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**SUPREME COURT OF NEW JERSEY**

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July 16, 2021

**VIA CERTIFIED MAIL, REGULAR MAIL, & ELECTRONIC MAIL**

Brian M. Miranda, Esq.  
c/o Salvatore T. Alfano, Esq.  
2 Broad Street, Suite 500  
Bloomfield, New Jersey 07003  
stalfano@aol.com

**Re: In the Matter of Brian M. Miranda**  
Docket No. DRB 21-039  
District Docket No. XII-2019-0043E  
**LETTER OF ADMONITION**

Dear Mr. Miranda:

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 8.4(d) (conduct prejudicial to the administration of justice).

Specifically, Jeffrey Brookman, a real estate agent formerly employed by All Jersey Realty, Inc. (AJRI), alleged that he was owed commissions from AJRI for the sale of four separate properties in Elizabeth, New Jersey, located on Grand Street (the Grand Street property), Wyoming Street (the Wyoming Street property), Durant Street (the Durant Street property), and Fitzpatrick Street (the Fitzpatrick Street property). Grievant, Manuela Carvalho, is AJRI's principal. On October 12, 2018, AJRI/Ms. Carvalho terminated Mr. Brookman's employment.

On October 23, 2018, Mr. Brookman requested that Prestige Title Agency (Prestige) hold in escrow the commission related to the Grand Street property pending resolution of his commission dispute with AJRI. On October 24, 2018, Mr. Brookman retained you in connection with the commission dispute and, on the same day, you sent a letter to Prestige

reasserting the request to hold commissions in escrow. Shortly thereafter, on November 2, 2018, you terminated the representation. Contemporaneously, you sent Ms. Carvalho an e-mail requesting that she (1) cease communicating directly with you, Mr. Brookman, or Mr. Brookman's new employer, and (2) communicate only with Mr. Brookman's new attorney. You did not identify Mr. Brookman's new attorney by name.

Despite your withdrawal from the matter, you continued to be included on correspondence between Ms. Carvalho, Mr. Brookman, and other related parties. One of those communications, from Riverside Abstract (Riverside), the title company handling the sale of the Fitzpatrick Street property, notified Ms. Carvalho that a demand on the commission from the sale of that property had been made, and that Riverside's attorney was reviewing the matter. Ms. Carvalho believed that this demand was related to her dispute with Mr. Brookman. You denied any involvement with the related commission dispute.

On November 15, 2018, Ms. Carvalho sent an e-mail to Riverside, you, and the seller's attorney, in which she stated, "YOU HAVE 24 hours to drop that commission in my office, if is not received by tomorrow at noon, I will be filing a complaint to [sic] the Banking commission on your company and all legal parties involved on this transaction." Riverside replied that it would consult with its attorney. In turn, Ms. Carvalho replied, "I am not going to repeat myself, I will wait until tomorrow at noon before I sent [sic] the complaint's [sic] in."

On November 16, 2018, based on your inclusion in the e-mail thread regarding the Fitzpatrick Street property commission dispute, you sent an e-mail to Mr. Brookman, Ms. Carvalho, and the other related parties, in which you again expressed your lack of involvement in the matter. On the same day, Ms. Carvalho replied that she had received no information regarding Mr. Brookman's new attorney and expressed her suspicion that you still represented Mr. Brookman. Ms. Carvalho also contested the legitimacy of the commission dispute related to the Fitzpatrick Street property, accused you of failing to communicate with AJRI regarding other real estate transactions in which you were counsel, and requested that, moving forward, you communicate directly with Ms. Carvalho regarding these transactions.

On November 19, 2018, AJRI's attorney, Anabela Dacruz-Melo, sent an e-mail to Riverside in which she asserted that the commission dispute lacked merit, demanded the release of the commission by 5 p.m., November 20, 2018, and stressed that "[i]n the event same is not paid by this deadline, legal action will be commenced against all parties responsible for withholding said commission to my client." You and Ms. Carvalho were among the recipients copied on Dacruz-Melo's e-mail to Riverside. The next day, November 20, 2018, Dacruz-Melo sent a second e-mail to the same recipients in which she stated, "you have now placed yourself in the midst of dispute, which will result in litigation as well as reports to the NJ Banking Commission naming you and others . . . if the commission is not received by 5 pm today." The commission was not released, and Dacruz-Melo took no action.

On November 29, 2018, Ms. Carvalho filed a grievance against you, alleging that you had violated the Rules of Professional Conduct via your October 24, 2018

correspondence to Prestige, in which you requested that Prestige hold in escrow the commission from the sale of the Grand Street property pending resolution of the commission dispute.

The commission disputes between Mr. Brookman and AJRI continued. On May 1, 2019, at 10:45 a.m. (five-and-a-half months after the last deadline set by AJRI's attorney), Dacruz-Melo sent yet another e-mail to Riverside, again asserting the position that the commission dispute was frivolous. She stated that, "[a]t this point, unless the commission is released immediately, to the broker, I will be the one filing the complaint naming everyone . . . I expect the commission to be received by the broker no later than 5 p.m. on Friday, May 3, 2019." You and Ms. Carvalho were again copied on the e-mail. The commission was not released and again, Dacruz-Melo took no action.

However, eleven minutes after Dacruz-Melo sent her May 1, 2019 e-mail, you replied to her and all the recipients that had been included on her e-mail, stating that, "[t]he dispute is between your client and Mr. Brookman. Your client has already filed a frivolous claim with the bar association on my firm and please be advised that I will be taking action against her as well if she continues with these allegations against my firm." Ms. Carvalho was copied on the e-mail. Eight minutes later, the attorney for the seller of the Fitzpatrick Street property sent a reply e-mail stating: "I represented the seller in this transaction. The real estate broker fee was held by the transfer agent due to a fee dispute between broker and agent. This fee dispute does not involve my client or my office. It is between Mr. Brookman & Ms. Carvalho. Please take me off this email string."

Thereafter, Dacruz-Melo replied to your e-mail and asserted:

You are correct the dispute is between my client, Manuela Carvalho, Mr. Brookman's broker at the time the contract for the sale was entered into. Their dispute is not part of the transaction and most certainly, not to be resolved by any of the attorneys for the buyer, seller or the title company. As such, any instruction to the title company to hold the commission is absolutely unacceptable and it is only subjecting the title company and whoever else joined in the instructions to damages. Any action taken by my client against you in any ethics complaint is something which I suggest you handle outside of this matter. Furthermore, I suggest you not make any threats to take any action against my client as a result of the filing of the ethics charges. I suggest you review the Rules of Professional Conduct carefully, because you have just threatened my client with civil or criminal action for her filing a complaint against you.

You did not reply to Dacruz-Melo's final e-mail.

July 16, 2021

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In your May 1, 2019 reply e-mail to Dacruz-Melo, on which Ms. Carvalho was copied, you stated, “[y]our client has already filed a frivolous claim with the bar association on my firm . . . .” You then threatened that you would “take action against [Ms. Carvalho] if she continues with these allegations against my firm.” You had previously received threats of litigation regarding the commission dispute during the five months prior to your May 1, 2019 e-mail yet, you had made no threats. When you received subsequent e-mails regarding the possibility of such litigation, the only thing that had changed was that Ms. Carvalho had filed a grievance against you.

Further, your e-mail expressly referenced the grievance, at the outset, and Dacruz-Melo immediately recognized that the threat directly related to her client’s pending ethics grievance against you. As such, your e-mail was unquestionably a threat to pursue “action” against Ms. Carvalho, as retaliation for what you, admittedly believed, was a “frivolous” ethics grievance against you. By extension, the threat was intended to coerce a withdrawal of that grievance, a violation of RPC 8.4(d).

In imposing only an admonition, the Board considered the following aggravating and mitigating factors. Your threat was for personal gain in the form of avoiding an ethics grievance. Further, while there was no direct harm to the client, your misconduct causes harm to the profession and the public’s perception of attorneys. In mitigation, the Board considered your otherwise unblemished disciplinary record and multiple character references.

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,



Johanna Barba Jones  
Chief Counsel

JBj/trj

c: see attached list

Chief Justice Stuart Rabner  
Associate Justices  
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    Supreme Court of New Jersey  
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    Disciplinary Review Board (e-mail)  
Gail G. Haney, Deputy Clerk  
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    District XII Ethics Committee (regular mail and e-mail)  
Lisa Marie Black, Presenter  
    District XII Ethics Committee (regular mail and e-mail)  
Manuela Carvalho, Grievant (regular mail)