

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

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 164 DB 2021
	:	
v.	:	File No. C2-20-966 & C2-20-967
	:	
MICHAEL FREDERICK FINK Respondent	:	Attorney Registration No. 55266
	:	
	:	(Out of State)

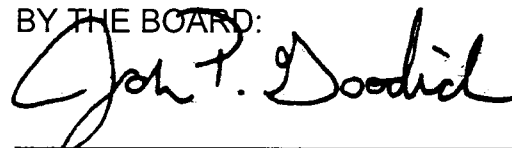
ORDER

AND NOW, this 30<sup>TH</sup> day of December 2021, 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 MICHAEL FREDERICK FINK be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.

BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



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

**BEFORE THE DISCIPLINARY BOARD OF THE  
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OFFICE OF DISCIPLINARY COUNSEL,	:	No. 164 DB 2021
Petitioner	:	
	:	
	:	File No. C2-20-966 & C2-20-967
v.	:	
	:	Attorney Registration No. 55266
MICHAEL FREDERICK FINK,	:	
Respondent	:	(Out of State)

**PUBLIC REPRIMAND**

Michael Frederick Fink, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on December 30, 2021. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been determined necessary that you receive this public discipline.

Mr. Fink, the record demonstrates that you were admitted to practice law in the Commonwealth of Pennsylvania in 1989. On July 1, 2003, you voluntarily elected inactive status in Pennsylvania and as such were not eligible to practice law in the Commonwealth. This matter concerns your conduct between August 2020 and December 2020, where you represented your client, Khari McKie, and intentionally misrepresented yourself as an actively licensed Pennsylvania attorney before the Norristown Borough Zoning Hearing Board.

On August 25, 2020, you entered an appearance before the Zoning Board on behalf of your client, who had applied for a special exception to zoning regulations for property in Norristown. During the hearing, you conducted direct and cross-examination of witnesses and made arguments and objections. The hearing was continued until

September 22, 2020. On that date, you appeared at the continued hearing before the Zoning Board and again held yourself out as an attorney licensed to practice in the Commonwealth. After consideration, the Zoning Board granted your client's application for a special exception.

On October 22, 2020, on behalf of the Norristown School District, Ronald Kolla, Esquire appealed the decision to the Montgomery County Court of Common Pleas. Mr. Kolla sought to copy you on the filing and learned that it was likely you were not an actively licensed Pennsylvania attorney. On December 9, 2020, Mr. Kolla emailed you, questioned your status, and requested your Pennsylvania attorney ID number. In reply, you telephoned Mr. Kolla and conceded that you were not an active Pennsylvania attorney. On behalf of your client, you attempted to negotiate a settlement with Mr. Kolla and stated to him that if he did not file a complaint with the Disciplinary Board, you could "make this whole thing go away."

On December 10, 2020, Mr. Kolla filed a "Supplemental Notice of Land Use Appeal," which was based solely on the fact that you falsely misrepresented your attorney license status and the decision of the Zoning Board should be void. Ultimately, the matter was resolved with different counsel whereby Mr. McKie officially withdrew his application for exception, with prejudice.

By your conduct, you violated the following Rules of Professional Conduct ("RPC") and Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."):

1. RPC 1.16(a)(1) – Except as stated in paragraph(c) of this rule, a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the rules of professional conduct or other law.

2. RPC 3.3(a)(1) – A lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.
3. 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.
4. RPC 5.5(a) – A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction or assist another in doing so.
5. RPC 5.5(b)(2) – 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.
6. RPC 7.1 – A lawyer shall not make 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.
7. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
8. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice.
9. Pa.R.D.E. 217(j)(1) – A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except ... under the supervision of a member in good standing of the Bar of this Commonwealth.

10. Pa.R.D.E. 217(j)(4)(iv), (vi), (vii) and (ix) – A formerly admitted attorney is specifically prohibited from representing himself or herself as a lawyer or person of similar status; rendering legal consultation or advice to a client; appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing office or any other adjudicative person or body; and negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction.

We note that you have expressed remorse and have no history of discipline since your admission in 1989.

Mr. Fink, your conduct 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](http://www.padisciplinaryboard.org).

It is the Board's duty to reprimand you for your misconduct. Any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.



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Designated Member  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on March 4, 2022.