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SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 90-220 and  
DRB 91-162

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IN THE MATTER OF :  
:   
MARC E. ALTERMAN, :  
:   
AN ATTORNEY AT LAW :  
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Decision and Recommendation  
of the  
Disciplinary Review Board

Argued: June 19, 1991

Decided:

Frank J. Stanley, III appeared on behalf of the District XIII Ethics Committee.

John A. Brogan appeared on behalf of respondent.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter is before the Board based upon two presentments filed by the District XIII Ethics Committee. The allegations of misconduct in the American Modern Metals, Inc. matter were dismissed by the committee.

Respondent was admitted to the practice of law in New Jersey in 1983. On June 14, 1990, the Office of Attorney Ethics moved for respondent's temporary suspension from the practice of law, based upon the panel's findings in the matters considered under DRB 90-220 and the allegations of misconduct in DRB 91-162, below. Respondent thereafter consented to a temporary suspension, which was effective June 26, 1990. Respondent remains under suspension.

Docket No. DRB 90-220

The Buccolo Matter

In April 1986, respondent commenced employment with the law firm of Goldberg, Mufson & Church, later Goldberg, Mufson & Spar (hereinafter "Goldberg, Mufson"). In or about December 1986, respondent met with Bruce Buccolo, president of Westway Car Rental, Inc. ("Westway") regarding a collection matter. Buccolo signed a retainer agreement and paid respondent a \$500 retainer fee.<sup>1</sup> Although respondent sent a demand letter to the opposing parties, the letter failed to bring about a resolution thereof. Buccolo testified that, during a second meeting with respondent, the latter indicated that he had spoken with one of the opposing parties and that he believed that Buccolo should proceed with a lawsuit. After that meeting, Buccolo made repeated inquiries of respondent about the status of the matter and also requested copies of documents. In or about January 1987, respondent represented to Buccolo that the complaint had been filed. In March 1987, respondent represented that the defendants had not answered the complaint. This was untrue as respondent still had not filed a complaint. In fact, he did not do so until December 1987.

Thereafter, respondent failed to make proper service of the complaint on the defendants, who did not file an answer. Although under R. 4:4-4(a) a default was not permitted, respondent took no steps to make proper service. On numerous occasions, respondent

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<sup>1</sup> In November 1988, respondent sent Buccolo a bill for \$1,800 for services plus \$107.37 in disbursements.

misrepresented to Buccolo that the matter was progressing apace and that he would forward copies of the documents in the suit.<sup>2</sup> In March 1988, respondent prepared a certification in support of an application for a default judgment, which Buccolo signed. Respondent, however, never filed a motion for the judgment. Nevertheless, respondent told Buccolo that he had filed for, and been granted, a default judgment. Respondent also represented to Buccolo that a writ of execution had been issued and forwarded to the sheriff and that the sheriff had levied upon defendant's bank account. Respondent further told Buccolo that a motion for a turnover order had been filed. Each of these representations was false.<sup>3</sup>

#### The Schwartz Matter

Respondent was assigned to represent Stanley and Renee Schwartz individually and as guardians for their daughter Deborah Schwartz in a personal injury matter. According to the testimony of Michael R. Spar of Goldberg, Mufson, the Schwartzes prepared incomplete answers to interrogatories. Thereafter, respondent failed to secure the information necessary to complete the answers and failed to provide answers to the interrogatories. In or about September 1987, the defendants filed a motion to dismiss the complaint for failure to answer interrogatories. When respondent

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<sup>2</sup> Buccolo did eventually receive a copy of the summons and complaint.

<sup>3</sup> As of the date of the committee hearing, another attorney from Goldberg, Mufson was pursuing the matter on Buccolo's behalf.

failed to oppose the motion, two of the three counts of the complaint were dismissed. In or about July 1988, respondent failed to appear for trial on the remaining count of the complaint, which was consequently dismissed for lack of prosecution. Respondent did not notify his clients that the case had been dismissed.

In or about November 1988, respondent informed his supervising attorneys that he was attending a deposition in the Schwartz matter. Respondent later submitted a time sheet reflecting 3.4 hours spent at the deposition. In truth, no deposition had taken place as the matter had already been dismissed.

Respondent's supervising attorneys at Goldberg, Mufson questioned respondent on numerous occasions regarding the progress of the Schwartz matter. Respondent misrepresented to the attorneys that he was waiting for answers to interrogatories or awaiting a deposition date or medical reports. Respondent caused his supervisors to believe that the matter was progressing in the ordinary course. Indeed, in a status memo (Exhibit P-9 in evidence) prepared by respondent and dated October 25, 1988, the Schwartz matter is listed as progressing normally.<sup>4</sup> The case, however, had already been dismissed.<sup>5</sup>

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<sup>4</sup> See also Exhibit P-11 in evidence.

<sup>5</sup> In this matter and the Dubner matter, infra, Goldberg, Mufson hired outside counsel to pursue the cases, both of which were reinstated.

The Dubner Matter

Respondent was assigned to represent Martin and Miriam Dubner individually and as guardians for their daughter Helen Libby Dubner in a personal injury action arising from a motor vehicle accident. Although the Dubners gave respondent their answers to interrogatories, respondent failed to supply them to the opposing party. Further, respondent failed to oppose a motion to dismiss the complaint on October 4, 1986 and, subsequently, failed to file a motion to vacate the dismissal. In mid-1987, respondent refiled the lawsuit on behalf of the Dubners. The second suit, too, was dismissed for lack of prosecution, in or about June 1988.

According to Spar, the Dubners provided a certification to Goldberg, Mufson indicating that respondent had told them that the case was progressing. In addition, respondent represented to his supervisors, after the matter had been dismissed, that it was proceeding normally (Exhibits P-9 and P-10).

During his unsworn closing statement at the committee hearing, respondent stated that he had been admitted to the bar of New Jersey in 1983 and had begun working at Goldberg, Mufson in April 1986. He explained that the partner in charge of litigation had left the firm in December 1987, leaving no other partner or more senior attorney experienced in litigation. Respondent argued, in mitigation, that his work was not supervised and that no one reviewed his files from 1986 until December 1988.

Respondent informed the committee that he was seeking

counseling for personal problems (T4/24/90 at 96).<sup>6</sup> He further stated that he was employed by a different law firm, Vogel, Chait, Schwartz & Collins (hereinafter "Vogel, Chait"), where he was working on fewer files and receiving more supervision, with no further problems (4/24/90 at 97).<sup>7</sup>

At the conclusion of the committee hearing, the panel found that, in the Westway, Schwartz, and Dubner matters, respondent had violated RPC 1.1(a) and RPC 1.1(b). The panel also found a violation of RPC 1.3, in that respondent displayed a lack of diligence and promptness in his representation of his clients in these three matters. In addition, the panel found a violation of RPC 8.4(c), in that respondent engaged in deceitful and dishonest conduct by making numerous misrepresentations about the status of the three cases. The panel also found that respondent had violated RPC 8.4(a) (violation of a rule of professional conduct).

A formal complaint in these matters, dated February 20, 1990, was served upon respondent. Respondent failed to file an answer. Thereafter, a letter dated March 7, 1990 was sent to respondent informing him that an answer to the complaint was mandatory. The letter also stated that it would "serve as an amendment to the formal complaint" and that respondent was being charged with a

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<sup>6</sup> During his testimony before the committee on the matters considered under Docket No. DRB 91-162, respondent indicated that, in fact, he had not been pursuing a course of treatment at the time of the first hearing. Rather, he had spoken a few times with a friend who was a psychiatrist.

<sup>7</sup> The Board noted however, that the matters considered under Docket No. DRB 91-162 arose from respondent's conduct while employed at Vogel, Chait.

violation of RPC 8.1, for failing to answer the complaint. Respondent did not answer the March 7, 1990 letter. The panel found that respondent had violated RPC 8.1(b), for failing to file an answer to the complaint and to the amendment.<sup>8</sup>

Docket No. DRB 91-162

The McAneny Matter

In December 1988, respondent began employment with the firm of Vogel, Chait. According to the testimony of Aron Schwartz and Arnold Chait, partners at Vogel, Chait, in 1989, respondent was assigned to assist in the defense of a matter known as Joanne McAneny v. School District of the Chathams, OAL Docket No. EDU 5970-89. According to respondent's certification (Exhibit J-9), answers to petitioner's interrogatories were due during the first week of January 1990. In mid-January, he requested, and petitioner's attorney granted, an extension of time in which to answer. In February, respondent obtained the information necessary to answer the interrogatories, but failed to provide the answers. On March 12, 1990, respondent was directed by the administrative law judge to file answers to the interrogatories within one week. On April 11, at which time respondent still had not filed the answers, the judge indicated that he was inclined to grant petitioner's request to suppress the school district's answer and defenses. When confronted with that indication by the judge,

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<sup>8</sup> Although respondent admitted receiving the letter of March 7, 1990, he indicated at the hearing that he did not understand it to be a formal amendment to the complaint (T4/24/90 at 11).

respondent misrepresented to the judge and his adversary that he had authority to settle the case on behalf of the school district. This was false. Respondent had no such authority either from his client or from his superiors at Vogel, Chait. Despite his knowledge that he had no authority to do so, respondent settled the case. Respondent failed to inform his client or his superiors that the matter had been settled and, in fact, misrepresented to his superiors that the matter was progressing normally. On June 6, 1990, when confronted by his superiors, respondent denied rumors that the matter had been settled, as well as knowledge of the draft settlement agreement. Ultimately, on June 7, as his superiors were telephoning petitioner's counsel, respondent did admit his misconduct. Thereafter, respondent filed the above mentioned certification, setting forth his actions, to assist in having the matter placed back on the trial list.

Chait testified that another law firm substituted for Vogel, Chait and was apparently able to have the case restored. Chait stated that certain counts in the case were still pending at the time of the ethics hearing (T4/25/91 46).

#### The Waldor Matter

In 1989, Richard Waldor, an acquaintance of respondent retained him in connection with the purchase of real estate. Although he was unfamiliar with real estate transactions, respondent neither sought assistance from other attorneys at Vogel, Chait, nor attempted to familiarize himself with the process.



Respondent was not involved in the negotiation process or in the drafting of closing documents, some of which contained false statements of material fact.<sup>9</sup> Apparently, the purchase price of the property was listed in one document as \$205,000 and, in another, as \$225,000. The document listing the price of \$225,000 did not reveal the existence of secondary financing in the transaction, which was prohibited, according to the mortgage company's instructions. The mortgage company was not made aware of the existence of the secondary financing. At closing, respondent instructed his client to sign, and himself signed, the documents.

Respondent testified that he did not review any of the documents in any substantive nature because "it would have been meaningless and futile [for me] to have done so because [I] didn't understand what the documents were (T4/25/91 at 78-79). Respondent testified he did not know that secondary financing was prohibited. In addition, respondent stated that it was his belief that everyone involved in the transaction knew about the secondary financing and, hence, he had concluded that no one was being defrauded (T4/25/91 at 82).

Schwartz testified that, after the closing, respondent had sent the mortgage document to the mortgage company without recording it. The company mailed it back to respondent for recording. The document was found in an unopened envelope after respondent left Vogel, Chait. As a result, the priority of the

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<sup>9</sup> The closing documents were prepared by counsel for the seller.

mortgage was lost when another mortgage was recorded first. The testimony given at the ethics hearing indicated that the matter had been essentially resolved and that the resolution of any remaining difficulties was being pursued at the time of the hearing.

Failure to Pay Monies Due the Client Security Fund<sup>10</sup>

In 1989, respondent failed to pay, or arrange for payment of, the annual assessment due the Client Security Fund (hereinafter "CSF"). Two notices were sent to respondent, one demanding payment and the other advising respondent that the payment had not been made and that he had been placed on the ineligible list. Both notices were found unopened in respondent's office, after he left Vogel, Chait.

Schwartz testified that the firm of Vogel, Chait pays the annual fee due the CSF on behalf of its attorneys. According to Chait, although he did not recall specifically discussing the CSF fee with respondent, he did tell him that monies such as bar dues were paid by the firm. Respondent testified that he did know that invoices or notices of such dues should be provided to the firm bookkeeper for payment. Respondent testified that he did not recall receiving the notices from the CSF (T4/25/91 at 89).

The panel found that, in the McAneny and Waldor matters, respondent had been grossly negligent, in violation of RPC 1.1(a)

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<sup>10</sup> The Client Security Fund is now known as the New Jersey Lawyers' Fund for Client Protection.

and RPC 1.1(b). The panel also found a violation of RPC 1.3, in that respondent displayed a lack of diligence and promptness in the matters. With regard to the McAneny matter, the panel found that respondent had violated RPC 8.4(c), in that he made misrepresentations to the administrative law judge and to his superiors at his firm concerning the status of that matter and his authority to settle it.

With regard to respondent's failure to make the required payment to the CSF, the panel found a violation of R. 1:28-2 and, further, RPC 5.5(a), in that respondent engaged in the unauthorized practice of law after being declared ineligible to practice. The panel specifically noted that, although respondent argued that he was not aware of his ineligibility, neither R. 1:28-2 nor RPC 5.5(a) requires actual notice of ineligibility by the attorney. Further, respondent had imputed knowledge of the rule and its requirements and actual knowledge of his failure to make the necessary payment. The panel found that, taken together, the above violations constituted a violation of RPC 8.4(a).

In the Waldor matter, the complaint charged respondent with knowingly making or assisting his client in making false statements of material fact in the closing documents. The panel, however, was unable to find clear and convincing evidence that respondent had acted knowingly with regard to these charges and, accordingly, did not find that respondent had violated RPC 1.2(d), RPC 4.1(a)(1), RPC 8.4(b) or RPC 8.4(c).

The panel pointed out that, although not charged with the

violation in the complaint, respondent appeared to have violated RPC 1.4(a), RPC 1.16(a)(1) and/or (2) and/or RPC 3.3(a)(1) and/or (5).

#### CONCLUSION AND RECOMMENDATION

Upon a de novo review of the record, the Board agrees with the findings of the committee that respondent was guilty of unethical conduct. However, the Board disagrees with some aspects of the committee's findings in the matters considered under Docket No. DRB 91-162. With regard to the violation of RPC 1.4(a), there does not appear to be clear and convincing evidence in the record of respondent's failure to communicate with Waldor or with his client, the school board, in the McAneny matter. Accordingly, the Board does not find such a violation in these matters.

The committee found a violation of RPC 1.1(b) (pattern of neglect) in the matters considered under DRB 91-162. The Board has previously expressed the belief that two instances of neglect do not create a pattern of neglect and, accordingly, disagrees with the committee in this regard. However, the Board agrees with the committee's conclusion of a pattern of neglect when these matters are combined with those considered under Docket No. DRB 90-220.

With regard to the violation of RPC 1.16(a)(1) (declining or terminating representation if the representation would result in a violation of the Rules of Professional Conduct), the Board agrees with the committee that respondent should not have taken on the

Waldor matter, if he did not know how to properly handle a matter of that nature and that he should have asked for assistance from his firm; respondent allegedly did not do so because he did not want it to appear that he was unable to do a closing (T4/25/91 115). However, RPC 1.16(a)(2) refers to an attorney's failure to withdraw if the attorney's physical or mental condition materially impairs his ability to represent the client. There does not appear to be clear and convincing evidence in the record that respondent had sufficient perception of his mental difficulties to allow him to appreciate the fact that he might harm his clients. Accordingly, the Board does not find a violation of RPC 1.16(a)(2).

The Board finds, however, by clear and convincing evidence that respondent's other violations constitute grievous misconduct. Respondent is guilty of numerous instances of misrepresentation, callous disregard for his client's interests and deceitful conduct.

The type of misconduct demonstrated by respondent has generally resulted in a term of suspension for one year. See, e.g., In re Rosenthal, 118 N.J. 454 (1990) (where the Court imposed a one-year suspension on an attorney who engaged in a pattern of neglect in four matters, made misrepresentations to clients, and failed to cooperate with the ethics authorities. The attorney had received a prior public reprimand); In re George, \_\_\_ N.J. \_\_\_ (1989) (where the Court determined that a one-year suspension, followed by a one-year proctorship, was the appropriate discipline for an attorney who engaged in a pattern of neglect and gross neglect in four matters, improperly took an acknowledgment and

failed to maintain proper trust and business account records. As an aggravating factor, the Court considered the attorney's failure to cooperate with the disciplinary authorities); In re Jenkins, 117 N.J. 679 (1989) (where the Court suspended an attorney for a period of one year, based upon his gross negligence in handling two cases involving multi-party, complex civil litigation that resulted in the dismissal of the cases. Further, the attorney misrepresented the status of the cases to his clients. As an aggravating factor, the Court considered the attorney's disregard for the disciplinary process). But see In re Martin, 118 N.J. 239 (1990) (where the Court imposed a six-month suspension on an attorney who exhibited a pattern of neglect in seven matters by failing to take discovery or answer interrogatories, failing to keep clients informed of the status of their cases and, in two matters, entering into settlement agreements without authorization from his clients).

While the attorneys' misconduct in these cases was severe, respondent's misconduct in the matters now before the Board was egregious. The Board finds by clear and convincing evidence that respondent is guilty of gross neglect in five matters, lack of diligence in five matters, pattern of neglect in five matters, making a false statement to a tribunal and/or failing to disclose a material fact to a tribunal in one matter, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation in four matters, failing to withdraw from representation or failing to decline representation, failing to pay the CSF fee, practicing

while on the ineligible list and failing to cooperate with the district ethics committee in Docket No. DRB 90-220.

In assessing the appropriate discipline, the Board remains mindful that its purpose is not punishment of the attorney, but "protection of the public against the attorney who cannot or will not measure up to the high standards of responsibility required of every member of the profession." In re Getchius, 88 N.J. 269, 276 (1982), citing In re Stout, 76 N.J. 308, 315 (1978). The severity of the discipline imposed must comport with the seriousness of the ethical infraction in light of all relevant circumstances. In re Nigohosian, 86 N.J. 308, 315 (1982). Mitigating factors are, therefore, relevant and may be considered. In re Hughes, 90 N.J. 32, 36 (1982).

Respondent argued at the committee hearing, in mitigation, that his work on the Buccolo, Schwartz, and Dubner matters, was unsupervised after the partner in charge of litigation left the firm. In Matter of Barry, 90 N.J. 286 (1982), the Court addressed the issue of the pressure placed on junior attorneys, noting that they should be given supervision and guidance. In Barry, the attorney performed no work on numerous client files, while misrepresenting that the cases were in various stages of litigation. In addition, the attorney borrowed money from clients and offset legal services against his indebtedness to them. Further, the attorney gave money to a client to prevent the discovery of the mishandling of his affairs. The Court noted that, ordinarily, the attorney's violations would call for the imposition

of severe discipline. However, a three-month suspension was adequate discipline due to substantial mitigating circumstances. When his misconduct surfaced, the attorney not only admitted the violations, but brought additional matters to the attention of the disciplinary authorities. The attorney also voluntarily withdrew from the practice of law and sought psychiatric help. It was later determined that respondent was suffering from psychiatric difficulties at the time of his misconduct.

However, a distinction must be drawn between an attorney's neglect, due to being in over his head, and deliberate misrepresentations made not only to clients, but to senior attorneys who could have provided the necessary assistance. Rather than admit his difficulties and attempt to remedy the damage to his clients, respondent misled the partners in his firm that his cases were proceeding on track (T4/24/90 at 66-76). Respondent was guilty of this misconduct not only at Goldberg, Mufson, but at the firm of Vogel, Chait as well.

The Board considered, in mitigation, that there does not appear to have been serious harm to the clients in the five matters discussed supra. Indeed, respondent appears to have gone to great lengths to undo the damage that he had inflicted on his clients and on his employers.

Furthermore, testimony was presented at the second committee hearing as to psychological difficulties that have affected respondent's practice. Respondent's therapist, Dr. Frank Riccioli, testified that respondent suffers from a passive aggressive



personality disorder.

Although psychological difficulties do not excuse misconduct, such difficulties may be considered as mitigation if proven to be causally connected to the attorney's unethical actions. In In re Templeton, 99 N.J. 365 (1985), the Court held:

In all disciplinary cases, we have felt constrained as a matter of fairness to the public, to the charged attorney, and to the justice system, to search diligently for some credible reason other than professional and personal immorality that could serve to explain and perhaps extenuate, egregious misconduct. We have always permitted a charged attorney to show, if at all possible, that the root of transgressions is not intractable dishonesty, venality, immorality, or incompetence. We generally acknowledge the possibility that the determinative cause of wrongdoing might be some mental, emotional, or psychological state or medical condition that is not obvious and, if present, could be corrected through treatment.

[Id. at 373-4]

As to whether a causal connection may be made between respondent's acts of misconduct and his psychological problems, the following testimony from Riccioli is relevant:

- Q. Would such a disorder be consistent with conduct which would have taken place, for example, in this particular case over a number of years from 1986 through 1990, the end of 1986?
- A. I'm sure it happened all along his adult life, except that it might have happened in major and minor ways. At this time it's [sic] occurred in a major way and that affected his performance as an attorney.
- Q. Is the conduct -- I'm sorry, is the passive aggressive personality disorder that you have diagnosed in Mr. Alterman consistent with the conduct that is involved in the two ethics complaints of which you are aware?

- A. Yes. See, either by act of omission or commission [sic] that they express their aggression in a passive way. The hallmark is the passive hostility. To give you an example, if I want to inflict, I won't say physical harm, or some form of harm to a person by not saying something, I will have gratified my desire by keeping quiet. If I know that you have an appointment at such and such a time and I don't like you and I don't tell you the appointment has been broken which gets you into a mess of trouble, what I've done is I've gotten out my hostility in a very passive way by looking the other way.
- Q. It is your opinion that not only is the passive aggressive disorder in Mr. Alterman consistent with this conduct, but that the conduct is a result of this condition?
- A. You just lost me.
- Q. Is it your opinion that the conduct which is the subject of these ethics complaints is a result of Marc's condition?
- A. The behavior, no, the behavior or his conduct is an expression of the passive way in which he expresses or a reflection of his aggressional hostility.
- Q. So the conduct is a result of the passive aggressive disorder?
- A. That's right.

(T4/25/91 124-125).

The Board is of the opinion that respondent has proven the causal link between his acts of misconduct and his psychological problems. However, while the Board is sympathetic to respondent's difficulties, his behavior in these matters was nothing short of abominable. Respondent made numerous misrepresentations to his clients and his superiors at his law firms in the within matters. Even more egregious was respondent's misrepresentation to a tribunal in the McAneny matter. The Board notes the seriousness of

such an act, which impacts on the administration of justice.

Respondent's unethical behavior in the first group of matters was aggravated by his failure to file an answer to the ethics complaint filed against him, as required by R. 1:20-3(i). An attorney has an obligation to cooperate fully with ethics committees and proceedings. Matter of Smith, 101 N.J. 568, 572 (1986); Matter of Winberry, 101 N.J. 557, 566 (1986). In In re Rogovov, 100 N.J. 556 (1985), the Court stated "[w]hen an attorney shows disrespect to an Ethics Committee he shows disrespect to the state Supreme Court because the committee is an arm of the Court. In re Grinchis, 75 N.J. 495, 496 (1978). An attorney is obligated to be candid and to fully cooperate with an Ethics Committee investigation. In re Gavel, 22 N.J. 248, 263 (1956)."

Upon consideration of the relevant facts, which include respondent's numerous instances of misrepresentation to his clients and to his employers and his false statement to the court that he was authorized to settle the McAneny matter, the Board is of the opinion that a one-year suspension is not commensurate with the gravity of respondent's wrongs. Accordingly, the Board unanimously recommends that respondent be suspended for two years, retroactive to the date of his initial temporary suspension from the practice of law. The Board recommends that, at the conclusion of the suspension, respondent be transferred to disability inactive status (DIS) and that respondent remain on DIS until he is able to prove his fitness to practice law. Respondent is to submit reports from any treating psychiatrist and is to be examined by an independent

psychiatrist, approved by the Office of Attorney Ethics, for the purpose of proving fitness to practice law.

One final aspect of this case deserves mention. The Board is concerned about the likelihood of reoccurrence of respondent's misconduct. Dr. Riccioli testified as follows:

. . . I feel that he has made progress, he's headed toward a course where the probability for control, I have to emphasize the word control rather than recovery, I don't want to mislead the group, we're talking about control, and once if he should get reinstated to the profession he probably will need occasional, not as intensive because there are going to be situations to present themselves, somebody has to monitor him for a while, a year, six months, eighteen months, once he's back into practice. I wouldn't cut him loose and say, okay, here's a bill of health, you're well. I would feel it would be absolutely necessary, even once there has been a restoration to his profession I would still want to monitor him and see what's happening, I think that's important if I'm going to do my job thoroughly.

(T4/25/91 143).

Given Dr. Riccioli's testimony, the Board recommends that a proctorship be required as a condition to respondent's restoration to practice. The Board recommends that such proctorship continue for an indefinite period of time, until respondent is able to demonstrate that he can practice without supervision.

The Board further recommends that respondent be required to reimburse the Ethics Financial Committee for administrative costs.

Dated:

10/15/1991

By:



Raymond R. Trombadore  
Chair  
Disciplinary Review Board