

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2739 Disciplinary Docket No. 3
: :
Petitioner : No. 193 DB 2019
: :
v. : Attorney Registration No. 81971
: :
DARREN KEITH PARR, : (Allegheny County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 10th day of August, 2020, 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 Darren Keith Parr is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. Respondent shall comply with all 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 Patricia Nicola
As Of 08/10/2020


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
: Petitioner : No. 193 DB 2019
: v. :
DARREN KEITH PARR, : Attorney Registration No. 81971
: 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 James M. Fox, Disciplinary Counsel-in-Charge, and Respondent, Darren Keith Parr, 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, Darren Keith Parr, was born in 1968. He was admitted to practice law in the Commonwealth of Pennsylvania on October 21, 1998.

3. Respondent's attorney registration mailing address is 967 Liberty Avenue, Floor 2, Pittsburgh, PA 15222.

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

The Franco Matter

6. At all times relevant hereto, Respondent maintained the following bank accounts utilized in his law practice:

(a) An IOLTA with Citizens Bank, ending in 6075 (IOLTA);

(b) An operating account with Citizens Bank, designated as DKP Law Operating Account, ending in 4873 (Operating Account);

(c) A business advisory account with Citizens Bank, designated as DKP Law Business Advisory checking account, ending in 0117 (Business Advisory Account); and,

(d) A payroll account with Citizens Bank, designated as DKP Law Payroll Account, ending in 6083 (Payroll Account).

7. In December 2016, Respondent settled a civil case on behalf of Susan and Larry Franco for \$57,000.00.

8. Pursuant to the Settlement Statement, dated December 9, 2016, Respondent was entitled to attorney's fees in the amount of \$13,492.46 and reimbursement of costs

in the amount of \$499.89 from the settlement, leaving Respondent entrusted with \$43,007.65 on behalf of the Francos.

9. On December 12, 2016, Respondent deposited the \$57,000.00 settlement check, made payable to Susan Franco and Darren K. Parr Law Firm, into his Operating Account.

10. Respondent failed to identify and hold the funds entrusted to him on behalf of the Francos separate from Respondent's own property, and failed to appropriately safeguard the Francos' property.

11. On December 13, 2016, Respondent transferred \$42,000.00 from his Operating Account to his IOLTA.

12. On December 13, 2016, IOLTA check number 1022, dated December 8, 2016, cleared Respondent's IOLTA and Respondent disbursed \$40,447.40 to Susan M. Franco, annotated "Settlement Proceeds."

13. Respondent remained entrusted with \$2,560.25 on behalf of the Francos, of which \$2,530.00 was designated for medical bills, pursuant to the Settlement Statement.

14. State Collection Service, Inc., who represented several of the medical providers who had rendered care to Ms. Franco for the injuries she sustained, sent notice to Respondent, dated October 5, 2016, of an outstanding balance due of \$2,066.00 representing medical expenses incurred by Ms. Franco for treatment of injuries she sustained in the accident that gave rise to the personal injury case.

15. Respondent did not, at that time, make any disbursement of the funds he was holding on behalf of the Francos to State Collection Service, Inc. toward Ms. Franco's outstanding medical bills.

16. Although Respondent remained entrusted with \$2,560.25 (\$1,552.60 in his IOLTA and \$1,007.65 in his Operating Account), the balance in his Operating Account, as of December 19, 2016, was negative \$6,067.40 and the balance in his IOLTA, as of January 23, 2017, was \$8.85. The aggregate total of \$8.85 that Respondent had between his IOLTA and Operating Account was \$2,551.40 below the amount for which Respondent remained entrusted on behalf of the Francos.

17. Respondent misappropriated a minimum of \$2,551.40 of the Francos' entrusted funds and utilized them for purposes other than on behalf of the Francos.

18. On June 1, 2018, eighteen (18) months after his last disbursement on behalf of the Francos, Respondent issued IOLTA check number 1049, in the amount of \$750.00, made payable to Susan M. Franco, annotated "Remainder of Settlement Proceeds."

19. On July 3, 2018, the \$750.00 check issued to Susan M. Franco cleared Respondent's IOLTA and created an insufficient funds balance in Respondent's IOLTA of negative \$408.72.

20. On or about July 9, 2018, a Dishonored Escrow/Trust Check Reporting Form of Financial Institutions was generated by Citizens Bank.

21. On July 10, 2018, Kathryn Peifer Morgan, Executive Director and Counsel for the Fund of the Pennsylvania Lawyers Fund for Client Security, sent a letter to Respondent requesting an explanation for the overdraft.

22. By letter dated August 1, 2018, Respondent informed Ms. Peifer Morgan that the overdraft was inadvertent.

23. Respondent stated that he owed a client, Ms. Franco, \$750.00 on an old case where he had miscalculated the costs expended.

24. Respondent stated that as the money was owed to a client he opted to process the check through his IOLTA to properly account for it, but then failed to transfer funds in a timely manner to cover the check.

25. After this disbursement of \$750.00 to Ms. Franco, in July, 2018, Respondent remained entrusted with \$1,810.25 on behalf of the Francos.

26. Respondent's bank account records, through March 31, 2019, do not document that Respondent disbursed any of the remaining \$1,810.25 with which he was entrusted on behalf of the Francos.

27. Sometime thereafter, Respondent was informed that the prior medical lien had been discharged by the provider.

28. On April 13, 2020, Respondent issued check 2263, drawn on his Operating Account and made payable to Susan Franco, in the amount of \$1,850.00, thereby disbursing all remaining funds held on behalf of the Francos.

Armstrong World Industries (AWI) Trust Matter

29. On January 17, 2017, there was an electronic transfer to Respondent's IOLTA in the amount of \$3,400.00, designated "Awi Trust Clm Pymts."

30. Respondent was, at that time, entrusted with \$3,400.00.

31. Subsequent to the \$3,400.00 wire transfer to Respondent's IOLTA on January 17, 2017, Respondent transferred varying amounts, on January 17, 18, 19, and 23, 2017, totaling \$3,450.00, from his IOLTA to his Business Advisory Account.

32. As of January 23, 2017, six days after receiving the electronic transfer of funds to his IOLTA, the balance in Respondent's IOLTA was \$8.85 which was \$3,391.15 below the \$3,400.00 with which he was entrusted.

33. The balance in Respondent's Business Advisory Account, as of January 23, 2017, was \$59.48.

34. Respondent misappropriated a minimum of \$3,391.15 with regard to the funds he received from the Awi Trust and utilized them for purposes other than on behalf of the intended client.

35. By letter to Respondent, dated January 31, 2019, Petitioner inquired as to the source of the \$3,400.00 electronic transfer to Respondent's IOLTA.

36. By letter response to Petitioner, dated March 15, 2019, Respondent stated that he was "not certain that those were entrusted funds. . . I am not certain that it was money that was to be paid to an old client. However, I am making an effort to determine this definitively and if it is money that was due to someone it will immediately be paid to them."

37. By letter response to Petitioner, dated March 29, 2019, Respondent stated "I was able to conclude, after speaking to my former assistant, that this was money that was due to an Indiana client. However, that person has passed. I am therefore in the process of securing their estate information so that payment can be made to the estate. Once that process is completed, I will provide confirmation of payment."

38. As of August 2, 2019 Respondent had not made disbursement to the client, or their representative, of the entrusted funds Respondent received on January 17, 2017 from the Awi Trust.

39. On March 19, 2020, Respondent disbursed \$3,400 to Ms. Sharon Shiyan, which represented the net proceeds of her late husband's claim against Armstrong World Industries Trust.

The Schwab Matter

40. Respondent represented Kamryn Schwab in an action against Nina Stobaugh, et al, for injuries Ms. Schwab sustained as a result of an incident that occurred on May 6, 2013.

41. On April 21, 2017, Respondent deposited \$1,385.00 into his Business Advisory Account, which represented the settlement proceeds on behalf of Kamryn L. Schwab.

42. Respondent failed to identify and hold the funds entrusted to him on behalf of Ms. Schwab separate from Respondent's own property, and failed to appropriately safeguard Ms. Schwab's property.

43. The Schwab Settlement Statement, dated April 21, 2017, listed \$385.00 as costs, with the balance of \$1,000.00 as net settlement proceeds to Ms. Schwab.

44. Due to disbursements unrelated to Ms. Schwab the balance in Respondent's Business Advisory Account, as of May 15, 2017, was \$88.54, which was \$911.46 below the amount with which Respondent was entrusted on behalf of Ms. Schwab.

45. Respondent misappropriated a minimum of \$911.46 of Ms. Schwab's entrusted funds and utilized them for purposes other than on behalf of Ms. Schwab.

46. On April 24, 2017, the balance in Respondent's IOLTA was \$8.85.

47. On April 25, 2017, Respondent transferred \$1,000.00 from his Payroll Account to his IOLTA.

48. By check dated April 18, 2017, Respondent issued IOLTA check number 1024, in the amount of \$1,000.00, to Kamryn Schwab, annotated "Settlement Proceeds"

which cleared Respondent's IOLTA on May 22, 2017, thereby disbursing the funds with which he had been entrusted on behalf of Ms. Schwab.

49. Despite having deposited the Schwab entrusted funds into the Business Advisory Account, Respondent used funds unrelated to Ms. Schwab's entrustment to disburse funds to Ms. Schwab from his IOLTA.

The Hampson Matter

50. Respondent represented William Hampson for injuries he sustained as a result of an incident that occurred on March 31, 2014.

51. The case settled and Donegal Insurance Group issued a check, dated February 26, 2018, in the amount of \$15,000.00, to William Hampson and Darren K. Parr Law Firm LLC, and annotated "Bodily Injury Liability."

52. On March 15, 2018, Respondent deposited the \$15,000.00 check into his Payroll account.

53. Respondent failed to identify and hold the funds entrusted to him on behalf of Mr. Hampson separate from Respondent's own property, and failed to appropriately safeguard Mr. Hampson's property.

54. Pursuant to a Settlement Statement, dated March 29, 2019, Respondent was entrusted with a minimum of \$13,273.58 on behalf of Mr. Hampson, which included, \$9,000 representing the net proceeds to the client and \$4,273.58 representing a subrogation lien held by Travelers Insurance.

55. On March 16, 2018, Respondent transferred \$9,800.00 from his Payroll Account to his IOLTA leaving respondent entrusted with \$3,473.58 in his Payroll Account on behalf of Mr. Hampson.

56. On March 16, 2018, after the \$9,800.00 transfer from his Payroll Account, the balance in Respondent's Payroll Account was \$2.39 which was \$3,471.19 below the \$3,473.58 with which Respondent remained entrusted on behalf of Mr. Hampson in his Payroll Account.

57. Respondent made disbursement to Mr. Hampson by IOLTA check number 1047, dated March 20, 2018, in the amount of \$9,000.00, annotated "Settlement Proceeds."

58. As of March 20, 2018, Respondent remained entrusted with \$3,473.58 in his Payroll Account and \$800 in his IOLTA, for a total of \$4,273.58 on behalf of Mr. Hampson.

59. Due to disbursements unrelated to Mr. Hampson the balance in Respondent's IOLTA, on March 26, 2018, was \$13.88.

60. Due to disbursements unrelated to Mr. Hampson the balance in Respondent's Payroll Account, as of March 27, 2018, was \$35.98.

61. At that time the combined funds held in Respondent's Payroll Account and IOLTA totaled \$49.86 which was \$4,223.72 below the \$4,273.58 with which Respondent remained entrusted on behalf of Mr. Hampson.

62. Respondent misappropriated a minimum of \$4,223.72 of Mr. Hampson's entrusted funds and utilized them for purposes other than on behalf of Mr. Hampson.

63. On February 27, 2019, eleven months after receiving the Hampson entrusted funds, Respondent issued check number 2010 from his Operating Account, in the amount of \$4,273.58, made payable to CM Regent Insurance Company.

64. The \$4,273.58 disbursement was made on behalf of Mr. Hampson in satisfaction of a subrogation lien held by Travelers Insurance.

65. As no funds related to Mr. Hampson had been deposited into Respondent's Operating Account, Respondent utilized funds unrelated to Mr. Hampson to disburse the balance of his entrustment.

The Aumiller Matter

66. Respondent represented Dane Aumiller in a civil action filed against Rashesh D. Nagar, et ux.

67. Respondent settled the case on behalf of Dane Aumiller and Erie Insurance issued a check, dated October 9, 2018, in the amount of \$15,000.00, and annotated "Bodily Injury-Split Limits, Full & Final Settlement."

68. On October 17, 2018, Respondent deposited the \$15,000.00 check into his IOLTA.

69. After deduction of Respondent's fees and costs, he was entrusted with \$9,332.60 on behalf of Mr. Aumiller.

70. On October 18, 2018, Respondent disbursed to Mr. Aumiller a portion of the settlement proceeds by IOLTA check number 1033, in the amount of \$1,000.00, made payable to Dane Aumiller, annotated "Portion of Personal Injury Settlement Proceeds."

71. On October 18, 2018, after the above disbursement, Respondent remained entrusted with \$8,332.60 on behalf of Mr. Aumiller.

72. Due to disbursements unrelated to Mr. Aumiller the balance in Respondent's IOLTA, as of December 17, 2018, was \$6.32, which was \$8,326.38 below the \$8,332.60 with which he remained entrusted on behalf of Mr. Aumiller.

73. Respondent misappropriated a minimum of \$8,326.38 of Mr. Aumiller's entrusted funds and utilized them for purposes other than on behalf of Mr. Aumiller.

74. On February 27, 2019, Respondent issued IOLTA check number 1034, in the amount of \$8,332.60, made payable to Dane Aumiller, annotated "Portion of Personal Injury Settlement Proceeds," at which time it cleared Respondent's IOLTA and the remaining portion of the funds with which Respondent had been entrusted were disbursed to Mr. Aumiller.

75. As Respondent had already misappropriated the entrusted funds that were in his IOLTA, he utilized funds from his IOLTA that were unrelated to Mr. Aumiller to disburse the balance of his entrustment.

The Johnson Matter

76. In October 2018, Respondent settled a civil action on behalf of Robert Johnson and received a check in the amount of \$45,000.00, issued by Travelers, and made payable to Darren K. Parr Law Firm and Robert Johnson.

77. On October 11, 2018, Respondent deposited the \$45,000.00 check into his Operating Account.

78. Respondent failed to identify and hold the funds entrusted to him on behalf of Mr. Johnson separate from Respondent's own property, and failed to appropriately safeguard Mr. Johnson's property.

79. After deduction of Respondent's fees and costs, he was entrusted with \$28,835.00 on behalf of Mr. Johnson.

80. Due to disbursements unrelated to Mr. Johnson the balance in Respondent's Operating Account, as of November 14, 2018, was \$2,205.53, which was \$26,629.47 below the \$28,835.00 with which Respondent was entrusted on behalf of Mr. Johnson.

81. Respondent misappropriated a minimum of \$26,629.47 of Mr. Johnson's entrusted funds and utilized them for purposes other than on behalf Mr. Johnson.

82. On November 29, 2018, Respondent issued check number 3718, in the amount of \$6,335.00, made payable to Robert Johnson, drawn on his Operating Account, and annotated "net settlement proceeds."

83. On January 15, 2019, Respondent issued check number 3746, in the amount of \$22,500.00, made payable to Travelers Claims, drawn on his Operating Account, and annotated "Claim No. ESR8096-Robert Johnson Subrogation Pa." in satisfaction of a subrogation lien held by Travelers Insurance.

84. As Respondent had previously misappropriated all but \$2,205.53 of the Johnson funds from his Operating Account he utilized funds unrelated to Mr. Johnson to disburse the balance of his entrustment.

Additional Misuse of IOLTA

85. On May 22, 2018, Respondent transferred \$1,360.00 from his Business Advisory Account to his IOLTA.

86. On May 23, 2018, Respondent issued IOLTA check number 1048 in the amount of \$1,252.60, to Judy Ortiz, an employee, as a payroll check.

87. On June 28, 2018, Respondent made transfers of \$1,240.00 and \$1,100.00 from his Operating Account to his IOLTA.

88. Respondent made additional transfers of funds from his various operating accounts to his IOLTA as follows:

(a) On July 2, 2018 \$500.00 from his Operating Account;

(b) On July 5, 2018 \$1,000.00 from his Business Advisory Account;

- (c) On July 5, 2018 \$735.00 from his Operating Account;
- (d) On July 6, 2018 \$200.00 from his Business Advisory Account;
- (e) On July 10, 2018 \$1,175.00 from his Operating Account; and
- (f) On July 13, 2018 \$1,325.00 from his Operating Account.

89. On July 5, 2018 Respondent issued check number 1050 in the amount of \$1,235.00, from his IOLTA, to Judy Ortiz, an employee, as a payroll check.

90. On July 9, 2018, Respondent issued check number 1030 in the amount of \$1,174.40, from his IOLTA, to Wayne Watson, an employee, as a payroll check.

91. On July 17, 2018 Respondent issued check number 1031 in the amount of \$1,235.00, from his IOLTA, to Judy Ortiz, an employee, as a payroll check.

92. Respondent made transfers from his various operating accounts to his IOLTA and utilized his IOLTA to pay obligations unrelated to any client entrustments.

Required Records Pursuant to
Rule of Professional Conduct 1.15(c)

93. On December 19, 2018, Petitioner issued a Subpoena Duces Tecum to Respondent requesting, among other things, that Respondent produce monthly reconciliations for his IOLTA and client account ledger(s) accounting for all funds entrusted to him and disbursements made for any and all clients for the time period of September 1, 2016 through July 31, 2018.

94. Respondent failed to produce individual client ledgers with regard to the deposit and disbursements of entrusted funds and failed to produce monthly reconciliations.

95. Respondent admitted that he did not maintain monthly reconciliations for his IOLTA.

Pennsylvania Attorney's Annual Fee Form Financial Data

96. On Respondent's 2016-2017, 2017-2018 and 2018-2019 PA Attorney's Annual Fee Forms, the only bank account Respondent listed was his IOLTA.

97. Respondent deposited entrusted client funds into accounts other than his IOLTA, however, he failed to list any other accounts that he used to hold client funds.

98. Respondent failed to list any business operating account maintained or utilized in his law practice.

SPECIFIC RULE VIOLATIONS

99. By his conduct, as set forth in paragraphs 6 through 98, Respondent admits that he violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

(a) Rule of Professional Conduct 1.15(b) – A lawyer shall hold all Rule 1.15 funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded;

(b) Rule of Professional Conduct 1.15(c) – Complete records of the receipt, maintenance and disposition of Rule 1.15 funds and property shall be preserved for a period of five years after termination of the client lawyer or fiduciary relationship or after distribution or disposition of the property, whichever is later.

(c) Rule of Professional Conduct 1.15(e) - Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property that the client or third person is entitled to receive and, upon

request by the client or third person, shall promptly render a full accounting regarding the property.

(d) Rule of Professional Conduct 1.15(h) - A lawyer shall not deposit the lawyer's own funds in a Trust Account except for the sole purpose of paying service charges on that account, and only in an amount necessary for that purpose.

(e) Rule of Professional Conduct 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

(f) Rule of Disciplinary Enforcement 219(d)(iv)(v) – Provides that for each account that holds funds of a client or a third person, the attorney shall provide the name of the financial institution, location and account number. Additionally, for every business operating account maintained or utilized by the attorney in the practice of law during the same time period the attorney shall list each account, the name of the financial institution, location and account number.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

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

101. Respondent hereby consents to the discipline being imposed upon him. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d),

Pa.R.D.E., stating that he consents to the recommended discipline and includes the mandatory acknowledgements contained in Rule 215(d)(i)-(iv), Pa.R.D.E.

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

(a) Respondent admits to engaging in misconduct and violating the charged Rules of Professional Conduct and Rules of Disciplinary Enforcement;

(b) Respondent waived his attorney's fee and made distribution, in full, of the \$3,400 he received on behalf of Mr. Shiyan;

(c) Respondent disbursed all remaining funds that he was holding on behalf of the Francos;

(d) Respondent has engaged the services of an Accountant/Bookkeeper to handle the financial aspects of his practice, including generating the records and reports required by R.P.C. 1.15(c) and will permanently retain an Accountant/Bookkeeper in the future;

(e) Respondent has cooperated with Petitioner as evidenced by Respondent's admission herein and his consent to receiving a suspension of one year and one day;

(f) Respondent has no criminal history;

(g) There have been no civil actions during the preceding ten years in which Respondent was a party defendant and which placed in issue his conduct or competency or charged a violation of any disciplinary rule;

(h) In early 2020, Respondent's Wife was diagnosed with a very rare form of cancer, for which she is in treatment;

(i) Respondent has done extensive volunteer work in his community, donating his time to: the National Alliance of African American Athletes; the Camp Curtin Branch of the YMCA in Harrisburg; the United Food and Commercial Workers International Union's "Labor Against Cancer" campaign; the United Methodist Church; the Pennsylvania Association for Justice; and Christian Legal Aid through the Allegheny Center Alliance Church;

(j) Had a mitigation hearing taken place, Respondent would have introduced character witness testimony of other attorneys that Respondent is a competent and capable attorney held in high esteem by the legal community in which he practices; and

(k) Had a mitigation hearing taken place, Respondent would have introduced character witness testimony attesting to Respondent's good reputation in his community.

103. In addition to the factors in mitigation, the parties also recognize that the length of suspension imposed also has a proportionate financial impact on Respondent

and those who depend upon him. If the instant matter were to proceed to a hearing, Respondent would testify that he provides the sole financial support for his family, and a lengthy suspension from the practice of law would detrimentally affect his ability to provide that financial support. Additionally, Respondent's law practice employs a total of six full/part-time people whose livelihoods depend upon Respondent's ability to generate cases and perform legal work.

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

(a) Respondent has prior discipline, having received an Informal Admonition at C4-13-19. The basis for the prior discipline involved the same type of misconduct that occurred in the instant disciplinary matter. In the prior case Respondent was notified by the Pennsylvania Lawyers Fund for Client Security of three overdrafts of his IOLTA for which Respondent provided an explanation. However, while undergoing inquiry from the Pennsylvania Lawyers Fund for Client Security, Respondent had a fourth overdraft of his IOLTA. The matter was then referred to the Office of Disciplinary Counsel and Respondent received an Informal Admonition. At the time of the prior discipline, Respondent admitted that he had not handled his IOLTA properly and that he was consulting with an accountant to aid him in this process. However, despite these representations, Respondent has continued to improperly maintain his IOLTA and failed to maintain the records required by RCP 1.15.

105. Respondent's misconduct included an habitual failure to protect client entrusted funds by failing to deposit and maintain them in his IOLTA. Respondent engaged in serial misappropriation of entrusted funds and utilized those funds for uses other than their intended purpose. Respondent did not maintain the records required by RPC 1.15. This was overtly apparent with the funds received on behalf of Mr. Shiyan. Respondent received a wire of \$3,400 to his IOLTA on January 17, 2017. When Petitioner inquired as to the source of these funds on January 31, 2019 (two years after the receipt of the funds) Respondent was unable to identify to whom the funds belonged. Proper maintenance of the records required by Rule 1.15(c) would have ensured that Respondent was able to identify the source of the funds and make appropriate distribution to the client.

106. Prior case law supports the recommendation of a suspension of one year and one day. In *Office of Disciplinary Counsel v. Jonathan M. Levin*, 108 DB 2001 (2004), it was determined that Levin deposited his personal funds into his trust accounts, failed to separate his own funds from those of his clients and third parties, and also permitted the balances in his trust accounts to fall below the amounts entrusted to him for clients and third parties. Levin was found to have converted trust funds and failed to promptly distribute those funds to third parties. Both the Hearing Committee and the Disciplinary Board in *Levin* found that the lawyer was unlikely to repeat his conduct which resulted in their recommendation of a suspension of less than one year, followed by a lengthy period of probation. The Supreme Court, instead, suspended Levin for a period of two years.

107. The case of *Office of Disciplinary Counsel v. Jeffrey Brian Feinman*, 157 DB 2005 (2007), involved a Joint Petition in Support of Discipline on Consent for Feinman's commingling of the funds of clients or third persons with his own property, his failure to preserve complete records of such funds, his failure to promptly render a full accounting of fiduciary funds, and his failure to promptly disburse to clients and third parties funds they were entitled to receive because he had commingled and converted them. Feinman mitigated his misconduct by admitting that he had engaged in the charged rule violations, cooperating with Office of Disciplinary Counsel, showing his remorse for his misconduct, and making restitution. Feinman had no prior disciplinary history. Feinman was suspended on consent from the bar of the Commonwealth for a period of two years.

108. In both *Levin* and *Feinman*, the Court imposed a two year suspension. While the misconduct in the instant matter is similar to the misconduct of Levin and Feinman, Respondent's misconduct was less egregious in that it involved fewer clients, lower dollar amounts of entrusted funds and encompassed a shorter period of time. Respondent failed to always deposit entrusted funds into his IOLTA, but with the exception of the AWI funds, Respondent made timely disbursements to his clients. Additionally, Respondent's misconduct involved six client matters, whereas *Feinman* involved ten clients and significantly higher dollar amounts of entrusted funds. Similarly, the *Levin* case involved higher dollar amounts of entrusted funds. During a twenty month period, Levin was out of trust multiple times in amounts ranging from \$1,298.76 to \$89,029.69.

109. While suspensions have also been imposed on attorneys for less extensive instances of commingling, see, e.g., *Office of Disciplinary Counsel v. John Kelvin Conner*, 165 DB 2004 (Pa. 2005) (nine-month suspension for commingling client funds and personal funds in two client matters)¹ this case involved Respondent's failure to appropriately safeguard entrusted funds in six client matters. Moreover, Respondent previously received discipline for the same type of misconduct at which time he represented that he had hired an accountant and understood the proper use of his IOLTA.

110. The purpose of the disciplinary system is "to protect the public from unfit attorneys and to maintain the integrity of the legal system." *Office of Disciplinary Counsel v. Robert Costigan*, 584 A.2d 296, 300 (Pa. 1990). The joint recommendation proposed by the parties appropriately reflects the seriousness of Respondent's misconduct as it includes a suspension of one year and one day. It also serves to protect the public as Respondent will be required to petition for reinstatement and establish his fitness to practice law. Accordingly, the recommended discipline serves and satisfies the goals of the disciplinary system.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g), Pa. R.D.E., the Three-member Panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order that Respondent receive a suspension

¹ Conner was subsequently disbarred by Order of the PA Supreme Court, dated June 20, 2019, as a result of new misconduct filed at 29 DB 2018.

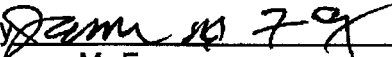
of one year and one day, and that Respondent comply with all of the provisions of Rule 217, Pa. R.D.E.; and

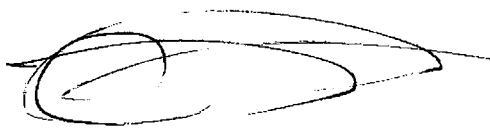
- b. Pursuant to Pa. R.D.E. 215(i), the Three-member Panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa. R.D.E. 208(g)(1) all expense be paid by Respondent within 30 days after the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

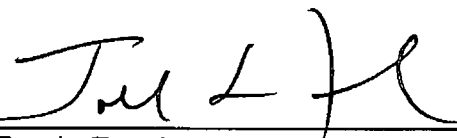
Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL
CHIEF DISCIPLINARY COUNSEL

By 
James M. Fox
Disciplinary Counsel-in-Charge

By 
Darren Keith Parr, Esquire
Respondent

By 
Joel L. Frank, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner : No. 193 DB 2019

v. :

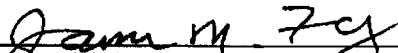
DARREN KEITH PARR, : Attorney Registration No. 81971

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.

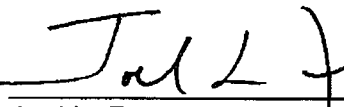
7-6-2020
Date


James M. Fox
Disciplinary Counsel-in-Charge

6/29/2020
Date


Darren K. Parr, Esquire
Respondent

6/30/2020
Date


Joel L. Frank, Esquire
Counsel for Respondent

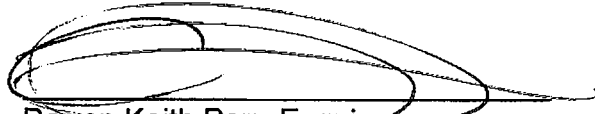
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OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner : No. 193 DB 2019
v. :
DARREN KEITH PARR, : Attorney Registration No. 81971
Respondent : (Allegheny County)

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

Respondent, Darren Keith Parr, hereby states that he consents to a suspension from the Bar of the Commonwealth of Pennsylvania for a period of one year and one day, 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. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting the consent; and, he has consulted with counsel in connection with the decision to consent to the imposition of discipline;
2. He is aware that there is a pending proceeding involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;
3. He acknowledges that the material facts set forth in the Joint Petition are true; and,
4. He consents because he knows that if the matter pending against him is prosecuted, he could not successfully defend against the charges.

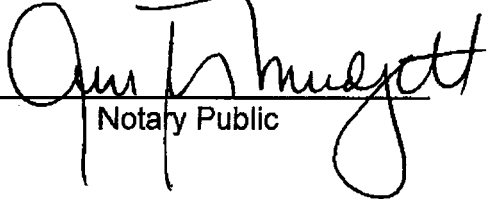


Darren Keith Parr, Esquire
Respondent

Sworn to and subscribed

before me this 29th

day of June, 2020.

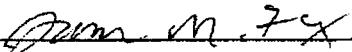

Notary Public

Commonwealth of Pennsylvania - Notary Seal
ANN G MUDGETT - Notary Public
Dauphin County
My Commission Expires Sep 23, 2021
Commission Number 1117027

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: James M. Fox

Signature: 

Name: James M. Fox

Attorney No. (if applicable): 58824