

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, :  
 : No. 2414 Disciplinary Docket No. 3  
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 :  
 : Petitioner : No. 111 DB 2017  
 :  
 :  
 : v. : Attorney Registration No. 75106  
 :  
 :  
 : GEORGE KOTSOPOULOS, : (Montgomery County)  
 :  
 :  
 : Respondent :

**ORDER**

**PER CURIAM**

**AND NOW**, this 30<sup>th</sup> day of October, 2017, 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 George Kotsopoulos is suspended on consent from the Bar of this Commonwealth for a period of one year. He shall comply with all the provisions of Pa.R.D.E. 217.

Respondent shall pay the costs incurred by the Disciplinary Board in the investigation and prosecution of this matter.

A True Copy Patricia Nicola  
As Of 10/30/2017

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2017  
Petitioner :  
 :  
v. :  
 : Attorney Reg. No. 75106  
GEORGE KOTSCOPOULOS :  
Respondent : (Montgomery County)

JOINT PETITION IN SUPPORT  
OF DISCIPLINE ON CONSENT  
PURSUANT TO Pa.R.D.E. 215 (d)

Petitioner, the Office of Disciplinary Counsel (hereinafter, "Petitioner" or "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Harold E. Ciampoli, Jr., Disciplinary Counsel and George Kotsopoulos, Esquire (hereinafter, "Respondent"), respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Pa.R.D.E. 207, with

**FILED**  
**9/22/2017**  
**The Disciplinary Board of the**  
**Supreme Court of Pennsylvania**

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

2. Respondent, George Kotsopoulos, was born on May 26, 1964, and was admitted to practice law in the Commonwealth on January 4, 1995. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

**Specific Factual Admissions and**  
**Rules of Professional Conduct Violated**

3. Edna Ritman passed away on November 18, 1993.

4. Ms. Ritman had owned property located at 2125 Tyson Avenue, Philadelphia PA ("Property").

5. On December 16, 1993, Letters Testamentary on the Estate of Edna Ritman were granted unto Lawrence H. Ritman ("Mr. Ritman").

6. On or about May 22, 2008, the Property was sold at a Philadelphia Sheriff's sale for the sum of \$105,200.00.

7. On August 21, 2008, Philadelphia County Sheriff John Green recorded a deed granting and conveying the Property to Sarahan Elayyan in consideration of the sum of \$105,200.00.

8. Mr. Ritman was committed to Norristown State Hospital ("NSH") on January 19, 2010 and in 2011 was found not competent to stand trial for various criminal charges.

9. On April 1, 2012, the Philadelphia Sheriff's Office remitted to the Pennsylvania Treasury Bureau of Unclaimed Property (hereinafter, "BUP"), the residuary balance of \$60,780.80 in connection with the Sheriff Sale for the Property.

10. Respondent claims that on or about December 2013, real estate agent Jose Jerez contacted Respondent about a potential buyer for the Property. Jerez advised Respondent that it was Jerez's understanding that the Property was owned by Ms. Ritman, who died in the 1990's. Jerez requested assistance in finding the proper party to approach with an offer via an agreement of sale. Respondent claims he was unaware that the Property had been sold until he was advised of that fact by Mr. Jerez in mid-June 2014.

11. According to Respondent, after being contacted by Mr. Jerez in 2013, he discovered that Mr. Ritman was the executor of the Estate and also discovered that Mr. Ritman was deemed incompetent to stand trial and was residing at NSH.

12. Respondent claims that he was informed that Helena McNight was the social worker at NSH assigned to Mr. Ritman. He claims that he sent her a letter requesting her permission to

file a petition on her behalf since she was the social worker responsible for Mr. Ritman.

13. Respondent never received a response from Ms. McKnight and Respondent admits he did not have the proper authority to file anything on behalf of Mr. Ritman.

14. On March 11, 2014, Respondent filed in the Court of Common Pleas, Orphans' Court, Montgomery County, a Petition for Adjudication of Incapacity and Appointment of Plenary Guardian of the Estate and Person of Lawrence H. Ritman Pursuant to 20 Pa.C.S.A. 5511 (hereinafter, "Petition").

15. The Petition:

- a) identified Helena McKnight as the Petitioner;
- b) represented that Respondent was the attorney for the Petitioner; and
- c) represented the filing party's relationship to Estate/Entity as *Social Worker*.

16. The Petition was false and/or misleading because:

- a) There is no licensed Social Worker in the Commonwealth of Pennsylvania with the name of Helena McKnight;
- b) *Halimah G. McKnight* is a social worker who works for Norristown State Hospital;

- c) Ms. McKnight was not the Petitioner for the Petition and did not authorize Respondent to file the Petition; and
- d) No one from Norristown State Hospital or the Commonwealth of Pennsylvania authorized Respondent to file the Petition.

17. A hearing in connection with the Petition was held before Judge Calvin Drayer on April 23, 2014.

18. Respondent appeared at the April 23, 2014 hearing and represented to Judge Drayer that the reason he was filing the Petition was: "Mr. Ritman was named as the executor of his mother's estate. His mother had a home on Tyson Avenue in Philadelphia, Pennsylvania. And currently there is a potential purchaser for that home; however the home cannot be sold until a guardian has been appointed for Mr. Ritman."

19. Respondent's representations as set forth in the preceding paragraph were false because the Tyson Avenue property had been sold by Sheriff's Sale on May 22, 2008. However, Respondent claims that at the time he made the representations, he was unaware the Property had been sold.

20. By letter to Steven C. McCloskey dated May 21, 2014, Respondent:

- a) advised he was writing on behalf of the Estate of Lawrence H. Ritman;
- b) inquired of Mr. McCloskey's availability and interest in serving as the Guardian for Mr. Ritman and his Estate; and
- c) represented that Mr. Ritman's Estate had only one asset, a property located at Tyson Avenue Philadelphia.

21. By Final Decree dated June 12, 2014, Judge Lois Murphy found Mr. Ritman to be totally incapacitated and appointed Mr. McCloskey as Plenary Permanent Guardian of the Person of Mr. Ritman.

22. Respondent claims that on or about mid-June 2014, he was informed by Mr. Jerez that the Property had been sold. He then also learned that the unclaimed funds were with BUP. He provided this information to Mr. McCloskey, who advised that he had experience filing claims with BUP and would do so on behalf of Mr. Ritman. Respondent requested that his firm be paid the 15% finder's fee and Mr. McCloskey acquiesced to the request.

23. On June 21, 2014, Mr. McCloskey, on behalf of Mr. Ritman, initiated with BUP claim ID 78003112 ("Property Claim") for Unclaimed Property.

24. On July 28, 2014, Respondent signed an *Acknowledgement* and an *Affidavit of Attorney* in connection with a Power of Attorney in which Respondent, *inter alia*:

- a) agreed to keep full and accurate records of all actions, receipts and disbursements on behalf of Mr. Ritman in connection with the Property Claim; and
- b) acknowledged that BUP permits Respondent to charge a fee of 15% of the total value of the Property Claim for his assistance.

25. On February 18, 2015, BUP rejected the Property Claim and requested the claimant to submit an Owner Claim Form and an Affidavit and Indemnification Agreement.

26. On June 26, 2015, BUP received the Owner Claim Form and various documentation in connection with the Property Claim.

27. The Owner Claim Form listed Respondent as a third party and acknowledged that Respondent was to receive 15% of the total value of the property for Respondent's assistance in the Property Claim.

28. On August 7, 2015, Respondent left a voicemail message with Special Investigator Katie Beers of the BUP, requesting a status update on the Property Claim.



29. On August 14, 2015, Ms. Beers called and spoke with Respondent. In response to her inquiries Respondent advised that:

- a) the State hired Respondent to appoint a Guardian;
- b) Helena McKnight was a member of the state hospital staff;
- c) Respondent wasn't sure if Ms. McKnight still worked for the hospital; and
- d) Respondent was taking a 15% finder's fee in connection with the Property Claim.

30. Respondent's representation to Ms. Beers that the State hired Respondent to appoint a Guardian was false.

31. On October 6, 2015, Respondent left a voicemail message with Ms. Beers requesting a status update on Claim ID 78003112.

32. By Order dated November 24, 2015, Judge Murphy vacated the appointment of Mr. McCloskey as Guardian of Mr. Ritman.

33. On December 2, 2015, BUP denied the Property Claim.

34. By Order dated November 3, 2015, Judge Murphy appointed Linda M. Hee, Esquire, to represent Mr. Ritman.

35. Linda Hee has declined to file a claim with BUP on behalf of Mr. Ritman because collection of the funds could affect Mr. Ritman's ability to collect disability payments.

36. Respondent did not benefit financially from his actions.

**SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED**

Respondent violated the following RPCs:

A. RPC 1.2(a), which states that a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by RPC 1.4, shall consult with the client as to the means by which they are pursued; and

B. RPC 3.1, which states that a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law.

**SPECIFIC RECOMMENDATION FOR DISCIPLINE**

37. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a one year suspension.

38. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule Pa.R.D.E. 215(d), stating that he consents to the

recommended discipline and including the mandatory acknowledgements contained in Rule 215(d)(1) through (4) Pa.R.D.E.

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

- a) Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b) Respondent has cooperated with Petitioner, as evidenced by Respondent's admissions herein and his consent to receiving a one year suspension; and
- c) Respondent is remorseful for his misconduct and understands he should be disciplined, as evidenced by his consent to receiving a one year suspension.

40. The parties agree Respondent's misconduct is aggravated by his history of discipline. On October 19, 2004, Respondent entered a plea of nolo contendere to three misdemeanor of the second degree counts of tampering with public records or information in violation of 18 Pa.C.S. § 4911(a)(1) and was sentenced to 18 months reporting probation and costs. The factual basis for Respondent's plea was that he falsely

attested that a person named William Leibowitz, using the alias of Howard C. Goldman, had signed mortgage documents in his presence at two settlements, when in fact these documents had not been signed in Respondent's presence. By Order dated June 6, 2005, Respondent was placed on temporary suspension. A disciplinary hearing was held on November 4, 2005. The Hearing Committee recommended a public censure. The Board recommended a six-month suspension. By Order dated December 20, 2006, Respondent was suspended for a period of six months, retroactive to June 6, 2005.

41. In the instant matter, Respondent agrees that he violated RPC 1.2(a) by injecting himself into a proceeding without the proper authority and without a specific client. The Petition he filed identified Helena McKnight as the Petitioner and represented that he was the attorney for the Petitioner. However, Ms. McKnight was **not** the Petitioner in that she never agreed to serve in that role. Neither she, nor anyone from NSH or the Commonwealth of Pennsylvania had authorized Respondent to file the Petition. Respondent also agrees that he violated RPC 3.1 by filing an action in which he had no basis in law and fact for doing so because he did not have the authority to act on behalf of a specific client.

42. Respondent's history of discipline consisting of a six-month suspension for a criminal conviction aggravates this matter. However balanced against his cooperation with Petitioner, that includes his admissions herein, and his consent to receiving a one year suspension, obviating the necessity of a disciplinary hearing, the parties agree that a one year suspension is a just resolution. Additionally, Office of Disciplinary Counsel believes, after thorough investigation, that there is insufficient evidence to establish the more serious allegations of misrepresentation originally investigated and that it would be unsuccessful in proving those allegations were this matter to go to hearing.

In several cases, the Disciplinary Board has found a respondent's prior record of discipline to be an aggravating factor, but nonetheless recommended a suspension of less than a year and a day, after factoring in the mitigating factors. See *Office of Disciplinary Counsel v. Norman Orville Scott*, No. 99 DB 2015 (D.Bd.Rpt. 6/22/2016) (S.Ct.Order 8/17/2016) (Scott's prior record of discipline consisting of an informal admonition and a March 27, 2015 public reprimand aggravated the matter, but balanced against respondent's cooperation with the Office of Disciplinary Counsel by signing a joint stipulation and ongoing health issues, a six-month suspension was appropriate to protect

the public from unfit attorneys and preserve confidence in the legal system); *Office of Disciplinary Counsel v. Ronald James Gross*, 174 DB 2014, (S.Ct.Order 4/10/15) (Gross's misconduct was aggravated by a prior informal admonition for a misrepresentation in violation of RPC 8.4(c), but his cooperation with ODC as evidenced by entering into a consent petition warranted a six-month suspension).

In that Respondent's criminal conviction was over a decade ago, a suspension of less than a year and a day is appropriate when viewed under the totality of circumstances presented in this case. See *Office of Disciplinary Counsel v. Randal E. McCamey*, No. 43 DB 2014, (D.Bd.Rpt. 11/23/2015) (S.Ct.Order 1/22/2016) (McCamey's prior Public Censure based on his delivery of one-eighth ounce of cocaine to a police informant in which no criminal charges were brought due to his cooperation with drug enforcement personnel was given little weight by the Board because the criminal conduct occurred over twenty years ago).

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a one year

suspension and that Respondent be ordered to pay all necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL  
PAUL J. KILLION  
Attorney Reg. No. 20955,  
Chief Disciplinary Counsel

Date: 9/22/17



HAROLD E. CIAMPOLI, JR.  
Disciplinary Counsel  
Attorney Reg. No. 51159  
820 Adams Avenue, Suite 170  
Trooper, PA 19403  
(610) 650-8210

Date: 9-17-17



GEORGE KOTSOPOULOS, ESQUIRE  
Respondent

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent 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.A. §4904, relating to unsworn falsification to authorities.

9/22/17

Date



HAROLD E. CIAMPOLI, JR.  
Disciplinary Counsel

9-17-17

Date



GEORGE KOTSOPOULOS, ESQUIRE  
Respondent