

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 134 DB 2021
Petitioner	:	
	:	
v.	:	Attorney Registration No. 205126
	:	
TIMOTHY NICHOLAS TOMASIC	:	
Respondent	:	(Allegheny County)

ORDER

AND NOW, this 4th day of August, 2022, in accordance with Rule 215(g), Pa.R.D.E., the three-member Panel of the Disciplinary Board having reviewed and approved the Joint Petition in Support of Discipline on Consent filed in the above captioned matter; and it is

ORDERED that the said Timothy Nicholas Tomasic of Allegheny County be subjected to a PUBLIC REPRIMAND by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(9) of the Pennsylvania Rules of Disciplinary Enforcement.

IT IS FURTHER ORDERED that Respondent shall be placed on PROBATION for a period of two (2) years subject to the following conditions:

Conditions of Probation:

1. Respondent shall abstain from using alcohol, drugs, or any other mind-altering chemical except under the strict supervision of a prescribing physician;
2. Respondent shall regularly attend Narcotics Anonymous meetings on a weekly basis;
3. Respondent shall maintain weekly contact with his Narcotics Anonymous sponsor;

4. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule 89.293(c);
5. Respondent shall furnish his sobriety monitor with his Narcotics Anonymous sponsor's name, address and telephone number;
6. Respondent shall establish his weekly attendance at Narcotics Anonymous meetings by providing written verification on a Board approved form to the Board Prothonotary;
7. Respondent shall undergo any counseling, out-patient or in-patient treatment, prescribed by a physician or substance abuse counselor;
8. Respondent shall file quarterly written reports with the Board Prothonotary;
9. With the sobriety monitor, Respondent shall:
 - a) meet at least twice a month;
 - b) maintain weekly telephone contact;
 - c) provide the necessary properly executed written authorizations to verify his compliance with the required substance abuse treatment; and
 - d) cooperate fully.
10. The appointed sobriety monitor shall:
 - a) monitor Respondent's compliance with the terms and conditions of the order imposing probation;
 - b) assist Respondent in arranging any necessary professional or substance abuse treatment;
 - c) meet with Respondent at least twice a month, and maintain weekly telephone contact with Respondent;
 - d) maintain direct monthly contact with Respondent's Narcotics Anonymous sponsor;


- e) file quarterly written reports with the Board Prothonotary;
and
- f) immediately report to the Board any violations by the Respondent of the terms and conditions of the probation.

Failure to comply with the above Conditions shall be grounds for reconsideration of the matter under the specific provision of Enforcement Rule 203(b)(2) and Disciplinary Board Rule 87.53(b).

BY THE BOARD

Board Chair

TRUE COPY FROM RECORD
Attest:


Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 134 DB 2021
Petitioner :
 :
v. : Attorney Reg. No. 205126
 :
TIMOTHY NICHOLAS TOMASIC, :
Respondent : (Allegheny County)

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

Petitioner, the Office of Disciplinary Counsel (hereinafter "ODC"), by Thomas J. Farrell, Chief Disciplinary Counsel, and Daniel S. White, Disciplinary Counsel, and Respondent, Timothy Nicholas Tomasic, Esquire, by and through Amy J. Coco, Esquire, file this Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E. and respectfully represent as follows:

1. ODC, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to

FILED
07/22/2022
The Disciplinary Board of the
Supreme Court of Pennsylvania

prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Timothy Nicholas Tomasic, was born in 1976, was admitted to practice law in the Commonwealth of Pennsylvania on April 23, 2007, and maintains an office for the practice of law at Tomasic & Associates, LLC, 1031 5th Avenue, East McKeesport, Pennsylvania 15035.

3. Respondent is presently on active status.

4. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL ADMISSIONS

5. On or about June 4, 2018, a Criminal Information was filed in the Court of Common Pleas of Allegheny County charging Rontay Keith Strothers with, *inter alia*, manufacture, delivery or possession with intent to manufacture or deliver a controlled substance, docketed at CP-02-CR-0003107-2018 (hereinafter the "First Criminal Proceedings").

6. On or about October 23, 2019, a Criminal Information was filed in the Court of Common Pleas of Allegheny County charging Mr. Strothers with, *inter alia*, manufacture, delivery or possession with intent to manufacture or deliver a controlled substance, docketed at CP-02-CR-0009802-2019

(hereinafter the “Second Criminal Proceedings,” or, collectively with the First Criminal Proceedings, the “Criminal Proceedings”).

7. On or about June 29, 2020, Respondent entered an appearance in the Second Criminal Proceedings on Mr. Strothers’ behalf.

8. On or about September 25, 2020, Respondent entered an appearance in the First Criminal Proceedings on Mr. Strothers’ behalf.

9. On October 23, 2020, a non-jury trial was scheduled in the Criminal Proceedings.

10. Respondent failed to appear for this non-jury trial.

11. Mr. Strothers failed to appear for this non-jury trial.

12. As a result of Mr. Strothers’ failure to appear for this non-jury trial, his bail was revoked.

13. In or about April of 2021, Respondent called Assistant District Attorney Lisa Pellegrini, who had been assigned to the Criminal Proceedings, at which time, *inter alia*, Respondent sought Ms. Pellegrini’s consent to a continuance in the Criminal Proceedings because Respondent was entering a drug and alcohol rehabilitation program.

14. Ms. Pellegrini formed the opinion that Respondent was under the influence of cocaine and/or other drugs during this telephone call. If this matter were to proceed to a disciplinary hearing, Respondent would deny

that he was under the influence of cocaine or other drugs during this telephone call.

15. On or about May 26, 2021, Respondent called Ms. Pellegrini at which time, *inter alia*, Respondent advised that Mr. Strothers had failed to appear for the October 23, 2020 non-jury trial, set forth in paragraphs 9-12 *supra*, because Respondent had agreed to transport him to the courthouse but instead ingested cocaine and “passed out” in his car.

16. Respondent was under the influence of cocaine and/or other drugs during this telephone call.

17. By text message to Ms. Pellegrini dated May 31, 2021, at 11:03 p.m., Respondent said, “[h]ey Lisa it’s Tim. I spoke to Rontay today. Give me a call in the am. Preferably b4 7, or if you’re up now u [*sic*] can call. Thanks.”

18. On June 1, 2021, Respondent called Ms. Pellegrini several times.

19. Ms. Pellegrini formed the opinion that Respondent was under the influence of cocaine and/or other drugs during these telephone calls. If this matter were to proceed to a disciplinary hearing, Respondent would deny that he was under the influence of cocaine or other drugs during these telephone calls.

20. On June 1, 2021, Respondent appeared via Microsoft Teams for a hearing before the Honorable Kelly Bigley in the Criminal Proceedings at which time, *inter alia*, the hearing was postponed to June 7, 2021.

21. This hearing was postponed so that Respondent's ability to represent Mr. Strothers could be assessed by the court in-person on June 7, 2021.

22. Despite Respondent's failure to transport Mr. Strothers to his October 2020 non-jury trial due to Respondent's drug use, Respondent failed to withdraw as counsel for Mr. Strothers at any time over the ensuing seven (7) months.

23. On or before June 7, 2021, attorney Rachael C. Arianna Santoriella entered an appearance in the Criminal Proceedings on Mr. Strothers' behalf.

24. By letter to Respondent dated June 22, 2021, ODC requested Respondent's Statement of Position regarding, *inter alia*, the misconduct set forth in paragraphs 5-23 *supra*.

25. By letter to ODC dated July 12, 2021, Respondent, through counsel, provided his Statement of Position.

26. Respondent conceded in this Statement of Position that, *inter alia*:

- (a) he had failed to appear for the October 23, 2020 non-jury trial set forth in paragraphs 9-12 *supra*;
- (b) during the May 26, 2021 telephone call set forth in paragraphs 15-16 *supra*, he “stated words to the effect of [paragraph 15 *supra*] although he does not recall the exact words”;
- (c) he “had stated he would pick Mr. Strothers up and did not appear to pick Mr. Strothers up”; and
- (d) the June 1, 2021 hearing set forth in paragraphs 20-21 *supra* was postponed so that his ability to represent Mr. Strothers could be assessed in-person on June 7, 2021.

27. Respondent claimed in this Statement of Position that:

- (a) he had attended a rehabilitation program in April or May of 2021 at Clear Day Recovery Center in Greensburg “for approximately 3 days”;
- (b) he was in contact with a sponsor through Lawyers Concerned for Lawyers; and
- (c) he was “attending meetings on a daily basis now.”

28. Over the ensuing six (6) months, Respondent failed to comply with ODC's multiple requests to produce documentation corroborating these claims.

SPECIFIC RULE VIOLATIONS

29. By his conduct, as set forth in paragraphs 5 through 28 *supra*, Respondent admits that he violated the following Rules of Professional Conduct:

- (a) Rule of Professional Conduct 1.1, which provides, “[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation”;
- (b) Rule of Professional Conduct 1.3, which provides that “[a] lawyer shall act with reasonable diligence and promptness in representing a client”;
- (c) Rule of Professional Conduct 1.16(a)(2), which provides, in pertinent part, that “[a] lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if...(2) the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the

client”; and

(d) Rule of Professional Conduct 8.4(d), which provides that “[i]t is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.”

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

30. ODC and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a public reprimand with probation for a period of two (2) years, the conditions of which include appointment of a sobriety monitor. See D. Bd. Rules § 89.293(c).

31. Respondent hereby consents to that discipline being imposed upon him. Attached to this Petition as Exhibit A is Respondent's executed Affidavit, required by Rule 215(d), Pa.R.D.E., stating that he consents to the imposition of a public reprimand with probation and setting forth the mandatory acknowledgements contained in Rule 215(d)(1)-(4), Pa.R.D.E.

32. In aggravation, Respondent failed to comply with ODC's multiple requests for documentation corroborating claims contained in his Statement of Position regarding his pursuit of sobriety.

33. In mitigation, Respondent has accepted responsibility for his misconduct by virtue of his consent herein to the imposition of a public reprimand with probation. Additionally, Respondent has no prior discipline.

34. Respondent received treatment for his substance use disorder from Clear Day Treatment of Westmoreland, LLC, from May 13, 2021, through May 14, 2021, at which time he was discharged against medical advice. A true and correct copy of a March 22, 2022 letter from Clear Day Treatment of Westmoreland, LLC confirming such treatment is attached hereto as Exhibit B.

35. Respondent received treatment for his substance use disorder from GatewayRehab from October 4, 2021, through October 8, 2021, at which time he was discharged against medical advice. A true and correct copy of a February 23, 2022 letter from GatewayRehab confirming such treatment is attached hereto as Exhibit C.

36. If this matter were to proceed to a disciplinary hearing, Respondent would seek to establish that his substance use disorder was a factor in causing his misconduct—as contemplated by *Office of Disciplinary Counsel v. Seymour H. Braun*, 553 A.2d 894 (Pa. 1989)—through the testimony of Timothy Grealish, a Certified Intervention Professional. A true and correct copy of Mr. Grealish's July 11, 2022 Assessment is attached hereto as Exhibit D.

37. The facts of this case would also support a finding of *Braun* mitigation as there was a direct causal connection between Respondent's drug use and his failure to meet his obligations to his client.

38. Additionally, if this matter were to proceed to a disciplinary hearing, Respondent and others would testify that he has been sober since December of 2021, and regularly attends Narcotics Anonymous meetings.

39. Public reprimands have been imposed for failure to appear as counsel in a criminal matter resulting in the needless consumption of limited judicial resources. See, e.g., *Office of Disciplinary Counsel v. Carlos A. Martir, Jr.*, 22 DB 2016. See also *Office of Disciplinary Counsel v. Milton E. Raiford*, 39 DB 2022 (counsel appeared for a scheduled non-jury trial, but refused to represent his client or otherwise act on her behalf, compelling its continuance). Public reprimands are also appropriate in matters involving neglect and failure to cooperate with ODC's investigation. See, e.g., *Office of Disciplinary Counsel v. Tami Lea Fees*, 123 DB 2018.

40. Probation in the nature of a sobriety monitor is specifically authorized by the Disciplinary Board Rules "in cases of alcohol or drug abuse," D. Bd. Rules § 89.293, and has been imposed by the Disciplinary Board in connection with public reprimands where the misconduct at issue was caused in part by a substance use disorder. See, e.g., *Office of*

Disciplinary Counsel v. Thomas M. Cusack, III, 243 DB 2018. Such probation would protect the interests of Respondent's clients and thereby satisfy the underlying objectives of the disciplinary system.

41. The primary purpose of the disciplinary system is to protect the public from unfit attorneys and to maintain the integrity of the legal system. See *Office of Disciplinary Counsel v. Keller*, 506 A.2d 872 (Pa. 1986) (internal citations omitted).

42. A public reprimand with probation in the nature of a sobriety monitor is both consistent with the cases cited *supra* and satisfies the primary purpose of the disciplinary system in that it would notify the public that Respondent's drug use adversely impacted his representation of a client while also protecting future clients from the possibility of such adverse impacts through monitoring to detect future drug use.

WHEREFORE, ODC and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 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 the Disciplinary Board thereafter issue an order directing that: (a) Respondent pay the necessary expenses incurred in the investigation and prosecution of this matter within thirty (30) days after the notice of taxed expenses is sent to

Respondent; and (b) Respondent receive a public reprimand with probation for a period of two (2) years, subject to the following conditions:

1. Respondent shall abstain from using alcohol, drugs, or any other mind-altering chemical except under the strict supervision of a prescribing physician;
2. Respondent shall regularly attend Narcotics Anonymous meetings on a weekly basis;
3. Respondent shall maintain weekly contact with his Narcotics Anonymous sponsor;
4. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rules § 89.293(c);
5. Respondent shall furnish his sobriety monitor with his Narcotics Anonymous sponsor's name, address and telephone number;
6. Respondent shall establish his weekly attendance at Narcotics Anonymous meetings by providing written verification on a Board approved form to the Board Prothonotary;
7. Respondent shall undergo any counseling, out-patient or in-patient treatment, prescribed by a physician or substance abuse counselor;

8. Respondent shall file with the Board Prothonotary quarterly written reports;

9. With the sobriety monitor, Respondent shall:

(a) meet at least twice a month;

(b) maintain weekly telephone contact;

(c) provide the necessary properly executed written authorizations to verify his compliance with the required substance abuse treatment; and

(d) cooperate fully; and

10. The appointed sobriety monitor shall:

(a) monitor Respondent's compliance with the terms and conditions of the order imposing probation;

(b) assist Respondent in arranging any necessary professional or substance abuse treatment;

(c) meet with Respondent at least twice a month, and maintain weekly telephone contact with Respondent;

(d) maintain direct monthly contact with Respondent's Narcotics Anonymous sponsor;

(e) file with the Board Prothonotary quarterly written reports; and

(f) immediately report to the Board Prothonotary any violations by the Respondent of the terms and conditions of the probation.

Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL


THOMAS J. FARRELL
CHIEF DISCIPLINARY COUNSEL

By 

Daniel S. White, Esquire
Disciplinary Counsel

By 

Timothy Nicholas Tomasic, Esquire
Respondent

By 


Amy J. Coco, Esquire
Counsel for Respondent

VERIFICATION

The statements contained in the forgoing Joint Petition in Support of Discipline on Consent 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.

7/22/22

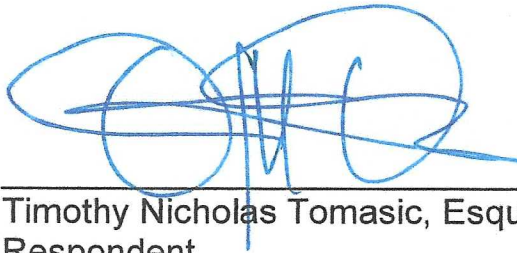
Date



Daniel S. White, Esquire
Disciplinary Counsel

July 22, 2022

Date



Timothy Nicholas Tomasic, Esquire
Respondent

6-22-2022

Date



Amy J. Coco, Esquire
Counsel for Respondent

EXHIBIT A

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 134 DB 2021
Petitioner :
v. : Attorney Reg. No. 205126
TIMOTHY NICHOLAS TOMASIC, :
Respondent : (Allegheny County)

AFFIDAVIT

UNDER RULE 215(d), Pa.R.D.E.

TIMOTHY NICHOLAS TOMASIC, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a public reprimand with probation for a period of two (2) years in conformity with Rule 215(d), Pa.R.D.E. and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about April 23, 2007.

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

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

4. He is aware that there is presently pending a prosecution regarding allegations that he has been guilty of misconduct, as set forth in the

Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E., to which this affidavit is attached.

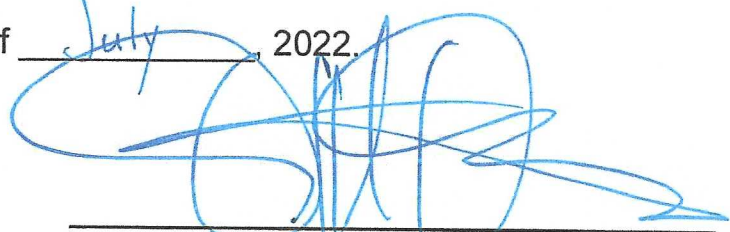
5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon this matter were prosecuted in the pending proceeding he could not successfully defend against them.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted or acted upon the advice of counsel in connection with his decision to execute the within Joint Petition.


It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Signed this 22nd day of July, 2022.



TIMOTHY NICHOLAS TOMASIC

Sworn to and subscribed
before me this 22nd day
of July, 2022.



Notary Public

Commonwealth of Pennsylvania - Notary Seal
LINDSEY SELTMANN - Notary Public
Allegheny County
My Commission Expires November 23, 2024
Commission Number 1387661

EXHIBIT B



CLEAR DAY

TREATMENT OF WESTMORELAND, L.L.C.

March 22, 2022

Timothy Tomasic
234 Shiloh Street Rear
Pittsburgh, PA 15211

RE: Timothy Tomasic
DOB: 07/28/1976

Dear Timothy,

The purpose of this letter is to confirm that the above-mentioned individual was a patient at Clear Day Treatment of Westmoreland. He was present in treatment from May 13, 2021, 12:44p.m. to May 14, 2021 11:08a.m.

Should you have any questions about this admission, please feel free to contact your assigned counsellor, Cordelia Claiborne at (724)834-7000 ext. 111, or me at 724-834-7000 ext. 102.

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR part 2). The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by the written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR part 2.

Thank you,

Nakkia Proffitt, CRS

Nakkia Proffitt, CRS
Quality Improvement Manager
Clear Day of Westmoreland
1037 Compass Circle
Greensburg, PA 15601
nproffitt@cleardaytc.com

EXHIBIT C



GatewayRehab

02/23/2022

Addiction Recovery & Self Renewal

Amy J. Coco, Esquire
429 Fourth Ave. #602
Pittsburgh, PA 15219

100 Moffett Run Road
Aliquippa, PA 15001

Admit Date: 10/04/2021

RE: Timothy Tomasic

Discharge Date (if discharged): 10/08/2021

Date of Birth: 7/28/1976

Dear Amy J. Coco

Current Status: Discharged

This letter shall serve as verification that drug and/or alcohol rehabilitation services were provided by Gateway Rehabilitation Center. Participation occurred in the following treatment programs (*Detox, Inpatient, Extended Care, and CTC are residential programs):

	Program	Location	Schedule*	Status
<input type="checkbox"/>	Detoxification and Assessment Unit			
<input checked="" type="checkbox"/>	Inpatient	Abe's Inpatient-Redwood		Discharged or Completed
<input type="checkbox"/>	Partial Hospitalization Program (PHP)			
<input type="checkbox"/>	Intensive Outpatient Program (IOP)			
<input type="checkbox"/>	Outpatient (OP)			
<input type="checkbox"/>	Extended Care			
<input type="checkbox"/>	Community Transition Center (CTC)			

During their time in treatment, patients are involved in lectures, group therapy, individual therapy sessions, family therapy sessions, and asked to submit to random urine drug screens, as well as attend Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) Meetings.

Comments:

Timothy received an against medical advice discharge on October 8, 2021.

Sincerely,

Lindsey Price

This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patients.

If you have any questions or require additional information, please contact the Health Information Management Department at 724-378-4461, x1195.

Patient's Therapist (active patients only):

Phone Number:

Gateway Rehab • Main Campus • 100 Moffett Run Road • Aliquippa, PA 15001
Phone 412-604-8900 • www.gatewayrehab.org

EXHIBIT D



TEG, LLC

Consultation, Intervention & Placement

PO Box 1211

McMurray, PA 15317

(724) 941-5336

Assessment: Timothy Tomasic

7/11/2022

This client was self-referred for a Substance Use Disorder evaluation. It was precipitated by missing a scheduled court date and conduct questioned by The PA State Licensing Board for attorneys.

OVERALL APPEARANCE

Mr. Tomasic's appearance was appropriate at the time of this interview. He presented as lucid, alert and made good eye contact. He answered all my questions in a direct and succinct fashion without hesitation or trepidation.

PHYSICAL

Mr. Tomasic reports that he is in perfect health and has suffered no medical consequences due to alcohol use.

EMOTIONAL

Mr. Tomasic suffers from typical emotional stress due to his active addiction. His substance abuse has had adverse effects on his wife, his children and his entire family causing occasional bouts of depression.



PSYCHIATRIC

Mr. Tomasic has past diagnoses of Attention Deficit/Hyperactivity Disorder from the Psychiatric department at Cirque Lodge and Situational Depression diagnosed by The Caron Foundation and Glenbeigh Hospital. He also has a history of Anxiety. The only medication that has helped him in the past was Strattera. After a brief period on this medication the prescribing psychiatrist has weened Mr. Tomasic successfully off this medicine with no adverse effects.

EDUCATION/SCHOOL

Mr. Tomasic is an attorney who attended Western Michigan University.

DRUG & ALCOHOL

Mr. Tomasic first enter treatment at The Caron Foundation at Wernersville, PA in 2010. After completing their program, he was able to maintain ongoing sobriety for 1 ½ years. Since that time, he has been back to Caron 2 times, Cirque Lodge (in Utah) 2 times, Glenbeigh Hospital in Rock Creek, Ohio and Mt. Laurel Recovery Center in Westfield, PA. During these multiple rehabilitation stays, and discharges Mr. Tomasic has had very brief periods of sobriety. His unwillingness to attend the 12 step self-help recovery meetings has been the principal culprit for his inability to remain sober



ENVIRONMENTAL

Mr. Tomasic lives with his non-using girlfriend. She is a nurse/therapist working in the Pittsburgh Public School System. Her support has been an incredible reinforcement to Mr. Tomasic's emotional and spiritual growth and a major contributing factor in his recovery journey.

SOCIAL

Mr. Tomasic likes live music, swimming and enjoys spending time before and after 12 step meetings with his recovering friends. Every chance he gets he drives to North Carolina to spend time with his children.

EMPLOYMENT

Mr. Tomasic is a self-employed attorney.



ASSESSMENT and RECOMMENDATION

While there are some concerns regarding his relapse history, Mr. Tomasic did not present enough clinical data that would merit a referral to any level of addiction treatment. The assessment tool used to make this determination was the PCPC (Pennsylvania Client Placement Criteria).

Mr. Tomasic has maintained some periods of sobriety between his treatment occurrences but without 12 step meeting involvement.

Therefore I am recommending Mr. Tomasic continue to attend a minimum of 7 AA (Alcoholics Anonymous) or NA (Narcotics Anonymous) meetings per week and provide proof of attendance. The evidence gathered in this assessment leads me to believe that Mr. Tomasic has finally fully committed to working a 12-step program and all that it entails (i.e., sponsorship, home group involvement, service, etc.).

Mr. Tomasic reports that these legal problems were enough to demonstrate the stark reality of significant consequences of continued substance abuse. To that end, I agree that the sole reason for missing the court date can be directly attributed to his addiction.

Should you have any questions please feel free to contact me anytime.

Sincerely,

Tim Grealish, C.I.P., N.C.I.P.
Certified Intervention Professional (Certification#I0106)
Pennsylvania Certification Board (PCB)
National Certified Intervention Professional
Drug and Alcohol Treatment Specialist
TEG, LLC



TEG, LLC

Consultation, Intervention & Placement
PO Box 1211
McMurray, PA 15317
(724) 941-5336

07/13/2022

Attorney Amy Coco
429 Fourth Ave. #602
Pittsburgh, PA 15219

Re: Timothy Tomasic

Dear Ms. Coco,

Per your request, I was able to administer an observed Drug Testing screen on your client, Timothy Tomasic, captioned above

The testing device is approved by The Substance Abuse Mental Health Sources Administration (SAMHSA). SAMHSA has established Gas Chromatography/Mass Spectrometry (GC/MS) as the preferred confirmatory method. This test was conducted 07/12/2022

The instrument applied was the DrugSmart Cup. Mr. Tomasic was tested for Amphetamine, Barbiturates, Benzodiazepine, Cocaine, MDMA, Oxycodone, Oxycontin, Opiates, Methamphetamine, Methadone, PCP, Tricyclic Antidepressants and THC (Marijuana). It should be noted that the THC test assumes a nano gram cut off level of 50 per milliliter (eliminating any contention of passive inhalation). A separate and additional test was administered for Buprenorphine (Suboxone).

Mr. Tomasic was completely drug free at the time of this tests.

Should you have any questions, please feel free to contact me at my office anytime.

Sincerely yours,

Tim Grealish, CIP, NCIP
Drug & Alcohol Treatment Specialist
Interventionist
TEG, LLC

Acute Intoxication or Withdrawal	<p>Individuals must meet all of the following:</p> <p>A. The individual is assessed as being at minimal to no risk of severe withdrawal syndrome, as evidenced by:</p> <ol style="list-style-type: none"> 1. CIWA-AR (Clinical Institute Withdrawal Assessment - Alcohol - Revised) score (or other comparable standardized scoring system) of less than 10 following 8 hours of abstinence from alcohol, with no medication; OR 2. Blood alcohol 0.0gm% and no withdrawal signs or symptoms present which require medication; OR 3. Sub-acute symptoms of protracted withdrawal that, if present, can be managed safely without daily monitored medical intervention; AND <p>B. For individuals with withdrawal symptoms no more severe than those noted in Section A, the individual has, and responds positively to, emotional support and comfort as evidenced by: 1. Decreased emotional symptoms by the end of the initial interview session, AND</p> <ol style="list-style-type: none"> 2. Home environment able to provide appropriate support.
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Patient meets

A.

1. CIWA-AR score below 10
2. BAC 0.0
3. No symptoms present

B.

1. No symptoms present
2. Home environment supportive

2. Biomedical Conditions and Complications	<p>Any of the individual's biomedical conditions, if present, are (or continue to be) sufficiently stable to permit participation in outpatient treatment.</p>
---	--

There are no biomedical conditions present

3. Emotional/ Behavioral Conditions and Complications	<p>Individuals must meet all of the following:</p> <p>A. The individual's anxiety, guilt, and/or depression, if present, appear to be related to drug dependency problems rather than a coexisting psychiatric/emotional/behavioral condition. If they are related to such a condition, appropriate additional psychiatric services are provided concurrently.</p> <p>B. The mental status of the individual does not preclude his/her ability to:</p> <ol style="list-style-type: none"> 1. Comprehend and understand the materials presented, 2. Participate in the treatment process, and 3. The individual is assessed as not being at risk of harming self or others.
--	---

There are no coexisting issues reported or present

- A. Meets
- B.
 1. Meets
 2. Willing to participate
 3. Risk not present

4. Treatment Acceptance/ Resistance	<p>Individuals must meet all of the following:</p> <p>A. The individual expresses willingness to cooperate and attend all scheduled activities, and;</p> <p>B. The individual may also admit that he/she has an alcohol/drug problem but requires monitoring and motivating strategies. However, the individual does not need a structured milieu program.</p>
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- A. Will accept all recommendations
- B. Strategies to be addressed in recommendations. Structure unnecessary.

5. Relapse Potential	<p>The individual is assessed as being able to maintain abstinence and recovery goals only with support and scheduled therapeutic contact to help to deal with issues such as, but not limited to, mental preoccupation with alcohol/drug use, craving, peer pressures, lifestyle, and attitudinal changes.</p>
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Patient able to maintain abstinence with recommendations for meeting attendance. Therapeutic intervention unnecessary at this time.

<p>6. Recovery Environment</p>	<p>Individuals must meet ONE of the following:</p> <p>A. A sufficiently supportive psychosocial environment makes outpatient treatment feasible (e.g. significant others who are in agreement with recovery efforts, supportive work or legal coercion, appropriate transportation to the program, and support meeting locations and non-alcohol/drug centered work that are accessible and close to home environment):</p> <p>B. The individual has demonstrated motivation and a willingness to obtain an ideal primary or social support system to assist with immediate sobriety, even though he/she does not presently have such a support system:</p> <p>C. Family/significant others are supportive, but individual requires professional interventions to improve chances of treatment success and recovery (e.g. assistance in limit-setting and communication skills, and a decrease in rescuing behaviors, etc.).</p>
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- A. Meets as significant other is supportive, legal consequences, and local support meetings
- B. Meets. Patient to attend 7 Alcoholics Anonymous or Narcotics Anonymous weekly and provide proof of attendance.
- C. To be determined



TEG, LLC

Consultation, Intervention & Placement

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The Pennsylvania Client Placement Criteria for Adults (PCPC) are a set of guidelines designed to provide clinicians with a basis for determining the most appropriate care for individuals with substance use disorders (SUDs). These guidelines, which have been modified to fit Pennsylvania's specific needs and circumstances, include admission and continued stay criteria. The guidelines also give detailed guidance for special issues and populations that are important to ensuring that individuals receive optimal treatment placement. They have been formulated to promote a broad continuum of care, which places individuals in the most clinically appropriate setting, while providing the best opportunity to efficiently utilize SUD treatment, intervention, and other community resources. The PCPC plays a critical role in a Recovery Oriented System of Care (ROSC) by supporting two major ROSC elements: ensuring continuity of care and promoting access and engagement. The PCPC were developed through a comprehensive process initiated by the Pennsylvania Office of Drug and Alcohol Programs (ODAP), which was renamed the Bureau of Drug and Alcohol Programs (BDAP) in 1993 and, as of July 1, 2012, became the Department of Drug and Alcohol Programs (DDAP). It will be referred to as DDAP from here onward.

Tim Grealish, C.I.P., N.C.I.P.
Certified Intervention Professional (Certification#I0106)
Pennsylvania Certification Board (PCB)
National Certified Intervention Professional
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TEG is an independent drug and alcohol treatment resource that provides:

CONSULTATION A face to face or telephone consultation will identify the needs of an individual or family by conducting an assessment. Information gathered at this time, will determine whether an intervention or direct placement is appropriate. We are also able to recommend an appropriate treatment provider and level of care.

INTERVENTION Interventions are most often a three-step process that includes family members and others as part of the “intervention team”. We will educate team members through individual or group sessions and gather pertinent bio-psychosocial data needed when the alcoholic/addict is ultimately challenged to change. We will answer any questions and plan effective strategies that suit your family dynamics to ensure a successful and healthy outcome.

PLACEMENT Sometimes an individual is willing to enter treatment. We gather all essential placement information and begin the admission process into a treatment facility, cutting through all the red tape involved in accessing the treatment. We have relationships with many rehabs, outpatient clinics, therapists and psychiatrists and can recommend a facility that best fits individuals’ needs.

Whether you are a person suffering from an addiction, the family devastated by the disease, a company determined to help an individual or an officer of the judicial system, our intervention, placement and consulting services can offer immediate, accurate and decisive results.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 134 DB 2021
Petitioner :
v. : Attorney Reg. No. 205126
TIMOTHY NICHOLAS TOMASIC, :
Respondent : (Allegheny County)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail and email, as follows:

Timothy Nicholas Tomasic, Esquire
c/o Amy J. Coco, Esquire
429 Fourth Avenue, Suite 200
Pittsburgh, PA 15219

(acoco@d-wlaw.com)

Dated: 7/22/22



Daniel S. White
Disciplinary Counsel
Attorney Registration No. 322574
Office of Disciplinary Counsel
Frick Building, Suite 1300
437 Grant Street
Pittsburgh, PA 15219
(412) 565-3173

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Daniel S. White

Attorney No. (if applicable): 322574