

Book

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SUPREME COURT OF NEW JERSEY

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June 3, 1996

**Certified Mail- R.R.R.
and Regular Mail**

Frank J. Jess, Esq.
140 Kearny Avenue
Box 31
Perth Amboy, New Jersey 08862

RE: In the Matter of Frank J. Jess
Docket No. DRB 096-068
District Docket No. XIV-93-211E
LETTER OF ADMONITION

Dear Mr. Jess:

The Disciplinary Review Board has considered the Office of Attorney Ethics' appeal from the post-hearing dismissal by the District VIII Ethics Committee of the formal ethics complaint filed against you. Upon full review and consideration of the matter, the Board has found clear and convincing evidence of an ethics violation. Accordingly, the Board has unanimously determined to reverse the committee's decision and to impose an admonition.

Specifically, on April 16, 1986, you represented Fred and Bethany Caruso in connection with the refinancing of the mortgage on their residence. The Carusos were the parents of your fiancée, Joan Caruso. At the closing, you borrowed \$30,000 of the refinance proceeds from the Carusos in order to satisfy a gambling debt. You did not advise the Carusos to seek the advice of independent counsel and you did not obtain their written consent to the representation. You also failed to prepare a document memorializing your obligation to pay back the \$30,000. Your conduct was unethical and in violation of RPC 1.8(a).

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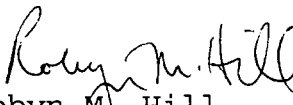
In imposing only an admonition, the Board considered that no disciplinary infractions had been sustained against you since your admission to the New Jersey bar in 1971.

Your conduct 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).

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 affidavit of costs will be forwarded under separate cover.

Very truly yours,


Robyn M. Hill

RMH/dm

c: Chief Justice Robert N. Wilentz
Associate Justices
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Supreme Court of New Jersey
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Disciplinary Review Board
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District VIII Ethics Committee
Manny Gerstein, Esq., Secretary
District VIII Ethics Committee
John L. Schantz, Esq.
Counsel for respondent
Fred Caruso, Grievant