

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	Nos. 1320 and 1647 Disciplinary Docket
	:	No. 3
	:	
GLENN RANDALL	:	Nos. 156 DB 2006 and 129 DB 2010
	:	
	:	Attorney Registration No. 81675
	:	
PETITION FOR REINSTATEMENT	:	(Bucks County)

ORDER

PER CURIAM:

AND NOW, this 20th day of September, 2012, a Rule having been issued upon Glenn Randall by this Court on June 28, 2012, to show cause why an order denying reinstatement should not be entered and, upon consideration of the responses filed, the Rule is discharged and the Petition for Reinstatement is hereby granted.

Pursuant to Rule 218(f), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.

Mr. Justice McCaffery dissents.

A True Copy Patricia Nicola
As Of 9/20/2012

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order of February 27, 2008, the Supreme Court of Pennsylvania suspended Glenn Randall for a period of one year and one day. Mr. Randall filed a Petition for Reinstatement on June 26, 2009, but subsequently withdrew the Petition without prejudice on October 1, 2009, after issues of concern were raised by Office of Disciplinary Counsel. The parties consented to a three year suspension retroactive to

March 28, 2008, which sanction was imposed by the Supreme Court by Order of October 4, 2010.

On March 29, 2011, Petitioner filed a second Petition for Reinstatement. Office of Disciplinary Counsel filed a Response on July 14, 2011 and raised concerns.

A reinstatement hearing was held on October 7, 2011 before a District II Hearing Committee comprised of Chair Nelson J. Sack, Esquire, and Members Ronald H. Levine, Esquire, and Marcel L. Groen, Esquire. Petitioner was represented by W. Austin Allen, II, Esquire. Petitioner introduced exhibits and the testimony of one witness, and testified on his own behalf. Office of Disciplinary Counsel introduced exhibits and did not present any witnesses.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on February 16, 2012, and recommended that the Petition for Reinstatement be granted.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on March 21, 2012.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Glenn Randall. He was born in 1969 and was admitted to the practice of law in Pennsylvania in 1998. His current business address is 1751 Easton Road, Willow Grove PA 19090. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court.

2. Following his admission to the bar in Pennsylvania, Petitioner practiced law as a sole practitioner for several years.

3. Beginning in 2003, Petitioner established a variety of companies primarily for the purpose of handling the financing of real estate transactions, including title insurance and services related to real estate closings.

4. The companies included Lexington & Concord Search & Abstract LLC, which operated from January 2003 to August 2006; Frontier Search & Abstract, Inc., which operated from August 2006 until November 2010, and a variety of companies offering real estate or related services under the fictitious name of "Law of the Land" from 2006 until the present.

5. Due to the downturn in the residential real estate market, none of the above companies turned a profit during the past few years.

6. Petitioner's businesses have been dormant for the past 18 months or so, and he has not provided services of any kind.

7. By Order dated February 27, 2008, the Supreme Court of Pennsylvania suspended Petitioner's license for one year and one day.

8. The suspension arose from Petitioner's misconduct wherein he signed false statements, misrepresented information and failed to appear in response to a subpoena.

9. These acts occurred during Petitioner's involvement in a failed real estate deal. Petitioner promised to hold funds in escrow for one James Zinkand, an acquaintance, and in reliance on Petitioner's statement that he currently had the funds, the District Attorney's Office withdrew pending criminal charges against Mr. Zinkand.

10. Petitioner didn't have the funds in question at the time he said he did, and in fact, never received the funds from Mr. Zinkand, although at some point Mr. Zinkand had promised Petitioner that he would give him the funds to escrow.

11. Eventually Petitioner acknowledged that he did not have the funds in question and criminal charges were re-filed against Mr. Zinkand.

12. On June 26, 2009, Petitioner filed his first Petition for Reinstatement.

13. By letter dated September 9, 2009, Office of Disciplinary Counsel responded and raised numerous concerns, including the following:

a. Concern about a civil suit Petitioner settled with Chicago Title Insurance Company (CTIC) in which the named defendants included Petitioner and his former company, Lexington & Concord Search & Abstract, LLC. CTIC accused Petitioner and other defendants of fraud in connection with account irregularities at settlement closings; misappropriation of funds intended to satisfy mortgages at closings; commingling of funds between Lexington's operating accounts and Lexington's escrow settlement trust accounts; unauthorized disbursements, erroneous disbursements and other errors and omissions in connection with real estate closings.

b. Evidence of additional possible fraudulent activities in connection with a civil complaint filed by Seneca Insurance Company, Inc. seeking rescission of insurance contracts entered into with Lexington and a second company controlled by Petitioner. Seneca accused Petitioner of knowingly omitting pertinent information on applications for insurance he filed on behalf of both companies.

c. Concern about the manner in which Petitioner advertised services for several of his businesses.

d. Errors and omissions on the Reinstatement Questionnaire.

14. As a result of the concerns raised by Office of Disciplinary Counsel, Petitioner voluntarily withdrew the first Reinstatement Petition.

15. Thereafter, Petitioner and Office of Disciplinary Counsel agreed to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).

16. Petitioner agreed his misconduct warranted an additional three year suspension, retroactive to the date of the first suspension on February 27, 2008.

17. The Consent Petition filed by the parties dealt primarily with Petitioner's actions regarding the Seneca Insurance Co., Inc. litigation in federal court. Office of Disciplinary Counsel removed most of the allegations relating to the CTIC lawsuit.

18. There was no evidence that Petitioner personally converted the funds at issue in the CTIC lawsuit; instead, Petitioner contends that the missing funds resulted from the misconduct and defalcations of several of his employees.

19. Petitioner acknowledged that ultimately it was his responsibility to adequately supervise employees to prevent such occurrences.

20. Petitioner sued these employees civilly and received a judgment that would have at least partially covered the CTIC losses.

21. Petitioner settled the lawsuit filed by CTIC and agreed to repay approximately \$360,000 over the next seven years.

22. At the time of settlement, Petitioner had repaid \$160,000, which represented funds he had recovered as a result of the lawsuits he instituted.

23. Petitioner has not made any payments since the settlement due to his lack of income.

24. CTIC has not attempted to enforce the terms of the settlement agreement.

25. Petitioner agrees that when he has income he will be obligated to resume payment to CTIC.

26. Petitioner expressed sincere remorse for his misconduct that led to the two disciplinary matters.

27. Petitioner has made changes to the way he handles escrowed funds. He initiated these changes after the CTIC losses.

28. In 2006, after Petitioner closed Lexington & Concord, he opened another title company called Frontier Search & Abstract.

29. Petitioner's underwriter was New Jersey Title Insurance Company, who entered into a relationship with Petitioner even after he explained what had previously occurred with Lexington & Concord.

30. Petitioner thereafter closed 184 loans between 2006 and 2010 without any losses.

31. Petitioner ensured that transactions closed properly by retaining personal control over the check-writing function.

32. Petitioner changed the name of Frontier Search & Abstract to Lexicon Search & Abstract LLC. All of Petitioner's companies were formed under the fictitious name "Law of the Land" and are located in Willow Grove, Pennsylvania.

33. If reinstated, Petitioner plans to resume the "Law of the Land" business offering a full range of real estate related services, including legal services.

34. Petitioner acknowledged that during his suspension he advertised services on his website. The website indicated that "Law of the Land" was able to meet all real estate needs including attorney services. Petitioner's biography was included, which listed his attendance at law school. Until May 2011, the biography included the fact that Petitioner had passed the Pennsylvania bar examination. The website did not disclose Petitioner's status as a suspended attorney.

35. Despite the advertisement, Petitioner did not do any legal work for any client of "Law of the Land."

36. Petitioner maintained a professional relationship with Erica Bazzell, Esquire, a licensed Pennsylvania attorney, to provide legal services to any client. Petitioner recollected that Ms. Bazzell's services were needed on two occasions.

37. Approximately one year before the reinstatement hearing, Petitioner stopped using any signage identifying his business as "Law of the Land" out of concern it would be misconstrued.

38. While the website and advertisement created the possibility that Petitioner's status may have been misunderstood by the public, in fact there is no evidence that Petitioner practiced law in violation of Pa.R.D.E. 217 during his suspension.

39. Petitioner acknowledged that his Reinstatement Questionnaire contained some errors and omissions, but he attempted to correct or provide updated information as required by Office of Disciplinary Counsel.

40. Some of the errors and omissions arose from Petitioner's carrying over information from his first Reinstatement Petition to the second Reinstatement Petition and then failing to update the information as necessary. Petitioner then attached the updated information to make his responses accurate and complete.

41. Petitioner did not intend to deceive Office of Disciplinary Counsel.

42. Petitioner has met the Continuing Legal Education requirements necessary for reinstatement.

43. The Pennsylvania Lawyers Fund for Client Security has confirmed that there are no outstanding claims against Petitioner.

44. Petitioner presented the character testimony of Carol Davis and submitted a letter signed by Jacqueline Meyers and John Terizzi, two individuals in the mortgage banking business who are familiar with Petitioner and have used his services. Ms. Davis, Ms. Meyers and Mr. Terizzi support Petitioner's reinstatement to the bar in Pennsylvania.

45. Office of Disciplinary Counsel does not oppose Petitioner's reinstatement.

III. CONCLUSION OF LAW

Petitioner has met his burden by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania and that his resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3).

IV. DISCUSSION

Petitioner seeks readmission to the bar in Pennsylvania following his suspensions for a period of one year and one day and three years on consent retroactive to March 28, 2008, the effective date of the first suspension. Pursuant to Rule 218(a), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania after filing a petition. Petitioner carries the burden of proving by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth. In addition, Petitioner has the burden of demonstrating that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or administration of justice nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions which gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitation efforts the lawyer has made since the time that the sanction was imposed and the degree of success achieved in the rehabilitative process. Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

Petitioner has been involved in two disciplinary matters. In the first, he received a suspension of one year and one day when he falsely claimed to be holding funds in escrow in relation to a pending criminal matter involving a third person. In the second disciplinary matter, Petitioner made misrepresentations and material omissions in connection with his application for insurance for his business. In each case, Petitioner

substantially cooperated with the disciplinary proceedings and did not contest the facts supporting each disciplinary case. Petitioner expressed sincere remorse and regret for what occurred. Petitioner has been without a license to practice law since February 2008.

Office of Disciplinary Counsel raised concerns with several areas of Petitioner's reinstatement request. The first area is the errors and omissions on the Reinstatement Petition. Careful consideration of this issue reveals that the errors and omissions arose from Petitioner's simply carrying over information from his first reinstatement petition filed in 2009 to his second petition filed in 2011 without updating the information. He later attached the necessary information to ensure that his responses were accurate and complete. Office of Disciplinary Counsel acknowledges that Petitioner took actions to correct his errors and omissions and these errors and omissions were not made with the intent to deceive.

Petitioner advertised real estate services on his website during his suspension in a way that Office of Disciplinary Counsel believed would mislead the public about his status as a lawyer. The "Law of the Land" website advertised real estate and related services, including legal services. Petitioner's posted biography reflected that he graduated from law school, and further informed the public that he was a member of the Pennsylvania Bar. Petitioner removed this piece of information in May 2011. Petitioner did not disclose his status as a suspended lawyer.

Petitioner acknowledged that while it was possible for the public to have been deceived as to his status, he never had contact with a client and never practiced law. Instead, he used the services of Erica Bazzell, Esquire to provide any legal services to clients.

Petitioner's disciplinary history and the specific acts of misconduct point to the fact that he has had problems handling fiduciary funds. Petitioner has made concerted efforts to change the way he handles these funds. Specifically, in 2006, after the problems with Lexington & Concord, Petitioner started a new title company called Frontier Search & Abstract. From 2006 through 2010, Petitioner closed over 184 loans and had money pass through his escrow account without incident. Petitioner is cognizant that his lack of supervision over employees permitted mishandling of funds to occur. He is better aware of his responsibilities to adequately supervise employees, and he has further resolved to maintain personal control over the check-writing function. Finally, Petitioner's letter of reference is signed by two individuals who apparently utilized Petitioner's services for years, both during and after 2005, and believe Petitioner to be honest and responsible. Petitioner has therefore demonstrated an understanding of the actions that led to his misconduct as well as the successful handling of fiduciary funds subsequent to his misconduct.

Finally, Office of Disciplinary Counsel points to Petitioner's judgments and liens, particularly the CTIC judgment. Currently, due to financial circumstances, Petitioner makes no payments toward the CTIC judgment. He indicated his resolve to resume payment once he has income to do so.

The issues raised by Office of Disciplinary Counsel have been fully explored at the hearing. Disciplinary Counsel did not offer any evidence, or cross-examination, to materially contradict the explanations given by Petitioner. Disciplinary Counsel acknowledges that this is a close case for reinstatement, but nevertheless is not opposed to Petitioner's return to the bar.

The Hearing Committee carefully considered the evidence and Disciplinary Counsel's position in this matter. It has recommended that Petitioner be reinstated.

The Board's review of this matter leads us to the conclusion that Petitioner met his burden of proof pursuant to Pa.R.D.E. 218(c)(3). Petitioner fully acknowledged his misconduct and expressed remorse. He has remedied crucial aspects of his management of fiduciary funds so as to avoid misconduct in the future. Any remaining concerns have been alleviated to the extent that they are not sufficient to preclude reinstatement. Petitioner has fulfilled his Continuing Legal Education requirements and if reinstated, intends to resume his "Law of the Land" business and practice transactional law.

For these reasons, the Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Glenn Randall, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 

Albert Momjian, Board Member

Date: 4-12-12

Board Members Buchholz and Bevilacqua did not participate in the adjudication.