

Book

# DISCIPLINARY REVIEW BOARD

OF THE

## SUPREME COURT OF NEW JERSEY

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March 24, 1995

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

David A. Kaplan, Esq.  
 1312 Allenhurst Avenue  
 Ocean, New Jersey 07712

RE: In the Matter of David A. Kaplan  
 Docket No. DRB 94-439  
**LETTER OF ADMONITION**

Dear Mr. Kaplan:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in or about 1993, you formed a general partnership named Ocean Grove Associates ("OGA"), which purchased the Ocean Grove Motor Lodge. You prepared the partnership agreement and acted as OGA's operating partner. In December 1986, OGA sold the motor lodge to Oceanside Associates ("OSA"). OGA held a second mortgage on the property. The first mortgagee was Central Jersey Bank and Trust Company. In 1993, OSA defaulted on the two mortgages, whereupon Central Jersey Bank and Trust Company foreclosed on its mortgage. In the interim, however, since 1993 you had been employed by a company known as Emerald Management ("Emerald"). Two of the principals at Emerald were also principals in OSA. Between March 1993 and August 1993, while acting as attorney and operating partner for OGA, you gained financial information, as an employee of Emerald, about the principals of OSA, that is, that there were judgments against those principals in the amount of several million dollars. Notwithstanding your duty to protect OGA's interests, you recommended to OGA that it take no further action to attempt to recover any of the monies owed by OSA. Your conduct was unethical and in violation of RPC 1.7.

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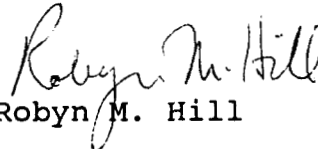
In imposing only an admonition, the Board considered that no disciplinary infractions had been sustained against you since your admission to the New Jersey bar in 1976.

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. Rule 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 cost 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/rt

cc: Chief Justice Robert N. Wilentz  
Associate Justices  
Stephen W. Townsend, Esq.  
Clerk, Supreme Court of New Jersey  
Raymond R. Trombadore, Esq.  
Chair, Disciplinary Review Board  
David E. Johnson, Jr., Esq.  
Director, Office of Attorney Ethics  
Susan D. Davis, Esq.  
Chair, District IX Ethics Committee  
Jamie S. Perri, Esq.  
Secretary, District IX Ethics Committee  
Gabriel E. Spector, Esq.  
Respondent's Counsel  
Frank L. Murphy, Jr., Esq.