

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1024, Disciplinary Docket No. 3
Petitioner	:	Supreme Court
	:	
v.	:	No. 200 DB 2003 – Disciplinary Board
	:	
BRENT ERIC PECK	:	Attorney Registration No. 65218
Respondent	:	(Fayette County)

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

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

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On December 16, 2003, Office of Disciplinary Counsel filed a Petition for Discipline against Respondent, Brent Eric Peck. The Petition charged Respondent with

multiple violations of the Rules of Professional Conduct with respect to his handling of funds entrusted to him by a client. Respondent filed an Answer to Petition on February 21, 2004.

A disciplinary hearing was held on May 18, 2004, before a District IV Hearing Committee comprised of Chair Sheila M. Ford, Esquire, and Members Marion Laffey Ferry, Esquire, and James T. Marnen, Esquire. Respondent appeared pro se.

The Committee filed a Report on November 30, 2004, finding that Respondent violated the Rules as charged in the Petition for Discipline and recommending that Respondent be disbarred.

On December 12, 2004, Respondent filed a Request for a 30 day extension to file Exceptions. This Request was denied by the Board Chair on December 23, 2004.

No Briefs on Exceptions were filed by the parties.

Respondent filed a Petition to Reopen Record on January 10, 2005. Petitioner filed an Answer to Petition on January 13, 2005.

Craig E. Simpson, Esquire, entered his appearance as counsel for the Respondent at the time he filed the Petition to Reopen Record.

The Petition to Reopen Record was considered by the Disciplinary Board at the meeting on January 19, 2005. By Order and Opinion of the Board issued on March 29, 2005, the Petition to Reopen Record was denied. The Board further recommended to the Supreme Court that Respondent be suspended for a period of five years.

Respondent filed a Petition for Review on April 29, 2005.

Petitioner filed an Answer to Petition for Review on May 9, 2005.

By Order of the Supreme Court dated July 7, 2005, the matter was remanded to the Hearing Committee to reopen the record for 60 days to permit additional evidence of Respondent's substance abuse.

A remand hearing was held on September 1, 2005, before the Hearing Committee. Petitioner and Respondent stipulated that Respondent's May 3, 2005 conviction for a violation of 75 Pa. C.S. A. § 3731 for driving under the influence of alcohol or controlled substance would be consolidated with the matter on remand for the consideration of the Hearing Committee. The Committee heard evidence with respect to the DUI, but reserved its decision on the propriety of the consolidation.

Following the submission of briefs by the parties, the Committee filed a Report on February 24, 2006 and recommended that Respondent receive a three year stayed suspension and three years of probation.

Petitioner filed a Brief on Exceptions on April 3, 2006.

Respondent filed a Brief on Exceptions on April 20, 2006.

This matter was adjudicated by the Disciplinary Board at the meeting on May 10, 2006.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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 Rules.

2. Respondent, Brent Eric Peck, was born in 1966 and was admitted to practice law in the Commonwealth in 1992. He maintains his office at Suite 2-A, 21 West Fayette St., Uniontown PA 15401. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has a prior history of discipline consisting of two private reprimands in 2003.

4. On April 10, 2002, Philip A. Luccioni consulted with Respondent in regard to defending him against charges of simple assault and harassment. The alleged victim was Terrance K. Springer.

5. Respondent agreed to represent Mr. Luccioni and to appear on his behalf at a preliminary hearing scheduled for April 11, 2002 before District Justice Deborah Kula in Magisterial District 14-2-02.

6. At the first consultation on April 10, 2002, Mr. Luccioni and Respondent agreed that Respondent would represent Mr. Luccioni relative to the criminal action

brought against him, although they did not discuss the attorney fees to be charged beyond Mr. Luccioni inquiring about fees and Respondent suggesting they discuss fees at a later time.

7. Mr. Luccioni and Respondent attended the hearing on April 11, 2002, as did the victim, Mr. Springer, and Fayette County Assistant District Attorney Phyllis A. Jin.

8. Ms. Jin, Mr. Springer, Mr. Luccioni and District Justice Kula agreed on April 11, 2002 that the criminal action would be dismissed pursuant to Pa.R.Crim. P. 546 upon Mr. Luccioni's payment to Mr. Springer of restitution in the sum of \$2,704.66, amounting to all medical expenses and lost wages, which payment would be made on or before June 6, 2002.

9. On May 8, 2002, Mr. Luccioni hand delivered a bank check payable to Respondent to Respondent's office at which time Respondent's representative accepted delivery. Respondent was not present at that time. The check was signed by Mr. Luccioni, it was drawn on a bank account owned by Mr. Luccioni and his wife, it was made payable to Respondent, and it was dated May 8, 2002, but the amount of the check was not entered by Mr. Luccioni, as neither he nor Respondent's representative knew the amount that was to be entered.

10. On or about May 14, 2002, Respondent contacted Assistant District Attorney Jin to ascertain that Mr. Springer demanded cash in payment of his medical expenses and lost wages. Respondent then entered the amount of \$2,704.66 on the check and cashed it.

11. One week after Mr. Luccioni delivered the check to Respondent's office, he telephoned Respondent and inquired as to whether he had done all that was necessary. Respondent informed Mr. Luccioni that nothing else was required of him, that he deposited the check in an escrow account, and that "everything was taken care of". Later the canceled check was returned to Mr. Luccioni, the amount being identical to the amount of restitution to be paid to Mr. Springer.

12. Respondent did not deposit Mr. Luccioni's check, nor did he maintain an escrow or trust account at the time of his representation to Mr. Luccioni that he had deposited the check into an escrow account.

13. Respondent was to ensure that payment of the \$2,704.66 was made to or for the benefit of Mr. Springer on or before June 6, 2002. Respondent informed Mr. Luccioni that for these reasons it was not necessary for Mr. Luccioni to attend the hearing.

14. Payment of \$2,704.66 was not made by Respondent to or for the benefit of Mr. Springer before June 6, 2002.

15. The June 6, 2002 hearing was scheduled to commence at 8:30 a.m. Neither Mr. Luccioni nor Respondent attended the hearing. Mr. Springer called Mr. Luccioni and informed him of the nature of the situation.

16. Mr. Luccioni telephoned District Justice Kula's office and spoke with Attorney Jin, who told him that Mr. Springer had not been paid. Respondent was called by the District Justice's office and asked to appear there to discuss the nonpayment to Mr. Springer.

17. Mr. Springer demanded an additional \$300 for his lost wages for June 6, 2002 and Mr. Luccioni gave him a check from his own bank account payable to Mr. Springer in the amount of \$3,004.66 signed by Mr. Luccioni.

18. The June 6, 2002 hearing was rescheduled for June 13, 2002 against the possibility of insufficient funds being in the bank account from which Mr. Luccioni withdrew the money to pay Mr. Springer; however, the check cleared Mr. Luccioni's account and the June 13, 2002 hearing was canceled and the criminal counts dismissed.

19. Mr. Luccioni demanded of Respondent that the two of them go to Respondent's bank that afternoon to obtain funds with which Respondent would pay Mr. Luccioni. Respondent said he was unable to do so because of his schedule and asked Mr. Luccioni to go to Respondent's office on June 7, 2002 for payment.

20. Respondent did not meet Mr. Luccioni at his office on June 7, 2002 as agreed and thereafter Mr Luccioni attempted on a dozen occasions to meet with and obtain payment from Respondent, to no avail.

21. Mr. Luccioni initiated a civil action against Respondent and obtained a default judgment in the amount of \$3,388.16 on March 12, 2003. He commenced execution against Respondent's assets and Respondent paid Mr. Luccioni what he owed him.

22. On May 16, 2003, Respondent gave Mr. Luccioni a cashier's check in the amount of \$3,388.16, which amount was comprised of the \$3,004.66 paid by Mr. Luccioni

on June 6, 2002, as well as extra fines paid to Mr. Springer and court costs associated with the civil suit brought by Mr. Luccioni against Respondent.

23. No payment of funds by Mr. Luccioni to Respondent was intended as payment for legal services or reimbursement of payment for legal services.

Supplemental Findings of Fact

24. Respondent offered evidence of his alcohol and drug use and abuse.

25. Respondent first used alcohol and illegal drugs as a teenager. While attending college he excessively used alcohol and marijuana; he also first used cocaine while in college, as well as LSD and "mushrooms".

26. Respondent attended law school between 1989 and 1992, during which time he used alcohol on weekends and occasionally during the week. While he did not use cocaine at law school, he used it on vacation from law school.

27. After his admission to the bar, Respondent used alcohol and cocaine on a consistent basis, and by 2001 or 2002, he was using both substances nearly every day. Respondent spent approximately \$200 to \$300 a day to fund his cocaine use.

28. Over time Respondent's relations with family and friends deteriorated, as did his ability to practice law.

29. By the late 1990's Respondent understood he was a drug addict and resolved to stop using cocaine, but found he was unable to do so. Friends and family members confronted him about his problem.

30. In the late 1990's Respondent's sister, Colleen Zielinsky, recommended a substance abuse therapist to Respondent, who attended three or four sessions with that therapist, then discontinued treatment.

31. In September of 2003, Respondent was seen on three occasions by a second substance abuse therapist recommended by a family member, but discontinued that treatment.

32. Respondent's physical health suffered during late 2001 to 2002. He had difficulty sleeping and eating, lost about 40 pounds of weight over several months, and was suicidal and experienced hallucinations.

33. On May 18, 2003, Respondent was involved in a motor vehicle accident while under the influence of alcohol and cocaine and he was subsequently charged with DUI with respect to the use of alcohol and with a summary offense.

34. On January 27, 2004, Respondent was admitted into an Accelerated Rehabilitative Disposition program with respect to the DUI and summary charge.

35. On April 19, 2004, Respondent tested positive for cocaine.

36. On May 20, 2004 a petition to remove Respondent from the ARD program was filed, which was based on multiple violations of the order placing him in the program: (a) failing to attend Alcohol Safe Driving School; (b) failing to notify his probation office of his being charged with simple assault and harassment arising out of an April 24, 2004 incident; (c) being charged with the commission of criminal offenses as a result of the April 24, 2004 incident; (d) testing positive for cocaine on April 19, 2004; and (e) making no

payment with respect to the fees and costs associated with the proceedings that led to his admission to the ARD program.

37. On August 12, 2004 Respondent was removed from the ARD program by court order and on May 3, 2005, he pleaded guilty to the DUI offense. The summary charge was nolle prossed.

38. On August 20, 2005 Respondent was sentenced to 48 hours to 23 months in the county jail with credit for his inpatient stay at Mountainside Lodge, a residential inpatient substance dependence treatment center located in Canaan, Connecticut, from and including June 13, 2004 through July 4, 2004. Respondent was placed on immediate parole.

39. Respondent was an inpatient at Mountainside for treatment of cocaine dependence. He has not used cocaine or alcohol since June 13, 2004.

40. Respondent was under the influence of alcohol and cocaine at the time of the initial disciplinary hearing held in Pittsburgh on May 18, 2004.

41. At the September 1, 2005 hearing on remand Respondent testified that he inaccurately and dishonestly testified in several respects at the May 18, 2004 hearing: (a) he testified he had no dependents when in fact he had a minor daughter; (b) he testified that he did not have a substance abuse problem when in fact he had such a problem; (c) he testified that he had never received treatment for a substance abuse problem when in fact he had received treatment; and (d) he testified that the money

entrusted by Philip Luccioni to him was at all times kept in an office lockbox, when in fact Respondent had used the money to purchase cocaine.

42. At the September 1, 2005 hearing Respondent sincerely apologized for his false testimony at the May 18, 2004 hearing.

43. Respondent first consulted Deborah S. Molchan on January 11, 2005 at the suggestion of his attorney in the disciplinary matter. Ms. Molchan is a licensed psychologist and was the first therapist Respondent saw following his discharge from Mountainside on July 4, 2004.

44. Respondent was unable to see a therapist until January 2005 because he could not afford to pay the fees associated with such services and he had no insurance coverage. Respondent's brother is helping to pay for Ms. Molchan's services.

45. Ms. Molchan testified at the September 1, 2005 hearing as an expert witness for Respondent.

46. Respondent has consulted with Ms. Molchan on fifteen occasions between January 11, 2005 and the hearing on September 1, 2005.

47. Ms. Molchan became familiar with Respondent's medical history as regards his cocaine dependence by reviewing his treatment records and talking to him.

48. During the approximately two years prior to his admission to Mountainside on June 13, 2004, and possibly before that time, Respondent was in the late stages of cocaine dependence. His use of cocaine became chronic; he had to use it daily to avoid severe withdrawal symptoms. Respondent was also alcohol dependent.

49. Respondent's cocaine addiction and alcohol addiction were a strong causal factor in his misconduct with respect to his client Philip Luccioni. Respondent took the funds to finance his cocaine addiction. These addictions were also responsible for his being charged with DUI as a result of the May 18, 2003 motor vehicle accident, his being removed from the ARD program and his conviction by plea of guilty on May 3, 2005.

50. Ms. Molchan opined that Respondent's addiction rendered him incapable of functioning as a lawyer during the relevant times of his misconduct.

51. Ms. Molchan prescribed treatment for Respondent, which has been effective: (a) attending at least five AA or NA meetings per week and daily contact with his sponsor; (b) learning affect regulation regarding identifying his feelings and managing them; (c) reading a text on coping with harmful events in one's life; and (d) cognitive behavioral therapy.

52. The necessary future treatment of Respondent includes maintaining his contact with AA and NA and continuing therapy with Ms. Molchan for at least six months to one year.

53. Ms. Molchan gave Respondent a positive prognosis for continued sobriety as long as he continues to adhere to the treatment plan.

54. Respondent attends AA or NA approximately once per day.

55. Keith Conn became Respondent's first sponsor with AA and NA within several weeks of his discharge from Mountainside and he remained Respondent's sponsor until April 2005, when Gary Gibson became his sponsor.

56. Mr. Conn described Respondent's commitment to sobriety as "above and beyond". He has never observed Respondent to be anything but sober.

57. Colleen Zielinsky is Respondent's sister. She has observed a noticeable change and improvement in Respondent due to his sobriety.

58. Respondent expressed sincere remorse for using his client's money and for the embarrassment he caused the profession.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.

2. RPC 1.15(a) – A lawyer shall hold property of a client or third person that is in a lawyer's possession in connection with a representation separate from the lawyer's own property.

3. RPC 1.15(b) – 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. 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.

4. RPC 8.4(c) – It is professional misconduct for lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

5. Pa.R.D.E. 214(i) – A “serious crime” is one punishable by imprisonment for one year or upward.

6. Pa.R.D.E. 203(b)(1) – Conviction of a serious crime which under Enforcement Rule 214 may result in suspension is an independent ground for discipline.

7. The Board authorizes and approves the manner in which Respondent’s DUI matter was sent to the Hearing Committee and the consolidation of the DUI matter with the discipline matter previously before the Committee.

8. The Board approves the authority of Hearing Committee 4.05 to hear the matter concerning Respondent’s DUI, which was presented to the Committee by stipulation of the parties, even though the terms of Members Sheila M. Ford and Marion Laffey Ferry expired prior to the execution of the stipulation on August 30, 2005.

9. Respondent met the Braun standard by proving, with clear and convincing evidence, that his cocaine and alcohol addiction caused his misconduct.

10. Respondent is entitled to mitigation pursuant to Office of Disciplinary Counsel v. Braun, 553 A.2d 894 (Pa. 1989).

IV. DISCUSSION

This matter originally came before the Board in January 2005 on a Petition for Discipline charging Respondent with mishandling of a client’s monies. In its consideration

of the matter, the Board determined that Respondent misused entrusted funds by failing to make proper distribution of the monies. The Board at that time rejected Respondent's request to reopen the record to put forth evidence of his cocaine addiction and its causal effect on his misconduct. Furthermore, the Board recommended that Respondent be suspended for five years due to the severity of his actions. The Board filed a Report with the Supreme Court on March 29, 2005 recommending a five year suspension, along with its Opinion that the record should not be opened to allow Respondent's evidence on cocaine addiction. By Order of the Supreme Court dated July 7, 2005, the matter was remanded to the Board to permit Respondent to present evidence of his substance abuse problem and the causal connection between such impairment and his misconduct. Such evidence having been presented to the Committee, this matter is now ripe for disposition.

Respondent was entrusted with a sum of money on behalf of his client. The money was to be used to make restitution to a third person. Respondent misrepresented to the client that the money was held in trust, when in fact Respondent later admitted that he used the money to purchase cocaine. Respondent did not make timely distribution of the funds, as he was required to do. Due to Respondent's failure to properly dispose of the monies, Respondent's client was forced to make a second payment of the restitution amount in order to avoid criminal prosecution. Respondent did not surrender the funds to his client until approximately one year later. In addition to the misconduct present in the Luccioni matter, Respondent was convicted of DUI. The parties stipulated to the facts of the matter, which affords an independent basis for discipline.

Respondent does not deny his misconduct, but contends that he was addicted to cocaine during the time frame in question and such addiction caused his misconduct. Office of Disciplinary Counsel v. Braun, 553 A.2d 894 (Pa. 1989). Respondent related his history of drug use and abuse and its increasing presence in his life so that prior to his sobriety in June 2004 he was spending \$200 to \$300 every day to satisfy his cocaine habit. His life was in turmoil, both personally and professionally, and his health was poor. Respondent was arrested for DUI in May 2003 and admitted into ARD. However, a petition to remove Respondent from the program was filed on May 20, 2004 based on multiple violations. During this same time period Respondent was the subject of the instant disciplinary proceedings. On the day of the hearing on May 18, 2004, Respondent used cocaine and alcohol. The filing of the petition for removal from ARD as well as the disciplinary hearing on May 18 provided the impetus for Respondent to get help. He entered inpatient treatment at a facility in Connecticut, remaining there from June 13, 2004 to July 4, 2004. Respondent has been sober since June 13, 2004.

Respondent presented the expert testimony of Deborah S. Molchan, a licensed psychologist and his treating therapist. Ms. Molchan described Respondent as being addicted to cocaine and alcohol, based on her review of Respondent's treatment records and discussions with him. Respondent was in late stage dependence on cocaine in the last two years before his entry into rehabilitation, in that he had to use cocaine daily in order to avoid the painful symptoms of withdrawal. Ms. Molchan made a causal connection between Respondent's addiction and his misconduct. Respondent's treatment

consists of daily attendance at AA or NA meetings and cognitive behavior therapy. Respondent's prognosis for continued sobriety is positive as long as he adheres to his treatment plan.

The Hearing Committee found that Respondent met the Braun standard and was entitled to mitigation. The Committee's review of the facts of record led it to recommend that Respondent be suspended for three years, with the suspension stayed and probation imposed for three years. Petitioner takes exceptions to the Committee's conclusions and urges the Board to reject the finding that Respondent met his burden of proof as to Braun. Petitioner argues that the chronology of the misconduct and Respondent's level of cocaine dependency at that time do not fit, thus rendering the expert's opinion inapplicable to the time frame of the misconduct. Petitioner argues that Respondent's expert focused on the last two years of Respondent's cocaine use, which spanned the time frame June 2002 through June 2004, while Respondent's misconduct toward Mr. Luccioni was prior to that time frame. Careful examination of the record and the expert's testimony shows that Ms. Molchan referred to an approximate two year time frame of late stage cocaine dependence, at a minimum. Prior to that stage Respondent was clearly addicted to cocaine and progressing through the beginning and middle stages of dependency. Respondent's own testimony refers to his almost daily use of cocaine by 2001 and 2002, the time frame of the misconduct. There is no doubt from the record and from the expert's testimony that Respondent was addicted to cocaine at the time of the

misconduct and it caused his misconduct. Respondent met his burden of proof pursuant to the Braun standard.

Several aggravating factors are present in this matter. Respondent has a prior history of discipline consisting of two private reprimands in 2003. Respondent also admitted that material portions of his testimony at the May 18, 2004 disciplinary hearing were inaccurate. These factors must be balanced against the strong mitigating evidence.

Review of the record and the case law persuades the Board that a suspension of two years is appropriate. In the matter of Office of Disciplinary Counsel v. Keith Acton Halterman, 24 & 120 DB 2001, 655 Disciplinary Docket No. 3 (Pa. Oct. 9, 2003), the respondent was convicted for possession of cocaine and engaged in client neglect and misrepresentation in 10 cases. Although the respondent put forth some evidence of cocaine addiction, the Board determined the evidence was not sufficient to meet the Braun standard. The respondent was suspended for three years. In the instant matter, although Respondent's conduct in failing to properly distribute his client's funds to the third party risked his client's criminal prosecution, the evidence of record demonstrates that Respondent was addicted to cocaine and was not substantially in control of his actions. This is not to say that his conduct should be excused, because clearly it was egregious conduct. However, the record further demonstrates that Respondent is in recovery and has been for two years, he is adhering to his treatment plan by attending

recovery meetings and therapy sessions, and is by all accounts perceived to be a stable person. A two year suspension will emphasize the seriousness of the situation while protecting the public and the integrity of the legal system.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Brent Eric Peck, be suspended from the practice of law for a period of two years.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Robert E. J. Curran, Board Member

Date: August 28, 2006

Board Member O'Connor dissented and would recommend a three year suspension.

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SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1024, Disciplinary Docket No.3
Petitioner	:	Supreme Court
	:	
v.	:	No. 200 DB 2003-Disciplinary Board
	:	
	:	Attorney Registration No. 65218
BRENT ERIC PECK	:	
Respondent	:	(Fayette County)

DISSENTING OPINION

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

I concur with most of the findings of fact of the majority, but disagree with the finding in No. 42 that the Respondent sincerely apologized for his false testimony and the finding in No. 58 that the Respondent has expressed sincere remorse for using his clients' funds and for the embarrassment caused to the profession in light of the facts of this case.

Mr. Peck has a history with the Disciplinary process. In both 2000 and 2001 he took funds that did not belong to him. He repeated his actions in 2002.

While it may be commendable that Mr. Peck is now getting help for his alcohol and cocaine addiction, it does not appear he felt this help was necessary for him to obtain until he realized he may have his license suspended for five years. As such, I believe his motivation, commitment and sincerity is suspect.

This gentleman is a repeat offender. He received two private reprimands while continuing his theft of funds from clients to feed his own personal needs. Seemingly, Mr.

Peck knew what he was doing was wrong. He is a licensed attorney who knowingly used cocaine while abusing alcohol, all the while knowing that his actions violated the law and his professional obligations.

It is only after the hearing committee first recommended that he be disbarred that the message was heard by him.

An apology and an expression of remorse when learning that your license to practice law is going to be revoked is suspect.

A two-year suspension is too short for a person who continued abusing alcohol and by his own admission spent \$200.00 to \$300.00 per day for cocaine.

I respectfully dissent from the majority and would recommend a three-year suspension which is more in line with the severity of the acts committed.

Respectfully submitted,

By: _____
Francis X. O'Connor, Member of the
Disciplinary Board of the Supreme
Court of Pennsylvania

Date: August 28, 2006

ORDER

PER CURIAM:

AND NOW, this 20th day of December, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board and Dissenting Opinion dated August 28, 2006, the Petition for Review and response thereto, it is hereby

ORDERED that Brent Eric Peck be and he is suspended from the Bar of this Commonwealth for a period of two years, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.