

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 150 DB 2019
Petitioner	:	
	:	File No. C2-19-72
v.	:	
	:	Attorney Registration No. 16117
STUART R. LUNDY	:	
Respondent	:	(Montgomery County)

ORDER

AND NOW, this 23rd day of August, 2019, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said STUART R. LUNDY of Montgomery County be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(b) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.


BY THE BOARD:



Chair

TRUE COPY FROM RECORD

Attest:



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

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STUART R. LUNDY	:	
	:	
Respondent	:	(Montgomery County)

PUBLIC REPRIMAND

By Order dated August 23, 2019, the Board directed that Stuart R. Lundy receive a public reprimand.

On or about May 5, 2018, an Agreement of Sale (“AOS”) was executed between Daniel Keating III as Seller and Matthew/Rachele Loffer as Buyer, of property in Longport, New Jersey (“Property”). The Property is owned by the Daniel Keating III, 2010 Family Trust (“Trust”). Mr. Keating represented in the AOS that he owned the Property. Dennis Martin, Esquire is Trustee of the Trust.

On or about July 18, 2018, Respondent was retained by Mr. Keating to review the AOS. The next day, Respondent received a title report for the Property that had been ordered by Accelerated Land Transfer LLC (“Accelerated”), indicating that the legal owner of the Property was the Trust and not Mr. Keating. Respondent also was orally advised by Seller’s realtor of the necessity of an amendment to the AOS to insert the correct name of the legal owner of the Property.

On August 10, 2018, Respondent learned that Accelerated was refusing to insure title without a document showing that the Trustee had authorized Mr. Keating to enter into the AOS at the time the AOS had been executed (May 5, 2018).

On or about August 10, 2018, Respondent prepared the following documents, all of which he intentionally and inaccurately dated April 25, 2018:

1. Power of Attorney Notice;
2. Acknowledgement Executed by Attorney-in-Fact; and
3. Power of Attorney.

Respondent created the fabricated documents in August 2018; the documents had not been in existence on April 25, 2018. The fabricated Acknowledgement contained a knowing false representation by Respondent in his capacity as a Notary Public that Mr. Keating had personally appeared before Respondent on April 25, 2018. The fabricated Power of Attorney was signed by Dennis Martin and contained a knowing false representation by Respondent in his capacity as a Notary Public that Mr. Martin had personally appeared before Respondent on April 25, 2018.

After Respondent had created the false documents, he knowingly and falsely represented in a responsive email to an inquiry by Accelerated that he possessed a Power of Attorney given to Mr. Keating in April 2018. He also emailed Accelerated the fabricated Power of Attorney, with the following comment: "Here is the POA the Trustee gave Dan to sign the CFS. There is no amendment."

By his conduct, Respondent violated the following Rules of Professional Conduct ("RPC"):

1. RPC 4.1(a) – In the course of representing a client, a lawyer shall not knowingly make a false statement of material fact or law to a third person;

2. RPC 8.4(a) – It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
3. RPC 8.4(b) – It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as lawyer in other respects; and
4. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

Respondent was admitted to practice law in the Commonwealth in 1972 and has no record of discipline.

Respondent’s misconduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board’s website at www.padisciplinaryboard.org



Board Chair