

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2028 Disciplinary Docket No. 3
: .
PETER C. IBE : No. 7 DB 2014
: .
: Attorney Registration No. 83769
: .
PETITION FOR REINSTATEMENT : (Out of State)

ORDER

PER CURIAM

AND NOW, this 3rd day of December, 2019, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

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

In the Matter of : No. 2028 Disciplinary Docket No. 3
: :
: No. 7 DB 2014
PETER C. IBE : :
: Attorney Registration No. 83769
: :
PETITION FOR REINSTATEMENT : (Out of State)

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 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order dated June 18, 2015, the Supreme Court suspended Peter C. Ibe for a period of two and one-half years on consent. By Petition dated October 30, 2018, Petitioner seeks reinstatement to the bar of the Supreme Court of Pennsylvania. Office of Disciplinary Counsel filed a response to Petition for Reinstatement on January 31,

2019, stating that its investigation did not reveal specific concerns to oppose the reinstatement.

A District III Hearing Committee (“Committee”) conducted a reinstatement hearing on April 30, 2019. Petitioner represented himself. He presented four witnesses and testified on his own behalf. Petitioner offered Hearing Exhibit 1, which was admitted into evidence. Petitioner attached exhibits to his Reinstatement Questionnaire, which were admitted into evidence. Office of Disciplinary Counsel did not call any witnesses and did not introduce any exhibits.

On May 24, 2019, Petitioner filed a brief to the Committee.

On May 29, 2019, Office of Disciplinary Counsel filed a letter in lieu of brief advising that it did not oppose the reinstatement.

On July 25, 2019, the Committee filed a Report in which it concluded that Petitioner met his reinstatement burden and recommended that the Petition for Reinstatement be granted.

The parties did not take exception to the Committee’s recommendation.

The Board adjudicated this matter at the meeting on October 17, 2019.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Peter C. Ibe, born in 1969 and admitted to practice law in the Commonwealth of Pennsylvania in 1999. Petitioner’s current attorney registration address is 13531 Aston Manor Drive, Apartment G, Silver Spring, Maryland 20904.

2. Following admission to the Pennsylvania bar, Petitioner worked in Erie for one year as a law clerk for Common Pleas Judge E.K. Kelly. Petitioner then briefly located to Washington, D.C., where he worked as a temporary law clerk for several different legal agencies. Petitioner returned to Pennsylvania in 2001 and worked as a law clerk for the Superior Court until 2004. After admission to the District of Columbia bar, Petitioner operated a solo practice in Washington, D.C from 2004 through 2011. Reinstatement Questionnaire ("RQ") No. 2(d).

3. In 2011, Petitioner was stopped in York County, Pennsylvania for a traffic violation while operating a motor vehicle. During the stop, investigating officers discovered four intoxicated passengers, three of whom were minor females, and a loaded, stolen handgun in the trunk of Petitioner's vehicle. The handgun was found in a backpack that belonged to one of the females. Petitioner admitted that he was drinking while driving. RQ Nos. 3 and 4; N.T. 51- 52.

4. In 2013, in the York County Court of Common Pleas, Petitioner entered a guilty plea to Receiving Stolen Property in violation of 18 Pa.C.S.A. § 3926(a), multiple counts of Furnishing Liquor or Malt or Brewed Beverages to Minors in violation of 18 Pa.C.S.A. § 6310.1(a), and other summary offenses. RQ No. 4.

5. Petitioner was sentenced to five years of probation, with a provision for probation termination in three years if he did not violate the terms of his probation. *Id.*

6. Petitioner complied with all terms of his probation and it was terminated after three years. N.T. 54.

7. Petitioner timely reported his conviction to the Disciplinary Board on April 1, 2013. *Id.*

8. By Order dated June 2, 2014, the Supreme Court placed Petitioner on temporary suspension. By Order dated June 18, 2015, the Court suspended Petitioner for a period of two and one-half years.

9. Petitioner has no other professional discipline but for the instant suspension.

10. Petitioner credibly testified on his own behalf.

11. During his testimony, Petitioner apologized directly to the Committee, Office of Disciplinary Counsel, and to the legal community for his misconduct. His apology was sincere and genuine, expressing disappointment in himself and acknowledging that what he did was not a "casual act." N.T. 51.

12. Petitioner acknowledged the wrongfulness of his criminal acts and did not attempt to minimize his culpability. N.T. 52.

13. Petitioner testified he believes he is ready for reinstatement and that he will not commit criminal acts in the future. N.T. 55.

14. Petitioner's legal career is important to him because he struggled to become an attorney. N.T. 56-58.

15. Petitioner acknowledged that his alcohol use contributed to his misconduct, and he made the choice to stop consuming alcohol after the criminal incident. N.T. 63.

16. During his suspension, Petitioner worked in the hospitality and construction industries doing manual labor in order to avoid being identified as a lawyer. N.T. 54-55.

17. Petitioner has been involved in community service for several years, even prior to his suspension, volunteering for a food and clothing distribution organization called Bread for the City in Washington, D.C. During his suspension, Petitioner donated labor and materials to Habitat for Humanity. N.T. 55, 65-67.

18. Petitioner completed thirty-eight hours of continuing legal education and remained current in the law by reading court opinions and law review articles. RQ No. 19.

19. If reinstated, Petitioner plans to start a criminal defense and general civil law practice in either Philadelphia or Pittsburgh. Petitioner has potential contacts in both cities to assist him. RQ No. 18; N.T. 69-70.

20. In addition to his suspension in Pennsylvania, Petitioner was disbarred on consent in Washington, D.C., as a result of his criminal conviction. At this time he is eligible to seek reinstatement in that jurisdiction, but is "taking life one step at a time" and concentrating on reinstatement in Pennsylvania. N.T. 69.

21. During its investigation, Office of Disciplinary Counsel discovered a federal tax lien in Petitioner's name. Petitioner credibly testified that he believed the lien stemmed from an issue with someone else filing his taxes on his behalf, but he agreed that he should have been more diligent when checking that individual's work. N.T. 73.

22. When Petitioner learned of the lien, he immediately began making payments. N.T. 72.

23. Petitioner presented credible testimony from four witnesses.

24. Bashiru Jimoh, Esquire is an attorney licensed to practice in Pennsylvania and Washington, D.C. Mr. Jimoh represented Petitioner in his criminal matter and believes that Petitioner exercised poor judgment in the acts that led to his arrest and conviction. Mr. Jimoh testified that Petitioner's legal knowledge and competence is "way above average." Mr. Jimoh further testified that Petitioner's reputation in the legal community is good, regardless of his criminal conviction. N.T. 9 - 16.

25. Ayanna Kambui, Esquire is a licensed Washington, D.C. attorney. Ms. Kambui testified that Petitioner's criminal incident was "clearly an anomaly" and that she was confused when she heard of the transgression because it was not something she thought Petitioner would do. N.T. 21 - 24.

26. Marco Cabezas, Esquire is a licensed Washington, D.C. attorney. Mr. Cabezas testified that the legal community was "completely surprised" by Petitioner's misconduct. Mr. Cabezas testified that Petitioner told him it was a stupid mistake and he was embarrassed by the event. Mr. Cabezas believed Petitioner was remorseful. N.T. 29 - 33.

27. Dr. Emeka Steve Anyaorah operates a family business providing home health care for Medicaid clients and is Petitioner's longtime family friend. N.T. 40. Dr. Anyaorah testified that he was "so disappointed" when he heard about Petitioner's

criminal incident because “it wasn’t the Peter [he] knew.” NT. 44. Dr. Anyaorah testified that Petitioner was “really very, very remorseful, very disappointed in himself, [and] what happened.” N.T. 45.

28. Petitioner introduced into evidence one letter of reference from Howard Margulies, Esquire, a member of the District of Columbia and Maryland bars. Mr. Margulies vouched for Petitioner’s good character and supports his reinstatement to the Pennsylvania bar. Petitioner’s Hearing Exhibit 1.

29. Office of Disciplinary Counsel does not oppose Petitioner’s reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice of law in this Commonwealth. Rule 218(c)(3), Pa.R.D.E.

2. Petitioner demonstrated by clear and convincing evidence that his resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his suspension for a period of two and one-half years, imposed by the Supreme Court of Pennsylvania on June 18, 2015. Pursuant to Rule 218(a)(1), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania.

Petitioner bears the burden of proving by evidence that is clear and convincing, that he is morally qualified, competent and learned in the law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3). This burden is not light, and reinstatement is not automatic. A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions that gave rise to the lawyer's suspension, but rather, the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. ***Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania***, 363 A.2d 779, 780-781 (Pa. 1976).

We conclude from the evidence of record that Petitioner spent his suspension period engaged in genuine rehabilitation. See ***In the Matter of Danielle M. Ross***, No. 179 DB 2013 (D. Bd. Rpt. 5/10/2016) (S. Ct. Order 6/6/2016); ***In the Matter of Scott Philip Sigman***, No. 43 DB 2012 (D. Bd. Rpt. 7/26/2016) (S. Ct. Order 8/17/2016); ***In the Matter of Robert P. Maizel***, No. 26 DB 2014 (D. Bd. Rpt. 10/15/2018) (S. Ct. Order

11/16/2018). Petitioner met the requirements of Pa.R.D.E. 218(c)(3), by proving that he is morally qualified, competent and learned in the law, and that his reinstatement will not be detrimental to the public or the profession.

The misconduct for which Petitioner was suspended involved Petitioner's criminal conviction for receiving stolen property, multiple counts of furnishing liquor or malt or brewed beverages to minors, and other summary offenses. Petitioner, while operating a motor vehicle, was stopped by police for erratic driving. Investigating officers found four intoxicated females in the vehicle, three of whom were minors. A loaded, stolen handgun was discovered in the trunk of the vehicle, in a back pack belonging to one of the minor females. As a result of his conviction, Petitioner was sentenced to five years of probation. Petitioner fully complied with the terms of his probation and received early release in March 2016.

The record amply demonstrates that Petitioner is morally fit, competent, and learned in in the law. Petitioner apologized profusely and sincerely to the Committee and the profession for his misconduct. Petitioner did not minimize his misconduct and described his shame and embarrassment for engaging in the behavior that led to his conviction. He acknowledged that his alcohol consumption played a significant role in his misconduct, and as a result, Petitioner determined of his own volition to refrain from consuming alcohol. There is no doubt that Petitioner sincerely regrets his misconduct. Petitioner convincingly assured the Committee and now this Board that the conduct that caused his suspension is not characteristic of the person he is, and his prior wrongdoing will not be repeated in the future.

During his suspension, Petitioner maintained regular employment in the hospitality and construction industries, purposely taking jobs that would not promote the appearance that he was wrongfully engaged in practicing law. Petitioner addressed a tax lien that Office of Disciplinary Counsel discovered during its investigation of Petitioner's reinstatement request. As soon as the issue was brought to his attention, he immediately commenced making payments on the lien.

Petitioner maintained his currency in the law during suspension by completing the requisite hours of Continuing Legal Education and reading legal periodicals and court opinions in his areas of interest. If reinstated, Petitioner intends to practice criminal and civil law in either Pittsburgh or Philadelphia, utilizing contacts he has in those cities to build a practice.

Petitioner's four witnesses offered credible testimony to demonstrate that Petitioner has truly learned from his experiences, has made positive changes in his life, and is a moral, competent, hard-working individual whose reinstatement will not present a danger to the public or harm the integrity and standing of the bar. These witnesses shared a high opinion of Petitioner despite his criminal conviction, which they believe was an aberration and not indicative of Petitioner's true character.

Upon the record before us, we conclude that Petitioner has met his burden of proof that his resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar nor subversive of the public interest. Petitioner has demonstrated clearly and convincingly that he is fit to practice law. The Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Peter C. Ibe, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By:


Stefanie B. Porges, Member

Date: 10/28/19