

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2237 Disciplinary Docket No. 3
: :
Petitioner : No. 3 DB 2016
: :
v. : Attorney Registration No 81649
: :
DALE ROBERT WILES, : (Lehigh County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 2nd day of May, 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 Dale Robert Wiles is suspended on consent from the Bar of this Commonwealth for a period of five years, retroactive to January 26, 2016. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 05/02/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

In the Matter of	:	No. 2237 Disciplinary Docket No. 3
DALE ROBERT WILES	:	(United States District Court for the Eastern District of Pennsylvania, CR-15-00561)
	:	No. 3 DB 2016
	:	Attorney Registration No. 81649
	:	(Lehigh County)

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

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Dana M. Pirone, Disciplinary Counsel, and Respondent, Dale Robert Wiles (hereinafter, "Respondent"), by and through his counsel, Ellen C. Brotman, Esquire, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and respectfully represent:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Ave., Suite 2700, P.O. Box 62485, Harrisburg, PA 17106 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. Respondent, Dale Robert Wiles, was born on March 13, 1968, and was admitted to practice law in the Commonwealth of Pennsylvania on June 1, 1998. Respondent's attorney registration number is 81649.

FILED 04/03/2019 The Disciplinary Board of the Supreme Court of Pennsylvania

2. On January 7, 2016, Petitioner and Respondent filed with the Supreme Court of Pennsylvania a Joint Petition to Temporarily Suspend an Attorney.

3. By Order dated January 26, 2016, the Court granted the Joint Petition to Temporarily Suspend an Attorney, placed Respondent on temporary suspension and referred the matter to the Disciplinary Board Pursuant to Rule 214(f)(1), Pa.R.D.E.

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

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

5. On November 30, 2015, Respondent appeared before the Honorable Juan R. Sanchez and entered a same-day guilty plea to a one-count Information filed by the federal government in *United States of America v. Dale Wiles*, Case No. CR-15-00561 (E.D.Pa.) for conspiracy to commit mail and wire fraud in violation of 18 U.S.C. § 1349 involving political corruption in the award of a municipal contract to campaign donors of an elected official in the City of Allentown (the "City").

6. The political corruption detailed in the Information involved Mayor Ed Pawlowski's decision to steer the City's 2014 revenue contract for the collection of delinquent municipal real estate taxes to Northeast Revenue Services, a law firm that had been a significant donor to his mayoral campaign and could influence others to support his future gubernatorial campaign.¹

7. Respondent was an Assistant City Solicitor at the time of the conspiracy.

8. Respondent was the first defendant to plead guilty for his role in rigging the request for proposals (RFPs) and steering the revenue committee's recommendation of the City's

¹ Mr. Pawlowski is identified in the Information as Public Official #3. He was sentenced to up to 15 years of incarceration after a jury found him guilty of 47 charges of corruption.

2014 revenue contract for the collection of delinquent real estate taxes to Northeast Revenue Services, instead of to the existing contract holder, Portnoff Associates.

9. Garret Strathearn, the City's Finance Director, also participated in the conspiracy.²

10. The Information alleged that:

- a) Respondent's duties as an Assistant City Solicitor included coordinating the outsourcing of municipal projects to attorneys in the private sector, including the revenue contract for collecting delinquent real estate taxes and municipal claims;
- b) In November 2013, Respondent was instructed by several public officials to form a revenue committee in order to solicit and evaluate RFPs from potential contractors for the award of the 2014 revenue contract;
- c) Respondent was informed that he would serve on the revenue committee;
- d) Respondent published the RFP for the 2014 revenue contract providing that the City would evaluate the proposals and would select a winner based on the one that would be most advantageous to the City;
- e) Respondent agreed with the RFP for the 2014 revenue contract;
- f) Public Official No. 3 [Mr. Pawlowski] did not want the 2014 revenue contract to be awarded to Law Firm #2 [Linebarger Goggan Blair & Sampson, LLP] even though it best met the RFP requirements;
- g) Public Official No. 3 [Mr. Pawlowski] and Public Official No. 4 [Mr. Strathearn] devised a plan to prevent the revenue committee from officially recommending Law Firm #2 [Linebarger Goggan Blair &

² Mr. Strathearn was sentenced to probation for five years.

officially recommending Law Firm #2 [Linebarger Goggan Blair & Sampson, LLP] by altering the RFP selection process and replacing some of the members of the revenue committee with members who would support the Partnership [Northeast Revenue Services];

- h) Respondent agreed with his codefendants to manipulate the award process by altering the terms of the proposal submitted by the Partnership [Northeast Revenue Services], making it seem that the Partnership had earned the 2014 revenue contract on the merits and had earned a higher score than the “other finalist” [Linebarger Goggan Blair & Sampson, LLP] in the final round; and
- i) After the City awarded the 2014 revenue contract to the Partnership, Respondent agreed with his codefendants to conceal the score sheets and other records of the revenue committee from being produced in response to two federal grand jury subpoenas and in response to two separate inquiries from the FBI.

11. Respondent faced a maximum sentence of 18 months in prison and an advisory range under the sentencing guidelines of eight to fourteen months of incarceration.

12. On January 25, 2017, the Government filed a Motion for Downward Departure from Guideline Sentencing Range (the “Motion”) based on Respondent’s substantial assistance in the investigation and prosecution of others involved in the conspiracy.

13. On November 28, 2018, Judge Sanchez granted the Motion before immediately sentencing Respondent.

14. Despite the Government's recommendation for Respondent to receive a three-month period of incarceration, Respondent was sentenced to one day of incarceration, supervised release for a term of three years and confinement to his residence for the first three months with electronic monitoring. Respondent was fined \$3,000.00 and ordered to perform one hundred hours of community service as directed by his Probation Officer.

15. Respondent has paid all monetary penalties as part of the judgment of conviction.

16. Respondent's conviction for conspiracy to commit mail and wire fraud constitutes an independent basis for discipline, pursuant to Rule 203 (b)(1), Pa.R.D.E.

**SPECIFIC RULES OF PROFESSIONAL CONDUCT AND
RULES OF DISCIPLINARY ENFORCEMENT VIOLATED**

Respondent violated the following Rule of Disciplinary Enforcement and Rules of Professional Conduct:

- A. **Pa.R.D.E. 203(b)(1)**, which provides that conviction of a crime shall be grounds for discipline;
- B. **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
- C. **RPC 8.4(c)**, which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

17. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's misconduct is a suspension for five years, retroactive to January 26, 2016, which takes into consideration the extensive factors in mitigation (identified in Paragraph 20) and the

aggravating factor that he engaged in misconduct while serving in a position of public trust. *ODC v. Cappuccio*, 48 A.3d 1231 (Pa. 2012).

18. 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 Pa.R.D.E. 215(d), stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. Rule 215(d)(1) through (4).

19. In support of Petitioner and Respondent's joint recommendation, the significant factors in mitigation are:

- a) Respondent showed remorse for his crime by being the first defendant to plead guilty in the conspiracy with ex-mayor Ed Pawlowski;
- b) Respondent cooperated with the Government and waived indictment;
- c) Respondent provided truthful and reliable information regarding his own culpability in the charged scheme;
- d) Respondent provided valuable information to the Government regarding other public officials who were involved in the conspiracy;
- e) Respondent's cooperation with the Government persuaded Judge Sanchez to sentence Respondent to serve one day in prison, contrary to the maximum sentence of 18 months and an advisory range of eight to fourteen months incarceration under the sentencing guidelines;
- f) Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Rule of Disciplinary Enforcement;

- g) Respondent agreed to be placed on temporary suspension as evidenced by his participation in the filing of a Joint Petition to Temporarily Suspend an Attorney;
- h) Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his cooperation with Petitioner and his consent to receiving a five-year suspension; and
- i) Respondent has no record of discipline.

20. A suspension of five years has been imposed by the Supreme Court in criminal conviction cases involving political corruption. In *Office of Disciplinary Counsel v. Eilberg*, 441 A.2d 1193 (Pa. 1982), the Court suspended Eilberg for a period of five years after he pled guilty to the unlawful receipt of compensation to a member of Congress. While serving in Congress and sitting on the House Appropriations Committee, Eilberg used his public position to influence clients to retain his services as their attorney or his law firm in order to receive federal appropriations. As a partner, Eilberg received a share of all fees paid to the law firm including fees received from clients who had received federal appropriations. Despite the criminal conviction, Eilberg maintained in the disciplinary proceeding that another attorney in his firm was to blame for "the accounting error." In *Office of Disciplinary Counsel v. Rhonda McCullough Anderson*, 156 DB 2007 (2007), the Court suspended Anderson for a period of five years, rejecting the Board's recommendation for a suspension of three years, for her conviction of one count of mail fraud involving the public corruption of Philadelphia Assistant Treasurer, Corey Kemp. At Mr. Kemp's suggestion, Ms. Anderson started an asset locator business for unclaimed property, including unclaimed Philadelphia Municipal Bonds, for which he requested and received 35% of Ms. Anderson's earnings.

21. A five year suspension has also been imposed when a criminal conviction involves conspiracy and fraudulent conduct. In *Office of Disciplinary Counsel v. Herbert P. Henderson, II*, 7 DB 2012 (2015), the Court granted a Joint Petition in Support of Discipline on Consent for a five-year suspension to be made retroactive to the date Mr. Henderson was temporarily suspended. Mr. Henderson pled guilty for conspiring with his employer, Kenneth G. Reidenbach, Esquire,³ to conceal property in bankruptcy and to commit bankruptcy fraud, among other charges having to do with fraud in a bankruptcy estate. Mr. Henderson was sentenced to six months incarceration. In *Office of Disciplinary Counsel v. Marc D. Manoff*, 10 DB 2011 (2013), the Court granted a Joint Petition in Support of Discipline on Consent for a five-year suspension to be made retroactive to the date Mr. Manoff was temporarily suspended. Mr. Manoff pled guilty to one count of conspiracy to commit securities fraud and two counts of securities fraud involving a scheme to manipulate share prices of thinly traded “pink sheet” stocks in exchange for stock, which would be sold to targeted brokers, and cash. After artificially inflating the stock price, Mr. Manoff and his co-defendants would sell their shares in order to reap a substantial profit. In *Office of Disciplinary Counsel v. Glori Alisha Kasner*, 51 DB 2011 (2013), Ms. Kasner was suspended for five years for her conviction of two counts of mail fraud. Ms. Kasner had aided and abetted personal injury clients in filing false insurance claims so that they could fraudulently recover personal injury settlements and she would receive fees.

22. Similar to Respondent, Mr. Eilberg, Ms. Anderson, Mr. Henderson, Mr. Manoff, and Ms. Kasner, had no prior discipline, agreed to the entry of an order of temporary suspension, entered guilty pleas for their crimes, cooperated with Office of Disciplinary Counsel and the prosecutors in the criminal cases, accepted responsibility, and showed remorse.

³ Mr. Reidenbach contested his guilt and was sentenced to 33 months incarceration.

23. In sum, the jointly proposed discipline of a five-year suspension is appropriate when considering the specific facts of Respondent's misconduct.

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 five-year suspension, retroactive to January 26, 2016, 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

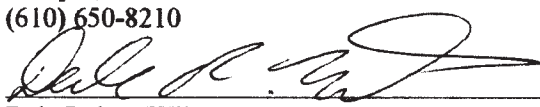
Attorney Reg. No. 20955

Chief Disciplinary Counsel

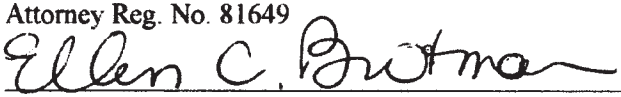
By:


Dana M. Pirone, Esquire
Disciplinary Counsel
Attorney Reg. No. 57221
District II Office
820 Adams Avenue
Suite 170
Trooper, PA 19403
(610) 650-8210

By:


Dale Robert Wiles
Respondent
Attorney Reg. No. 81649


By:


Ellen C. Brotman, Esquire
Counsel for Respondent
Attorney Reg. No. 71775
Brotman Law
One South Broad Street Suite 1500
Philadelphia, Pa 19107
(215) 609-3247


VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d)* 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.


4/3/19
Date


Dana M. Pirone, Esquire
Disciplinary Counsel
District II Office
Attorney Reg. No. 57221

3-22-19
Date


Dale Robert Wiles
Respondent
Attorney Reg. No. 81649

3-27-19
Date


Ellen C. Brotman, Esquire
Counsel for Respondent
Attorney Reg. No. 71775

**BEFORE THE DISCIPLINARY BOARD OF THE
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In the Matter of : No. 2237 Disciplinary Docket No. 3
: :
DALE ROBERT WILES : (United States District Court for the Eastern District
: of Pennsylvania, CR-15-00561)
: :
: No. 3 DB 2016
: :
: Attorney Registration No. 81649
: :
: (Lehigh County)

AFFIDAVIT
UNDER RULE 215(d), Pa.R.D.E.

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF Lehigh :

Dale Robert Wiles, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a five-year suspension in conformity with Pa.R.D.E. 215(d) and further states as follows:

1. He was admitted as an attorney in the Commonwealth of Pennsylvania on or about June 1, 1998.
2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).
3. His consent 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 affidavit.
4. He is aware that there is presently pending a proceeding into allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent

Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

5. He acknowledges that the material facts set forth in the Joint Petition are true.

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 retained, consulted and acted upon the advice of counsel, in connection with his decision to execute the within Joint Petition.

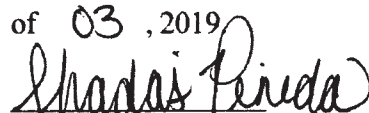
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 22 day of March, 2019.

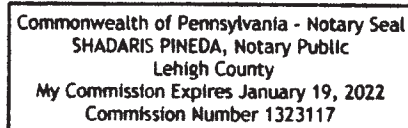


Dale Robert Wiles

Sworn to and subscribed
before me this 22 day
of 03, 2019.



Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2237 Disciplinary Docket No. 3
: :
DALE ROBERT WILES : (United States District Court for the Eastern District
: of Pennsylvania, CR-15-00561)
: :
: No. 3 DB 2016
: :
: Attorney Registration No. 81649
: :
: (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).

First Class Mail, as follows:

Ellen C. Brotman, Esquire
Brotman Law
One South Broad Street, Suite 1500
Philadelphia, PA 19107

Date: 4/3/19

BY: 

Dana M. Pironé
Disciplinary Counsel
District II Office
Attorney Registration No. 57221
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

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: Dana M. Pizme, DC
Signature: [Handwritten Signature]
Name: Dana M. Pizme
Attorney No. (if applicable): 57221