

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1324 Disciplinary Docket No. 3
Petitioner :
v. :
REGINALD D. GREENE, : No. 169 DB 2007
Respondent : Attorney Registration No. 60977

ORDER


PER CURIAM:

AND NOW, this 30th day of July, 2009, a Rule having been entered upon respondent by this Court on May 8, 2009, to show cause why he should not be disbarred and, upon consideration of the responses filed, it is hereby

ORDERED that the Rule is made absolute, Reginald D. Greene is disbarred from the Bar of this Commonwealth retroactive to June 5, 2008, 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.

A True Copy Patricia Nicola

As of: July 30, 2009

Attest: 
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1324 Disciplinary Docket
Petitioner	:	No. 3
	:	
	:	No. 169 DB 2007
v.	:	
	:	Attorney Registration No. 60977
REGINALD D. GREENE	:	
Respondent	:	(Out of State)

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 June 5, 2008, the Supreme Court of Pennsylvania entered an Order temporarily suspending Reginald D. Greene, Respondent, pursuant to Rule 214(d)(2), Pa.R.D.E., and referring the matter to the Disciplinary Board pursuant to Rule 214(f)(1), Pa.R.D.E. On July 3, 2008, Respondent filed a Request for Accelerated Disposition. On July 31, 2008, Office of Disciplinary Counsel filed a Petition for Discipline against

Respondent, charging him with professional misconduct arising out of his conviction of criminal conspiracy to commit mail fraud and bank fraud, in violation of 18 U.S.C. Section 371. Respondent filed an Answer to Petition for Discipline on August 14, 2008.

A disciplinary hearing was held on September 26, 2008, before a District III Hearing Committee comprised of Chair William A. Fetterhoff, Esquire, and Members Helen Roth Vanston, Esquire, and David J. Solfanelli, Esquire. Respondent appeared pro se. Exhibits were placed into evidence and Respondent testified on his own behalf. The record was left open for two weeks so that additional evidence relating to actions taken against Respondent by the Maryland Insurance Administration could be entered into evidence.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on December 8, 2008 and recommended that Respondent be suspended for five years, retroactive to June 5, 2008, the date of Respondent's temporary suspension.

This matter was adjudicated by the Disciplinary Board at the meeting on January 28, 2009.

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 17101, is invested, pursuant to Rule 207 of the

Pennsylvania Rules of Disciplinary Enforcement, 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 is Reginald D. Greene. He was admitted to the practice of law in the Commonwealth of Pennsylvania in 1990. He is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior record of discipline.

4. On April 12, 2006, Respondent entered a plea of guilty, pursuant to a negotiated plea agreement, to Count One of a Ten Count indictment in the United States District Court, Maryland District, charging Respondent with Criminal Conspiracy to commit mail fraud and bank fraud, in violation of 18 U.S.C. Section 371.

5. On June 29, 2006, Respondent was sentenced to 12 months incarceration, followed by three years of supervised release, and was ordered to pay restitution and court costs in an aggregate amount in excess of \$191,000.

6. Respondent began serving his prison sentence on August 25, 2006. He was released from custody on July 8, 2007, at which time he became subject to the supervised release portion of his sentence.

7. Respondent reported his criminal conviction to the Disciplinary Board on July 26, 2007, notwithstanding the requirement of Rule 214(a), Pa.R.D.E., which in

pertinent part requires that an attorney convicted of a "serious crime" report the conviction within 20 days after date of sentencing.

8. Respondent was transferred to inactive status on November 26, 2005, and remained on inactive status through June 5, 2008.

9. On June 5, 2008, by Order of the Supreme Court of Pennsylvania, Respondent was placed on temporary suspension pursuant to Pa.R.D.E. 214(d)(2).

10. The acts giving rise to Respondent's conviction included his participation in a conspiracy with at least two others, while Respondent was a settlement agent for DHC Title during the period 1999 to 2001, at which time Respondent and his co-conspirators defrauded EquiCredit Corporation of America, a mortgage lender, as well as other mortgage lenders, by engaging in so-called "flip" transactions. Their conduct involved the use of fraudulent appraisals, fabricated and/or fraudulent loan documents, non-existent or "straw" buyers and sellers, and other fraudulent means and methods, for the purpose of obtaining artificially inflated mortgages from lenders, including EquiCredit, in at least eight matters. Respondent profited by retaining, along with his co-conspirators, a substantial portion of the mortgage loan proceeds provided by these lenders. The mortgage loans were not serviced, went into default, and were foreclosed, resulting in substantial losses to the lenders.

11. This conduct was also the basis for insurance license revocation proceedings by the Maryland Insurance Administration, which led to a final Order dated

May 28, 2002, revoking Respondent's Certificate of Qualification to act as an insurance agent or broker in Maryland, and which imposed an administrative penalty of \$51,500.

12. Respondent paid the administrative penalty in full on June 29, 2002.

13. Following Respondent's admission to the practice of law in Pennsylvania in 1990, he practiced law briefly with a law firm in Washington, D.C., and then for a short period of about eight months with a law firm in Philadelphia.

14. Respondent began working in the real estate industry in or about 1993, where he continued to be employed until January 2001. During this time he was employed by at least three mortgage companies or title insurance companies in Maryland.

15. One of these title companies was DHC Title Company, with which Respondent was associated from approximately 1997 until January 2001. It was during this association that the criminal activities giving rise to the conviction occurred.

16. In August 2008 Respondent obtained employment as a building management specialist by the District of Columbia government with an annual salary of \$68,000.

17. Respondent is jointly and severally liable for approximately \$191,000 in court ordered restitution.

18. A condition of parole is that Respondent make regular monthly payments of \$250. He has made approximately three payments but claims financial hardship prevented him from making regular payments. Respondent indicated that since he

obtained employment with a higher salary, he has made arrangements to pay \$300 per month to help with arrears.

19. His probation officer is aware of Respondent's financial circumstances, and has not treated Respondent's failure to pay as a violation of the terms of his parole.

20. In 2002, civil suits were filed against Respondent and various other criminal co-conspirators by EquiCredit Corporation, based upon the conduct which resulted in Respondent's criminal conviction. This litigation was resolved by settlement. As part of the settlement, Respondent was not required to pay any money, or otherwise contribute, to the settlement of these lawsuits.

21. Respondent acknowledged his guilt by entering a guilty plea and accepting his sentence; however, at the hearing he appeared to have limited remorse and did not fully acknowledge responsibility for his own culpability in the underlying scheme.

22. Respondent took his disciplinary matter seriously and participated fully in the process brought against him.

III. CONCLUSIONS OF LAW

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

1. RPC 8.4(b) - It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

2. Pa.R.D.E. 203(b)(1) - Respondent's criminal conviction constitutes an independent basis for discipline.

3. Pa.R.D.E. 214(a) - Respondent failed to report his criminal conviction within 20 days of sentencing.

IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of Respondent's criminal conviction for conspiracy to commit mail fraud and bank fraud. The sole issue to be determined in a criminal conviction matter is the extent of discipline to be imposed. The recommended discipline is a reflection of the facts and circumstances unique to the case, including any circumstances that are aggravating or mitigating. Office of Disciplinary Counsel v. Eilberg, 441 A.2d 1193 (Pa. 1982).

Respondent engaged in a multi-person criminal conspiracy over a period of seven months. He conducted at least eight tainted real estate settlements in his capacity as the settlement agent for DHC Title, a Maryland title insurance company. All eight of these settlements involved multiple instances of fraudulent, dishonest conduct by Respondent. As a result of his misconduct, the Maryland Insurance Administration

revoked Respondent's insurance license. He was criminally prosecuted and sentenced to 12 months incarceration, supervised release and restitution of approximately \$191,000, for which he is jointly and severally liable. The fact that his misconduct did not involve an attorney-client relationship does not preclude the imposition of professional discipline.

Respondent's criminal conduct is an egregious affront to those who relied upon him in a fiduciary capacity. Such misconduct, and other similar crimes, have led to lengthy suspensions or disbarment. The common thread in these matters is the extreme disfavor with which the Supreme Court views criminal acts involving fraud and dishonesty, from which the public deserves to be protected. Office of Disciplinary Counsel v. Costigan, 584 A.2d 296 (Pa. 1990) (Disbarment); Office of Disciplinary Counsel v. Chung, 695 A.2d 405 (Pa. 1997)(Five year suspension); Office of Disciplinary Counsel v. David E. Shapiro, 22 Pa. D. & C. 4th 261 (1994) (Five year suspension). Disbarment has been reserved for the most egregious cases, with each case being considered individually and on the totality of the facts.

The Hearing Committee recommended a five year suspension retroactive to the date of the temporary suspension. The Committee noted its concern regarding Respondent's minimal acknowledgment of responsibility coupled with an apparent failure to recognize his own level of culpability in the underlying criminal scheme. Respondent justified his lower level of responsibility because his financial gain, as he asserted, was more limited than that of others involved. The Committee weighed Respondent's equivocal acceptance of responsibility as an aggravating factor. In mitigation, the Committee found

that Respondent did explicitly acknowledge his guilt by entering a guilty plea and accepting his prison sentence. Furthermore, Respondent acknowledged the seriousness of the disciplinary proceedings against him and participated fully. The Committee found that Respondent wanted to redeem himself and reestablish himself post conviction. The Board's careful review of the record persuades us that the Committee's findings as to aggravating and mitigating factors present in this matter are accurate and supported by the evidence.

For these reasons, the Board concludes that a five year period of suspension, retroactive to June 5, 2008, is appropriate discipline to address Respondent's very serious misconduct.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Reginald D. Greene, be suspended from the practice of law for a period of five years retroactive to June 5, 2008.

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: *Charlotte S. Jefferies*
Charlotte S. Jefferies, Board Member

Date: February 20, 2009

Board Member Newman did not participate in the adjudication.

Board Members Gephart, Pietragallo, Buchholz, Lawrence and Bevilacqua dissent and would recommend disbarment.