

IN THE SUPREME COURT OF PENNSYLVANIA

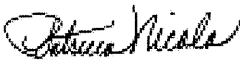
OFFICE OF DISCIPLINARY COUNSEL, : No. 2556 Disciplinary Docket No. 3
: :
Petitioner : No. 137 DB 2018
: :
v. : Attorney Registration No. 19354
: :
JOHN T. LYNCH, JR., : (Out of State)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 8th day of May, 2019 upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and John T. Lynch, Jr. is suspended on consent from the Bar of this Commonwealth for a period of 30 months, and he shall comply with all the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 05/08/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 137 DB 2018
v. :
: Atty. Reg. No. 19354
JOHN T. LYNCH, JR., :
Respondent : (Philadelphia)

**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, Esquire, Chief Disciplinary Counsel, and by Jeffrey M. Krulik, Esquire, Disciplinary Counsel, and Respondent, John T. Lynch, Jr., file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pa.R.D.E. ("Joint Petition"), and respectfully represent that:

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

FILED

03/12/2019

The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, John T. Lynch, Jr. was born in 1948, was admitted to practice law in the Commonwealth on October 16, 1974, is currently on inactive status, and resides in Scottsdale, Arizona.

3. Pursuant to Pa.R.D.E. 201(a)(1) and (a)(3), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. On August 6, 2018, Petitioner filed a Petition for Discipline, which was docketed at 137 DB 2018, charging Respondent with professional misconduct.

5. On August 13, 2018, Petitioner served Respondent with the Petition for Discipline.

6. On September 6, 2018, Respondent filed an Answer to Petition for Discipline.

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

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

CHARGE I: UNLAWFUL PRACTICE OF LAW IN THIRTY SECURITIES OFFERINGS.

8. Respondent has never been licensed to practice law in any state other than Pennsylvania.

9. On April 18, 1983, Respondent was placed on voluntary inactive status in Pennsylvania and has remained inactive at all times thereafter.

10. At all relevant times, Respondent resided in Scottsdale, Arizona.

11. In or about May 2009, Lawson Financial Corporation ("LFC"), 3352 East Camelback Road, Phoenix, AZ 85018, hired Respondent to provide investment banking services.

12. From at least April 2010 through May 2014, Respondent also acted as legal counsel to LFC in connection with LFC's role as an underwriter for 30 municipal bond offerings ("Bond Offerings"); in five of the 30 offerings, Respondent acted as counsel for both LFC and another underwriter, Herbert J. Sims & Co., Inc.

13. At all times during which Respondent represented LFC as counsel in the Bond Offerings, Respondent performed his legal work from an office in Phoenix, Arizona. The office was at all times located at LFC's headquarters.

14. In addition to lacking a license to practice in Arizona, Respondent has never held an Arizona Certificate of Registration of In-House Counsel.

15. The Bond Offerings in which Respondent served as LFC's attorney raised in excess of \$335,000,000 from investors.

16. Respondent participated in the preparation of Official Statements for each of the Bond Offerings, which Official Statements identified him as an attorney acting as counsel to the underwriter(s).

17. The Official Statements for the Bond Offerings were provided to investors in connection with their purchase in the primary offerings of the securities and were publicly available on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access system.

18. Respondent also:

- a. prepared opinion letters for the vast majority of the Bond Offerings, setting forth his legal opinions that the bonds were not required to be registered under the Securities Act of 1933, as amended, and that it was not necessary to qualify the trust indentures for the Bond Offerings under the Trust Indenture Act of 1939, as amended;
- b. used letterhead identifying him as an attorney with his office in Phoenix, Arizona;
- c. held himself out to LFC and other participants in the offerings as an attorney; and
- d. provided additional legal services, which included preparing and reviewing legal

documents for the Bond Offerings, communicating with other participants in the Bond Offerings about legal matters, and preparing Blue Sky surveys regarding the application of state securities laws.

19. By this conduct, Respondent engaged in "unauthorized practice of law" as defined by Arizona Supreme Court Rules, specifically A.R.S. Sup. Ct. Rules, Rule 31(a)2.B.(1) and (2), which define that term to include:

- a. "engaging in the practice of law by persons or entities not authorized to practice pursuant to paragraphs (b) or (c) [of Rule 31] or specially admitted to practice"; and
- b. "using the designations 'lawyer,' 'attorney at law,' 'counselor at law,' 'law,' 'law office,' 'J.D.,' 'Esq.,' or other equivalent words by any person or entity who is not authorized to practice law in this state pursuant to paragraphs (b) or (c) [of Rule 31] or specially admitted to practice ..., the use of which is reasonably likely to induce others to believe that the person or entity is authorized to engage in the practice of law in this state."

20. Respondent's unauthorized practice of law violated the following Arizona Supreme Court Rules:

- a. A.R.S. Sup. Ct. Rules, Rule 31(b), which states that, subject to certain specified exemptions, "no person shall practice law in this state or represent in any way that he or she may practice law in this state unless the person is an active member of the state bar"; and
- b. A.R.S. Sup. Ct. Rules, Rule 33(c), which states that, "[n]o person shall practice law in the State of Arizona without being admitted to the bar by compliance with the following rules [concerning admission to the Arizona state bar], provided that an attorney practicing in another state or territory or insular possession of the United States or the District of Columbia may be permitted by any court to appear in a matter pro hac vice... ."

21. Over the more than four years during which he acted as underwriter's counsel for the Bond Offerings, Respondent was paid in excess of \$840,000 in underwriter's counsel fees; according to Respondent, he viewed a substantial portion of

this as compensation for investment banking services rather than for legal work.

A. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Caurus Academy Project), Series 2010.

22. Respondent acted as underwriter's counsel for LFC in connection with the offer of \$4,380,000 of The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Caurus Academy Project), Series 2010 ("Caurus Academy Project Bonds").

23. Respondent participated in the preparation of the Official Statement for the Caurus Academy Project Bonds, dated April 15, 2010, which Official Statement informed investors that the bonds were offered "subject to ... the approval of certain matters by ... John T. Lynch, Jr., Phoenix, Arizona, as counsel to and solely for the benefit of the Underwriter."

24. As LFC's counsel in connection with the offering of the Caurus Academy Project Bonds, Respondent prepared and signed an opinion letter dated April 20, 2010, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

25. Respondent's opinion letter for the Caurus Academy Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

26. As LFC's counsel in connection with the offering of the Caurus Academy Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and
- b. participating in discussions with other individuals involved in the offering.

B. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Montessori Academy Project), Series 2010A, 2010B, and 2010C.

27. Respondent acted as underwriter's counsel for LFC in connection with the offer of The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Montessori Academy Project), including: \$4,580,000 of Series 2010A Bonds; \$460,000 of Series 2010B (Taxable) Bonds; and \$685,000 of Convertible Series 2010C Bonds (collectively, "Montessori Academy Project Bonds").

28. Respondent participated in the preparation of the Official Statement for the Montessori Academy Project Bonds, dated May 26, 2010, which Official Statement informed

investors that the bonds were offered "subject to ... the approval of certain matters by ... John T. Lynch, Jr., Phoenix, Arizona, as counsel to and solely for the benefit of the Underwriter."

29. As LFC's counsel in connection with the offering of the Montessori Academy Project Bonds, Respondent prepared and signed an opinion letter dated May 26, 2010, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

30. Respondent's opinion letter for the Montessori Academy Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

31. As LFC's counsel in connection with the offering of the Montessori Academy Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and
- b. participating in discussions with other individuals involved in the offering.

C. The Medical Clinic Board of the City of Hoover First Mortgage Healthcare Facility Revenue Bonds (Riverchase Village ADK, LLC Project), Series 2010A and 2010B.

32. Respondent acted as underwriter's counsel for LFC in connection with the offer of The Medical Clinic Board of the City of Hoover First Mortgage Healthcare Facility Revenue Bonds (Riverchase Village ADK, LLC Project), including: \$5,845,000 of Series 2010A Bonds; and \$520,000 of Series 2010B (Taxable) Bonds (collectively, "Riverchase Village ADK, LLC Project Bonds").

33. Respondent participated in the preparation of the Official Statement for the Riverchase Village ADK, LLC Project Bonds, dated June 22, 2010, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Esquire, Phoenix Arizona."

34. As LFC's counsel in connection with the offering of the Riverchase Village ADK, LLC Project Bonds, Respondent prepared and signed an opinion letter dated June 25, 2010, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

35. Respondent's opinion letter for the Riverchase Village ADK, LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

36. As LFC's counsel in connection with the offering of the Riverchase Village ADK, LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. preparing a Preliminary Official Statement.

D. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Destiny Community School Project), Series 2010.

37. Respondent acted as underwriter's counsel for LFC in connection with the offer of \$4,000,000 of The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Destiny Community School Project), Series 2010 ("Destiny Community School Project Bonds").

38. Respondent participated in the preparation of the Official Statement for the Destiny Community School Project Bonds, dated June 22, 2010, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix Arizona, as counsel to and solely for the benefit of the Underwriter."

39. As LFC's counsel in connection with the offering of the Destiny Community School Project Bonds, Respondent prepared and signed an opinion letter dated June 30, 2010, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

40. Respondent's opinion letter for the Destiny Community School Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

41. As LFC's counsel in connection with the offering of the Destiny Community School Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;

- b. participating in discussions with other individuals involved in the offering;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. preparing a Bond Purchase Agreement.

E. Gainesville and Hall County Development Authority First Mortgage Revenue Bonds (Limestone Assisted Living, LLC Project), Series 2010A and 2010B.

42. Respondent acted as underwriter's counsel for LFC in connection with the offer of Gainesville and Hall County Development Authority First Mortgage Revenue Bonds (Limestone Assisted Living, LLC Project), including: \$3,110,000 of Series 2010A Bonds; and \$590,000 of Series 2010B (Taxable) Bonds (collectively, "Limestone Assisted Living, LLC Project Bonds").

43. Respondent participated in the preparation of the Official Statement for the Limestone Assisted Living, LLC Project Bonds, dated August 24, 2010, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by and solely for benefit of the Underwriter by John T. Lynch, Jr., Esquire, Phoenix Arizona."

44. As LFC's counsel in connection with the offering of the Limestone Assisted Living, LLC Project Bonds, Respondent prepared and signed an opinion letter dated August 31, 2010, in which he indicated he acted as "counsel" to LFC and offered

his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

45. Respondent's opinion letter for the Limestone Assisted Living, LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

46. As LFC's counsel in connection with the offering of the Limestone Assisted Living, LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. preparing a Preliminary Official Statement.

F. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Sequoia Pathway Academy Project), Series 2010A and 2010B.

47. Respondent acted as underwriter's counsel for LFC in connection with the offer of \$13,450,000 of The Industrial

Development Authority of the County of Pima Education Facility Revenue Bonds (Sequoia Pathway Academy Project), including: \$5,450,000 of Series 2010A Bonds; and \$8,000,000 of Series 2010B Bonds (collectively, "Sequoia Pathway Academy Project Bonds").

48. Respondent participated in the preparation of two Official Statements for the Sequoia Pathway Academy Project Bonds, both dated November 5, 2010 (one Official Statement for the Series 2010A Bonds, and one Official Statement for the Series 2010B Bonds), which Official Statements informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix Arizona, as counsel to and solely for the benefit of the Underwriter."

49. As LFC's counsel in connection with the offering of the Sequoia Pathway Academy Project Bonds, Respondent prepared and signed an opinion letter dated November 10, 2010, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

50. Respondent's opinion letter for the Sequoia Pathway Academy Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

51. As LFC's counsel in connection with the offering of the Sequoia Pathway Academy Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. assisting in the preparation of a Preliminary Official Statement.

G. The Industrial Development Authority of the County of Pima Education Facility Adjustable Rate Revenue Bonds (Park View School Project Bonds), Series 2011.

52. Respondent acted as underwriter's counsel for LFC in connection with the offer of \$6,625,000 of The Industrial Development Authority of the County of Pima Education Facility Adjustable Rate Revenue Bonds (Park View School Project), Series 2011 ("Park View School Project Bonds").

53. Respondent participated in the preparation of the Official Statement for the Park View School Project Bonds, dated April 6, 2011, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix Arizona, as counsel to and solely for the benefit of the Underwriter."

54. As LFC's counsel in connection with the offering of the Park View School Project Bonds, Respondent prepared and signed an opinion letter dated April 6, 2011, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

55. Respondent's opinion letter for the Park View School Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

56. As LFC's counsel in connection with the offering of the Park View School Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and

b. participating in discussions with other individuals involved in the offering regarding legal matters.

H. The Medical Clinic Board of the City of Cullman-Cullman Medical Park South Healthcare Facility Revenue Bonds (Cullman ALF Group, LLC Project), Series 2011A, 2011B, and 2011C.

57. Respondent acted as underwriter's counsel for LFC in connection with the offer of bonds of The Medical Clinic Board of the City of Cullman-Cullman Medical Park South, including: \$6,700,000 of First Mortgage Healthcare Facility Revenue Bonds (Cullman ALF Group, LLC Project), Series 2011A; \$550,000 of First Mortgage Healthcare Facility Revenue Bonds (Cullman ALF Group, LLC Project), Series 2011B (Taxable); and \$1,550,000 of Subordinated Healthcare Facility Revenue Bonds (Cullman ALF Group, LLC Project), Series 2011C (Taxable) (collectively, "Cullman ALF Group, LLC Project Bonds").

58. Respondent participated in the preparation of the Official Statement for the Cullman ALF Group, LLC Project Bonds, dated June 30, 2011, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

59. As LFC's counsel in connection with the offering of the Cullman ALF Group, LLC Project Bonds, Respondent prepared and signed an opinion letter dated June 30, 2011, in which he

indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

60. Respondent's opinion letter for the Cullman ALF Group, LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

61. As LFC's counsel in connection with the offering of the Cullman ALF Group, LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Preliminary Official Statement;
- d. preparing a Continuing Disclosure Agreement;
and
- e. preparing a Blue Sky survey regarding state securities laws.

I. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Fountain Hills Charter School Project), Series 2011.

62. Respondent acted as underwriter's counsel for LFC in connection with the offer of \$2,800,000 of The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Fountain Hills Charter School Project), Series 2011 ("Fountain Hills Charter School Project Bonds").

63. Respondent participated in the preparation of the Official Statement for the Fountain Hills Charter School Project Bonds, dated September 8, 2011, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix, Arizona, as counsel to and solely for the benefit of the Underwriter."

64. As LFC's counsel in connection with the offering of the Fountain Hills Charter School Project Bonds, Respondent prepared and signed an opinion letter dated September 8, 2011, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

65. Respondent's opinion letter for the Fountain Hills Charter School Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

66. As LFC's counsel in connection with the offering of the Fountain Hills Charter School Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and
- b. participating in discussions with other individuals involved in the offering regarding legal matters.

J. The Industrial Development Authority of the County of Pima Education Facility Refunding and Revenue Bonds (Harvest Preparatory Academy Project), Series 2011.

67. Respondent acted as counsel for the underwriters, LFC and Herbert J. Sims & Co., Inc., in connection with the offer of \$10,500,000 of The Industrial Development Authority of the County of Pima Education Facility Refunding and Revenue Bonds (Harvest Preparatory Academy Project), Series 2011 ("Harvest Preparatory Academy Project Bonds").

68. Respondent participated in the preparation of the Official Statement for the Harvest Preparatory Academy Project Bonds, dated November 8, 2011, which Official Statement

informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix, Arizona, as counsel to and solely for the benefit of the Underwriter."

69. As counsel for LFC and Herbert J. Sims & Co., Inc., in connection with the offering of the Harvest Preparatory Academy Project Bonds, Respondent prepared and signed an opinion letter dated November 8, 2011, in which he indicated he acted as "counsel" to LFC and Herbert J. Sims & Co., Inc., and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

70. Respondent's opinion letter for the Harvest Preparatory Academy Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

71. As counsel for LFC and Herbert J. Sims & Co., Inc., in connection with the offering of the Harvest Preparatory Academy Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;

- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. participating in preparation of a Preliminary Official Statement.

K. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (American Leadership Academy Project), Series 2012A.

72. Respondent acted as counsel for the underwriters, LFC and Herbert J. Sims & Co., Inc., in connection with the offer of \$10,975,000 of The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (American Leadership Academy Project), Series 2012A ("American Leadership Academy Project Bonds").

73. Respondent participated in the preparation of the Official Statement for the American Leadership Academy Project Bonds, dated January 5, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix, Arizona, as counsel to and solely for the benefit of the Underwriter."

74. As counsel for LFC and Herbert J. Sims & Co., Inc., in connection with the offering of the American Leadership Academy Project Bonds, Respondent prepared and signed an

opinion letter dated January 5, 2012, in which he indicated he acted as "counsel" to LFC and Herbert J. Sims & Co., Inc., and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

75. Respondent's opinion letter for the American Leadership Academy Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

76. As counsel for LFC and Herbert J. Sims & Co., Inc., in connection with the offering of the American Leadership Academy Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and
- b. participating in discussions with other individuals involved in the offering regarding legal matters.

L. Development Authority of Columbus, Georgia, First Mortgage Healthcare Facility Revenue Bonds (Veranda ALF, LLC Project), Series 2012A and 2012B.

77. Respondent acted as underwriter's counsel for LFC in connection with the offer of Development Authority of

Columbus, Georgia, First Mortgage Healthcare Facility Revenue Bonds (Veranda ALF, LLC Project), including: \$3,075,000 of Series 2012A Bonds, and \$695,000 of Series 2012B Bonds (collectively, "Veranda ALF, LLC Project Bonds").

78. Respondent participated in the preparation of the Official Statement for the Veranda ALF, LLC Project Bonds, dated January 20, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

79. As LFC's counsel in connection with the offering of the Veranda ALF, LLC Project Bonds, Respondent prepared and signed an opinion letter dated January 20, 2012, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

80. Respondent's opinion letter for the Veranda ALF, LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

81. As LFC's counsel in connection with the offering of the Veranda ALF, LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters; and
- c. preparing a Blue Sky survey regarding state securities laws.

M. The Medical Clinic Board of the City of Decatur, Healthcare Facility Revenue Bonds (Decatur ALF Group, LLC Project), Series 2012A, 2012B, and 2012C.

82. Respondent acted as underwriter's counsel for LFC in connection with the offer of bonds of The Medical Clinic Board of the City of Decatur, including: \$6,710,000 of First Mortgage Healthcare Facility Revenue Bonds (Decatur ALF Group, LLC Project), Series 2012A; \$640,000 of First Mortgage Healthcare Facility Revenue Bonds (Decatur ALF Group, LLC Project), Series 2012B (Taxable); and \$685,000 of Subordinated Healthcare Facility Revenue Bonds (Decatur ALF Group, LLC Project), Series 2012C (Taxable) (collectively, "Decatur ALF Group, LLC Project Bonds").

83. Respondent participated in the preparation of the Official Statement for the Decatur ALF Group, LLC Project

Bonds, dated March 8, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

84. As LFC's counsel in connection with the offering of the Decatur ALF Group, LLC Project Bonds, Respondent prepared and signed an opinion letter dated March 8, 2012, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

85. Respondent's opinion letter for the Decatur ALF Group, LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

86. As LFC's counsel in connection with the offering of the Decatur ALF Group, LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;

- c. preparing a Blue Sky survey regarding state securities laws;
- d. preparing a Preliminary Offering Statement; and
- e. preparing a Continuing Disclosure Agreement.

N. The City of Springfield, Ohio, First Mortgage Revenue Bonds (Eaglewood Property, LLC Project), Series 2012A and 2012B.

87. Respondent acted as underwriter's counsel for LFC in connection with the offer of The City of Springfield, Ohio, First Mortgage Revenue Bonds (Eaglewood Property, LLC Project), including: \$6,610,000 of Series 2012A Bonds; and \$620,000 of Series 2012B (Taxable) Bonds (collectively, "Eaglewood Property, LLC Project Bonds").

88. Respondent participated in the preparation of the Official Statement for the Eaglewood Property, LLC Project Bonds, dated April 12, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

89. As LFC's counsel in connection with the offering of the Eaglewood Property, LLC Project Bonds, Respondent prepared and signed an opinion letter dated April 12, 2012, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered

under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

90. Respondent's opinion letter for the Eaglewood Property LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

91. As LFC's counsel in connection with the offering of the Eaglewood Property, LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. participating in preparation of a Preliminary Official Statement and a Continuing Underwriting Disclosure.

O. The City of Longview Cultural Education Facilities Finance Corporation First Mortgage Healthcare Facility Revenue Bonds (LV Medical Properties III, LLC Project), Series 2012A and 2012B.

92. Respondent acted as underwriter's counsel for LFC in connection with the offer of The City of Longview Cultural Education Facilities Finance Corporation First Mortgage Healthcare Facility Revenue Bonds (LV Medical Properties III, LLC Project), including: \$9,100,000 of Series 2012A Bonds; and \$1,120,000 of Series 2012B Bonds (collectively, "LV Medical Properties III, LLC Project Bonds").

93. Respondent participated in the preparation of the Official Statement for the LV Medical Properties III, LLC Project Bonds, dated July 12, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

94. As LFC's counsel in connection with the offering of the LV Medical Properties III, LLC Project Bonds, Respondent prepared and signed an opinion letter dated July 12, 2012, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

95. Respondent's opinion letter for the LV Medical Properties III, LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

96. As LFC's counsel in connection with the offering of the LV Medical Properties III, LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. participating in preparation of a Preliminary Official Statement.

P. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Children First Academy Project Bonds), Series 2012.

97. Respondent acted as underwriter's counsel for LFC in connection with the offer of \$6,290,000 of The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Children First Academy Project), Series 2012 ("Children First Academy Project Bonds").

98. Respondent participated in the preparation of the Official Statement for the Children First Academy Project Bonds, dated August 21, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix, Arizona, as counsel to and solely for the benefit of the Underwriter."

99. As LFC's counsel in connection with the offering of the Children First Academy Project Bonds, Respondent prepared and signed an opinion letter dated August 21, 2012, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

100. Respondent's opinion letter for the Children First Academy Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

101. As LFC's counsel in connection with the offering of the Children First Academy Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and

b. participating in discussions with other individuals involved in the offering regarding legal matters.

Q. The Medical Clinic Board of the City of Mobile (Second), First Mortgage Healthcare Facility Revenue Bonds (Bama Oaks Retirement, LLC Project), Series 2012A and 2012B.

102. Respondent acted as underwriter's counsel for LFC in connection with the offer of The Medical Clinic Board of the City of Mobile (Second), First Mortgage Healthcare Facility Revenue Bonds (Bama Oaks Retirement, LLC Project), including: \$10,850,000 of Series 2012A Bonds; and \$850,000 of Series 2012B (Taxable) Bonds (collectively, "Bama Oaks Retirement, LLC Project Bonds").

103. Respondent participated in the preparation of the Official Statement for the Bama Oaks Retirement, LLC Project Bonds, dated September 28, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

104. As LFC's counsel in connection with the offering of the Bama Oaks Retirement, LLC Project Bonds, Respondent prepared and signed an opinion letter dated September 28, 2012, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended,

and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

105. Respondent's opinion letter for the Bama Oaks Retirement, LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

106. As LFC's counsel in connection with the offering of the Bama Oaks Retirement, LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. assisting in preparation of a Preliminary Official Statement.

R. City of Huber Heights, Ohio, Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC Project), Series 2012A and 2012B.

107. Respondent acted as underwriter's counsel for LFC in connection with the offer of City of Huber Heights, Ohio, Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC

Project), including: \$11,360,000 of Series 2012A Bonds; and \$1,450,000 of Series 2012B (Taxable) Bonds (collectively, "Alcore Huber LLC Project Bonds").

108. Respondent participated in the preparation of the Official Statement for the Alcore Huber LLC Project Bonds, dated October 31, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Esquire, as counsel to the Underwriter."

109. As LFC's counsel in connection with the offering of the Alcore Huber LLC Project Bonds, Respondent prepared and signed an opinion letter dated October 31, 2012, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

110. Respondent's opinion letter for the Alcore Huber LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

111. As LFC's counsel in connection with the offering of the Alcore Huber LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Blue Sky survey regarding state securities laws; and
- d. assisting in preparation of a Preliminary Official Statement and a Continuing Disclosure Agreement.

S. The Medical Clinic Board of the City of Mobile (Second) First Mortgage Healthcare Facility Revenue Bonds (Bama Oaks Retirement, LLC Project II), Series 2012A and 2012B.

112. Respondent acted as underwriter's counsel for LFC in connection with the offer of The Medical Clinic Board of the City of Mobile (Second) First Mortgage Healthcare Facility Revenue Bonds (Bama Oaks Retirement, LLC Project II), including: \$5,110,000 of Series 2012A Bonds; and \$630,000 of Series 2012B (Taxable) Bonds (collectively, "Bama Oaks Retirement, LLC Project II Bonds").

113. Respondent participated in the preparation of the Official Statement for the Bama Oaks Retirement, LLC Project

II Bonds, dated November 29, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

114. As LFC's counsel in connection with the offering of the Bama Oaks Retirement, LLC Project II Bonds, Respondent prepared and signed an opinion letter dated November 29, 2012, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

115. Respondent's opinion letter for the Bama Oaks Retirement, LLC Project II Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

116. As LFC's counsel in connection with the offering of the Bama Oaks Retirement, LLC Project II Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and

b. participating in discussions with other individuals involved in the offering regarding legal matters.

T. The Industrial Development Authority of the City of Phoenix, Arizona, Education Facility Revenue Bonds (JMF-Higley 2012 LLC Project), Series 2012.

117. Respondent acted as co-counsel for the underwriters, LFC and Herbert J. Sims & Co., Inc., in connection with the offer of \$69,250,000 of The Industrial Development Authority of the City of Phoenix, Arizona, Education Facility Revenue Bonds (JMF-Higley 2012 LLC Project), Series 2012 ("JMF-Higley 2012 LLC Project Bonds").

118. Respondent participated in the preparation of the Official Statement for the JMF-Higley 2012 LLC Project Bonds, dated December 5, 2012, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriters by ... John T. Lynch, Jr., Esquire, Phoenix, Arizona."

119. As co-counsel for LFC and Herbert J. Simms & Co., Inc., in connection with the offering of the JMF-Higley 2012 LLC Project Bonds, Respondent prepared and signed an opinion letter dated December 12, 2012, in which he indicated he acted as "co-counsel" for LFC and Herbert J. Simms & Co., Inc., and offered his legal opinion that (i) the bonds were exempt from registration under the Securities Act of 1933, as amended, and

(ii) the indenture was exempt from registration under the Trust Indenture Act of 1939, as amended.

120. Respondent's opinion letter for the JMF-Higley 2012 LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

121. As a co-counsel for LFC and Herbert J. Sims & Co., Inc., in connection with the offering of the JMF-Higley 2012 LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. assisting in obtaining a bond rating from Standard and Poor's Corporation; and
- d. assisting in the preparation of a Preliminary Official Statement.

U. The Industrial Development Authority of the County of Pima Education Facility Revenue and Refunding Bonds (Edkey Charter Schools Project), Series 2013.

122. Respondent acted as counsel for the underwriters, LFC and Herbert J. Sims & Co., Inc., in connection with the offer of \$44,365,000 of The Industrial Development Authority

of the County of Pima Education Facility Revenue and Refunding Bonds (Edkey Charter Schools Project), Series 2013 ("Edkey Charter Schools Project Bonds, Series 2013").

123. Respondent participated in the preparation of the Official Statement for the Edkey Charter Schools Project Bonds, Series 2013, dated January 24, 2013, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix, Arizona, as counsel to and solely for the benefit of the Underwriters."

124. As counsel for LFC and Herbert J. Simms & Co., Inc., in connection with the offering of the Edkey Charter Schools Project Bonds, Series 2013, Respondent prepared and signed an opinion letter dated January 24, 2013, in which he indicated he acted as "counsel" to LFC and Herbert J. Simms & Co., Inc., and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

125. Respondent's opinion letter for the Edkey Charter Schools Project Bonds, Series 2013, was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

126. As a counsel for LFC and Herbert J. Sims & Co., Inc., in connection with the offering of the Edkey Charter Schools Project Bonds, Series 2013, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and
- b. participating in discussions with other individuals involved in the offering regarding legal matters.

V. County of Shelby, Ohio, Multifamily Housing Mortgage Revenue Bonds (Alcore Sidney LLC Project), Series 2013A and 2013B.

127. Respondent acted as underwriter's counsel for LFC in connection with the offer of County of Shelby, Ohio, Multifamily Housing Mortgage Revenue Bonds (Alcore Sidney LLC Project), including: \$9,750,000 of Series 2013A (Tax-Exempt) Bonds; and \$1,350,000 of Series 2013B (Taxable) Bonds (collectively, "Alcore Sidney LLC Project Bonds").

128. Respondent participated in the preparation of the Official Statement for the Alcore Sidney LLC Project Bonds, dated February 27, 2013, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Esquire, as counsel to the Underwriter."

129. As LFC's counsel in connection with the offering of the Alcore Sidney LLC Project Bonds, Respondent prepared and signed an opinion letter dated February 27, 2013, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

130. Respondent's opinion letter for the Alcore Sidney LLC Project Bonds, was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

131. As LFC's counsel in connection with the offering of the Alcore Sidney LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. assisting in preparation of a Preliminary Official Statement;
- d. preparing a Bond Purchase Agreement;

- e. preparing a Continuing Disclosure Agreement;
and
- f. preparing a Blue Sky survey regarding state securities laws.

W. Certificates of Participation in Development Authority of Clayton County, Georgia Revenue Bonds (Senior Care Group, Inc. - Bayberry Trace Project), Series 1999A, and Savannah Economic Development Authority Subordinated Mortgage Healthcare Facility Revenue Bonds (Senior Care Project), Series 1999A.

132. Respondent acted as underwriter's counsel for LFC in connection with the offer of Certificates of Participation in \$1,750,000 of Development Authority of Clayton County, Georgia, Revenue Bonds (Senior Care Group, Inc. - Bayberry Trace Project), Series 1999A, and \$1,000,000 of Savannah Economic Development Authority Subordinated Mortgage Healthcare Facility Revenue Bonds (Senior Care Project), Series 1999A (collectively, "Certificates of Participation").

133. Respondent participated in the preparation of the Official Statement for the Certificates of Participation, dated April 29, 2013, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

134. Notwithstanding the representation that Respondent would "pass[] upon" certain legal matters, he did not prepare

an opinion letter with respect to the offering of the Certificates of Participation.

135. As LFC's counsel in connection with the offering of the Certificates of Participation, Respondent provided legal services, including:

- a. reviewing documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparing a Certificate of Participation Purchase Agreement, and a Continuing Disclosure Agreement; and
- d. preparing a Blue Sky survey regarding state securities laws.

X. Bleckley-Cochran Development Authority First Mortgage Healthcare Facility Revenue Bonds (Gordon Jensen Healthcare Association, Inc. Project), Series 2013A and 2013B.

136. Respondent acted as underwriter's counsel for LFC in connection with the offer of Bleckley-Cochran Development Authority First Mortgage Healthcare Facility Revenue Bonds (Gordon Jensen Healthcare Association, Inc. Project), including: \$5,060,000 of Series 2013A Bonds; and \$640,000 of Series 2013B (Taxable) Bonds (collectively, "Bleckley-Cochran Gordon Jensen Healthcare Association, Inc. Project Bonds").

137. Respondent participated in the preparation of the Official Statement for the Bleckley-Cochran Gordon Jensen Healthcare Association, Inc. Project Bonds, dated April 30, 2013, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

138. As LFC's counsel in connection with the offering of the Bleckley-Cochran Gordon Jensen Healthcare Association, Inc. Project Bonds, Respondent provided legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters; and
- c. preparing a Blue Sky survey regarding state securities laws.

Y. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Starshine Academy Project), Series 2013.

139. Respondent acted as underwriter's counsel for LFC in connection with the offer of \$12,700,000 of The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Starshine Academy Project), Series 2013 (the "Starshine Academy Project Bonds").

140. Respondent participated in the preparation of the Official Statement for the Starshine Academy Project Bonds, dated May 30, 2013, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix, Arizona, as counsel to and solely for the benefit of the Underwriter."

141. As LFC's counsel in connection with the offering of the Starshine Academy Project Bonds, Respondent prepared and signed an opinion letter dated May 30, 2013, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

142. Respondent's opinion letter for the Starshine Academy Project Bonds, was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

143. As LFC's counsel in connection with the offering of the Starshine Academy Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and

b. participating in discussions with other individuals involved in the offering regarding legal matters.

Z. The Crisp-Dooly Joint Development Authority First Mortgage Healthcare Facility Revenue Bonds (Gordon Jensen Health Care Association, Inc., Project), Series 2013A and 2013B.

144. Respondent acted as underwriter's counsel for LFC in connection with the offer of Crisp-Dooly Joint Development Authority First Mortgage Health Care Facility Revenue Bonds (Gordon Jensen Health Care Association, Inc., Project), including: \$5,925,000 of Series 2013A Bonds; and \$900,000 of Series 2013B (Taxable) Bonds (collectively, "Crisp-Dooly Gordon Jensen Health Care Association, Inc., Project Bonds").

145. Respondent participated in the preparation of the Official Statement for the Crisp-Dooly Gordon Jensen Health Care Association, Inc., Project Bonds, dated July 17, 2013, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

146. As LFC's counsel in connection with the offering of the Crisp-Dooly Gordon Jensen Health Care Association, Inc., Project Bonds, Respondent prepared and signed an opinion letter dated July 17, 2013, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities

Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

147. Respondent's opinion letter for the Crisp-Dooly Gordon Jensen Health Care Association, Inc., Project Bonds, was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

148. As LFC's counsel in connection with the offering of the Crisp-Dooly Gordon Jensen Health Care Association, Inc., Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and
- b. participating in discussions with other individuals involved in the offering regarding legal matters.

AA. The Medical Clinic Board of the City of Mobile (Second) First Mortgage Revenue Bonds (Gordon Jensen Health Care Association, Inc. Project), Series 2013A and 2013B.

149. Respondent acted as underwriter's counsel for LFC in connection with the offer of The Medical Clinic Board of the City of Mobile (Second) First Mortgage Revenue Bonds (Gordon Jensen Health Care Association, Inc. Project), including:

\$7,780,000 of Series 2013A Bonds; and \$830,000 of Series 2013B (Taxable) Bonds (collectively, "Medical Clinic Board Gordon Jensen Health Care Association, Inc. Project Bonds").

150. Respondent participated in the preparation of the Official Statement for the Medical Clinic Board Gordon Jensen Health Care Association, Inc. Project Bonds, dated September 26, 2013, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

151. As LFC's counsel in connection with the offering of the Medical Clinic Board Gordon Jensen Health Care Association, Inc. Project Bonds, Respondent prepared and signed an opinion letter dated September 26, 2013, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

152. Respondent's opinion letter for the Medical Clinic Board Gordon Jensen Health Care Association, Inc. Project Bonds, was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

153. As LFC's counsel in connection with the offering of the Medical Clinic Board Gordon Jensen Health Care Association, Inc. Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. assisting in the preparation of a Preliminary Official Statement;
- d. preparing a Continuing Disclosure Agreement;
and
- e. preparing a Blue Sky survey regarding state securities laws.

BB. Thomaston-Upson County Industrial Development Authority First Mortgage Healthcare Facility Revenue Bonds (Gordon Jensen Health Care Association, Inc., Project), Series 2013A and 2013B.

154. Respondent acted as underwriter's counsel for LFC in connection with the offer of Thomaston-Upson County Industrial Development Authority First Mortgage Healthcare Facility Revenue Bonds (Gordon Jensen Health Care Association, Inc., Project), including: \$7,440,000 of Series 2013A Bonds; and \$1,360,000 of Series 2013B (Taxable) Bonds (collectively,

"Thomaston-Upson County Gordon Jensen Health Care Association, Inc., Project Bonds").

155. Respondent participated in the preparation of the Official Statement for the Thomaston-Upson County Gordon Jensen Health Care Association, Inc., Project Bonds, dated December 12, 2013, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... for the Underwriter by John T. Lynch, Jr., Esquire, Phoenix, Arizona."

156. As LFC's counsel in connection with the offering of the Thomaston-Upson County Gordon Jensen Health Care Association, Inc., Project Bonds, Respondent prepared and signed an opinion letter dated December 12, 2013, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

157. Respondent's opinion letter for the Thomaston-Upson County Gordon Jensen Health Care Association, Inc., Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

158. As LFC's counsel in connection with the offering of the Thomaston-Upson County Gordon Jensen Healthcare

Association, Inc., Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;
- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparation of a Continuing Disclosure Agreement; and
- d. preparation of a Blue Sky survey regarding state securities laws.

CC. The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Edkey Charter Schools Project Bonds), Series 2014A.

159. Respondent acted as counsel for the underwriters, LFC and Herbert J. Sims & Co., Inc., in connection with the offer of \$17,920,000 of The Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Edkey Charter Schools Project), Series 2014A ("Edkey Charter Schools Project Bonds, Series 2014A").

160. Respondent participated in the preparation of the Official Statement for the Edkey Charter Schools Project Bonds, Series 2014A, dated January 24, 2014, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Phoenix,

Arizona, as counsel to and solely for the benefit of the Underwriters."

161. As counsel for LFC and Herbert J. Sims & Co., Inc., in connection with the offering of the Edkey Charter Schools Project Bonds, Series 2014A, Respondent prepared and signed an opinion letter dated January 30, 2014, in which he indicated he acted as "counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

162. Respondent's opinion letter for the Edkey Charter Schools Project Bonds, Series 2014A, was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

163. As counsel for LFC and Herbert J. Sims & Co., Inc. in connection with the offering of the Edkey Charter Schools Project Bonds, Series 2014A, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering;

- b. participating in discussions with other individuals involved in the offering regarding legal matters;
- c. preparation of a Bond Purchase Agreement; and
- d. preparation of a Blue Sky survey regarding state securities laws.

DD. City of Oregon, Ohio, Multifamily Housing Subordinated Mortgage Revenue Bonds (Alcore Oregon LLC Project), Series 2014.

164. Respondent acted as underwriter's counsel for LFC in connection with the offer of \$6,100,000 of the City of Oregon, Ohio, Multifamily Housing Subordinated Mortgage Revenue Bonds (Alcore Oregon LLC Project), Series 2014 ("Alcore Oregon LLC Project Bonds").

165. Respondent participated in the preparation of the Official Statement for the Alcore Oregon LLC Project Bonds, dated April 28, 2014, which Official Statement informed investors that "[c]ertain legal matters will be passed upon ... by John T. Lynch, Jr., Esquire, as counsel to the Underwriter."

166. As LFC's counsel in connection with the Alcore Oregon LLC Project Bonds, Respondent prepared and signed an opinion letter dated May 2, 2014, which indicated he acted "as counsel" to LFC and offered his legal opinion that (i) the bonds were not required to be registered under the Securities

Act of 1933, as amended, and (ii) it was not necessary to qualify the indenture under the Trust Indenture Act of 1939, as amended.

167. Respondent's opinion letter for the Alcore Oregon LLC Project Bonds was issued on letterhead stating:

John T. Lynch, Jr.
Attorney at Law
3352 E. Camelback Road
Phoenix, Arizona 85018

168. As LFC's counsel in connection with the offering of the Alcore Oregon LLC Project Bonds, Respondent also provided other legal services, including:

- a. reviewing records and documents related to the offering; and
- b. participating in discussions with other individuals involved in the offering regarding legal matters.

Respondent's Misconduct Occurred Primarily in Arizona and the Predominant Effect of Respondent's Misconduct Was in Arizona.

169. Respondent's conduct in these thirty bond offerings occurred primarily in Arizona, where he maintained his office.

170. In each offering, Respondent represented LFC, a corporation headquartered in Arizona.

171. In thirteen of the offerings for which Respondent represented LFC, the issuers of the securities were from Arizona.

172. The predominant effect of Respondent's conduct was in Arizona.

173. By his conduct as alleged in Paragraphs 8 through 168 above, and in light of the Choice-of-Law provision of RPC 8.5(b)(2), Respondent violated the following Arizona Rules of Professional Conduct:

- a. AZ ER 5.5(a), which provides that "[a] lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction ...";
- b. AZ ER 5.5(b)(1) [superseded effective Jan. 1, 2016)], which provided that "[a] lawyer who is not admitted to practice in this jurisdiction shall not ...[,] except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law";
- c. AZ ER 5.5(b)(2) [superseded effective Jan. 1, 2016], which provided that "[a] lawyer who is not admitted to practice in this jurisdiction shall not ... hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction";

- d. AZ ER 7.1, which provides that a lawyer "shall not make or knowingly permit to be made on the lawyer's behalf a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading";
- e. AZ ER 7.5(a), which provides that a lawyer "shall not use a firm name, letterhead or other professional designation that violates ER 7.1 ... "; and
- f. AZ ER 8.4(c), which provides that it is professional misconduct for a lawyer to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation."

CHARGE II: RESPONDENT'S FAILURE TO RESPOND TO A DB-7 REQUEST FOR STATEMENT OF HIS POSITION.

174. On January 31, 2017, Petitioner served Respondent with a copy of a DB-7 Request for Statement of Respondent's Position ("DB-7 Letter").

175. The DB-7 Letter informed Respondent that:

- a. he had thirty days in which to state his position in response to the DB-7 Letter's averments; and
- b. failure to respond without good cause is an independent ground for discipline pursuant to Pa.R.D.E. 203(b)(7).

176. Petitioner sent the DB-7 Letter to Respondent at the office address he set forth in his attorney registration statement for 2016-2017.

177. On February 6, 2017, the DB-7 Letter was delivered to that address by certified mail (Tracking Number 9414 7266 9904 2073 0858 04).

178. Respondent failed to file a response to the DB-7 Letter.

179. Respondent's failure to file a response was without good cause.

180. By his conduct as alleged in Paragraphs 174 through 179 above, Respondent violated the following Pennsylvania Rule of Disciplinary Enforcement:

- a. Pa.R.D.E. 203(b)(7), which states that 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

181. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for thirty months.

182. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Joint Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline, including the mandatory acknowledgments contained in Pa.R.D.E. 215(d)(1) through (4).

183. Petitioner and Respondent respectfully submit that the following are mitigating factors in this case:

- a. Respondent has no disciplinary record in Pennsylvania;
- b. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Rule of Disciplinary Enforcement;

- c. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions in this Joint Petition; and
- d. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a suspension.

184. Petitioner and Respondent submit that the following are aggravating factors:

- a. On January 18, 2018, the State Bar of Arizona reprimanded Respondent for the same professional misconduct at issue in this proceeding, In the Matter of Non-Member of the State Bar of Arizona, John T. Lynch, Jr., PDJ 2017-9131, which is relevant under D.Bd. Rules § 89.151(b)(9), but the aggravating nature of this discipline is tempered by the fact that it involved the identical conduct at issue here and the fact that Respondent acknowledged his misconduct and consented to discipline; and
- b. The Securities and Exchange Commission ("SEC") has sanctioned Respondent for his role in twelve of the Bond Offerings, In the Matter of

John T. Lynch, Jr., Admin. Proc. File No. 3-17902, which is relevant under D.Bd. Rules § 89.151(b)(7), but the aggravating nature of this sanction is tempered by the fact that it involved transactions also at issue here and the fact that Respondent consented to the orders sanctioning him.

185. "As a general matter, license suspension had been the form of discipline imposed for the unauthorized practice of law." Office of Disciplinary Counsel v. Keith Hall Barkley, No. 144 DB 2016, p. 15 (D.Bd. Rpt. 9/13/17) (S.Ct. Order, 11/14/17). The "extent of the unauthorized practice" is a relevant factor in determining the specific length of the suspension. Office of Disciplinary Counsel v. John F. Egan, No. 175 DB 2007, pp. 33-34 (D.Bd. Rpt. 1/11/08) (S.Ct. Order 5/8/08). The presence of aggravating and mitigating circumstances is similarly important. See, e.g., Office of Disciplinary Counsel v. Stephen W. Simpson, No. 6 DB 2004, p. 13 (D.Bd. Rpt. 5/12/05) (S.Ct. Order 7/22/05). Moreover, where there are additional charges of misconduct in conjunction with the unauthorized practice, a longer suspension may be required. Id. (two-year suspension where respondent, who had no disciplinary history in thirty-five years of practice, engaged in unauthorized practice for more

than three years while inactive and committed additional misconduct by commingling client and personal funds). See also Office of Disciplinary Counsel v. Lawrence E. Andrews, No. 189 DB 2006 (D.Bd. Recommendation 3/27/07) (S.Ct. Order 5/30/07) (pursuant to joint petition, two-year suspension, where respondent, who had no disciplinary history, engaged in unauthorized practice for seventeen years and made misleading statements to Office of Disciplinary Counsel).

186. Here, Respondent engaged in the unauthorized practice of law for a significant period of time—more than four years—during which time he acted as counsel for the underwriter in thirty public securities offerings, and was paid over \$840,000 in legal fees. The substantial amount of time during which Respondent engaged in misconduct and the scope of his unauthorized practice are significant factors warranting a lengthier suspension. See, e.g., Office of Disciplinary Counsel v. John F. Egan, supra (suspension of eighteen months on consent where respondent, while inactive, engaged in unauthorized practice of law over a period of seven years and litigated at least eleven cases).

187. Respondent also committed additional misconduct by failing, without good cause, to reply to the DB-7 Letter Petitioner sent to him. That Respondent engaged in this additional misconduct is a circumstance which properly

warrants increasing the length of his suspension. Stephen W. Simpson, No. 6 DB 2004, p. 13 ("Additional charges of misconduct in conjunction with the unauthorized practice of law may require a longer suspension.").

188. There are, on the other hand, mitigating factors in this case which support the imposition of lesser discipline than might otherwise be warranted. Specifically, as discussed, supra, Respondent has no disciplinary history since being admitted to the Pennsylvania bar in 1974,¹ has accepted responsibility for his actions, has cooperated with Petitioner, and has shown remorse. See Office of Disciplinary Counsel v. Geisler, 614 A.2d 1134, 1136 (Pa. 1992) (lack of prior disciplinary history, acknowledgment of responsibility and remorse, and cooperation with Disciplinary Counsel recognized as mitigating circumstances); Office of Disciplinary Counsel v. Clayton William Boulware, No. 97 DB 2100 (D.Bd. Rpt. 5/16/13) (S.Ct. Order 9/4/13) (acceptance of responsibility and lack of prior disciplinary record in thirty years as an attorney were mitigating circumstances); Office of Disciplinary Counsel v. Matthew J. Eshelman, No. 167 DB 2009 (D.Bd. Rpt. 4/15/11) (S.Ct. Order 8/17/11) (respondent's admission of misconduct, recognition that he needed to be

¹ The import of Respondent's lack of disciplinary history is, to some extent, diminished by Respondent having been inactive since 1983.

suspended, and lack of prior disciplinary history were mitigating circumstances).

189. The decision in Office of Disciplinary Counsel v. Keith Hall Barkley, supra, addressed circumstances where, as here, an attorney who had previously been admitted only in Pennsylvania engaged in unauthorized practice of law in another jurisdiction. In Barkley, the respondent, while administratively suspended, engaged in the unauthorized practice of law in two matters in Utah. Barkley had also failed to participate in the disciplinary process, by failing to respond to a DB-7 and a petition for discipline, and by failing to appear at a disciplinary hearing. Despite having no history of discipline, Barkley received a suspension of two years.

190. In this case, Respondent's unauthorized practice of law was far more substantial than the limited matters at issue in Barkley. Moreover, Respondent's misconduct involved participation in offerings of securities to the public. As such, every individual who received the offering documents Respondent participated in preparing was informed, incorrectly, that he was an individual eligible to practice law. These circumstances warrant a lengthier suspension than the two years imposed in Barkley, notwithstanding that there

were aggravating factors present in Barkley that are absent here.²

191. As discussed above, Respondent has been the subject of actions by the State Bar of Arizona and the SEC with respect to his role in the Bond Offerings. On January 18, 2018, Respondent was reprimanded in Arizona, pursuant to a consent agreement, for violating Arizona Supreme Court rules, including the Arizona Rules of Professional Conduct. In the Matter of a Non-Member of the State Bar of Arizona, John T. Lynch, Jr., PDJ 2017-9131, available at <https://www.azcourts.gov/Portals/101/2018/Lynch%20John%20T%20Jr%20PDJ-2017-9131.pdf>. That sanction was the most severe available under Arizona law, as Respondent was not a member of that state's bar.

192. On April 5, 2017, the SEC entered an order, again with Respondent's consent, instituting administrative and cease-and-desist proceedings against Respondent based upon his role in twelve of the Bond Offerings. In the Matter of John T. Lynch, Jr., Admin. Proc. File No. 3-17902, Apr. 5, 2017,

² Unlike Respondent, Barkley failed to answer a petition for discipline and then failed to appear for a hearing on the petition. Barkley also failed to perform the work for which he was retained, falsely told his two clients he was working on their cases, and moved without providing them with new contact information. In addition, Barkley had been found in civil contempt, three times, in a case where he was a defendant and had failed to satisfy a judgment against him.

available at <https://www.sec.gov/litigation/admin/2017/33-10335.pdf>. The SEC ordered, *inter alia*, that Respondent was denied "the privilege of appearing or practicing before the [SEC] as an attorney." *Id.*, 11. On February 6, 2018, the SEC entered an order making findings and imposing additional sanctions on Respondent. In the Matter of John T. Lynch, Jr., Admin. Proc. File No. 3-17902, Feb. 6, 2018, available at <https://www.sec.gov/litigation/admin/2018/34-82634.pdf>. In that order, the SEC barred Respondent from associating with various entities in the securities industry (such as brokers, dealers, investment advisers, or municipal securities dealers), and prohibited him from serving or acting in certain capacities in that industry. *Id.*, 10. The order granted Respondent the "right to apply for reentry after one (1) year to the appropriate self-regulatory organization, or if there is none, to the [SEC]." *Id.*, p. 10. The SEC also brought actions against multiple other parties related to the offerings which, according to the SEC, were "fraudulent conduit municipal bond offerings ... which raised millions of dollars." *Id.*, p. 2.³

³ Each of the SEC orders notes that Respondent consented to the order "[s]olely for the purpose of [the SEC] proceedings and any other proceedings brought by or on behalf of the [SEC], or to which the [SEC] is a party, and without admitting or denying the findings herein, except as to the [SEC's] jurisdiction over him and the subject matter of these proceedings, which are admitted." In light of this

193. The Arizona and SEC proceedings are relevant under D.Ed. Rules § 89.151(b)(7), (9). The weight of these proceedings as aggravating factors, however, is tempered by the fact that they involved transactions which are also at issue here, as well as Respondent's acknowledgment of his misconduct in both proceedings and his consent to the imposition of substantial sanctions, particularly in the SEC action.

194. After examining precedent and giving consideration to both the nature of Respondent's misconduct and the aggravating and mitigating circumstances, Petitioner and Respondent submit that a suspension of thirty months is appropriate discipline for Respondent's misconduct. The jointly recommended term of suspension will require that Respondent petition for reinstatement and establish his fitness before regaining the privilege of practicing law.

limitation, this Joint Petition does not address the specific findings in the SEC orders. Also, due in part to this limitation, Petitioner has not sought reciprocal discipline based on the SEC order prohibiting Respondent from appearing before the SEC as an attorney. Other jurisdictions have declined to find SEC rulings against attorneys a basis for reciprocal discipline. E.g., In the Matter of Kern, 816 S.E.2d 574 (S.C. 2018); Disciplinary Counsel v. Lapine, 942 N.E.2d 328 (Oh. 2010); The Florida Bar v. Tepps, 601 So.2d 1174 (Fl. 1992).

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g)(2), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve this Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order:
 - i. suspending Respondent from the practice of law for a period of thirty months; and
 - ii. directing Respondent to comply with all of the provisions of Rule 217, Pa.R.D.E.
- b. Pursuant to Pa.R.D.E. 215(i), the Three-Member Panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1) all expenses be paid by Respondent

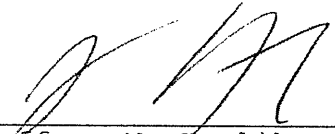
within 30 days after the notice of the taxed expenses is sent to Respondent.

Respectfully submitted,

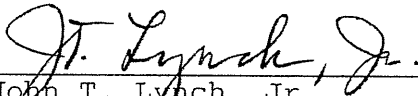
OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel

3/11/2019
Date

By 
Jeffrey M. Krulik
Disciplinary Counsel
Attorney Registration No. 57110

2/28/2019
Date

By 
John T. Lynch, Jr.
Respondent

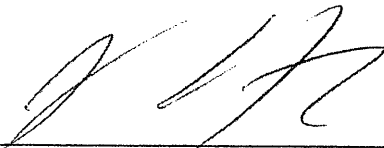
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 137 DB 2018
v. :
: Atty. Reg. No. 19354
JOHN T. LYNCH, JR., :
Respondent : (Philadelphia)

VERIFICATION

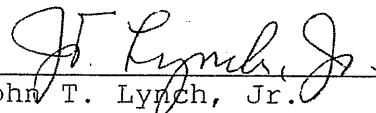
The statements contained in the foregoing Joint Petition
In Support Of Discipline On Consent under Pa.R.D.E. 215(d)
are true and correct to the best of my knowledge or
information and belief and are made subject to the penalties
of 18 Pa.C.S. § 4904, relating to unsworn falsification to
authorities.

3/11/2019
Date



Jeffrey M. Krulik
Disciplinary Counsel

2/28/2019
Date



John T. Lynch, Jr.
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner	:	
	:	No. 137 DB 2018
v.	:	
	:	Atty. Reg. No. 19354
JOHN T. LYNCH, JR.,	:	
Respondent	:	(Philadelphia)

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

Respondent, John T. Lynch, Jr., hereby states that he consents to the imposition of a suspension of thirty months, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition in Support of Discipline on Consent ("Joint Petition") and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has not consulted with counsel in connection with the decision to consent to discipline;

2. He is aware that there is presently pending a proceeding involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if the charges continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

J. Lynch, Jr.

John F. Lynch, Jr.
Respondent

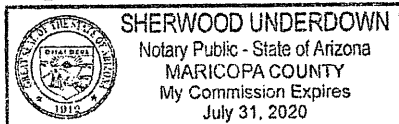
Sworn to and subscribed

before me this 28th

day of February, 2019.

Sherwood Underdown

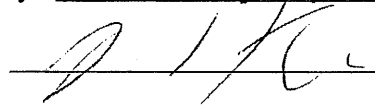
Notary Public



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: Jeffrey M. Krulik, Disciplinary Counsel

Attorney No. (if applicable): 57110