

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1999 Disciplinary Docket No. 3
Petitioner :
 :
v. : No. 146 DB 2013
 :
 :
G. DAVID ROSENBLUM, : Attorney Registration No. 3657
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 3rd day of December, 2013, there having been filed with this Court by G. David Rosenblum his verified Statement of Resignation dated October 7, 2013, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of G. David Rosenblum is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola
As Of 12/3/2013

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 146 DB 2013
Petitioner	:	
	:	
v.	:	
	:	Attorney Registration No. 3657
	:	
G. DAVID ROSENBLUM	:	
Respondent	:	(Philadelphia)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

Pa.R.D.E. 301(e). A true and correct copy of the Order, which was docketed at No. 858 Disciplinary Docket No. 3, is attached hereto as "Exhibit A."

3. He desires to submit his resignation as a member of said bar.

4. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting this resignation.

5. He is aware that there are presently pending investigations into allegations that he has been guilty of misconduct, the nature of the allegations having been made known to him by service of a letter request for statement of Respondent's position, Form DB-7, dated September 11, 2013, a true and correct copy of the Form DB-7 is attached hereto and marked "Exhibit B."

6. He acknowledges that the material facts upon which the allegations of complaint contained in "Exhibit B" are based are true.

7. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached exhibit.

8. He is fully aware that the submission of this

Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

9. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted with, and acted upon the advice of counsel in connection with his decision to execute the within resignation.

10. He acknowledges that he is competent to execute the resignation and is doing so knowingly, intelligently, and voluntarily.

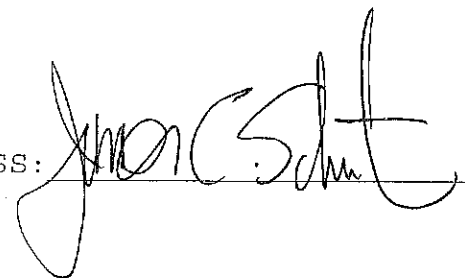
11. He has no mental impairment that would prevent him from executing this resignation.

12. He expressly waives the confidentiality provision of Enforcement Rule 215(c) and agrees that this resignation statement shall be a matter of public record.

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

Signed this 7th day of October, 2013.


G. David Rosenblum

WITNESS: 

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 858 Disciplinary Docket No.3
Petitioner :
:
: No. 1 DB 2003
v. :
: Atty. Registration No. 03657
G. DAVID ROSENBLUM, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 15th day of September, 2003, upon consideration of the contention of respondent-attorney that he is suffering from a disabling condition which makes it impossible for him to prepare an adequate defense to disciplinary charges brought against him in connection with Disciplinary Board docket No. 1 DB 2003, it is hereby

ORDERED, that G. David Rosenblum is immediately transferred to inactive status pursuant to Rule 301(e), Pa.R.D.E., for an indefinite period and until further order of the Court. Respondent shall comply with Rule 217, Pa.R.D.E. All pending disciplinary proceedings against the respondent-attorney shall meanwhile be held in abeyance, except for the perpetuation of testimony.

Madame Justice Newman did not participate in this matter.

A true copy Patricia Nicola
As of: *September 15, 2003*
Attest: *Patricia Nicola*
Chief Clerk
Supreme Court of Pennsylvania

Paul J. Killion
Chief Disciplinary Counsel

Paul J. Burgoyne
Deputy Chief Disciplinary Counsel

DISTRICT I OFFICE

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**THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA**



OFFICE OF DISCIPLINARY COUNSEL

COPY

DISTRICT I
Disciplinary Counsel-in-Charge
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Disciplinary Counsel
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Donna M. Snyder
Gloria Randall Ammons
Harriet R. Brumberg
Robert P. Fulton
Patricia A. Dugan

September 11, 2013

PERSONAL AND CONFIDENTIAL

Mr. G. David Rosenblum
225 Trianon Lane
Villanova, PA 19085

RE: File No. C1-13-798
DB-7 REQUEST FOR STATEMENT OF RESPONDENT'S POSITION

Dear Mr. Rosenblum:

Please be advised that this office is currently considering a complaint against you opened on motion of Office of Disciplinary Counsel. It is important for you to understand that issuance of this letter means that the complaint against you has survived this office's initial screening process and that, based upon the information currently available to us, it appears that your alleged conduct may have violated the Rules of Professional Conduct.

It is also important for you to understand that it is the obligation of our office to develop all information relevant to a complaint, including that information which may justify or exonerate the alleged actions of the respondent-attorney or mitigate the seriousness of any violations that may have occurred. Since this complaint has survived our initial screening process, you should retain or consult with counsel before submitting a statement of your position.

The alleged facts presently under consideration are as follows:

EXHIBIT B

A. BACKGROUND

1. On December 1, 1969, you were admitted to practice law in Pennsylvania.

2. On January 6, 2003, Office of Disciplinary Counsel (ODC) filed a Petition for Discipline charging you with wrongfully depriving Astor, Weiss, Kaplan & Rosenblum (the firm) of no less than \$761,000 to which it was entitled and violating former RPC 1.15(a), former RPC 1.15(b), RPC 8.4(b), and RPC 8.4(c).

3. On February 25, 2003, you filed an Answer to the Petition for Discipline through your attorney, James C. Schwartzman, Esquire.

a. In your Answer, without admitting to any wrongdoing, you stated that you had agreed to pay the firm over \$1,040,000.

4. On May 15, 2003, the Disciplinary Board scheduled your prehearing conference for June 17, 2003, and disciplinary hearing for July 22, 2003.

5. Pursuant to D.Bd. Rule 91.75(b), on or about July 17, 2003, you filed a Certificate of Admission of Disability By Attorney with the Supreme Court of Pennsylvania.

a. In your Motion, you alleged that you were suffering from a severe mental disability which made it impossible for you to prepare an adequate defense against the charges or assist your counsel.

6. On September 15, 2003, the Pennsylvania Supreme Court entered an Order:

a. granting your motion;

b. ordering that all pending disciplinary proceedings against you be held in abeyance;

c. immediately transferring you to inactive status pursuant to Pa.R.D.E. 301(e) (hereinafter "Rule

301 disability"), for an indefinite period of time and until further order of the Court; and

d. ordering you to comply with Pa.R.D.E. 217.

7. You received a copy of the Supreme Court's September 15, 2003 Order.

8. On April 20, 1987, you were admitted to practice law in Florida; on October 17, 2005, the Florida Supreme Court entered an order stating that you were not eligible to practice law in Florida due to your incapacity.

9. You are not eligible to practice law in any state or jurisdiction of the United States.

B. UNAUTHORIZED PRACTICE OF LAW

(1) Improper Professional Corporation

10. On February 14, 2003, you established the professional corporation of G. David Rosenblum, P.C., and filed Articles of Incorporation-For Profit with the Department of State; in your filing you:

- a. listed yourself as the incorporator; and
- b. wrote that the registered office address for G. David Rosenblum, P.C., was 225 Trianon Lane, Villanova, PA 19085, which is your home address.

11. On November 19, 2003, you filed Articles of Amendment-Domestic Business Corporation with the Department of State changing the name of the professional corporation to G. David Rosenblum & Associates, P.C.

- a. You signed the amendment as G. David Rosenblum; and
- b. You wrote that your title was President.

12. Under Pennsylvania law, a professional corporation provides professional services to the public by a duly licensed member of the profession. 15 Pa.C.S.A. §§ 102, 2922, 2924(a).

Mr. G. David Rosenblum

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13. The Articles of Amendment you filed with the Department of State were improper under Pennsylvania law and misleading in that:

- a. as of September 15, 2003, you were not a duly licensed attorney who was eligible to practice law and could provide professional legal services in Pennsylvania; and
- b. you were not duly licensed to provide any other professional services in Pennsylvania.

14. On February 21, 2006, you filed Articles of Amendment with the Department changing the name of the professional corporation to David Rosenblum & Associates, P.C.

- a. You signed the amendment; and
- b. You wrote that your title was President.

15. The Articles of Amendment you filed with the Department of State were improper under Pennsylvania law and misleading in that you were not a duly-licensed person who was eligible to provide any professional services in Pennsylvania.

(2) **Website**

16. You maintain a website at <http://drosenblumlaw.com>; the first page of your website:

- a. contains the title, in bold and large letters, "**David Rosenblum & Associates, P.C.**";
- b. has the heading, in bold letters, "**Legal and Business Services**";
- c. states underneath the heading, "Experienced business lawyers specializing in the following practice areas";
- d. lists the practice areas, including: franchise law; mergers, acquisitions, and complex commercial transactions; contract negotiating and drafting; private securities offering; litigation

management; and general corporate representation;
and

e. provides your contact information as:

Email: david@drosenblumlaw.com
Phone: 215-364-0617
Address: 3160 Tremont Avenue
Suite 500
Trevose, PA 19053-6644

17. As a formerly admitted attorney in Pennsylvania, you are prohibited from holding yourself out to the public as being admitted to practice law in Pennsylvania.

18. Your website contains a false communication about you and your services in that you are on Rule 301 disability and not eligible to provide any legal services in Pennsylvania.

19. You maintain an office for the practice of law at 3160 Tremont Avenue, Suite 500, Trevose, PA 19050.

20. As an attorney on Rule 301 disability, you are prohibited from establishing an office and having a continuous presence in Pennsylvania for the practice of law.

(3) Firm Bio

21. In or around June 2013, you gave your "Firm Bio" to a third party; your Firm Bio:

- a. states you have been an "AV" rated attorney, which is the highest rating awarded by the Martindale-Hubbell National Legal Directory for legal abilities and ethics;
- b. notes that you received your degrees from Johns Hopkins University and the University of Pennsylvania School of Law;
- c. explains that after practicing law for 25 years with a full-service Philadelphia law firm, followed by three years as the General Counsel and Interim CEO of a publically traded company, you "established David Rosenblum & Associates,

P.C., a small boutique firm specializing in franchise law"; and

- d. provides a list of companies that have been your franchise clients, including Boston Market, Burger King, and Re-Bath.

22. Your Firm Bio:

- a. fails to tell all persons with whom you have professional contacts, under circumstances where there is a reasonable probability that they may infer that you are an attorney in good standing, that you are no longer eligible to practice law;
- b. creates a false impression that you are currently an attorney eligible to practice law; and
- c. contains misleading information in that it omits the fact that after you were General Counsel and Interim CEO for a public company, you were placed on Rule 301 disability and are no longer eligible to practice law in Pennsylvania.

(4) Re-Bath Legal Representation

23. On January 23, 2007, you wrote a letter to Ms. Karen Dudnikov and Mr. Michael Medors of Hartsel, Ohio; your letter, which you sent via certified mail:

- a. was written on stationery with the letterhead of David Rosenblum & Associates, P.C., and the address of 3160 Tremont Avenue, Suite 500, Trevoise, PA;
- b. had the subject line of "Trademark Infringement";
- c. stated that "[t]his firm represents Re-Bath, LLC, the franchiser of the national Re-Bath franchise system";
- d. explained that the unauthorized use of the Re-Bath trademark on Ms. Dudnikov and Mr. Medors' website constituted trademark infringement and was unlawful; and

- e. requested that Ms. Dudnikov and Mr. Medors confirm that they would discontinue any and all use of the Re-Bath trademark.

24. You violated Pa.R.D.E. 217(j)(4) in your handling of the Re-Bath matter in that you:

- a. had direct contact with a client;
- b. provided legal consultation and advice to a client;
- c. represented yourself as an attorney to a third party;
- d. had improper direct communication with a third party on a legal matter; and
- e. negotiated and transacted a matter on behalf of a client with a third party.

(5) KoKo FitClub Correspondence

25. On July 2, 2013, you wrote a letter to Daniel E. Sexton, State Program Administrative Director, Securities, Minnesota Department of Commerce; your letter:

- a. is written on stationery that has the letterhead of "David Rosenblum & Associates, P.C.";
- b. stated that your office is located at 3160 Tremont Avenue, Suite 500, Trevoise, PA 19053;
- c. noted that you have other offices at 7 Clyde Road, Somerset, NJ, and 1401 Brickell Avenue, Miami, FL; and
- d. explained that you had enclosed an Application for Renewal of the Franchise Registration for Koko FitClub, LLC, and a \$200 check made payable to Minnesota Department of Commerce.

26. By email dated July 8, 2013, from Mr. Sexton to you, Mr. Sexton advised you that he was in receipt of the franchise renewal filing and explained, among other matters, that the

franchisor could not make sales until the Minnesota Department of Commerce completed its review; on July 9, 2013, you wrote to Mr. Sexton and confirmed that the franchise would not make sales in Minnesota until the Department of Commerce's review was completed.

27. You engaged in the practice of law in violation of the regulations of the profession in Pennsylvania.

28. To the extent that you engaged in law-related activities at David Rosenblum & Associates, P.C., you failed to file a notice of engagement with the Disciplinary Board stating that such activities would be under the supervision of an attorney in good standing in Pennsylvania who would be responsible for ensuring that you complied with the requirements of Pa.R.D.E. 217(j).

29. You violated Pa.R.D.E. 217(j)(4) in that you:

- a. performed law-related activities from an office that is not staffed by a supervising attorney on full-time basis;
- b. represented yourself as a lawyer or a person with similar status to a third person; and
- c. received and disbursed client funds.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: 5.5(a); 7.1; 7.2(a); 7.5(a); 7.5(b); 8.4(c); and 8.4(d); and the following Rules of Disciplinary Enforcement (Pa.R.D.E.): 203(b)(3) via 217(c)(2); 217(d); 217(j)(1); 217(j)(2); 217(j)(4)(ii); 217(j)(iv); 217(j)(v); 217(j)(v)(i); 217(j)(ix); 217(j)(x); and 217(j)(5).

The Office of Disciplinary Counsel will make no recommendation for the disposition of this complaint until you have been afforded an opportunity to state your position with respect thereto within twenty (20) days of the date of this letter. Please note that failure to respond to this request for your statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement. Therefore, should you need more time during which to submit your position,

Mr. G. David Rosenblum

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do not hesitate to request a reasonable extension. If you do not respond or provide good cause for failing to respond within 20 days, the Office of Disciplinary Counsel may seek to impose discipline for your violation of Pa.R.D.E. 203(b)(7).

In addition, within 20 days of the date of this DB-7 Request, with respect to G. Rosenblum, P.C., G. Rosenblum & Associates, P.C., and David Rosenblum & Associate, P.C., provide: a list of all of your clients since September 15, 2003, the date you were placed on Rule 301 disability; the contact information for all of your clients, including Re-Bath, LLC, and KoKo FitClub, LLC; a description of the work you performed for your clients; your general ledger detailing all of the funds you received from your clients; copies of the front and back of all checks you received from your clients; the name, contact information, and job title of all of your employees; your business card; leases for your Trevoise, PA, Somerset, NJ, and Miami, FL offices; and a copy of any professional license you held from September 15, 2003 to the present and the current status of each license.

Please be assured that we are not prejudging the alleged facts and charges. Rather, we are conducting an impartial and unbiased investigation with regard to this complaint. In that regard, we will attempt to verify the statements in your answer. For this reason, and because a lawyer can be subject to discipline for making a materially false statement or deliberately failing to disclose a material fact in connection with a disciplinary matter, you should be careful to be accurate in your factual statements. Additionally, as previously stated, you may wish to consult with counsel before replying to the allegations.

In any reply which you may make, please chronologically and specifically state your account of the events and include copies of any particularly pertinent documents to which you refer. Generally, it is most helpful if your response deals item by item with the allegations contained in the numbered paragraphs in this letter, as well as with the cited Rules.

Please be advised that §85.13 of the Disciplinary Board Rules requires that any response to this letter:

...that contains an averment of fact not appearing of record or a denial of fact

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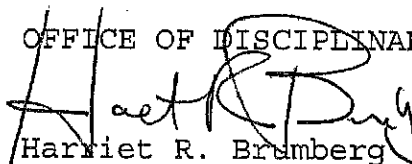
shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

If we do not hear from you within 20 days, we may assume that you do not desire to submit your position with respect to this complaint and can proceed to make our recommendation for an appropriate disposition on the basis of the information and material contained in our file, including your failure to respond in violation of Rule 203(b)(7), Pa.R.D.E. We may also obtain a subpoena. However, we would certainly prefer to have the benefit of your position before making our recommendation.

If you have any questions, you or your counsel should not hesitate to contact this office. Thank you for your anticipated cooperation and assistance in this important matter. We look forward to receiving your response.

Very truly yours,

OFFICE OF DISCIPLINARY COUNSEL



Harriet R. Brumberg
Disciplinary Counsel

HRB:deg

Via HAND DELIVERY, FIRST CLASS MAIL and
CERTIFIED MAIL/RETURN RECEIPT REQUESTED