

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1944 Disciplinary Docket No. 3  
Petitioner :  
v. : No. 18 DB 2013  
CHRIS MATTHEW JAMISON, : Attorney Registration No. 35597  
Respondent : (Delaware County)

ORDER

PER CURIAM:

AND NOW, this 12<sup>th</sup> day of June, 2013, there having been filed with this Court by Chris Matthew Jamison his verified Statement of Resignation dated April 16, 2013, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of Chris Matthew Jamison is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola  
As Of 6/12/2013

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 18 DB 2013
Petitioner	:	
	:	
v.	:	Attorney Registration No. 35597
	:	
CHRIS MATTHEW JAMISON	:	
Respondent	:	(Delaware County)

**RESIGNATION BY RESPONDENT**

Pursuant to Rule 215  
of the Pennsylvania Rules of Disciplinary Enforcement

RE: Office of Disciplinary Counsel  
v. CHRIS MATTHEW JAMISON  
No. 18 DB 2013  
Attorney Registration No. 35597  
(Delaware County)

PRIOR DISCIPLINARY RECORD

**None**

BEFORE THE DISCIPLINARY BOARD OF  
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner : No. 18 DB 2013  
v. :  
: Atty. Registration No. 35597  
CHRIS MATTHEW JAMISON, :  
Respondent : (Delaware County)

RESIGNATION  
UNDER Pa.R.D.E. 215

Chris Matthew Jamison, Esquire, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on December 9, 1981. His attorney registration number is 35597.

2. He desires to submit his resignation as a member of said bar.

3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting this resignation.

4. He is aware that there is presently pending a Petition for Discipline docketed at No. 18 DB 2013, a true and correct copy of which is attached hereto, made a part hereof, and marked Exhibit "A."

**FILED**

MAY 02 2013

Office of the Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

5. He acknowledges that the material facts upon which the allegations contained in Exhibit "A" are based are true.

6. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached exhibit.

7. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

8. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

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

Signed this 16<sup>th</sup> day of April, 2013.



Chris Matthew Jamison

WITNESS: \_\_\_\_\_



BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel, :  
Petitioner, :  
 : No. 18 DB 2013  
 :  
Chris Matthew Jamison, : Attorney Registration No. 35597  
Respondent :  
 : (Delaware County)

PETITION FOR DISCIPLINE

**NOTICE TO PLEAD**

To: Chris Matthew Jamison

Rule 208(b)(3) of the Pennsylvania Rules of Disciplinary Enforcement provides: Within twenty (20) days of the service of a petition for discipline, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted.

Rule 208(b)(4) provides: Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. No evidence with respect to factual allegations of the complaint that have been deemed or expressly admitted may be presented at any hearing on the matter, absent good cause shown.

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A copy of your answer should be served upon Disciplinary Counsel at the District III Office of Disciplinary Counsel, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 5800, P.O. Box 62675, Harrisburg, PA 17106-2675, and the original and three (3) conformed copies filed with the Office of the Secretary, the Disciplinary Board of the Supreme Court of Pennsylvania, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 5600, Harrisburg, PA 17120-0901. [Disciplinary Board Rule §89.3(a)(1)]

Further, pursuant to Disciplinary Board Rule §85.13, your answer, if it contains an averment of fact not appearing of record or a denial of fact, shall contain or be accompanied by a verified-statement signed by you that the averment or denial is true based upon your personal knowledge or information and belief.

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

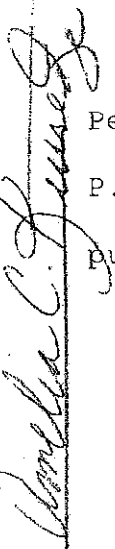
OFFICE OF DISCIPLINARY COUNSEL, : No. 18 DB 2013  
Petitioner :  
 :  
v. : Attorney Reg. No. 35597  
 :  
CHRIS MATTHEW JAMISON, :  
Respondent : (Delaware County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel (ODC), by Paul J. Killion, Chief Disciplinary Counsel, and Amelia C. Kittredge, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Chris Matthew Jamison, with professional misconduct in violation of the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary

We hereby certify the within to  
be a true and correct copy.



**FILED**

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Office of the Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

2. Respondent, Chris Matthew Jamison, was born in 1956, was admitted to practice law in the Commonwealth of Pennsylvania on December 9, 1981, and maintains his office at 12 S. Monroe Street, Media, Delaware County, Pennsylvania 19063-0023.

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

#### CHARGE I

##### A. Conversion of Funds Due and Owing to the Department of Public Welfare

4. From in or about 2003, Respondent represented Adalene Catherine Kirby (Mrs. Kirby):

- a. in a claim for personal injury against Alan Rosenzweig, D.O. (Rosenzweig), arising from an injury which occurred at the Brinton Manor Nursing Home (Brinton) in Glen Mills, PA, where Mrs. Kirby was a resident; and
- b. in a claim for personal injury against Brinton arising from the same incident.

5. By letter dated December 1, 2004, Respondent wrote to the Pennsylvania Department of Public Welfare (DPW) requesting



information as to whether there was an outstanding Medicare or Medicaid lien pertaining to Mrs. Kirby, and stating that Mrs. Kirby had a pending malpractice action against Rosenzweig and Brinton.

6. By letter to Respondent dated January 20, 2005, DPW stated that it had previously informed Respondent that it had an interest in the personal injury claims made by Mrs. Kirby, and asked that Respondent send the enclosed form to DPW concerning the status of the personal injury claims, including whether there had been settlements.

7. Respondent did not return the form to DPW.

8. In settlement of the claim against Rosenzweig (Rosenzweig claim), Rosenzweig's insurer issued check No. 617427 (Rosenzweig settlement check) dated February 9, 2005, in the amount of \$200,000, payable to "Adalene Kirby and Chris M. Jamison, her attorney."

9. Respondent received the Rosenzweig settlement check on or about February 9, 2005.

10. On February 11, 2005, Respondent deposited the Rosenzweig settlement check in Respondent's Citizens Bank IOLTA account, No. 610159-594-7.

11. On February 23, 2005, Mrs. Kirby died.

12. On or about March 16, 2005, Respondent filed a Petition for Grant of Letters Testamentary in the Office of the Register of Wills of Delaware County.

13. On March 16, 2005, Letters Testamentary were issued to Mrs. Kirby's son, Blair Kirby, Jr. (Mr. Kirby), who was qualified as Executor of the Estate.

14. On or about March 16, 2005, Mr. Kirby engaged Respondent as counsel to the Executor.

15. On March 18, 2005, Respondent opened an account at Citizens Bank numbered 620987-692-0 and titled "Estate of Adalene Kirby, Blair Kirby Jr., Executor, c/o Chris M. Janison [sic], Esquire" (Estate Account).

16. Respondent failed to transfer the \$200,000 from the Rosenzweig settlement into the Estate Account.

17. In settlement of the claim against Brinton, Brinton's insurer issued a check (Brinton settlement check) dated April 22, 2005 in the amount of \$137,500, payable to "Blair Kirby Executor Estate of Adalene Kirby and Chris M. Jamison, Esquire."

18. Respondent received the Brinton settlement check on or about April 22, 2005.

19. On May 2, 2005, Respondent deposited the Brinton settlement check into his Citizens Bank IOLTA account, No. 610159-594-7.

20. Respondent failed to:

- a. deposit the Brinton settlement check into the Estate Account; and
- b. promptly forward the proceeds from the Rosenzweig

and Brinton settlements to Mr. Kirby in his capacity as Executor of the Kirby Estate.

21. By letter dated June 14, 2005, DPW informed Respondent that it maintained a claim in the amount of \$386,533.05 against the Kirby Estate.

22. Respondent received that letter.

23. By letter to Mr. Kirby dated June 15, 2005, Respondent:

- a. informed Kirby of the amount of the DPW lien; and
- b. stated that his "next job" was to "negotiate" with DPW so that DPW would settle for one-third of the amount of the lien.

24. By letters dated December 7, 2005; February 2, 2006; March 22, 2006; and August 28, 2007, Carl G. Rinkevich (Rinkevich), a Third Party Liability Program Investigator for DPW, requested that Respondent provide information on the status of the Kirby Estate.

25. Respondent received those letters.

26. On June 27, 2007, Respondent spoke to Carol Beery of DPW, and told her that he would send the settlement sheet the following week.

27. By letter to Respondent dated January 9, 2008, sent Certified Mail, Return Receipt Requested, Rinkevich stated that:

- a. previously correspondence was sent advising Respondent of the DPW lien;

- b. in addition, DPW had "left numerous voice mail messages" for Respondent on his office phone asking for the status of this case; and
- c. if a response was not received within fifteen days, the matter would be turned over to DPW's Office of General Counsel for their action.

28. Respondent received that letter on January 16, 2008.

29. Contrary to his representation to Mr. Kirby that he would "negotiate" with DPW, Respondent failed to provide DPW with the status of the Estate.

30. By letter to Respondent dated October 28, 2008, sent Certified Mail, Return Receipt Requested, Carole A. Procope (Procope), Manager, Recovery Section, DPW Division of Third Party Liability, stated that:

- a. it had been over a year since Respondent had last contacted DPW regarding the Kirby Estate;
- b. Respondent had agreed to supply the settlement documents to DPW but they had not been sent;
- c. DPW had made "numerous attempts over the last four years to work with" Respondent "in the resolution of this matter";
- d. Respondent should contact DPW to "discuss settling the Department's claims"; and

- e. failure to contact DPW would cause DPW to refer the matter to the Office of the General Counsel to initiate litigation.

31. Respondent received Procope's letter on November 3, 2008.

32. By letter to Rinkevich dated November 12, 2008, Respondent apologized for the "delay in responding," and stated that he would forward "the documentation concerning third party recovery for your calculations on the estate obligations."

33. Contrary to his representations to Rinkevich, between November 12, 2008, and May 27, 2009, Respondent failed to:

- a. contact DPW;
- b. negotiate with DPW to reduce DPW's lien; and
- c. forward the proceeds of the Estate that were due and owing to DPW.

34. By letter to Respondent dated May 27, 2009, Theodore Dallas (Dallas), Executive Deputy Secretary for DPW, informed Respondent that:

- a. DPW was proposing to assess liability against Respondent in the amount of \$335,000, because he was "the attorney for the Estate of Adaline [sic] Kirby and [he] settled a personal injury lawsuit for the estate for \$335,000 in 2005";

- b. Respondent had promised to send DPW settlement distribution sheets at least four times;
- c. to date, DPW had received "nothing" from Respondent;
- d. four years was an "unreasonable amount of time to resolve distribution issues regarding personal injury proceeds";
- e. the passage of time and Respondent's failure to account led DPW "to propose to conclude that [he had] converted the funds to [his] own use"; and
- f. Respondent could submit a written response to Procope within thirty days, for the purpose of "identify[ing] any errors of fact in the Department's information."

35. Respondent received Dallas' letter on June 1, 2009.

36. By letter to Procope dated June 26, 2009, Respondent told her that:

- a. he regretted the delay in responding to an earlier notice from her, but he was "sometimes overwhelmed with the volume of work";
- b. both the Rosenzweig and Brinton claims had been settled;
- c. by Respondent's calculation, DPW was owed a total of \$134,524.41; and

- d. Respondent had distributed funds of the estate, "but we did not allow distribution of the estimated lien funds to the beneficiaries."

37. By letter to Respondent dated July 13, 2009, Rinkevich informed Respondent that DPW would accept \$135,789.92 in settlement of the lien, and that a check should be sent within the next thirty days.

38. By letter dated August 12, 2009, Respondent wrote to Rinkevich and stated that based upon DPW's assessment of the amount owing under the lien, he would meet with the Executor and anticipated making all disbursements the week of August 24.

39. Respondent thereafter failed to:

- a. communicate with DPW during the week of August 24, 2009; and/or
- b. forward the proceeds of the Estate due and owing to DPW.

40. By letter to Respondent dated October 29, 2009, Rinkevich again asked for a status report on the Estate.

41. By e-mail to Respondent dated October 25, 2010, Jason W. Manne (Manne), DPW's Deputy Chief Counsel, stated that it had been "well more than a year since [Respondent] promised [DPW] distribution," and that DPW was "at the point of taking formal administrative action" against Respondent and referring the matter to the Disciplinary Board.

42. By e-mail to Manne dated October 26, 2010, Respondent stated that the "file is organized to close out" and that he would have the Executor come to his office the following week to "cut and sign the disbursement checks, including the check to the department."

43. By letter dated December 20, 2010, sent Certified Mail, Return Receipt Requested, Laurie Rock (Rock), Director of the DPW Bureau of Program Integrity, Division of Third Party Liability, sent Respondent a "Notice of Assessment Liability" (Notice), in which Rock informed Respondent that:

- a. DPW had assessed liability against him in the amount of \$135,789.92;
- b. DPW had concluded that Respondent had converted the funds to his own use;
- c. the matter was being referred to the Disciplinary Board; and
- d. Rock's letter constituted the "final administrative action" of DPW and would be subject to judicial enforcement unless Respondent filed an administrative appeal.

44. Respondent received Rock's letter on December 23, 2010.

45. Upon receiving Rock's letter, Respondent:

- a. did not respond to the letter; and
- b. did not file an appeal.



46. On March 11, 2011, DPW filed a Complaint Information Form with ODC.

47. By letter dated February 9, 2012, ODC sent Respondent a "DB-7 Request for Statement of Respondent's Position (DB-7)," alleging that he had converted the proceeds of the Rosenzweig and Brinton Manor settlements, including the amounts due and owing to DPW.

48. Respondent received the DB-7 on February 13, 2012.

49. Previously, in 2008, Respondent had opened an IOLTA account at Nova Bank numbered 127001378, and no longer used the Citizens IOLTA Account.

50. On March 30, 2012, Respondent deposited a cashier's check in the amount of \$110,000, payable to himself, into his Nova IOLTA Account.

51. By letter to Rinkevich dated March 30, 2012, Respondent sent DPW a check in the amount of \$135,789.92, drawn on his Nova IOLTA Account, stating that the check represented "the total reimbursement" to DPW in respect of the Kirby Estate.

52. On or about April 1, 2012, Respondent sent to Disciplinary Counsel a copy of the March 30, 2012 letter and check to Rinkevich, and asked Disciplinary Counsel to "[k]indly call my cell...at your convenience."

B. Conversion of Kirby Estate Funds

53. The Kirby Estate's gross receipts totaled \$338,765.51, comprised of the following:

- a. the Rosenzweig and Brinton settlements in the amount of \$337,500; and
- b. a refund from Sterling Health Care & Rehabilitation in the amount of \$1,265.51, paid on March 16, 2005.

54. Between May 2, 2005 and March 30, 2012 Respondent made disbursements from the Kirby Estate in the following amounts, for a total of \$175,738.59:

- a. distributions to heirs and Executor's fees in the amount of \$52,290.41;
- b. legal fees and costs paid to Respondent in the amount of \$119,339.18;
- c. probate fees of \$272;
- d. Social Security overpayment of \$797; and
- e. burial cost of \$3,040.

55. The Kirby Estate was assessed Pennsylvania inheritance tax in the amount of \$3,571.72.

56. In addition to failing to pay the sum of \$135,789.92 owing to DPW, Respondent failed to pay:

- a. Pennsylvania inheritance tax in the amount of \$3,571.72; and

- b. the balance of the Estate in the amount of \$23,665.28, to the Executor of the Kirby Estate.

57. Respondent misappropriated the amounts owing to the Pennsylvania Department of Revenue as inheritance tax, and to the Kirby Estate.

58. During the course of his representation of Mr. Kirby, Respondent told him that:

- a. DPW was seeking 75% of the proceeds from the Rosenzweig and Brinton Manor settlements; and
- b. there was no money remaining in the Estate after paying DPW.

59. Respondent's statements to Mr. Kirby were false and misleading, in that:

- a. in 2009, Respondent was informed by DPW that DPW would settle the matter for \$135,789.92, far less than 75%; and
- b. after attorney's fees and costs, expenses of the Estate, and payment to DPW, there remained \$23,665.28 that should have been remitted to the Estate.

C. Respondent's Disposition of Funds  
Due and Owing to DPW and the Kirby Estate

60. Respondent deposited:

- a. the Rosenzweig settlement check into his IOLTA account at Citizens Bank on February 11, 2005; and
- b. the Brinton settlement check into his IOLTA account on May 2, 2005.

61. Respondent failed to promptly forward the proceeds from the Rosenzweig and Brinton Manor settlements to:

- a. DPW;
- b. Mr. Kirby, in his capacity as Executor of the Kirby Estate; and
- c. the Department of Revenue.

62. Respondent's IOLTA account at Citizens Bank was out of trust from February 22, 2005 to May 1, 2008, with the highest amount, \$180,352.49, occurring on December 27, 2005.

63. As explained in ¶49, *supra*, on or about April 10, 2008, Respondent opened the Nova IOLTA Account, and no longer used the Citizens Bank account.

64. Respondent's IOLTA account at Nova Bank was out of trust from:

- a. July 9, 2009 to September 17, 2009;
- b. September 25, 2009 to December 11, 2009;

- c. December 21, 2009 to November 30, 2010; and
- d. December 8, 2010 to January 17, 2012.

65. Respondent knowingly and intentionally misappropriated the funds due and owing to:

- a. DPW;
- b. the Kirby Estate; and
- c. the Department of Revenue.

D. Administration of the Kirby Estate

66. As counsel to the Executor of the Kirby Estate, Respondent failed to file with the Register of Wills of Delaware County:

- a. a state inheritance tax return, pursuant to 72 Pa.C.S.A. §9136(f);
- b. an inventory of estate assets, pursuant to 20 Pa.C.S.A. §3301(c);
- c. two years after the date of death, and annually thereafter until administration is completed, a Status Report by Personal Representative of uncompleted administration, showing the date by which the personal representative or counsel reasonably believes administration will be completed, pursuant to Orphans' Court (O.C.) Rule 6.12(a); and
- d. upon completion of the administration of the

Estate, a Report of Completed Administration, pursuant to O.C. Rule 6.12(b).

67. In or about 2006, Respondent presented a "Family Settlement Agreement" to the Executor and the beneficiaries of the Kirby Estate, providing, *inter alia*, that the Executor and beneficiaries agreed to waive the filing of a formal Account with the Orphans' Court, and that Respondent would make a partial distribution to them, retaining the remaining funds in the Estate to reimburse DPW.

68. Respondent obtained the signatures of the Executor and beneficiaries on the Family Settlement Agreement.

69. Respondent's proffer of the Family Settlement Agreement was false and misleading, since Respondent had already converted the proceeds of the Estate by 2006, and Respondent failed to reimburse DPW until shortly after he received the DB-7 from ODC in 2012.

70. By his conduct as alleged in Paragraphs 4 through 69 above, Respondent violated the following Rules of Professional Conduct:

- A. RPC 1.3, which provides that a lawyer shall act with reasonable diligence and promptness in representing a client;
- B. RPC 1.4(a)(3)[effective 1-1-05], which states that a lawyer shall keep the client reasonably informed

about the status of the matter;

- C. RPC 1.15(a)[effective 4-1-88], which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be preserved for a period of five years after termination of the representation;
- D. RPC 1.15(a)[effective 4-23-05], which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded. Complete records of the receipt, maintenance and disposition of such property shall be preserved for a period of five years after termination of the client-lawyer relationship or

after distribution or disposition of the property,  
whichever is later;

- E. RPC 1.15(b)[effective 4-1-88], which states that upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property 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 such property.
- F. RPC 1.15(b)[effective 4-23-05], which states that upon receiving property of a client or third person in connection with a client-lawyer relationship, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property 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 such property;

G. RPC 1.15(b) [effective 9-20-08], 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;

H. RPC 1.15(e) [effective 9-20-08], which states that except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, 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; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment;

I. RPC 8.4(b), which states that it is professional

misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and

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

#### CHARGE II

71. By letter dated February 9, 2012, ODC sent Respondent a DB-7 Request for Statement of Respondent's Position (DB-7) alleging, *inter alia*, that he had misappropriated the proceeds of the Rosenzweig and Brinton settlements.

72. Respondent received the DB-7 on February 13, 2012.

73. Having received no response to the DB-7 from Respondent, ODC, by letter to Respondent dated March 13, 2012:

- a. stated that Respondent had not submitted an answer to the DB-7;
- b. reminded him that the DB-7 had provided that failure to answer without good cause is an independent ground for discipline pursuant to Pa.R.D.E. 203(b)(7); and
- c. advised him that if he did not respond to the allegations of misconduct in the DB-7 or provide

good cause for failing to respond by March 26, 2012, ODC may seek to impose discipline for misconduct, including violation of Pa.R.D.E. 203(b)(7).

74. Respondent received ODC's letter of March 13, 2012.

75. To date, Respondent has failed to respond to the DB-7.

76. By letter dated November 16, 2012, ODC sent Respondent a DB-7A Supplemental Request for Respondent's Position (DB-7A), alleging, *inter alia*, that Respondent misappropriated funds that should have been paid to the Executor and the Department of Revenue.

77. The DB-7A provided that "[a]ll notices, advice and admonitions contained in the previous letter dated February 9, 2012 apply hereto and are incorporated herein by reference...."

78. Respondent received the DB-7A on November 17, 2012.

79. Respondent failed, without good cause, to respond to the DB-7A.

80. By his conduct as alleged in Paragraphs 71 through 79 above, Respondent violated the following Rule of Disciplinary Enforcement:

A. 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 or supplemental request under Disciplinary Board Rules, § 87.7(b)

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

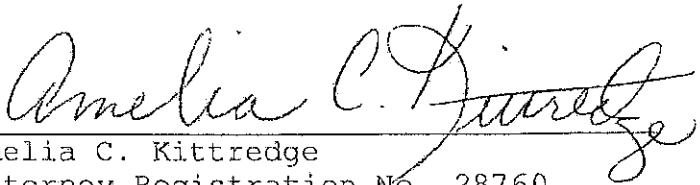
WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,  
Chief Disciplinary Counsel

BY:

  
Amelia C. Kittredge  
Attorney Registration No. 28760  
Disciplinary Counsel  
Suite 170  
820 Adams Avenue  
Trooper, PA 19403

VERIFICATION

The statements contained in the foregoing Petition for 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.

1-24-13

Date

  
Amelia C. Kittredge  
Disciplinary Counsel