

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2801 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 153 DB 2021
	:	
v.	:	Attorney Registration No. 307965
	:	
	:	(Lycoming County)
TODD JOSEPH LETA,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this of 4th day of August, 2023, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Todd Joseph Leta is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. 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 08/04/2023

Attest: Nicole Traini
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	153 DB 2021
	:	
	:	
v.	:	
	:	
TODD JOSEPH LETA, Respondent	:	Attorney Reg. No. 307965 (Lycoming County)

**JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT
PURSUANT TO Pa. R.D.E. 215(d)**

Petitioner, Office of Disciplinary Counsel (ODC), by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and Jessica L. Chapman, Esquire, Disciplinary Counsel, and Respondent, Todd Joseph Leta, Esquire, file this Joint Petition in Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d) and respectfully state and aver the following:

1. ODC, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and the 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 brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Todd Joseph Leta, was born on December 1, 1968, and was admitted to practice law in the Commonwealth of Pennsylvania on December 10, 2009. Respondent is on active status. Respondent's attorney registration number is 307965

<p style="text-align: center;">FILED 07/05/2023 The Disciplinary Board of the Supreme Court of Pennsylvania</p>
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and his registered address is 1695 Spring Run Road, Williamsport, Pennsylvania 17701.

3. 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.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

4. On or about the night of October 14, 2019, Respondent mistakenly entered the property of another person, Karl Matz.

5. Upon noticing he had entered the wrong residence, Respondent attempted to leave.

6. Mr. Matz called 911 and confronted Respondent.

7. Respondent became confrontational, displayed a handgun, and threatened Mr. Matz.

8. The first police officer on the scene observed and heard Respondent brandishing a handgun and threatening to shoot Mr. Matz.

9. According to the Affidavit of Probable Cause, another officer noted that Mr. Matz was in fear for his life based on Respondent's action, threats, and his physical demeanor.

10. At the time of this incident, Respondent was severely intoxicated and smelled of alcoholic beverage.

11. On or about August 26, 2020, Respondent pled guilty to terroristic threats, 18 Pa.C.S. §2706(a)(1), a misdemeanor; simple assault, 18 Pa.C.S. §2701(a)(3), a misdemeanor; loitering and prowling at nighttime, 18 Pa.C.S. §5506, a misdemeanor; disorderly conduct, 18 Pa.C.S. §5503 (a)(4), a misdemeanor; and public drunkenness, 18 Pa.C.S. §5505, a summary offense, docketed at *Commonwealth of Pennsylvania v. Todd Joseph Leta*, Docket No. CP-41-CR-0000113-2020 (C.C.P. Lycoming).

12. Respondent was sentenced to two years' probation, a \$100 fine, restrictive electronic monitoring for thirty days, seventy-five hours of community service, and to pay the costs of prosecution.

13. Respondent failed to timely report his conviction to ODC, as required by Pa.R.D.E. 214(a).

14. On January 19, 2021, Respondent wrote a letter to ODC reporting his conviction. Respondent expressed shame and remorse for his actions.

15. By Order dated December 27, 2021 ("Order"), the Disciplinary Board of the Supreme Court of Pennsylvania directed that Respondent receive a Public Reprimand and be placed on probation for one year, subject to certain conditions including, *inter alia*, that he:

- a. abstain from using alcohol;
- b. file quarterly written reports with the Disciplinary Board Prothonotary;
- c. attend weekly meetings of Alcoholics Anonymous; and
- d. meet at least twice a month with a sobriety monitor, as well as maintain weekly telephone contact and cooperate fully with the sobriety monitor.

16. The Order specifically states that "[f]ailure to abide with the terms of the Probation shall be grounds for further action pursuant to Enforcement Rule 208(h)."

17. On January 13, 2022, Respondent executed a document, confirming his understanding and agreement to comply with all of the terms and conditions of his probation set forth in the December 27, 2021 Disciplinary Board Order.

18. On March 3, 2022, Marcee Sloan, Board Prothonotary, sent an email to Respondent and his appointed sobriety monitor, informing them that Quarterly Probation

Reports must be filed in the Board Prothonotary's office on the 15th of April, July, October, and January.

19. On March 4, 2022, Respondent appeared before the Disciplinary Board and received a Public Reprimand.

20. No Quarterly Report was filed on or before April 15, 2022.

21. On May 11, 2022, Respondent's sobriety monitor filed his Quarterly Report, noting he did not meet with Respondent at least twice a month and did not maintain weekly telephone contact with Respondent. The sobriety monitor's May 11, 2022 Quarterly Report also notes that it wasn't until May 6, 2022 that he met with Respondent and assisted him in getting a 12-step sponsor.

22. On May 23, 2022, Respondent filed his first Quarterly Report, and acknowledged he had not met with the sobriety monitor at least twice a month. Respondent also reported that he attended Alcoholics Anonymous meetings on a weekly basis during the past three months; however, Respondent did not have an attendance verification signed by a NA/AA chairperson for the weeks of March 6, 2022 through March 12, 2022 and April 10, 2022 through April 16, 2022.

23. On July 27, 2022, the sobriety monitor filed a second Quarterly Report, stating he had not met with Respondent at least twice a month and did not maintain weekly telephone contact with Respondent during that period.

24. On August 8, 2022, Respondent filed his second Quarterly Report after the deadline. Respondent acknowledged he had not met with his sobriety monitor at least twice a month, but stated he maintained weekly telephone contact. Respondent stated he attended Alcoholics Anonymous meetings on a weekly basis during the past three

months; however, Respondent did not have an attendance verification signed by a NA/AA chairperson for the weeks of May 22, 2022 through May 28, 2022, May 29, 2022 through June 4, 2022, July 3, 2022 through July 9, 2022, or July 17, 2022 through July 23, 2022.

25. On November 16, 2022, the sobriety monitor filed a third Quarterly Report, stating:

- a. Respondent did not abstain from consuming alcohol;
- b. Respondent only met with his sobriety monitor in person twice, and not twice a month during the past three months;
- c. Respondent did not maintain weekly telephone contact with his sobriety monitor;
- d. the sobriety monitor contacted Respondent's AA sponsor, and the sponsor's communication with Respondent was no better than Respondent's communication with his sobriety monitor; and
- e. there was no significant level of engagement with a recovery program by Respondent.

26. On December 2, 2022, Respondent acknowledged to Disciplinary Counsel Jessica Chapman that he had not been putting in the effort he should have because he was busy bartending at the family business. Respondent also acknowledged he failed to abstain from alcohol on one occasion.

27. On January 6, 2023, ODC filed a Petition to Schedule a Probation Violation Hearing with the Disciplinary Board.

28. Respondent filed his third Quarterly Report on January 11, 2023.

29. On January 13, 2023, a designated member of the Disciplinary Board

conducted a Probation Violation Hearing.

30. Respondent's sobriety monitor testified at the hearing regarding Respondent's probation violations.

31. Respondent admitted violating the Order imposing probation.

32. On January 20, 2023, the designated Disciplinary Board member issued findings recommending ODC commence a formal proceeding against Respondent.

33. On February 3, 2023, the Disciplinary Board Chair issued an Order directing ODC to commence formal proceedings against Respondent in accordance with Pa.R.D.E. 208.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

34. Respondent admits violating the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- a. Pa.R.D.E. 203(b)(1), which states that conviction of a crime shall be grounds for discipline;
- b. Pa.R.D.E. 203(b)(4), which states that failure to comply with any order under the Enforcement Rules of the Disciplinary Board without good cause shall be grounds for discipline; and
- c. RPC 8.4(b), which provides that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

35. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's misconduct is a one-year and one-day suspension.

36. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d) stating, that he consents to the recommended discipline and including the mandatory acknowledgments contained in Pa.R.D.E. 215(d)(1) through (4). See Exhibit A.

37. Respondent's acceptance of responsibility by agreeing to a one-year and one-day suspension and his cooperation with ODC are mitigating factors.

38. Under the circumstances described above, disciplinary precedent supports a suspension of one-year and one-day. In *Office of Disciplinary Counsel v. Basil David Marcial*, No. 54 DB 2014 (D.Bd.Rpt. 12/16/15) (S.Ct. Order 1/14/16), the Supreme Court of Pennsylvania suspended Marcial for one-year and one-day, stayed in its entirety, with two years of sobriety probation. Thereafter, the sobriety monitor notified the Disciplinary Board that Marcial was "very much active in his addiction," and was "not sober despite appearing at meetings once in a while." After an outpatient treatment program and two months of sobriety, Marcial relapsed again. At the probation violation hearing, Marcial admitted his violation; the parties agreed the stay should be lifted and Marcial was suspended for one-year and one-day. In *Office of Disciplinary Counsel v. John Kerrington Lewis, Jr.*, No. 212 DB 2010 (D.Bd.Rpt. 6/26/15) (S.Ct. Order 8/12/15), Lewis initially received a private reprimand with a two-year sobriety probation following a DUI conviction. Lewis violated the conditions of his probation by consuming alcohol. Lewis consented to a one-year and one-day suspension, stayed in its entirety on the condition of two years successful probation. Lewis again violated the probation by consuming alcohol, and was suspended for one-year and one-day.

39. Disciplinary precedent in similar criminal conviction matters involving use of a firearm while under the influence of drugs or alcohol, further supports imposition of a one-year one-day suspension. See *Office of Disciplinary Counsel v. Ivan S. DeVoren*, No. 103 DB 2019 (D.Bd. Rpt. 1/21/21) (S.Ct. Order 4/1/21) (two-year suspension for criminal convictions based on drug offenses and discharging a firearm); *In re Kunkle*, No. 101 DB 2001 (D.Bd. Rpt. 4/1/02) (S.Ct. Order 4/19/02) (six-month suspension following reckless endangerment criminal conviction when, in rearranging his gun collection while under the influence of marijuana, Kunkle's gun was accidentally discharged, sending a bullet through the wall of an adjoining residence).

40. A one-year and one-day suspension would require Respondent to file a petition for reinstatement, demonstrating fitness to practice should he desire to resume the practice of law.

41. The parties respectfully submit that a one-year and one-day suspension is consistent with the above cited disciplinary authority and is a fair and appropriate resolution based on the specific facts of this case.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e), 215(g) and 215(i), a three-member panel of the Disciplinary Board review and approve the Joint Petition in Support

of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a one-year and one-day suspension.

Respectfully submitted,

Date: 07/05/2023

By: Jessica L. Chapman

Jessica L. Chapman
Disciplinary Counsel
Attorney Registration No. 323038
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 6/28/23

By: Todd Joseph Lela

Todd Joseph Lela
Respondent
Attorney Registration No. 307965
1695 Spring Run Road
Williamsport, PA 17701
Telephone (570) 326-2401

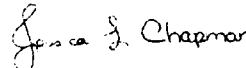
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 153 DB 2021
Petitioner :
 :
v. :
 :
TODD JOSEPH LETA, : Attorney Reg. No. 307965
Respondent :
 : (Lycoming County)


VERIFICATION

The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) 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.

Date: 07/05/2023

By: 
Jessica L. Chapman
Disciplinary Counsel
Attorney Registration No. 323038
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 6/28/23

By: 
Todd Joseph Leta
Respondent
Attorney Registration No. 307965
1695 Spring Run Road
Williamsport, PA 17701
Telephone (570) 326-2401

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

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	153 DB 2021
	:	
	:	
v.	:	
	:	
TODD JOSEPH LETA, Respondent	:	Attorney Reg. No. 307965 (Lycoming County)

**RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

I, Todd Joseph Leta, Respondent in the above-captioned matter, hereby consent to the imposition of a one-year and one-day suspension, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;
2. I am aware there is presently pending a proceeding involving allegations that I have been guilty of misconduct as set forth in the Joint Petition;
3. I acknowledge that the material facts set forth in the Joint Petition are true;
4. I consent because I know that if the charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them; and

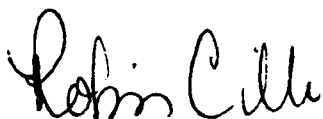
5. I acknowledge that I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding.

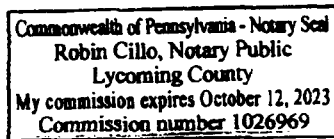
Date: 6/28/23

By: 

Todd Joseph Leta
Respondent
Attorney Registration No. 307965
1695 Spring Run Road
Williamsport, PA 17701
Telephone (570) 326-2401

Sworn to and subscribed before me
by Todd Leta on the 28th day of June, 2023.





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: Jessica L. Chapman

Name: Jessica L. Chapman, Disciplinary Counsel

Attorney No.: 323038