

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2430 Disciplinary Docket No. 3
PATRICK O'HARE REGAN : No. 191 DB 2017
: Attorney Registration No. 89591
: (Allegheny County)

ORDER

PER CURIAM

AND NOW, this 1st day of April, 2022, the Petition for Reinstatement is granted. Petitioner is ordered to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Nicole Traini
As Of 04/01/2022

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2430 Disciplinary Docket No. 3
: :
: No. 191 DB 2017
PATRICK O'HARE REGAN : :
: Attorney Registration No. 89591
: :
PETITION FOR REINSTATEMENT : (Allegheny County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order dated January 2, 2020, the Supreme Court of Pennsylvania suspended Petitioner, Patrick O'Hare Regan, from the bar of this Commonwealth for a period of two years, retroactive to the date of his temporary suspension on December 21, 2017. On January 20, 2021, Petitioner filed a Petition for Reinstatement. Office of Disciplinary Counsel ("ODC") responded to the Petition on March 15, 2021, stating that it

had no basis to oppose Petitioner's reinstatement at that time, but reserved taking a full position until after the reinstatement hearing.

The parties did not request a pre-hearing conference. On July 14, 2021, a District IV Hearing Committee ("Committee") held a reinstatement hearing. Petitioner testified on his own behalf and presented the testimony of three character witnesses. Petitioner offered into evidence Petitioner's Exhibit 1, a character letter written on his behalf. ODC did not call any witnesses or offer any exhibits into evidence.

On August 30, 2021, Petitioner filed a post-hearing brief to the Committee, requesting that the Committee recommend to the Board that his Petition for Reinstatement be granted. On September 10, 2021, ODC filed a letter in lieu of brief to the Committee and stated that it did not oppose reinstatement.

By Report filed on October 21, 2021, the Committee concluded that Petitioner met his reinstatement burden by clear and convincing evidence and recommended that his Petition for Reinstatement be granted. The parties did not take exception to the Committee's Report and recommendation.

The Board adjudicated this matter at the meeting on January 21, 2022.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Patrick O'Hare Regan, born in 1971 and admitted to practice law in the Commonwealth in 2002. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. On June 12, 2017, Petitioner pled guilty in the United States District Court for the Eastern District of Pennsylvania to one count of Conspiracy to Commit Mail and Wire Fraud, in violation of 18 U.S.C. § 371.

3. The conviction was based on Petitioner's participation, along with others, in an illegal scheme to corrupt the contracting process for awarding the City of Allentown's contract for replacing the City's street lights. Reinstatement Questionnaire No. 4.

4. Petitioner's participation in the scheme lasted from December 2013 until approximately June 2015. *Id.*

5. The matter for which Petitioner entered his guilty plea involved a business venture separate from the practice of law. N.T. 27.

6. As part of his plea agreement, Petitioner was sentenced to a term of two years of probation with six months of home confinement on electronic monitoring, a special assessment of \$100, a \$5,000 fine, \$5,000 in restitution, and 40 hours of community service. N.T. 19.

7. Petitioner timely reported his conviction to ODC. N.T. 17.

8. Following his conviction, Petitioner and ODC filed a Joint Petition for Temporary Suspension and by Order dated December 21, 2017, the Court placed Petitioner on temporary suspension from the practice of law. N.T. 18.

9. On January 2, 2020, the Court suspended Petitioner for a period of two years, retroactive to the date of his temporary suspension.

10. Petitioner complied with Pa.R.D.E. 217 by filing his Statement of Compliance with the Disciplinary Board on January 22, 2018, following the entry of the Order of temporary suspension, and by filing his Supplemental Statement of Compliance on March 11, 2020, after entry of the Order suspending Petitioner for two years, retroactive to December 21, 2017. N.T. 18.

11. At the time of the reinstatement hearing, Petitioner had served his probation and satisfied the terms of his criminal sentence by paying the special assessment, fine, and restitution and completing 40 hours of community service. N.T.

12. Petitioner fulfilled his community service requirement by speaking to college students, primarily business students and future lawyers, on the subjects of business law and situational ethics. Petitioner spoke to several hundred students about his misconduct, his criminal conviction, and the suspension of his law license. N.T. 19-21.

13. Prior to the two year suspension imposed on January 2, 2020, Petitioner had no discipline of record. N.T. 26.

14. Petitioner testified credibly on his own behalf at the reinstatement

hearing..

15. Petitioner filed his Petition for Reinstatement and Reinstatement Questionnaire on January 20, 2021. Petitioner testified that he could have filed for reinstatement one year earlier, but wanted to take time to reflect on his actions, continue to rehabilitate himself, and make sure he had the proper ethical mindset and moral mindset to be readmitted to the practice of law. N.T. 21-22.

16. Petitioner is genuinely remorseful and sincerely regrets the events that led to his suspension from the bar of the Commonwealth of Pennsylvania.

17. Petitioner took responsibility for the conduct that led to his criminal conviction and suspension.

18. Petitioner testified that he is still ashamed about his misconduct and considers it the biggest mistake of his life, for which he has extreme regret. N.T. 27-28.

19. Petitioner has been humbled and humiliated by his experience. Reinstatement Questionnaire No. 21.

20. Petitioner testified that he has spent a great deal of time reflecting on his actions and rehabilitating himself to the highest degree possible. N.T. 33.

21. Petitioner recognized that being a lawyer is an honor and a privilege and if given the opportunity to regain his law license, he credibly assured the Committee and the Board that his misconduct would never happen again. N.T. 33.

22. Petitioner acknowledged that while his conviction did not relate to the practice of law, the court system, or the administration of justice, any criminal

conviction brings disrepute upon the legal profession. *Id.*

23. Petitioner testified that a lesson that he learned from his experience is that he did not make the right decisions in his life and making the wrong decisions can change the trajectory of a person's life. He realizes that honesty and integrity is at the heart of being a lawyer. N.T. 28, 29.

24. Petitioner testified that he has used his conviction and suspension as a teaching opportunity for his two sons, now aged 16 and 14. He has been open with them about his actions and explained to them that when a person does something wrong, there are consequences. N.T. 29-30.

25. During his suspension, Petitioner engaged in community activities by voluntarily coaching sports at his sons' schools, serving as a volunteer on the athletics council, and participating on education scholarship committees. N.T. 23, 31

26. Petitioner testified that he is currently employed as the Vice President of Sales at a company called System One located in Pittsburgh and has been employed at the company since August 2017. N.T. 24. Petitioner explained that his company is a recruiting staffing firm with 50 offices across the United States. His responsibilities are centered mainly around western Pennsylvania, where he oversees sales efforts and recruiters. N.T. 37.

27. System One is aware of Petitioner's criminal conviction. N.T. 25.

28. Petitioner intends to continue working in his current role even if he is able to achieve reinstatement, as he is satisfied with his employment at this time.

Petitioner testified that he would like to be reinstated to the bar because he worked hard to get his law license and would like to have the ability to practice law in the future if he should so choose. N.T. 31-32.

29. Prior to the filing of his Petition for Reinstatement, Petitioner completed 41 Continuing Legal Education credits, including 17 in ethics (the CLE requirement for reinstatement is 36 credits hours), by taking courses, live and online, on a variety of subjects. Reinstatement Questionnaire No. 19(a).

30. In addition to his own testimony, Petitioner presented the credible testimony of three character witnesses.

31. David DelFiandra, Esquire is a Pennsylvania attorney who is a partner at the firm of Leech, Tishman, Fuscaldo, & Lampl, LLC, located in Pittsburgh. He testified that he met Petitioner in law school in 1996 and has remained close friends with him ever since. N.T. 46-47.

32. Mr. DelFiandra testified that he has always found Petitioner to be reliable, trustworthy, and loyal. N.T. 47. He further testified that Petitioner's truthfulness and honesty are "top-notch" and he is a "straight-shooter." N.T. 48.

33. Mr. DelFiandra testified that Petitioner's involvement in the crime that led to his suspension was out of character for Petitioner, and that Petitioner is remorseful for his conduct. Finally, he testified that he believes that Petitioner has the requisite character to be reinstated to the practice of law. N.T. 49

34. Chad Tomosovich, Esquire is a Pennsylvania attorney who has his own firm, Galanter Tomosovich, LLC, located in Pittsburgh. Mr. Tomosovich has

been a friend and colleague of Petitioner for approximately 20 years. N.T. 56-57.

35. Mr. Tomosovich described Petitioner as responsible, honest, and possessing a high level of integrity. He testified that Petitioner has expressed remorse for his criminal conduct, and he has no hesitancy in recommending his reinstatement. N.T. 58-59.

36. Paul Daniel Sullivan, Esquire is a member of the Pennsylvania bar. He does not practice law at this time and currently works as the President of International Business Development for Acrow Corporation of America. N.T. 64-65.

37. Mr. Sullivan met Petitioner in law school approximately 25 years ago, and they have remained friends through the years. Mr. Sullivan described Petitioner as one of his closest friends. N.T. 65.

38. Mr. Sullivan described Petitioner as a person of integrity and honesty, a great friend, a family man, someone who is eager to assist and help people, and a man of service. N.T. 66-67.

39. Mr. Sullivan testified that Petitioner accepted full responsibility for his criminal conduct, is genuinely remorseful for his actions, and has spent a great effort in atoning for the same, including by sharing his story with others in an effort to deter similar conduct as part of his community service obligations. N.T. 69 -71.

40. Petitioner submitted a character letter from Joseph L. Bielevicz, Detective, City of Pittsburgh, Bureau of Police. Petitioner's Exhibit 1.

41. In his letter, Mr. Bielevicz stated that he has known Petitioner since

he was 13 years old, and they attended grade school and high school together. Mr. Bielevicz described Petitioner as a good and devoted family man, and vouched for Petitioner's moral character, generosity and willingness to help those in need, and remorse for his actions.

42. ODC does not oppose reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth. Rule 218(c)(3), Pa.R.D.E.

2. Petitioner demonstrated by clear and convincing evidence that his resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks readmission to the practice of law following his suspension for a period of two years, ordered by the Supreme Court of Pennsylvania on January 2, 2020, retroactive to December 21, 2017. Pursuant to Rule 218(a)(1), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Court.

Petitioner bears the burden of proving by evidence that is clear and convincing, that he is morally qualified, competent and learned in the law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3). This burden is not light, and reinstatement is not automatic. A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions that gave rise to the lawyer's suspension, but rather, the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. ***Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania***, 363 A.2d 779, 780-781 (Pa. 1976).

The Hearing Committee weighed the evidence and recommended that Petitioner be reinstated. ODC raised no concerns in its response to the Petition for Reinstatement and after the hearing, does not oppose reinstatement. Upon our independent review of the record, we conclude that Petitioner met his reinstatement burden and we recommend that his Petition for Reinstatement be granted.

Petitioner was suspended as a result of his guilty plea to one count of Conspiracy to Commit Mail and Wire Fraud, in violation of 18 U.S.C. § 371, for which he was sentenced to two years of probation with six months of home confinement on electronic monitoring, a special assessment, a fine, restitution, and community service. Petitioner's conviction was based on his participation in an illegal scheme to corrupt the contracting process for awarding the City of Allentown's contract for replacing the City's

street lights. Petitioner timely reported his conviction and cooperated with ODC by agreeing to his temporary suspension pending his disciplinary hearing. Petitioner served his probation without incident and completed all of the terms of his sentence. Notably, Petitioner fulfilled his community service requirements by speaking to college students about business law and situational ethics and sharing his experiences and lessons learned.

At the reinstatement hearing, Petitioner fully acknowledged his criminal misconduct and that his actions warranted suspension of his license to practice law. Petitioner did not minimize or justify his criminal conduct and fully appreciates that even though his criminal actions did not involve the practice of law or the court system, his conviction brought disrepute upon the legal profession.

Petitioner expressed credible and sincere remorse for his misconduct. He described his experience as humbling and humiliating, and noted that prior to his conviction he had maintained a blemish-free disciplinary record for 16 years. Petitioner spent time while suspended reflecting on his wrongdoing and intentionally delayed filing for reinstatement because he wanted to ensure that he was fully rehabilitated and had the proper "ethical mindset" and "moral mindset" to be readmitted. Petitioner shared how he made a point to talk about his transgressions with his teenage sons in order to teach them a life lesson that there are consequences when a wrong is committed. Petitioner sincerely assured the Committee and the Board that if he is fortunate enough to regain his law license, he will never again engage in similar misconduct.

Petitioner established that he engaged in efforts during suspension to rehabilitate himself. Petitioner maintained continuous employment as the Vice-President of Sales for System One, a recruiting staffing firm, where he is responsible for the sales force in western Pennsylvania. This position does not entail the practice of law and there is no evidence to suggest that Petitioner engaged in the unauthorized practice of law during his period of suspension. Petitioner intends to remain in his current position at System One if reinstated, explaining that while he is satisfied with his current employment, he worked hard to gain his law license and would like to have the ability to practice law in the future if he should so choose. In that regard, Petitioner took action to maintain his currency and learning in the law by fulfilling the Continuing Legal Education requirements necessary for reinstatement in excess of the amount required for reinstatement. Petitioner engaged in community activities during his suspension by volunteering to coach his sons' sports teams, serving on an athletic council, and serving on scholarship committees.

Petitioner's three character witnesses bolstered Petitioner's own testimony and provided valuable insight into his character and qualifications. The credible testimony of these witnesses supports the conclusion that Petitioner is rehabilitated from his misconduct and is professionally and morally fit. The three Pennsylvania lawyers who testified on Petitioner's behalf have known him for many years as a friend and as a colleague and hold him in esteem as a reliable, trustworthy, and honest individual who possesses a high level of integrity. These witnesses credibly described Petitioner's genuine expressions of remorse for his transgressions. The character letter written by

City of Pittsburgh Detective Joseph Bielevicz likewise vouched for Petitioner's integrity and supports the conclusion that Petitioner has the moral qualifications to be reinstated.

The record established that Petitioner spent his suspension period engaged in genuine rehabilitation and is fit to practice law. Petitioner met the requirements of Rule 218(c)(3), Pa.R.D.E., by presenting credible evidence of his moral qualifications, competency and learning in the law. Petitioner admitted that his misconduct represented a serious breach of his ethical duties and caused his suspension, and he demonstrated via his own credible testimony and the credible testimony of his character witnesses, that his resumption of the practice of law will not harm the public or be detrimental to the integrity of the profession. Under similar circumstances, the Court has granted reinstatement from suspension. See, *In the Matter of Robert William Stein*, No. 90 DB 2012 (D. Bd. Rpt. 10/19/2018) (S. Ct. Order 1/4/2019) (reinstatement following suspension for five years on consent retroactive to the temporary suspension for conviction of violation of the Sherman Act); *In the Matter of Robert M. Danenberg*, No. 130 DB 2010 (D. Bd. 10/27/2016) (S. Ct. Order 12/2/2016) (reinstatement following suspension for five years retroactive to the temporary suspension for conviction of conspiracy to commit wire fraud); *In the Matter of Danielle M. Ross*, No. 179 DB 2013 (D. Bd. Rpt. 5/10/2016) (S. Ct. Order 6/6/2016) (reinstatement following 26 month suspension retroactive to the temporary suspension for conviction of attempting to evade or defeat tax).

Petitioner's original misconduct necessitated his removal from the practice of law for the protection of the public and to preserve the integrity of the courts and the

reputation of the legal profession. Upon this record, Petitioner clearly and convincingly met his reinstatement burden and the Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Patrick O'Hare Regan, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: Celeste L. Dee
Celeste L. Dee, Member

Date: 2/25/2022