

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2460 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 47 DB 2018
	:	
v.	:	Attorney Registration No. 78076
	:	
	:	(Out of State)
	:	
MICHAEL JOSEPH SAVONA,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 3rd day of December, 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 Michael Joseph Savona is suspended on consent from the Bar of this Commonwealth for a period of five years, retroactive to April 9, 2018. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 12/03/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2460 Disciplinary Docket
: No. 3
Petitioner :
: No. 47 DB 2018
v. :
: Attorney Reg. No. 78076
MICHAEL JOSEPH SAVONA, :
Respondent : (Out of State)

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 Harold E. Ciampoli, Jr., Disciplinary Counsel, and Respondent, Michael Joseph Savona (hereinafter, "Respondent"), through his attorney, Mark B. Sheppard, Esquire, file this Joint Petition in Support of Discipline on Consent Pursuant to 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

FILED
10/22/2019
The Disciplinary Board of the
Supreme Court of Pennsylvania

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 was born on December 29, 1971, and was admitted to practice law in the Commonwealth on November 21, 1996. His attorney registration number is 78076.

3. Respondent's public mailing address is 667 Congress Street, Unit 706, Portland, Maine 04101.

4. On March 23, 2018, Petitioner and Respondent filed with the Supreme Court of Pennsylvania a Joint Petition to Temporarily Suspend an Attorney.

5. By Order dated April 9, 2018, the Supreme Court granted the Joint Petition and placed Respondent on temporary suspension.

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

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

7. From January 2014 through December 2016, Respondent served as Solicitor in Lower Southampton Township, Pennsylvania ("LST").

8. In his role as Solicitor, Respondent was LST'S chief legal advisor.

9. John I. Waltman was a Magisterial District Judge in Bucks County, Pennsylvania and the former chair of the Lower Southampton Republican Committee.

10. Robert P. Hoopes was the Public Safety Director of LST.

11. Robert A. DeGoria was Vice President of Asset Development for Catalyst Outdoor Advertising LLC ("Catalyst"), an advertising company headquartered in Delaware County, Pennsylvania.

12. Beginning in March 2016, DeGoria and Catalyst were seeking to place a two-sided digital advertising billboard in LST.

13. In May 2016, DeGoria sent a term sheet to Respondent in which Catalyst offered LST annual payments of \$48,000.00 over a lease term of approximately 30 years for Catalyst's proposed billboard in LST.

14. On or about November 8, 2016, DeGoria sent a revised term sheet to Respondent in which Catalyst increased its offer to LST to annual payments of \$60,000.00 over a lease term of approximately 30 years for Catalyst's proposed billboard in LST.

15. Beginning about November 8, 2016, DeGoria had discussions with Waltman and Hoopes in which Waltman and Hoopes solicited and agreed to accept bribe payments, concealed as consulting fees, from DeGoria and Catalyst and, as consideration and in exchange for these bribe payments, Waltman and Hoopes would influence actions taken by and on behalf of LST's Board of Supervisors, LST's officers, and Respondent to accept Catalyst's lease offer for its proposed billboard in LST.

16. In several discussions, DeGoria proposed increasing payments to Waltman and Hoopes in exchange for Waltman and Hoopes using their influence to lower Catalyst's annual lease payments to LST for Catalyst's billboard project.

17. On November 16, 2016, Respondent, Waltman and Hoopes had lunch together, at which time they:

- a) discussed DeGoria making concealed bribe payments to Waltman and Hoopes; and
- b) agreed that Catalyst would pay \$10,000.00 in bribes to reduce the cost of the billboards by \$5,000.00 per year for 30 years.

18. At the luncheon meeting on November 16, 2016, Respondent sent a text message to DeGoria, stating "Rob: At lunch with JW. Lower South lease should be for \$55K. Revise and

send me term sheet. \$10K to consultant. Any questions let me know."

19. On November 17, 2016, Respondent had a telephone conversation with Waltman in which:

- a) They discussed DeGoria's payments to Waltman; and
- b) Respondent told Waltman that Respondent would instruct DeGoria to make more than just one single payment of \$10,000.00 to Waltman in exchange for lowering Catalyst's billboard lease payments to LST to \$55,000.00 per year.

20. Confirming the terms of the deal, on November 18, 2016, DeGoria sent Respondent a new billboard lease agreement in which Catalyst offered \$55,020 per year to LST for a lease term of 30 years.

21. Respondent never submitted the proposal to the LST Board and the corrupt deal was never consummated.

22. On December 16, 2016, special agents of the Federal Bureau of Investigation ("FBI") interviewed Respondent in Newtown, Pennsylvania. Respondent was advised during this interview that lying to the FBI was a crime.

23. At the time of the December 16, 2016 interview, the FBI was investigating matters within its federal jurisdiction,

namely: extortion, bribery, and other crimes involving Waltman, Hoopes, and others.

24. During the interview, special agents of the FBI questioned Respondent regarding, *inter alia*, the following matters:

- a) DeGoria's and Catalyst's efforts to place the two-sided digital advertising billboard in LST;
- b) Respondent's discussions with DeGoria and Waltman regarding lease offers by DeGoria and Catalyst's efforts to place the two-sided digital advertising billboard in LST; and
- c) Respondent's discussions with DeGoria and Waltman regarding DeGoria making concealed payments to Waltman.

25. During the December 16, 2016 interview, Respondent knowingly and willfully made materially false statements to the FBI.

26. During the December 16, 2016 interview, Respondent made the following material false statements to the FBI agents: After he learned that DeGoria offered \$55,000 per year to LST for Catalyst's billboard lease and \$10,000 to Waltman, Respondent told Waltman that Respondent could not get involved

any further because DeGoria's offer significantly decreased the amount of money going to LST.

27. In fact, at the time of his false statements to the FBI agents, Respondent then knew that he had told Waltman that Respondent would instruct DeGoria to make more than just a single payment of \$10,000 to Waltman in exchange for lowering Catalyst's billboard lease payments to LST to \$55,000 per year.

28. Respondent later met with the federal investigators and told the truth about his involvement in connection with the lease arrangement between Waltman and Catalyst.

29. On January 30, 2018, an information was filed against Respondent charging him with one count of making false statements in violation of Title 18 USC § 1001.

30. Waltman and Hoopes were charged in a separate second superseding indictment with numerous criminal offenses, including charges relating to the extortion of DeGoria.

31. On March 1, 2018, Respondent and the government entered into a guilty plea agreement in which Respondent agreed to plead guilty to the information, waive prosecution by indictment and cooperate with the government.

32. The maximum statutory sentence for making false statements in violation of Title 18 USC § 1001 is five years imprisonment, a three year period of supervised release, a

\$250,000.00 fine and a \$100.00 special assessment.

33. The advisory sentencing guidelines for Respondent's conviction was zero to six months imprisonment.

34. On July 10, 2019, the government filed a motion for downward departure from guideline sentencing range citing Respondent's significant cooperation with the government investigators.

35. The government recommended a sentence for Respondent that included some condition of confinement, such as in-home detention and community service.

36. On July 22, 2019, the Honorable Judge Gene Pratter sentenced Respondent to probation for a term of 30 months. Respondent was fined \$5,000.00 and ordered to perform 150 hours of community service.

37. Respondent's conviction constitutes an independent basis for discipline, pursuant to Rule 203 (b) (1), Pa.R.D.E.

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

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

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

Pa.R.D.E. 203(b)(1), which states that conviction of a crime is a ground for discipline.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

38. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a five-year suspension retroactive to the date Respondent was placed on temporary suspension.

39. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition and marked Exhibit "A" is Respondent's executed Affidavit required by Rule Pa.R.D.E. 215(d), 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.

40. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that the following mitigating circumstances are present:

- a) Respondent showed remorse and acceptance of responsibility by waiving prosecution by indictment and by pleading guilty to his crime;

- b) Respondent provided significant cooperation to the government. Although he had initially lied to the FBI agents, Respondent later met with the federal investigators and told the truth about his own conduct and provided truthful information about his role and the role of others in negotiating the contract. Respondent's decision to plead guilty and testify against others may have played a role in others pleading guilty;
- c) Respondent has admitted engaging in misconduct and violating the charged Rule of Professional Conduct and Rule of Disciplinary Enforcement;
- d) Respondent requested and agreed to be placed on temporary suspension as evidenced by his participation in the filing of a Joint Petition to Suspend;
- e) 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;
- f) Respondent has no prior record of discipline; and
- g) Respondent has no prior criminal history.

41. The parties agree that the following is an aggravating factor: The nature of Respondent's offense is not limited to lying to federal agents. His efforts aided Waltman and Hoopes, corrupt public officials in Lower Southampton Township. As the solicitor of LST, he injected his legal position into the dishonest arrangement that Waltman and Hoopes were trying to reach, adding to the perception that Waltman controlled official action on the outdoor sign project.

42. Convictions for 18 USC § 1001 have resulted in suspensions ranging from one to two years. See, *ODC v. Abraham A. Hobson, III*, 103 DB 1989 (1991) (two-year suspension); *ODC v. P. Jules Pratt*, 28 DB 1998 (1999) (two-year suspension); *ODC v. John J. Hykel*, 9 DB 2002 (2002) (two-year suspension); *ODC v. Ramon R. Obod*, 37 DB 2001 (2003) (one-year suspension). However, as acknowledged by the parties, this matter has the aggravating factor that it involved public corruption. Similar cases involving this element have resulted in five-year suspensions.

A five-year suspension was imposed for an Assistant City Solicitor convicted of conspiracy to commit mail and wire fraud in violation of 18 U.S.C. § 1349 for his role involving political corruption in the award of a municipal contract to campaign donors of an elected official in the city of Allentown. *ODC v. Wiles*, 3 DB 2016 (2019). In *ODC v. Rhonda McCullough Anderson*, 156 DB 2007 (2007), the Supreme Court rejected a three-year suspension recommendation by the Disciplinary Board, and suspended Anderson for five years. Anderson was convicted of one count of mail fraud involving the public corruption of Philadelphia Assistant Treasurer Corey Kemp. Anderson started, at Kemp's suggestion, an asset locator business for unclaimed property, including unclaimed Philadelphia Municipal Bonds, for which he requested and received 35% of Anderson's earnings.

43. Petitioner and Respondent submit that a five-year suspension, retroactive to the date of temporary suspension, April 9, 2018, is the appropriate resolution based upon the specific facts of this case and an analysis of prior cases involving similar criminal misconduct.

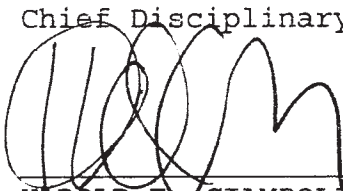
WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), a three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a five-year suspension, retroactive to April 9, 2018, and that Respondent be ordered to pay all necessary expenses incurred in the investigation and prosecution of this matter.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

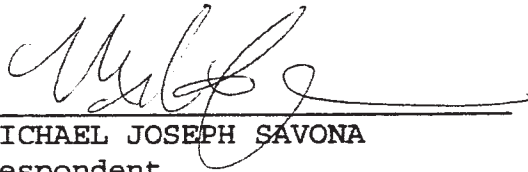
PAUL J. KILLION
Attorney Reg. No. 20955
Chief Disciplinary Counsel

Date: 9/24/19



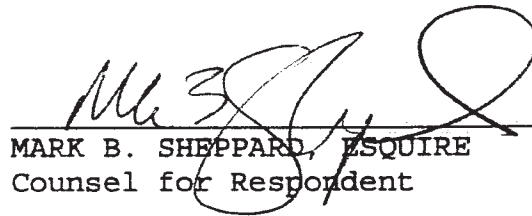
HAROLD E. CIAMPOLA, JR.
Disciplinary Counsel
Attorney Reg. No. 51159
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

Date: 10/7/19



MICHAEL JOSEPH SAVONA
Respondent

Date: 10/15/19

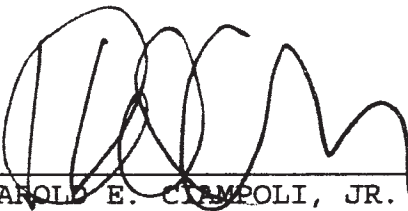


MARK B. SHEPPARD, ESQUIRE
Counsel for Respondent

VERIFICATION

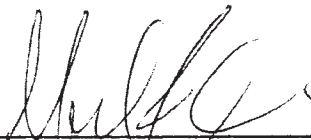
The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d)* are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

9/24/19
Date



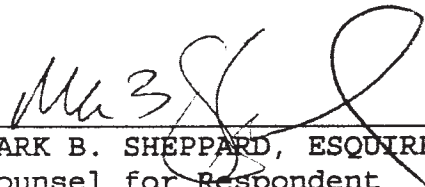
HAROLD E. CIAMPOLI, JR.
Disciplinary Counsel

Date: 10/7/19



MICHAEL JOSEPH SAVONA
Respondent

Date: 10/15/19



MARK B. SHEPPARD, ESQUIRE
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
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MICHAEL JOSEPH SAVONA, :
Respondent : (Out of State)

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

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF MONTGOMERY:

Michael Joseph Savona, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a five-year suspension, retroactive to April 9, 2018, in conformity with Pa.R.D.E. 215(d) and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 21, 1996.

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, Mark B. Sheppard, Esquire, 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 7 day of October, 2019.


Michael Joseph Savona

Sworn to and subscribed

before me this day
of October 7, 2019.


Notary Public

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2460 Disciplinary Docket
: No. 3
Petitioner :
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MICHAEL JOSEPH SAVONA, :
Respondent : (Out of State)

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 and Overnight Mail, as follows:

Mark B. Sheppard, Esquire
Klehr Harrison Harvey Branzburg LLP
1835 Market Street, Suite 1400
Philadelphia, PA 19103
Counsel for Respondent

Dated:

10/22/19



HAROLD E. CIAMPOLI, JR.
Disciplinary Counsel
Attorney Reg. No. 51159
Office of Disciplinary Counsel
District II Office
Suite 170
820 Adams Avenue
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: Office of Disciplinary Counsel

Signature:  _____

Name: Harold E. Ciampoli, Jr.

Attorney No. (if applicable): 51159