

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 652 , Disciplinary Docket  
: No. 3 – Supreme Court  
:  
TONY SANTO SANGIAMO : No. 35 DB 2001 - Disciplinary Board  
:  
: Attorney Registration No. 44124  
PETITION FOR REINSTATEMENT :  
: (York 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 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

On July 21, 2005, Tony Santo Sangiamo filed a Petition for Reinstatement to the bar of the Supreme Court of Pennsylvania. By Order of July 25, 2002, the Supreme Court suspended Petitioner for a period of 20 months, retroactive to March 12, 2001, following his criminal conviction for corrupting the morals of a minor. Office of Disciplinary

Counsel filed a Response to Petition for Reinstatement and stated that it did not oppose the reinstatement.

A reinstatement hearing was held on November 1, 2005, before a District III Hearing Committee comprised of Chair Richard W. Stevenson, Esquire, and Members Philip J. Murren, Esquire, and Jack Mentzer Stover, Esquire. Petitioner was represented by Thomas P. Gacki, Esquire.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on March 6, 2006 and recommended that the Petition for Reinstatement be granted.

No Exceptions were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on March 29, 2006.

## II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Tony Santo Sangiamo. He was born in 1959 and was admitted to practice law in Pennsylvania in 1985. His current address is 572 Oxford Ave., Hanover PA 17331.

2. By criminal information filed on April 4, 2000, Petitioner was charged in the York County Court of Common Pleas with one count of corrupting the morals of a minor, specifically indecent sexual contact with a 16 year old female. The date of the offense was December 27, 1999.

3. On October 31, 2000, Petitioner entered a plea of guilty to the offense for which he was charged and was sentenced to a term of imprisonment of 2 to 23 months.

4. On or about June 14, 2000, after the offense had occurred but prior to Petitioner having been charged, Petitioner voluntarily assumed inactive status and discontinued his practice of law.

5. By Order dated March 12, 2001 Petitioner was placed on temporary suspension by the Supreme Court.

6. Following Petitioner's cessation of legal practice, he obtained employment performing manual labor at a foundry. He resumed this employment after his release from prison.

7. After Petitioner left the foundry, he began working for John Moran, Esquire, a York County attorney. Petitioner's work for Mr. Moran involved the drafting and reviewing of pleadings, and file maintenance and organization. These activities were performed in compliance with Disciplinary Enforcement Rules applicable to formerly admitted attorneys.

8. After approximately nine months, Petitioner went to work for Richard Oare, Esquire, for higher compensation. His work with Mr. Oare involved file maintenance, tracking of pleadings and discovery, and the drafting of pleadings. After one year, Petitioner was laid off from this employment.

9. Petitioner found employment as a paralegal with Semmes, Bowen and Semmes, an insurance defense litigation firm in Baltimore, Maryland. Petitioner's work

involved compiling medical records and preparing workers' compensation hearing files, as well as tracking civil litigation discovery and pleadings.

10. After approximately one year, Petitioner went to work with David Ostrow, Esquire, of Owings Mills, Maryland. Mr. Ostrow had a substantial bankruptcy practice and Petitioner's work involved maintenance of those files, i.e. preparation and electronic filing of bankruptcy documents.

11. Petitioner continued his employment with Mr. Ostrow through the date of the filing of his Petition for Reinstatement in July 2005.

12. Seeking increased remuneration, Petitioner found his current employment with Attorney Keith Smith of Washington D.C., assisting Mr. Smith in the development of a Chapter 13 Bankruptcy practice.

13. At the same time, Petitioner has been employed in a part-time capacity by Robert Glessner, Esquire, of York, Pennsylvania. This work involves analyzing and drafting social security disability appeals and worker's compensation cases.

14. Petitioner and his wife divorced as a result of Petitioner's criminal conduct. Petitioner maintains a high level of contact with his two minor children.

15. At the time of the reinstatement hearing, Petitioner's partial custody schedule allowed him to have the children two weeknights per week and alternating weekends.

16. Petitioner's relationship with his children is very good.

17. On February 22, 2005, Petitioner filed a Petition under Chapter 13 of the Bankruptcy Code for the specific purpose of arranging a repayment schedule for

accumulated income tax debt. The Plan specifies that \$26,000 in income tax debt will be repaid over the course of 60 months.

18. Petitioner is current in his payments to the Chapter 13 Trustee.

19. Petitioner underwent mental health counseling, not only as ordered by the court to address his criminal conduct, but voluntarily to address issues of personal responsibility and organization in his life so as to avoid harm to others.

20. Even though Petitioner was entitled to file for reinstatement several years ago, he delayed the filing of his petition until July 2005. Petitioner did so because he believed that the delay would allow him to settle his situation so his return to the practice of law would proceed more smoothly.

21. During his suspension Petitioner focused on putting his finances in order to improve his stability.

22. A treatment summary letter from Petitioner's psychologist, Richard Campbell, was admitted into evidence without objection.

23. The letter states in pertinent part:

“Petitioner was remorseful for his past behaviors and wanted to be a good role model for his children and the community at large. I believe he had success in therapy and now appears to be in control of his life. He demonstrated the ability to make good decisions and is focused on his goals, he is dedicated and determined to remain in the field of law.”

24. Two character witnesses testified on Petitioner's behalf.

25. John Moran, Esquire, Petitioner's employer for a short time, believes that Petitioner's criminal conduct was an aberration. He believes Petitioner is qualified to be reinstated to practice law.

26. Robert Glessner, Esquire, also employed Petitioner and opined that he has a good reputation for competence and is qualified for readmission to practice law.

27. David Ostrow, Esquire, of Owings Mills, Maryland, submitted written character evidence that was admitted into the record without objection. Mr. Ostrow wrote, in part, that while Petitioner was in his employ he was able to observe Petitioner and found him to be responsible and credible in all respects, both in his work habits and his relations with other employees.

28. Petitioner has fulfilled his Continuing Legal Education credits as required for reinstatement.

29. Petitioner has maintained his currency in the law through his employment as a paralegal during his suspension.

30. If reinstated, Petitioner intends to practice law in York County or Adams County in the areas of bankruptcy, social security and worker's compensation.

### III. CONCLUSIONS OF LAW

1. Petitioner has the moral qualifications, competency and learning in the law required to practice law in Pennsylvania.

2. Petitioner's resumption of the practice of law will be neither detrimental to the integrity and standing of the bar of the administration of justice nor subversive of the public interest.

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Reinstatement filed by Tony Santo Sangiamo. By Order of the Supreme Court of Pennsylvania dated July 25, 2002, Petitioner was suspended from the practice of law for 20 months retroactive to March 21, 2001.

Pursuant to Rule 218(a), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania. In order for Petitioner to gain reinstatement, he has the burden of proving by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth. In addition, Petitioner has the burden of demonstrating that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or administration of justice, nor subversive of the public interest. Rule 218(c)(3)(I), Pa.R.D.E.

A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions which gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitation efforts the lawyer has made since the time that sanction

was imposed, and the degree of success achieved in the rehabilitative process. Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

Petitioner entered a plea of guilty to one count of corrupting the morals of a minor. Specifically, Petitioner had indecent contact with a 16 year old female on December 27, 1999. He was sentenced to imprisonment of 2 to 23 months and was placed on temporary suspension by the Supreme Court on March 21, 2001.

Petitioner has provided clear and convincing evidence that he is fit and qualified to practice law in Pennsylvania. Petitioner fulfilled the requirements of his criminal sentence. After his release from prison, he worked as a manual laborer at a foundry. Subsequent thereto, Petitioner was employed in a series of paralegal positions for attorneys. Each new position was taken in order to increase his income and stabilize his finances. Each position was handled in compliance with Rules of Disciplinary Enforcement governing formerly admitted attorneys. Currently, Petitioner is employed by a Washington, D.C. based attorney assisting with bankruptcy law. Petitioner also does paralegal work for an attorney in York, PA, who testified on Petitioner's behalf at the reinstatement hearing. Petitioner's intention upon reinstatement is to practice in either York County or Adams County handling bankruptcy, social security and workers compensation matters.

Petitioner was divorced by his wife as a result of his criminal conduct, but he has made every effort to stay involved with his two minor children. He has partial custody of the children and sees them on a weekly basis. He describes his relationship with them as very good.

In addition to court ordered psychiatric treatment due to his criminal offense, Petitioner voluntarily sought assistance to address issues of personal responsibility in his life. He submitted a letter from his counselor indicating his positive progress and readiness to practice law.

Petitioner's character witnesses presented credible testimony as to Petitioner's good reputation for competence in the law and his qualifications to resume the practice of law.

Petitioner fulfilled his Continuing Legal Education credits and stayed apprised of the changes in the law through his paralegal work, which of necessity required working knowledge of the law.

Petitioner had the opportunity to apply for reinstatement at an earlier date, but believed that he was not ready to do so at that time. His goal was to regain financial stability and organization in his life, which by all accounts he has done. Petitioner has expressed his sincere remorse and desire to re-enter the field of law .

Petitioner has met with clear and convincing evidence his burden of proving that he is morally qualified, competent and learned in the law. Furthermore, the Board concludes that Petitioner's readmission will not be detrimental to the bar or the public. For these reasons the Board recommends that the Petition for Reinstatement be granted.

V.           RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Tony Santo Sangiamo, be reinstated to the practice of law.

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By: \_\_\_\_\_  
Laurence H. Brown, Member

Date: May 4, 2006

ORDER

PER CURIAM:

AND NOW, this 18<sup>th</sup> day of August, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated May 4, 2006, the Petition for Reinstatement is granted.

Pursuant to Rule 218(e), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.