

IN THE SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL, : No. 1393 Disciplinary Docket No. 3
Petitioner :
: :
: :
v. : No. 84 DB 2008
: :
: :
WILLIAM F. DONOVAN, : Attorney Registration No. 6754
Respondent : (Centre County)

ORDER

PER CURIAM:

AND NOW, this 11th day of May, 2009, there having been filed with this Court by William F. Donovan his verified Statement of Resignation dated April 6, 2009, 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 William F. Donovan is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania retroactive to September 15, 2008; 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: May 11, 2009
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1393 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 84 DB 2008
v.	:	
	:	Attorney Registration No. 6754
WILLIAM F. DONOVAN	:	
Respondent	:	(Centre County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

7. In connections with this Federal criminal prosecution, on July 31, 2008, I pled guilty, and on March 26, 2009, I was sentenced in connection with these criminal charges, as more specifically described in the attached "Exhibits A - B;"

8. I acknowledge that I committed the criminal acts set forth in the attached Exhibit A – Criminal Information;

9. I am submitting this resignation because I know and acknowledge my conduct is in violation of the following: Rules of Professional Conduct (hereinafter "RPC") 1.15(a) involving holding 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, and RPC 1.15(b) involving 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 (this RPC 1.15 language was in effect at the time I engaged in my criminal acts); RPC 8.4(b) involving committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and RPC 8.4(c) involving engaging in conduct involving dishonesty, fraud, deceit or misrepresentation;

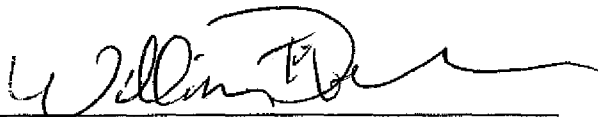
10. I also know and acknowledge that my criminal conviction, in and of itself, constitutes an independent basis for discipline pursuant to Pennsylvania Rule of Disciplinary Enforcement 203(b)(1);

11. By Order of your Honorable Court dated September 15, 2008, my law license was temporarily suspended pursuant to the Joint Request by myself, and the Office of Disciplinary Counsel. I respectfully request that your Honorable Court compute


any Order directing my Disbarment on Consent to be computed retroactively to September 15, 2008.

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 6th day of April, 2009.



William F. Donovan



Alan R. Krier, Counsel for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CR. NO: 1:CR-08-

V.

WILLIAM F. DONOVAN

INFORMATION

COUNT I

THE UNITED STATES OF AMERICA CHARGES THAT:

Beginning on or about 2007, and continuing up through on or about March 2008, in Centre County, within the Middle District of Pennsylvania and elsewhere, the defendant-

WILLIAM F. DONOVAN

an attorney who was the agent of a title insurance company which operated in interstate commerce, while involved in transactions relating to the conduct of insurance businesses whose activities affected interstate commerce, did willfully abstract, purloin, and misappropriate money, funds and property of the insurance business, in excess of \$5,000; namely, approximately \$300,000, entrusted to DONOVAN's custody and care as part of this business.

All in violation of Title 18, United States Code, Sections 1033(b)(1)(B) and (b)(2) and 2.

EXHIBIT

A

Martin C. Carlson
MARTIN C. CARLSON
UNITED STATES ATTORNEY

June 19, 2009
DATE

UNITED STATES DISTRICT COURT

Middle District of Pennsylvania

UNITED STATES OF AMERICA

v.

WILLIAM F. DONOVAN

JUDGMENT IN A CRIMINAL CASE

Case Number: 4:08-CR-257

USM Number: 14210-067

D. Toni Byrd, Esquire

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) one of the information filed on June 19, 2008.

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:USC 1033(b)(1)(B) and (b)(2)	Insurance Crimes in Excess of \$5,000 Affecting Interstate Commerce	12/24/2007	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution the defendant must notify the court and United States attorney of material changes in economic circumstances.

3/26/2009

Date of Imposition of Judgment

Muir
Signature of Judge

MUIR, U.S. DISTRICT JUDGE

Name of Judge

Title of Judge

3/26/2009

Date

FILED
WILLIAMSPORT, PA

MAR 26, 2009

MARY E. D'ANDREA, CLERK
Per *MED*
Deputy Clerk

EXHIBIT

tabbles

B

DEFENDANT: WILLIAM F. DONOVAN
CASE NUMBER: 4:08-CR-257

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Twenty-four (24) months.

I advise you of your right to appeal your sentence to the United States Court of Appeals. If you are unable to pay the cost of an appeal, you may apply for leave to appeal as a poor person, and if approved, counsel will be appointed for you and you will not be required to pay any costs.

The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that William Donovan be designated to the Federal Correctional Institution (FCI) Loretto.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on 4/16/2009

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

the defendant is to contact the United States Marshal's Office no later than three days prior to the above date to be notified of the place of confinement.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

DEFENDANT: WILLIAM F. DONOVAN
CASE NUMBER: 4:08-CR-257

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Three (3) years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional condition on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

DEFENDANT: WILLIAM F. DONOVAN
CASE NUMBER: 4:08-CR-257

ADDITIONAL SUPERVISED RELEASE TERMS

- 1) The defendant shall make any balance of the restitution imposed by this judgment in minimum monthly installments of \$100;
- 2) The defendant shall cooperate in the collection of a DNA sample as directed by the probation officer, unless a sample is collected during imprisonment;
- 3) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment schedule for payment of restitution.
- 4) The defendant shall provide the probation officer with access to any requested financial information.

THE COURT FINDS that the Defendant poses a low risk of future substance abuse, and therefore suspends the mandatory drug testing requirement.

DEFENDANT: WILLIAM F. DONOVAN
CASE NUMBER: 4:08-CR-257

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0.00	\$ 307,208.68

- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(f), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk, U.S. District Court for disbursement to T.A. Title Insurance Company	\$56,271.07	\$56,271.07	
Clerk, U.S. District Court for disbursement to Paul 7 Kelly Fritzsche, a/l/a/ Sedes Sapientia, an S Corporation	\$2,270.15	\$2,270.15	
Clerk, U.S. District Court for disbursement to the Pennsylvania Lawyers Fund for Client Security	\$149,867.46	\$149,867.46	
Clerk, U.S. District Court for disbursement to The Hartford Insurance Company	\$100,000.00	\$100,000.00	
TOTALS	\$ 307,208.68	\$ 307,208.68	

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: WILLIAM F. DONOVAN
CASE NUMBER: 4:08-CR-257

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 307,308.68 due immediately, balance due
- not later than _____, or
 in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The Court finds that the defendant does not have the ability to pay a fine, but he shall make restitution in the amount of \$307,208.68.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.