

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2073 Disciplinary Docket No. 3
Petitioner :
 :
v. : No. 38 DB 2014
 :
 :
SUSAN KAY CANDIELLO, : Attorney Registration No. 64998
Respondent : (Cumberland County)

ORDER

PER CURIAM:

AND NOW, this 17th day of July, 2014, there having been filed with this Court by Susan Kay Candiello her verified Statement of Resignation dated May 15, 2014, stating that she desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of Susan Kay Candiello is accepted; she is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and she shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola
As Of 7/17/2014

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 38 DB 2014
Petitioner	:	
	:	
v.	:	Attorney Registration No. 64998
	:	
SUSAN KAY CANDIELLO	:	
Respondent	:	(Cumberland County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

6. The material facts related to the professional misconduct which has caused me to submit this Resignation Statement are set forth in Exhibit A, which is attached hereto and incorporated herein.

7. I acknowledge that the material facts in Exhibit A are true.

8. I am submitting my resignation because I cannot successfully defend against charges of professional misconduct set forth in Exhibit A.

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 15 day of May, 2014.

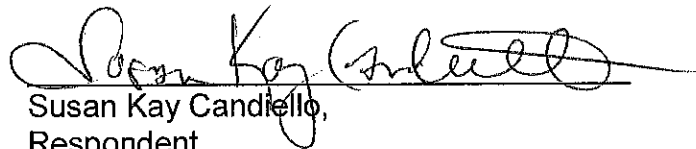

Susan Kay Candello,
Respondent

EXHIBIT A TO CANDIELLO RESIGNATION STATEMENT

1. At all times material hereto I represented Kelly M. Stevens, Plaintiff, in a York County custody action docketed to No. 2013 FC 1433.

2. A Custody Conciliation Conference was scheduled for August 30, 2013 before the court-appointed Custody Conciliator, Glenn C. Vaughn, Esquire.

3. I appeared at this Conference with my client; however, the Defendant, Travis Allen Stevens, did not appear either personally or through counsel.

4. Custody Conciliator Vaughn asked me whether I had served Defendant with the Custody Complaint and Notice of this Conference. I told him I had served the Defendant by Certified Mail, had the signed green return receipt card, but had mistakenly left it at my home.

5. Custody Conciliator Vaughn asked me to promptly send him the green return receipt card and an Affidavit of Service.

6. I subsequently provided him with an Affidavit of Service Certified Mail (sic), and an attached "Exhibit A," which was a green return receipt card purportedly signed by, and evidencing service on, the Defendant Travis Stevens. The Affidavit states I had mailed the Custody Complaint on August 27, 2013. The Affidavit further states the return receipt card was signed by Defendant "showing a date of service of August 20, 2013," which is seven days prior to the purported mailing of this document. (Copies of the Affidavit and the return receipt card are attached as "Exhibit 1.")

7. The Defendant did not sign the return receipt card. This return receipt card was never affixed to an envelope, and thus was never detached from an envelope nor was it ever mailed back to my office. The side of the card that should show my address so that the card, once signed, could be mailed back to me, is blank.

8. I signed Defendant's name to this return receipt card. The card was never attached to a mailing to Defendant.

9. Because of these circumstances, Conciliator Vaughn rescheduled the Conference for September 26, 2013.

10. On September 23, 2013, Defendant was served, by constable, with a copy of the Custody Complaint and Notice of the August 30, 2013 Conference. This was the first time he had received a copy of the Custody Complaint.

11. Defendant subsequently learned the Conference was rescheduled for September 26, 2013.

12. On either September 23 or 24th, Defendant received, by regular mail, a copy of the Custody Complaint and Notice of the September 26, 2013 Conference. He never received a certified mailing concerning the September 26, 2013 Conference.

13. On September 26, 2013, I, my client, the Defendant and his counsel appeared before Custody Conciliator Vaughn.

14. In an effort to clarify the service circumstances, the Conciliator showed Defendant a return receipt card provided to him by me at this conference

(copy attached as "Exhibit 2") with a delivery date of September 6, 2013, for the purpose of establishing my alleged service of Defendant, by certified mail, with notice of the instant September 26, 2013 Conference.

15. Defendant disavowed any knowledge of this return receipt card, which bears my signature on line "A" where the recipient of the mailing is supposed to sign. Defendant further disavowed any knowledge of previous certified mailings or return receipt cards.

16. I signed my name to this card, which had been attached to my mailing of the original Custody Complaint in August 2013 that had been returned to my office undelivered. I provided this return receipt card to the Conciliator.

17. Conciliator Vaughn asked me about these service-related peculiarities, particularly those related to the August conference. I provided no explanation as to how or why they occurred.

18. I admit that the actions in which I engaged are violations of the following Rule of Professional Conduct:

a. RPC 3.3(a)(1), which provides that a lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

b. RPC 3.4(b), which provides that a lawyer shall not falsify evidence, counsel or assist a witness to testify falsely, pay, offer to pay, or acquiesce in the payment of compensation to a

witness contingent upon the content of the witness' testimony or the outcome of the case; but a lawyer may pay, cause to be paid, guarantee or acquiesce in the payment; and

c. RPC 8.4(c), which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY DIVISION**

KELLY M. STEVENS,	:	NO. 2013-FC-001433-03
PLAINTIFF	:	
	:	
vs.	:	
	:	
TRAVIS ALAN STEVENS,	:	CIVIL ACTION - LAW
DEFENDANT	:	ACTION IN CUSTODY

AFFIDAVIT OF SERVICE CERTIFIED MAIL

Be it known, that on August 27, 2013, comes, **SUSAN KAY CANDIELLO**, who states as follows:

1. I am an attorney licensed to practice law in the Commonwealth of Pennsylvania.
2. I represent Kelly M. Stevens, Plaintiff in the above-captioned matter.
3. August 27, 2013, a true and correct copy of the Complaint for Custody, was deposited for delivery with the U.S. Postal Service in Mechanicsburg, Pennsylvania, being Certified/First Class Mail, restricted delivery, return receipt requested, Article No. 7013 0600 0000 0846 3699, and addressed to the Defendant, Todd Alan Stevens, , 108 Dogwood Drive, Dover, PA 17315.
4. The return receipt card signed by the Defendant, Todd Alan Stevens, showing a date of service of August 20, 2013, is attached hereto as Exhibit "A".
5. Service by certified mail meets the requirements of Pa.R.C.P. 404(2) and Pa.R.C.P. 403.



SUSAN KAY CANDIELLO,
Counsel for Plaintiff

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>Jepus Alan Stevens</i> <i>108 Dogwood Drive</i> <i>Dover PA 17315</i>	B. Received by (<i>Printed Name</i>)	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes	
7013 0600 0000 0846 3699		

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Exhibit "A"

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Travis A. Stevens 108 Dogwood Drive Dover PA 17315</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number</p> <p>(Transfer from service li. 7013 0600 0000 0846 3699</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>