

HOWLAND, HESS, GUINAN, TORPEY, CASSIDY & O'CONNELL, LLP



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LICENSE SUSPENSION

Did you ever stop and think how important your driver's license is to you? Did you ever think about how your job, family, and every day living, would be affected? Most, if not all, of us, absolutely depend on our ability to drive.

Most people believe that their license won't be suspended without committing a serious vehicular offense. That is simply not the case. Suspensions can occur either through non-attentiveness after receipt of a ticket, or, to the contrary, being most attentive and responsive upon receipt of the ticket. What do we mean? Take the two following most common occurrences which lead to suspensions:

Non-attentiveness.

You receive a ticket for something as minor as a parking ticket, or making an illegal turn and you forget to promptly respond within the permitted 10 day period (or lose the ticket). Although courts are to send out reminders, frequently people do not receive them, or forget again to respond. That "failure to respond" will then be promptly reported by the local court to Penndot and Penndot, in turn, will promptly suspend your driver's license. It is not infrequent for people who "failed to respond" and who had their license suspended, to not even know their license was suspended, and then drive only to get pulled over and cited for "Driving Under Suspension". This violation alone calls for a one year suspension.

Over-attentiveness

You receive a ticket and being overly concerned about not being timely in your response, write a check and pay the fine immediately. In doing so, you have just plead guilty to whatever violation is the basis of the ticket. Did you know that many violations lead to additional penalties imposed by Penndot that are not mentioned on the ticket?. In addition, since local courts are not permitted to provide legal advice, many people who are trying to promptly respond to the ticket (to avoid a suspension) frequently find out after paying the fine that Penndot is suspending the license because of the nature of the violation.

Be aware that pleading 'guilty' or being found 'guilty', means being "convicted". Once convicted, Penndot can impose points and suspensions which can be more costly than the original fines.

The moral of the story is be attentive to any tickets you may receive but be cautious before pleading guilty to them. It is critically important to know what all the ramifications are prior to doing so. Michael Cassidy is very experienced with the Motor Vehicle Code, Penndot's schedule of penalties, and, most importantly the police officers and judicial system that handle these citations. Competent legal advice can save money (in fines, costs, and higher insurance premiums), and quite frequently, the loss of your driver's license.



ARE CORPORATE DEBTS YOUR RESPONSIBILITY ?

If your business is incorporated, a corporate creditor can't touch your personal assets, right?
Not necessarily.

Your personal assets could be exposed if, for example:

1. Corporate procedures are not followed
2. The corporation has insufficient capital
3. Corporate records are not adequately maintained
4. Your personal funds are commingled with corporate assets
5. You ignore the separate legal status of the corporation.

To protect your personal assets, you should, among other things, do the following:

1. Maintain proper capital in the corporation.
2. Sign documents involving the corporation in a corporate capacity, stating your corporate title or position.
3. Regularly update the corporate minutes.
4. Document all loans to and from the corporation.
5. Prepare corporate resolutions for transactions.

Remember, if your business is a corporation but doesn't act like one, a court may disregard its corporate status (known as "piercing the corporate veil").

If you need advice on this and other corporate matters and issues, feel free to call:

Thomas M. Guinan, Esquire at 215-914-2413 or John R. Howland, Esquire at 215-914-2412



IN MEMORIAM

JOHN W. DEAN, III, ESQUIRE

John W. Dean, III, Esquire, of counsel to our firm for many years, passed away on February 12, 2009. "Jack" was 80 years old and is survived by his wife of 58 years, Katharine, two sons, a daughter, a sister and six grandchildren. Jack grew up in the Lawndale neighborhood of Northeast Philadelphia. He graduated from Gettysburg College in 1948 and the University of Penna. Law School in 1957. Between college and law school, he also graduated from Dolan mortuary school in 1949 and served our country in the U.S. Army from 1950 to 1952. In 1958, Jack established a law firm in Langhorne, PA, which later became Dean & McCoy. In 1977, he left the firm and thereafter became of counsel to our firm, which position he held at his death.

In the 1960's and 1970's, Jack was solicitor for several entities in Bucks County, including Middletown and Bensalem Townships, the county board of health, and the county water and sewer authority.

In 1969, while still an active partner of Dean & McCoy, Jack returned to the family funeral business, now known as Dean, Geitner, Givnish, located in the Fox Chase area of Philadelphia.

A 33rd degree Mason, he joined Lu Lu Shrine Temple, now in Plymouth Meeting, in 1952. In 1991, he was elected Imperial Potentate, the Shriner's highest office. He later became board chairman for the Shriner's hospitals, which now total 22.

Jack also founded and was president of the Fox Chase Rockledge Professional and Business Men's Association, and the Fox Chase-Rockledge Community Action Council and was a member of the Northeast Philadelphia Chapter of the American Cancer Society.

Jack was a devoted husband, father and grandfather, and he was a tireless servant of his community, charities and clients. He will be missed by many.