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RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 815-2920

ELLEN A. BRODSKY
CHIEF COUNSEL
TIMOTHY M. ELLIS
DEPUTY COUNSEL
BARRY R. PETERSEN, JR.
DEPUTY COUNSEL
ROCCO J. CARBONE, III
ELIZABETH L. LAURENZANO
COLIN T. TAMS
KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

March 20, 2020

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

Kim M. Flotteron, Esq.
c/o Kenneth Falk, Esq. and
Jacob P. Davidson, Esq.
Falk & Flotteron, LLC
241 Main Street - Suite 101
Woodbridge, New Jersey 07095
kfalk@falkflotteron.com

Re: In the Matter of Kim M. Flotteron
Docket No. DRB 19-416
District Docket No. VIII-2017-0051E
LETTER OF ADMONITION

Dear Ms. Flotteron:

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(a).

Specifically, in November 2013, you represented a client in his purchase of a Sayreville, New Jersey property. As the escrow agent for the parties, you were required to hold a \$6,000 buyer's deposit in your attorney trust account, pending the completion of the transaction. The contract of sale expressly stated that, in the event the buyer and seller did not agree on the disbursement of those escrow monies, you may place them in court until the dispute was resolved.

Another contractual provision required your client to obtain a mortgage by a date certain, which he failed to do. Consequently, on December 26, 2013, the sellers' attorney informed you, in writing, that the contract was terminated and that, unless you provided written proof that your client had applied for a mortgage, the sellers would not consent to the return of the buyer's deposit. The \$6,000 in earnest money, thus, was in dispute.

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Thereafter, you told the seller's attorney that you had proof of your client's efforts to obtain a mortgage, but you failed to provide any documents in support of your representations. On January 24, 2014, without the seller's authorization to do so, you released the \$6,000 deposit to your client. You stipulated that your return of the deposit to your client constituted the improper release of escrow funds, in violation of RPC 1.15(a).

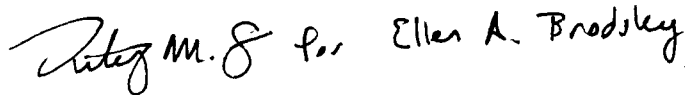
In imposing only an admonition, the Board considered, in mitigation, that you have no prior discipline since your 2006 admission to the bar; you now require written authorizations before releasing any escrow funds; you did not benefit by the act; you accepted responsibility for your actions; and you stipulated to the facts and to the misconduct.

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*

Ellen A. Brodsky
Chief Counsel

EAB/trj

c: See Attached List

Chief Justice Stuart Rabner
Associate Justices
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Peter Anthony Vignuolo, Presenter (e-mail)
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