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October 21, 2019

VIA CERTIFIED MAIL, R.R.R., REGULAR MAIL & E-MAIL

Cary J. Frieze, Esq.
c/o Peter N. Gilbreth, Esq.
60 Washington Street – Suite 302
Morristown, NJ 07960
peter.gilbreth@verizon.net

Re: In the Matter of Cary J. Frieze
Docket No. DRB 19-252
District Docket No. XIV-2016-0090E
LETTER OF ADMONITION

Dear Mr. Frieze:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition for your violation of RPC 1.15(d) (failure to comply with the recordkeeping provisions of R. 1:21-6), RPC 5.5(a)(1) (practicing law while ineligible), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). The Board further determined to dismiss the charged violation of RPC 8.4(d) (conduct prejudicial to the administration of justice).

Specifically, you committed the following recordkeeping infractions: failure to maintain monthly three-way reconciliations for the PNC Bank (PNC) trust account, a violation of R. 1:21-6(c)(1)(H); failure to maintain proper monthly three-way reconciliations for the PNC and Bank of America (BoA) trust accounts, a violation of R. 1:21-6(c)(1)(H); failure to maintain BoA trust account records contemporaneously, a violation of R. 1:21-6(c)(1); failure to maintain fully descriptive client ledger cards, a violation of R. 1:21-6(c)(1)(B); failure to maintain a ledger card identifying PNC trust account funds for bank charges, a violation of R. 1:21-6(d); failure to maintain a cash receipts and disbursements journal for BoA trust account, a violation of R. 1:21-6(c)(1)(A); failure to maintain fully-descriptive monthly cash disbursements journals, a violation of R. 1:21-6(c)(1)(A); and \$2,185.56 in inactive balances were left in the BoA trust account, a violation of R. 1:21-6(d). Your failure to comply with the above recordkeeping provisions of R.

1:21-6 constituted a violation of RPC 1.15(d). Further, the PNC trust account funds for bank charges exceeded \$250, a violation of RPC 1.15(a).

In addition, from November 2016 through February 2017, you represented Beverly Rhodes in the purchase of a Mendham, New Jersey property. During that period, you were ineligible to practice law due to nonpayment of the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection, a violation of RPC 5.5(a)(1). Although you were unaware of the ineligibility initially, in December 2016, you learned of your status from an Office of Attorney Ethics (OAE) disciplinary auditor. Nevertheless, you continued to represent Rhodes through the completion of the transaction.

The District XA Ethics Committee hearing panel (DEC) apparently granted the OAE's request to withdraw the charged violation of RPC 8.1(b). The Board determined that you did violate the Rule, however. Although, ultimately, you complied with the OAE's requests, you tarried in doing so, often requiring prompting from the OAE. Moreover, you stipulated to the facts that support the RPC 8.1(b) charge.

Finally, although the DEC found that you violated RPC 8.4(d), the Board dismissed the charge, finding that RPC 5.5(a)(1) adequately addressed your conduct in representing Rhodes during the period of ineligibility.

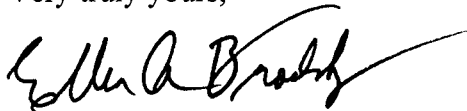
In imposing only an admonition, the Board considered your acknowledgment of wrongdoing, your cooperation with the OAE in entering into a stipulation, evidence of your good character, and, most importantly, your prior forty-seven-year unblemished disciplinary history.

Your conduct has adversely reflected not only on you as an attorney but also on all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, this admonition will be taken into consideration.

The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/jm

- c: Chief Justice Stuart Rabner
- Associate Justices
- Heather Joy Baker, Clerk
- Supreme Court of New Jersey
- Bruce W. Clark, Chair
- Disciplinary Review Board (e-mail)
- Gail G. Haney, Deputy Clerk
- Supreme Court of New Jersey (w/ethics history)
- Charles Centinaro, Director
- Office of Attorney Ethics (interoffice mail and e-mail)
- Hillary K. Horton, Deputy Ethics Counsel
- Office of Attorney Ethics (e-mail)
- Gregory J. Bevelock, Esq., Chair
- District XA Ethics Committee (e-mail)
- Caroline Record, Esq., Secretary
- District XA Ethics Committee (regular mail and e-mail)