

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
PETER PAUL MITRANO

VS B Docket No. 09-000-076109

**OPINION AND ORDER**

This matter came before the Virginia State Bar Disciplinary Board ("Board") for hearing on December 12, 2008, upon a Rule to Show Cause and Order of Suspension and Hearing entered on July 31, 2008 ("Rule"). A duly convened panel of the Board consisting of Robert E. Eicher, presiding, Paul M. Black, Michael S. Mulkey, Thomas R. Scott, Jr. and Stephen A. Wannall, lay member, heard the matter. Seth M. Guggenheim, Senior Assistant Bar counsel, appeared on behalf of the Virginia State Bar ("VSB"). Peter Paul Mitrano ("Respondent") appeared *pro se*. The court reporter for the proceeding, Tracy J. Johnson, Chandler and Halasz, P. O. Box 9349, Richmond, VA 23227, telephone 804/730-1222, was duly sworn by the Chair.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System ("Clerk"), in the manner prescribed by law. Part Six, §IV, ¶13(1)(7)(a) of the Rules of the Supreme Court, *Disbarment or Suspension in Another Jurisdiction*, provides, in relevant part, that following the issuance of a show cause order and order of suspension, the Board shall serve upon the Respondent by certified mail a copy of the suspension or revocation notice, a copy of the Board's Order, and a notice fixing the time and place of a hearing to determine what action should be taken in response to the suspension or revocation notice and stating the purpose of the hearing. The Board finds that the VSB has complied with these requirements by forwarding a certified letter dated August 1, 2008, to Respondent's addresses of record.

The case was called by the Clerk, and the Respondent appeared *pro se*. Respondent filed a First Response and a Second Response to the Rule as required by ¶13(1)(7)(b). The Chair inquired of each member of the panel whether he had any personal or financial interest that would preclude, or reasonably could be perceived to preclude, his hearing this matter impartially. Each member and the Chair answered in the negative.

The Board then entertained opening statements from the VSB and Respondent and evidence presented *ore tenus*. VSB Exhibits 1 and 2 and Respondent Exhibits A and B were introduced in evidence and accepted by the Board without objection. The Board then entertained closing arguments from the VSB and Respondent and recessed to deliberate its decision.

After due deliberation and bound by the Virginia Supreme Court's decision in *Cummings v. Virginia State Bar*, 223 Va. 363 (foreign adjudication of facts is conclusive on the Board), the Board finds that the Respondent failed to prove by clear and convincing evidence that (1) the record of the proceeding in the District of Columbia Court of Appeals would clearly show that such proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process; (2) the imposition by the Board of the same discipline upon the same proof would result in a grave injustice; or (3) the same conduct would not be grounds for disciplinary action or for the same discipline in Virginia. Part 6, §IV, ¶13(I)7(b)(1),(2)and(3). Accordingly, the Board must impose the same discipline imposed by the District of Columbia Court of Appeals, *Cummings v. Virginia State Bar, supra*, and part 6, §IV, ¶13(I),7(b)(1),(2)and(3), to-wit: Revocation of Respondent's license to practice law in the Commonwealth of Virginia with reinstatement conditioned on proof that he has made restitution to Dano Industries in the amount of \$241,336.59 with interest at the legal rate of six percent (6%) per annum from January 8, 1998, until paid, less any amounts he can prove he was entitled to as of the date he received the foregoing sum.

Upon consideration of the matters before this panel of the Board, it is hereby ORDERED that, pursuant to Part 6, §IV, ¶13(I)(7) of the Rules of the Supreme Court of Virginia, the license of Respondent to practice law in the Commonwealth of Virginia shall be, and is hereby, revoked effective December 12, 2008 with any subsequent petition for reinstatement conditioned on proof that he has made restitution to Dano Industries in the amount of \$241,336.59, with interest at the legal rate of six percent (6%) per annum from January 8, 1998, until paid, less any amount he can prove he was entitled to as of the date he received the foregoing sum.

It is FURTHER ORDERED that, as directed in the Board's July 31, 2008 Summary Order in this matter, a copy of which was served on Respondent by certified mail, Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13(M) of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the revocation of his license to practice law in the Commonwealth of Virginia to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall give notice within fourteen (14) days of the effective date of this Order and make such arrangements as are required within forty-five (45) days of the effective date of this Order. The Respondent shall also furnish proof to the VSB within sixty (60) days that such notices have been timely given and such arrangements made for the disposition of such matters.

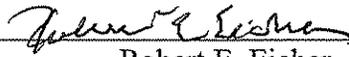
It is further ordered that if the Respondent is not handling any client matters on the effective date of the revocation, he shall submit an affidavit to that effect to the Clerk. All issues concerning the adequacy of the notice and arrangements required by ¶13(M) shall be determined by the Board.

It is ordered that in accordance with Part Six, §IV, ¶13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against Respondent.

It is further ORDERED that the Clerk shall mail an attested copy of this Opinion and Order to Respondent, Peter Paul Mitrano, by certified mail, return receipt requested, at his addresses of record, P. O. Box 3973, Merrifield, VA 22116, and 4912 Oakcrest Drive, Fairfax, VA 22030, and to Peter Paul Mitrano, by regular mail, at 6 Stevens Road, Hanover, NH 03755, and to Seth M. Guggenheim, Senior Assistant Bar Counsel, Virginia State Bar, 100 North Pitt Street, South 310, Alexandria, VA 22314-3133.

SO ORDERED, this 18<sup>th</sup> day of December, 2008.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By   
Robert E. Eicher  
Chair