

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1217, Disciplinary Docket No. 3
Petitioner	:	
	:	No. 134 DB 2005
v.	:	
	:	Attorney Registration No. 2685
DONALD BROWN	:	
Respondent	:	(Montgomery County)

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 1, 2005, Office of Disciplinary Counsel filed a Petition for Discipline against Donald Brown, Respondent. The Petition charged Respondent with engaging in the unauthorized practice of law, in violation of Orders of the Supreme Court of Pennsylvania transferring Respondent to inactive status. Respondent filed an

Answer to Petition for Discipline on November 10, 2005, in which he asserted that he did not receive any notice of his inactive status until April 4, 2005.

A disciplinary hearing was held on January 25 and February 17, 2006, before a District II Hearing Committee comprised of Chair Andrew J. Reilly, Esquire, and Members Cynthia L. Bernsteil, Esquire, and Kelly S. Sullivan, Esquire. Respondent appeared pro se.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on June 9, 2006, finding that Respondent violated the Rules of Professional Conduct and recommending that he be suspended for a period of one year and one day.

Respondent filed a Brief on Exceptions and a request for oral argument on June 30, 2006.

Petitioner filed a Brief Opposing Exceptions on August 4, 2006

Oral argument was held on August 28, 2006 before a three member panel of the Disciplinary Board chaired by Louis N. Teti, Esquire, with Robert E.J. Curran, Esquire and Robert L. Storey.

This matter was adjudicated by the Disciplinary Board at the meeting on September 20, 2006.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg PA 17101, 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 any 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.

2. Respondent, Donald Brown, was born in 1932, and was admitted to practice law in the Commonwealth in 1958. He maintains his office for the practice of law at 401 City Line Avenue, Suite 122, Bala Cynwyd, PA 19004. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court.

3. Respondent has no prior history of discipline.

4. During his legal career, Respondent was a partner with the law firm of Fox, Rothschild, O'Brien & Frankel for 29 years, serving as the managing partner for eight years.

5. Respondent was assigned to Group One by the Pennsylvania Continuing Legal Education Board (PACLE) for purposes of determining compliance with Pennsylvania requirements for continuing legal education.

6. The applicable time period for Group One attorneys is the twelve month period beginning May 1 and ending April 30, to calculate the number of CLE credits earned during such period by attorneys in Group One.

7. By Order dated November 19, 2001, Respondent was transferred to inactive status effective December 19, 2001, as a result of Respondent's failure to maintain the required CLE credits.

8. On November 10, 2001, the Administrative Office of the Disciplinary Board sent Respondent a letter, via certified mail, return receipt requested, explaining that he would be transferred to inactive status as a result of his failure to maintain the required CLE credits by the compliance year deadline of April 30, 2001 (the "CLE letter").

9. The CLE letter was sent to Respondent's then current registration address, 535 Evergreen Lane, Lafayette Hill, PA 19444.

10. Three times the post office attempted delivery of the CLE letter to Respondent's address, first on November 23, 2001, second on December 5, 2001, and finally on December 15, 2001.

11. As the certified CLE letter remained unclaimed, it was returned to the Administrative Office and subsequently re-sent by regular mail on December 26, 2001, to 535 Evergreen Lane, Lafayette Hill PA 19444.

12. Thereafter, the Administrative Office has no record of the CLE letter being returned as undeliverable for any reason.

13. Respondent's CLE record reveals that he was deficient by two substantive credits and one ethics credit by his compliance date of April 30, 2001.

14. Respondent was notified of the need to take additional CLE courses by a series of notices from the CLE Board, each sent via first class mail, including a

Preliminary Report sent on or around February 4, 2002, a Final Annual Report sent on or around June 22, 2001, and an Auxiliary Report sent on or around October 2, 2001.

15. The Final Annual Report reflects that in addition to taking the appropriate CLE course work, Respondent was also required to pay a \$100.00 late fee in order to be considered CLE compliant.

16. The Auxiliary Report explained that to be CLE compliant, a second late fee of \$100.00 had to be remitted, for a total of \$200.00 in late fees, in addition to completing the appropriate CLE course work. The Auxiliary Report further explained that prior to attending a course, Respondent should contact the CLE Board to obtain a Special Attendance Verification Form, to verify attendance for the previous compliance year.

17. All CLE Board letters were sent by regular first class mail to Respondent's address of record, 535 Evergreen Lane, Lafayette Hill PA 19444.

18. The CLE Board has no record of any of those letters having been returned by the post office as undeliverable.

19. The Final Annual Report, dated June 22, 2001, states that Respondent is non-compliant and shows Respondent had received a total of nine substantive credits for the 2001 compliance year.

20. Respondent took three substantive CLE credits on February 14, 2002, and submitted those credits to the CLE Board via a Special Attendance Verification Form.

21. The Form advised that “lawyers using this form should contact the CLE Board to verify compliance”.

22. Respondent’s three substantive CLE credits obtained on February 14, 2002 did not automatically render Respondent CLE compliant, because he remained deficient in one required ethics course, and he had not paid the late fees of \$200.00.

23. Thereafter, Respondent submitted two additional Special Attendance Verification Forms to the CLE Board, one dated May 15, 2002 and the other dated June 5, 2002.

24. Respondent’s May 2002 and June 2002 Special Attendance Verification Forms placed Respondent on notice that he had been transferred to inactive status, as each form listed Respondent’s CLE compliance year as “reinstatement”.

25. Respondent never paid the CLE Board’s late fees.

26. Following Respondent’s June 5, 2002 CLE course, he did not take any additional CLE courses for a period of approximately three years.

27. On December 13, 2001, the Supreme Court of Pennsylvania ordered Respondent to be transferred to inactive status effective January 12, 2002, for Respondent’s failure to comply with Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement, which requires an attorney licensed in Pennsylvania to file an annual registration form along with an annual fee.

28. On December 13, 2001, the Administrative Office of the Disciplinary Board sent Respondent a letter, by certified mail, return receipt requested, explaining

that he would be transferred to inactive status as a result of his failure to comply with Pa.R.D.E. 219 (the "Fee letter"). This letter was sent to Respondent's current registration address, 535 Evergreen Lane, Lafayette Hill, Pennsylvania 19444.

29. The post office attempted delivery of the Fee letter three times at Respondent's address, once on December 15, 2001, again on December 26, 2001, and finally on December 30, 2001.

30. As the certified letter remained unclaimed, it was returned to the sender. The post office indicated in the letter that a forwarding order to post office Box 576 had been placed on the address.

31. Respondent confirmed that he placed a forward for all mail on his home address of 535 Evergreen Lane, to one or more post office boxes during and after the year 2001.

32. Respondent described the diversion of mail from his home address to the post office box as successful, although he claimed that his effort to divert mail from his office addresses to a post office box was not successful. During the time frame in question, Respondent was either a tenant or sub-tenant in various buildings.

33. From the time that Respondent started diverting his mail to post office boxes, his mail was in a state of flux.

34. On January 16, 2002, the Fee letter was re-sent by regular mail to Post Office Box 576, Lafayette Hill, PA 19444.

35. The Fee letter was not returned to the Administrative Office by the post office as undeliverable for any reason.

36. Respondent received the Fee letter in January, 2002.

37. Shortly after the Fee letter was sent by regular mail to Post Office Box 576, Respondent attempted to return the annual fee form and pay a fee of \$250, an amount representing the annual fee plus a late fee.

38. Respondent's annual fee form and check were returned to him under cover of a letter dated January 24, 2002, from Suzanne Price, Attorney Registrar, as the CLE Board had not certified that Respondent was compliant with the CLE Board's Rules and Regulations.

39. The January 24, 2002 letter was sent by regular mail to Suite 602, One Belmont Avenue, Bala Cynwyd PA 19004, the address supplied by Respondent on the annual fee form.

40. The January 24, 2002 letter was not returned to the Office of the Secretary as undeliverable for any reason.

41. Respondent maintained his office at Suite 602, One Belmont Avenue, Bala Cynwyd, Pennsylvania, during 2002.

42. Respondent did not attempt to verify that his check was cashed by balancing his checkbook.

43. Respondent could not state whether he had or had not received an attorney identification card evidencing his compliance for any particular compliance year.

44. Sometime in May or June of 2002, Respondent attempted to file the annual fee form for 2002-2003 and pay the annual fee and late fees in the total amount of \$425.00.

45. Respondent's annual fee form and check were returned to him under cover of a letter, sent regular mail, dated June 28, 2002, from Suzanne Price, Registrar, addressed to Suite 602, One Belmont Avenue, Bala Cynwyd PA 19004, explaining that the CLE Board had not certified that Respondent was compliant with the CLE Board's rules and regulations.

46. The June 28, 2002 letter was not returned to the Office of the Secretary as undeliverable for any reason.

47. Respondent did not attempt to verify that his check was cashed by balancing his checkbook.

48. Thereafter, Respondent made no further effort to return the annual fee form or remit the annual attorney fee.

49. Although Respondent experienced difficulty receiving his mail at Suite 602, One Belmont Avenue, he took no affirmative steps to confirm that his checks had been cashed or that his status was reflected as "active" during the period he was a subtenant in that building.

50. Respondent took no affirmative steps to inform the CLE Board and the Disciplinary Board of his address changes, but for the Belmont Avenue address in 2002.

51. On November 14, 2003, while on inactive status, Respondent served a Rule to File Complaint upon the Plaintiff in Keperling v. Vargha, in the Montgomery County Court of Common Pleas.

52. On November 21, 2003, Respondent filed a Proof of Service of Notice of Appeal and Rule to File Complaint.

53. On July 9, 2004, Respondent served Preliminary Objections to Plaintiff's Complaint and a Memorandum of Law in support thereof.

54. On September 15, 2004, Respondent filed Preliminary Objections to Plaintiff's Amended Complaint and a Memorandum of Law in support thereof.

55. On October 6, 2004, Respondent filed an Argument Praecipe.

56. Throughout the pendency of this litigation, Respondent failed to inform the Court, his client or the opposing party that he was on inactive status, and therefore ineligible to practice law in the Commonwealth of Pennsylvania.

57. On December 20, 2004, while on inactive status, Respondent served a Notice of Appeal from the District Justice Judgment on behalf of the appellant in the Montgomery County Court of Common Pleas in a case captioned Accurate Trash Removal, Inc. v. Haddadzadeh.

58. On January 11, 2005, Respondent served statutory notice pursuant to the Pennsylvania Rules of Civil Procedure on the appellee, Accurate Trash Removal.

59. Throughout the pendency of this litigation, Respondent failed to inform the Court, his client, or the opposing party that he was on inactive status, and therefore ineligible to practice law in the Commonwealth of Pennsylvania.

60. On May 2, 2002, while on inactive status Respondent filed a complaint in legal malpractice on behalf of the plaintiff in the Delaware County Court of Common Pleas in a case captioned Garnett v. Diorio & Sereni, LLP.

61. Respondent actively litigated the Garnett case for a period of two years including filing motions, taking depositions and taking an appeal to the Superior Court.

62. Throughout the pendency of this litigation, Respondent failed to inform the Courts, his client or the opposing party that he was on inactive status, and therefore ineligible to practice law in the Commonwealth of Pennsylvania.

63. Respondent represented the defendant in a case captioned University of Pennsylvania v. Skolnick, in Philadelphia Municipal Court, while on inactive status.

64. Throughout the pendency of this litigation, Respondent failed to inform the Courts, his client, or the opposing party that he was on inactive status, and therefore ineligible to practice law in the Commonwealth of Pennsylvania.

65. While on inactive status, Respondent referred three personal injury cases to the law firm of Mammuth & Rosenberg; the first on or around July 24, 2003, the second on or around September 12, 2003, and the third on or around August 5, 2004, and he entered into referral fee agreements to receive a one-third referral fee in each case.

66. As of January 25, 2006, Mammuth & Rosenberg had paid Respondent referral fees on two of the three cases - the first on December 6, 2004, and the second on January 12, 2005.

67. Respondent failed to inform Mammuth & Rosenberg of his transfer to inactive status at any time, despite the fact that one referral fee payment remained outstanding as of the date of the disciplinary hearing, for a case referred after the Supreme Court's Order had been entered transferring Respondent to inactive status.

68. Respondent continued to practice law in at least one matter even after the date he acknowledged notice of his transfer to inactive status, and even after formal disciplinary charges had been filed.

69. Throughout the period of his inactive status, and even after his acknowledgment of such status, Respondent utilized letterhead captioned "The Law Office of Donald Brown".

70. Respondent sought compensation in the amount of \$6,050.00, by statement dated December 23, 2005, for legal services he performed on behalf of a physician group during November and December 2005, sent on his letterhead to the law firm of Freund, Freeze & Arnold.

71. Respondent expressed no remorse for his misconduct and no acknowledgment of the validity of the Order of the Supreme Court of Pennsylvania transferring him to inactive status.

72. Respondent believes that he was in compliance, but that an administrative clerk at the PACLE office did not apply his credits properly.

73. Respondent described himself as not actively practicing during the period 2003 - 2005 and doing other things, such as business consulting, which is why he was not thinking of CLE credits or paying his attorney license fee.

III. CONCLUSIONS OF LAW

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

1. RPC 1.16(a) - A lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client, if the representation will result in violation of the Rules of Professional Conduct or other law.

2. 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.

3. RPC 7.1(a) - A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services.

4. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

5. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

6. Pa.R.D.E. 203(b)(3) - A willful violation of any other provision of the Enforcement Rules is a grounds for discipline.

7. Pa.R.D.E. 217(b) - which states, in pertinent part, that a formerly admitted attorney shall promptly notify, or cause to be notified by registered or certified mail, return receipt requested, 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, of 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.

8. Pa.R.D.E. 217(c)(2) - 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, return receipt requested, 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.

9. Pa.R.D.E. 217(d) - Orders imposing suspension, disbarment, or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the disbarment, suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature.

10. Pa.R.D.E. 217(e)(1) - 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 showing that the provisions of the order and these rules have been fully complied with.

11. Pa.R.D.E. 217(e)(2) - 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 showing all other states, federal and administrative jurisdictions to which such person is admitted to practice. Such statement shall also set forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed.

12. Pa.R.D.E. 217(j)(4)(iv) - A formerly admitted attorney is specifically prohibited from representing himself or herself as a lawyer or person of similar status.

13. Pa.R.D.E. 217(j)(4)(v) - A formerly admitted attorney may not have any contact with clients either in person, by telephone or in writing.

14. Pa.R.D.E. 217(j)(4)(vi) - A formerly admitted attorney may not render legal consultation or advice to a client.

15. Pa.R.D.E. 217(j)(4)(vii) - A formerly admitted attorney may not appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body.

16. Pa.R.D.E. 217(j)(4)(ix) - A formerly admitted attorney may not negotiate or transact any matter for or on behalf of a client with third parties or have any contact with third parties regarding such a negotiation or transaction.

17. Pa.R.D.E. 217(j)(4)(x) - A formerly admitted attorney may not receive, disburse or otherwise handle client funds.

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Discipline charging Respondent with the unauthorized practice of law while on inactive status. Petitioner bears the burden of proof by a preponderance of the evidence that is clear and satisfactory that Respondent engaged in professional misconduct. Office of Disciplinary Counsel v. Surrick, 749 A.2d 441 (Pa. 2000). Petitioner has met its burden. The facts as set forth above demonstrate that Respondent engaged in the unauthorized practice of law after the entry of the Orders of the Supreme Court of Pennsylvania transferring Respondent to inactive status.

Respondent was transferred to inactive status by Order dated November 19, 2001, for failure to maintain the required Continuing Legal Education (CLE) credits; and by Order dated December 13, 2001 for failure to file his annual registration form along with the annual fee. Respondent made some efforts to rectify his status during the first six months of 2002, including taking some additional CLE credits and remitting his annual registration form. However, he failed to follow through on these efforts by remitting the required late fees to the CLE Board. The CLE Board was unable to certify Respondent as compliant; and Respondent's annual registration forms were returned to him by the Administrative Office with his original checks both in January of 2002 and in June of 2002. After June of 2002, Respondent made no effort to take CLE or remit his annual fee for a period of approximately three years. While Respondent claims that he was not actively practicing law during that time frame, the record evidences that he

actively litigated four matters during the years 2002 through 2005 and referred personal injury cases for which he received referral fees. The record reflects that even after acknowledging notice of his transfer to inactive status, Respondent failed to make any real effort to comply with the Court's Orders. At all times Respondent held himself out as a practicing lawyer through his letterhead captioned "The Law Offices of Donald Brown". Respondent did not view this as inappropriate or misleading to the public.

Respondent's positions throughout the disciplinary proceedings were unsupported by the evidence of record. He claims he never received actual notice of his transfer to inactive status; he further claims that the transfer was an administrative error because he had taken the appropriate CLE courses and certified them for retroactive credit. The relevant Rules do not require that the Respondent receive actual notice. Pa.R.D.E. 219(g) provides that the Administrative Office "shall transmit by certified mail, return receipt requested" notice "to every attorney who fails to timely file the statement and pay the annual fee required by this rule, addressed to the last known address of the attorney." Similarly, the CLE Board's regulations do not require actual notice of noncompliance. Section 8 of the regulations generally requires that the Board "send" a lawyer notice of noncompliance with any applicable CLE regulation. The method of delivery is not specified.

The record supports the finding that Respondent had actual notice of his transfer to inactive status. Within approximately eight weeks of the delivery of the Final CLE Report, Respondent began taking CLE courses and submitting them for credit through the special attendance verification form, which reflected the status of

“reinstatement” in the compliance year box. The Fee letter which included notice of Respondent’s transfer to inactive status, was re-sent to Respondent by first class mail to Respondent’s post office box on January 16, 2002. Within the next eight days, the Administrative Office received Respondent’s annual fee form and his annual fee, which included payment of the applicable late fee. It is reasonable to infer that Respondent received the letter, read the contents of the letter which specified his inactive status, and attempted to pay the annual registration fee and accompanying late fee.

Additionally, for a period of approximately three years, from June 2002 through May 2005, Respondent did not take any CLE courses, and after July 2002 he failed to make any efforts to pay the annual attorney registration fee or submit an annual attorney registration form. It is reasonable to infer that Respondent had constructive notice that he was no longer authorized to practice law, as he knew that he had a professional obligation to fulfill CLE credits, submit an annual fee form, and pay the annual attorney assessment. It is well-established that a lawyer has an affirmative duty to know the status of his professional license and to comply with professional requirements, which include taking the CLE courses and remitting the attorney registration fee. In re Anonymous No. 123 DB 96, 41 Pa. D. & C. 4th 290 (1998).

Respondent is a long-time practitioner, having been admitted to the practice of law in 1958 and having no prior record of discipline. He enjoyed a distinguished career and served in a variety of responsible positions during his tenure with the law firm of Fox Rothschild. His misconduct herein is all the more incomprehensible when reflected in the mirror of such a stellar career. A troubling

aspect of the instant matter is Respondent's failure to provide candid, credible testimony to the Hearing Committee, which is an aggravating factor the Board must consider.

Foremost is Respondent's insistence that he never received notice of his inactive status. This is belied by the evidence of record, and by his own actions. Also incredible are the following positions taken and points made by Respondent: 1. He described the period of time between 2002 and 2005 as a time when he was conducting non-legal consulting work and not actively practicing law, yet the evidence readily supports the finding that he was practicing law in at least four matters, and continued to do so even after the date he finally acknowledged notice of his inactive status; 2. His assertion that his letterhead stating "Law Offices of Donald Brown" would not mislead the public into thinking he was a practicing lawyer is naive at best and his position that the Supreme Court Order transferring him to inactive status was without effect is downright frivolous; 3. Respondent's testimony regarding his difficulties receiving mail serves to emphasize his contemptuous attitude regarding his professional obligations, as it raises a multitude of questions as to why he took no remedial measures to address the alleged difficulties. In general, Respondent's attitude toward the entire issue of his licensure and continuing education appears to be one of careless disregard.

The Hearing Committee recommended a suspension of one year and one day, based on the nature and gravity of the underlying misconduct, balanced by the aggravating and mitigating factors. In re Anonymous No. 85 DB 97, 44 Pa. D. C. 4th

299 (1999). This recommendation is consistent with the line of Supreme Court cases imposing suspensions of one year and one day for the unauthorized practice of law. See Office of Disciplinary Counsel v. Holder, 131 DB 1999, 660 Disciplinary Docket No. 3 (Pa. March 23, 2001) (imposing one year and one day suspension on attorney who made appearances in five criminal cases while on inactive status); Office of Disciplinary Counsel v. Rodney, 118 DB 2000, 743 Disciplinary Docket No. 3 (Pa. June 13, 2002) (imposing suspension of one year and one day on attorney who continued to represent three clients in state court after being placed on inactive status).

While the Board is cognizant of this recent line of cases, it is mindful that Pennsylvania does not impose per se discipline for specific misconduct. Office of Disciplinary Counsel v. Chung, 695 A.2d 405 (Pa. 1997). Thus the Board bears the responsibility, as it does in every disciplinary matter, to review the instant matter on its own unique facts. That being stated, the Board concurs with the recommendation of the Hearing Committee. The totality of the circumstances of record reflects misconduct of a nature warranting the imposition of a one year and one day suspension. Respondent failed to fulfill the administrative obligations pertaining to his license to practice law, and he engaged in the practice of law in violation of Supreme Court Orders. He demonstrated a failure to take responsibility for his actions, a contemptuous attitude toward the entire disciplinary process, and showed no remorse whatsoever.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Donald Brown, be suspended from the practice of law for a period of one year and one day.

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: _____
Louis N. Teti, Board Member

Date: November 21, 2006

Board Member Baer did not participate in the adjudication.

ORDER

PER CURIAM:

AND NOW, this 13th day of March, 2007, upon consideration of the Report and Recommendations of the Disciplinary Board dated November 21, 2006, the Petition for Review and response thereto, it is hereby

ORDERED that Donald Brown is suspended from the Bar of this Commonwealth for a period of one year and one day, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

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