

**IN THE SUPREME COURT OF PENNSYLVANIA**

In the Matter of : No. 1714 Disciplinary Docket No. 3  
: :  
SABRINA L. SPETZ : No. 31 DB 2011  
: :  
: Attorney Registration No. 90506  
: :  
PETITION FOR REINSTATEMENT : (Allegheny County)

**ORDER**

**PER CURIAM**

**AND NOW**, this 28<sup>th</sup> day of February, 2020, the Petition for Reinstatement is denied. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the petition. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola  
As Of 02/28/2020

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

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REPORT AND RECOMMENDATIONS OF  
THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES  
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

Petitioner, Sabrina L. Spetz, was disbarred on consent by Order of the Supreme Court of Pennsylvania dated May 4, 2011. Petitioner filed a Petition for Reinstatement on January 16, 2019. Office of Disciplinary Counsel filed a response on March 13, 2019.

Following a prehearing conference on April 17, 2019, a District IV Hearing Committee (“the Committee”) conducted a reinstatement hearing on May 16, 2019. Petitioner testified on her own behalf and submitted four character letters. Office of Disciplinary Counsel did not call any witnesses and submitted three Administrative Exhibits and twelve Office of Disciplinary Counsel Exhibits.

On July 3, 2019, Petitioner filed a brief to the Committee and requested that her Petition for Reinstatement be granted.

On July 16, 2019, Office of Disciplinary Counsel filed a brief to the Committee and recommended that the Petition for Reinstatement be denied.

By Report filed on September 6, 2019, the Committee concluded that Petitioner failed to meet her reinstatement burden and recommended to the Board that the Petition for Reinstatement be denied.

The parties did not take exception to the Committee’s Report and recommendation.

The Board adjudicated this matter at the meeting on October 17, 2019.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Sabrina L. Spetz, born in 1977 and admitted to practice law in the Commonwealth of Pennsylvania in 2003. Petitioner's attorney registration address is 1001 Ardmore Blvd., Ste. 103, Pittsburgh, PA 15221. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. On February 23, 2011, Petitioner submitted a verified Statement of Resignation pursuant to Rule 215, Pa.R.D.E. Administrative Exhibit ("AE") 1.

3. By Order of the Supreme Court dated May 4, 2011, Petitioner was disbarred on consent. AE 1.

4. Petitioner was disbarred as a result of misconduct while employed with The Closing Company of PA.

5. Petitioner was an authorized signatory on the bank account of The Closing Company of PA at First National Bank, which was utilized to hold clients funds for real estate transactions. AE 1.

6. In 2009-2010, there were numerous instances where funds were received by The Closing Company of PA to pay off mortgages on behalf of clients; however, the mortgages were not paid timely and/or the checks issued by The Closing Company of PA were returned for non-sufficient funds. AE 1.

7. In June 2010, The Closing Company of PA received funds for the payment of an outstanding mortgage of \$311,690.39, which it did not pay. AE 1.

8. In 2009 and 2010, Fidelity National Title Insurance Company (“Fidelity”) provided title insurance to The Closing Company of PA. AE 1.

9. In March 2010, Fidelity requested bank statements and records from The Closing Company of PA for the period of December 2009 through February 2010, in order to conduct an audit. AE 1.

10. Petitioner falsified bank records for The Closing Company of PA and forwarded them to Fidelity for purposes of the audit. AE 1.

11. Between February 2009 and June 2010, eighteen checks were issued from The Closing Company of PA escrow account with First National Bank, totaling \$24,046.35, for Petitioner’s personal benefit. AE 1.

12. Petitioner was charged by the United States Government with one count of mail and wired fraud conspiracy, in violation of 18 U.S.C. § 1349. AE 1.

13. On March 29, 2012, Petitioner entered a plea of guilty to one count of mail and wire fraud conspiracy. AE 1.

14. Petitioner was sentenced on August 13, 2013, to serve one year probation with six months home detention. As part of the sentence, Petitioner was ordered to pay restitution in the amount of \$389,865.32, which was reduced to a civil judgment against Petitioner. AE 1.

15. Petitioner was unemployed between September 2012 and May 2014, at which time she began employment with Education Management Corporation as a student admissions director. The position was essentially a sales position, which ended in 2015 after Petitioner failed to meet her sales quota. N.T. 15, AE 1. No. 11(a).

16. Petitioner obtained an online Masters of Business Administration in 2015 from Argosy University. AE 1, No. 2(a).

17. In September 2016, Petitioner obtained employment with Settlement Engine, Inc., a real estate title insurance company in Pittsburgh. Petitioner's job duties include title clearance, closing disclosure preparation, deed package preparation, and customer service. Petitioner currently maintains this employment. AE 1, No. 11(a).

18. Petitioner testified that she is aware that she is employed in the same business that led to her criminal conviction, but she feels that she is good at her job and there are safeguards in her present position that will not allow her to handle funds. N.T. 17-18, 20.

19. Petitioner completed the required Continuing Legal Education ("CLE") hours for reinstatement. AE 1, No. 19(a).

20. Other than the CLE courses taken in the year prior to filing her reinstatement petition, Petitioner did not attend any additional legal education courses or attend any legal seminars during her disbarment. AE 1, No. 19(a).

21. Petitioner did not subscribe to, read or review any legal periodicals or legal journals during her period of disbarment, and did not perform any legal research. AE 1, No. 19(b)-(e).

22. Petitioner has not been involved in any type of community service or volunteered for any community or charitable organizations during her disbarment.

23. Petitioner testified that she would like to speak to young attorneys on the perils associated with the title insurance industry to help others avoid similar misconduct; however, Petitioner has not undertaken any action to follow through on this idea. N.T. 21-22.

24. Petitioner prepared a Reinstatement Questionnaire (the Questionnaire") as part of her Petition for Reinstatement. AE 1.

25. Question 3 on the Questionnaire states "What was the finding of misconduct upon which your present suspension/disbarment is based?" In response, Petitioner answered "Wrote checks on insufficient funds to the Recorder of Deeds for recordings of closed files; paid salary out of escrow on request of owner of the company (misappropriation of funds)."

26. Petitioner's response to Question 3 failed to report that she falsified bank statements and misappropriated \$24,046.35 from the escrow account of The Closing Company of PA to pay her personal debts. At the reinstatement hearing, Petitioner testified that she did not provide a more detailed response because the information was "part of the federal record." N.T. 39.

27. Question 8(a) of the Questionnaire states, "To the best of your knowledge have you ever been the subject of a disciplinary complaint not revealed hereinabove, to include any complaint made against you in law school?" In response, Petitioner answered "no"; however, she included a reference to a claim filed with the Pennsylvania Lawyers Fund for Client Security.

28. Petitioner has been the subject of prior disciplinary proceedings. At C4-07-1064, Petitioner, who was a notary public at the time, notarized a document on which the signature was forged and was not signed in her presence. Petitioner received an Informal Admonition in 2008 for this misconduct. ODC-4.

29. Concurrent with the disciplinary matter at C4-07-1064, Petitioner's notary public commission was suspended for eighteen months by the Pennsylvania Bureau of Commissions, Elections and Legislation. ODC-5.

30. At disciplinary proceeding C4-08-565, Petitioner issued a check on behalf of The Closing Company of PA payable to the Beaver County Recorder of Deeds, which was returned for non-sufficient funds. Petitioner received a letter of concern from Office of Disciplinary Counsel dated March 17, 2009 for her misconduct in the matters, and agreed to have her name removed as an authorized signatory on the account held by The Closing Company of PA. ODC-7; ODC-8.

31. During her hearing testimony, Petitioner testified that she did not list these prior matters because she "forgot." N.T. 40.

32. Question 10(c) of the Questionnaire states, "Are there any judgments against you currently on court records as unsatisfied?" In response, Petitioner only listed a judgment held by the Commonwealth of Pennsylvania Department of Revenue in the amount of \$927.43. Petitioner's response failed to disclose judgments against her by the United States of America in the amount of \$389,865.32 and Mozart Management in the amount of \$2,238.46. ODC-10; ODC-11; ODC-12.



33. Petitioner testified that the judgment by the United States of America was included in other attachments to the Petition for Reinstatement. Petitioner further testified that while she was aware she owed money to Mozart Management, she was not aware that it had been reduced to judgment. N.T. 49, 51.

34. The judgment held by the United States of America is subject to a garnishment order which attaches Petitioner's wages with her current employer, Settlement Engine. N.T. 49-50.

35. Petitioner testified that she has made no payments toward the judgments held by the Pennsylvania Department of Revenue or Mozart Management. N.T. 52.

36. In response to Question 10(d), Petitioner stated generally that she has other outstanding debts which include credit cards and medical bills, but she did not list specific amounts. At the hearing, when questioned by Office of Disciplinary Counsel, Petitioner gave details as to the amounts due on the outstanding debts, and further testified that she was not making payments on the debts, nor had she entered into any repayment plans. N.T. 53.

37. In response to Question 15, Petitioner listed her student loan debt in the amount of \$100,000. Petitioner testified that she has not made payments on the loan since 2003 or 2005, and was in deferment status for a period of time due to hardship. N.T. 15-16, 54. Petitioner further testified that the deferment status ended in January 2019 and she was attempting to work out a repayment plan, but nothing formal has been

arranged. Petitioner did not provide documentary evidence of the negotiations. N.T. 16, 55.

38. Question 17 of the Questionnaire states, "Have you, as a member of any profession or organization or the holder of any office or license, been the subject of any proceedings or inquiry which involved censure, removal, suspension, revocation of license, or discipline (not including the proceeding which led to your present disbarment/suspension/transfer to disability inactive status and not including any matter listed in 7 and 8 above)?" In response, Petitioner disclosed that she surrendered her title agent license in 2011, but she failed to disclose that her notary public commission was suspended for eighteen months in 2007.

39. Petitioner testified that she "forgot" her notary public commission had been suspended. N.T. 40.

40. Petitioner testified credibly concerning her admission of misconduct, her remorse, and the impact her disbarment has had upon her life. N.T. 12-22.

41. Petitioner testified that she has struggled since her disbarment. She lost her employment and her home, has debt and does not make enough money to pay off the debt. N.T. 12-22.

42. If reinstated, Petitioner does not intend to practice law, but plans to remain at Settlement Engine as a Commercial & Residential Transaction Coordinator. She desires to have her law license reinstated as a benefit to her employer. AE 1, No. 18.

43. Petitioner submitted four character letters from individuals, three of whom she knows through her place of employment, and one of whom is her close friend.

None of these individuals are attorneys. These individuals described Petitioner as professional, reliable, and intelligent and support her resumption of practice. Petitioner's Exhs. A – D.

44. Petitioner did not offer any character witnesses at the reinstatement hearing.

45. Office of Disciplinary Counsel opposes reinstatement.

46. Petitioner did not take exception to the Committee's recommendation to deny her reinstatement petition.

### III. CONCLUSIONS OF LAW

1. The misconduct for which Petitioner was disbarred is not so egregious as to preclude consideration of her petition for reinstatement. ***Office of Disciplinary Counsel v. John Keller***, 506 A.2d 872 (Pa. 1986).

2. Petitioner failed to prove by clear and convincing evidence that she has engaged in a quantitative period of qualitative rehabilitation. ***In the Matter of Jerome Verlin***, 731 A.2d 600 (Pa. 1999).

3. Petitioner failed to demonstrate by clear and convincing evidence that she possesses the moral qualifications and competency required to practice law in Pennsylvania, and that the resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks reinstatement to the bar of the Supreme Court of Pennsylvania following her disbarment on consent by Order of the Court dated May 4, 2011.

Petitioner's burden of proof with respect to her request for reinstatement from disbarment is heavy. As the Supreme Court of Pennsylvania held in *Keller*, "[i]n the case of disbarment, there is no basis for an expectation by the disbarred attorney of the right to resume practice at some future point in time." *Keller*, 506 A.2d at 875. The threshold issue when a petitioner seeks reinstatement from disbarment is whether the misconduct that resulted in the disbarment was of such magnitude as to preclude the Board's consideration of the petitioner's reinstatement. *In the Matter of Robert Costigan*, 664 A.2d 518, 520 (Pa. 1995).

Petitioner was disbarred for her criminal conduct consisting of mail and wire fraud conspiracy arising out of falsification of bank records and misappropriation. While Petitioner's misconduct was very serious, similar misconduct in other disciplinary matters has resulted in reinstatement. The decisional law reinforces the Board's conclusion that Petitioner's misconduct is not so egregious as to preclude reinstatement at this time. *In the Matter of Jay Ira Bomze*, No. 149 DB 2002 (D. Bd. Rpt. 11/21/2017) (S. Ct. Order 12/26/2017) (disbarred for conviction of health care fraud for directing four clients in two separate personal injury matters to obtain unnecessary medical treatment and coaching the clients to lie about the circumstances, in order to falsely inflate the value of the personal injury settlements; conduct not so egregious as to bar reinstatement); *In the*

**Matter of Stephen Greg Doherty**, No. 69 DB 2010 (D. Bd. Rpt. 9/13/2017) (S. Ct. Order 10/27/2017) (disbarred for conviction of mail fraud, wire fraud, bankruptcy fraud, and money laundering based on scheme of real property sales and leaseback transactions; conduct not so egregious as to bar reinstatement); **In the Matter of Robert Edward Faber**, 13 DB 1997 (D. Bd. Rpt. 10/2/2007) (S. Ct. Order 11/7/2007) (attorney disbarred for conviction of mail fraud, wire fraud and aiding and abetting the criminal conduct of others; underlying misconduct involved prosecuting personal injury cases that were fabrications; conduct not so egregious as to bar reinstatement).

The Board's inquiry does not end with the determination of the threshold issue. Next, the Board must consider whether, under **Keller**, Petitioner has proven by clear and convincing evidence that her "current resumption" of the practice of law would not be detrimental to the profession, the courts or the public. **Office of Disciplinary Counsel v. William Perrone**, 777 A.2d 413, 416 (Pa. 2001). This requires an evaluation of the misconduct in relation to the number of years of disbarment to determine whether "a sufficient amount of time has passed to dissipate the detrimental impact of [a petitioner's] misconduct on the public trust," *Id*, and whether the petitioner engaged in qualitative rehabilitation during that time. **Verlin**, 731 A.2d at 602. Upon this record, we conclude that Petitioner has failed to meet her burden.

Petitioner has been disbarred since 2011, a period of approximately eight years. Petitioner testified credibly as to the difficulties she encountered during her disbarment and her remorse regarding her misconduct. During this time frame, Petitioner was unemployed for two years, which had adverse effects on her finances, but eventually

obtained employment and currently works at Settlement Engine. A real estate title insurance company, where she has earned the respect of her colleagues, as evidenced by the character letters. Petitioner candidly acknowledged that her employment in the same industry where she committed her criminal activity may appear problematic; however, she believes she is good at her job and described office safeguards that prevent her having access to funds. Petitioner intends to continue her employment and does not intend to practice law if reinstated. During her disbarment, Petitioner continued her education and earned an MBA. However, these facts alone do not establish that Petitioner is fit and able to resume the practice of law.

Review of the record demonstrates a scarcity of evidence that is clear and convincing to support a conclusion that Petitioner engaged in a qualitative rehabilitation during disbarment.

Petitioner's Questionnaire was deficient in that she either minimized or omitted, relevant information as to the details of her misconduct, her past disciplinary history, and her financial position. Petitioner provided minimal information on the Questionnaire as to the basis for her disbarment. She stated that she "Wrote checks on insufficient funds to the Recorder of Deeds for recordings of closed files; paid salary out of escrow on request of owner of the company (misappropriation of funds)." Notably, Petitioner did not state that she falsified bank statements or that the \$24,046.35 misappropriated from the escrow account of The Closing Company of PA was used by Petitioner to pay personal debts and expenses. Petitioner testified that she was not

specific on the Questionnaire because the information was included in attachments to the Questionnaire.

Petitioner was the subject of two prior disciplinary matters; however, she failed to disclose this information and testified that she “forgot” about the informal admonition imposed in 2008 and the letter of concern sent to her in 2009. Petitioner also “forgot” that her notary public commission was suspended in 2007.

In that same vein, Petitioner was asked to list her judgments and in response, she listed a Pennsylvania Department of Revenue judgment for \$927.43, but failed to disclose the United States of America judgment in the amount of \$389,865.32 and the Mozart Management judgment in the amount of \$2,238.46. When questioned at the reinstatement hearing, Petitioner explained that she did not realize the Mozart Management obligation had been reduced to judgment, and did not list the United States of America judgment as it was included in other attachments.

It appears that Petitioner’s omissions in these areas were not done with intent to mislead disciplinary authorities, yet it is somewhat bewildering that on an important document such as the Questionnaire, Petitioner would have been less than exacting in her efforts to precisely and accurately answer each question. This raises the issue of whether Petitioner truly appreciates the seriousness of this reinstatement process. The reinstatement process is not a mere formality leading to a foregone conclusion of reinstatement. As the Court stated in *Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania*, 363 A.2d 779, 780-81 (Pa. 1976), the reinstatement process is “a searching inquiry into the lawyer’s present

professional and moral fitness to resume the practice of law.” A lawyer seeking reinstatement must be prepared to provide detailed answers to questions posed on the Questionnaire, and can expect to be subjected to an extensive investigation of his or her financial and personal circumstances. Providing less than complete answers on the Questionnaire is the first indication that a lawyer may not be fit to resume practice. Petitioner’s deficient Questionnaire and her testimony that she “forgot” about many of these past problems denote a lack of self-examination of her past actions that makes her reinstatement questionable.

Petitioner fulfilled her minimum Continuing Legal Education requirements for reinstatement, but did not review any legal periodicals, perform legal research, or attend any legal seminars or educational programs other than what was required for reinstatement. Petitioner put forth no evidence that she has performed community or charitable services. Petitioner called no witnesses, attorneys or otherwise, to testify to her reputation in her community as a truthful, honest and law-abiding citizen. As to the aforementioned judgments, as well as other debt, Petitioner offered no plan for repayment, and merely indicated that she cannot afford to make payments on those debts. We note that the judgment held by the United States of America is subject to a garnishment order attaching Petitioner’s wages at Settlement Engine.

In isolation, each of these problem areas may not bar reinstatement; however, the cumulative nature of these concerns demonstrates a lack of qualitative rehabilitation and an overall lack of fitness to resume practice. Petitioner appears to have done the bare minimum necessary to present her case. During her testimony, she made



suggestions as to the things she might do, such as talk to young lawyers regarding her experiences, and create a repayment plan for her debt. Actually doing these things and presenting evidence at the reinstatement hearing would have helped Petitioner meet her burden. Instead, the Board is left with a scant record on which to evaluate Petitioner's fitness.

Petitioner failed to establish by clear and convincing evidence, that she has the moral qualifications, competency and learning in the law to resume practicing law. Her lack of these qualifications is detrimental to the integrity and standing of the bar and the administration of justice, and is subversive of the public interest.

We conclude that Petitioner has failed to meet her burden and is not fit to return to practice at this time. We recommend that the Petition for Reinstatement be denied.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the reinstatement of Petitioner, Sabrina L. Spetz, be denied.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By:   
John F. Cerdusco, Member

Date: 1/3/2020

Member Goodrich recused.