

SUPREME COURT OF NEW JERSEY
D-25 September Term 2018
081953

In the Matter of
Robert C. Masessa,
An Attorney At Law
(Attorney No. 020111982)

FILED

JUL 25 2019 O R D E R

Heather J. Bate
CLERK

The Disciplinary Review Board having filed with the Court its decision in DRB 18-142, which was before the Board by way of disciplinary stipulation pursuant to Rule 1:20-15(f), concluding that **Robert C. Masessa of Butler**, who was admitted to the bar of this State in 1982, should be censured for violating RPC 1.15(b)(failure to promptly deliver funds or other property belonging to the client) and RPC 8.4(c)(conduct involving dishonesty, fraud, deceit or misrepresentation);

And the Office of Attorney Ethics and respondent having signed a disciplinary stipulation in which it was agreed that respondent violated RPC 1.15 (b) and RPC 8.4(c) by his unethical conduct over a period of seven years that affected hundreds of real estate clients whom respondent overcharged for governmental recording costs in their transactions;

And the parties having stipulated that respondent did not have the specific authorization from his clients to retain the difference between actual and

estimated recording costs; that he drafted and signed hundreds of HUD-1s, confirming they were true and accurate accounts of the transaction and the disbursement of funds, which were misrepresentations; and that by retaining the difference between the estimated and actual recording costs, he failed to disburse the funds consistent with the HUD-1 statements;

And respondent and the Office of Attorney Ethics having stipulated that respondent reimbursed clients the total sum of \$76,250 for overcharged recording costs in 672 closings;

And Robert C. Masessa having been ordered to show cause why he should not be disciplined as provided in Rule 1:20-15A;

And the Court having considered the briefs and arguments of the parties and having determined from its review of the matter that respondent should be censured for his unethical conduct, but that, in the future, attorneys who engage in the purposeful, systematic, and unauthorized charging and retention of excess recording fees, or the implementation of other deceptive, income-generating practices, may be subject to a greater level of discipline;

And good cause appearing;

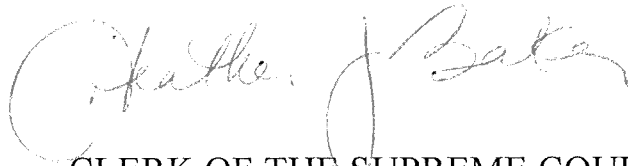
It is ORDERED that **Robert C. Masessa** is hereby censured; and it is further

ORDERED that the entire record of this matter be made a permanent part

of respondent's file as an attorney at law of this State; and it is further

ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual expenses incurred in the prosecution of this matter, as provided in Rule 1:20-17.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 25th day of July, 2019.

A handwritten signature in cursive script, appearing to read "Kathleen J. Bata". The signature is written in dark ink and is positioned above the printed title.

CLERK OF THE SUPREME COURT