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**OF THE**  
**SUPREME COURT OF NEW JERSEY**

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May 26, 2020

Daniel E. Serata, Esq.  
322 48<sup>th</sup> Street  
Union city, New Jersey 07087

**Re: In the Matter of Daniel E. Serata**  
Docket No. DRB 20-083  
District Docket No. XIV-2019-0103E  
**LETTER OF ADMONITION**

Dear Mr. Serata:

The Disciplinary Review Board has reviewed the motion for discipline by consent (admonition or reprimand) filed by the Office of Attorney Ethics (OAE) in the above matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board granted the motion and determined to impose an admonition for your violation of RPC 1.15(a) (negligent misappropriation of client funds) and RPC 1.15(d) (failure to comply with the recordkeeping provisions of R. 1:21-6).

Specifically, on August 16, 2018, the OAE conducted a random compliance audit of your attorney trust and business accounts and discovered inadequacies in your accounting and recordkeeping procedures. The OAE required you to provide proof of corrective action as to each of the deficiencies. Following extensions that the OAE granted, you submitted letters and attachments addressing the deficiencies and your efforts to correct them. The OAE then scheduled a demand interview to investigate possible unethical conduct and, on June 25, 2019, conducted a follow-up investigative demand audit.

The OAE's investigation revealed that, in two real estate matters, you negligently misappropriated client funds by disbursing funds from your trust account prior to your receipt of the buyers' deposits in connection with those transactions. In addition, you failed to comply with eleven recordkeeping rules, including maintaining more than \$26,000 in unidentified funds in your attorney trust account. You stipulated that your misconduct constituted negligent misappropriation of client funds and recordkeeping infractions, in

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violation of RPC 1.15(a) and RPC 1.15(d), respectively.

In imposing only an admonition, the Board considered your lack of disciplinary history; your ready admission of wrongdoing and acceptance of an agreement for discipline by consent; and the absence of any motive for personal gain.

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 cost of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours

  
For: Ellen A. Brousky  
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 (e-mail and interoffice mail)  
Ryan J. Moriarty, Deputy Ethics Counsel, Presenter  
Office of Attorney Ethics (e-mail)