

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2428 Disciplinary Docket No. 3
: :
Petitioner : No. 147 DB 2017
: :
v. : Attorney Registration No. 92320
: :
JONATHAN DOUGLASS URSIAK, : (Luzerne County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 14th day of December, 2017, upon consideration of the Verified Statement of Resignation, Jonathan Douglass Ursiak is disbarred on consent from the Bar of the Commonwealth of Pennsylvania, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 12/14/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel	:	No. ___ Disciplinary Docket No. ___
Petitioner	:	
	:	No. 147 DB 2017
	:	
v.	:	File No. C3-17-229
	:	
Jonathan Douglass Ursiak,	:	Attorney Registration No. 92320
Respondent	:	(Luzerne County)

RESIGNATION STATEMENT UNDER RULE 215, PA. R.D.E.

I, Jonathan Douglass Ursiak, hereby resign from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215 of the Pennsylvania Rules of Disciplinary Enforcement, and further state as follows:

1. I am an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on March 22, 2004. My registration number is 92320.

2. I desire to resign from the Bar of the Commonwealth of Pennsylvania.

3. My resignation is freely and voluntarily rendered; I am not being subjected to coercion or duress; and I am fully aware of the implications of submitting this resignation.

4. I am presently without representation, having been given a full and fair opportunity to obtain counsel in connection with this matter.

5. I am aware of a pending investigation by the Office of Disciplinary Counsel of alleged serious professional misconduct on my part. I acknowledge the material facts

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related to this misconduct are more fully set forth in the Petition for Discipline, filed September 20, 2017. The Petition is attached hereto and incorporated herein as "Exhibit A."

6. I acknowledge that the material facts set forth in the aforementioned Exhibit A are true.

7. I am submitting my resignation because I know that I could not successfully defend against charges predicated upon the misconduct under investigation, in violation of the Rules of Professional Conduct, as set forth in the aforementioned Exhibit A.

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

9. I am aware that pursuant to Enforcement Rule 215(c), the fact that I have tendered my resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

10. Upon entry of the disbarment Order, I will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217(a)-(d).

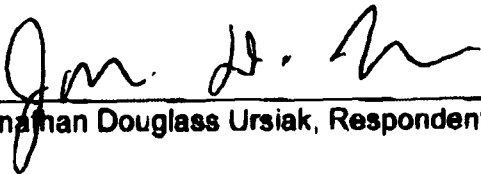
11. After entry of the disbarment Order, I will file a verified statement of compliance, as required by Enforcement Rule 217(e)(1).

12. I am 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 I file the verified

statement of compliance required by Enforcement Rule 217(e)(1). However, if the disbarment Order contains a provision that makes the disbarment 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. §4904 (relating to unsworn falsification to authorities).

Signed this 15th day of December, 2017.


Jonathan Douglass Ursiak, Respondent

WITNESS: 

VERIFICATION

The statements contained in the foregoing Resignation Statement under Rule 215, Pa.R.D.E. are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities

1 December 2017
Date

Kristin A. Wells
Kristin A. Wells
Disciplinary Counsel
Attorney Reg. No. 312080

12/1/17
Date

Jonathan Douglass Ursiak
Jonathan Douglass Ursiak
Respondent
Attorney Registration No. 92320

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : ___ DD3
Petitioner :
: ~~147~~ DB 2017
v. :
: Attorney Registration No.92320
JONATHAN DOUGLASS URSIK, :
Respondent : (Luzerne)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel (ODC), by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Kristin A. Wells, Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Jonathan Douglass Ursiak, with professional misconduct in violation of the Rules of Professional Conduct (RPC) and Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.), as follows:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62625, Harrisburg, PA 17106-2625, is invested pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings

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Exhibit A

brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Jonathan Douglass Ursiak, was born on May 18, 1971, and was admitted to practice law in the Commonwealth of Pennsylvania on March 22, 2004.

3. Respondent's registered address is 1710 East Broad Street, Hazleton, Pennsylvania 18201.

4. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

5. Beginning in or about 2014, Respondent subleased office space in Hazleton, Pennsylvania from Olexa Law Offices, Ltd. ("Olexa"), 1710 East Broad Street, Suite C, Hazleton, Pennsylvania 18201.

6. Pursuant to the agreement, Olexa staff answered Respondent's phone calls and took messages for his practice that came in on a designated telephone line.

7. In or about December 2016, one of Respondent's clients called Olexa complaining that Respondent was not reasonably communicating with him.

8. Shortly thereafter, Respondent informed Olexa that he would not be returning to the office and would cease paying rent on his sublease.

9. Pursuant to a verbal agreement with Olexa, Respondent

was to vacate the office space by March 1, 2017.

10. However, Respondent failed to thereafter vacate the office space and has not returned to the building since December 2016.

11. Despite Respondent's absence from the Olexa law office since at least March 1, 2017, Respondent has failed to update his attorney registration, which still reflects the Olexa mailing address.

12. Olexa staff have been continuing to date stamp and accumulate Respondent's mail, which dates back to December 5, 2016, and remains unopened.

13. It appears that the majority of the mail relates to Respondent's client matters, including, *inter alia*, correspondence from Luzerne County Domestic Relations, the Pennsylvania Department of Revenue (Inheritance Tax Division), correspondence from other attorneys, and correspondence from prison inmates.

14. In addition, one correspondence is from the Disciplinary Board Executive Office.

15. Since January 2017, Olexa staff have received numerous telephone calls from Respondent's clients, who complain that they are unable to communicate with Respondent.

16. By letters dated March 25 and May 29, 2017, the Office of the Secretary noted Respondent's failure to comply with the

terms of his probation in that he failed to submit his final quarterly report attesting to his compliance with the terms and conditions of the October 30, 2013, Order, which was due December 6, 2016.

17. To date, Respondent has failed to respond to the Office of the Secretary or file the required quarterly report.

18. By letter dated April 28, 2017, ("DB-7 letter") sent to Respondent's registered home address, ODC requested Respondent's position as to the above-summarized allegations.

19. The certified mailing was returned as undeliverable; the first-class mailing was not returned.

20. Respondent's response was due on or before May 29, 2017.

21. Respondent failed to respond or otherwise communicate with ODC.

22. By letter dated June 13, 2017, ("10-day letter") Respondent was provided an additional ten days, by June 23, 2017, in which to respond.

23. Respondent failed to respond or otherwise communicate with ODC.

24. Thereafter, the matter was transferred to Auditor/Investigator Lowell Kratzer to attempt to locate Respondent.

25. Following several unsuccessful attempts to communicate

with Respondent via telephone, by email dated June 27, 2017, Mr. Kratzer noted ODC's unsuccessful efforts to contact him and requested that Respondent contact ODC as soon as possible.

26. Respondent called Mr. Kratzer the same day, acknowledged receipt of the DB-7, and stated his intention to contact ODC as soon as possible regarding his response.

27. Respondent thereafter failed to communicate with ODC.

28. By voicemail and email on July 10, 2017, Mr. Kratzer noted Respondent's failure to further communicate with ODC concerning his response and provided a deadline of July 14, 2017, for the response to be submitted.

29. On July 14, 2017, Respondent contacted Mr. Kratzer via telephone, and the conversation was joined by Disciplinary Counsel Kristin Wells.

30. Respondent mentioned that he wanted to cooperate with the investigation, but felt that ODC had him "boxed into a corner."

31. When asked for clarification, Respondent stated that he wanted an opportunity to consult with counsel before providing any answers to the complaint.

32. Respondent was provided an extension of time until July 31, 2017, to submit a response.

33. Respondent stated that he would be contacting ODC by July 19, 2017, relative to his efforts to engage counsel.

34. Respondent failed to thereafter communicate with ODC or respond to the DB-7 letter.

35. By email dated August 14, 2017, Mr. Kratzer again noted Respondent's continued failure to respond to the DB-7 letter and expressed this Office's concerns that Respondent had abandoned his practice, leaving his files in the Olexa building and providing no means for his clients to contact him.

36. To date, Respondent has failed to respond to this communication.

37. On or about August 14, 2017, Mr. Kratzer contacted Attorney Olexa regarding Respondent.

38. Attorney Olexa stated that he had no contact with Respondent and that a box of Respondent's belongings and approximately 10 to 15 of his client files remained in the Olexa office.

39. By letter dated March 30, 2017, Attorney Olexa had formally requested that Respondent remove his belongings from the Olexa office within 30 days, or such property would be considered abandoned and destroyed.

40. Attorney Olexa further requested that Respondent provide a contact number and address, noting that Olexa was continuing to receive calls from Respondent's clients and mail that appeared to be related to his client matters.

41. To date, Respondent has failed to respond to this

communication.

42. Included in the telephone calls that the Olexa office continues to receive for Respondent are communications from the Pennsylvania Department of Revenue, relative to Respondent's involvement in the Estate of Helen Conover.

43. Further investigation revealed that Ms. Conover died on October 18, 2013.

44. Respondent was the attorney for the estate and filed an inheritance tax return in February 2016.

45. On July 12, 2016, a notice of inheritance tax appraisement was filed showing some errors on the return and additional taxes due in the amount of \$2,648.53.

46. There has been no further activity on the estate docket.

47. On or about August 23, 2017, Mr. Kratzer contacted Ronald Wroblewski, administrator of the estate, who noted that he believed the estate had been finalized when the inheritance tax return was filed and has had no further communication with Respondent since that time.

48. Also included in the telephone calls that the Olexa office continues to receive for Respondent are communications regarding the estate of Gary Steier.

49. Further investigation revealed that Mr. Steier died May 17, 2014.

50. Respondent referred the estate and wrongful death and survival actions to Attorney Alan Kluger.

51. The Schedule A reveals that Respondent received a \$533,200.00 referral fee from the estate, which it appears he received in or about December 2016.

52. Of additional concern, on or about September 16, 2016, Respondent was arrested for DUI, second offense.¹

53. On or about June 22, 2017, Respondent pled guilty.

54. He was originally scheduled for sentencing on September 8, 2017, but his sentencing was continued to October 16, 2017.

55. Respondent has a history of prior discipline:

- a. By Pennsylvania Supreme Court Order dated October 30, 2013, the Court approved a Joint Petition in Support of Discipline on Consent, imposing a private reprimand with a three year period of probation with a sobriety monitor.
- b. Respondent was ordered to file quarterly reports and proof of bi-monthly attendance at AA meetings with the Office of the Secretary.
- c. Respondent's underlying misconduct was his second DUI conviction.
- d. In aggravation, Respondent had a prior DUI

¹ While the charge is listed as second offense, it appears this was actually Respondent's third DUI.

conviction and had received a Informal Admonition on May 27, 2011, for unrelated conduct for his failure to, *inter alia*, act with competence and diligence in his representation of several criminal defendants who sought parole-related appeals that Respondent failed to pursue.

e. In mitigation, Respondent had undergone extensive out-patient mental health treatment, was continuing to receive mental health treatment, and was regularly attending AA meetings.

56. By Order dated July 26, 2017, Respondent was placed on Administrative Suspension for failure to comply with the Pennsylvania Rules for Continuing Legal Education.

57. Respondent's Administrative Suspension was effective August 25, 2017.

58. Pursuant to Pa.R.D.E. 217(e), Respondent was required, within ten days of the effective date of his Administrative Suspension, to file a verified statement with the Secretary of the Board.

59. To date, Respondent has failed to file the required verified statement.

60. By his conduct as alleged in paragraphs 5 through 63, above, Respondent violated the following Rules:

- a. RPC 1.1, which states, "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."
- b. RPC 1.3, which states, "A lawyer shall act with reasonable diligence and promptness in representing a client."
- c. RPC 1.4(a)(2)-(4), which states, "A lawyer shall ... reasonably consult with the client about the means by which the client's objectives are to be accomplished; keep the client reasonably informed about the status of the matter; [and] promptly comply with reasonable requests for information[.]"
- d. RPC 1.4(b), which states, "A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."
- e. RPC 8.4(d), which states, "It is professional misconduct for a lawyer to ... engage in conduct that is prejudicial to the administration of justice."
- f. Pa.R.D.E. 203(b)(7), which states, "The following shall also be grounds for discipline: ... Failure by a respondent-attorney without good cause to respond to

Disciplinary Counsel's request or supplemental request under Disciplinary Board Rules, § 87.7(b) for a statement of the respondent-attorney's position."

- g. Pa.R.D.E. 217(e)(1), which states, "Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Secretary of the Board a verified statement and serve a copy on Disciplinary Counsel. In the verified statement, the formerly admitted attorney shall:

- (i) aver that the provisions of the order and these rules have been fully complied with;
- (ii) list all other state, federal and administrative jurisdictions to which the formerly admitted attorney is admitted to practice, aver that he or she has fully complied with the notice requirements of paragraph (3) of subdivision (c) of this Rule, and aver that he or she has attached copies of the notices and proofs of receipt required by (c)(3); or, in the alternative, aver that he or she was not admitted to

practice in any other tribunal, court, agency or jurisdiction;

- (iii) aver that he or she has attached copies of the notices required by subdivisions (a), (b), and (c)(1) and (c)(2) of this Rule and proofs of receipt, or, in the alternative, aver that he or she has no clients, third persons to whom a fiduciary duty is owed, or persons with whom the formerly admitted attorney has professional contacts, to so notify;

...

- (v) aver that he or she has complied with the requirements of paragraph (2) of subdivision (d) of this Rule, and aver that he or she has, to the extent practicable, attached proof of compliance, including evidence of the destruction, removal, or abandonment of indicia of Pennsylvania practice; or, in the alternative, aver that he or she neither had nor employed any indicia of Pennsylvania practice;

...

- (vii) aver that he or she has served a copy of the verified statement and its attachments on the Office of Disciplinary Counsel;
- (viii) set forth the residence or other address where communications to such person may thereafter be directed; and
- (ix) sign the statement. The statement shall contain an averment that all statements contained therein are true and correct to the best of the formerly admitted attorney's knowledge, information and belief, and are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

h. Pa.R.D.E. 219(d)(3), which states, in pertinent part, "Every attorney who has filed the form shall notify the Attorney Registration Office in writing of any change in the information previously submitted ... within 30 days after such change"

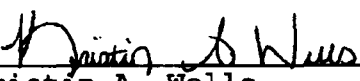
WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Pa.R.D.E. 205, a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such

findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

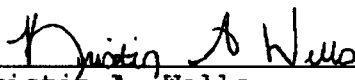
OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel

By: 
Kristin A. Wells
Disciplinary Counsel
Attorney Registration No. 312080
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106

VERIFICATION

I, Kristin A. Wells, Disciplinary Counsel, verify that the statements made in the foregoing Petition for Discipline are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Kristin A. Wells
Disciplinary Counsel