

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL :
Petitioner :
v. : No. 7 DB 2024
DEON BASHEER BROWNING :
Respondent : Attorney Registration No. 315534
(Delaware County)

ORDER

AND NOW, this 5th day of June, 2024, in accordance with Rule 215(g), Pa.R.D.E., the three-member Panel of the Disciplinary Board having reviewed and approved the Joint Petition in Support of Discipline on Consent filed in the above captioned matter; it is

ORDERED that DEON BASHEER BROWNING, be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(9) of the Pennsylvania Rules of Disciplinary Enforcement.

BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 7 DB 2024
Petitioner	:	
	:	
v.	:	Attorney Reg. No. 315534
	:	
DEON BASHEER BROWNING,	:	
Respondent	:	(Delaware County)

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

Petitioner, the Office of Disciplinary Counsel (“ODC”) by Thomas J. Farrell, Chief Disciplinary Counsel, and Marie C. Dooley, Disciplinary Counsel and Deon Basheer Browning, Esquire (“Respondent”), by and through his counsel, Samuel C. Stretton, Esquire, respectfully petition the Disciplinary Board of the Supreme Court of Pennsylvania in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement (“Pa.R.D.E.”) 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice

FILED 05/29/2024 The Disciplinary Board of the Supreme Court of Pennsylvania

law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent was born in September, 1974 and was admitted to practice law in the Commonwealth of Pennsylvania on April 30, 2013. Respondent is on active status his attorney registration number is 315534. Respondent's registered mailing address is 25 West Second Street, Media, PA 19063.

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

4. Respondent has no record of discipline.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

File No. C2-22-442 - Decorey Pitts

5. Respondent represented Complainant Decorey Pitts in the settlement of a 2016 personal injury matter commenced in the Court of Common Pleas, Delaware County. *See Decorey Pitts v. Matthew Johnson and Be Proud Foundation and Joseph W Costa*, Case No. 2017-005290.

6. Respondent handled the matter as successor counsel.

7. Prior counsel negotiated a settlement of \$7,500, which Mr. Pitts rejected.

8. At all relevant times, Mr. Pitt was incarcerated for an unrelated criminal matter.

9. Without Mr. Pitts' express authorization, Respondent settled the personal injury claim for \$9,400.

10. Respondent relied on verbal communication with Mr. Pitt while he was incarcerated, which was limited to short telephone calls.

11. Respondent believed he had full settlement authority based on the verbal communication with Mr. Pitts to accept the \$9,400 on Mr. Pitts behalf.

12. Respondent relied on a power of attorney provision in his written fee agreement, which Mr. Pitts signed on February 28, 2020.

13. Mr. Pitts believed the matter settled for \$15,000.

14. On or about November 23, 2020, Respondent accepted on Mr. Pitts' behalf a \$9,400 settlement check as full and final settlement, which Respondent deposited into his PNC IOLTA.

15. On January 6, 2021, in accordance with the settlement terms, Respondent filed a motion to settle and discontinue the civil action with prejudice.

16. After receipt of the settlement payment Respondent discussed with Mr. Pitts the possibility of representing him in a criminal appeal for an additional \$6,500.

17. Respondent left Mr. Pitts' settlement funds in the IOLTA to cover the potential new legal fee for the criminal matter.

18. Mr. Pitts confirmed that there was discussion with Respondent about the handling of his criminal appeal, but he never formally retained Respondent.

19. Moreover, Respondent never entered his appearance or took action on Mr. Pitts' behalf in his criminal matter.

20. By letter to Respondent dated June 4, 2022, Mr. Pitts requested Respondent to immediately remit the settlement funds to Mr. Pitts.

21. Respondent failed to respond or otherwise take action to return Mr. Pitts his funds.

22. On September 26, 2022, ODC issued to Respondent a DB-7 Request for Statement of Respondent's Position, which included a demand for financial records.

23. On September 30, 2022, Respondent sent a letter to Mr. Pitts, which:

- a. stated, "My apologies for the misunderstanding that caused the delay;" and
- b. enclosed a Statement of Distribution and a cashier's check for \$6,269.80, which represented the \$9,400 settlement less Respondent's 33 1/3% legal fee.

24. On October 5, 2022, Attorney Stretton notified ODC that Respondent could not promptly provide all financial records to ODC. Respondent provided the records he had in his possession.

25. Respondent did not maintain monthly client ledgers or conduct three-way monthly reconciliations of his IOLTA. Respondent rectified the lack of monthly reconciliations by having his accountant recreate them.

26. On October 11, 2022, Respondent provided his counseled Statement of Position wherein he admitted "there was a dip below the amount should have been held . . . through inadvertence."

27. For example, as of November 30, 2020, Respondent held \$18,395.97 in the IOLTA.

28. However, as of the end of the following month, December 31, 2020, Respondent held a balance of only \$2,129.70.

29. Respondent allowed his IOLTA balance to dip below the full \$6,269.80, which was to be held in trust for Mr. Pitts as required.

30. In 2020, during the pandemic, Respondent's longtime paralegal who handled the firm's accounting resigned her position.

31. Due to the financial downturn during the pandemic, Respondent lacked funds to hire an experienced paralegal, office manager or accountant.

32. Respondent did not have a fully functioning office as all support staff worked remotely during the periods of misconduct.

33. Respondent did not closely monitor his firm accounts to ensure earned fees were properly transferred to his operating account.

34. Respondent failed to maintain and produce to ODC all documentation required pursuant to RPC 1.15(c) necessary to complete an accurate financial audit, including retainer/fee agreements, check register, client ledgers, and monthly three-way reconciliations.

35. Respondent attributed his accounting errors to personal issues and sloppy bookkeeping at that time.

36. In the fall of 2022, Respondent provided piecemeal document production of financial records to ODC.

37. As a result, ODC served a subpoena for records on Respondent.

38. Respondent appeared with his counsel at the December 5, 2022 subpoena return and admitted on the record to his bookkeeping issues and failures including commingling earned fees with client funds in his IOLTA and using his IOLTA for non-client related transactions rather than first transferring earned fees to his operating account.

39. Respondent made a practice of using his IOLTA for all “business expenses.”

40. Respondent’s financial records reflected transfers Respondent made to his other businesses:

- a. “Browning Properties,” a property management company;
and
- b. a daycare facility in Philadelphia that Respondent co-owned.

41. Respondent explained these transfers were “earned fees” he made to himself rather than his operating account.

42. The daycare facility was no longer operating.

43. Respondent admitted that some of the financial records were not contemporaneous records and had been prepared after issuance of ODC’s DB-7 Request.

44. On December 7, 2022, Respondent provided additional financial records and reconciliations from 2020, including evidence of his deposit of the \$9,400 Pitts settlement check into his IOLTA on November 23, 2020.

45. On December 13, 2022, in accordance with a bank subpoena, ODC received financial records from both PNC and Citizens Bank for Respondent’s IOLTAs.

46. ODC Auditor Robert McHugh’s independent review revealed Respondent allowed his IOLTA to fall out of trust for approximately 60 days from January 1, 2021 through March 2, 2021 and for short intervals in March 2021, August 2022, and September 2022.

47. ODC confirmed that Mr. Pitts received payment of the \$6,269.80 settlement, which was deposited into his inmate account in or around early October 2022.

48. Upon notification of ODC's investigation, Respondent fully cooperated with ODC and took steps to correct his office procedures and hired an accountant to manage his firm's books.

49. Respondent reopened his office in Media, has hired full-time staff and has one full-time paralegal and two part-time paralegals.

50. All support staff work in-person in the office, not at home, except on rare occasions.

51. After extensive review of records, ODC found no evidence that any other clients were harmed by Respondent's bookkeeping errors.

52. On April 3, 2023, at ODC's request, Respondent provided three-way reconciliation for the first quarter of 2023.

53. Respondent made significant changes to his accounting practices, and with the assistance of his accountant demonstrated to ODC he is now safeguarding client funds and maintaining account records as required.

54. After investigation, ODC does not believe that Respondent's conversion and commingling of earned fees misconduct was intentional.

55. Pursuant to Disciplinary Board Rule 87.7(a), as a "condition precedent to recommendation for discipline," ODC "shall not recommend or

undertake a disposition of discipline until Respondent is notified of the allegations and the time for response under subdivision (b)(2) of this rule, if applicable, has expired.”

56. Pursuant to Disciplinary Board Rule 87.7(b)(1), ODC shall prepare and forward a Form DB-7 (Request for Statement of Respondent Position), which identifies the “nature of the grievance.”

57. At the December 5, 2022 subpoena return, Respondent admitted to misconduct that violated RPC 1.15(c)(1)-(4). Such rule violations were not identified in the DB-7 Request for Statement of Respondent’s Position.

58. In the interest of efficiency and to demonstrate full cooperation with ODC, Respondent waived the requirement of the issuance of a DB-7 under Disciplinary Board Rule 87.7 (a) and 87.7(b) and agreed to incorporate the RPC 1.15(c) related violations herein without issuance of a DB-7A.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

59. Respondent’s misconduct in the Pitts matter violated the following Rule of Professional Conduct:

- A. RPC 1.3 – “A lawyer shall act with reasonable diligence and promptness in representing a client;”
- B. RPC 1.4(a)(3) – “A lawyer shall: . . . keep the client reasonably informed about the status of the matter;

- C. RPC 1.4(a)(4) – “A lawyer shall: . . . promptly comply with reasonable requests for information;”
- D. RPC 1.4(b) – “A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;”
- E. RPC 1.15(b) – A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer’s own property. Such property shall be identified and appropriately safeguarded.
- F. RPC 1.15(c) – “Complete records of the receipt, maintenance, and disposition of Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later. A lawyer shall maintain the writing required by Rule 1.5(b) (relating to the requirement of a writing communicating the basis or rate of the fee) and the records identified in Rule 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter). A lawyer shall also maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l):

(1) all transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks in whatever form, deposited items, and records of electronic transactions; and

(2) check register or separately maintained ledger, which shall include the payee, date, purpose and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction; provided, however, that where an account is

used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements.

(3) . . . These records shall be readily accessible to the lawyer and available for production to the Pennsylvania Lawyers Fund for Client Security or the Office of Disciplinary Counsel in a timely manner upon a request or demand . . . ;

(4) A regular trial balance of the individual client trust ledgers shall be maintained. The total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of monies received in trust for the client, and deducting the total of all moneys disbursed. On a monthly basis, a lawyer shall conduct a reconciliation for each fiduciary account. The reconciliation is not complete if the reconciled total cash balance does not agree with the total of the client balance listing. A lawyer shall preserve for a period of five years copies of all records and computations sufficient to prove compliance with this requirement . . . ” and

- G. RPC 1.15(e) – “ . . . a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property ”

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

File No. C2-22-1100 - Francis Sesay

60. On August 8, 2023, ODC issued a DB-7 to Respondent regarding allegations made by Complainant Francis Sesay for communication failures in his divorce, which Respondent handled on a flat fee basis.

61. In 2020, Respondent took over representation of Mr. Sesay after an associate left his firm.

62. After entering his appearance, Respondent took no action on Mr. Sesay's behalf during the pendency of the divorce.

63. In the summer of 2020, during a period of reconciliation, Mr. and Mrs. Sesay filed a *pro se* Praecipe to Withdraw the Divorce Complaint in the Court of Common Pleas of Delaware County, Case No. CV-2016-005211.

64. However, withdrawal of the Divorce Complaint did not affect the Final Order of Equitable Distribution entered August 26, 2019, which, in part, calculated Mr. Sesay's equity interest in the marital home and required him to execute a new Deed and pay \$519.38 in legal fees to his former spouse.

65. Respondent failed to communicate in writing the risks Mr. Sesay was taking in not complying with the Equitable Distribution Order.

66. After the couple's reconciliation failed, on March 14, 2022, opposing counsel sent Respondent a letter by email that demanded the executed Deed in accordance with the August 26, 2019 Equitable Distribution Order and advised that if the Deed was not received within ten (10) days he would file a Petition for Contempt against Mr. Sesay.

67. Respondent did not inform Mr. Sesay in writing of the need to comply with the Equitable Distribution Order and the risk that a Contempt Petition could be filed against him if he did not respond within ten days and provide the executed Deed.

68. On April 6, 2022, opposing counsel filed the Contempt Petition against Mr. Sesay, which sought additional monetary damages.

69. After the filing of the Contempt Petition, Respondent did not follow-up with Mr. Sesay in writing regarding the need to respond.

70. On April 27, 2022, the Court issued an Order that required all parties to appear at a hearing to be held on August 31, 2022.

71. Respondent failed to communicate in writing the risks Mr. Sesay was taking in not complying with the Equitable Distribution Order and failing to respond to the subsequent Contempt Petition.

72. On August 30, 2022, Respondent requested the Court reschedule the contempt hearing.

73. On September 15, 2022, the Court granted Respondent's request for a hearing continuance and rescheduled the hearing for September 28, 2022.

74. Respondent again failed to communicate in writing to Mr. Sesay the need to appear at the new hearing date.

75. As a result, Mr. Sesay failed to appear at the September 28, 2022 hearing.

76. On October 11, 2022, the Court entered an Order that:
- a. found Mr. Sesay in contempt;
 - b. required Mr. Sesay's execution of the Deed; and
 - c. assessed \$2,200 in additional counsel fees in favor of Mrs. Sesay and against Mr. Sesay.

77. Respondent failed to communicate to Mr. Sesay that the October 11, 2022 Order was entered against him.

78. On November 14, 2022, Mr. Sesay sent Respondent an email which identified Respondent's delays and failures and complained Respondent never informed him of the required Court appearance.

79. Respondent received the November 14, 2022 email but did not respond in writing.

80. On December 19, 2022, Mr. Sesay sent an email that identified numerous open issues and stated he would be “grateful if [Respondent] or someone from [Respondent’s] office could reach out ... with updates”

81. At or around the same time, Mr. Sesay requested a copy of his client file.

82. Respondent received Mr. Sesay’s December 19, 2022 email but failed to respond.

83. Respondent failed to promptly file a petition to remove Mr. Sesay’s name from the mortgage as promised.

84. On January 9, 2023, Mr. Sesay sent Respondent another email which:

- a. complained about Respondent’s significant delays and failures;
- b. advised he has “suffered emotionally as well as financially as a result of [Respondent’s] failure to meet one of [his] professional responsibilities; to communication [sic]. . . “
and

c. indicated that he was “still waiting for a copy of [his] file.”

85. On January 17, 2023, the Court issued the Divorce Decree.

86. On or about January 18, 2023, ODC contacted Respondent’s counsel, Mr. Stretton, to request Respondent provide Mr. Sesay a copy of his client file.

87. Respondent delegated the client file task to his support staff and did not review Mr. Sesay’s client file.

88. On or about February 8, 2023, Respondent’s office provided Mr. Sesay a copy of his file but included a portion of a different client file, which violated client confidentiality.

89. Respondent compounded his ethical violations by failing to supervise his nonlawyer support staff to avoid inadvertent disclosure of confidential information.

90. On February 16, 2023, despite promises to promptly file a motion regarding the marital property, Respondent belatedly filed the petition to remove Mr. Sesay from the mortgage obligation.

91. Ultimately, on June 1, 2023, Respondent withdrew the petition regarding the mortgage obligation as moot.

92. In his Statement of Position, Respondent admitted to misconduct that violated RPC 1.6(d) and RPC 5.3(b). Such rule violations were not identified in the DB-7 Request for Statement of Respondent's Position.

93. In the interest of efficiency and to demonstrate full cooperation with ODC, Respondent waived the requirement of the issuance of a DB-7 under Disciplinary Board Rule 87.7 (a) and 87.7(b) and agreed to incorporate RPC 1.6(d) and RPC 5.3(b) herein without issuance of a DB-7A.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

94. Respondent's misconduct in the Sesay matter violated the following Rule of Professional Conduct:

- A. RPC 1.1 – "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;"
- B. RPC 1.3 – "A lawyer shall act with reasonable diligence and promptness in representing a client;"
- C. RPC 1.4(a)(3) – "A lawyer shall: . . . keep the client reasonably informed about the status of the matter;"
- D. RPC 1.4(a)(4) – "A lawyer shall: . . . promptly comply with reasonable requests for information;"
- E. RPC 1.4(b) – "A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;"

- F. RPC 1.6(d) – “A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client;” and
- G. RPC 5.3(b) – “A lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer.”

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

95. Petitioner and Respondent jointly recommend the appropriate discipline for Respondent’s admitted misconduct is a public reprimand.

96. Attached to this Petition is Respondent’s executed affidavit required by Pa. R.D.E. 215(d), stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215 (d)(1) through (4).

97. In mitigation, Respondent:

- a. herein admits engaging in misconduct and violating the charged Rules of Professional Conduct;
- b. fully cooperated with Petitioner as evidenced by Respondent’s admissions herein and his consent to receiving a public reprimand, his waiver of DB-7

requirements and his admissions to additional rule violations;

- c. expresses remorse for his misconduct and understands he should be disciplined as is evidenced by his consent to receiving a public reprimand; and
- d. has taken corrective action to address his accounting deficiencies, and his client communication delays and failures; and
- e. has no record of discipline.

98. Respondent's extensive cooperation with ODC's investigation, waiver of DB-7 requirements, and his interest in resolving this matter consensually will save valuable time and resources for ODC and the Disciplinary Board.

99. A portion of Respondent's misconduct occurred during the pandemic shutdown, and at a time he experienced significant personal issues.

100. If this matter were to proceed to hearing, Respondent would provide explanation and context to the mismanagement of his law office and IOLTA.

101. Respondent's divorce occurred several years before and Respondent was still dealing with custody issues.

102. As a result, the Respondent, during 2021 and 2022, Respondent suffered additional stress and depression.

103. In 2022, Respondent suffered serious personal loss with the death of brother (kidney failure), his best friend (stage 4 cancer), and uncle with whom he was very close (heart attack and related complications).

104. Respondent would provide compelling evidence and testimony regarding his significant community involvement.

105. Respondent is the Chairman of the Browning Foundation, www.thebrowningfoundation.org, a charitable organization, that has contributed over \$40,000 in college tuition grants.

106. Respondent has hosted multiple scholarship events and worked with students across the city of Philadelphia to facilitate learning outside of the classroom.

107. Respondent was active in the Brothahood Foundation, a charitable organization, that provides mentorships ('M.E.N.D.'ing through Male Encouragement, Navigation and Development) at-risk males to young

men under the age of 18 who are charged as adults in the city of Philadelphia.

108. Respondent has served as a mentor for the Be a Great You organization. Respondent has volunteered with the Friends of Help Philadelphia Transitional Housing.

109. Respondent has volunteered childcare services in evenings for mothers while they attend job readiness training.com.

110. Respondent would provide testimony and evidence regarding his regular participation in pro bono legal services.

111. Respondent has volunteered at MLK expungement clinics hosted by a state senator and state representative, as well as, other legal clinics hosted by Bible Way Baptist Church and Peniel Baptist Church and at other community events.

112. Respondent regularly handles court-appointed work, which is compensated at a lower hourly rate. For example, Respondent is currently the most active attorney on Delaware County's Juvenile Court Appointed List.

113. Respondent was Director of Social Justice Ministry at Bible Way Baptist Church. He has participated in planning and working on

expungement clinics. The Respondent is now active in a similar role at the Peniel Baptist Church in Philadelphia.

114. Respondent planned and hosted Social Justice Weekends which screened the Kids for Cash movie and Q&A session followed.

115. Respondent has held a forum with Municipal Court and Common Pleas judges and attorneys for discussion of police and community relations.

116. Additionally, Respondent has recently suffered a devastating loss of his daughter.

117. Respondent has advised ODC that his personal loss will not affect his client representations and he will enlist support staff and co-counsel if needed.

Relevant Disciplinary Authority

118. The parties agree that Respondent's misconduct is serious and warrants a public reprimand.

119. Precedent supports the imposition of a public reprimand for an attorney's mismanagement of an IOLTA account resulting from poor record-keeping, as opposed to dishonest or deceitful conduct. *Office of Disciplinary Counsel v. Michael Paul Petro*, No. 195 DB 2014 (D.Bd. Opinion and Order 2/2/2016) (public reprimand imposed for Petro's failure to maintain IOLTA

funds in trust for four clients in amounts as high as \$22,296.98 over five months due to lack of proper record handling but not dishonest behavior); *Office of Disciplinary Counsel v. Jack M. Bernard*, No. 52 DB 2015 (D.Bd. Order 4/27/2015)(public reprimand imposed on consent where Bernard's IOLTA accounts were out-of-trust in amounts ranging from \$518.55 to \$22,858.55 due to his lack of attention and bookkeeping errors); *Office of Disciplinary Counsel v. Kristen Doleva-Lecher*, 137 DB 2020)(D.Bd. Order 10/08/20)(public reprimand imposed on consent with one year financial probation imposed on consent for Doleva-Lecher's mismanagement of IOLTA Account, inadequate record keeping, no prior discipline)(condition of probation imposed to ensure IOLTA record-keeping was properly maintained); *Office of Disciplinary Counsel v. Alfred Thomas Farrell*, 80 DB 2023 (Disciplinary Board imposed a public reprimand with probation involving periodic financial disclosures for Farrell's mismanagement, misappropriation of funds and failure to supervise staff).

120. ODC believes that given Respondent's cooperation with its investigation and demonstration of prompt corrective action there is no need to impose financial probation on Respondent. See *Office of Disciplinary Counsel v. Evan Shingles*, 148 DB 2019 (D. Bd. Order 12/09/20)(requiring

probation because the record established a failure to promptly undertake remediation of recordkeeping issues). *Office of Disciplinary Counsel v. Clair Michelle Stewart*, No. 228 DB 2018 (D. Bd. Order 12/21/2018) (public reprimand imposed on consent for mishandling estate funds and mishandling IOLTA and failure to comply with RPC 1.15, cooperated with Office of Disciplinary Counsel, no prior discipline). See also *Office of Disciplinary Counsel v. William Paul Marshall*, 66 DB 2019)(D.Bd. Order 04/25/19(public reprimand for longtime misuse of IOLTA for all personal, business and trust obligations; Marshall had a private reprimand in 2014); *Office of Disciplinary Counsel v. Robert Ira Lipkin*, No. 195 DB 2014 (D.Bd. Opinion and Order 05/03/2019) (public reprimand imposed for failure to deposit legal fee in IOLTA and failure to refund unearned fee and failure to expedite litigation).

121. Additionally, precedent supports the imposition of a public reprimand on matters involving delays and communication failures that cause harm and prejudice to clients similar to the harm caused to Mr. Sesay with the Court's contempt finding. For example, in *Office of Disciplinary Counsel v. Demetrius William Fannick*, 137 DB 2020 (D.Bd. Order, 10/11/22), Fannick received a public reprimand by consent for failure to

timely file an appeal of his client's lengthy sentence and failing to communicate with the client for over a year. Fannick took immediate action to refund the legal fee and attempted to correct his mistakes and restore the appellate rights. Fannick had no recent history of discipline. However, in 1994, Fannick received a public censure for delays and failures in a divorce matter. *See also Office of Disciplinary Counsel v. George W. Bills, Jr.*, 108 DB 2022, (Bills received a public reprimand with condition to pay \$600 to his client's mother, Bills failed to provide written fee agreement, failed to communicate with client and failed to deposit the fee in his IOLTA and failed to promptly provide a refund of fees).

RECOMMENDATION:

ODC and Respondent jointly recommend imposition of a public reprimand as appropriate discipline to impress upon Respondent and all members of the bar the need to maintain proper financial records, act with diligence and provide clear communication to clients.

WHEREFORE, ODC and Respondent respectfully request that your Honorable Board:

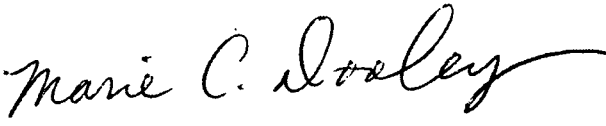
a. review and approve this Joint Petition and impose a public reprimand; and

- b. pursuant to Pa.R.D.E. 215(i), enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter.

Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell,
Chief Disciplinary Counsel

05-29-24
DATE



MARIE C. DOOLEY, ESQUIRE
Disciplinary Counsel
Attorney Registration Number 203681
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403

DATE

SAMUEL C. STRETTON, ESQUIRE
Attorney Registration Number 18491
Respondent's Counsel

DATE

DEON BASHEER BROWNING, ESQUIRE
Attorney Registration Number 315534
Respondent

- b. pursuant to Pa.R.D.E. 215(i), enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter.


Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell,
Chief Disciplinary Counsel

DATE

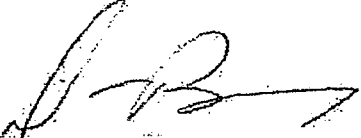
MARIE C. DOOLEY, ESQUIRE
Disciplinary Counsel
Attorney Registration Number 203681
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403

5/25/24
DATE



SAMUEL C. STRETTON, ESQUIRE
Attorney Registration Number 18491
Respondent's Counsel

5-24-24
DATE

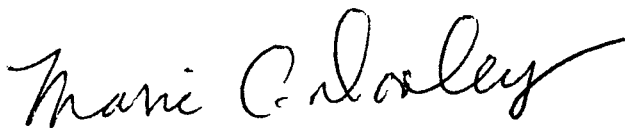


DEON BASHEER BROWNING, ESQUIRE
Attorney Registration Number 315534
Respondent

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Discipline* 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.A. §4904, relating to unsworn falsification to authorities.

05-29-24
DATE



MARIE C. DOOLEY, ESQUIRE
Attorney Registration Number 203681
Disciplinary Counsel

DATE

SAMUEL C. STRETTON, ESQUIRE
Attorney Registration Number 18491
Respondent's Counsel

DATE

DEON BASHEER BROWNING, ESQUIRE
Attorney Registration Number 315534
Respondent


VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Discipline* 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.A. §4904, relating to unsworn falsification to authorities.

DATE

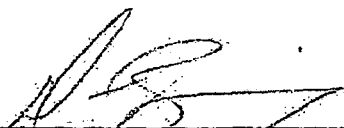
MARIE C. DOOLEY, ESQUIRE
Attorney Registration Number 203681
Disciplinary Counsel

5/28/21
DATE



SAMUEL C. STRETTON, ESQUIRE
Attorney Registration Number 18491
Respondent's Counsel

5-24-24
DATE



DEON BASHEER BROWNING, ESQUIRE
Attorney Registration Number 315534
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 7 DB 2024
Petitioner	:	
	:	
v.	:	Attorney Reg. No. 315534
	:	
DEON BASHEER BROWNING,	:	
Respondent	:	(Delaware County)

CERTIFICATE OF SERVICE

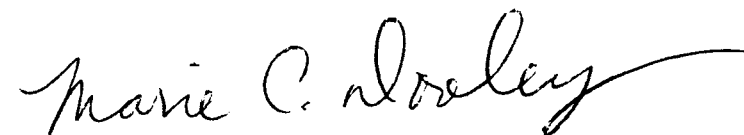
I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class and Email, as follows:

Deon Basheer Browning, Esquire
c/o Samuel C. Stretton, Esquire
Law Office of Samuel C Stretton
103 S. High St., P.O. Box 3231
West Chester, PA 19381-3231

05-29-24

DATE



MARIE C. DOOLEY, ESQUIRE
Disciplinary Counsel
Attorney Registration Number 203681
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 7 DB 2024
	:	
v.	:	Attorney Reg. No. 315534
	:	
DEON BASHEER BROWNING, Respondent	:	(Delaware County)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF DELAWARE:

DEON BASHEER BROWNING, ESQUIRE, being duly sworn according to law, deposes and hereby submits this affidavit consenting to a public reprimand in conformity with Pa.R.D.E. 215(d) and further states as follows:

1. I am an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about April 30, 2013.
2. I desire to submit a Joint Petition in Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d).
3. 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 this affidavit.
4. I am aware that there is presently pending a proceeding involving allegations I have been guilty of misconduct as set forth in the Joint Petition in

Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.


5. I acknowledge that the material facts set forth in the Joint Petition are true.

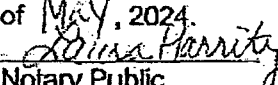
6. I consent because I know that if charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them.

7. I am aware of my right to consult and employ counsel to represent me in the instant proceeding. I have retained, consulted or acted upon the advice of counsel in connection with my decision to execute the Joint Petition.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 24th day of May, 2024.


DEON BASHEER BROWNING, ESQUIRE
Attorney Registration Number 315534
Respondent

Sworn to and subscribed
before me this 24th day
of May, 2024.

Notary Public

