

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1256 Disciplinary Docket No. 3  
Petitioner :  
v. : No. 178 DB 2006  
STEPHEN J. CABOT, : Attorney Registration No. 2032  
Respondent : (Delaware County)

ORDER

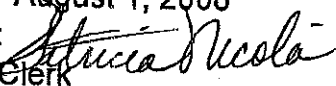
PER CURIAM:

AND NOW, this 1<sup>st</sup> day of August, 2008, there having been filed with this Court by Stephen J. Cabot his verified Statement of Resignation dated June 16, 2008, stating that he 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 Stephen J. Cabot is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he 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: August 1, 2008

Attest:   
Chief Clerk

Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1256 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 178 DB 2006
v.	:	
	:	Attorney Registration No. 2032
STEPHEN J. CABOT	:	
Respondent	:	(Delaware County)

**RESIGNATION BY RESPONDENT**

Pursuant to Rule 215  
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF  
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
 Petitioner :  
 : No. 178 DB 2006  
 v. :  
 : Atty. Regis. No. 2032  
 STEPHEN J. CABOT, :  
 Respondent : (Formerly Philadelphia)

RESIGNATION  
UNDER Pa.R.D.E. 215

Stephen J. Cabot 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 November 1, 1967. His attorney registration number is 2032.

2. He desires to submit his resignation as a member of the Bar of the Commonwealth.

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 is aware that there is presently pending a disciplinary proceeding involving allegations that he has been guilty of misconduct, the nature of which allegations have been made known to him by service of a Petition for Discipline filed on January 9, 2007, a true and correct copy of which is attached hereto, made a part hereof and marked "Exhibit A."

5. He acknowledges that the material facts upon which the allegations in Exhibit A are based are true.

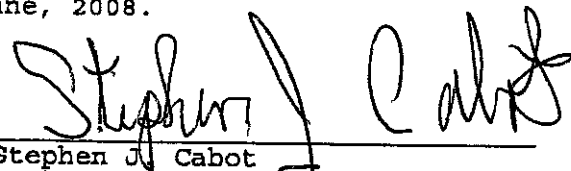
6. He submits the within resignation because he knows that he could not successfully defend himself against the allegations of professional misconduct set forth in the attached exhibit.

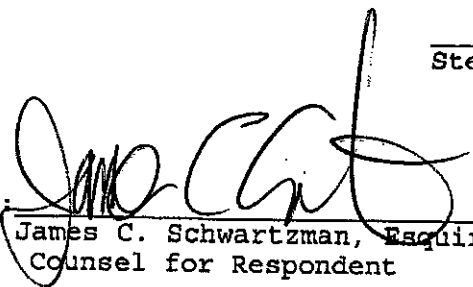
7. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b).

8. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted with and acted upon the advice of counsel, James C. Schwartzman, Esquire, in connection with his decision to execute the within resignation.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S., Section 4904 (relating to unsworn falsification to authorities).

Signed this 16<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Stephen J. Cabot

WITNESS:   
\_\_\_\_\_  
James C. Schwartzman, Esquire  
Counsel for Respondent

6/16/2008

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. 178 DB 2006  
v. :  
: Atty. Reg. No. 2032  
STEPHEN J. CABOT, :  
Respondent : (Formerly Philadelphia)

PETITION FOR DISCIPLINE

NOTICE TO PLEAD

To: Stephen J. Cabot

Rule 208(b)(3) of the Pennsylvania Rules of Disciplinary Enforcement provides: Within twenty (20) days of the service of a petition for discipline, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted.

Rule 208(b)(4) provides: Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. No evidence with respect to factual allegations of the complaint that have been deemed or expressly admitted may be presented at any hearing on the matter, absent good cause shown.

\* \* \* \* \*

A copy of your answer should be served upon Disciplinary Counsel at the District I Office of Disciplinary Counsel, Seven Penn Center, 16<sup>th</sup> Floor, 1635 Market Street, Philadelphia, PA 19103, and the original and three (3) conformed copies filed with the Office of the Secretary, the Disciplinary Board of the Supreme Court of Pennsylvania, Two Lemoyne Drive, First Floor, Lemoyne, PA 17043-1226. [Disciplinary Board Rule §89.3(a)(1)]

Further, pursuant to Disciplinary Board Rule §85.13, your answer, if it contains an averment of fact not appearing of record or a denial of fact, shall contain or be accompanied by a verified-statement signed by you that the averment or denial is true based upon your personal knowledge or information and belief.

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
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: Atty. Reg. No. 2032  
STEPHEN J. CABOT, :  
Respondent : (Formerly Philadelphia)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Amelia C. Kittredge, Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Stephen J. Cabot, with professional misconduct in violation of the Rules of Professional Conduct ("RPC") as follows:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and 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

**FILED**

JAN 09 2007

Office of the Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Stephen J. Cabot, was born on [redacted] and was admitted to practice in the Commonwealth on November 1, 1967. Respondent's attorney registration mailing address is The Cabot Institute for Labor Relations, 600 West Germantown Pike, Suite 400, Plymouth Meeting, PA 19462. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE

3. At all relevant times, the principal office address of the law firm of Harvey, Pennington, Cabot, Griffith & Renneisen, LTD. ("Harvey Pennington") was 1835 Market Street, 29<sup>th</sup> Floor, Philadelphia, PA 19103-2989.

4. From in or about January 1991, to on or about May 26, 2004, Respondent was engaged in the practice of law at Harvey Pennington.

5. From in or about January 1991, to on or about May 26, 2004, Respondent was a shareholder of Harvey Pennington.

6. At all relevant times, Rubinsohn Travel ("Rubinsohn") was a travel agency with a business address at Yorktown Courtyard of Shops, Elkins Park, PA 19027 or Baederwood Shopping Center, 1623 The Fairway, Jenkintown, PA 19046.

7. During the time period on or about January 1, 2000

until in or about May 2004, Respondent engaged Rubinsohn to:

- a. arrange business-related travel for himself in connection with the practice of law at Harvey Pennington; and
- b. arrange personal travel for himself and members of his family.

8. During the time period on or about January 1, 2000 until in or about May 2004, Respondent and one or more unknown principals, agents, servants or employees of Rubinsohn were engaged in a scheme to obtain reimbursement from Harvey Pennington for airline tickets that were never purchased, but which Respondent fraudulently misrepresented to Harvey Pennington were for business-related trips and had been pre-paid by Rubinsohn.

9. From on or about January 1, 2000 until in or about May 2004, on not less than sixty-nine occasions, Respondent contacted, or directed personnel under his supervision employed by Harvey Pennington, to contact Rubinsohn for the purpose of making airline reservations and purchasing airline tickets for purported business-related travel.

10. Upon receiving these contacts from Harvey Pennington personnel on sixty-nine occasions, Rubinsohn did not make reservations or purchase tickets on behalf of Respondent.

11. Respondent was aware prior to and following these contacts on sixty-nine occasions that Rubinsohn would not make



airline reservations or purchase airline tickets for Respondent.

12. For each of the sixty-nine airline trips that were purportedly reserved and purchased, a principal, agent, servant, or employee of Rubinsohn generated a document (hereinafter "fraudulent confirmation") addressed to and sent to Respondent at Harvey Pennington.

13. Each of the sixty-nine fraudulent confirmations contained, *inter alia*, the purchase price of the ticket, the date of the flight, and the airline.

14. The fraudulent confirmations set forth the following dates and destinations for round-trip flights out of Philadelphia, which either entirely or partially involved flights on US Airways:

	<u>Date(s) of Travel</u>	<u>Destination</u>
1)	1/22/00	Cleveland, OH
2)	4/1/00	Cleveland OH
3)	5/6/00	Cleveland, OH
4)	7/15-16/00	Las Vegas, NV
5)	8/12-13/00	Houston, TX
6)	8/19/00	Chicago, IL
7)	9/30/00	Chicago, IL
8)	12/16/00	Cleveland, OH
9)	1/13/01	Cleveland, OH
10)	2/3/01	Cleveland, OH

	<u>Date(s) of Travel</u>	<u>Destination</u>
11)	3/31/01	Cleveland, OH
12)	4/14/01	Atlanta, GA
13)	5/12/01	Cleveland, OH
14)	6/16/01	Cleveland, OH
15)	6/23/01	Cleveland, OH
16)	7/14/01	Chicago, IL
17)	7/28/01	Cleveland, OH
18)	8/18/01	Chicago, IL
19)	11/3/01	Cleveland, OH
20)	12/ 8/01	Cleveland, OH
21)	4/6/02	Cleveland, OH
22)	4/20/02	Cleveland, OH
23)	5/11/02	Cleveland, OH
24)	7/6/02	Cleveland, OH
25)	8/3/02	Cleveland, OH
26)	9/14/02	Cleveland, OH
27)	9/28/02	Atlanta, GA
28)	10/12/02	Atlanta, GA
29)	11/02/02	Kansas City, MO
30)	11/23/02	Cleveland, OH
31)	1/11/03	Cleveland, OH
32)	1/25/03	Cleveland, OH
33)	2/8/03	Kansas City, MO
34)	3/8/03	Kansas City, MO

	<u>Date(s) of Travel</u>	<u>Destination</u>
35)	4/5/03	Cleveland, OH
36)	6/7/03	Cleveland, OH
37)	6/21/03	Cleveland, OH
38)	7/12/03	Charlotte, NC then to Kansas City, MO then to Charlotte, NC
39)	8/23/03	Cleveland, OH
40)	9/13/03	Cleveland, OH
41)	10/4/03	Cleveland, OH
42)	11/8/03	Cleveland, Ohio
43)	12/6/03	Cleveland, OH
44)	1/10/04	Cleveland, OH
45)	1/31/04	Cleveland, OH
46)	3/13/04	Cleveland, OH
47)	4/3/04	Chicago, IL then to Kansas City, MO
48)	5/1/04	Cleveland, OH

15. The fraudulent confirmations set forth the following dates and destinations for round-trip flights out of Philadelphia (except the one indicated in bold type) on airlines other than US Airways:

	<u>Date(s) of Travel</u>	<u>Destination</u>	<u>Airline</u>
49)	2/12-13/00	Miami	American
50)	3/25/00	Chicago	American
51)	4/15/00	Las Vegas	America West

	<u>Date(s) of Travel</u>	<u>Destination</u>	<u>Airline</u>
52)	4/29-30/00	Las Vegas	America West
53)	10/28/00	Cleveland	Continental
54)	12/9/00	St. Louis	TWA
55)	3/10/01	Chicago	American
56)	9/8/01	Cleveland	Continental
57)	10/6/01	Chicago	American
58)	1/12/02	Atlanta	Delta
59)	2/2/02	Chicago	American
60)	3/2/02	Cleveland	Continental
61)	3/23/02	Chicago	American
62)	5/1/02	Orlando- Houston	Continental
63)	8/24/02	Atlanta	Delta
64)	12/7/02	Detroit, MI then to Kansas City, MO	Northwest
		Kansas City, MO then to Cincinnati, OH	Delta
65)	5/10/03	Chicago, IL then to Kansas City, MO then to Chicago, IL	American
66)	8/9/03	Chicago	American
67)	9/27/03	Chicago	American
68)	12/13/03	Chicago	American
69)	2/7/04	Chicago	American

16. Respondent did not engage in any of the travel or take the flights itemized in paragraphs 14 and 15, *supra*.

17. In furtherance of the scheme, for each of the sixty-nine purported trips, Respondent submitted or caused to be submitted to the accounting department at Harvey Pennington, a firm expense voucher which, *inter alia*:

- a. attached the fraudulent confirmation prepared by Rubinsohn;
- b. indicated the business purpose for which the trip was purportedly taken or to be taken; and
- c. constituted a request that the purported pre-paid ticket price be reimbursed to Rubinsohn.

18. The submission of the documents described in paragraph 17, *supra*, caused Harvey Pennington to issue a check to Rubinsohn for the stated purchase price of sixty-eight of the tickets.

19. Based on the conduct of Respondent, and those acting with his knowledge and pursuant to his instruction, as described in paragraphs 8 through 18, *supra*, Harvey Pennington sent checks to Rubinsohn totaling approximately \$133,600.

20. Harvey Pennington made the aforementioned payments without knowledge of Respondent's scheme and would not have made them if Harvey Pennington knew that the Firm was not receiving services in the nature of business-related travel.

21. The documents described in paragraph 17, *supra*, were false, in that they reflected, *inter alia*, that Respondent had taken:

- a. an American Airlines round-trip flight from Philadelphia to Chicago to Kansas City, MO, commencing at 6:07 a.m. on Saturday, May 10, 2003, and returning to Philadelphia at 10:42 p.m. on May 10, 2003, when Respondent had also submitted a bill to Harvey Pennington for client entertainment on the same evening, May 10, 2003, at the Green Valley Country Club in Lafayette Hill, PA; and
- b. a Continental and US Airways round-trip flight from Philadelphia to Cleveland, commencing on Saturday, August 23, 2003 at 6:55 a.m., and returning to Philadelphia at 7:15 p.m. that same day, when Respondent also sought reimbursement from Harvey Pennington for a "Labor Retreat" Respondent hosted for Harvey Pennington lawyers at the Wild Pines Golf Club in Pocono Summit, PA on August 23, 2003.

22. Respondent knew that Harvey Pennington was not receiving any service or benefit in exchange for the approximately \$133,000 paid to Rubinsohn.

23. Respondent knowingly misappropriated or knowingly

allowed the monies paid by Harvey Pennington to be misappropriated either for his own benefit or for the benefit of others.

24. By his conduct as alleged in paragraphs 7 through 23 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 8.4(a), which provides that it is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- b. 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; 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.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion  
Chief Disciplinary Counsel

By Amelia C. Kittredge  
Amelia C. Kittredge  
Disciplinary Counsel  
Attorney Registration No. 28760

Seven Penn Center, 16<sup>th</sup> Floor  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296



BEFORE THE DISCIPLINARY BOARD OF  
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: :  
: No. 178 DB 2006  
v. :  
: :  
: Atty. Reg. No. 2032  
STEPHEN J. CABOT, :  
Respondent : (Formerly Philadelphia)

VERIFICATION

The statements contained in the foregoing Petition for Discipline 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.

January 5, 2007 Amelia C. Kittredge  
Date Amelia C. Kittredge  
Disciplinary Counsel