

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2589 Disciplinary Docket No. 3
: :
Petitioner : No. 171 DB 2018
: :
v. : Attorney Registration No. 84840
: :
MATTHEW TODD CROSLIS, : (Lehigh County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 15th day of April, 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 Matthew Todd Croslis is suspended on consent from the Bar of this Commonwealth for a period of two years. He shall comply with all the provisions of Pa.R.D.E. 217 and shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 04/15/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 171 DB 2018
Petitioner	:	
	:	
v.	:	
	:	Attorney Reg. No. 84840
MATTHEW T. CROSLIS,	:	
Respondent	:	(Lehigh County)

**JOINT PETITION IN SUPPORT
OF DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215(d)**

Petitioner, the Office of Disciplinary Counsel (hereinafter, “ODC”) by Paul J. Killion, Chief Disciplinary Counsel, and Krista K. Beatty, Disciplinary Counsel and Respondent, Matthew T. Croslis (hereinafter, “Respondent”), respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement (“Pa.R.D.E.”) 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Ave., Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, 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 the aforesaid Enforcement Rules.

2. Respondent, Matthew Todd Croslis, was born May 27, 1973, was admitted to practice law in the Commonwealth of Pennsylvania on December 20, 1999, and maintains his residence at 4599 N. Church St., Whitehall, PA 18052.

FILED
01/30/2019
The Disciplinary Board of the
Supreme Court of Pennsylvania

3. On September 26, 2017 the Supreme Court of Pennsylvania entered an Order administratively suspending Respondent from practicing law, pursuant to Rule 219, Pa.R.D.E. for failing to comply with annual attorney registration requirements. The Order stated that the suspension would take effect 30 days later pursuant to Rule 217(d), Pa.R.D.E., or October 26, 2017. Respondent has remained on administrative suspension since that time.

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

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

CHARGE I Bankruptcy Matters

Karen George, No. 13-bk-20185, No. 14-bk-11448

5. In or about fall 2013, Respondent was retained by Karen George with regard to avoiding foreclosure on her home.

6. On November 22, 2013, on behalf of Ms. George, Respondent filed a Chapter 13 Bankruptcy Petition in the United States Bankruptcy Court for the Eastern District of Pennsylvania, docketed at No. 13-bk-20185 (Bankr. E.D.Pa.)

7. Respondent did not file required bankruptcy documents including, *inter alia*,: a Matrix List of Creditors Holding Secured Claims, 2016(b) Statement, Schedules A, B, E, F, G and H, Statement of Financial Affairs, Summary of Schedules, Statistical Summary of Certain Liabilities, Small Business Tax Return, 20 Largest Unsecured Creditors, List of Equity Security Holders, Small Business Balance Sheet, Small Business Cash Flow Statement, Small Business Statement of Operations, Corporate Resolution , or Statement of Corporate Ownership (“required

bankruptcy documents”), and Respondent did not file an Attorney Disclosure Statement of Compensation (“2016(b) Statement”) with regard to Ms. George.

8. As a result of Respondent not filing required bankruptcy documents, the Bankruptcy Court dismissed Ms. George’s bankruptcy petition on December 11, 2013.

9. On February 27, 2014, Respondent filed another Chapter 13 bankruptcy petition on behalf of Ms. George, docketed at No. 14-bk-11448 (Bankr. E.D.Pa.).

10. By Order Dated February 27, 2014, Respondent was notified that unless required bankruptcy documents were filed on or before March 6, 2014, the matter might be dismissed.

11. On March 24, 2014, the Court dismissed Bankruptcy Petition No. 14-11448, because Respondent did not file a 2016(b) Statement and other required bankruptcy documents.

Crohel, Inc., No. 15-bk-17613

12. In or about October 2015, Respondent was retained by Crohel, Inc. (“Crohel”) to file a Chapter 11 Bankruptcy Petition in the United States Bankruptcy Court for the Eastern District of Pennsylvania.

13. Respondent is an owner of Crohel.

14. On October 23, 2015, Respondent filed a Chapter 11 Bankruptcy Petition on behalf of Crohel, docketed at No. 15-bk-17613 (Bankr. E.D.Pa.).

15. Respondent did not file required bankruptcy documents.

16. On November 10, 2015, Respondent filed a Motion to Extend Time to collect and file the required bankruptcy documents, which the Court granted on November 10, 2015.

17. Despite the extension of time, Respondent did not file a 2016(b) Statement, nor did Respondent file a proposed plan of reorganization and disclosure statement, a statement of

financial affairs, monthly operating reports or an application for Respondent to be retained as counsel.

18. On December 22, 2015, the United States Trustee filed a Motion to Dismiss the case, which Respondent did not oppose.

19. On January 21, 2016, the Court granted the Trustee's Motion to Dismiss.

Henry Nathaniel Smith, III, No. 16-10397 (Bankr. E.D. Pa.)

20. On or about January 21, 2016, Respondent was retained by Henry Nathaniel Smith, III to represent him with regard to avoiding foreclosure on his home.

21. On January 21, 2016, Respondent filed a Bankruptcy petition on behalf of Mr. Smith, docketed at No. 16-bk-10397 (Bankr. E.D.Pa. 2016).

22. Respondent did not submit required bankruptcy documents with the filing.

23. On February 16, 2016, the Court dismissed Mr. Smith's petition because Respondent failed to file required documents.

24. On September 14, 2016, the Bankruptcy case was reopened for the sole purpose of addressing whether Respondent should disgorge all fees collected from Mr. Smith.

25. The Court held a hearing on the Rule to Show Cause on December 15, 2016.

26. On December 16, 2016, the Bankruptcy Court issued an Order, *inter alia* directing Respondent, on or before January 6, 2017: (1) to file a Rule 2016(b) fee disclosure statement and all required bankruptcy documents, and (2) to prepare and deliver to the U.S. Trustee and the Court a status report on all aspects of the case. The Court's Order stated that failure to file any of the above documents might subject Respondent to an order of sanctions.

27. On February 24, 2017, the U.S. Trustee filed a Motion for Sanctions in multiple cases¹ requesting a) entry of an Order requiring Respondent to provide an accounting of fees; b) denial of fees requested and/or paid to him and compelling disgorgement and return of all fees received from each debtor; c) sanctions and/or civil penalties; d) enjoining Respondent from further violating §526; and e) finding Respondent in contempt of court orders and imposing appropriate sanctions.

28. On March 23, 2017, the Bankruptcy Court conducted a hearing on the Trustee's Motion for Sanctions against Respondent.

29. On May 24, 2017, Court issued an Order and Opinion granting the Trustee's Motion for Sanctions.

30. The Court's May 24, 2017 Order directed Respondent to do the following, on or before July 26, 2017:

- (a) file an accounting of all money he or his firm charged to clients, received from or was promised by clients, and earned by his firm.
- (b) file certifications that either he or his clients retained replacement counsel to represent them in their bankruptcies, the amount charged by each replacement counsel, who is responsible for paying fees to replacement counsel, and all funds Respondent or his firm paid or promised to pay replacement counsel.
- (c) contact his former clients who did not have counsel, to assist them in obtaining new counsel and file certifications of all such contacts and their results with the court on or before June 9, 2017.

¹ The identical Motion of Trustee was filed in Smith (No. 16-10397), Rusyn (No. 16-10755), Alvarado (No. 16-13259), Pena (No. 16-14189), Amaro (No. 16-14857), Gonzalez (No. 16-15181), Coine (No. 16-15569), Cushing (No. 16-15570), Rizzo (No. 16-15571), Simmons (No. 16-15572), Yenik (No. 16-17118), Roberts (No. 16-17119), Bowes (No. 16-17586), and Coine (No. 16-17887). *See infra*.

- (d) disgorge and refund to clients all fees paid to him by clients in all captioned bankruptcy cases, and a case-by-case certification of such disgorgement on or before June 23, 2017.
- (e) Respondent was also enjoined from further violations of sections 526 and 1307(c) of the Bankruptcy Code.
- (f) pay into the Court, on or before June 16, 2017, a sanction/civil penalty of \$1,600 “for his violations of the Bankruptcy Code, his actions in deliberately and improperly delaying state court litigation or sheriff’s sales, his actions in bad faith, and his contemptuous disregard of th[e] Court by misrepresentations, his failure to file all required documents, and his failure to appear at hearings.”
- (g) pay damages to his client, Marguerite Rusyn in the amount of \$60, on or before June 9, 2017.
- (h) The Court also ordered that the termination of Respondent’s privilege to use the CM/ECF system in the U.S. Bankruptcy Court for the Eastern District of Pennsylvania shall continue in effect until six months after he established to the Court’s satisfaction that he performed all tasks and payments imposed by the Order.
- (i) anticipatory sanctions in the amount of \$160 per day, for every day late in performing each of the tasks and payments, beginning on July 28, 2017.

31. On June 26, 2017, the Court entered an Order directing Respondent to file in each of the pending bankruptcy cases, on or before July 26, 2017, accountings of all money he or his firm (a) charged to clients, (b) received from or was promised by clients and (c) was actually earned by him or his firm, together with other information regarding his fees and work performed

on behalf of his bankruptcy clients. The Order further directed Respondent to perform all tasks the Court previously ordered on May 24, 2017, or additional sanctions would be imposed.

32. On July 27, 2017, Respondent appeared at a hearing and requested additional time to comply with the Court's prior Orders. The Court granted his request, until October 19, 2017.

33. On October 19, 2017, the Court convened for continuation of the hearing on the Trustee's Motion for Sanctions and Respondent's compliance with the Court's Orders, but he did not appear and did not explain his absence to the Court.

34. On October 24, 2017, the Court entered an Order directing Respondent to comply with its previous Orders of May 24, 2017, and June 26, 2017, on or before November 15, 2017, and directing him to pay a sanction/civil penalty of \$2,120 for "[his] violations of the Bankruptcy Code, [his] actions in deliberately and improperly delaying state court litigation or sheriff's sales, [his] actions in bad faith, and [his] contemptuous disregard of th[e] Court by [his] misrepresentations, [his] failure to file all required documents, and [his] failure to appear at hearings." (p. 5) The Court's Order also imposes a further sanction of \$10 per day, to be paid into the Court on November 15, 2017.

35. The Court's Order held Respondent in civil contempt for failure to comply with the terms of the Court's May 24, 2017 and June 26, 2017 Orders and for failure to appear at the October 19, 2017 hearing.

36. The Court ordered a further hearing, to be held on November 16, 2017.

37. On November 16, 2017, Respondent presented an accounting to the Court.

38. The Court held an additional hearing on December 21, 2017.

39. On December 27, 2017, the Bankruptcy Court entered an Order superseding and supplementing its prior orders of May 24, 2017, July 26, 2017 and October 24, 2017 with regard to requiring Respondent to disgorge and return fees and pay sanctions.

40. The Court's December 27, 2017 Order directed Respondent to disgorge and return to Mr. Smith fees in the total remaining amount of \$750.

41. The Court's Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

42. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

43. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed.

44. The Court retained jurisdiction to address any issues regarding compliance with the Order.

Marguerite M. Rusyn, No. 16-bk-10755 (Bankr. E.D.Pa.)

45. On or about February 4, 2016, Respondent was retained to represent Marguerite M. Rusyn to avoid foreclosure on her home.

46. On February 4, 2016, Respondent filed a Petition for Bankruptcy on behalf of Ms. Rusyn in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-10755.

47. Respondent did not submit required bankruptcy documents with the filing.

48. On February 24, 2016 the Bankruptcy Court dismissed the Rusyn Bankruptcy petition for failure to file required documents.

49. On September 14, 2016, the Bankruptcy case was reopened for the sole purpose of addressing whether Respondent should disgorge all fees collected from Ms. Rusyn.

50. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

51. The Court's December 27, 2017 Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

52. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees to Ms. Rusyn, and payment of sanctions.

53. The Court's Order directed Respondent certify to the U.S. Trustee once payment of sanctions was completed.

54. The Court retained jurisdiction to address any issues regarding compliance with the Order.

Zyvette Alvarado, No. 16-bk-13259 (Bankr. E.D.Pa.)

55. On or about May 6, 2016, Respondent was retained to represent Zyvette Alvarado to avoid foreclosure on her home.

56. On May 6, 2016, Respondent filed a Petition for Bankruptcy on behalf of Ms. Alvarado in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-13259.

57. Respondent did not submit required bankruptcy documents with the filing.

58. On June 7, 2016, the Bankruptcy Court dismissed the Petition for failure to file required documents.

59. On September 14, 2016, the Bankruptcy case was reopened for the sole purpose of addressing whether Respondent should disgorge all fees collected from his client.

60. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

61. The Court's December 27, 2017 Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

62. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees to Ms. Alvarado, and payment of sanctions.

63. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

64. The Court retained jurisdiction to address any issues regarding Respondent compliance with the Order.

Beatriz Pena, No. 16-bk 14189 (Bankr. E.D. Pa.)

65. On or about June 10, 2016, Respondent was retained to represent Beatriz Pena to avoid foreclosure on her home.

66. On June 10, 2016, Respondent filed a Chapter 13 Petition for Bankruptcy on behalf of Ms. Pena, in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-14189.

67. Respondent did not submit required bankruptcy documents with the filing.

68. On June 24, 2016, Respondent filed some, but not all of the required bankruptcy documents.

69. On September 6, 2016, the Bankruptcy Court dismissed case No. 16-14189 because of Respondent's failure to timely file required documents.

70. On September 14, 2016, the Bankruptcy case was reopened for the sole purpose of addressing whether Respondent should disgorge all fees collected from Ms. Pena.

71. On December 15, 2016, the Bankruptcy Court granted the U.S. Trustee's Motion to Deny Fees and to Compel Disgorgement of Fees against Respondent, which Respondent

consented to. Respondent was ordered to disgorge fees paid by Ms. Pena in the amount of \$3,500.00 within ten (10) days and file a Certification to the Court that he had done so, or be subject to additional sanctions.

72. Paragraphs 27 through 32, *supra*, are incorporated by reference herein.

Miguel Amaro, No. 16-bk-14857 (Bankr. E.D.Pa)

73. On or about July 8, 2016, Respondent was retained to represent Miguel Amaro to avoid foreclosure on his home.

74. On July 8, 2016, Respondent filed a Chapter 13 Petition for Bankruptcy on behalf of Mr. Amaro in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-14857.

75. Respondent did not submit required bankruptcy documents with the filing.

76. On August 24, 2016, the Bankruptcy Court dismissed case No. 16-14857 because of Respondent's failure to file required documents.

77. On September 14, 2016, the Bankruptcy case was reopened for the sole purpose of addressing whether Respondent should disgorge all fees collected from his client.

78. On December 16, 2016, after holding a hearing on December 15, 2016, the Bankruptcy Court vacated its dismissal of Mr. Amaro's bankruptcy petition. The Order also directed Respondent to file, on or before January 6, 2017, a Rule 2016(b) Statement disclosing all fees paid to him, together with any additional bankruptcy documents required to be filed, and further noted that Respondent's failure to do so may subject him to a further order of sanctions.

79. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

80. The Court's December 27, 2017 Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

81. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

82. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

83. The Court retained jurisdiction to address any issues regarding compliance with the Order.

Carlos Gonzalez, 16-bk-15181 (Bankr. E.D. Pa.)

84. On or about July 22, 2016, Respondent was retained to represent Carlos Gonzalez to avoid foreclosure on his home.

85. On July 22, 2016, Respondent filed a Chapter 13 Petition for Bankruptcy on behalf of Mr. Gonzalez, in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-15181.

86. Respondent did not submit required bankruptcy documents with the filing.

87. On August 23, 2016, the Bankruptcy Court dismissed case No. 16-15181 because of Respondent's failure to file required documents.

88. On September 14, 2016, the Bankruptcy case was reopened for the sole purpose of addressing whether Respondent should disgorge all fees collected from Mr. Gonzalez.

89. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

90. The Court's December 27, 2017 Order directed Respondent to disgorge and return to Mr. Gonzalez fees in the total remaining amount of \$750.

91. The Court's Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

92. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

93. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

94. The Court retained jurisdiction to address any issues regarding Respondent's compliance with the Order.

Randall Coine, No. 16-bk-15569, 16-17887 (Bankr. E.D. Pa.)

95. On or about August 5, 2016, Respondent was retained to represent Randall Coine to avoid foreclosure on his home.

96. On August 5, 2016, Respondent filed a Chapter 13 Petition for Bankruptcy on behalf of Mr. Coine, in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-15569.

97. Respondent did not submit required bankruptcy documents with the filing.

98. On September 6, 2016, the Bankruptcy Court dismissed the Petition for failure to file required documents.

99. On September 14, 2016, the Bankruptcy Court ordered Respondent to appear at hearing and show cause why all fees he received from Mr. Coine should not be disgorged and returned.

100. On November 10, 2016, Respondent filed another Chapter 13 Petition for Bankruptcy on behalf of Randall Coine in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-17887.

101. Respondent did not submit required bankruptcy documents with the filing.

102. On December 2, 2016, the Bankruptcy Court dismissed the Petition for failure to file required documents

103. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

104. The Court's December 27, 2017 Order directed Respondent to disgorge and return to Mr. Coine fees in the total remaining amount of \$750.

105. The Court's Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

106. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

107. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

108. The Court retained jurisdiction to address any issues regarding Respondent's compliance with the Order.

Thomas Cushing, No. 16-bk-15570 (Bankr. E.D. Pa.)

109. On or about August 5, 2016, Respondent was retained to represent Thomas Cushing to avoid foreclosure on his home.

110. On August 5, 2016, Respondent filed a Petition for Bankruptcy on behalf of Mr. Cushing in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-15570.

111. Respondent did not submit required bankruptcy documents with his filing.

112. On September 6, 2016, the Bankruptcy Court dismissed case No. 16-15570 because of Respondent's failure to file required documents.

113. On September 14, 2016, the Bankruptcy Court ordered Respondent to appear at a hearing and show cause why all fees he received from Mr. Cushing should not be disgorged and returned.

114. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

115. The Court's December 27, 2017 Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

116. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

117. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

118. The Court retained jurisdiction to address any issues regarding Respondent's compliance with the Order.

Salvatore Rizzo, Jr., No. 16-bk-15571 (Bankr. E.D.Pa.)

119. On or about August 5, 2016, Respondent was retained to represent Salvatore Rizzo to avoid foreclosure on his home.

120. On August 5, 2016, Respondent filed a Petition for Bankruptcy on behalf of Mr. Rizzo in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-bk-15571.

121. Respondent did not submit required bankruptcy documents with the filing.

122. On August 31, 2016, the Bankruptcy Court dismissed case No. 16-15571 because of Respondent's failure to file required documents.

123. On September 14, 2016, the Bankruptcy Court ordered Respondent to appear at a hearing and show cause why all fees he received from Mr. Rizzo should not be disgorged and returned.

124. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

125. The Court's December 27, 2017 Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

126. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

127. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

128. The Court retained jurisdiction to address any issues regarding Respondent's compliance with the Order.

129. On February 7, 2018, PHH Mortgage Corporation ("PHH") filed a Motion for Relief from the automatic stay.

130. Respondent did not respond to the Motion.

131. On March 23, 2018, the Bankruptcy Court granted PHH's Motion for Relief from Stay.

Eric Simmons, No. 16-bk-15572 (Bankr. E.D. Pa.)

132. On or about August 5, 2016, Respondent was retained to represent Eric Simmons to avoid foreclosure on his home.

133. On August 5, 2016, Respondent filed a Petition for Bankruptcy on behalf of Mr. Simmons in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-bk-15572.

134. Respondent did not submit required bankruptcy documents with the filing.

135. On August 31, 2016 the Bankruptcy Court dismissed case No. 16-15572 because of Respondent's failure to file required documents.

136. On September 14, 2016, the Bankruptcy Court ordered Respondent to appear at a hearing and show cause why all fees he received from Mr. Simmons should not be disgorged and returned.

137. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

138. The Court's December 27, 2017 Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

139. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

140. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

141. The Court retained jurisdiction to address any issues regarding Respondent's compliance with the Order.

Dolores Yenik, 16-bk-17118 (Bankr. E.D.Pa.)

142. On or about October 7, 2016, Respondent was retained to represent Dolores Yenik to avoid foreclosure on her home.

143. On October 7, 2016, Respondent filed a Petition for Bankruptcy on behalf of Ms. Yenik in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-17118.

144. Respondent did not submit required bankruptcy documents with the filing.

145. On October 19, 2016, the Court entered an Order to Show Cause why the case should not be dismissed and why Respondent should not be sanctioned, based on his filing “of numerous incorrectly filed bankruptcies, and upon the incorrect filing of the [Yenik] case documents.”

146. On December 16, 2016, the Court issued an Order directing Respondent to file a Rule 2016(b) fee disclosure statement and status report on or before January 6, 2017, or be subject to an order of sanctions.

147. Paragraphs 27 through 33, *supra*, are incorporated by reference herein.

William F. Roberts, Jr., No. 16-bk-17119 (Bankr. E.D.Pa.)

148. On or about October 7, 2016, Respondent was retained to represent William F. Roberts to avoid foreclosure on his home.

149. On October 7, 2016, Respondent filed a Petition for Bankruptcy on behalf of Mr. Roberts in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-17119.

150. Respondent did not submit required bankruptcy documents with the filing.

151. On October 19, 2016, the Court entered an Order to Show Cause why the case should not be dismissed and why Respondent should not be sanctioned, based on his filing “of numerous incorrectly filed bankruptcies, and upon the incorrect filing of the [Roberts] case documents.”

152. On December 16, 2016, the Court issued an Order directing Respondent to file a Rule 2016(b) fee disclosure statement and status report on or before January 6, 2017, or be subject to an order of sanctions.

153. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

154. The Court's December 27, 2017 Order directed Respondent to disgorge and return to Mr. Roberts fees in the total remaining amount of \$750.

155. The Court's Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

156. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

157. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

158. The Court retained jurisdiction to address any issues regarding Respondent's compliance with the Order.

Craig A. Bowes, No. 16-bk-17586 (Bankr. E.D. Pa.)

159. On or about October 28, 2016, Respondent was retained to represent Craig A. Bowes to avoid foreclosure on his home

160. On October 28, 2016, Respondent filed a Petition for Bankruptcy on behalf of Mr. Bowes in the United States Bankruptcy Court for the Eastern District of Pennsylvania. The case was docketed at No. 16-17586.

161. Respondent did not submit required bankruptcy documents with the filing.

162. On November 17, 2016, the Court dismissed case No. 16-17586 because Respondent failed to file required documents.

163. Although dismissed for statistical purposes, the Court retained jurisdiction to decide appropriate sanctions against Respondent.

164. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

165. The Court's December 27, 2017 Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

166. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

167. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

168. The Court retained jurisdiction to address any issues regarding compliance with the Order.

Kelvis Grullon, No. 17-bk-12008 (Bankr. E.D.Pa.)

169. On or about March 24, 2017, Respondent was retained by Kelvis Grullon to represent him to avoid foreclosure on his home.

170. On March 24, 2017, Respondent filed a Chapter 13 Petition for Bankruptcy on behalf of Mr. Grullon, in the Bankruptcy Court for the Eastern District of Pennsylvania, docketed at number 17-12008.

171. Respondent filed the Bankruptcy petition on the morning of a scheduled sheriff's sale of Mr. Grullon's property in an effort to avoid the sale.

172. Respondent did not file required bankruptcy documents with the petition.

173. On April 12, 2017, the U.S. Trustee filed a motion seeking: (a) an accounting of fees received by Respondent; (b) an order denying all fees requested by and/or paid to Respondent, and disgorgement and return of all fees Respondent received pursuant to 11 U.S.C. §329 and Fed. R. Bankr. Pro. 2016 and 2017; (c) sanctions and/or civil penalties, (d) enjoining Respondent from further violations of section 526; and (e) such further relief as is just and appropriate.

174. Paragraphs 25 through 39, *supra*, are incorporated by reference herein.

175. The Court's December 27, 2017 Order directed Respondent to pay sanctions in the amount of \$100 to the Clerk of Bankruptcy Court.

176. The Court's Order directed Respondent, on or before January 15, 2018, to present a proposed plan for return of fees and payment of sanctions.

177. The Court's Order directed Respondent to certify to the U.S. Trustee that payment of sanctions was completed, and to provide a copy of the instrument used to make the payments.

178. The Court retained jurisdiction to address any issues regarding Respondent's compliance with the Order.

179. ODC mailed Respondent a DB-7 Letter Request for Statement of Respondent's Position regarding the bankruptcy matters on May 11, 2018, which he received on May 14, 2018.

180. Respondent did not submit a Statement of Position.

Charge II
Mike Haber Matter

181. On or about January 15, 2014, Respondent was retained by Professional Sales Inc. ("PSI") relating to PSI's attempt to reclaim rights regarding sale of a 1991 Ferrari f40 automobile.

182. PSI paid Crosllis Law Offices \$3,000.00 as an initial retainer.

183. On or about January 17, 2014, Respondent filed a complaint on behalf of PSI in the action captioned, *Professional Sales, Inc. v. Estate of Joseph S. Brehaut, et al.*, No. 14-818 (Lehigh Ct. Com. Pl).

184. On March 12, 2014, PSI paid Respondent \$1,978.50, representing additional fees and costs incurred in drafting the complaint and preparing for and attending a hearing on a Motion for Preliminary Injunction.

185. In or about March 2014, Respondent and Mike Haber, on behalf of PSI, agreed to alter the fee agreement and Respondent agreed to represent PSI going forward on a contingent fee basis.

186. Respondent did not provide PSI a written contingent fee agreement to document the contingent fee arrangement.

187. On or about October 15, 2014, Lehigh County Court of Common Pleas Judge M. Theresa Johnson entered an Order granting Defendants' Motion for Judgment on the Pleadings.

188. On or about November 17, 2014, Respondent filed a timely Notice of Appeal in the Pennsylvania Superior Court.

189. On or about May 13, 2015, Respondent participated in an oral argument before the Superior Court of Pennsylvania.

190. On or about July 17, 2015, the Superior Court of Pennsylvania issued an Order/Opinion reversing the lower court and remanding the case to the Lehigh County Court of Common Pleas.

191. On December 11, 2015, Mr. Haber wrote to Respondent asking for an update in the case and stating, "Its coming up on 2yrs with nothing. Last we spoke you said you were going to speak to lawyer or start deps."

192. Respondent did not respond to the email.

193. On December 16, 2015, Mr. Haber wrote Respondent again stating, "I've been leaving you messages and emails for the last several weeks without any response. I would like to know what is going on with the f40 lawsuit. Its approaching the 2year mark. I would like to move forward one way or the other with this. If you are too busy to handle it and or respond back to me, I'll be happy to hire another firm. Last we spoke, you said you were going to contact the other

lawyer and see if they wanted to make a settlement offer or you were going to proceed with depositions. Quite honestly, I'm way too busy to continue hounding/chasing you for a response so I will expect a response before 12-19-15. Thanks in advance."

194. Respondent did not immediately respond.

195. On February 12, 2016, Mr. Haber sent Respondent an email stating, "We spoke a month ago and you said that that other atty did not want to settle and wanted proceed with depositions. You said you were going to get back to me the next day with available times that the atty faxed to you so as for all of us to coordinate our schedules. It's now a month later and nothing from you. This song and dance is getting old quick. Lets set up the depositions, or get a settlement and or move on. I don't have the energy to chase you or this around. Please respond in a timely fashion."

196. On March 1, 2016, the Court issued an Order scheduling a status conference for April 1, 2016.

197. On March 15, 2016, Mr. Haber sent Respondent an email stating, "Bro whats going on? Could you please give me a true accurate breakdown of whats going on with this case. I know your [sic] busy but a quick update never hurts. Las [sic] time you said we were ready [sic] for depositions [sic]."

198. Respondent did not respond.

199. On April 1, 2016, the Court issued a scheduling Order setting pre-trial deadlines.

200. On April 20, 2016, Mr. Haber texted Respondent's cell phone stating, "Hey mat any chance you intend to ever give me a call back or respond to an email., I simply would like to know whats going on with the lawsuit on f40."

201. On April 22, 2016, Respondent answered, stating "Can I call you in half hour At dr. Appt."

202. On August 15, 2016, Mr. Haber texted Respondent stating, "Matt are we making any progress on the lawsuit for f40?"

203. Respondent immediately replied, stating, "Will call you in about 20 min"

204. On August 16, 2016, Mr. Haber followed up stating, "did you say 20 mins or 20hrs?"

205. On September 29, 2016, Defendants filed a Motion for Summary Judgment.

206. Respondent did not advise Mr. Haber of the Motion.

207. On October 19, 2016, Respondent texted Mr. Haber stating, "in a meeting will call when done."

208. On October 21, 2016, Respondent texted Mr. Haber stating, "sorry i have not been in touch earlier my kid got hit in the head and we had multiple doctor appointments this week last appointment is now i can call and update you later after I get him home and settled."

209. Respondent did not file any response, on behalf of PSI, to Defendants' Motion for Summary Judgment.

210. On December 9, 2016, Defendants filed a Praecipe for Argument on January 17, 2107, on their Motion for Summary Judgment.

211. On December 12, 2016, Defendants filed a Motion to Deem Summary Judgment Motion uncontested, due to Respondent's failure to file a response.

212. Upon information and belief, on January 17, 2017, the court held oral argument on Defendants' outstanding Motion for Summary Judgment and Motion to Deem Summary Judgment Motion Uncontested. Respondent did not appear.

213. On January 17, 2017, the Court entered summary judgment in favor of Defendants and against Plaintiff, PSI.

214. Respondent received notice of the Court's Order.

215. Respondent did not inform Mr. Haber or PSI of the Court's Order.

216. On February 3, 2017, Mr. Haber texted Respondent stating, "mat, been waiting for an update on f40 now for months. this is dragging on too long. i need an update."

217. On February 17, 2017, Mr. Haber sent Respondent an email stating, "Matt, Seriously how many times can I call and email you without a response? Please just inform me of the status of the case and when, if ever, it is going to proceed. Also, I still from well over 2years ago have not received your contingency agreements. If the case isn't important or not winnable, then let me know so I can make a decision as to proceed forward, drop it and or find another attorney to complete this suit. Quite frankly, it's way too difficult chasing you down for answers!!!!!! We all have complications going on in our personal lives however, we both need to run our businesses too. Please respond in a timely fashion as if I don't hear from you by Feb 20th, ill [sic] will be shopping for another attorney or sending you a drop suit letter. Thanks for your **PROMPT** time and attention to this matter."

218. Respondent did not respond.

219. On February 24, 2017, Mr. Haber sent Respondent an email stating, "Matt, I haven't heard back from you since my last email dated 02-17-17. I have also left you a multitude of voice messages where you continually push the call to voice mail. At this point, I can only assume there is an issue with you which you are unwilling to discuss. My patience has run out so if I do not hear back from you by Monday feb 27th, 2017 with a complete status report, I will have no other alternative but to file a complaint with the Disciplinary board. I hope this can be resolved amicably but it requires communication on your behalf so let's start communicating"

220. Respondent did not respond.

221. On March 7, 2017, Respondent texted Mr. Haber stating, “in a doctor apt can I call you this afternoon?” Mr. Haber replied, “please!!! this is torturous [sic] having to call and email you months on end without a response.”

222. On March 7, 2017, Mr. Haber contacted the Court and learned Respondent failed to file an answer to Defendants Motion for Summary Judgment and did not appear at the January 17, 2017 oral argument in the case.

223. On March 8, 2017, Mr. Haber texted Respondent stating, “so I hear we lost motion summary case and the appeal wasn’t filed timely.”

224. On March 15, 2017, Mr. Haber texted Respondent again stating, “you didn’t even show up or respond to motion summary. tell me this is part of your strategy.”

225. On March 16, 2017, Mr. Haber texted Respondent again stating, “mat just an fyi I have the disciplinary board complaint filled out and am faxing it to district 2 tomm at 10 am. so if u call or contact me before. 959 am tomm with whats the issue, it will save us both a lot of a a [sic] unnecessary waste of time. this will be my last attempt at an amicable resolution.”

226. On March 16, 2017, Mr. Haber mailed, by certified mail, and faxed a letter to Respondent stating, “I have been trying to get a hold of you for many months now for a status on the above claim. Other than a couple of texts saying you are at a Drs appointment and will call be shortly, there has been no real response or communication as to the status of this case. . .”

227. Mr. Haber advised Respondent to put his professional liability carrier on notice.

228. On March 17, 2017, Respondent texted Mr. Haber and stated, “I just called and left a message. I also emailed you. Please give me the opportunity to meet with you. I will come to you and explain and propose a resolution that I hope will be acceptable to you. I am in Court today

so I would not be able to come down to you until after 5. I can come anytime Saturday or Sunday or next week. Let me know what time or days work for you.”

229. Mr. Haber replied, “all you have to do is just pick the phone up, call and tell me whats going on. Im a very reasonable person (to an extent) and just want to know what is going on and what is the next plan of attack. You can reach me on cell anytime ... but I am definitely done playing the chasing game so we need to speak today or tonite.”

230. Respondent replied in a text stating, “You have been fair I will call during a break or as soon as the hearing is over I just can’t be sure of the exact time yet that is why I called earlier but it went to voicemail.”

231. Respondent sent another text to Mr. Haber the same day stating, “We are last on the list here and the judge is making everyone stay no matter what happens I will call you as soon as we are done.”

232. On or about March 17, 2017, Respondent spoke with Mr. Haber by telephone and stated that he has a drinking problem, and was getting help. Respondent stated he did not file the required answer to Defendants’ summary judgment motion nor did he show up for the January hearing, so the case was dismissed. Respondent also stated he believed he could get the case reinstated because of his personal issues. Respondent agreed to send Mr. Haber a contingency fee agreement by March 21, 2017, and he agreed to respond in a more timely fashion to Mr. Haber’s telephone calls and written communication.

233. Respondent stated he would work on getting the case reinstated and would forward to Mr. Haber the contingency fee agreement on or before March 21, 2017.

234. On March 20, 2017, Mr. Haber wrote an email to Respondent, summarizing their telephone conversation.

235. Respondent replied, on March 20, 2017 stating “That is an accurate outline of what we discussed.”

236. Respondent did not respond to Mr. Haber’s request for a copy of the contingent fee agreement as promised.

237. On April 26, 2017, Mr. Haber contacted Respondent again, stating he did not receive a contingency fee agreement or an update on reinstatement of the case, as Respondent promised. Mr. Haber asked that Respondent forward an update and the contingency agreement no later than April 27, 2017.

238. Respondent did not respond.

239. By text message on April 28, 2017, Respondent stated to Mr. Haber that he just completed his last week of rehab, and he was in court; Respondent stated he would follow up with Mr. Haber later that day.

240. Respondent did not contact Mr. Haber, as promised. On May 2, 2017, Mr. Haber texted Respondent stating, “matt I want an answer tonight on where we stand with this case or you can put your insurance carrier on notice. My patience has worn out on this.” Mr. Haber also sent Respondent an email that same day, repeating this message.

241. Respondent did not respond.

242. Respondent did not seek reinstatement of the case.

243. ODC mailed Respondent a DB-7 Request for Statement of Respondent’s Position setting forth Mr. Haber’s allegations on August 9, 2017, which Respondent received on August 11, 2017.

244. Respondent did not submit a Statement of Position.

Charge III
Julia Tomasko matter

245. In or about December 2015, Respondent agreed to represent Julia Tomasko in handling the estate of her husband, Robert Tomasko, Jr., who passed away in March 2015.

246. At that time, Respondent was representing Mrs. Tomasko in handling the estate of her father-in-law, Robert Tomasko, Sr., who passed away in August 2012.

247. Respondent finalized Mr. Tomasko, Sr.'s estate in late 2016.

248. In January 2017, Respondent and Ms. Tomasko exchanged emails concerning final items that needed to be completed on her husband's estate, so the estate could be closed.

249. On May 17, 2017 the last remaining item in the estate, sale of real estate, was completed.

250. On June 7, 2017, Ms. Tomasko delivered papers to Respondent's office at his request, so that Respondent could finalize Mr. Tomasko's estate.

251. Ms. Tomasko telephoned Respondent's office on July 10, 2017, July 24, 2017 and August 2, 2017. Respondent failed to return any of these telephone calls.

252. Ms. Tomasko traveled to Respondent's office on July 31, 2017 to speak with him; however, Respondent was not there. Respondent did not return the message Ms. Tomasko left for Respondent at his office.

253. On August 14, 2017, Ms. Tomasko attempted to contact Respondent again, but Respondent did not return her call.

254. Two items remain to be completed on the estate: filing an estate tax return, and completing an estate accounting. Respondent has not completed either task and therefore the estate remains open.

255. On October 26, 2017 by Order of the Supreme Court of Pennsylvania, Respondent's license to practice law in Pennsylvania was administratively suspended for failure to pay his annual attorney registration fee.

256. Respondent did not advise Ms. Tomasko he could no longer represent her late husband's estate.

257. ODC mailed Respondent a DB-7 Letter Request for Statement of Respondent's Position setting forth Ms. Tomasko's allegations on December 7, 2017, which Respondent received on December 11, 2017.

258. Respondent did not submit a Statement of Position.

Charge IV
Harrison and Brenda Bruder Matter

259. In or about March 2017, Respondent met with Harrison E. Bruder and Brenda L. Bruder with regard to a criminal defense matter.

260. Respondent referred Mr. and Mrs. Bruder to Glennis Clark, Esquire to handle their case.

261. Respondent agreed to hold funds in a fiduciary capacity for Mr. and Mrs. Bruder, in the approximate amount of \$6,400.00.

262. On or about September 26, 2017, Respondent received notice of the Supreme Court of Pennsylvania's Order administratively suspending him from the practice of law, pursuant to Rule 219, Pa.R.D.E.

263. Respondent's administrative suspension took effect 30 days thereafter, on October 26, 2017.

264. After October 26, 2017, Respondent failed to promptly notify Mr. and Mrs. Bruder of his administrative suspension.

265. Within ten days after October 26, 2017, Respondent failed to file with the Secretary of the Disciplinary Board a verified statement of compliance as set forth and required by Pa.R.D.E. 217(e)(1).

266. On November 28, 2017, Mr. and Mrs. Bruder were sentenced by the Court of Common Pleas of Lehigh County, and *inter alia* were ordered to pay restitution.

267. In the presence of Respondent and Mr. Stephen Berndt, the collections manager at the Lehigh County courthouse, Mr. and/or Mrs. Bruder stated that Respondent would be paying an amount toward their restitution, because he was holding their funds, in trust.

268. Respondent was at or near the vicinity of the courthouse and in view of Mr. Berndt at the time these statements were made.

269. On or about February 13, 2018, Respondent presented for payment to the Bureau of Collections for Lehigh County, a check drawn on his law firm operating account held at Embassy Bank, in the amount of \$6,400.00 to pay a portion of Mr. and Mrs. Bruder's Court-ordered restitution.

270. Respondent did not have sufficient funds in his account to cover the check.

271. The check was returned for insufficient funds.

272. ODC served Respondent with a DB-7 Request for Statement of Respondent's Position on May 11, 2018, which he received May 14, 2018.

273. Respondent did not submit a Statement of Position.

274. On September 25, 2018, ODC filed a Petition for Discipline against Respondent.

275. On October 15, 2018, ODC served the Petition for Discipline upon Respondent by hand delivery, personal service.

276. Respondent did not file an Answer with the prescribed time and under the provisions of Rule 208(b)(3), Pa.R.D.E.; the factual allegations of the Petition for Discipline were deemed admitted.

277. On November 15, 2018 ODC received a letter from Respondent stating:

- a) he has not retained counsel and does not plan to do so;
- b) he realizes he failed to respond to the Petition for Discipline and acknowledges that all allegations set forth therein are deemed admitted;
- c) he intended to file a response to the Petition for Discipline, and regrets procrastinating because a family medical emergency prevented him from compiling a response;
- d) he desires to cooperate fully with ODC. He is aware that any discipline will likely involve suspension of his license for at least one-year and one-day, and that he will need to Petition the Board for Reinstatement and demonstrate evidence of his fitness to practice law after he completes the term of his suspension;
- e) cooperating with ODC and agreeing to discipline on consent will enable him to focus on personal recovery; and
- f) he apologizes for additional work he may have caused ODC and is eager to move toward a final resolution.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

278. By his conduct as alleged in Paragraphs 5 through 273 above, Respondent violated the following Rules of Professional Conduct:

A. RPC 1.1 which states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

B. RPC 1.2(d), which provides that a lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent.

C. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client.

D. RPC 1.4(a)(2), which states that a lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished.

E. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter.

F. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information.

G. RPC 1.5(a), which states that a lawyer shall not enter into an agreement for, charge or collect an illegal or clearly excessive fee.

H. RPC 1.5(c), which states that a contingent fee shall be in writing and shall state the method by which the fee is to be determined.

I. RPC 1.15(b) which states that a lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.

J. RPC 1.15(e) which states in pertinent part that a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property.

K. RPC 1.15(l) which provides that all Fiduciary Funds shall be placed in a Trust Account or in another investment or account which is authorized by the law applicable to the entrustment or the terms of the instrument governing the Fiduciary Funds.

L. RPC 3.1, which provides that a lawyers shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous.

M. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

N. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

O. 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 for a statement of the respondent-attorney's position shall be grounds for discipline.

P. Pa.R.D.E. 217(c)(1), which provides that a formerly admitted attorney shall promptly notify all persons to whom a fiduciary duty is or may be owed at any time after the administrative suspension, of the administrative suspension.

Q. Pa.R.D.E. 217(e)(1), which states that within ten days after the effective date of the administrative suspension, the formerly admitted attorney shall file with the Secretary of the Board a verified statement, averring *inter alia*, that the provisions of these rules have been fully complied with.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

279. ODC and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a two year suspension.

280. ODC and Respondent agree that the suspension should be prospective and not be made retroactive to the date of Respondent's administrative suspension.

281. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. 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 including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

282. In support of ODC and Respondent's joint recommendation, it is respectfully submitted that there are mitigating circumstances:

a) Respondent has demonstrated remorse and acceptance of responsibility by acknowledging he engaged in misconduct; admitting to violating the charged Rules of Professional Conduct; and by consenting to receive a two year suspension; and

b) Respondent has no record of prior discipline in over eighteen (18) years as a member of the bar.

283. Respondent desires to bring to the attention of the three-member panel of the Disciplinary Board and the Supreme Court of Pennsylvania that if the within disciplinary matter had proceeded to a disciplinary hearing, Respondent would have presented evidence that when Respondent engaged in the misconduct, he was suffering from and receiving treatment for alcohol addiction issues. If this matter had proceeded to a hearing, Respondent would have sought to establish a causal connection between his misconduct and this condition, so he could obtain mitigation under *Office of Disciplinary Counsel v. Braun*, 553 A.2d 894 (Pa. 1989).

284. Respondent advises that he continues counseling and treatment for alcohol addiction issues.

285. Respondent understands that as part of any future reinstatement proceeding he will be asked to establish that he has fully complied with any Bankruptcy Court Orders set forth in Charge I.

286. Precedent in similar matters involving lack of competence, lack of diligence, lack of communication, failure to hold fiduciary funds in a Trust account, and conduct prejudicial to the administration of justice, support the joint recommendation that Respondent be suspended for two years.

Recently, in *Office of Disciplinary Counsel v. Robert B. MacIntyre*, 104 DB 2018 (S.Ct. Order 11/2/18), the Supreme Court granted the Joint Consent Petition for Respondent's one-year and one-day suspension where Respondent MacIntyre failed to act with reasonable diligence and failed to communicate in representing two clients. In one client matter, Respondent MacIntyre failed to take action to finalize his client's divorce, even after opposing counsel filed a Motion for Contempt. Respondent MacIntyre also did not respond to several rules to show cause by the Court, and failed to pay court ordered sanctions, prompting another Motion for Contempt. After failing to appear at a scheduled hearing on the second Motion for Contempt, a bench warrant was issued for Mr. MacIntyre's arrest. In the second matter, MacIntyre's criminal defense client filed a *pro se* notice of appeal; however, MacIntyre failed to take any subsequent action on his client's behalf, including withdrawing from the representation or filing a required docketing statement. Respondent MacIntyre also ignored a Court Order specifically directing him to file a required docketing statement in his client's appeal. After receiving DB-7 Requests for Statement of Respondent's Position, Respondent MacIntyre failed to respond to ODC's inquiries. Like MacIntyre, Respondent Crosliis similarly failed to comply with court orders, exhibited lack of diligence and lack of communication with his clients, and failed to respond to ODC's inquiries.

In *Office of Disciplinary Counsel v. Michael P. Halcovage*, 93 DB 2017 (S.Ct. Order 1/5/18), the Supreme Court accepted the Disciplinary Board's recommendation and granted the Joint Petition for Respondent's one-year and one-day suspension on consent for Respondent Halcovage's neglect of an estate matter, misuse of estate assets, failure to respond to Court orders and failure to respond to ODC inquiries. Respondent Halcovage failed to respond to numerous rules to show cause and failed to file an accounting at the court's direction. In another estate matter, Respondent Halcovage took an excessive fee, and failed to make disbursement to the heir causing funds to escheat to the state. Halcovage also failed to respond to ODC's inquiries regarding these matters. Like Respondent Croslis, mitigation in Respondent Halcovage's case included lack of any prior discipline and his demonstrated, albeit belated, acceptance of responsibility by consenting to discipline.

In *Office of Disciplinary Counsel v. Kevin Mark Wray*, 19 DB 2017 (S.Ct. Order 7/6/17) the Supreme Court accepted the Disciplinary Board's recommendation and granted a Joint Consent Petition suspending Respondent for one-year and one-day, for his criminal contempt, neglect, failure to communicate, and retention of unearned fees over multiple matters.

In *Office of Disciplinary Counsel v. Michael J. Viscuso*, 108 DB 2016 (S.Ct. Order 4/27/17) the Supreme Court accepted the Disciplinary Board's recommendation and granted the Joint Petition for Respondent's one-year and one-day suspension. Respondent failed to satisfy a client's settlement obligation, failed to communicate and failed to cooperate with ODC's investigation including failing to respond to DB-7, Petition for Discipline or attend pre-hearing conference.

In *Office of Disciplinary Counsel v. Perry Lynn Flaugh*, No. 112 DB 2015 (D.Bd. Rpt. 6/15/16)(S.Ct. Order 8/12/16), Respondent Flaugh's lack of diligence and communication in representing his client and her parents over a period of eight years culminated with Flaugh's

abandonment of his client and her claims, and mishandling approximately \$1,000.00 of funds entrusted to him. The Disciplinary Board weighed Respondent Flaugh's lack of previous discipline with the aggravating factor of his misrepresentation to ODC that he had made the \$1,000.00 check to his client's father, when he had in fact made it out to himself and negotiated it. Additional aggravating factors were that Flaugh had not reimbursed his client nor shown remorse for his actions. Despite the aggravating factors, Flaugh received a one-year and one-day suspension.

279. The parties agree that the particular facts of this case warrant a two year suspension. Until recently, Respondent has not participated in the disciplinary process. Respondent did not answer any of the DB-7 Requests for Statement of Respondent's Position, nor did he answer the Petition for Discipline. Respondent has acknowledged past issues with alcohol addiction. The proposed consent discipline will provide Respondent the opportunity to continue to address his addiction issues. After completing his suspension, Respondent will be required to petition for reinstatement and demonstrate his fitness and competency prior to resuming practice, thus protecting the public and meeting the goals of the disciplinary system.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), a three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a two year suspension and that Respondent be ordered to pay all necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel
Attorney Reg. No. 20955

Date: 1/30/19



KRISTA K. BEATTY
Disciplinary Counsel
Attorney Reg. No. 75211
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

Date: 1/30/2019



MATTHEW TODD CROSLIS
Respondent
4599 N. Church St.
Whitehall, PA 18052
(484) 894-2109

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Discipline* 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.A. §4904, relating to unsworn falsification to authorities.

1/30/19
Date

Krista K. Beatty
KRISTA K. BEATTY
Disciplinary Counsel

1/30/2019
Date

[Signature]
MATTHEW TODD CROSLIS
Respondent

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 171 DB 2018
Petitioner	:	
	:	
v.	:	
	:	Attorney Reg. No. 84840
MATTHEW T. CROSLIS,	:	
Respondent	:	(Lehigh County)


CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

By Hand Delivery:

Matthew Todd Croslis
4599 N. Church St.
Whitehall, PA 18052

Dated: 1/30/19



KRISTA K. BEATTY
Disciplinary Counsel
Attorney Reg. No. 75211

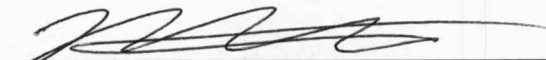
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.


7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has not retained, consulted and acted upon the advice of counsel in connection with his decision to execute the within Joint Petition.

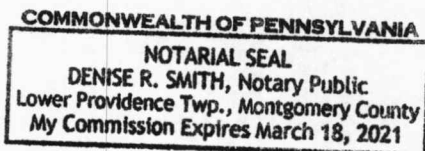
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 30th day of January, 2019.


MATTHEW TODD CROSLIS
Respondent

Sworn to and subscribed
before me this 30th day
of January, 2019.


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:

Signature:

Name:

Attorney No. (if applicable):

Krista K. Beatty
Krista K. Beatty
75211