

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1113 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 134 DB 2004
v.	:	
	:	Attorney Registration No. 68377
ALEX HUGUES PIERRE	:	
Respondent	:	(Philadelphia)

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 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On September 8, 2004, Office of Disciplinary Counsel filed a Petition for Discipline against Respondent Alex Hugues. The Petition charged Respondent with professional misconduct in two matters. Respondent filed an Answer to Petition for Discipline on October 18, 2004.

A disciplinary hearing was held on January 10, 2005, before a District I Hearing Committee comprised of Chair Gilbert J. Scutti, Esquire, and Members Joseph Cagnoli, Jr., Esquire, and Christian A. DiCicco, Esquire. Respondent appeared pro se at that hearing.

The Hearing Committee filed a Report on May 20, 2005, finding that Respondent violated the Rules of Professional Conduct and recommending that he be suspended for one year and one day.

Petitioner filed a Brief on Exceptions on June 8, 2005.

Respondent filed a Brief on Exceptions on June 10, 2005, and requested oral argument before the Disciplinary Board.

Petitioner filed a Brief Opposing Exceptions on June 23, 2005.

Oral argument was held on August 25, 2005, before a three-member panel of the Disciplinary Board chaired by Marc S. Raspanti, Esquire, with Members Louis N. Teti, Esquire, and Min S. Suh, Esquire. Respondent again appeared pro se and argued his case before the three-member panel.

This matter was adjudicated by the full Disciplinary Board at its meeting of September 12, 2005.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

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

2. Respondent, Alex Hugues Pierre, was admitted to practice law in the Commonwealth in 1993. His current law office is located at 1608 Walnut Street, Suite 1300, Philadelphia PA 19103. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent was suspended for three years by Order of the Supreme Court dated August 30, 2005. The basis for this suspension was his multiple acts of professional misconduct in two client matters.

Charge I – Charles Matter

4. Sometime in 1998, Mr. Anoual Charles and his wife, Mrs. Edith Charles, retained the law firm of Picard Losier & Associates to represent them in a legal malpractice action against their former attorney, Milton Frank, Esquire, and his law firm.

5. Mr. Frank had previously represented Mr. and Mrs. Charles in a medical malpractice action that was tried to a defense verdict.

6. At all relevant times hereto, Respondent was an associate at Picard Losier & Associates. He was assigned to handle Mr. and Mrs. Charles' legal malpractice lawsuit.

7. On October 15, 1998, Respondent filed a Complaint on behalf of Mr. and Mrs. Charles against Mr. Frank in the Court of Common Pleas of Philadelphia County.

8. On January 20, 1999, counsel for defendants forwarded to Respondent Defendants' Expert Interrogatories Directed to Plaintiff.

9. Respondent received the Expert Interrogatories.

10. Respondent failed to submit a response to the Interrogatories.

11. On April 12, 1999, counsel for defendants forwarded to Respondent another set of Interrogatories.

12. Respondent failed to submit a response to this set of Interrogatories.

13. On September 14, 1999, counsel for the defendants filed a Motion to Compel a Response to the Expert Interrogatories, as well as responses to other discovery requests.

14. By Order dated September 27, 1999, the Honorable Arnold L. New directed that Mr. and Mrs. Charles were to provide "full and complete responses to interrogatories, expert interrogatories, request for production of documents, and interrogatories set II within the next fifteen days or risk sanction by the court."

15. Under cover of letter dated September 28, 1999, counsel for the defendants forwarded to Respondent a copy of this Order.

16. Respondent failed to provide complete and timely responses to the Expert Interrogatories and to the defendants' other discovery requests.

17. By letter dated January 10, 2000, counsel for the defendants advised Respondent that if complete responses to the Expert Interrogatories were not received within the next ten days, a motion to compel would be filed.

18. Respondent received this letter.

19. Respondent failed to submit complete responses to the Expert Interrogatories.

20. On February 10, 2000, counsel for the defendants filed a Motion for Sanctions.

21. Respondent received a Motion for Sanctions, as well as a notice that a hearing on the matter was scheduled for February 22, 2000.

22. Respondent appeared at the hearing on behalf of his clients.

23. At the hearing, the Honorable Mark I. Bernstein issued an Order from the bench directing that Mr. and Mrs. Charles had forty-five days to submit complete responses to the Expert Interrogatories or plaintiffs would be precluded from presenting any expert witnesses.

24. Respondent failed to provide complete responses within the deadline set by the court order of February 22, 2000.

25. On May 31, 2000, Respondent provided to counsel for defendants responses to the Expert Interrogatories.

26. On June 19, 2000, counsel for defendants filed a Motion for Summary Judgment, asserting that based on Mr. and Mrs. Charles' failure to comply with Judge Bernstein's order, the Charles' were prohibited from presenting any expert testimony; consequently, they could not prevail in their action.

27. On July 21, 2000, Respondent filed an Answer to the Motion for Summary Judgment.

28. By Opinion and Order dated August 25, 2000, the Honorable Marlene F. Lachman granted the Motion for Summary Judgment.

29. On September 5, 2000, Respondent filed a Motion for Reconsideration.

30. On September 22, 2000, Respondent filed a Notice of Appeal in the Superior Court of Pennsylvania.

31. On November 6, 2000, Judge Lachman issued an Order and Opinion denying Respondent's Motion for Reconsideration.

32. By Memorandum Opinion filed on August 13, 2001, the Superior Court of Pennsylvania affirmed Judge Lachman's decision to grant the Motion for Summary Judgment.

33. On September 12, 2001, Respondent filed a Petition for Allowance of Appeal to the Supreme Court of Pennsylvania.

34. The Supreme Court denied the Petition for Allowance of Appeal.

Charge II – Olabode/ Inactive Status Matter

35. By Order of the Supreme Court of Pennsylvania dated November 1, 2002, Respondent was transferred to inactive status pursuant to Rule 219, Pa.R.D.E, effective thirty days after the date of the Order.

36. By letter dated November 1, 2002, Elaine M. Bixler, Secretary to the Disciplinary Board:

i. Served Respondent with a copy of the Supreme Court Order of November 1, 2002;

ii. Informed Respondent that he was required to comply with Rules 217 and 219 of the Pa.R.D.E. and §§91.91-91.100 of the Disciplinary Board Rules;

iii. Provided Respondent with the Standard Guidance of the Disciplinary Board to Lawyers Who Have Been Transferred to Inactive Status; Form DB23(i), Nonlitigation Notice of Disbarment, Suspension or Transfer to Inactive Status; Form DB 24(i) Litigation Notice of Disbarment, Suspension or Transfer to Inactive Status; and Form DB 25(i) Statement of Compliance; and

iv. Informed Respondent that he was required “to comply with the Pennsylvania Rules of Disciplinary Enforcement and Disciplinary Board Rules as enclosed herewith”.

37. Respondent received and reviewed Ms. Bixler's November 1, 2002 letter.

38. Respondent failed to file a verified statement of compliance within ten days after the effective date of the transfer to inactive status.

39. During the eighteen months of his inactive status, Respondent continued to practice law in at least twelve client matters, eleven of which were pending in the Philadelphia Court of Common Pleas and one of which was pending in the Superior Court of Pennsylvania.

40. On April 28, 2003, Respondent entered his appearance on behalf of the plaintiffs in the case of Hubbard v. City of Philadelphia Law Department, et al. During the course of the Hubbard case, Respondent filed three pleadings and attended one court conference. On June 30, 2003, the court discontinued the case at the request of the plaintiffs.

41. On November 29, 2002, Respondent entered his appearance on behalf of the defendants in Campbell v. Picard Losier, Esquire, et al. During the course of the Campbell case, Respondent attended one court conference. Respondent assumed active status while the case was pending.

42. On May 29, 2003, Respondent appeared in court and entered his appearance on behalf of the defendant in the Municipal Court case of Commonwealth v. Vernet Surfin. On May 29, 2003, the court entered an Order withdrawing prosecution without prejudice.

43. On March 3, 2003, Respondent commenced a civil action on behalf of the plaintiffs in the case of Jerome, et. al. v. Hagains. During the course of this case Respondent filed eight pleadings and settled the case on May 25, 2004.

44. On June 16, 2003, Respondent was retained to represent Mr. Gbolahan Olabode in a criminal case captioned Commonwealth v. Olabode. Mr. Olabode terminated Respondent's representation before Respondent could officially enter his appearance. However, during the course of the representation, Respondent had: three separate meetings with Mr. Olabode; several telephone conversations with Mr. Olabode; arranged and was present for Mr. Olabode's surrender to authorities; assisted Mr. Olabode with the process of securing bail; and performed legal research.

45. On September 26, 2003, Respondent commenced a civil action on behalf of plaintiffs in the case of Wilson et. al. v. Hahnemann Hospital, et. al. During the course of the case, Respondent filed at least six pleadings and attended one court conference. Respondent assumed active status while the case was pending.

46. On October 15, 1998, Respondent entered his appearance on behalf of the plaintiff in the case of Gill, Sr. v. McGriff, et. al. While on inactive status, Respondent filed four pleadings with the court. This case was marked settled on March 25, 2004.

47. On November 2, 2001, Respondent entered his appearance on behalf of the plaintiffs in the case of Hartsfield, et. al. v. Bernstein, et. al. While on inactive status, Respondent filed two pleadings with the court; Respondent also attended one court

conference. Respondent's representation terminated on October 10, 2003, when another attorney entered his appearance.

48. On April 25, 2001, Respondent commenced a civil action on behalf of the plaintiffs in the case of Pierre et. al. v. Muhsin. While on inactive status, Respondent filed two pleadings with the court. The case has been on deferred status since May 9, 2003.

49. On November 15, 2001, Respondent entered his appearance on behalf of himself and Picard Losier & Associates in the case of Guevara v. Alex H. Pierre, et. al. During Respondent's inactive status, he attended one court conference. By order dated December 16, 2003, a default judgment was entered against defendants.

50. On November 29, 2002, Respondent entered his appearance on behalf of himself and his law firm in the case of Flemens v. Picard Losier & Associates, et.al. During the course of the case Respondent filed four pleadings. This case was marked settled on August 8, 2003.

51. On May 7, 2003, Respondent filed an appeal to the Superior Court of Pennsylvania on behalf of the defendants in the case of Commonwealth v. Andre Robinson. During the course of the case Respondent filed seven pleadings with the Court. On July 21, 2004, the Superior Court issued an Order vacating the conviction and sentence and remanding the matter to the trial court.

52. When Respondent was transferred to inactive status, he was listed as counsel of record in four open cases, although no legal services were rendered by Respondent during the period of the inactive status.

53. Over the last seven years, six legal malpractice actions and one wrongful use of civil process action have been filed against Respondent.

54. The docket reports show that one case was discontinued, two cases remain unresolved, one case was settled (although Respondent has not complied with his payment obligations under the settlement agreement), another case resulted in the entry of a \$30,000 award (which Respondent has not satisfied), another case resulted in a \$10,000 award of compensatory damages against Respondent and others, and one case resulted in a default judgment.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct:

Charge I – Charles Matter

1. RPC 1.1 – A lawyer shall provide competent representation to a client.
2. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.

3. RPC 8.4(d) – A lawyer shall not engage in conduct that is prejudicial to the administration of justice.

Charge II – Olabode/Inactive Status Matter

4. RPC 1.4(a) – A lawyer shall keep a client informed about the status of a matter and promptly comply with reasonable requests for information.

5. RPC 1.4(b) – A lawyer shall explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation.

6. RPC 1.5(b) – When a lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation.

7. RPC 1.16(a)(1) – A lawyer shall withdraw from the representation of a client if the representation will result in violation of the rules of professional conduct or other law.

8. RPC 3.3(a)(1) – A lawyer shall not knowingly make a false statement of material fact of law to a tribunal.

9. RPC 4.1(a) – In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

10. RPC 5.5(b) – A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.

11. Pa.R.D.E. 203(b)(3) – A willful violation of any other provision of the Enforcement Rules shall constitute misconduct and shall be grounds for discipline, via:

a. Pa.R.D.E. 217(b) – A formerly admitted attorney shall promptly notify all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, or the disbarment, suspension, or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, or transfer to inactive status.

b. Pa.R.D.E. 217(c)(1) – A formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension or transfer to inactive status, by registered or certified mail, all persons or their agents or guardians to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, or transfer to inactive status.

c. Pa.R.D.E. 217(c)(2) – A formerly admitted attorney shall promptly notify of the disbarment, suspension, or transfer to inactive status, all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing.

d. Pa.R.D.E. 217(d) – Orders imposing disbarment, suspension, or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

e. Pa.R.D.E. 217(e) – Within ten days after the effective date of the disbarment, suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement.

IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of a Petition for Discipline filed against Respondent, charging him with acts constituting incompetence and the unauthorized practice of law. Petitioner bears the burden of proving ethical misconduct by a preponderance of the evidence that is clear and satisfactory. Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981). The evidence of record proves that Respondent violated numerous disciplinary rules in the Charles and Olabode/Inactive Status matters. The evidence consisted of the Joint Stipulation of Fact, Law and Exhibits, Petitioner's exhibits and Respondent's exhibits.

Respondent violated Rules of Professional Conduct 1.1 and 1.3 in the Charles matter by failing to submit a response to defendants' Expert Interrogatories by the forty-five day deadline set forth in the preclusion order. Due to Respondent's inaction, his clients were barred from presenting expert testimony in their legal malpractice case. The judge in the matter granted the defendants' Motion for Summary Judgment. Respondent violated Rules of Professional Conduct 8.4(d) by failing to comply with an order of the judge and the preclusion order.

In the Olabode matter, Respondent violated Rules of Professional Conduct 1.4(a) and 1.4(b) by failing to advise his clients of his transfer to inactive status and by failing to advise his client to secure other counsel following his transfer to inactive status. Respondent, who had previously not represented Mr. Olabode, violated Rules of Professional Conduct 1.5(b) by failing to communicate the basis or rate of his fee to his client, in writing, within a reasonable time after commencing the representation.

Respondent violated Rules of Professional Conduct 1.16(a)(1) in that following his transfer to inactive status, he accepted new cases and failed to withdraw his appearance in those cases in which he was listed as counsel of record. Respondent violated Rules of Professional Conduct 3.3(a)(1), 4.1(a) and 8.4(c) by misrepresenting to his clients, opposing counsel and the court that he was licensed to practice law in Pennsylvania. He violated Rules of Professional Conduct 5.5(b) by appearing at judicial

hearings, filing pleadings, rendering legal consultation and advice, negotiating matters with opposing counsel and undertaking discovery after he received notice of his transfer to inactive status.

Respondent violated the Rules of Disciplinary Enforcement as listed above, pertaining to transfer to inactive status, by his failure to follow through on his obligations under those Rules.

At his hearing Respondent made an oral motion to the Hearing Committee to dismiss the disciplinary charges on two grounds. First, Respondent contended that Petitioner could not prove Respondent's misconduct in the Charles matter without the presentation of expert testimony. Second, Respondent argued that the constitutional doctrine of double jeopardy precluded Petitioner's prosecution of Respondent for having engaged in the unauthorized practice of law because Petitioner had previously presented evidence to a different Hearing Committee in a different matter of Respondent's unauthorized practice of law. Respondent's motion to dismiss was denied. The Committee thereafter found that Respondent had engaged in misconduct and recommended a suspension of one year and one day.

Respondent took exception to the Hearing Committee's Report on the ground of double jeopardy and/or collateral estoppel. At oral argument before the three-member panel of the Board Respondent argued that Office of Disciplinary Counsel knew of the Charles and Olabode matters at the time of his first prosecution. The Board takes judicial notice that Respondent was the subject of a disciplinary proceeding at No. 193 DB 2003,

which resulted in the suspension of his license for three years by Order of the Supreme Court dated August 30, 2005. In that matter, Respondent was found to have violated Rules of Professional Conduct 1.1, 1.3, 1.4(a) and (b), 1.5(a), 1.15(a), 1.15(b), 4.1(a), 8.4(a), 8.4(b), and 8.4(c). In aggravation, the Board found that Respondent engaged in the unauthorized practice of law, although such acts were not charged in the Petition for Discipline. Respondent contends that the two instant charges should have been brought at the same time as the previous ones for which he has already been sanctioned.

The Board's review of this issue indicates that there is overlapping between the two disciplinary matters, as the acts of misconduct in the instant proceeding occurred during the same time frame as the misconduct in the previously determined matter. The specific charges in the instant matter are separate and apart from those in the prior matter. The Board will not dismiss the charges against Respondent in the instant matter, as that is not warranted, but will and did consider the overlapping of the time frame in reaching the ultimate sanction imposed on Respondent.

There is no doubt that Respondent's acts warrant disciplinary sanction. His practice of law continued without skipping a beat after his transfer to inactive status. The import of his inactive status appeared to mean little to Respondent. He ignored his responsibilities to his clients and the courts, making no effort to rectify his inactive status or inform those parties who relied on him to provide legal services that he was unable to do so.

The primary purpose of lawyer discipline in Pennsylvania is to protect the

public from unfit attorneys and to maintain the integrity of the legal system. Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986). The Board and the Supreme Court have previously considered disciplinary cases concerning attorneys who continued to practice law after being transferred to inactive status for failing to fulfill continuing legal education requirements or failing to file an annual attorney registration statement and pay their required fee. Generally, these attorneys are suspended from the practice of law. The rationale for this discipline is that fulfilling such requirements are not mere ministerial acts. Rather, an attorney has an affirmative duty to know the status of his or her privilege to practice law and to comply with professional requirements. In re Anonymous No. 123 DB 1996, 41 Pa. D. & C. 4th 290 (1998). The Court's imposition of sanction demonstrates that it does not tolerate a lawyer who takes a lax approach to the administrative rules regulating the practice of law, finding such conduct to be contemptuous of its order transferring the attorney to inactive status.

A sampling of recent cases supports the imposition of at least a suspension of one year and one day in unauthorized practice of law matters. Office of Disciplinary Counsel v. Sharon Goldin-Didinsky a/k/a Sharon Goldin Ciborowski, 969 Disciplinary Docket No. 3 (Pa. Dec. 13, 2004); Office of Disciplinary Counsel v. Chauncey Harris, 930 Disciplinary Docket No. 3 (Pa. July 15, 2004); Office of Disciplinary Counsel v. John D. Enright, 890 Disciplinary Docket No. 3 (March 15, 2004). Discipline of at least a one year and one day suspension requires an attorney to submit to a reinstatement proceeding so the fitness and character of the attorney can be assessed.

A two year suspension was imposed by the Supreme Court on an attorney who engaged in the unauthorized practice of law for eighteen months. Office of Disciplinary Counsel v. Kenneth Charles Jones, 531 Disciplinary Docket No. 3 (Pa. Aug. 15, 2001). During the period of Mr. Jones' inactive status, he provided legal services in connection with twenty client matters. The Court determined that a two year period of suspension was appropriate based on the wide scope of Respondent's continued practice and his record of two informal admonitions,

An attorney was suspended by the Supreme Court for three years in the matter of Office of Disciplinary Counsel v. Robert Chase Cheek, 460 Disciplinary Docket No. 3 (Pa. March 13, 2000). Mr. Cheek engaged in the unauthorized practice of law for thirteen months by providing legal services in nine civil and criminal cases. Mr. Cheek had five informal admonitions in his history of practicing law.

In the instant matter, the Board is persuaded that a suspension of three years is warranted. The evidence is overwhelming that Respondent is not a lawyer with whom the public should currently have continuing professional contact. Respondent received proper notice of his transfer to inactive status. He took no action to resume active status and instead continued to conduct his law practice as if nothing had changed. During a time span of approximately nineteen months, Respondent provided legal services in twelve civil and criminal cases and was listed as counsel of record in a total of sixteen active civil and criminal cases. He accepted six new client matters following his transfer to inactive status, totally disregarding the directives of the Rules of Disciplinary Enforcement

as to the obligations involved in his transfer to inactive status. In addition to his unauthorized practice of law, Respondent demonstrated a clear lack of competence in his handling of the Charles matter, a consequence of which was the dismissal of his clients' civil case.

Respondent's conduct or competency has been placed at issue in at least seven civil cases, six of which are legal malpractice cases. One was dismissed, while the others are either open or were resolved in terms unfavorable to Respondent. This aggravates the instant misconduct and warrants a three year suspension.

Respondent is currently serving a suspension for three years for multiple acts of misconduct in a previous matter. The acts of misconduct arose out of his representation of two clients, wherein he commingled and converted client funds and engaged in other acts of dishonesty. Respondent's unauthorized practice of law was found to have aggravated the misconduct. As noted above, the Board finds that there is some overlapping between the instant case and the prior disciplinary action against Respondent. In light of this circumstance, the Board recommends that Respondent's three year suspension be run concurrent to his three year suspension imposed by the Supreme Court on August 30, 2005.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Alex Hugues Pierre, be suspended from the practice of law for a period of three years to run concurrent with the suspension order of August 30, 2005.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Marc S. Raspanti, Board Member

Date: December 21, 2005

Board Member Pietragallo did not participate in the decision of this matter.

Board Members Newman and Nordenberg did not participate in the September 12, 2005 adjudication.

PER CURIAM:

AND NOW, this 28th day of March, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated December 21, 2005, the Petition for Review and response thereto, it is hereby

ORDERED that Alex Hugues Pierre be and he is suspended from the Bar of this Commonwealth for a period of three years, to run concurrent with the suspension ordered by this court on August 30, 2005, at No. 1047 Disciplinary Docket No. 3.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.