

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 01-070

IN THE MATTER OF
CARMINE ALAMPI
AN ATTORNEY AT LAW

Decision

Argued: May 17, 2001

Decided: December 17, 2001

Richard J. Engelhardt appeared on behalf of the Office of Attorney Ethics.

John Seltzer appeared on behalf of respondent.

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

This matter was before us on a motion for final discipline filed by the Office of Attorney Ethics ("OAE"), based on respondent's guilty plea to a federal information charging him with the federal misdemeanor of aiding and abetting illegal campaign contributions in violation of 18 U.S.C.A. § 2 and 2 U.S.C.A. § 441f.¹

¹ 2 U.S.C.A. § 441f provides that "(n)o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no

Respondent was admitted to the New Jersey bar in 1977. He has no history of discipline.

On December 1, 1999 respondent pleaded guilty to the above charges. During the plea hearing, the judge elicited the factual basis for the plea. During 1996, respondent was a partner in the law firm of Smith, Don, Alampi, D'Argenio & Arturi in Englewood Cliffs, New Jersey. During that time period he was also a member of the fund raising committee for the "Toricelli for U. S. Senate, Inc." The following information was also elicited:

THE COURT: . . . During that period, were you familiar with and did you understand the limitation on contributions set forth in the Federal Election Campaign Act, commonly referred to as F.E.C.A.?

THE DEFENDANT: Yes, Your Honor, I was generally familiar with the election laws.

THE COURT: Were you aware that the F.E.C.A. prohibits making campaign contributions to a single candidate in excess of \$1,000 per election?

THE DEFENDANT: Yes, Judge, per election cycle per person, yes.

THE COURT: Were you aware that the F.E.C.A. prohibits making campaign contributions in the name of another person?

THE DEFENDANT: Yes, I was, Judge.

THE COURT: In July of 1996, were you approached by a partner of your law firm, Berek Don, who asked you for assistance in soliciting contributors to the

person shall knowingly accept a contribution made by one person in the name of another person."

Torricelli campaign who were to be reimbursed with funds provided by David Chang?

THE DEFENDANT: Judge, in July of '96, I was approached by my former partner, Berek Don, to assist him. He showed me an envelope of cash money and indicated to me that this money came from a David Chang.

THE COURT: Okay. Was David Chang a client of your firm at that time?

THE DEFENDANT: He was a client of Mr. Don's and obviously a client of the firm.

THE COURT: All right. And so you've answered the next question: Did Mr. Don show you an envelope full of cash that had come from funds Chang provided?

You indicated the answer to that is yes.

THE DEFENDANT: Funds that he told me that Chang had provided to him.

THE COURT: All right. Did you make a \$1,000 contribution to the Torricelli campaign in your own name in July of 1996 and reimburse yourself with funds Chang supplied to Don?

THE DEFENDANT: Judge, I took \$2,000 in cash and deposited it in my personal accounts, and I did write a \$1,000 campaign contribution check to the Torricelli campaign at that time.

THE COURT: Did you solicit an associate at your firm to write a check to the Torricelli campaign for \$1,000 in July of 1996 and reimburse that associate with funds Chang supplied to Don?

THE DEFENDANT: Judge, I asked an associate to issue a check for \$1,000 in [sic] the following day, and I issued my own check from my personal account to that associate. Obviously that check was supported by the cash, the \$2,000 cash deposit.

THE COURT: So that accounts for the \$2,000 you received and the \$2,000 going out.

THE DEFENDANT: It was disbursed 1,000 by my account and 1,000 to the associate.

* * *

THE COURT: All right. Mr. Alampi, why are you entering your plea of guilty here today?

THE DEFENDANT: Judge, I recognize my culpability and guilt in this matter. I knew then that it was not legal to use a straw donor. I knew that it was wrong, and I admit my guilt to it.

[Exhibit C to the OAE's motion]

On October 12, 2000 respondent was ordered to pay a fine of \$5,000. The Court did not impose a period of probation, stating that it did not believe it was necessary.

* * *

Respondent's counsel argued that a reprimand is the appropriate discipline for respondent's conduct because it did not involve a lawyer/client relationship, the practice of law or any judicial, quasi-judicial or even an administrative proceeding and there was no

pecuniary gain from the conduct. Counsel also stressed that respondent immediately accepted responsibility for his conduct, cooperated completely with the United States government in its investigation, and was remorseful for his conduct. Respondent submitted numerous letters and testimonials regarding his good character.

The OAE argued that a three-month suspension was the appropriate discipline because respondent was a veteran attorney, active in politics and knowingly and willfully violated the federal law governing campaign contributions.

* * *

Upon a de novo review of the record, we determined to grant the OAE's motion for final discipline. The existence of a criminal conviction constitutes conclusive proof of respondent's guilt. R.1:20-13(c)(1); In re Gipson, 103 N.J. 75, 77 (1986); and In re Infinito, 94 N.J. 50, 56 (1983). Respondent's conviction for the federal misdemeanor of aiding and abetting illegal campaign contributions is clear and convincing evidence of a violation of RPC 8.4(b) (commission of a criminal act that reflects adversely on an attorney's honesty, trustworthiness or fitness as a lawyer) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation. Thus, the only issue for determination is the extent of discipline to impose. R.1:20-13(c)(2)(ii); In re Goldberg, 105 N.J. 278, 280 (1987).

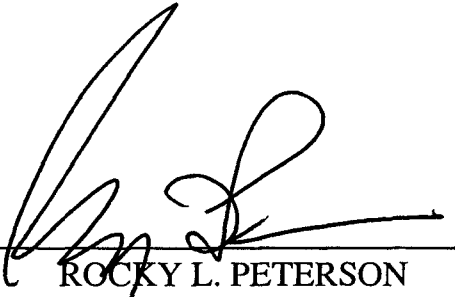
The record shows that respondent's crime was an aberrational incident for which he has taken full responsibility, expressed extreme remorse and cooperated with the federal government. Respondent's conduct, however, was a willful criminal act of an experienced attorney.

Suspensions have been imposed where attorneys have committed crimes while helping a friend, a client or themselves. See In re Bateman, 132 N.J. 297 (1993) (two-year suspension where attorney was convicted of mail fraud conspiracy and making a false statement on a loan application, thereby assisting a client in obtaining an inflated appraisal value of property); In re Gassaro, 124 N.J. 395 (1991) (two-year suspension where attorney was convicted of conspiracy to defraud the internal revenue service and making false statements by writing two letters on behalf of his client/father-in-law to the effect that the father-in-law had not collected any money on a bad debt, when in fact he had); In re Silverman, 80 N.J. 489 (1979) (eighteen-month suspension where attorney pleaded guilty to federal indictment charging him with obstruction of justice for falsely stating in a pleading that his client had a lawful right to maintain custody of approximately twenty-six tractors and trailers). Convictions for federal misdemeanors have generally resulted in lesser discipline. See In re Convery, 166 N.J. 298 (2001) (six-month suspension where attorney improperly attempted to influence zoning board's decision in favor of his client, by promising to assist the son of a member of the town council to obtain permanent employment with the county in violation of the Hatch Act, 18 U.S.C.A. § 600 [federal

misdemeanor for promising employment or other benefits for political activity]); In re Leahy, 118 N.J. 578 (1990) and In re Chester, 117 N.J. 360 (1990) (six month suspensions for willful failure to file income taxes in violation of 26 U.S.C.A. § 7203); See In re Poreda, 139 N.J. 435 (1995) (three-month suspension for misdemeanor in the first degree where attorney was convicted of forgery and/or possession of a forged insurance identification card; court considered numerous compelling mitigating factors which weighed heavily in the attorney's favor).

We have considered the extensive mitigating factors in this matter, the numerous character letters submitted by respondent and the aberrational nature of respondent's conduct. Based on these factors, we have unanimously determined to impose only a three-month suspension. One member did not participate.

We further determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Carmine Alampi
Docket No. DRB 01-070**

Decided: December 17, 2001

Disposition: three-month suspension

Members	Disbar	Three-month suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not participate
Peterson		X					
Maudsley		X					
Boylan							X
Brody		X					
Lolla		X					
O'Shaughnessy		X					
Pashman		X					
Schwartz		X					
Wissinger		X					
Total:		8					1

Robyn M. Hill 1/3/02
Robyn M. Hill
Chief Counsel