

The Supreme Court of the State of Louisiana

IN RE: LUCRETIA PATRICE PECANTTE

No.2020-OB-00454

IN RE: Office of the Disciplinary Counsel - Applicant Other; Findings and
Recommendations (Reinstatement);

May 26, 2020

Conditional reinstatement granted. See per curiam.

BJJ

JLW

JDH

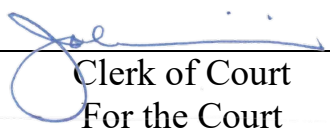
JTG

JHB

Crichton, J., dissents and assigns reasons.

Crain, J., dissents and assigns reasons.

Supreme Court of Louisiana
May 26, 2020


Clerk of Court
For the Court

05/26/20

SUPREME COURT OF LOUISIANA

NO. 2020-OB-0454

IN RE: LUCRETIA PATRICE PECANTTE

ON APPLICATION FOR REINSTATEMENT

PER CURIAM

This proceeding arises out of an application for reinstatement to the practice of law filed by petitioner, Lucretia Patrice Pecantte, a suspended attorney.

UNDERLYING FACTS AND PROCEDURAL HISTORY

In March 2017, petitioner pleaded guilty to one misdemeanor count of failure to file a tax return. During her guilty plea, petitioner admitted that she also engaged in acts which constituted the felony crimes of tax evasion and filing false tax returns. Notably, petitioner specifically admitted that she “intentionally underreported” her income for tax years 2007, 2008, and 2009.

Petitioner was sentenced to probation and was ordered to pay restitution of tax losses totaling \$129,912. Petitioner successfully completed the terms of her probation, including payment of the restitution, and was discharged from probation in the criminal matter in August 2018.

In September 2017, we placed petitioner on interim suspension. *In re: Pecantte*, 17-0552 (La. 9/22/17), 226 So. 3d 441. On June 17, 2019, we accepted a petition for consent discipline to resolve the matter of petitioner’s tax misconduct. We suspended petitioner from the practice of law for two years, retroactive to September 22, 2017, the date of her interim suspension. *In re: Pecantte*, 19-0892 (La. 6/17/19), 274 So. 3d 1251.

In August 2019, petitioner filed an application for reinstatement with the disciplinary board, alleging she has complied with the reinstatement criteria set forth in Supreme Court Rule XIX, § 24(E). The ODC took no position regarding the application for reinstatement. Accordingly, the matter was referred for a formal hearing before a hearing committee. During the hearing, testimony and evidence was presented that for the five-year period from 2013 through 2017, petitioner has an outstanding federal tax liability of \$413,000 (including interest and penalties) and an outstanding state tax liability of \$48,000 (including interest and penalties).

Following the hearing, the hearing committee recommended that petitioner be reinstated to the practice of law with conditions relating to her repayment of her outstanding tax liabilities. Neither petitioner nor the ODC objected to the hearing committee's recommendation.

DISCUSSION

After considering the record in its entirety, we find petitioner has met her burden of proving that she is entitled to be reinstated to the practice of law. Nevertheless, further precautions are warranted to insure that the public will be protected upon petitioner's return to practice. See Supreme Court Rule XIX, § 24(J).

Accordingly, we will order that petitioner be conditionally reinstated to the practice of law, subject to a three-year period of probation governed by the following conditions:

1. Within six months of the date that petitioner is reinstated to the practice of law, she shall reach agreement with both the Internal Revenue Service and the Louisiana Department of Revenue as to the amount of delinquent taxes outstanding and a corresponding repayment plan of same;
2. Petitioner shall satisfactorily comply with all terms of any such agreement with the taxing authorities identified above and report the progress of her

compliance to the ODC on a monthly basis and in a manner prescribed by the ODC;

3. Petitioner shall cooperate with the ODC, shall comply with any and all requirements imposed upon her by the ODC, and shall self-report to the ODC any failures in her ability to satisfy these conditions; and
4. Should petitioner fail to comply with these conditions, or should she commit any misconduct during the period of probation, her conditional right to practice may be terminated immediately, or she may be subjected to other discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, as appropriate.

DECREE

Upon review of the recommendation of the hearing committee, and considering the record, it is ordered that Lucretia Patrice Pecantte, Louisiana Bar Roll number 23545, be immediately reinstated to the practice of law in Louisiana, subject to a three-year period of probation governed by the conditions set forth herein. The probationary period shall commence from the date petitioner and the ODC execute a formal probation plan. Should petitioner fail to comply with the conditions of probation, or should she commit any misconduct during the period of probation, her conditional right to practice may be terminated immediately, or she may be subjected to other discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, as appropriate. All costs of these proceedings are assessed against petitioner.