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OF THE

SUPREME COURT OF NEW JERSEY

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May 7, 2014

Mark Neary, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: In the Matter of Brandon D. Walcott
Docket No. DRB 14-015
District Docket No. XIV-2012-0535E

Dear Mr. Neary:

The Disciplinary Review Board has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may deem warranted) filed by the Office of Attorney Ethics (OAE), pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate discipline for respondent's false statement of material fact to a third person, a violation of RPC 4.1(a)(1).

Specifically, in July 2012, respondent misrepresented to a third party, in writing, that he was holding \$2,000 in escrow from his client as collateral for a settlement agreement. At no time did respondent receive funds from his client as collateral for the agreement.

Knowingly making a false statement of material fact to a third person ordinarily requires a reprimand. See, e.g., In re Frey, 192 N.J. 444 (2007) (reprimand for attorney who, while representing a purchaser, made a knowing misrepresentation to a real estate agent that he had received an additional down

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payment deposit of \$31,900 when he had not; when the attorney received from his client an \$11,000 installment towards the deposit, he later released those funds back to his client, despite his fiduciary obligation to hold them and to remit them to the realtor) and In re Mills, 127 N.J. 40 (1992) (reprimand for attorney who left a phone message for an adverse party falsely stating he was an IRS agent, a violation of RPC 4.1(a)(1); mitigating factors considered were the lack of disciplinary history and his acknowledgement of wrongdoing).

Although respondent acknowledged his wrongdoing by entering into a stipulation with the OAE, the Board found that it did not serve to mitigate the misrepresentation to the third party. Accordingly, the Board concluded that a reprimand was the suitable sanction in this case.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated January 29, 2014;
2. Stipulation of discipline by consent, dated January 29, 2014;
3. Affidavit of consent, dated January 22, 2014;
4. Ethics history, dated January 30, 2014.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/lg

c: Bonnie C. Frost, Chair
Disciplinary Review Board (via e-mail; w/o enclosures)
Charles Centinaro, Director
Office of Attorney Ethics (w/o enclosures)
Missy Urban, Deputy Ethics Counsel
Office of Attorney Ethics (w/o enclosures)
Brandon D. Walcott, respondent