

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2206 Disciplinary Docket No. 3  
: :  
Petitioner : No. 154 DB 2015  
: :  
v. : Attorney Registration No. 3254  
: :  
RANDOLPH A. SCOTT, : (Bucks County)  
: :  
Respondent :

**ORDER**

**PER CURIAM**

**AND NOW**, this 9<sup>th</sup> day of June, 2017, upon consideration of the amended Verified Statement of Resignation, Randolph A. Scott is disbarred on consent from the Bar of the Commonwealth of Pennsylvania, retroactive to November 25, 2015, see Pa.R.D.E. 215. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola  
As Of 6/9/2017

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF  
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2206 Disciplinary Docket  
: No. 3  
Petitioner :  
: No. 154 DB 2015  
v. :  
: Atty. Registration No. 3254  
RANDOLPH A. SCOTT, :  
: Respondent : (Bucks County)

RESIGNATION  
UNDER Pa.R.D.E. 215

Randolph A. Scott, Esquire, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 18, 1969 and placed on retired status by Supreme Court Order dated September 5, 2012. By Order of the Supreme Court of Pennsylvania dated November 25, 2015, Respondent was placed on Temporary Suspension pursuant to Pa.R.D.E. 214(d)(2). His attorney registration number is 3254.

2. He desires to submit his resignation as a member of said bar.

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

4. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. ~~He has not retained, consulted with or acted upon the advice of counsel in connection with his decision to execute the within resignation.~~

Randolph Scott  
Randolph Scott

5-7-17  
Date

James [unclear]  
Witness

5-7-17  
Date

5. He is aware that there are presently pending disciplinary proceedings instituted against him pursuant to Rule 214, Pa.R.D.E. relating to his criminal matter in the United States District Court, Eastern District of Pennsylvania.

6. He acknowledges that the material facts which form the basis for his criminal matter are true and that he has entered a plea of guilty to charges arising from the Criminal Information. A true and correct certified copy of the Guilty Plea Agreement is attached hereto and marked Exhibit A.

7. He acknowledges that the crimes to which he has pled guilty are punishable by imprisonment.

8. He acknowledges that the conviction constitutes a *per se* ground for discipline under Rule 203(b)(1), Pa.R.D.E.

9. He acknowledges that under Rule 214(f)(1), Pa.R.D.E., he would be entitled to the institution of a formal proceeding before a hearing committee in which the sole issue to be determined would

be the extent of discipline to be imposed.

10. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct that are being brought in connection with his conviction.

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

12. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

13. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217(a), (b), (c) and (d).


14. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e)(1).

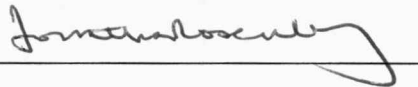
15. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the

order of disbarment 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., §4904 (relating to unsworn falsification to authorities).

Signed this 7<sup>th</sup> day of May, ~~2016~~ <sup>2017</sup> *ZAS*

  
RANDOLPH A. SCOTT

WITNESS: 



executor appointment, thereby ensuring that the estate tax return would not be filed and the estate tax would not be paid. The failure to file tax return charges arise out of Scott's failure to file personal tax returns for tax years for tax years 2007 through 2009. The defendant further acknowledges his waiver of rights, as set forth in the attachment to this agreement.

2. At the time of sentencing, the government will:

a. Move to dismiss Counts Two and Three of the Indictment. The defendant waives the statute of limitations as to all counts to be dismissed under this agreement and agrees that if the defendant withdraws from, or successfully challenges, the guilty plea entered under this agreement, or if these counts are otherwise reinstated under the terms of this agreement, neither the statute of limitations nor the Double Jeopardy Clause will bar prosecution on any of these dismissed counts.

b. Make whatever sentencing recommendation as to imprisonment, fines, forfeiture, restitution, and other matters which the government deems appropriate.

c. Comment on the evidence and circumstances of the case; bring to the Court's attention all facts relevant to sentencing including evidence relating to dismissed counts, if any, and to the character and any criminal conduct of the defendant; address the Court regarding the nature and seriousness of the offense; respond factually to questions raised by the Court; correct factual inaccuracies in the presentence report or sentencing record; and rebut any statement of facts made by or on behalf of the defendant at sentencing.

d. Nothing in this agreement shall limit the government in its comments in, and responses to, any post-sentencing matters.

3. The defendant understands, agrees, and has had explained to him by counsel that the Court may impose the following statutory maximum sentences: Count One (mail fraud), 20 years' imprisonment, a three year period of supervised release, a \$ 250,000 fine, and a \$100 special assessment; Count Four (tax evasion), five years' imprisonment, a three year period of supervised release, a \$ 250,000 fine, and a \$100 special assessment; Count Five (attempting to interfere with the administration of internal revenue laws), one year imprisonment, a one year period of supervised release, a \$ 100,000 fine, and a \$25 special assessment; Counts Six through Eight (failure to file personal tax returns), on each count, one year imprisonment, a one year period of supervised release, a \$ 100,000 fine, and a \$25 special assessment;

Total Maximum Sentence is: 29 years' imprisonment, a three year period of supervised release), \$ 900,000 fine and a \$ 300 special assessment. Full restitution as determined by the court also shall be ordered. Also, forfeiture of all proceeds derived from the mail fraud offense may be ordered.

The defendant further understands that supervised release may be revoked if its terms and conditions are violated. When supervised release is revoked, the original term of imprisonment may be increased by up to two years per count of conviction. Thus, a violation of supervised release increases the possible period of incarceration and makes it possible that the defendant will have to serve the original sentence, plus a substantial additional period, without credit for time already spent on supervised release.

4. In order to facilitate the collection of financial obligations to be imposed in connection with this prosecution, the defendant agrees fully to disclose all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party. Accordingly:



a. The defendant will promptly submit a completed financial statement to the U.S. Attorney's Office, in a form it provides and as it directs. The defendant promises that his financial statement and disclosures will be complete, accurate, and truthful.

b. The defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report on him in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

5. The defendant agrees to pay the special victims/witness assessment in the amount of \$ 300 before the time of sentencing and shall provide a receipt from the Clerk to the government before sentencing as proof of this payment.

6. The defendant may not withdraw his plea because the Court declines to follow any recommendation, motion, or stipulation by the parties to this agreement. No one has promised or guaranteed to the defendant what sentence the Court will impose.

7. Pursuant to USSG § 6B1.4, the parties enter into the following stipulations under the Sentencing Guidelines Manual. It is understood and agreed that: (1) the parties are free to argue the applicability of any other provision of the Sentencing Guidelines, including offense conduct, offense characteristics, criminal history, adjustments, and departures; (2) these stipulations are not binding upon either the Probation Office or the Court; and (3) the Court may make factual and legal determinations that differ from these stipulations and that may result in an increase or decrease in the Sentencing Guidelines range and the sentence that may be imposed:

(a) The parties agree and stipulate that, as of the date of this agreement, the defendant has demonstrated acceptance of responsibility for his offense, making the defendant eligible for a 2-level downward adjustment under USSG § 3E1.1(a).

(b) The parties agree and stipulate that, as of the date of this agreement, the defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying the government of his intent to plead guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, resulting in a 1-level downward adjustment under USSG § 3E1.1(b).

8. The defendant understands and agrees that: (a) the status of any professional or other license or certification held by the defendant is not protected by this agreement and is a matter solely within the discretion of the appropriate federal, state, local or other licensing, regulatory, and disciplinary authorities; and (b) the government will inform the appropriate professional or other licensing, regulatory, and disciplinary authorities in Pennsylvania and any other jurisdictions, or any federal agencies where the defendant is licensed, of the disposition of the criminal charges filed against the defendant in this case.

9. The defendant agrees to file tax returns for tax years 2007, 2008 and 2009 prior to sentencing, and make payments to the IRS as required.

10. In exchange for the promises made by the government in entering this plea agreement, the defendant voluntarily and expressly waives all rights to appeal or collaterally attack the defendant's conviction, sentence, or any other matter relating to this prosecution, whether such a right to appeal or collateral attack arises under 18 U.S.C. § 3742, 28 U.S.C. § 1291, 28 U.S.C. § 2255, or any other provision of law.

a. Notwithstanding the waiver provision above, if the government appeals from the sentence, then the defendant may file a direct appeal of his sentence.

b. If the government does not appeal, then notwithstanding the waiver provision set forth in this paragraph, the defendant may file a direct appeal but may raise only a claim:

(1) that the defendant's sentence on any count of conviction exceeds the statutory maximum for that count as set forth in paragraph 3 above;

(2) challenging a decision by the sentencing judge to impose an "upward departure" pursuant to the Sentencing Guidelines;

(3) challenging a decision by the sentencing judge to impose an "upward variance" above the final Sentencing Guideline range determined by the Court;

If the defendant does appeal pursuant to this subparagraph, no issue may be presented by the defendant on direct appeal other than those described in this subparagraph.

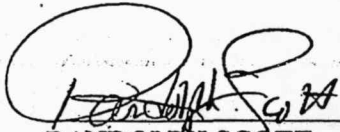
c. Notwithstanding the waiver provision set forth in this paragraph, the defendant may file a petition for collateral relief under 28 U.S.C. § 2255, but may only raise a claim that the attorney who represented the defendant at the time of the execution of this agreement and the entry of the defendant's guilty plea provided constitutionally ineffective assistance during any part of the representation.

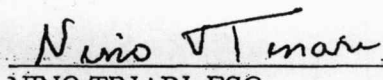
11. The defendant waives any claim under the Hyde Amendment, 18 U.S.C. § 3006A (Statutory Note), for attorney's fees and other litigation expenses arising out of the investigation or prosecution of this matter.

12. The defendant waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.


13. The defendant is satisfied with the legal representation provided by the defendant's lawyer; the defendant and this lawyer have fully discussed this plea agreement; and the defendant is agreeing to plead guilty because the defendant admits that he is guilty.

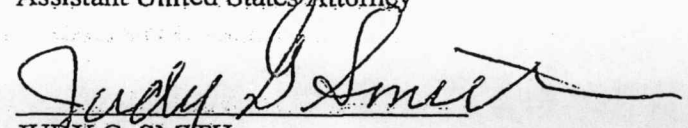
14. It is agreed that the parties' guilty plea agreement contains no additional promises, agreements, or understandings other than those set forth in this written guilty plea agreement, and that no additional promises, agreements, or understandings will be entered into unless in writing and signed by all parties.

  
\_\_\_\_\_  
RANDOLPH SCOTT  
Defendant

  
\_\_\_\_\_  
NINO TINARI, ESQ.  
Counsel for Defendant

ZANE DAVID MEMEGER  
United States Attorney

  
\_\_\_\_\_  
PETER F. SCHENCK  
Chief, Criminal Division  
Assistant United States Attorney

  
\_\_\_\_\_  
JUDY G. SMITH  
Assistant United States Attorney

Date: 3/25/15

**Attachment**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** :  
 :  
 v. : **CRIMINAL NO. 13-543**  
 :  
**RANDOLPH SCOTT** :

**ACKNOWLEDGMENT OF RIGHTS**

I hereby acknowledge that I have certain rights that I will be giving up by pleading guilty.

1. I understand that I do not have to plead guilty.
2. I may plead not guilty and insist upon a trial.
3. At that trial, I understand
  - a. that I would have the right to be tried by a jury that would be selected from the Eastern District of Pennsylvania and that along with my attorney, I would have the right to participate in the selection of that jury;
  - b. that the jury could only convict me if all 12 jurors agreed that they were convinced of my guilt beyond a reasonable doubt;
  - c. that the government would have the burden of proving my guilt beyond a reasonable doubt and that I would not have to prove anything;
  - d. that I would be presumed innocent unless and until such time as the jury was convinced beyond a reasonable doubt that the government had proven that I was guilty;
  - e. that I would have the right to be represented by a lawyer at this trial and at any appeal following the trial, and that if I could not afford to hire a lawyer, the court would appoint one for me free of charge;
  - f. that through my lawyer I would have the right to confront and cross-examine the witnesses against me;

g. that I could testify in my own defense if I wanted to and I could subpoena witnesses to testify in my defense if I wanted to; and

h. that I would not have to testify or otherwise present any defense if I did not want to and that if I did not present any evidence, the jury could not hold that against me.

4. I understand that if I plead guilty, there will be no trial and I would be giving up all of the rights listed above.

5. I understand that if I decide to enter a plea of guilty, the judge will ask me questions under oath and that if I lie in answering those questions, I could be prosecuted for the crime of perjury, that is, for lying under oath.

6. I understand that if I plead guilty, I have given up my right to appeal, except as set forth in the appellate waiver provisions of my plea agreement.

7. Understanding that I have all these rights and that by pleading guilty I am giving them up, I still wish to plead guilty.

8. I acknowledge that no one has promised me what sentence the Court will impose. I am aware and have discussed with my attorney that, at sentencing, the Court will calculate the Sentencing Guidelines range (including whether any departures apply), and then, in determining my sentence, will consider the Guideline range and all relevant policy statements in the Sentencing Guidelines, along with other sentencing factors set forth in 18 U.S.C. § 3553(a), including


(1) the nature and circumstances of the offense and my personal history and characteristics;

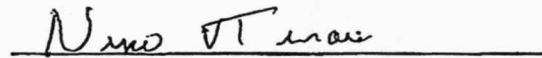
(2) the need for the sentence imposed-- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) the kinds of sentences available;

(4) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(5) the need to provide restitution to any victims of the offense.

  
\_\_\_\_\_  
RANDOLPH SCOTT  
Defendant

  
\_\_\_\_\_  
NINO TINARI, ESQ.  
Counsel for the Defendant

Dated: 3/25/15