

IN THE SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL, : No. 2410 Disciplinary Docket No. 3
: :
Petitioner : No. 140 DB 2017
: :
v. : Attorney Registration No. 93175
: :
LOUIS FRANCIS CAPUTO, : (Allegheny County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 11th day of June, 2018, 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 Louis Francis Caputo is suspended on consent from the Bar of this Commonwealth for a period of one year, retroactive to December 16, 2017. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 6/11/2018

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


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Respondent : (Allegheny County)

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

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Andrew J. Trevelise, Tracey McCants Lewis, and John F. Cordisco, has reviewed the Revised Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on April 10, 2018.

The Panel approves the Revised Joint Petition consenting to a one year suspension retroactive to December 16, 2017 and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

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


Andrew J. Trevelise, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 5/22/18

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LOUIS FRANCIS CAPUTO, : Attorney Registration No. 93175
: (Allegheny County)
Respondent :

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

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

Samuel F. Napoli
Disciplinary Counsel
Suite 1300, Frick Building
437 Grant Street
Pittsburgh, PA 15219
(412) 565-3173

and

Louis Francis Caputo, Esquire
Respondent
Caputo & Caputo, P.C.
204 Fifth Avenue
Pittsburgh, PA 15222
(412) 690-0300

Craig E. Simpson, Esquire
Counsel for Respondent
Law Office of Craig Simpson
1500 Ardmore Blvd., Ste. 207
Pittsburgh, PA 15221
(412) 731-3100

FILED

4/10/2018

The Disciplinary Board of the
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
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JOINT PETITION IN SUPPORT OF DISCIPLINE
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Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Samuel F. Napoli, Disciplinary Counsel, and Respondent, Louis Francis Caputo, Esquire, and Craig E. Simpson, Esquire, Esquire, Counsel for Respondent, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pa.R.D.E. and respectfully represent as follows:

1. Petitioner, 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 (hereafter "Pa.R.D.E."), 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 prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Louis Francis Caputo, was born in 1977. He was admitted to the bar of the Courts of Commonwealth of Pennsylvania on October 13, 2004.

3. Respondent's attorney registration office address is Caputo & Caputo, P.C., 204 Fifth Avenue, Pittsburgh, PA 15222.

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

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

5. On October 25, 2016, in the Court of Common Pleas of Allegheny County, a Criminal Information was filed against Respondent, charging him with, *inter alia*, one count of Gambling Devices/Gambling, in violation of 18 Pa.C.S.A. §5513(A)(1), which matter was docketed at No. CP-02-CR-0012112-2016.

6. The crimes of Criminal Solicitation/Gambling Devices is a misdemeanor of the first degree, punishable by a maximum incarceration of five years.

7. On August 15, 2017, pursuant to a plea agreement, Respondent entered a plea of guilty to the charge of Criminal Solicitation/Gambling Devices, in violation of 18 Pa.C.S.A. §902(A).

8. On August 15, 2017, pursuant to the plea agreement, Respondent was placed on probation for five years, which probationary period commenced on that date.

9. At the time of Respondent's plea, the Court stated that it "will consider concluding the probation, if [Respondent] maintains a law-abiding profile in the community and otherwise continues to be of good behavior."

10. As charged in the Criminal Information Respondent's criminal activity involved taking part in an attempt to convince an individual to place illegal gambling devices in her business establishment.

11. The plea agreement was the result of Respondent's acceptance of responsibility for his criminal conduct, and his cooperation with law enforcement authorities.

12. By Order of the Supreme Court of Pennsylvania dated November 16, 2017, Respondent was suspended from the practice of law pursuant to Rule 214(d)(2), Pa.R.D.E.

13. In December of 2017, other charges filed against Respondent were expunged.

14. Respondent's conviction is an independent basis for discipline, pursuant to Rule 203(b)(1), Pa.R.D.E.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

1. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of one year, retroactive to December 16, 2017, the effective date of Respondent's suspension pursuant to Rule 214(d)(2), Pa.R.D.E.

2. Respondent cooperated in the Commonwealth's investigation relating to the criminal charges filed against him.

3. Respondent's motive in taking part in the activity which led to his conviction was to attract a new client.

4. There is no evidence that Respondent profited from the conduct which resulted in his conviction.

5. Respondent has no history of discipline over fourteen years of practice.

6. There is no case law to provide precedent for the discipline to be imposed in a case such as that of Respondent. This is thus a case of first impression.

7. Given his cooperation with law enforcement authorities, his recognition of his wrongful, criminal conduct, and his lack of a disciplinary history, it is submitted that a suspension of one year is sufficient to deter Respondent and other attorneys from similar conduct. It sufficiently serves to protect the public interest and the integrity of the bar and the courts of this Commonwealth.


Respondent hereby consents to the discipline being imposed upon him. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline and includes the mandatory acknowledgements contained in Rule 215(d)(1) – (4), Pa.R.D.E.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent for the imposition of a suspension from the Bar of the Commonwealth of Pennsylvania for a period of one year.


Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

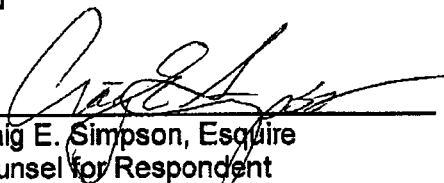
PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By 
Samuel F. Napoli
Disciplinary Counsel

and

By 
Louis Francis Caputo, Esquire
Respondent

and

By 
Craig E. Simpson, Esquire
Counsel for Respondent

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: (Allegheny County)
Respondent :

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

Respondent, Louis Francis Caputo, hereby states that he consents to a suspension of one year as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent, in the Joint Petition In Support Of Discipline On Consent, and further states that:

1. 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 the consent; and, he has consulted with counsel in connection with the decision to consent to the imposition of discipline;
2. He is aware that there is a pending proceeding involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

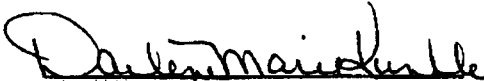
3. He acknowledges that the material facts set forth in the Joint Petition are true;
and,

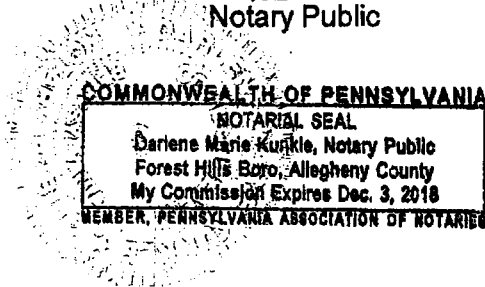
4. He consents because he knows that if the matter pending against him is prosecuted, he could not successfully defend against the charges.



Louis Francis Caputo, Esquire
Respondent

Sworn to and subscribed
before me this 9th
day of April, 2018.


Notary Public



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: Respondent : (Allegheny County)

VERIFICATION

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

4/10/18
Date

Samuel F. Napoli
Samuel F. Napoli
Disciplinary Counsel

4-9-18
Date

Louis Francis Caputo
Louis Francis Caputo, Esquire
Respondent

April 9, 2018
Date

Craig E. Simpson
Craig E. Simpson, Esquire
Counsel for Respondent

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CERTIFICATION

In accordance with the recommendation of the Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania dated May 2, 2018, this is to certify that, on December 26, 2017, Respondent filed with the Disciplinary Board Form DB-25, dated December 15, 2017, along with copies of notices sent to certain individuals, in which Respondent certifies that he complied with the applicable provisions of Rule 217, Pa.R.D.E., by notifying all clients being represented in pending matters or proceedings; the attorneys for each adverse party in pending litigation or administrative proceedings; all persons or their agents or guardians to whom a fiduciary duty is owed; any other persons with whom he had professional contacts; and all other tribunals, courts, agencies or jurisdictions in which he was admitted to practice.


After reasonable investigation, and after consultation with Respondent's counsel, to the best of Disciplinary Counsel's knowledge, Respondent has complied with all applicable

Rules related to his interim suspension from the practice of law pursuant to Rule 214(d)(2),
Pa.R.D.E., which suspension was effective December 16, 2017.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By 
Samuel F. Napoli
Disciplinary Counsel