SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-108
District Docket No. VI-2022-0006E

In the Matter of Santo V. Artusa, Jr.
An Attorney at Law

Decided
October 23, 2024

Certification of the Record

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Introduction

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us on a certification of the record filed by the District VI Ethics Committee (the DEC), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to communicate with a client); RPC 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation); RPC 3.2 (failing to expedite litigation); RPC 8.1(b) (failing to cooperate with disciplinary authorities); and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

For the reasons set forth below, we determine that a three-month suspension, with a condition, is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 2009. During the relevant timeframe, he maintained a practice of law in Jersey City, New Jersey. He has prior discipline in New Jersey.

Artusa I

On May 6, 2021, the Court censured respondent, on a motion for discipline by consent, for having violated RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6); RPC 8.1(b); RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer); and RPC 8.4(c). In re Artusa, 246 N.J. 154 (2021) (Artusa I). In that matter, respondent failed to maintain an attorney trust account from April 2015 through May 2018, and passed to the Superior Court (Hudson vicinage) sixteen bad checks, ranging in amounts from $50 to $325, and totaling $3,353. In the Matter of Santo V. Artusa, Jr., DRB 20-184 (October 21, 2020) at 1. Thirteen of the checks were for amounts that constituted a fourth-degree crime, pursuant to N.J.S.A. 2C:21-5(c)(3) ($200 to $999.99), and three were for amounts that constituted a disorderly person's offense, pursuant to N.J.S.A. 2C:21-5(c)(4) (less than $200). Id. at 2-3.

In determining the quantum of discipline, we noted that few disciplinary cases had addressed the quantum of discipline imposed on attorneys who passed bad checks and, thus, compared respondent's conduct to that of attorneys who had engaged in less serious criminal conduct and had received an admonition or reprimand. Id. at 5-6.

In mitigation, we weighed the fact that respondent's misconduct was not for pecuniary gain or other personal benefit. Id. at 5. He also stipulated to his misconduct, had been a member of the bar for eleven years, and had no prior discipline. Ibid. In aggravation, however, respondent had not only repeatedly engaged in the passing of bad checks, but he had passed them to the Superior Court. Ibid. We, thus, determined that the aggravating factors outweighed the mitigating factors, warranting a censure. Ibid. The Court agreed.

Artusa II

On September 13, 2023, the Court censured respondent for having violated RPC 1.15(d) and RPC 8.1(b). In re Artusa, 255 N.J. 355 (2023) (Artusa II). In that matter, which proceeded as a default, respondent failed to comply with his recordkeeping obligations by (1) incurring debit balances in his trust account, (2) failing to prepare three-way monthly reconciliations, and (3) failing to properly maintain client ledger cards and receipt and disbursement journals, in violation of RPC 1.15(d). In the Matter of Santo V. Artusa, Jr., DRB 22-209 (May 2, 2023). Respondent also failed to cooperate with the OAE's investigation and allowed the matter to proceed as a default. Id. at 12-13. In determining that a censure was the appropriate quantum of discipline for misconduct that, typically, is met with an admonition or reprimand, we weighed, in aggravation,

respondent's heightened awareness of the significance of his recordkeeping duties and his obligation to cooperate with disciplinary authorities, given the investigation and disciplinary proceedings underlying Artusa I. Id. at 17. We also considered, in aggravation, that he failed to bring his records into compliance, despite the OAE's instructions and dogged efforts, and had allowed the matter to proceed as a default. Ibid.

As conditions to the discipline, the Court required respondent to (1) complete a recordkeeping course approved by the OAE, (2) bring his records into compliance with the Court Rules, and (3) provide to the OAE monthly reconciliations of his accounts, on a quarterly basis, for a two-year period.

Artusa III

On February 6, 2024, the Court reprimanded respondent for his violation of RPC 1.1(a) (engaging in gross neglect) and RPC 1.3. In re Artusa, 256 N.J. 359 (2024) (Artusa III). In that matter, respondent accepted a $1,500 fee to file an application for guardianship on behalf of his client and his client's adult son, who was incapacitated, and then failed to perform any meaningful work in furtherance of that representation. In the Matter of Santo V. Artusa, Jr., DRB 23-077 (September 27, 2023). In determining that a reprimand was the appropriate quantum of discipline for misconduct that is typically met with

admonition, we weighed, in aggravation, the harm respondent's misconduct caused his client. Id. at 24. Although we acknowledged respondent's prior discipline, it was not considered in aggravation because the misconduct preceded and minimally overlapped with the initial stages of the OAE's investigation in Artusa I. Id. at 24-26. In mitigation, we considered respondent's personal hardships, mental health struggles, and alcohol addiction. Id. at 27. On balance, we determined that the demonstrable harm caused by respondent significantly outweighed any mitigation and, thus, concluded that a reprimand was the appropriate discipline. Id. at 27.

As conditions to the discipline, the Court required respondent to provide to the OAE (1) proof of his fitness to practice law, as attested to by a medical doctor approved by the OAE, and (2) proof of his continued treatment for alcohol addiction.

Temporary Suspension Orders

The Court temporarily suspended respondent from the practice of law for his failure to comply with fee arbitration determinations awarded in his clients' favor, including in connection with the client underpinning the instant matter. He remains temporarily suspended to date.

We now turn to the matter pending before us.

Service of Process

Service of process was proper.

On April 26, 2023, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's office address of record. The certified mail was returned to the DEC marked "undeliverable," "return to sender," and "vacant." The regular mail was not returned.

On October 17, 2023, the DEC, in an effort to verify current mailing information for respondent, contacted his prior counsel in connection with disciplinary proceedings. However, prior counsel was unable to contact respondent or to obtain his current contact information.

On November 21, 2023, the DEC, sent a copy of the complaint, by certified and regular mail, to respondent's billing address of record.[1] The certified mail was not claimed or delivered. The regular mail was returned to the DEC marked "return to sender," "insufficient address," and "unable to forward."

That same date, the DEC also sent a copy, by electronic mail, to respondent's e-mail addresses of record – santo@artusalawfirm.com and artusalawfirmnj@gmail.com. On November 25, 2023, the DEC received

[1] New Jersey attorneys have an affirmative obligation to inform both the New Jersey Lawyers' Fund for Client Protection and the Office of Attorney Ethics of changes to their home and primary law office addresses, "either prior to such change or within thirty days thereafter." R. 1:20-1(c). Respondent's official Court records continue to reflect the office, billing, and home addresses utilized for service in this matter.

notification that the e-mail sent to artusalawfirmnj@gmail.com was undeliverable. The e-mail sent to santo@artusalaw.com was not returned or otherwise rejected.

On January 4, 2024, the DEC sent a copy of the complaint, by certified and regular mail, to respondent's home address of record, with another copy by electronic mail to respondent's email address of record at santo@artusalaw.com. The certified mail was returned to the DEC marked "return to sender," "insufficient address," and "unable to forward," and the e-mail was returned as undeliverable. The regular mail was not returned to the DEC.

As of March 8, 2024, respondent had not filed an answer to the complaint, and the time within which he was required to do so had expired. Accordingly, the DEC certified this matter to us as a default.

On June 7, 2024, Chief Counsel to the Board sent respondent a letter, by certified and regular mail, to his home address of record informing him that the matter was scheduled before us on July 25, 2024, and that any motion to vacate the default must be filed by June 24, 2024. The certified mail was returned to the Office of Board Counsel (the OBC) marked "not deliverable as addressed." The regular mail was not returned.

Moreover, on June 10, 2024, the OBC published a notice in the New Jersey Law Journal, stating that we would consider this matter on July 25, 2024. The

notice informed respondent that, unless he filed a successful motion to vacate the default by June 24, 2024, his prior failure to answer the complaint would remain deemed an admission of the allegations of the complaint.

Respondent did not file a motion to vacate the default.

Facts

We now turn to the allegations of the complaint.

On or about September 20, 2021, Faiza Kahn retained respondent to file a motion for publication and final order (the Motion) related to Kahn's pending divorce action. Respondent prepared a retainer agreement that was executed by both parties. Kahn paid respondent $1,500 toward the representation.

On October 5, 2021, Kahn requested an update, via e-mail, on the status of the Motion. Respondent replied, stating that he had planned to file the Motion that morning. Kahn, in response, requested that he notify her once the Motion was filed.

On October 14, 2021, Kahn again requested an update from respondent, via e-mail, regarding the status of the Motion. Respondent replied, stating that he would file the Motion the next day.

The next day, on October 15, 2021, Kahn asked respondent, via e-mail, to provide confirmation that the Motion had been filed. On October 16, 2021,

respondent replied and informed Kahn that the Motion had been filed and that he would send her a copy later that day.

On October 19, 2021, respondent notified Kahn, via e-mail, that he was waiting for the court to schedule a hearing on the Motion. Subsequently, however, Kahn received a "Dismissal Notice" from the court, dated October 23, 2021. The notice stated that a "Proof of Service/Acknowledgement of Service" had not been filed with the court and that Kahn's matter would be dismissed for lack of prosecution if no action was taken by December 22, 2021.

On November 8, 2021, Kahn sent respondent an e-mail and demanded that the Motion be filed by the end of that day. Again, she asked respondent to send her a copy of the filed Motion, along with all related documents. Additionally, Kahn noted that the amount of time respondent was taking to resolve her matter was contrary to his initial statement to her that it would be resolved within "60-75 days" of filing the Motion. Kahn also claimed that respondent had misled her to believe that the delay was caused by the court's failure to schedule a hearing when, in fact, the court regularly heard motions each month.

On November 10, 2021, Kahn sent respondent another e-mail, this time requesting that he contact her immediately to discuss whether the Motion had been filed. She also expressed concern regarding his failure to reply to her repeated efforts to obtain a status update regarding the Motion. That same date,

Kahn sent respondent a second e-mail, this time requesting that he provide her with a timeline for when the matter would be resolved. Additionally, she requested a copy of her client file to review the work respondent had performed on her behalf.

The next day, on November 11, 2021, Kahn sent respondent an e-mail, requesting that he advise whether he had filed a substitution of attorney with respect to her matter. Additionally, she asked respondent to outline his plan to file the required "Service of Acknowledgement" and to seek an extension from the court to ensure her matter would not be dismissed. Kahn also informed respondent that, if he failed to reply by November 15, 2021, she intended to hire another attorney and to file an ethics grievance against him.

Respondent failed to reply to Kahn's numerous requests for information related to the status of her matter. Subsequently, Kahn hired new counsel to represent her in the pending matter.

On June 27, 2022, following the issuance of a District VI Fee Arbitration Committee (the FAC) award in Kahn's favor, the OAE referred the matter to the DEC for possible disciplinary action.

On July 7, 2022, the DEC forwarded a copy of the FAC's determination to respondent, by certified and regular mail, and requested a written response to

the allegations within ten days of receipt. The certified and regular mail were both returned to the DEC marked "return to sender."

On August 24, 2022, the DEC sent a second copy of the FAC determination to respondent, by certified and regular mail, and requested a response no later than September 6, 2022. On or about August 29, 2022, the signed certified mail receipt was returned to the DEC with respondent's signature. However, he failed to submit a reply.

On October 19, 2022, respondent sent an e-mail to Kahn asking her how he could return to her the funds she had paid toward the representation.

Based on the foregoing, the DEC alleged that respondent violated RPC 1.3 by failing to file the Motion in a timely fashion, which caused Kahn's matter to become subject to dismissal, and, further, violated RPC 1.4(b) and 1.4(c) by failing to communicate with Kahn or to respond to her reasonable requests for information.

Additionally, the DEC asserted that respondent violated RPC 3.2 by failing to file the Motion or to take any other action on Kahn's matter, contrary to the interests of Kahn and, further, ignored her reasonable requests to receive information related to the matter. Further, the DEC asserted that respondent violated RPC 8.1(b) by failing to cooperate with the investigation, despite having acknowledged receipt of correspondence regarding the investigation.

Last, the DEC alleged that respondent violated RPC 8.4(c) by misrepresenting to Kahn that he would file the Motion, when, in fact, no action had been taken.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we determine that the facts set forth in the formal ethics complaint support all but one of the charges of unethical conduct. Respondent's failure to file an answer to the formal ethics complaint is deemed an admission that the allegations of the complaint are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

Notwithstanding that Rule, each charge in the complaint must be supported by sufficient facts for us to determine that unethical conduct has occurred. See In re Pena, 164 N.J. 222 (2000) (stating that the Court's "obligation in an attorney disciplinary proceeding is to conduct an independent review of the record, R. 1:20-16(c), and determine whether the ethical violations found by the [Board] have been established by clear and convincing evidence"); see also R. 1:20-4(b) (entitled "Contents of Complaint" and requiring, among

other notice pleading requirements, that a complaint "shall set forth sufficient facts to constitute fair notice of the nature of the alleged unethical conduct").

We, therefore, will decline to find a violation of a Rule of Professional Conduct where the facts within the certified record do not constitute clear and convincing evidence that an attorney violated a specific Rule. See, e.g., In the Matter of Philip J. Morin, III, DRB 21-020 (September 9, 2021) at 26-27 (declining to find a charged RPC 3.3(a)(4) violation based upon insufficient evidence in the record), so ordered, 250 N.J. 184 (2022); In the Matter of Christopher West Hyde, DRB 16-385 (June 1, 2017) at 7 (declining to find a charged RPC 1.5(b) violation due to the absence of factual support in the record), so ordered, 231 N.J. 195 (2017); In the Matter of Brian R. Decker, DRB 16-331 (May 12, 2017) at 5 (declining to find a charged RPC 8.4(d) violation due to the absence of factual support in the record), so ordered, 231 N.J. 132 (2017).

Here, we conclude that the facts recited in the complaint support the allegations that respondent violated RPC 1.3; RPC 1.4(b); RPC 1.4(c); RPC 3.2; and RPC 8.1(b). We determine, however, that the evidence does not clearly and convincingly support the charged violation of RPC 8.4(c).

RPC 1.3 states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client." Similarly, RPC 3.2 requires, in relevant

part, that an attorney make reasonable efforts to expedite litigation consistent with the interests of the client.

Here, the record establishes, by clear and convincing evidence, that respondent violated both Rules by accepting the representation and then failing to take any reasonable steps in furtherance of that representation. Specifically, Kahn retained respondent to file the Motion in connection with her pending divorce action. Despite respondent's assurances to Kahn that he would file and send her a copy of the Motion, he wholly failed to do so. Consequently, as a result of respondent's inaction, Kahn's pending action was subject to dismissal for lack of prosecution. As such, respondent lacked diligence, in violation of RPC 1.3, and failed to expedite litigation, in violation of RPC 3.2.

Respondent also violated RPC 1.4(b), which requires that an attorney keep the client "reasonably informed about the status of a matter and promptly comply with reasonable requests for information," and RPC 1.4(c), which requires a lawyer to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." Respondent was retained specifically to file the Motion related to Kahn's pending divorce action. Despite his obligation to keep his client informed as to the status of her case, respondent failed to reply to her numerous requests for information. Although he repeatedly assured Kahn, between September 20 and

October 19, 2021, that he would file the Motion, he failed to do so. Further, after October 19, 2021, he altogether failed to respond to her inquiries. Indeed, on three different occasions, November 8, November 10, and November 11, 2021, Kahn sent respondent e-mails, specifically asking whether he had filed the Motion and requesting that he send her a copy of the Motion. Despite her repeated requests, he failed to reply. Additionally, Kahn asked respondent to provide her with a timeline for when her matter likely would be resolved. She also asked about his plan to file the required "Service of Acknowledgement" with the Court, and his plan to seek additional time from the court to ensure her matter would not be dismissed. Kahn informed respondent that if he failed to do so, she would hire another attorney. Respondent, however, failed to reply to any of her requests for information. Consequently, Kahn was left without any information regarding her matter, thereby leaving her without the opportunity to make an informed decision regarding her representation. Accordingly, respondent violated RPC 1.4(b) and RPC 1.4(c).

Respondent also violated RPC 8.1(b), which requires an attorney to "respond to a lawful demand for information from . . . [a] disciplinary authority,"

by failing to cooperate with the DEC's investigation, despite multiple opportunities to do so.[2]

In contrast, however, we determine to dismiss the charge that respondent violated RPC 8.4(c) by engaging in conduct involving dishonesty and misrepresentation. Although respondent repeatedly assured Kahn that he would file the Motion on her behalf and, ultimately, failed to do so, the facts set forth in the formal ethics complaint, while troubling, are insufficient to reach the conclusion that respondent knowingly intended to deceive Kahn by failing to file the Motion. It is well-settled that a violation of RPC 8.4(c) requires intent. See In re Hyderally, 208 N.J. 453 (2011) (noting that, "[a]bsent evidence supporting a finding of intentional conduct, [the] Court has declined to impose discipline pursuant to RPC 8.4(c)"). Thus, in the absence of clear and convincing evidence that respondent intended to deceive Kahn, we determine to dismiss the charge pursuant to RPC 8.4(c).

In sum, we find that respondent violated RPC 1.3; RPC 1.4(b); RPC 1.4(c); RPC 3.2; and RPC 8.1(b). We determine to dismiss the remaining charge

[2] Although respondent violated this Rule a second time by failing to file a verified answer to the complaint, the complaint was not amended to charge him with having violated RPC 8.1(b) in this respect. We, therefore, are unable to find a second violation of RPC 8.1(b). However, for purposes of crafting the appropriate quantum of discipline, we consider, in aggravation, the fact respondent allowed this matter to proceed as a default.

that respondent violated RPC 8.4(c). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Conduct involving gross neglect (a charge not present here), lack of diligence, and failure to communicate with clients ordinarily results in an admonition or a reprimand, depending on the number of client matters involved, the gravity of the offenses, the harm to the clients, the presence of additional violations, and the attorney's disciplinary history. See, e.g., In the Matter of James E. Gelman, DRB 24-004 (February 20, 2024) (admonition for an attorney who was assigned, on a volunteer basis in connection with a pro bono program, to represent a veteran in connection with his service-related disability claim; for ten months, the attorney took very little action to advance his client's case; thereafter, the attorney took no further action on behalf of his client, incorrectly assuming that the pro bono program had replaced him as counsel due to his lack of experience; moreover, the attorney failed to advise his client that he was no longer pursuing his case; violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b), and RPC 1.16(d); no prior discipline in more than forty years at the bar); In the Matter of Mark J. Molz, DRB 22-102 (September 26, 2022) (the attorney's failure to file a personal injury complaint allowed the applicable statute of

limitations for his clients' cause of action to expire; approximately twenty months after the clients had approved the proposed complaint for filing, the attorney failed to reply to the clients' e-mail, which outlined the clients' unsuccessful efforts, spanning three months, to obtain an update on their case; the record lacked any proof that the attorney had advised his clients that he had failed to file their lawsuit prior to the expiration of the statute of limitations; no prior discipline in more than thirty-five years at the bar).

The quantum of discipline is enhanced, however, when additional aggravating factors are present. See In re Witherspoon, 249 N.J. 537 (2022) (censure for an attorney, in a default matter, who took little or no action to settle a client's brother's estate; the attorney also failed to reply to the client's repeated inquiries regarding the status of her matter, prompting the client to retain new counsel to protect her interests; although the attorney had no prior discipline, the attorney's failure to take any action in furtherance of the representation caused the client significant financial harm), and In re Levasseur, __ N.J. ___ (2022), 2022 N.J. LEXIS 457 (three-month suspension for an attorney, in a default matter, who failed to timely prosecute his client's lawsuit concerning an insurance dispute arising out of damage to her home caused by Super Storm Sandy; the attorney's failure to prosecute the litigation resulted in the dismissal of the client's claim and the likely loss of the client's potential avenues for relief;

the attorney intentionally failed to advise his client of the dismissal of her matter and failed to attempt to reinstate the litigation; the attorney also repeatedly ignored the client's numerous requests for information regarding her matter; the attorney had a 2020 reprimand for similar misconduct and, thus, possessed a heightened awareness of his obligation to cooperate with disciplinary authorities; nevertheless, the attorney neither submitted a written reply to the grievance nor filed an answer to the complaint).

Moreover, when an attorney fails to cooperate with disciplinary authorities and previously has been disciplined, reprimands or censures have been imposed. See In re Howard, 244 N.J. 411 (2020) (reprimand for an attorney who altogether failed to respond to the DEC's four requests for a written reply to an ethics grievance; additionally, during a two-year period, the attorney grossly neglected his client's appeal of an adverse social security administration determination; the attorney also failed to communicate with his client and failed to promptly refund an unearned portion of his fee until the client was forced to seek redress through fee arbitration; however, the record contained insufficient information for us to determine the extent to which the client may have been harmed by the attorney's conduct; the attorney received a prior 2017 censure for similar misconduct in which he had also failed to cooperate with disciplinary authorities; in mitigation, the attorney ultimately retained ethics counsel and

stipulated to some of his misconduct), and In re Nussey, __ N.J. __ (2023), 2023 N.J. LEXIS 149 (censure for an attorney who ignored the DEC's request for a reply to the ethics grievance; although the attorney eventually filed an answer to the formal ethics complaint, that answer came ten months after the DEC's initial request that he reply to that grievance; the attorney also failed to timely produce a copy of his client's file as directed; moreover, the attorney repeatedly failed to provide his client with a single invoice in a divorce matter, despite her repeated requests during an eighteen-month period; in aggravation, this matter represented the attorney's third disciplinary proceeding in less than four years; we also found, in aggravation, that the attorney had a heighted awareness of his obligations to adhere to the RPCs considering the timing of his prior reprimand).

In our view, respondent's conduct is most analogous to that of the censured attorney in Witherspoon, who, in a default matter, ignored his client's requests for information and took little or no action to settle the client's matter, forcing the client to retain new counsel. Like the attorney in Witherspoon, respondent accepted the representation and then failed to take any meaningful steps to advance Kahn's interests in the ongoing divorce proceeding. Unlike the attorney in Witherspoon, however, respondent does not enjoy the benefit of a lengthy and unblemished career at the bar. Rather, as discussed below, respondent was censured in connection with Artusa I, censured in connection

with Artusa II, and reprimanded in connection with Artusa III.

Based on the foregoing disciplinary precedent, and Witherspoon in particular, we determine that the baseline discipline for respondent's misconduct is a censure. However, to craft the appropriate discipline, we also consider mitigating and aggravating factors.

There are no mitigating factors to consider.

In aggravation, we accord significant weight to respondent's recent disciplinary history. This matter represents respondent's fourth disciplinary matter and second proceeding as a default.

Specifically, the misconduct underlying the instant matter represents a continuation of the mishandling of client matters that respondent demonstrated in Artusa III, for which he was reprimanded. In that matter, respondent accepted a $1,500 fee to file a guardianship application but failed to perform any meaningful work in furtherance of the representation. Consistently, the Court has signaled an inclination toward progressive discipline and the stern treatment of repeat offenders. In such scenarios, enhanced discipline is appropriate. See In re Kantor, 180 N.J. 226 (2004) (disbarment for abandonment of clients and repeated failure to cooperate with the disciplinary system).

Further, respondent's failure to cooperate with the disciplinary authorities, which was present in Artusa I and Artusa II, continued here, unabated. In

addition to his failure to cooperate with the investigations underlying Artusa I and Artusa II, he allowed Artusa II to proceed as a default. Thus, as we concluded in Artusa II, respondent had a heightened awareness of his obligations pursuant to the Rules of Professional Conduct, including his obligation to fully cooperate with disciplinary authorities seeking to address his conduct.

Further, respondent allowed this matter to proceed as a default, an aggravating factor that ordinarily results in enhanced discipline. See In re Kivler, 193 N.J. 332, 342 (2008) ("a respondent's default or failure to cooperate with the investigative authorities acts as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced"). However, because we already factored respondent's default status into the baseline discipline of a censure, we do not accord this aggravating factor additional weight.

Conclusion

On balance, considering the significant and compelling aggravating factors, we determine that a three-month suspension is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Additionally, as a condition to his discipline, we recommend that respondent be required to practice law under the supervision of a proctor for a minimum two-year period.

Chair Cuff and Vice-Chair Boyer voted to impose a censure, with the same condition.

Member Hoberman was absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Mary Catherine Cuff, A.J.S.C. (Ret.),
Chair

By: */s/ Timothy M. Ellis*
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Santo V. Artusa, Jr.
Docket No. DRB 24-108

Decided: October 23, 2024

Disposition: Three-Month Suspension

Members	Three-Month Suspension	Censure	Absent
Cuff		X	
Boyer		X	
Campelo	X		
Hoberman			X
Menaker	X		
Petrou	X		
Rivera	X		
Rodriguez	X		
Spencer	X		
Total:	6	2	1

/s/ Timothy M. Ellis
Timothy M. Ellis