

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 11-221  
District Docket No. XIV-2010-489E

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IN THE MATTER OF  
DUNCAN GORDON CAMERON  
AN ATTORNEY AT LAW

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Decision

Decided: November 30, 2011

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

This matter came before us on a certification of default filed by the Office of Attorney Ethics (OAE) pursuant to R. 1:20-4(f). The complaint charged respondent with the knowing misappropriation of client funds. For the reasons set forth below, we find that the allegations of the complaint support a finding of knowing misappropriation and recommend that respondent be disbarred.

Respondent was admitted to the New Jersey bar in 1991. At the relevant times, he maintained an office for the practice of law in Paramus.

Respondent has no ethics history, except for an April 6, 2011 temporary suspension from the practice of law, which remains in effect. In re Cameron, 205 N.J. 267 (2011). In addition, he has been on the Supreme Court's list of ineligible attorneys due to nonpayment of the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection since September 27, 2010.

Service of process was proper. On April 12, 2011, the OAE sent a copy of the formal ethics complaint to respondent at his office address, 140 East Ridgewood Avenue, Suite 415, Paramus, New Jersey 07652, and his home address at 400 Grove Street, Ramsey, New Jersey 07446, by regular and certified mail, return receipt requested. The certified letter sent to respondent's office address was returned, marked "Moved Left No Address." The letter sent by regular mail was returned, marked "RTS - Moved."

On April 18, 2011, an individual named Joe Widner signed for the certified letter sent to respondent's home address. The letter sent by regular mail was not returned.

On April 21, 2011, the OAE served respondent with the complaint via publication of a notice in that day's edition of The Record, a daily newspaper circulated in Bergen, Passaic, Hudson, Morris, and Essex counties. Respondent did not file an answer to the complaint. On April 25, 2011, the same notice was published in the New Jersey Law Journal.

As of June 15, 2011, respondent had not filed an answer to the complaint. Accordingly, on that date, the OAE certified this matter to us as a default.

According to the complaint, respondent did not maintain either an attorney business account or an attorney trust account for his practice. He did, however, maintain four personal accounts at TD Bank, N.A., ending in the numbers 0358, 9887, 7289, and 0270.

On September 12, 2008, respondent, as attorney for Bravo Properties, LLC (Bravo), obtained a \$94,523.01 judgment against David Principe. On February 18, 2009, the sheriff of Essex County received from respondent a writ of execution that he had prepared.

Principe maintained an account with TD Bank. On April 22, 2009, TD Bank notified the sheriff that funds from Principe's account had been set aside for the levy.

On October 14, 2009, respondent filed a motion for an order to turn over the funds. Presumably, the motion was granted, because, on December 24, 2009, respondent deposited into his personal business checking account at TD Bank (0358) a check for \$94,519.91, which had been issued to him by the sheriff. According to the complaint, these funds belonged to Bravo, and without the authorization of either Bravo or its principal, Arthur Shamsky, respondent knowingly spent all \$94,519.91 for his own purposes.

Specifically, on the date that respondent deposited the \$94,000 check into his personal business checking account at TD Bank (0358), December 24, 2009, the balance in that account was \$37.24. Between that date and January 26, 2010, respondent made thirteen electronic transfers, totaling \$54,412, from that account into two of his other TD Bank accounts (9887 and 7289). In addition, during the same period, respondent's personal business checking account (0358) was debited \$40,120.15 for an IRS tax levy and \$25 for a maintenance fee. As a result, the balance in respondent's personal business checking account, as of January 26, 2010, was zero.

Respondent spent all of Bravo's monies that he had transferred into his other personal accounts with TD Bank. As

of January 26, 2010, respondent's accounts ending with 7289 and 0279 also had a zero balance. The account ending with 9887 had a \$15 balance.

As stated previously, respondent did not have the consent of either Bravo or Shamsky to take and spend Bravo's funds.

Based on these facts, the complaint charged respondent with knowing misappropriation of client funds, in violation of RPC 1.15(a) (failure to safeguard funds), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit and misrepresentation), and the principle set forth in In re Wilson, 81 N.J. 451 (1979).

The facts recited in the complaint support the charges of unethical conduct. Respondent's failure to file an answer is deemed an admission that the allegations of the complaint are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

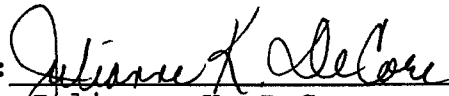
Respondent knowingly misappropriated funds belonging to his client, Bravo, when he deposited the \$94,519.91 recovered by the sheriff into his TD Bank personal business checking account and then proceeded to dissipate all of the funds within a one-month period, by transferring them to other personal bank accounts and spending them for his own benefit without the knowledge and consent of either Bravo or Shamsky. For his knowing

misappropriation of Bravo's funds, contrary to In re Wilson,  
supra, 81 N.J. 451, he must be disbarred. We so recommend to  
the Court.

Members Stanton and Yamner did not participate.

We further determine to require respondent to reimburse the  
Disciplinary Oversight Committee for administrative costs and  
actual expenses incurred in the prosecution of this matter, as  
provided in R. 1:20-17.

Disciplinary Review Board  
Louis Pashman, Chair

By:   
Julianne K. DeCore  
Chief Counsel

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SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

In the Matter of Duncan G. Cameron  
Docket No. DRB 11-221

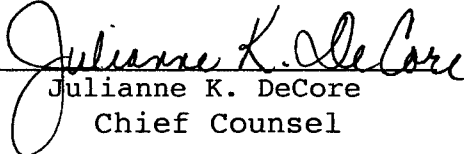
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Decided: November 30, 2011

Disposition: Disbar

<b>Members</b>	Disbar	Suspension	Reprimand	Dismiss	Disqualified	Did not participate
Pashman	X					
Frost	X					
Baugh	X					
Clark	X					
Doremus	X					
Stanton						X
Wissinger	X					
Yamner						X
Zmirich	X					
Total:	7					2

  
Julianne K. DeCore  
Chief Counsel