

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3038 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 78 DB 2023
	:	
v.	:	Attorney Registration No. 79692
	:	
	:	(Allegheny County)
SHELLEY L. FANT,	:	
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 10<sup>th</sup> day of April, 2024, 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 Shelley L. Fant is suspended on consent from the Bar of this Commonwealth for a period of three years. 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 04/10/2024

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2980, Disciplinary Docket  
: No. 3 - Supreme Court  
Petitioner :  
: No. 78 DB 2023 - Disciplinary  
v. : Board  
: Attorney Registration No. 79692  
SHELLEY L. FANT, :  
Respondent : (Allegheny County)

JOINT PETITION IN SUPPORT OF DISCIPLINE  
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Thomas J. Farrell, Chief Disciplinary Counsel, and David M. Lame, Disciplinary Counsel, and Respondent, Shelley L. Fant, Esquire, by and through her counsel Michael DeRiso, Esquire, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pa.R.D.E. and respectfully represent as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P. O. Box 62485, Harrisburg, Pennsylvania 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), 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, Shelley L. Fant, was born in 1969. She was admitted to practice law in the Commonwealth of Pennsylvania on June 3, 1997.

**FILED**  
**02/12/2024**  
**The Disciplinary Board of the**  
**Supreme Court of Pennsylvania**

3. Respondent's attorney registration mailing address is 146 Laurel Crest Drive, Wexford, PA 15090.

4. Respondent is presently on active status.

5. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

### SPECIFIC FACTUAL ADMISSIONS

#### Federal Court Conviction

6. At all times relevant hereto, Respondent served as president of FCG Solutions (FCG) a company located in Pittsburgh, Pennsylvania.

7. FCG Solutions provided employee staffing services to various companies.

8. Respondent was responsible for the withholding and payment of employment taxes related to the employees FCG provided to its clients, including the preparation and submission of quarterly 941 federal income tax forms and payment of applicable taxes and the related federal taxes known as FICA taxes.

9. Respondent withheld the applicable taxes from the employees FCG provided to its clients but failed to remit the taxes due for each quarter of 2016, 2017 and 2018 totaling \$599,922.00.

10. Respondent spent the tax money she had withheld on personal expenses, including the purchase of a condominium in Florida.

11. Respondent also failed to file her 1040 personal income tax returns for calendar years 2015 through 2018.

12. On May 25, 2021, in the case of the ***United States of America v. Shelley L. Fant***, filed in the United States District Court for the Western District of Pennsylvania at 21-CR-00229, a grand jury returned an Indictment

against Respondent charging her with sixteen counts of violating the United States Code as follows:

(a) At counts 1 through 12 Willful Failure to Collect or Pay Over Tax, in violation of 26 U.S.C. §7202 and,

(b) At counts 13 through 16 Willful Failure to File Tax Return, in violation of 26 U.S.C. §7203.

13. On August 30, 2022, Respondent with the advice of counsel, knowingly and voluntarily entered a plea of guilty to counts 1 and 15 of the Indictment.

14. United States District Court Judge W. Scott Hardy accepted Respondent's guilty plea to one count of Willful Failure to Collect or Pay Over Tax, in violation of 26 U.S.C. §7202 and one count of Willful Failure to File Tax Return, in violation of 26 U.S.C. §7203.

15. Upon Motion of the Government, counts 2 through 14 and count 16 of the Indictment were dismissed with the Court's approval.

16. By letter dated September 16, 2022, Respondent, through her counsel, complied with Rule 214, Pa.R.D.E., by reporting this criminal conviction to the Office of Disciplinary Counsel.

17. The crimes to which Respondent pled guilty are punishable by a maximum period of incarceration of five years for violating 26 U.S.C. §7202 and a maximum of 1 year for violating 26 U.S.C. §7203.

18. On January 4, 2023, after reviewing 12 letters of support for the Respondent, and considering the respective positions of both the Government and Respondent, Judge Hardy imposed the following sentence:

(a) Probation for a total term of three years consisting of a three-year term of probation at count 1 (26 U.S.C. §7202), a

three-year term of probation at count 15 (26 U.S.C. §7203), to be served concurrently and no fine was imposed;

(b) Home detention for a period of 180 days, except for work; education; religious services; medical, substance abuse or mental health treatment; attorney visits; court appearances and obligations; and any other activities pre-approved by the probation officer;

(c) Pay a mandatory \$125 special assessment;

(d) Pay restitution in the amount of \$658,895; and,

(e) Pay interest on the restitution and a fine of \$2,500.

**RULE OF PROFESSIONAL CONDUCT and RULE OF DISCIPLINARY ENFORCEMENT VIOLATED**

19. By her conduct as alleged in Paragraphs 6 through 18 above, Respondent admits to having violated the following Rule of Professional Conduct and acknowledges that her conviction in the United States District Court for the Western District of Pennsylvania is grounds for the imposition of discipline pursuant to the following Rule of Disciplinary Enforcement:

(a) Rule of Professional Conduct 8.4(b) – in 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; and,

(b) Rule 203(b)(1), Pa.R.D.E. – in that, a conviction of a crime shall be grounds for discipline.

**Allegheny County Conviction**

20. On February 28, 2022, at approximately 1225 hours, Fox Chapel Police, in Allegheny County, responded to a female motorist whose vehicle

was stopped on the roadway. She was outside of her stopped vehicle, kneeling beside it, and in apparent need of assistance.

21. The female was later identified as Respondent.

22. Based upon her unsteady gait, her slurred speech, and glassy eyes, coupled with the manner in which she was found upon their arrival, the police officers and EMS personnel transported Respondent to St. Margaret's Hospital.

23. Respondent refused to submit to chemical testing of her blood and therefore a search warrant was obtained for Respondent's blood results.

24. The results of the blood test revealed that Respondent had a BAC of .515%.

25. Respondent was arrested and charged with, among others, one count of Driving Under Influence of Alcohol or Controlled Substance, highest rate of alcohol, in violation of 75 Pa.C.S.A. §3802 (c ).

26. On January 17, 2023, Respondent with the advice of counsel, entered a plea of guilty to the charge of Driving Under Influence of Alcohol or Controlled Substance, highest rate of alcohol, in violation of 75 Pa.C.S.A. §3802 (c ), an ungraded misdemeanor.

27. After accepting Respondent's guilty plea, Court of Common Pleas Judge Thomas P. Caulfield imposed the following sentence to be effective as of the date of the plea:

(a) Confinement for a minimum of 4 days and a maximum of 4 days in the DUI-Alternative to Jail Program with the terms set forth in the sentencing order and directed to comply with all rules of the program and program administrators;

(b) Serve, concurrent to the DUI-Alternative to Jail Program, a six (6) month period of probation supervised by the Allegheny County Adult Probation Office subject to usual terms and conditions of probation;

(c) Complete a Drug and Alcohol evaluation and any related treatment;

(d) Pay a fine in the amount of \$1,000 and,

(e) Pay all court costs.

28. Respondent did not report this conviction to the Office of Disciplinary Counsel as required by Rule 214(a), Pa.R.D.E.

29. By her conduct as alleged in Paragraphs 20 through 28 above, Respondent admits to having violated the following Rule of Professional Conduct and acknowledges that her conviction in the Court of Common Pleas of Allegheny County and failure to notify the Office of Disciplinary Counsel of that conviction are each grounds for the imposition of discipline pursuant to the following Rules of Disciplinary Enforcement:

(a) Rule of Professional Conduct 8.4(b) – in 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;

(b) Rule 203(b)(1), Pa.R.D.E. – in that, a conviction of a crime shall be grounds for discipline; and,

(c) Rule 214(a), Pa.R.D.E., through Rule 203(a), Pa.R.D.E. – in that, Respondent was required to report her conviction in the Court of Common Pleas of Allegheny County within 20 days to the Office of Disciplinary Counsel and she failed to do so.

Respondent's failure to report is an act or omission that violates the Disciplinary Rules and is a ground for discipline.

### SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

30. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct for both criminal convictions is a suspension for a period of three years.

31. Respondent hereby consents to the discipline being imposed upon her. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that she consents to the recommended discipline and including the mandatory acknowledgements contained in Rule 215(d)(i)-(iv), Pa.R.D.E.

32. In support of Petitioner's and Respondent's joint recommendation, it is submitted that the following mitigating circumstances are present:

(a) Respondent demonstrated acceptance of responsibility by pleading guilty in the United States District Court to committing crimes in violation of 26 United States Code §§ 7202 and 7203;

(b) Respondent intends to pay the full restitution of \$658,895. that was imposed upon her by the Federal Court as a result of her guilty plea;

(c) Respondent had significant character support at her sentencing before Judge Hardy. She offered 12-character letters, which were from a combination of family, business associates, and personal acquaintances. The letters detailed significant aspects of Respondent's personal and professional life that portrayed her as both a caring parent



and determined businessperson. Throughout the letters there was a common theme of the torment and pain caused by Respondent's husband that invoked significant sympathy from the reader;

(d) Respondent also demonstrated acceptance of responsibility by pleading guilty to the charge of Driving Under Influence of Alcohol in Allegheny County in violation of 75 Pa.C.S.A. §3802 (c).

(e) Respondent is completing the court-imposed conditions of her sentence and is continuing with alcohol treatment;

(f) Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct while acknowledging both of her criminal convictions, and a failure to report the DUI, constitute separate grounds for discipline pursuant to the Rules of Disciplinary Enforcement;

(g) Respondent is remorseful for her misconduct and understands she should be disciplined, as evidenced by her cooperation with Petitioner and her consent to the imposition of a three-year suspension to be imposed by the Supreme Court of Pennsylvania; and

(h) In the Federal matter, during sentencing, Respondent was not determined to be a threat to the public as evidenced by the sentence imposed by Judge Hardy.

Respondent's conviction did not involve the representation of a client. It did, however, seriously reflect upon the integrity of the profession and warrants the imposition of public discipline. In light of the specific facts of this case involving a Respondent who has cooperated with ODC, accepts and acknowledges her misconduct, and has no prior discipline of record, a suspension of three years is appropriate. A three-year suspension fulfills the goals of the disciplinary system and adheres to the Supreme Court's long held directive that disciplinary sanctions are not designed to be punitive. The

recommendation of a three-year suspension is supported by precedent as follows.

In ***Office of Disciplinary Counsel v. Douglas M. Marinos***, 42 DB 2018 (S.Ct Order 12/3/2019), the respondent consented to a suspension of four years (retroactive to the date he had been placed on temporary suspension) based on his guilty plea for willful failure to collect and pay over taxes in violation of 26 U.S.C. § 7202. For sixteen quarters in tax years 2011-2015 the respondent withheld payroll taxes from his employees but did not pay them over to the IRS as required by law. The federal government suffered a tax loss of \$229,548.92 (\$154,049.36 of employee withholdings not paid over and \$75,494.73 of employer payroll taxes not paid). Marinos was sentenced to twelve months and one day incarceration and three years' supervised release, and was ordered to pay a fine of \$10,000, a special assessment of \$100.00, and restitution in the amount of \$284,567.84. Mitigating factors set forth in the Marinos Joint Petition in Support of Discipline on Consent are that Respondent: was remorseful, paid his full restitution, had significant character evidence, admitted his misconduct that violated the Rules of Professional Conduct, agreed to temporary suspension, and had no record of discipline nor any criminal history.

In ***Office of Disciplinary Counsel v. Steven James Lynch***, No. 29 DB 2017 (S.Ct. Order 7/15/2019), an attorney with no history of discipline was disbarred on consent in connection with his conviction by a jury of 16 counts of willful failure to pay over withheld employment taxes in violation of 26 U.S.C. § 7202 which resulted in a \$793,145.00 tax loss to the government. Lynch was sentenced to an aggregate of 48 months' incarceration, three years of supervised release, and was ordered to pay a special assessment of \$1,600.00, a \$75,000.00 fine, and restitution in the amount of \$793,145.00. Lynch cooperated fully with the Office of Disciplinary Counsel's investigation.

In *Office of Disciplinary Counsel v. Wayne Bozeman*, No. 183 DB 2009 (S.Ct. Order 10/3/2011), the respondent was suspended for five years on consent. He had pleaded guilty and been sentenced to 22 months' incarceration and three years of supervised release for conspiracy to defraud the United States out of \$137,635.00 of income tax revenue for the tax years 2000 through 2006 based on unreported income of \$830,369.00, in violation of 18 U.S.C. § 371. Bozeman had no history of discipline, was remorseful, paid full restitution, and had significant community service.

Respondent Fant is remorseful for her misconduct and acknowledges her violations of both the Rules of Professional Conduct and Rules of Disciplinary Enforcement. Respondent agrees that this three- year suspension is the appropriate discipline. While Respondent' s misconduct and criminal acts are similar in many respects to the cases cited, one significant deviation is that Respondent' s sentence did not include a period of actual incarceration. Respondent' s counsel in the criminal matter prepared a memorandum to aid sentencing which provided background information and mitigation that the Court found compelling and which supported the sentence imposed.

As a result of Respondent' s acceptance of responsibility, and plea of guilty, in Allegheny County on the charge of Driving Under Influence of Alcohol or Controlled Substance, she was accepted into the Alternative to Jail program which gave her a second chance provided that she complies with the terms and conditions of the program. Thus far she has complied as directed.

WHEREFORE, Petitioner and Respondent and her counsel respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., a Three-member panel of the Disciplinary Board be appointed to review and approve the above Joint Petition In Support Of Discipline On Consent and file a

recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for a period of three-years and that Respondent comply with all of the provisions of Rule 217, Pa.R.D.E.; and further,


b. Pursuant to Pa.R.D.E. 215(i), the Three-member Panel of the Disciplinary Board recommend that Respondent be directed to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1) all expense be paid by Respondent within 30 days after the notice of the taxed expenses is sent to Respondent.

Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL  
CHIEF DISCIPLINARY COUNSEL

By   
David M. Lane  
Disciplinary Counsel

By   
Shelley L. Fant, Esquire  
Respondent

By   
Michael J. DeRiso, Esquire  
Counsel for Respondent

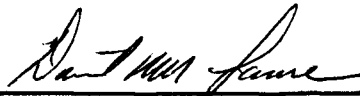
BEFORE THE DISCIPLINARY BOARD OF THE  
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OFFICE OF DISCIPLINARY COUNSEL, : No. 2980, Disciplinary Docket  
: No. 3 - Supreme Court  
Petitioner :  
: No. 78 DB 2023 - Disciplinary  
v. : Board  
: Attorney Registration No. 79692  
SHELLEY L. FANT, :  
Respondent : (Allegheny County)


VERIFICATION

The statements contained in the foregoing Joint Petition in Support of Discipline on Consent Under Rule 215(d), 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. §4904, relating to unsworn falsification to authorities.

FEB 5 2024  
Date

  
David M. Lane  
Disciplinary Counsel

1. 30. 2024  
Date

  
Shelley L. Fant, Esquire  
Respondent

1. 30. 2024  
Date

  
Michael J. DeRiso, Esquire  
Counsel for Respondent

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2980, Disciplinary Docket
		No. 3 - Supreme Court
Petitioner	:	No. 78 DB 2023 - Disciplinary
v.	:	Board
SHELLEY L. FANT,	:	Attorney Registration No. 79692
	:	(Allegheny County)
Respondent	:	

**AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.**

Respondent, Shelley L. Fant, Esquire, hereby states that she consents to a suspension of three (3) years, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent, in the Joint Petition in Support Of Discipline On Consent, and further states that:

1. She is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on June 3, 1997.
2. She desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E.
3. Her consent is freely and voluntarily rendered; she is not being subjected to coercion or duress; and she is fully aware of the implications of submitting this affidavit.
4. She is aware that there is a pending proceeding involving allegations that she has been guilty of misconduct, as set forth in the Joint

Petition in Support of Discipline on consent Pursuant to Rule 215(d), Pa.R.D.E., to which this affidavit is attached.

5. She acknowledges that the material facts set forth in the Joint Petition are true.

6. She consents because she knows that if the matter pending against her is prosecuted, she could not successfully defend against the charges.

7. She acknowledges that she is fully aware of her right to consult and employ counsel to represent her in the instant proceeding. She has retained, consulted or acted upon the advice of counsel in connection with her decision to execute the within Joint Petition.

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).

*Shelley L Fant*

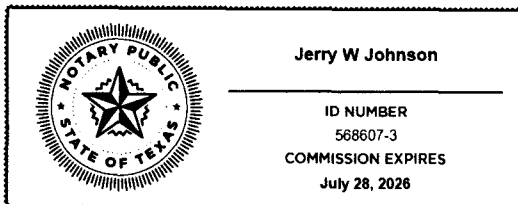
Shelley L. Fant, Esquire  
Respondent

Sworn to and subscribed  
before me this 30th day of January, 2024.

*Jerry W Johnson*  
Jerry W Johnson

**Notary Public**  
Notary Public, State of Texas  
County of Tarrant

2



Electronically signed and notarized online using the Proof platform

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2980, Disciplinary Docket  
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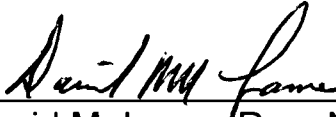
CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa.C.S. §89.22 (relating to service by a participant).

By Regular United States mail as follows:

Michael J. DeRiso, Esquire (412) 765-1100  
429 4<sup>th</sup> Avenue, Ste. 2101  
Pittsburgh, PA 15219  
[deriso\\_esq2@msn.com](mailto:deriso_esq2@msn.com)  
(Counsel for Respondent)


Dated: FEB 12 2024

  
\_\_\_\_\_  
David M. Lane, Reg. No. 49531  
Disciplinary Counsel  
Office of Disciplinary Counsel  
District IV Office  
Suite 1300, Frick Building  
437 Grant Street  
Pittsburgh, PA 15219  
(412) 565-3173



**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: David M. Lame  
Signature:   
Name: David M. Lame  
Attorney No. (if applicable): 49531