

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 2530 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 157 DB 2018
	:	
v.	:	Attorney Reg. No. 83783
	:	
DORY L. SATER,	:	(Delaware County)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 12th day of October, 2018, following consideration of the responses to this Court’s Rule to Show Cause why Respondent should not be placed on temporary suspension, the Rule is made absolute. It is provided that:

1. Respondent is placed on temporary suspension until further definitive action by this Court;
2. Respondent shall comply with the provisions of Pa.R.D.E. 217; and
3. The President Judge of the Court of Common Pleas of Delaware County shall enter such orders as may be necessary to protect the rights of Respondent’s clients or fiduciary entities with which he is involved, see Pa.R.D.E. 217(g).

In the event that Respondent fully complies with the ODC’s records requests, he can seek dissolution or amendment of this order, or request accelerated disposition of the charges underlying this order pursuant to Pa.R.D.E. 208(f)(6).

This Order constitutes an imposition of public discipline pertaining to confidentiality. See Pa.R.D.E. 402.

A True Copy Patricia Nicola
As Of 10/12/2018

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

RECEIVED
9/12/2018
PA Disciplinary Board
Office of the Secretary

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. Disciplinary Docket No.
Petitioner :
v. : File Nos. C2-16-137, C2-16-434,
: C2-17-158, and C2-17-354
: :
: Atty. Registration No. 83783
DORY L. SATER, :
Respondent : (Delaware County)

157 DB 2018

PETITION FOR TEMPORARY SUSPENSION AND
RELATED RELIEF PURSUANT TO Pa.R.D.E. 208(f)(1)

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel

Harold E. Ciampoli, Jr.
Disciplinary Counsel

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

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. Disciplinary Docket No.
Petitioner :
v. : File Nos. C2-16-137, C2-16-434,
: C2-17-158, and C2-17-354
: Atty. Registration No. 83783
DORY L. SATER, :
Respondent : (Delaware County)

**PETITION FOR TEMPORARY SUSPENSION AND
RELATED RELIEF PURSUANT TO Pa.R.D.E. 208(f)(1)**

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES OF THE SUPREME COURT OF PENNSYLVANIA:

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Harold E. Ciampoli, Jr., Esquire, Disciplinary Counsel, files this Petition for Temporary Suspension and Related Relief, pursuant to Pennsylvania Rule of Disciplinary Enforcement 208(f) (1) and §91.151 (a) (1) of the Disciplinary Board Rules, and in support thereof states:

1. Petitioner, whose principal office is situated at the PA Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania is

invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Dory L. Sater, was admitted to practice law in the Commonwealth of Pennsylvania on October 20, 1999. His attorney registration number is 83783. His public mailing address is 1113 Cornell Avenue, Drexel Hill, PA 19026. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

3. By Order dated July 18, 2018, effective August 17, 2018, Respondent was administratively suspended, pursuant to Pa.R.C.L.E. 111(b).

4. On April 8, 2016, Respondent deposited a \$275,000.00 check into his PNC IOLTA ending in 5056 in connection with an arbitration award in the matter of *Peter Khouri v. Outdoor Expressions and Michael Thomas Brink*.

5. By DB-7A SUPPLEMENTAL REQUEST FOR STATEMENT OF RESPONDENT'S POSITION, dated October 11, 2016, ODC advised Respondent of additional allegations of misconduct against him by John A. Lord, Esquire in connection with file C2-16-137. (A copy of the October 11, 2016 DB-7A is attached and labelled "Exhibit 1".)

6. The October 11, 2016 DB-7A:

- a) advised Respondent that failure to respond to the request for his statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement;
- b) alleged *inter alia* that Respondent had deposited Regina Donnelly settlement funds into his Fidelity IOLTA ending in 8412; and
- c) alleged Respondent had an obligation, yet failed, to keep a contested \$20,000.00 in connection with the Donnelly funds separate until his dispute was resolved with Mr. Lord's law firm, Silvers, Langsam and Weitzman.

7. By Subpoena Duces Tecum dated October 12, 2016, Respondent was commanded to appear at the Office of Disciplinary Counsel ("ODC") District II Office with the complete required records as mandated by RPC 1.15(c) in connection with specified clients. (A copy of the October 12, 2016 Subpoena is attached and labelled "Exhibit 2".)

8. By letter dated October 24, 2016, ODC requested Respondent pursuant to Enforcement Rule 221(g)(1) and D.Bd. Rule § 91.178(b) to appear on November 8, 2016 at the ODC District II Office with the complete records as required by RPC 1.15(c) of the receipt, maintenance and disposition of Rule 1.15 funds he received for clients Peter and Sonia Khouri, *inter alia*. (A copy of the October 24, 2016 Request for Required Records is attached and labelled "Exhibit 3".)

9. The records requested by ODC included but were not limited to copies of all correspondence exchanged between Respondent and the Khouris in connection with any settlement and copies of all correspondence exchanged between Respondent and any third party relating to any costs or expenses incurred on or on behalf of the Khouris.

10. On November 8, 2016, Respondent appeared at ODC's District II Office in response to the October 12, 2016 subpoena and the October 24, 2016 required records request and, *inter alia*:

- a) represented that he intended to submit a formal response to the October 11, 2016 DB-7A;
- b) provided a document and testimony indicating that in connection with the *Khouri v. Outdoor Expressions* matter he was holding \$107,242.27 in his PNC IOLTA relating to an IRS lien and \$14,000.00 in fees for the law firm of Haggerty, Goldberg, Schleifer and Kupersmith ("HGS&K"). (A copy of a letter dated June 24, 2016, Respondent provided to ODC on November 8, 2016, is attached and labelled "Exhibit 4".); and
- c) did not produce the check register or separately maintained ledger, canceled checks, deposited items or any documentation relating to costs or expenses in connection with the *Khouri v. Outdoor Expressions* funds.

11. Independent of Respondent ODC received documentation indicating that from April 2016 through July 2016 Respondent wrote the following nine checks payable to himself drawn on his PNC IOLTA totaling \$103,950.00:

- a) Check # 1020 for \$41,250.00 with the notation *Attorney fees Khouri (partial)*;
- b) Check # 1021 for \$1,500.00 with the notation *Expert fees*;
- c) Check # 1022 for \$2,200.00 with the notation *Khoury Med Records*;
- d) Check # 1023 for \$3,000.00 with the notation *doc exp fee*;
- e) Check # 1024 for \$5,000.00 with the notation *Fees for Khoury*;
- f) Check #1026 for \$16,000.00 with the notation *costs Khoury HGSK*;
- g) Check # 1027 for \$9,000.00 with the notation *Exp Fees*;
- h) Check # 1028 for \$10,000.00 with the notation *Attorney Fees*; and
- i) Check # 1030 for \$16,000.00 with the notation *Costs on Khoury*. (Copies of the aforesaid checks are attached and labelled collectively as "Exhibit 5".)

12. By letter dated November 9, 2016, Respondent requested ODC to "accept this correspondence in response to [ODC's] October 11, 2016 [DB7A] letter." (A copy of the November 9, 2016 letter is attached and labelled "Exhibit 6".)

13. By letter dated November 21, 2016, ODC:

- a) advised Respondent that it deemed his November 9, 2016 letter to be an insufficient response to its October 11, 2016 DB-7A;
- b) requested Respondent to provide a response that dealt item-by-item with the numbered paragraphs in the October 11, 2016 DB-7A; and
- c) reminded Respondent that failure to respond to this request for a

statement of position without just cause is an independent ground for discipline. (A copy of ODC's November 21, 2016 letter is attached and labelled "Exhibit 7".)

14. Respondent received ODC's November 21, 2016 letter but to date has not submitted the requested response.

15. By DB-7 REQUEST FOR STATEMENT OF RESPONDENT'S POSITION dated November 30, 2016, ODC advised Respondent of allegations against him by Lisa A. Salvato in connection with file C2-16-434. (A copy of the November 30, 2016 DB-7 is attached and labelled "Exhibit 8".)

16. The November 30, 2016 DB-7 letter advised Respondent that failure to respond to the request for his statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement.

17. Respondent received ODC's November 30, 2016 DB-7 letter but to date has not submitted the requested response.

18. By letter dated February 24, 2017, the Pennsylvania Lawyers Fund for Client Security ("Client Security") requested Respondent to provide a documented explanation as to why a negative balance occurred on his PNC IOLTA. (A copy of the Client Security's February 24, 2017 letter is attached and labelled "Exhibit 9".)

19. In March and April 2017, in response to the Client Security's request, Respondent provided:

- a) A March 23, 2017 letter which explained that the overdraft in question was in connection with his clients Peter and Sonia Khouri and involved a cost relating to one of the providers (TASA);
 - b) An unsigned and undated purported schedule of distribution for the *Khouri v. Outdoor Expressions* matter; and
 - c) Copies of his three most recent bank statements for his PNC IOLTA. (A copy of Respondent's March 23, 2017, April 6, 2017 and April 19, 2017 correspondence to Client Security is attached and labelled "Exhibits 10, 11 and 12," respectively.)
20. The purported schedule of distribution:
- a) listed \$71,706.00 as money owed to the IRS;
 - b) stated that "Per the IRS I am told that you [owe] over a minimum of this amount. This amount will be held by SLF [Slater Law Firm] pending confirmation, settlement, negotiation of amount owed. Once IRS lien is satisfied, SLF will send you payment minus any IRS payment"; and
 - c) identified costs of \$13,459.31 to HGSK; \$2,637.63 to Dixon; and \$13,446.50 to SLF.
21. The March 2017 PNC IOLTA bank statement indicated an ending balance of \$9.53.
22. By DB-7 REQUEST FOR STATEMENT OF RESPONDENT'S POSITION dated April 24, 2017, ODC advised Respondent of allegations against him by Sarah L.

Forosisky in connection with file C2-17-158. (A copy of the April 24, 2017 DB-7 is attached and labelled "Exhibit 13".)

23. Respondent received the April 24, 2017 DB-7 but to date has not submitted the requested response.

24. By DB-7A Supplemental Request for Respondent's Position dated August 2, 2018 for File C2-16-434 ODC advised Respondent of additional allegations of misconduct in connection with Ms. Salvato's complaint. The additional allegations averred, *inter alia*, that Respondent had converted client funds. (A copy of the August 2, 2018 DB-7A is attached and labelled "Exhibit 14".)

25. By DB-7 Request for Statement of Respondent's Position dated August 2, 2018 and DB-7A dated August 14, 2018 for file C2-17-354 ODC advised Respondent of allegations that he converted client funds. (Copies of the August 2, 2018 DB-7 and August 14, 2018 DB-7A are attached and labelled "Exhibits 15 and 16," respectively.)

26. Respondent received the August 2, 2018 DB-7 and DB-7A and the August 14, 2018 DB-7A but to date has not submitted a response.

27. By letter dated August 16, 2018, ODC requested Respondent pursuant to Enforcement Rule 221(g)(1) and D.Bd. Rules § 91.178(b) to provide:

- a) The required records for his PNC IOLTA as mandated by RPC 1.15(c);
- b) Complete documentation in connection with the IRS lien relating to Peter and Sonia Khouri; and
- c) Documentation in connection with the costs relating to the *Khouri v.*

Outdoor Expressions matter. (A copy of the August 16, 2018 Request for Required Records is attached and labelled "Exhibit 17".)

28. On August 16, 2018, ODC Auditor Susan Roehre personally served on Respondent the August 16, 2018 Request for Required Records letter. (A copy of the August 16, 2018 Affidavit of Service is attached and labelled "Exhibit 18".)

29. On August 20, 2018, ODC emailed Respondent a Supplemental Request to the August 16, 2018 Request for Required Records. (A copy of the August 20, 2018 email and Supplemental Request for Required Records are attached and labelled "Exhibit 19".)

30. The August 20, 2018 correspondence:

- a) specified that Respondent must provide all documentation in connection with the *Khoury v. Outdoor Expressions* matter relating to fees or referral fees owed or claimed by the HGS&K firm and Joseph Dixon, Esquire; and
- b) reminded Respondent that he must produce the records to ODC by August 30, 2018, or face the possibility of temporary suspension.

31. Respondent acknowledged receipt of the August 20, 2018 email on that date.

32. Respondent was required to provide ODC the requested required records by August 30, 2018.

33. To date, ODC has not received the requested records or any communication from Respondent relating to the request since Aug 20, 2018.

34. To date, ODC has not received responses to the August 2, 2018 and August 14, 2018 outstanding DB-7s and DB-7As and has not received any communication from Respondent requesting an extension to submit a response.

35. Petitioner believes and therefore avers that Respondent's failure to provide to ODC R.P.C. 1.15 records as required by Enforcement Rule 221(g)(1) and D.Bd. Rule §91.178(b) and his recurring and systematic pattern of not responding to multiple DB-7 Requests for Statement of Respondent's Position in violation of Pa.R.D.E. 203(b)(7) demonstrates a manifest violation of the Disciplinary Rules and Enforcement Rules constituting egregious misconduct warranting his immediate temporary suspension to protect the public.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that your Honorable Court:

A. Order Respondent to, within the next ten days: (1) identify the financial institution(s) and account(s) in which RPC 1.15 funds have been held from September 2016 through the present; (2) provide copies of periodic statements of account by the depository bank(s) on that account(s) from the date Respondent received the funds through the present; (3) provide Petitioner with copies of any cancelled checks and deposited items for said account for the same time period; and (4) provide Petitioner with any separately-maintained ledger or other document accounting for the funds in question, such as would demonstrate that the funds were and continue to be held inviolate;

B. Order Respondent to, within the next ten days, prepare and deliver to Petitioner a list of the names and addresses of all clients and other entities he is currently representing or for which he is a fiduciary, showing the dates, amounts and circumstances of the entrustment and current balance thereof, as well as the banks and account numbers in which such funds are currently maintained; and

C. Issue a rule upon Respondent to show cause why he should not be placed on temporary suspension from the practice of law, pursuant to Pa.R.D.E. 208(f)(1), returnable at a date, time and place certain, and with a response to the allegations set forth herein.

AND FURTHER, that after due consideration of any response made by Respondent and further proceedings held in accordance with Pa.R.D.E. 208(f)(1), your Honorable Court grant the following additional relief:

D. Order that Respondent be suspended in accordance with Pa.R.D.E. 208(f)(2), as a matter of "public discipline" as that term is used in Pa.R.D.E. 402, pertaining to confidentiality, and that he comply with Pa.R.D.E. 217;

D. Order the President Judge of the Court of Common Pleas of Delaware County where Petitioner's office is located, in accordance with Pa.R.D.E. 217(g), to take such further action and make such further orders as may appear necessary to protect the rights and interests of Respondent's clients or fiduciary entities with which he is involved; and

E. Grant such other relief as may be deemed appropriate and necessary
by your Honorable Court.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel

By:



Harold E. Ciampoli, Jr.
Disciplinary Counsel
Attorney Registration Number 51159
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210