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November 3, 2011

VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL

Daniel K. Simmons, Esq.
c/o Robert Ramsey, Esq.
Donini & Ramsey
2000 Hamilton Avenue
Hamilton, New Jersey 08619

Re: In the Matter of Daniel K. Simmons
Docket No. DRB 11-202
District Docket No. XIV-2010-327E
LETTER OF ADMONITION

Dear Mr. Simmons:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, since 2008, you held funds in your attorney trust account belonging to your mother, Holley Simmons. The funds consisted of proceeds from the sale of real property that she owned. Periodically, those funds were paid out at her direction and for her benefit. Because you failed to reconcile your trust account, you did not realize that your mother's funds were overdrawn. Your dereliction resulted in your negligent misappropriation of trust funds. Your conduct violated RPC 1.15(a) and RPC 1.15(d).

Your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

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In imposing only an admonition, the Board noted your lack of prior discipline and admission of wrongdoing. In addition, you promptly replaced the missing funds. Although a previous random audit found deficiencies in your accounting practices, those infractions were minor. In addition, there is no indication that those specific violations have been repeated.

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,


By *Julianne K. DeCore*
Julianne K. DeCore
Chief Counsel

JKD/paa

c: Chief Justice Stuart Rabner
Associate Justices
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Mark Neary, Clerk
Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director
Office of Attorney Ethics