

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2895 Disciplinary Docket No. 3  
: :  
Petitioner : :  
: : No. 84 DB 2022  
v. : :  
: :  
MANRICO A. TRONCELLITI, JR., : Attorney Registration No. 31545  
: :  
: :  
Respondent : (Montgomery County)

**ORDER**

**PER CURIAM**

**AND NOW**, this 25<sup>th</sup> day of April, 2023, upon consideration of the Verified Statement of Resignation, Manrico A. Troncelliti, Jr. is disbarred on consent from the Bar of this Commonwealth, retroactive to July 1, 2022. See Pa.R.D.E. 215. Respondent shall comply with 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 Nicole Traini  
As Of 04/25/2023

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL,:	No. 2895 Disciplinary Docket
Petitioner	: No. 3
	:
v.	: No. 84 DB 2022
	:
	: Atty. Registration No. 31545
MANRICO A. TRONCELLITI, JR.,	:
Respondent	: (Montgomery County)

**RESIGNATION  
UNDER Pa.R.D.E. 215**

Manrico A. Troncelliti, Jr. ("Respondent") hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is a formerly admitted attorney, having been admitted to the Bar of the Commonwealth of Pennsylvania on March 6, 1980. His attorney registration number is 31545.

2. On June 24, 2022, the Office of Disciplinary Counsel and Respondent filed a Joint Petition for Emergency Temporary Suspension.

3. By Supreme Court Order dated July 1, 2022, Respondent was placed on temporary suspension.

4. Respondent desires to submit his resignation as a member of the Bar of the Commonwealth of Pennsylvania.

FILED 04/04/2023 The Disciplinary Board of the Supreme Court of Pennsylvania
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5. His resignation 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 resignation.

6. He acknowledges that he is fully aware of his right to consult with and employ counsel to represent him in the instant proceeding. He has retained, consulted with and acted upon the advice of counsel, Marc Robert Steinberg, Esq, and William J. Honig, Esquire, in connection with his decision to execute this resignation.

7. He is aware that there is presently pending an investigation into allegations that he is guilty of misconduct in connection with a client matter, the nature of which allegations have been made known to him by service of a DB-7 Letter, Request for Statement of Respondent's Position and Demand for Records, dated April 29, 2022 ("DB-7 Letter"). A true and correct copy of the DB-7 Letter is attached as Exhibit A.

8. He acknowledges that the material facts upon which the disciplinary complaint is predicated, contained in Exhibit A, are true.

9. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in Exhibit A.

10. Respondent cooperated with ODC during its investigation.

11. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

12. He requests that disbarment be made retroactive to temporary suspension. ODC does not oppose. Respondent understands that the Court will decide whether or not to grant retroactivity.

13. He is aware that, pursuant to Enforcement Rule 215(c), the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Board Prothonotary.

14. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c) and (d).

15. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e) (1).

16. He is aware that the waiting period for eligibility to apply for

reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if disbarment is made retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

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

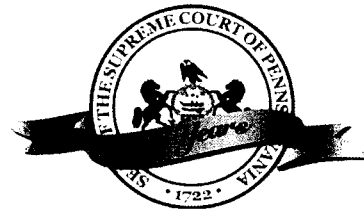
Signed this 30 day of March, 2023.

  
Manrico A. Troncelliti, Jr.

WITNESS: W. H. E.



# EXHIBIT A



## **Your Pennsylvania Bar License Is at Risk.**

**Take Action.** The Office of Disciplinary Counsel of the Pennsylvania Disciplinary Board has opened an investigation into potential ethical violations that you may have committed.

**Disbarment Is a Real Risk.** Over 30 Pennsylvania attorneys are disbarred every year, and even more are suspended from the practice of law. Even if this case does not seem substantial, an adverse finding can be used against you in a future case, increasing your chances of severe discipline.

**Reduce Your Risk.** Share your side of the story and mitigation evidence. Early intervention can minimize the costs of the discipline process. Failure to respond appropriately to a disciplinary investigation can itself be grounds for discipline.

**Do Not Assume You Can Handle This Yourself.** Professional discipline is a complex area of practice, with its own rules of procedure. Experienced counsel can help you navigate the process, provide an objective evaluation, and negotiate a favorable resolution.

**Representation Can Help.** The Office of Disciplinary Counsel has found that attorneys who are not represented during the discipline process are at risk for more severe discipline as compared with attorneys who are represented by counsel.

**Attorneys Are Available to Help You.** In Pennsylvania there is a robust group of attorneys who specialize in professional discipline cases. Contact your local bar association for referral information. Your professional liability insurance may cover some of the cost of representation.

**Thomas J. Farrell**  
Chief Disciplinary Counsel

**Raymond S. Wierciszewski**  
Deputy Chief Disciplinary Counsel

**District II Office**  
820 Adams Avenue  
Suite 170  
Trooper, PA 19403  
(610) 650-8210  
Fax: (610) 650-8213

THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA



**Harold E. Ciampoli, Jr.**  
Disciplinary Counsel-in-Charge

**Disciplinary Counsel**  
Dana M. Pirone  
Krista K. Beatty  
Daniel S. White  
Elizabeth A. Livingston  
Mark F. Gilson

**OFFICE OF DISCIPLINARY COUNSEL**  
[www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)

April 29, 2022

**PERSONAL AND CONFIDENTIAL**

Manrico A. Troncelliti, Jr., Esquire  
Troncelliti Law Associates  
2500 Dekalb Pike Suite 100  
East Norriton, PA 19401  
[rtronce@gmail.com](mailto:rtronce@gmail.com)

Re: Complaint of Artesia D. Fulcher  
File No. C2-21-726

**DB-7 REQUEST FOR STATEMENT OF RESPONDENT'S POSITION AND  
DEMAND FOR RECORDS REQUIRED TO BE MAINTAINED UNDER  
PENNSYLVANIA RULE OF PROFESSIONAL CONDUCT ("RPC") 1.15(c)**

Dear Mr. Troncelliti:

Please be advised that this office has received and is currently considering a complaint against you from Artesia D. Fulcher, 12207 Long Lake Drive, Owings Mills, Maryland, 21117. It is important for you to understand that issuance of this letter means that the complaint has survived this office's initial screening process and that, based upon the information currently available to us, it appears that your alleged conduct may have violated the Pennsylvania Rules of Professional Conduct.

It is also important for you to understand that it is the obligation of our office to develop all information relevant to a complaint, including that information which may justify or exonerate the alleged actions of the respondent-attorney or mitigate the seriousness of any violations that may have occurred. Since this complaint has survived our initial screening process, you should retain or consult with counsel before submitting a statement of your position.

**IT IS IMPORTANT THAT YOU READ THIS DB-7 LETTER IN ITS ENTIRETY. IT CONTAINS THE ALLEGED FACTS OF MS. FULCHER'S COMPLAINT AND A DEMAND FOR RECORDS THAT YOU ARE REQUIRED TO MAINTAIN UNDER RPC**



**1.15(c) AND PENNSYLVANIA RULE OF DISCIPLINARY ENFORCEMENT (“Pa.R.D.E.”) 221(e). THE TIME TO SUBMIT A RESPONSE TO THE SUBSTANTIVE ALLEGATIONS (THIRTY (30) DAYS FROM THE DATE OF THIS DB-7 LETTER) DIFFERS FROM THE TIME TO PRODUCE THE REQUIRED RECORDS (TEN (10) BUSINESS DAYS FROM SERVICE OF THIS LETTER), AND YOU ARE REQUIRED TO PROVIDE THE REQUESTED RECORDS WHETHER OR NOT YOU FILE A STATEMENT OF POSITION TO MS. FULCHER’S COMPLAINT.**

The alleged facts presently under consideration are as follows:

1. At all times relevant hereto, you owned and operated Troncelliti Law Associates with an office located at 2500 Dekalb Pike, Suite 100, East Norriton, Pennsylvania, 19401.
2. On December 15, 2015, Louis E. Muse died.
3. Mr. Muse’s wife, Jeanette Muse, predeceased him.
4. Pursuant to the Last Will and Testament of Louis E. Muse:
  - a. All tangible personal property was to be divided equally between Mr. Muse’s stepson, Dallas Fulcher, and his step-granddaughter, Dawn Fulcher; and,
  - b. Real property located at 84 Greenfield Avenue, Ardmore, Montgomery County, Pennsylvania (“84 Greenfield Avenue”) was given and devised to Dawn Fulcher.
5. On or about March 17, 2016, the Register of Wills of Montgomery County recorded the Last Will and Testament of Louis E. Muse and opened the Estate of Louis E. Muse, No. 2016-X0997 in the Orphans’ Court Division of the Court of Common Pleas for Montgomery County (the “Muse Estate”).
6. At all times relevant hereto, Sheilah D. Vance, Esquire served as attorney for the Muse Estate, representing the Executrix of the Muse Estate, Sanita Carter (“Ms. Carter” or “Executrix”).
7. At all times relevant hereto, Artesia Donnise Fulcher a/k/a Dawn Fulcher (“Ms. Fulcher”) resided either at 36 N. Rosedale Street, Baltimore, Maryland, 21229-3738 or at 12207 Long Lake Drive, Owings Mills, Maryland, 21117. As such, she was an out-of-state beneficiary of the Muse Estate.
8. In or about January 2018, Ms. Fulcher:
  - a. retained you, *inter alia*, to represent her interests as an out-of-state beneficiary in the Muse Estate;

- b. advised you that her nickname, "Dawn Fulcher," referenced in the Last Will and Testament of Louis E. Muse, was not her full legal name; and,
- c. asked you to advise Ms. Vance of her legal name, "Artesia Donnise Fulcher," so that all legal documents relating to distribution of assets and transfer of property in the Muse Estate could be prepared correctly.

9. By letter dated January 30, 2018, you provided Ms. Fulcher with initial advice and recommendations relating to the Muse Estate and set forth the terms of your representation, including, but not limited to, terms relating to the scope of representation and your fees.

10. Specifically, the January 30, 2018 letter provided, *inter alia*:

- a. It is our firm's policy to provide an engagement letter such as this to each of our new clients. The purpose of the letter is to describe the services I will perform on your behalf and to set forth my fee for rendering those services. Although the letter is somewhat formal in nature, I believe that you will find it to be a useful guide as our attorney-client relationship progresses.
- b. Services are billed by the hour for attorneys, paralegals, and law clerks. My hourly rate is \$325.00 per hour. The rate for paralegal and law clerk services ranges from \$50.00 to \$100.00 per hour. These rates are the current rates and are subject to change.
- c. In addition, I bill for court costs, courier services, computer database access, telephone costs, travel, photocopying, postage, fax charges and other out-of-pocket expenses which may be incurred on your behalf. Some expenses which you may authorize, such as filing fees, may be billed directly to you by the provider.
- d. I will issue one or more invoices for fees and expenses after all work, or a portion thereof, has been completed. Payment of any bill is due upon receipt. I expect my clients to keep their payments current. If any invoice for fees and/or expenses (interim or final) is not timely paid, I may require that you pay interest, your account balance or an advance before future work will be performed.
- e. It is my policy to request a retainer from new clients in matters such as yours. Accordingly, I am requesting a retainer from you in the amount of \$2,000.00. The retainer will be placed in my firm's escrow account, and the initial services and costs, including filing fees, will be billed against the retainer.
- f. Also enclosed please find an Hourly Rate Fee Agreement, in duplicate. I would ask that you please sign one of them and return it to me in the enclosed envelope along with the signed original of this letter and the retainer.

11. By Check No. 143 dated February 9, 2018, Ms. Fulcher paid you the requested \$2,000 retainer.

12. By letter to you dated March 6, 2019, Ms. Vance, *inter alia*, requested information regarding 84 Greenfield Avenue, stating: "As for the Greenfield Avenue real estate, please advise how your client wishes to receive the property. Ms. Carter is prepared to sign a deed transferring the property to your client as the beneficiary, which we assume is her wish. If your client wants Ms. Carter to begin the process of selling the real estate, please advise."

13. Before March 16, 2019, you failed to advise Ms. Vance that Dawn Fulcher's full legal name was "Artesia Donnise Fulcher," so that all legal documents relating to distribution of assets and transfer of property could be prepared correctly.

14. In response to the March 16, 2019 letter and at all times thereafter relevant to administration of the Muse Estate, you failed to advise Ms. Vance that Dawn Fulcher's full legal name was "Artesia Donnise Fulcher," so that all legal documents relating to distribution of assets and transfer of property could be prepared correctly.

15. By email to you dated June 4, 2020 and time-stamped 12:16 p.m., Ms. Vance told you a Deed of Transfer for 84 Greenfield Avenue was being prepared, as follows:

Mr. Troncelliti-

I am in receipt of your letter of June 2. I have reached out to my client. I want to conclude this as soon as possible. I believe when we last communicated, I told you that we had drafted the deed to transfer the property to Ms. Fulcher. I am awaiting my client to return that notarized deed to me, as well as the latest bank statements. We are almost there. I will be in touch by June 10 with an update, hopefully one that can swiftly conclude this estate without any further action. Please advise if you have any questions.  
Sheilah

16. On or about June 5, 2020, Legalty Transfer (formerly Rogers Land Transfer, LLC) provided to the Montgomery County Recorder of Deeds a Deed of Transfer transferring ownership of 84 Greenfield Avenue, Tax Parcel ID #: 40-00-20764-00-4 to "Dawn Fulcher" (the "Deed of Transfer").

17. In addition to incorrectly identifying Ms. Fulcher, it is believed and averred that the Deed of Transfer contained other errors, including, but not limited to, the following:

- a. "AND the said Louis E. Muse departed this life on December 31, 2015 whereupon Sanita M. Carter was appointed Executrix of the Estate of Louis M. Carter, in Montgomery County Recorder of Deeds, Norristown, PA in File No. 46-2016-X0997."

18. Along with the Deed of Transfer, Legalty Transfer also provided to the Montgomery Country Recorder of Deeds a Realty Transfer Tax Statement of Value which incorrectly identified the Grantee as “Dawn Fulcher.”

19. By email to you dated June 8, 2020 and time-stamped 12:21 p.m., Ms. Vance advised you that she anticipated the Deed of Transfer for 84 Greenfield Avenue would be recorded within one (1) week.

20. Specifically, Ms. Vance’s June 8, 2020 email stated:

Good afternoon –

I now have the signed Deed for the Ardmore property. I am sending that to the title company for recording, which would likely be accomplished sometime next week. I will send you those documents once I receive them from the title company.

The executrix will send me Bank statements tomorrow. I will be back in touch once I review them.

Please advise if you have any questions.

Sincerely,  
Sheilah

21. Ms. Vance’s June 8, 2020 email included several attachments – one of which was an electronic copy of the Deed of Transfer.

22. You received Ms. Vance’s June 8, 2020 email and its attachments.

23. You failed to promptly advise Ms. Vance that the Deed of Transfer for 84 Greenfield Avenue contained errors that needed to be corrected, e.g. Ms. Fulcher’s name was listed as “Dawn Fulcher” and not “Artesia Donnise Fulcher.”

24. You failed to promptly provide Ms. Fulcher a copy of the Deed of Transfer and explain to her the actions that you were taking to correct the errors contained therein.

25. By letter to you dated June 10, 2020, Ms. Vance reiterated that she anticipated the Deed of Transfer for 84 Greenfield Avenue would be recorded within one (1) week.

26. Ms. Vance’s June 10, 2020 letter also advised, *inter alia*:

I have attached the latest active bank statements from my client, the executrix. As you can see, there is a balance of about \$102,000. I suggest that my client make a partial payment to your client of \$95,000 today or tomorrow by overnight mail. **She can send it to you or directly to your client, as you advise.** I would like to retain

the remainder of the funds until we receive the invoice for recording the Ardmore deed, for the attorney who prepared the deed and made the arrangements for the property transfer and recording, and any final expenses that I might occur [sic].

(emphasis added)

27. After receiving Ms. Vance's June 10, 2020 letter, you failed to contact Ms. Fulcher regarding the proposed \$95,000.00 distribution and its method of payment.

28. Without first obtaining Ms. Fulcher's authority for your actions, you agreed to the proposed \$95,000.00 distribution and instructed Ms. Vance to send payment to you.

29. Specifically, by email to Ms. Vance dated June 17, 2020 and time-stamped 11:22 a.m., you stated:

Ms. Vance:

I am in receipt of your email indicating that the signed Deed for the Ardmore property has been sent to the title company for recording. I would appreciate it if you would send me a copy of the deed that was sent to the title company, as well as a copy of the closing statement and the title policy issued with regard to the property.

**I am in favor of you making a partial distribution of the account at this time, and would urge you to do so as quickly as possible.** I will examine the bank statements. However, we still are expecting to receive an accounting of the actions of your client from a financial perspective during the course of this lengthy period of estate administration.

I look forward to receiving a copy of the deed and the check in the amount of \$95,000 as soon as possible. If you have any questions, please do not hesitate to contact me. thank [sic] you for your consideration.

(emphasis added)

30. By reply to you dated June 18, 2020 and time-stamped 3:22 p.m., Ms. Vance said: "I will proceed as noted in your email below. I will be in touch."

31. By letter to you dated June 23, 2020, Ms. Vance enclosed Check No. 186 in the amount of \$95,000.00 to be drawn on the bank account for the Muse Estate held at Bryn Mawr Trust.

32. Check No. 186 was dated June 19, 2020 and made payable to "Dawn Fulcher." The Memo section stated: "Partial Distribution."

33. Ms. Vance's letter dated June 23, 2020 stated:

Dear Mr. Troncelliti:

As per my email of June 18, I have enclosed a check for \$95,000 from the Estate of Louis E. Muse to Dawn Fulcher as a partial distribution.

I will be in touch with you when the real property in Ardmore is recorded and send you a copy of the recorded deed. I would expect to have a final accounting within a few weeks of the deed recording.

Please advise if you have any questions.

Sincerely,  
Sheilah Vance, Esq.

34. Additionally, by email to you dated June 23, 2020 and time-stamped 1:33 p.m., Ms. Vance said she had mailed you a distribution check, as follows:

Mr. Troncelliti-

I just mailed the check for the partial distribution to Ms. Fulcher to you today by Priority Mail, signature required. You should receive this tomorrow.

I will be in touch when I have the recorded deed.

Please advise if you have any questions.

Thank you.

Sincerely,  
Sheilah Vance

35. By reply to Ms. Vance, with a carbon copy to Ms. Fulcher, dated June 23, 2020, you said: "Thank you for the update."

36. The June 23, 2020 carbon copy email was the only notice you gave to Ms. Fulcher about the \$95,000.00 distribution check.

37. The June 23, 2020 carbon copy email did not provide Ms. Fulcher with sufficient notice of the \$95,000.00 distribution check and adequate legal advice and recommendations relating to that distribution.

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38. On June 24, 2020, the Deed of Transfer and Realty Transfer Tax Statement of Value were recorded by the Montgomery County Recorder of Deeds.

39. By letter to you dated June 29, 2020, Ms. Vance sent you a copy of the recorded Deed of Transfer and Realty Tax Statement of Value and stated:

Dear Mr. Troncelliti:

Please see the enclosed recorded Deed for 84 Greenfield from the Estate of Lewis Muse to the beneficiary, Dawn Fulcher. The Deed was recorded on June 24, 2020.

The physical Deed is being mailed to me today. I will mail to you when I receive it.

Please advise if you have any questions.

Sincerely,  
Sheilah Vance, Esq.

40. You received Ms. Vance's June 29, 2020 letter and its enclosures.

41. Additionally, by email to you dated June 29, 2020 and time-stamped 5:08 p.m., Ms. Vance provided you with an electronic copy of the Deed of Transfer for 84 Greenfield Avenue and stated:

Mr. Troncelliti-

Please see the attached letter about the recording of the Muse Deed and a copy of the Deed. I was mailed a physical copy of the Deed today, and I will send the physical Deed to you as soon as I receive it. Ms. Fulcher should contact Ms. Carter for the keys to the property. Please advise if you have any questions.

Sincerely,  
Sheilah Vance

42. By reply to Ms. Vance dated June 29, 2020 and time-stamped 5:29 p.m., you wrote: "Received, thank you."

43. Again, you failed to promptly advise Ms. Vance that the Deed of Transfer for 84 Greenfield Avenue contained errors that needed to be corrected, e.g. Ms. Fulcher's name was listed as "Dawn Fulcher" and not "Artesia Donnise Fulcher."

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44. Again, you failed to promptly provide to Ms. Fulcher a copy of the Deed of Transfer that had been recorded on June 24, 2020 and explain to her the actions that you were taking to correct the errors contained therein.

45. As a result of the property transfer, Ms. Fulcher was responsible for property expenses, including, but not limited to, real estate taxes, utility bills, and landscaping expenses.

46. By letter to you dated July 8, 2020, Ms. Vance sent you the recorded Deed of Transfer for 84 Greenfield Avenue and stated:

Dear Mr. Troncelliti:

Please see the enclosed recorded physical Deed for 84 Greenfield from the Estate of Lewis Muse to the beneficiary, Dawn Fulcher. The Deed was recorded on June 24, 2020.

Please advise if you have any questions.

Sincerely,  
Sheilah Vance, Esq.

47. You received Ms. Vance's July 8, 2020 letter and its enclosures.

48. On or about July 13, 2020, you negotiated Check No. 186.

49. You negotiated Check No. 186 without Ms. Fulcher's express informed consent, confirmed in writing.

50. In or about September 2020, Legalty Transfer issued to "Dawn Fulcher" at 84 Greenfield Avenue an invoice for the \$89.00 recording fee related to the Deed of Transfer and requested a response by September 7, 2020.

51. Legalty Transfer sent the invoice referenced in Paragraph 50 of this DB-7 Letter to 84 Greenfield Avenue.

52. In or about September 2020, Ms. Fulcher was unaware that a Deed of Transfer had been recorded, that the property had been transferred to her, and that she needed to make arrangements for certain services, e.g. mail collection, property maintenance, and payment of real estate taxes.



53. By email to you dated October 27, 2020, Ms. Fulcher requested a status update regarding administration of the Muse Estate, as follows:

Good morning,

I'm following up on the draft letter as well as the time frame for closing out the Mue [sic] estate? Please advise as to when I can expect to finalize this matter.

Thank you.

54. You received Ms. Fulcher's October 27, 2020 email.

55. You failed to promptly respond to Ms. Fulcher's October 27, 2020 email.

56. In or about April 2021, Ms. Fulcher discovered that ownership of 84 Greenfield Avenue had been transferred to her in June 2020.

57. At the time when Ms. Fulcher learned about the property transfer, all property expenses were in arrears.

58. By email to you and Ms. Vance dated April 19, 2021 and time-stamped 2:51 p.m., Ms. Fulcher wrote:

Good evening,

I'm reaching out again for some answers regarding settlement of the Muse estate. I feel my patience and understanding has expired. It has been over a year that I was told we were in the process of closing out the estate, and four years since the initial contact. yet; [sic] Im [sic] still waiting on a financial analyst [sic] of the finances. I communicated my in ability [sic] to reach out to Ms. Carter for the keys as I don't have any contact information for her and I was initially told we could schedule a meeting for the transfer of keys and the Deed transfer wouldn't take any longer than a few weeks. As of the email, I still have non [sic] of the above. I'm requesting another petition to the court to help facilitate the process, if it cannot be executed effectively without a judge. I hope to receive insight from you upon receipt of the email.

Thank you kindly

59. You received Ms. Fulcher's April 19, 2021 email.

60. You failed to promptly respond to Ms. Fulcher's April 19, 2021 email.

61. By email dated April 19, 2021 and time-stamped 4:40 p.m., Ms. Vance provided you with a status update regarding administration of the Muse Estate, as follows:

Mr. Troncelliti-

I received an email from your client today regarding this property. This is the first I heard that Ms. Fulcher did not reach out to Ms. Carter to get the keys to the property.

Ms. Fulcher is the recorded owner of the property as noted in the attached deed, which I sent to you in June. As the record owner, Ms. Fulcher has the right to full access to the property by her own efforts, i.e. changing the locks. The Muse estate and its executrix have no legal authority over the property any more.

Also, after many attempts over these past few years, just last week, we have finally gotten NY Life to release the J. Muse life insurance to the Estate of Mr. Muse. The funds (\$41,000 plus interest) should be in the estate account this week. I have asked Ms. Carter to let me know the exact amount and when they arrive so I can figure in these funds when I prepare the accounting to close out the estate.

Please give me a few more weeks to wrap this up now that we finally have the last outstanding estate funds.

Please feel free to call me to discuss.

Sincerely,

Sheilah Vance

62. By reply to Ms. Vance dated May 24, 2021 and time-stamped 11:45 a.m., which was over one month after you received Ms. Vance's email, you wrote only: "Thank you for the update."

63. You failed to promptly provide advice and recommendations to Ms. Fulcher concerning access to 84 Greenfield Avenue, payment of real estate taxes and other expenses related to that property, the anticipated influx of \$41,000.00 to the Muse Estate, and closure of the Muse Estate.

64. On June 1, 2021, the Montgomery County Tax Claim Bureau filed in the Court of Common Pleas for Montgomery County a Praecipe for Entry of a Municipal Claim against 84 Greenfield Avenue in the amount of \$3,072.17, and interest and penalties thereon, because the real estate taxes for 2020 had not been paid.

65. By email to you dated June 15, 2021 and time-stamped 11:50 a.m., Ms. Fulcher inquired about the real estate taxes for 84 Greenfield Avenue, stating: "Could you please advise if the taxes were paid on the property for this year? If the name change has been completed for the Deed?"

66. By Notice dated June 29, 2021 to “Dawn Fulcher” at 84 Greenfield Avenue, William F. Caldwell, First Deputy of Montgomery County Tax Claim Bureau, stated, *inter alia*:

Please be advised that a lien has been filed against your property at 84 Greenfield Ave identified as 40-00-20764-00-4 by the Montgomery County Tax Claim Bureau as a result of your delinquent real estate taxes for the tax year 2020. A copy of the lien filing is enclosed for your reference. **The current balance owed to the Montgomery County Tax Claims Bureau is \$3,492.74.**

(emphasis in original)

67. Ms. Fulcher did not promptly receive the June 29, 2021 Notice.

68. By email to Ms. Fulcher dated July 1, 2021 and time-stamped 10:47 a.m., you wrote:

Ms. Fulcher:

I will check with the tax office for the answer to your question. I have not been informed that they have been paid. Thank you for your inquiry and I apologize for missing your earlier email.

Rick

69. Thereafter, by undated letter to you, Ms. Fulcher wrote:

Mr. Troncelliti,

I’m addressing you in respect to what I feel is an insufficiency of handling the Muse Louis Estate. On March 17, 2016, I contacted you to represent me in handling the Estate for my grandparents (Louis and Jeanette Muse). Since initially appointing you as counsel there has been a failure to communicate, failure to disclose fees associated with the handling of the estate, and insufficient evidence of the fiduciary entrustment and accounting applicable to the estate.

The exclusive correspondence between the two of us is when I reach out to you via e-mail requesting an update on the account. In most cases, the only response I receive is” Will do.” Just recently I reached out to you requesting an update on the status of the property taxes payments. It has been approximately a month, and I still have not heard back from you or your office regarding the matter.

Mr. Troncelliti, your lack of responses has been simply improper. As of today I still have no idea what your fees are for handling the estate. Although, you have taken some initial steps in the matter, you have

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failed to take action in liquidating the estate and or correcting the name on the deed to represent my Legal name Artesia D. Fulcher instead of Dawn Fulcher.

Based on my examination, I find that you have not provided competent representation. You have lacked promptness in representing the estate, and I have not been informed about updates in the matters as obligated by the state of Philadelphia's council board.

I would like to offer you this one last opportunity to correct the wrongs as I have been overly patient in handling this matter. With this request, I would like the following matters rectified within thirty days of this letter, or I'm prepared to take further action. Please respond to the following request in writing.

1. A full accounting of assets
2. A complete listing of any and all fees associated with the estate to which you are entitled.
3. Last recorded tax payment for 84 Greenfield Ave.
4. Updated deed with the proper name listed.
5. A date on which all assets will be liquidated since the executor has long been dismissed from the process.

Thank you kindly,  
Artesia D. Fulcher  
Re: Louis Muse Estate

70. You received Ms. Fulcher's undated letter.

71. You failed to promptly respond to Ms. Fulcher's undated letter.

72. On or about August 3, 2021, Ms. Fulcher retained Laura Mercuri, Esquire of Duffy North as successor counsel to represent her interests as an out-of-state beneficiary in the Muse Estate because:

- a. she was concerned that you were not providing her with adequate representation; and,
- b. she had not timely received from you the \$95,000.00 distribution from the Muse Estate that you had received on her behalf in June 2020 (over one year prior).

73. By email to you dated August 3, 2021, Ms. Mercuri wrote:

Dear Mr. Troncelliti:

Please be advised I have been contacted by Ms. Fulcher to assist her with regard to the above-referenced estates.

I understand you are currently retained by her to represent her with regard to these estates.

Please let me know when you have some time so that we can discuss the status of these matters.

Best,  
Laura M. Mercuri

74. You and Ms. Mercuri scheduled a conference call for Monday, August 9, 2021.

75. On the August 9, 2021 conference call:

- a. Ms. Mercuri demanded that you immediately send to Ms. Fulcher the \$95,000.00 distribution from the Muse Estate that you had received on her behalf in June 2020;
- b. Specifically, Ms. Mercuri requested delivery of the \$95,000.00 distribution to Ms. Fulcher by August 11, 2021; and,
- c. You advised Ms. Mercuri that you were not sure you could deliver the \$95,000.00 by August 11, 2021 because you “had to move some things around.”

76. You failed to meet the August 11, 2021 deadline for delivery to Ms. Fulcher of the \$95,000.00 distribution from the Muse Estate.

77. By email to you dated August 11, 2021 and time-stamped 7:48 p.m., Ms. Mercuri wrote:

Mr. Troncelliti:

I was disappointed to just hear from Ms. Fulcher she had not received her \$95,000 estate distribution check from you. When we spoke on Monday, I thought I was clear that your holding on to her money since June of last year was entirely too long and inappropriate and that it was our expectation you would send her money to her overnight for receipt by today.

Contrary to your representation to me, Ms. Fulcher advised that she never told you to hold her funds or to negotiate them.

Ms. Fulcher will proceed as she needs to protect her interests.

Laura M. Mercuri, Esq.

78. By email to Ms. Mercuri dated August 11, 2021 and time-stamped 7:51 p.m., you represented:

I apologize for the delay but she will be receiving all of her funds very shortly. I had some administrative issues in the office that should be resolved by the end of next week. It seems to be that as part of this resolution I should obtain and receive the usual receipt and release and upon completion, I will forward the funds. Thanks for keeping me advised.

Rick

79. By reply to you dated August 11, 2021 and time-stamped 8:01 p.m., Ms. Mercuri responded:

You will not receive a Receipt and Release. You are not entitled to a release from a client for you to send her what is hers. The end of next week is unacceptable. We gave you until today as a courtesy. Send Ms. Fulcher her money immediately. This is outrageous and we will move forward to protect her interests.

Laura M. Mercuri, Esq.

80. By email to Ms. Mercuri dated August 11, 2021 and time-stamped 8:03 p.m., you stated: "I respectfully disagree. Her interest is fully protected."

81. By cover letter dated August 18, 2021, you sent Ms. Fulcher Check No. 2148 in the amount of \$95,000.00 to be drawn against your IOLTA [REDACTED] held at TD Bank, N.A. for Troncelliti Law Associates.

82. The Notes Section of Check No. 2148 stated: "Client Funds (Fulcher 30411)."

83. Your August 18, 2021 cover letter stated:

Dear Ms. Fulcher:

Pursuant to your request, enclosed please find a check from my IOLTA account in the amount of Ninety-Five Thousand Dollars

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(\$95,000.00), which represents the estate distribution due to you from the Estate of Louis Muse. If you have any questions, please do not hesitate to contact me.

84. During your representation of Ms. Fulcher, you never provided Ms. Fulcher with a statement of account or other invoice showing the legal work you provided to her and your charges for that work against the \$2,000 retainer she paid in February 2018.

85. You failed to promptly provide to Ms. Mercuri a copy of Ms. Fulcher's file relating to the Muse Estate.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: RPC 1.1; RPC 1.2(a); RPC 1.3; RPC 1.4(a)(1), (2), (3), and (4); RPC 1.4(b); RPC 1.15(b); RPC 1.15(d); RPC 1.15(e); RPC 1.15(h); RPC 1.15(i); RPC 1.15(l); RPC 1.16(d); and, RPC 8.4(c).

**The Office of Disciplinary Counsel will make no recommendation for the disposition of this complaint until you have been afforded an opportunity to state your position with respect thereto within thirty (30) days of the date of this letter. Please note that failure to respond to this request for your statement of position without good cause is an independent ground for discipline pursuant to Pa.R.D.E. 203(b)(7). The Office of Disciplinary Counsel will only agree to a limited extension of the thirty-day deadline when the request is made for specific reasons constituting good cause. If you do not respond or provide good cause for failing to respond within thirty (30) days, the Office of Disciplinary Counsel may seek to impose discipline for your violation of Pa.R.D.E. 203(b)(7).**

Please be assured that we are not prejudging the alleged facts and charges nor are we an advocate on behalf of the complainant. Rather, we are conducting an impartial and unbiased investigation concerning this complaint. In that regard, we will attempt to verify the statements in your answer just as we do with the statements made to us by the complainant. For this reason, and because a lawyer can be subject to discipline for making a materially false statement or deliberately failing to disclose a material fact in connection with a disciplinary matter, you should be careful to be accurate in your factual statements. Additionally, as previously stated, you may wish to consult with counsel before replying to the allegations.

In any reply that you make, please chronologically and specifically state your account of the events and include copies of any particularly pertinent documents to which you refer. Generally, it is most helpful if your response deals item-by-item with the allegations contained in the numbered paragraphs in this letter, as well as with the cited Rules.

Please be advised that §85.13 of the Disciplinary Board Rules requires that any response to this letter:

...that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

**DEMAND FOR RPC 1.15(c) RECORDS**

**WHETHER YOU SUBMIT A SUBSTANTIVE RESPONSE TO THE FOREGOING ALLEGATIONS OF MISCONDUCT OR NOT, YOU ARE DIRECTED TO PROVIDE TO THIS OFFICE, PURSUANT TO Pa.R.D.E. 221(g)(2) AND DISCIPLINARY BOARD RULE § 87.7(e), THE FOLLOWING DOCUMENTS AND INFORMATION WITHIN TEN (10) BUSINESS DAYS OF SERVICE OF THIS DB-7 LETTER:**

1. **Identify the financial institution and bank account number for the account in which you deposited Check No. 186, which was Ms. Fulcher's \$95,000.00 partial distribution from the Muse Estate;**
2. **Provide copies of all transaction records associated with the IOLTA [REDACTED] held at T.D. Bank, N.A. for Troncelliti Law Associates (the "IOLTA"), as well as all transaction records for the bank account in which you deposited Check No. 186 provided to you by the financial institution at which that account is held, including but not limited to the monthly or other periodic statements of account, cancelled checks, deposited items, and records of electronic transactions, from June 1, 2020 through April 15, 2022;**
3. **Provide the general ledger for the IOLTA and each individual client trust ledger, as required by RPC 1.15(c)(2) and (4), for all client funds held in the IOLTA, along with a monthly reconciliation for each individual client trust ledger and a total trial balance, from June 1, 2020 through April 15, 2022;**
4. **On June 1, 2020 (the first day of the period for which records have been requested), identify the source(s) of the beginning balance of the IOLTA by (a) identifying each client whose funds were held in the account on that date; and (b) identifying the dollar amount attributable to each client;**
5. **Provide all records showing your receipt, maintenance, and disposition of Ms. Fulcher's funds from June 1, 2020 through September 30, 2021;**



6. **Provide a check register or separately maintained ledger for Ms. Fulcher's funds (the "Individual Client Trust Ledger" pursuant to RPC 1.15(c)(2)), which shall show (a) the payee, date, purpose, and amount of each check, withdrawal and transfer, (b) the payor, date, purpose, and amount of each deposit, and (c) the matter involved for each transaction from June 1, 2020 through September 30, 2021;**
7. **Provide the regular trial balance pursuant to RPC 1.15(c)(4) of your Individual Client Trust Ledger for Ms. Fulcher from June 1, 2020 through September 30, 2021;**
8. **If the bank account in which you deposited Ms. Fulcher's funds held the funds of more than one client, provide a general ledger for the account and each individual client trust ledger for all client funds held in the account, along with a monthly reconciliation for each individual client trust ledger and a total trial balance, as required by RPC 1.15(c)(2) and (4), from June 1, 2020 through September 30, 2021; and,**
9. **On June 1, 2020 (the first day of the period for which records have been requested), identify the source(s) of the beginning balance of the bank account in which you deposited Ms. Fulcher's funds by (a) identifying each client whose funds were held in the account on that date; and (b) identifying the dollar amount attributable to each client.**

**PURSUANT TO Pa.R.D.E. 221(g)(1), AND DISCIPLINARY BOARD RULES § 91.178(b), YOU MUST PRODUCE THE SPECIFIED RECORDS WITHIN TEN (10) BUSINESS DAYS FROM PERSONAL SERVICE OF THIS DB-7 LETTER ON YOU OR AFTER DELIVERY OF A COPY OF THIS LETTER TO AN EMPLOYEE, AGENT, OR OTHER RESPONSIBLE PERSON AT YOUR OFFICE AS DETERMINED BY THE ADDRESS FURNISHED BY YOU ON YOUR MOST RECENTLY FILED REGISTRATION STATEMENT, OR IF THE LATTER METHODS OF SERVICE ARE UNAVAILABLE, WITHIN TEN (10) BUSINESS DAYS AFTER THE DATE OF MAILING A COPY OF THIS DB-7 LETTER TO THE LAST REGISTERED ADDRESS OR ADDRESSES SET FORTH ON YOUR MOST RECENTLY FILED REGISTRATION STATEMENT.**

**PURSUANT TO Pa.R.D.E. 221(g)(3), AND DISCIPLINARY BOARD RULES § 87.7(f) AND § 91.179, YOUR FAILURE TO PRODUCE THE SPECIFIED RECORDS WITHIN TEN (10) BUSINESS DAYS FROM SERVICE OF THIS DB-7 LETTER MAY RESULT IN THE INITIATION OF PROCEEDINGS TO HAVE YOU PLACED ON EMERGENCY TEMPORARY SUSPENSION PURSUANT TO Pa.R.D.E. 208(f)(1) OR Pa.R.D.E. 208(f)(5).**

If we do not hear from you within thirty (30) days, we may assume that you do not desire to submit your position with respect to this complaint and that we can proceed to make our recommendation for an appropriate disposition on the basis of the information and material

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contained in our file, including your failure to respond in violation of Pa.R.D.E. 203(b)(7). However, we would certainly prefer to have the benefit of your position before making our recommendation.

Keep in mind that we may provide the complainant with a copy of your statement of position or a summary of it for the express purpose of obtaining a replication, unless you request that the content of your answer, either in total or in part, not be revealed and state reasons therefore which represent good cause. If we do provide the complainant with a copy or summary of your position, we will remind the complainant of the confidentiality of our inquiry.

If you have any questions, you or your counsel should not hesitate to contact this office. Thank you for your anticipated cooperation and assistance in this important matter. We look forward to receiving your response.

Very truly yours,  
OFFICE OF DISCIPLINARY COUNSEL



Elizabeth A. Livingston  
Disciplinary Counsel  
District II Office

EAL: jll  
**VIA HAND DELIVERY,**  
**FIRST CLASS MAIL AND EMAIL**

## **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: \_\_\_\_\_

Dated: March 31, 2023

Name: Elizabeth A. Livingston, Esq.

Attorney No. (if applicable): 208126