failed to return Ms. Deeney's phone calls.

25. Respondent failed to enter his appearance in Ms. Deeney's Delaware County Court of Common Pleas case.

26. Unbeknownst to Ms. Deeney, an arbitration was scheduled for June 1, 2011.

27. Neither Respondent nor Ms. Deeney appeared for the arbitration on June 1, 2011.

28. On June 1, 2011, Judge Proud awarded a non-suit in favor of Mr. Kutlus because Ms. Deeney failed to appear for the arbitration.

29. Subsequently, in June of 2011, Ms. Deeney:

- a. received notice in the mail of the non-suit award;
- b. called Respondent's office; and
- c. left a message.

30. Respondent failed to return Ms. Deeney's telephone call.

31. At or about that time, Respondent moved to Florida.

32. Respondent failed to notify Ms. Deeney that he had moved to Florida.

33. Respondent failed to notify the Attorney Registration Office of his change of address within 30 days after such change as required by Pa.R.D.E. 219(d)(3).

34. Subsequently, Ms. Deeney went to Respondent's office and learned from a receptionist that Respondent had moved to Florida.

35. By Order dated August 2, 2012, the Pennsylvania Supreme Court placed Respondent on administrative suspension, effective September 1, 2012, for Respondent's failure to comply with Pennsylvania Rule for Continuing



Legal Education 111(b), which required CLE compliance by December 31, 2011.

36. Respondent failed to notify Ms. Deeney that he was transferred to administrative suspension and no longer eligible to represent her.

37. Within ten days after the effective date of the administrative suspension, Respondent failed to file with the Board the verified statement required by Pa.R.D.E. 217(e).

38. On September 24, 2012, Disciplinary Counsel contacted Respondent regarding the Deeney matter.

39. On September 25, 2012:

- a. Respondent contacted Ms. Deeney;
- b. Respondent tried to convince Ms. Deeney to continue with the case in spite of his administrative suspension status;
- c. Respondent discussed with her the next steps that would be necessary;
- e. Ms. Deeney terminated Respondent's representation; and
- f. Respondent offered to provide a refund to Ms. Deeney.

40. Respondent failed to return Ms. Deeney's file.

41. Respondent failed to provide a refund of any unearned fees to Ms. Deeney.

**The Delbert W. Hall Matter**

42. Delbert W. Hall worked for X Corporation and believed that he was being racially discriminated against and treated differently than other employees. He complained to the Pennsylvania Human Relations Commission ("PHRC").

43. On November 19, 2010, Mr. Hall alleged that he was forced out of X Corporation and that he was offered several monetary settlements, which he rejected.

44. Mr. Hall went to an unemployment office in New Jersey to apply for unemployment. A woman in the unemployment office took information from Mr. Hall and sent it to the Equal Employment Opportunities Commission ("EEOC"), wherein a complaint was opened on his behalf, docket no. 17F201161767.

45. Mr. Hall received Respondent's name from the Delaware County Bar Association's Lawyer Referral Service.

46. Mr. Hall contacted Respondent by phone and explained what had happened to him at X Corporation. Respondent scheduled a meeting with Mr. Hall in Respondent's Media, Pennsylvania office for April 4, 2011.

47. Respondent told Mr. Hall that he would accept an initial retainer of \$3,000.00 and that Mr. Hall would have to pay \$1,500.00 immediately to start.

48. On or about April 4, 2011:

- a. Respondent met with Mr. Hall;
- b. Mr. Hall paid Respondent \$1,500.00, via personal check, #127, to represent him in a civil rights matter before the PHRC;
- c. Respondent deposited the \$1,500.00 check into a non-IOLTA account at Bank of America; and
- d. Respondent provided Mr. Hall with a fee agreement.

49. Mr. Hall subsequently paid Respondent an additional \$500.00, via a personal check, for a total of \$2,000.00.

50. Respondent cashed or deposited Mr. Hall's checks totaling \$2,000.00.

51. On or about April 26, 2011, Suzanne Martinez of the PHRC telephoned Respondent at his office and left a message.

52. Respondent failed to return Ms. Martinez's call.

53. On May 25, 2011, Respondent filed a complaint against X Corporation on behalf of Mr. Hall with the PHRC, docket no. 201005493, which was cross-filed with the EEOC.

54. Suzanne Martinez of the PHRC scheduled a fact-finding conference with Respondent, Mr. Hall and X Corporation's attorney, David Brier.

55. Ashley Wilson, Esquire, an attorney working in Respondent's office, went to the fact-finding conference with Mr. Hall.

56. On or about July 15, 2011, Ms. Martinez telephoned Respondent at his office and left a message.

57. Respondent failed to return Ms. Martinez's call.

58. On July 20, 2011, Respondent entered his appearance in the PHRC matter on behalf of Mr. Hall.

59. Subsequent to July 20, 2011, Mr. Hall telephoned Respondent at his office on multiple occasions and left messages.

60. Respondent failed to return Mr. Hall's phone calls.

61. On October 11, 2011, Ms. Martinez telephoned Respondent at his office and left a message.

62. Respondent failed to return Ms. Martinez's call.

63. On December 8, 2011, Ms. Martinez telephoned Respondent at his office and left a message.

64. Respondent failed to return Ms. Martinez's call.

65. On or about December 9, 2011, Ms. Martinez sent Respondent a letter requesting some additional documentation, making further inquiries and inquiring whether Respondent was still Mr. Hall's attorney.

66. Respondent failed to contact Ms. Martinez; therefore, Ms. Martinez had to communicate directly with Mr. Hall.

67. On or about December 14, 2011, Ms. Martinez sent Respondent a letter requesting some additional documentation, making further inquiries, and inquiring whether Respondent was still Mr. Hall's attorney.

68. Respondent failed to contact Ms. Martinez; therefore, Ms. Martinez had to communicate directly with Mr. Hall.

69. Mr. Hall continued to call and leave messages for Respondent but Respondent failed to return his calls.

70. On March 2, 2012, Mr. Brier sent Respondent a letter, via facsimile and regular mail, wherein he stated, *inter alia*, that he had been trying to contact Respondent for 4 to 6 weeks in connection with Mr. Hall's matter in order to discuss a settlement and Respondent had not returned his calls.

71. In April of 2012, Mr. Hall went to Respondent's office in Media and spoke to a female attorney who advised Mr. Hall that Respondent was not in the office. The female attorney called Respondent in the presence of Mr. Hall and left a message for Respondent to call Mr. Hall.

72. Mr. Hall continued to try and contact Respondent and eventually Respondent answered the telephone. Mr. Hall expressed his concerns and Respondent advised Mr. Hall that he would be in touch with Mr. Hall.

73. Respondent failed to contact Mr. Hall.

74. Approximately 6 to 8 weeks later, Mr. Hall attempted to visit Respondent at his office in Media. At this time Mr. Hall was informed by another attorney in the office that Respondent was no longer working at that office. The attorney contacted Respondent by telephone while Mr. Hall was present, and left a message for Respondent to call Mr. Hall.

75. By Order dated August 2, 2012, the Pennsylvania Supreme Court placed Respondent on administrative suspension, effective September 1, 2012, for his failure to comply with Pennsylvania Rule for Continuing Legal Education 111(b), which required CLE course completion by December 31, 2011.

76. Respondent failed to notify Mr. Hall that he was transferred to administrative suspension and was no longer eligible to represent him.

77. Respondent failed to advise Mr. Hall that Respondent would not be pursuing Mr. Hall's PHRC matter on his behalf.

78. Respondent failed to advise Mr. Hall that Respondent was no longer working out of his office in Media.

79. Respondent failed to advise Mr. Hall that Respondent was moving out of Pennsylvania.

- a. Respondent failed to: terminate his representation of Mr. Hall;
- b. withdraw his appearance from Mr. Hall's case;
- c. return Mr. Hall's file; and
- d. return any unearned fees.

80. On December 3, 2012, Mr. Hall sent Respondent a letter, via certified mail, return receipt requested, terminated Respondent's representation and requested that Respondent provide Mr. Hall with a copy of his file and a refund of \$2,000.00.

81. On or about December 4, 2012, Jordan G. Z., who was located at Respondent's registered office address of 18

West Front Street in Media, Pennsylvania, 19063, signed the green return receipt card, indicating receipt of Mr. Hall's letter.

82. Respondent failed to respond to Mr. Hall's letter.

83. Respondent failed to update his public access address with the Disciplinary Board and provide a current address.

84. By his conduct as alleged in Paragraphs 9 through 83 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

- a. RPC 1.2(a), which states: in pertinent part,  
A lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued...;
- b. RPC 1.3, which states: A lawyer shall act with reasonable diligence and promptness in representing a client;
- c. RPC 1.4(a)(2), which states: A lawyer shall reasonably consult with the client about the



means by which the client's objectives are to be accomplished;

- d. RPC 1.4(a)(3), which states: A lawyer shall keep the client reasonably informed about the status of the matter;
- e. RPC 1.4 (a)(4), which states: A lawyer shall promptly comply with reasonable requests for information;
- f. RPC 1.4 (b), which states: A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;
- g. RPC 1.15(b), which states: A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property and it shall be identified and appropriately safeguarded;
- h. RPC 1.15(i), which states: A lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred unless the client gives informed consent, confirmed in

writing, to the handling of fees and expenses in a different matter;

i. RPC 1.16(d), which states: in pertinent part, Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred...;

j. RPC 3.2, which states: A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client;

k. RPC 8.4(c), which states: It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

l. RPC 8.4(d), which states: It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;

- m. Pa.R.D.E. 203(b)(3), which states: A wilful violation of any other provision of the Enforcement Rules, shall be grounds for discipline;
- n. Pa.R.D.E. 217(a), which states: A formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension, administrative suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status and shall advise said clients to seek legal advice elsewhere;
- o. Pa.R.D.E. 217(b), which states: A formerly admitted attorney shall promptly notify, or cause to be notified, by registered mail or certified mail, return receipt requested, all clients who are involved in pending

litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of disbarment, suspension, administrative suspension or transfer to [inactive] status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of

residence of the client of the formerly admitted attorney;

p. Pa.R.D.E. 217(c)(2), which states: A formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is reasonable probability that they may infer that he or she continues as an attorney in good standing;

q. Pa.R.D.E. 217(e), which states: Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement showing: (1) that the provisions of the order and these rules have been fully complied with; and (2) all other state,

federal, and administrative jurisdictions to which such person is admitted to practice; and

- r. Pa.R.D.E. 219(d)(3), which states: On or before July 1 of each year all attorneys required by this rule to pay an annual fee shall file with the Attorney Registration Office a signed or electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures: Every attorney who has filed the form or elects to file the form electronically shall notify the Attorney Registration Office of any change in the information previously submitted, including e-mail address, within 30 days after such change.

Pa.R.D.E. 203(b)(7)

85. By DB-7 Request for Statement of Respondent's Position ("DB-7 letter") dated September 27, 2013, Respondent was notified of the allegations in *The Elaine Deeney Matter* and in *The Delbert W. Hall Matter*.

86. Respondent received the DB-7 letter.

87. Respondent did not provide a response to the DB-7 letter.

88. Respondent's failure to respond to the DB-7 letter is an independent ground for discipline under Pa.R.D.E. 203(b)(7).

89. By his conduct as alleged in Paragraphs 85 through 88 above, Respondent violated the following Pennsylvania Rule of Disciplinary Enforcement:

- a. 203(b)(7) which states: Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or supplemental request under Disciplinary Board Rules §87.7(b) for a statement of the respondent-attorney's position shall be grounds for discipline.

**SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE**

90. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of one year and one day.

91. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this petition is Respondent's

executed affidavit required by Rule 215, Pa.R.D.E., stating that he consents to the recommended discipline and which includes the mandatory acknowledgements required by Rule 215 (d)(1) through (4), Pa.R.D.E.

92. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that the following mitigating circumstances are present:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct, as is evidenced by Respondent's admissions herein and his consent to receiving a suspension of one year and one day;
- b. Respondent has no prior history of discipline; and
- c. In November of 2014, Petitioner received documentation to show that in February of 2014, Respondent provided a \$1,500.00 refund to Ms. Deeney and a \$2,000.00 refund to Mr. Hall. In each cover letter, Respondent apologized for the inconvenience he caused.



93. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that the following aggravating circumstances are present:

- a. Respondent failed to cooperate.
- b. Respondent failed to comply with Pa.R.D.E. 217;
- c. Respondent failed to answer the DB-7 letter; and
- d. Respondent failed to answer the Petition for Discipline.

94. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct, but instead each case is reviewed individually as established in the case of *Office of Disciplinary Counsel v. Lucarini*, 417 A.2d 186 (Pa. 1983).

95. A suspension of one year and one day is within the range of discipline imposed on attorneys who engage in neglect. *E.g.*, *Office of Disciplinary Counsel v. Paula M. Lappe*, No. 38 DB 2004, (D.Bd. Rpt. 2/22/05 (\$Ct. Order 5/11/05) (respondent, in two client matters, accepted a retainer, performed little or no work, was transferred to inactive status for failing to fulfill her continuing legal education requirements, failed to notify her clients of her inability to represent them, failed to answer the Petition

for Discipline, failed to appear for the disciplinary hearing, had no prior history of discipline and received a two-year license suspension).

In another matter, the respondent, who had no prior history of discipline, received a suspension of one year and one day for neglect and lack of communication in sixteen immigration matters, and misrepresentation. Unlike the Respondent in the instant case, respondent Ruben was able to offer mitigation by establishing a causal connection between her psychiatric disorders, namely, Attention Deficit/Hyperactivity Disorder, Dysthymic, and her misconduct. *Office of Disciplinary Counsel v. Ann Adele Ruben*, No. 6 DB 2011 (S.Ct. Order 4/28/2011). Additionally, in *Office of Disciplinary Counsel v. Sterling Artist*, No. 153 DB 2005 (S.Ct. Order 7/18/2007), the respondent, *inter alia*, neglected three separate matters, misrepresented the status of the case or failed to communicate with his clients, failed to cooperate with Petitioner's investigation, did not answer the DB-7 letter, failed to return client files and provide bank records, and had no prior history of discipline and received a suspension of one year and one day. The respondent did subsequently cooperate and enter into stipulations with Petitioner and admit to his wrongdoing.

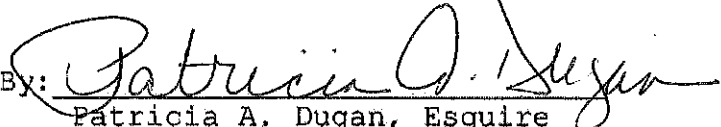
WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), a three-member panel of the Disciplinary Board, review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania recommending that the Supreme Court enter an Order that Respondent be suspended for a period of one year and one day.
- b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an order for Respondent to pay all necessary expenses incurred in the investigation and prosecution in the matter as a condition to the grant of the Petition, and that all expenses be paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g).

Respectfully submitted,  
OFFICE OF DISCIPLINARY COUNSEL

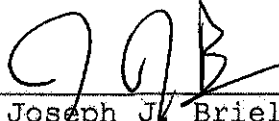
PAUL J. KILLION  
CHIEF DISCIPLINARY COUNSEL

3/24/15  
Date


By:   
Patricia A. Dugan, Esquire  
Disciplinary Counsel

Attorney Regis. No. 87147  
Seven Penn Center, 16<sup>th</sup> Floor  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296

3/20/15  
Date

By:   
Joseph J. Brielmann  
Attorney Regis. No. 82146  
Respondent

3/23/15  
Date

By:   
Kelly S. Sullivan, Esquire  
Attorney Regis. No. 87845  
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
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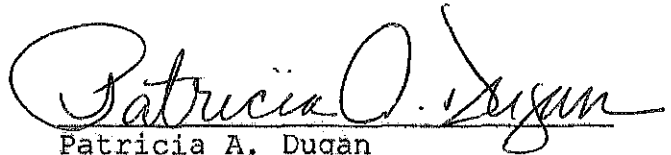
Respondent : (Out of State)

VERIFICATION

The statements contained in the foregoing Joint  
Petition In Support Of Discipline On Consent Under  
Pa.R.D.E. 215(d) are true and correct to the best of our  
knowledge, information and belief and are made subject to  
the penalties of 18 Pa.C.S. §4904, relating to unsworn  
falsification to authorities.

3/24/15

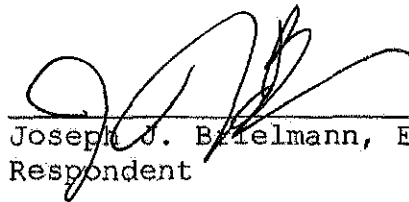
Date



Patricia A. Dugan  
Disciplinary Counsel

3/20/15

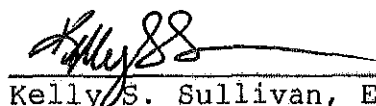
Date



Joseph J. Briemann, Esquire  
Respondent

3/23/15

Date



Kelly S. Sullivan, Esquire  
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

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: Atty. Reg. No. 82146

JOSEPH J. BRIELMANN, :

Respondent : (Out of State)

AFFIDAVIT UNDER RULE 215 Pa.R.D.E.

Respondent, Joseph J. Brielmann, hereby states that he consents to the imposition of a suspension from the practice of law for a period of one year and one day and further states that:

1. He is an attorney admitted to the Commonwealth of Pennsylvania, having been admitted to the bar on or about October 2, 1998.

2. He desires to submit a Joint Petition in Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d).

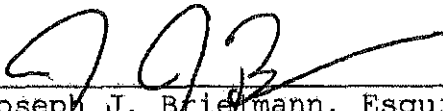
3. His consent is freely and voluntarily rendered; he is not being subject to coercion or duress; and he is fully aware of the implications of submitting this consent.

4. He has consulted with counsel, Kelly Sullivan, Esquire, in connection with his decision to consent to discipline.

5. He is aware there is presently a proceeding involving allegations that he has been guilty of misconduct as set forth within the accompanying petition.

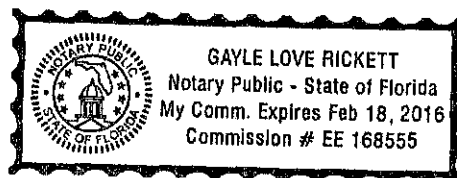
6. He acknowledges that the material facts within the petition are true.

7. He consents because he knows that if he continues to be prosecuted in the pending proceeding, he cannot successfully defend himself.

  
\_\_\_\_\_  
Joseph J. Brielmann, Esquire  
Respondent

Sworn to and Subscribed  
before me this 20 day 15  
of March, 2014

  
\_\_\_\_\_  
Notary Public



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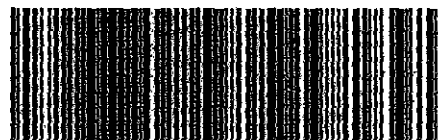
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