

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1668 Disciplinary Docket No. 3
: :
Petitioner : No. 210 DB 2010
: :
v. : Attorney Registration No. 33985
: :
HARRY VINCENT CARDONI, : (Luzerne County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 13th day of July, 2017, 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 Harry Vincent Cardoni is suspended on consent from the Bar of this Commonwealth for a period of five years, retroactive to December 28, 2010. Respondent shall comply with all provisions of Pa.R.D.E. 217 and shall pay the costs incurred by the Disciplinary Board in the investigation and prosecution of this matter.

A True Copy Patricia Nicola
As Of 7/13/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1668 Disciplinary Docket No. 3
Petitioner :
: Board File No. 210 DB 2010
v. :
: Atty. Registration No. 33985
HARRY VINCENT CARDONI, :
Respondent : (Luzerne County)

JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215(d)

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Amelia C. Kittredge, Disciplinary Counsel, and the Respondent, Harry V. Cardoni, Esquire, (hereinafter, "Respondent") and his counsel, Marc S. Raspanti, Esquire, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") and respectfully state and aver the following:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106-2485, 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

FILED
5/5/2017
The Disciplinary Board of the
Supreme Court of Pennsylvania

prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Harry Vincent Cardoni, was born in 1950 and was admitted to practice law in the Commonwealth of Pennsylvania on June 3, 1981.

3. Respondent's registered address is Pole 259, Harvey's Lake, PA 18618. His current mailing address is 340 Market Street, Kingston, Pennsylvania 18704.

4. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

5. By Order dated December 28, 2010, the Supreme Court of Pennsylvania granted Respondent and ODC's Joint Petition to Temporarily Suspend an Attorney Pursuant to Pa.R.D.E. 208(f) ("Joint Petition for Temporary Suspension").

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

6. Respondent admits that he violated Pennsylvania Rule of Professional Conduct 3.5, which states, "A lawyer shall not: (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law."

7. Prior to 2010, Respondent furnished certain items of value to former Luzerne County Court of Common Pleas Judge Michael T. Toole, including the use of Respondent's beach house, in exchange for Judge Toole's appointment of a particular arbitrator in a matter before the court. On September 26,

2010, Toole entered into an Amended Plea Agreement on one count of Subscribing and Filing a Materially False Tax Return under 26 U.S.C. § 7206(1), and one count of Corrupt Receipt of Reward for Official Action Concerning Programs Receiving Federal Funds under 18 U.S.C. §666. On April 9, 2011, Mr. Toole was sentenced to 18 months in prison and was ordered to pay \$5,000 in fines.

SPECIFIC RULE OF PROFESSIONAL CONDUCT VIOLATED

8. By his conduct alleged in paragraphs 6 and 7, Respondent violated Pennsylvania Rule of Professional Conduct 3.5, which states, "A lawyer shall not: (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law."

SPECIFIC RECOMMENDATION FOR DISCIPLINE OF HARRY V. CARDONI

9. The Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a Suspension for a period of five (5) years, retroactive to the date of his temporary suspension, December 28, 2010.

10. Respondent, through his counsel, reported this matter promptly to ODC. Further, he has cooperated fully and completely in ODC's investigation of this matter, and he raised with ODC, and voluntarily agreed to, the suspension entered on December 28, 2010.

11. Respondent has cooperated fully and completely with law enforcement authorities and the United States Attorney's

Office for the Middle District of Pennsylvania. Respondent assisted the United States Attorney in the investigation of former Judge Toole. His extensive cooperation included, but was not limited to, testifying for the United States at Mr. Toole's sentencing hearing. As a result of his cooperation, Respondent was not charged with any crime in connection with this matter.

12. Respondent's full and complete cooperation with the United States Attorney's Office for the Middle District of Pennsylvania is confirmed by the lead prosecutor in this matter, Special Assistant United States Attorney Gordon Zubrod. Attached hereto and marked as Exhibit A is a letter from Mr. Zubrod, dated December 22, 2016, confirming Respondent's full and complete cooperation with the government.

13. In describing the substantial assistance provided by Respondent, Special Assistant United States Attorney Gordon Zubrod states in Exhibit A:

- "From our first contact in the summer of 2009, Mr. Cardoni fully and completely cooperated with our investigation, and expressed genuine remorse for his conduct."
- "Mr. Cardoni met with our investigative team at least seven times over a period of eighteen months; each time he cooperated fully and completely with the members of our investigative team."
- "In my thirty-five years of experience as a federal prosecutor, I can state without reservation that Mr. Cardoni fully and completely cooperated with our investigation,

and that his substantial assistance was a substantial factor in a prosecution that was important to protecting the integrity of the judiciary in Pennsylvania."

14. Respondent has no prior record of discipline in this or any other jurisdiction.

15. Respondent admits to engaging in misconduct and violating the charged Rule of Professional Conduct.

16. Respondent is remorseful for and embarrassed by his conduct and understands he should be disciplined, as is evidenced by his consent to receiving a five-year suspension.

17. Since the Joint Petition for Temporary Suspension was entered on December 28, 2010, Respondent has fully complied with all provisions of the Order of the Supreme Court and with Rule 217(e) of the Pennsylvania Rules of Disciplinary Enforcement.

18. Since the Joint Petition for Temporary Suspension was entered on December 28, 2010, Respondent has been focused on caring for elderly family members (including his late mother, and aunt); managing several properties he owns in Luzerne County; and assisting a friend and family member with the development of several small businesses.

19. Respondent's affidavit stating, *inter alia*, he consents to the recommended discipline, is attached hereto as Exhibit B.

20. Respondent has successfully completed all Continuing Legal Education requirements that have accrued since December 28, 2010.

21. Respondent understands that even if this Honorable Court should grant the instant Petition for Discipline on Consent, in order to be reinstated to the Bar of the Commonwealth, Respondent is required to successfully petition for reinstatement pursuant to Pa.R.D.E. 218(c).

WHEREFORE, the Petitioner and Respondent respectfully request that:

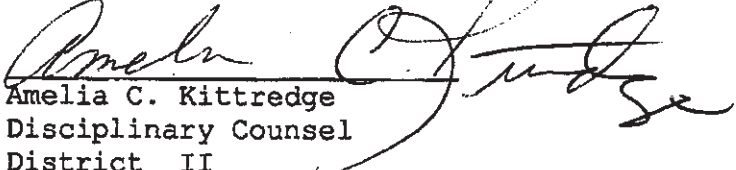
a. Pursuant to Pa.R.D.E. 215, the three-member panel of the Disciplinary Board review and approve the above Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court of Pennsylvania enter an Order:

i. suspending Respondent from the practice of law for five (5) years, retroactive to December 28, 2010; and


ii. directing that Respondent pay the costs of investigation and prosecution of the matter.

Respectfully submitted,

Date: May 5, 2017 By:


Amelia C. Kittredge
Disciplinary Counsel
District II
Atty. Registration No. 28760
820 Adams Ave., Ste. 170
Trooper, PA 19403
(610) 650-8210

Date: April 28, 2017

By: 
MARC S. RASPANTI
Atty. Registration No. 41350
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
1818 Market Street, Suite 3402
Philadelphia, PA 19103
Tel: (215) 320-6200
Fax: (215) 981-0082
Attorney for Respondent

BEFORE THE DISCIPLINARY BOARD
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HARRY V. CARDONI, :
Respondent : (Luzerne County)

VERIFICATION

The statements contained in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) 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.

Date: May 5, 2017

By: Amelia C. Kittredge
Amelia C. Kittredge
Disciplinary Counsel
District II
Atty. Registration No. 28760
820 Adams Avenue, Ste. 170
(610) 650-8210

Date: April 28, 2017

By: Marc S. Raspanti
MARC S. RASPANTI
Atty. Registration No. 41350
PIETRAGALLO GORDON ALFANO
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1818 Market Street, Suite 3402
Philadelphia, PA 19103
Tel: (215) 320-6200
Attorney for Respondent



U.S. Department of Justice

*Bruce D. Brandler
United States Attorney
Middle District of Pennsylvania*

Website: www.justice.gov/usao/pam/

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P.O. Box 309
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FAX (570) 348-2037/348-2830*

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Harrisburg, PA 17108-1754
(717) 221-4482
FAX (717) 221-4493*

*Herman T. Schneebeli Federal Building
240 West Third Street, Suite 316
Williamsport, PA 17701-6465
(570) 326-1935
FAX (570) 326-7916*

Please respond to: Harrisburg

December 22, 2016

VIA FIRST CLASS MAIL

Marc S. Raspanti, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
1818 Market Street, Suite 3402
Philadelphia, PA 19103

Re: Harry V. Cardoni

Dear Mr. Raspanti:

At your request, I am writing to provide a statement of the significant cooperation and substantial assistance that your client, Harry V. Cardoni, provided to the United States Attorney's Office for the Middle District of Pennsylvania in its investigation, prosecution, and sentencing of former Luzerne County Court of Common Pleas Michael T. Toole. I understand that my letter may be used by Mr. Cardoni in a petition to the Pennsylvania Supreme Court following his voluntary suspension of his license in 2010. I fully consent to the use of my letter for this purpose.

By way of background, I worked as an Assistant United States Attorney for more than thirty-five years until my retirement from government service in 2016. Since my retirement, I have continued to perform services on a contract basis for the United States Attorney's Office for the Middle District of Pennsylvania.



Beginning in 2009, I became the lead prosecutor in charge of an investigation into alleged criminal misconduct involving Luzerne County Court of Common Pleas Michael T. Toole. During the course of that investigation, in the summer of 2009, I first came into contact with your client Harry Cardoni in connection with items of value that Mr. Cardoni provided to Judge Toole.

From our first contact in the summer of 2009, Mr. Cardoni fully and completely cooperated with our investigation, and expressed genuine remorse for his conduct. In particular, Mr. Cardoni willingly provided us with a full accounting of his interactions with Judge Toole, a complete description of the items of value provided, and even provided us with detailed and verifiable documentation of those items. Mr. Cardoni met with our investigative team at least seven times over a period of eighteen months; each time he cooperated fully and completely with the members of our investigative team. We also had regular access to his attorneys to follow-up on other information we needed.

In my view, the assistance that Mr. Cardoni provided was a substantial factor leading to Judge Toole's guilty plea on September 26, 2010 to the charges of Subscribing and Filing a Materially False Tax Return under 26 U.S.C. § 7206(1) and Corrupt Receipt of Reward for Official Action Concerning Programs Receiving Federal Funds under 18 U.S.C. § 666. Mr. Cardoni further assisted the government by providing valuable testimony for the government at Judge Toole's sentencing hearing on March 26, 2011. Based on this assistance, and a variety of other factors, Mr. Cardoni was not charged by the United States Attorney's Office.

In my thirty-five years of experience as a federal prosecutor, I can state without reservation that Mr. Cardoni fully and completely cooperated with our investigation, and that his substantial assistance was a substantial factor in a prosecution that was important to protecting the integrity of the judiciary in Pennsylvania.

Marc S. Raspanti, Esquire
Page 3

If you have any further questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

BRUCE D. BRANDLER
United States Attorney

A handwritten signature in cursive script, appearing to read "Gordon Zubrod", written over a horizontal line.

GORDON ZUBROD
SPECIAL ASSISTANT U.S. ATTORNEY

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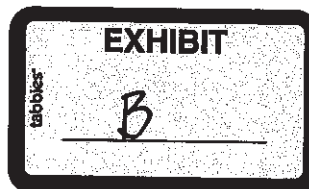
**RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

I, Harry Vincent Cardoni, Respondent in the above-captioned matter, hereby consents to the imposition of a five year suspension, retroactive to December 28, 2010, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further states:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;


2. I am aware there is presently an investigation into allegations that I have been guilty of misconduct as set forth in the *Joint Petition*;

3. I acknowledge that the material facts set forth in the *Joint Petition* are true;

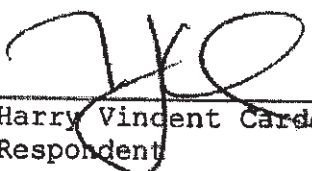


4. I consent because I know that if the charges against me were prosecuted I could not successfully defend against them; and

5. I have retained, and consulted with counsel to represent me in the instant proceeding. I am acting upon the advice of counsel in connection with this decision to execute the within *Joint Petition*.



Witness



Harry Vincent Cardoni
Respondent
Atty. Registration No. 33985
340 Market Street
Kingston, PA 18704
(570) 313-1619

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CERTIFICATE OF SERVICE

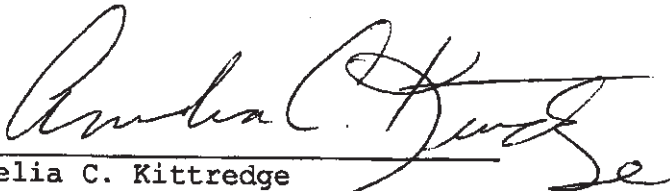
I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of Pa.R.A.P. 121.

First Class Mail, as follows:

Marc S. Raspanti, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
1818 Market Street, Suite 3402
Philadelphia, PA 19103

Attorney for Respondent

Dated: May 5, 2017


Amelia C. Kittredge
Disciplinary Counsel
District II
Atty. Registration No. 28760
820 Adams Avenue, Ste. 170
(610) 650-8210