

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
Docket No. DRB 24-248  
District Docket No. XIV-2021-0242E

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In the Matter of Ramon A. Camejo  
An Attorney at Law

Argued  
January 16, 2025

Decided  
April 16, 2025

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Corsica D. Smith appeared on behalf of the  
Office of Attorney Ethics.

Respondent appeared pro se.

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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 recommendation for a reprimand or a censure filed by the District XII Ethics Committee (the DEC). The formal ethics complaint charged respondent with having violated RPC 1.15(a) (negligently misappropriating entrusted funds), RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6), and RPC 8.1(b) (failing to cooperate with disciplinary authorities).

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

## **Ethics History**

Respondent earned admission to the New Jersey bar in 2006. He has no prior discipline. At all relevant times, he maintained a practice of law in Elizabeth, New Jersey.

## **Facts**

During the relevant period, respondent maintained an attorney trust account (ATA) and attorney business account (ABA) at Wells Fargo Bank.

On September 23, 2019, the Office of Attorney Ethics (the OAE) conducted a random audit of respondent's financial records, which revealed recordkeeping deficiencies, including his failure to: (1) maintain a separate ledger card for each client, as R. 1:21-6(c)(1)(B) requires; (2) resolve ATA funds in excess of trust obligations, as R. 1:21-6(d) and R. 1:21-6(c)(1)(H) require; (3) properly designate his ABA, as R. 1:21-6(a) requires; (4) conduct monthly three-way reconciliations of his ATA, as R. 1:21-6(c)(1)(H) requires; and (5) retain ATA and ABA records for seven years, as R. 1:21-6(c)(1) requires.

For more than eighteen months, the OAE's random audit unit worked with respondent to assist him in bringing his records into compliance with R. 1:21-6. However, he failed to cure the deficiencies and, consequently, on July 30, 2021, the random audit unit referred the matter for disciplinary investigation.

## **Failure to Cooperate**

On August 16, 2021, the OAE sent respondent a letter, via certified and regular mail, informing him that it had docketed the matter for investigation and directing him to address the recordkeeping deficiencies identified during the

random audit by August 31, 2021. According to the United States Postal Service (the USPS) tracking, the certified mail was delivered on August 20, 2021. The certified mail receipt was returned to the OAE, unsigned. The regular mail was not returned to the OAE. Respondent failed to reply.

On September 10, 2021, the OAE sent respondent a second letter, via certified and regular mail, enclosing a copy of its August 16, 2021 letter and directing respondent to provide the requested information by September 23, 2021.

On September 15, 2021, respondent sent an e-mail to the OAE, acknowledging receipt of its September 10, 2021 letter and requesting an extension to October 31, 2021 to provide the requested information. The OAE granted the extension; however, respondent failed to submit his reply by the new deadline.

On November 5, 2021, the OAE sent respondent a third letter, by certified and regular mail, with another copy sent by electronic mail, to his e-mail address of record, informing him that a demand audit was scheduled for December 9, 2021 and directing him to provide the requested documents by November 19, 2021.<sup>1</sup>

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<sup>1</sup> The record does not indicate whether the certified or regular mail were delivered, or whether the certified receipt was returned to the OAE. The e-mail was not returned as undeliverable.

Having received no reply, on November 23, 2021, the OAE sent respondent another letter, by certified and regular mail, with another copy via e-mail, again informing him that the demand audit was scheduled for December 9, 2021 and directing him to provide the requested documents by November 30, 2021. The certified mail was returned to the OAE, marked “RETURN TO SENDER – INSUFFICIENT ADDRESS – UNABLE TO FORWARD.” However, the regular mail was not returned to the OAE. Likewise, the e-mail was not returned as undeliverable.

On November 30, 2021, respondent produced some, but not all, of the required documents in reply to the OAE requests. On December 3, 2021, he supplemented his production to include copies of his client ledger cards.

On December 7, 2021, respondent requested an adjournment of the demand audit because of a medical issue, which the OAE granted. The OAE rescheduled the demand audit to January 20, 2022, and directed respondent to provide the outstanding documents by December 30, 2021. On December 30, 2021, respondent provided the OAE with additional documentation.

On January 20, 2022, the OAE conducted respondent’s demand interview and, on January 24, 2022, directed him to provide additional documents by February 18, 2022.

On February 17, 2022, one day before his submission to the OAE was due, respondent requested an extension to February 28, which the OAE granted. However, respondent failed to submit the outstanding records by that date.

On March 22, 2022, the OAE sent respondent an e-mail seeking an update on the outstanding documents. The e-mail was not returned as undeliverable. Nevertheless, respondent failed to reply to the OAE's e-mail or to provide the outstanding documents.

On May 4, 2022, the OAE spoke with respondent's assistant and explained that the document requests set forth in its January 24, 2022 letter remained outstanding. On the same date, the OAE sent respondent an e-mail summarizing its telephone conversation with his assistant and directing him to produce the outstanding records by May 6, 2022. The OAE warned him that his continued failure to cooperate with its investigation could result in an application for his immediate temporary suspension from the practice of law. The e-mail was not returned as undeliverable. Respondent, again, failed to produce the outstanding documents.

On June 6, 2022, respondent sent an e-mail to the OAE in which he apologized for the delay in providing the requested documents and stated that he had been dealing with a medical issue that required a surgery in February and a second surgery in March. He furthered explained that his father had passed

away unexpectedly, and his grandfather had passed away only a few weeks later.<sup>2</sup> Respondent maintained that he would provide the outstanding documents to the OAE by the end of that week. That same date, the OAE replied and stated that, in the event respondent failed to provide the outstanding documents by June 10, 2022 at 12:00 p.m., the OAE would file a petition for his immediate suspension from the practice of law.

On June 10, 2022, at 11:33 p.m., respondent provided incomplete documentation in reply to the OAE requests. On June 13, 2022, he supplemented his reply with a revised list of inactive client balances, plus the supporting documentation.

On July 22, 2022, the OAE sent respondent a letter, by certified and regular mail, with another copy sent via e-mail, requesting that he provide a detailed explanation for the inactive and negative balances in his ATA by August 5, 2022. According to the USPS tracking, the certified mail was delivered on July 28, 2022. The regular mail was not returned to the OAE, and the e-mail was not returned as undeliverable. Respondent, however, failed to reply.

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<sup>2</sup> During the ethics hearing, respondent testified that his father passed away on April 4, 2020 and his grandfather passed away on June 7, 2020. In his June 6, 2022 e-mail to the OAE, after nearly four months of no communication with the OAE, he stated that his father and grandfather had passed away, thereby implying that the deaths occurred within the period of noncommunication. Thus, there appears to be a discrepancy between respondent's hearing testimony and the statements he made during the investigation regarding the timing of these events.



On August 23, 2022, the OAE sent respondent a follow-up letter, by certified and regular mail, with another copy sent via e-mail, enclosing a copy of its July 22, 2022 letter and directing him to produce the requested information by September 1, 2022. According to the USPS tracking, the certified mail was delivered on August 29, 2022. The regular mail was not returned to the OAE, and the e-mail was not returned as undeliverable. Respondent, however, again failed to reply or to provide the requested information.

On September 7, 2022, the OAE sent respondent another letter, by certified and regular mail, with another copy sent via e-mail, enclosing copies of its July 22 and August 23, 2022 letters and directing him to provide the requested information by September 13, 2022. Neither the certified nor the regular mail were returned to the OAE. The e-mail was not returned as undeliverable.

On September 12, 2022, respondent sent an e-mail to the OAE in which he confirmed receipt of the OAE's September 7, 2022 letter and requested a telephone call with the OAE to clarify what information it was seeking. Later that same date, respondent sent an e-mail to the OAE, confirming the earlier telephone conversation and stating that he would provide the outstanding documents the following day. On September 13, 2022, the OAE directed

respondent to provide the outstanding documents by September 16, 2022. That same date, respondent provided the outstanding documents.

On November 3, 2022, the OAE notified respondent, via regular and electronic mail, that it would continue the demand audit on November 29, 2022. The demand audit took place, as scheduled.

Thereafter, on November 30, 2022, respondent provided some, but not all, of the documents requested during the demand audit.

On December 1, 2022, the OAE directed respondent, via e-mail, to provide a written explanation for the trust account shortages in four client matters and to produce the client ledgers cards for two client matters by December 9, 2022. The e-mail was not returned as undeliverable. Respondent failed to provide the documentation.

On December 16, 2022, the OAE followed up, via e-mail, and again directed respondent to produce the outstanding information and documents by December 21. Respondent again failed to reply.

On December 28, 2022, the OAE had a telephone conversation with respondent's assistant and informed her that respondent had until December 30, 2022 to provide the outstanding information. Respondent, however, failed to contact the OAE or to provide the outstanding information and documentation by the deadline.

### Negligent Misappropriation and Recordkeeping Violations

On November 29, 2022, during the demand audit, respondent admitted that he failed to maintain his financial books and records in accordance with R. 1:21-6. He conceded that he maintained a single handwritten ledger for several hundred client matters in which he noted all receipts and disbursements in his ATA. He also admitted that he failed to reconcile his ATA.

The OAE's review of respondent's financial records revealed the following recordkeeping deficiencies, including his failure to: (1) properly designate his ATA and ABA, as R. 1:21-6(a) requires; (2) conduct monthly three-way reconciliations of his ATA, as R. 1:21-6(c)(1)(H) requires; (3) disburse inactive trust balances for an extended period, as R. 1:21-6(d) requires; (4) resolve client ledger cards with debit balances, as R. 1:21-6(d) requires; and (5) maintain sufficiently detailed deposit slips, as R. 1:21-6(c)(1)(A) requires.

Following the OAE's initial random audit and its subsequent investigation, respondent recreated his financial books and records. His recreated records revealed that he had negligently misappropriated entrusted funds in connection with four client matters.<sup>3</sup> Each client matter is separately addressed below.

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<sup>3</sup> As mentioned, respondent failed to maintain contemporaneous books and records in accordance with R. 1:21-6. However, his recreated records revealed the negligent misappropriation described  
(footnote continued on next page)

### The Arelys Flores Matter

On or about November 16, 2019, Arelys Flores retained respondent to represent her in connection with personal injuries she sustained in an automobile accident. On September 24, 2020, Geico Indemnity Company issued a \$15,000 settlement check to respondent. On September 29, 2020, respondent deposited the settlement check in his ATA.

On October 16, 2020, respondent issued ATA check #1541, in the amount of \$5,011.67, to his firm for counsel fees and expenses associated with the Flores matter. One month later, on November 19, 2020, he issued ATA check #1548, in the amount of \$5,011.67, to his firm – also for counsel fees and expenses associated with the Flores matter. Respondent deposited both checks in his ABA. On December 1, 2020, respondent issued ATA check #1549, in the amount of \$6,472.89, to Flores, which purportedly represented the net proceeds of the settlement.

Respondent's three disbursements from the ATA exceeded the \$15,000 settlement funds in the Flores matter by \$1,496.23. Further, respondent was obligated to hold \$3,515.44, on Florez's behalf, for anticipated payments to the

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herein. The OAE considered whether respondent committed knowing misappropriation based on the information provided but did not develop clear and convincing evidence to support a finding of knowing misappropriation in violation of RPC 1.15(a) and the principles of Wilson. Further, the investigation did not reveal that respondent was willfully blind to the risk of misappropriation such that it would be done knowingly. See In re Konopka, 126 N.J. 225 (1991).

medical providers identified in the settlement statement, thereby creating a shortage of \$5,011.67.

Eighteen months later, on June 10, 2022, respondent cured the shortage in the Flores matter by depositing \$5,011.67 from his ABA to his ATA. That same date, respondent disbursed the remaining \$3,515.44 to the medical providers.

Respondent's duplicate disbursement of counsel fees in the Flores matter created a shortage that persisted from December 1, 2020 through June 10, 2022. He asserted that he had mistakenly paid himself twice for counsel fees because he made multiple deposits on the same date, which he recorded on his general ledger.

#### The Adalberto Gonzalez Matter

On or about May 11, 2018, Adalberto Gonzalez retained respondent to represent him in connection with personal injuries he sustained in an automobile accident. On August 14, 2020, Plymouth Rock Insurance issued a \$15,000 settlement check to respondent. Fourteen days later, on August 28, 2020, respondent deposited the settlement check in his ATA.

One week earlier, on August 22, 2020, respondent issued ATA check #1521 to his firm, in the amount of \$5,000, for counsel fees and expenses associated with the Gonzalez matter. On August 28, 2020, he issued ATA check

#1524 to his firm, in the amount of \$5,328.66, also for counsel fees and expenses associated with the Gonzalez matter. Respondent deposited both checks in his ABA. On February 16, 2021, respondent issued ATA check #1586 to Gonzalez, in the amount of \$4,330.51, which represented the net proceeds of the settlement.

Respondent's three disbursements from the ATA reduced the Gonzalez client ledger balance to \$340.83. However, respondent was required to hold \$5,340.83, on Gonzalez's behalf, for anticipated payments to the medical providers identified in the settlement statement.

On January 20, 2022, respondent cured the shortage by depositing \$5,000 from his ABA to his ATA. On June 10, 2022, respondent disbursed the remaining \$5,340.83 to the medical providers.

Respondent's duplicate disbursement of counsel fees in the Gonzalez matter created a shortage that persisted from August 28, 2020 through January 20, 2022. He asserted that he had mistakenly paid himself twice for counsel fees because he made multiple deposits on the same date, which he recorded on his general ledger.

### The Carlos Mosquera Matter

On or about May 9, 2015, Carlos Mosquera retained respondent to represent him in connection with personal injuries he sustained in an automobile accident.

On February 4, 2018, prior to receiving any settlement funds in the Mosquera matter, respondent issued ATA check #1269, in the amount of \$5,000, to his firm.

More than one year later, on August 9 and August 14, 2019, respondent received two settlement checks in the Mosquera matter, totaling \$34,500, which he deposited in his ATA.

On August 21, 2019, respondent issued ATA check #1415, in the amount of \$11,000, to his firm for counsel fees and expenses associated with the Mosquera matter. On October 15, 2019, respondent issued ATA check #1422 to Dr. Haidri, in the amount of \$156.34, for the payment of medical expenses. That same date, respondent also issued ATA check #1421 to Mosquera, in the amount of \$23,243.66, which represented the net proceeds of the settlement.

Respondent's three disbursements from the ATA left a negative ledger balance in the Mosquera matter of \$5,000. On June 10, 2022, respondent cured the shortage by depositing \$5,000 from his ABA to his ATA. Respondent's over-

disbursement in the Mosquera matter created an ATA shortage that persisted from October 15, 2019 through June 10, 2022.

Respondent asserted that his mistaken belief that he already had received the settlement funds in the Mosquera matter at the time he issued the first ATA check led to the negative client ledger balance. He further asserted that, at the time, he represented multiple clients named Carlos, which led to his confusion.

#### The Iran Olivera Matter

On or about September 26, 2014, Iran Olivera retained respondent to represent him in connection with injuries sustained in an automobile accident. On March 15, 2017, respondent deposited a \$15,000 settlement check in the Olivera matter in his ATA.

On March 17, 2017, respondent issued ATA check #1187, in the amount of \$4,000, to his firm. On April 24, 2017, he issued ATA check #1192, in the amount of \$1,476.33, to his firm.

On February 15, 2019, respondent issued ATA check #1371 to Olivera, in the amount of \$9,650.27, which represented the net proceeds of the settlement. Three days later, on February 18, 2019, respondent issued ATA check #1372, in the amount of \$1,349.73, to his firm.



Respondent's four disbursements from the ATA left a negative ledger balance in the Olivera matter of \$1,476.33. On June 10, 2022, respondent cured the shortage by depositing \$1,476.33 of ABA funds in his ATA.

Respondent's over-disbursement in the Olivera matter caused an ATA shortage that persisted from February 18, 2019 through June 10, 2022. He asserted that a mathematical error led to the negative client ledger balance.

As of February 23, 2023, respondent had corrected all of his recordkeeping deficiencies, rectified all trust account shortages, and complied with R. 1:21-6.

Based on the foregoing, the formal ethics complaint charged respondent with having violated RPC 1.15(a) (four instances) by negligently misappropriating client funds in connection with four client matters, RPC 1.15(d) by failing to maintain his books and records in accordance with R. 1:21-6, and RPC 8.1(b) by failing to cooperate with the disciplinary authorities.

### **The Ethics Proceeding**

Prior to the commencement of the ethics hearing, the parties entered a joint stipulation of facts in which respondent largely admitted to the facts underlying this matter. During the January 24, 2024 ethics hearing, the DEC

hearing panel heard testimony from the OAE disciplinary investigator and respondent.

The OAE investigator testified concerning the six recordkeeping violations initially revealed by the 2019 random audit. Specifically, he explained that the audit revealed that respondent had failed to maintain client ledger cards and, instead, kept a general ledger reflecting all receipts and disbursements for all client matters, without the individual three-way reconciliations that would have enabled him to promptly identify potential errors. Consequently, this led to negligent misappropriation of entrusted funds through over-disbursements and duplicate payments across four client matters.

The investigator further recounted the OAE's exhaustive efforts to obtain additional financial records from respondent that would have enabled it to close the random audit and subsequent investigation, including numerous letters, e-mails, and telephone calls. The investigator explained that, although respondent had provided some responsive documentation, including the recreated client ledger cards, he failed to explain the inactive balances and shortages in his ATA.

During cross examination, the investigator testified that respondent had failed to provide the additional documents requested in the OAE's July 22, 2022 letter, including copies of his updated client ledger cards for the specific client matters identified in respondent's June 10 and June 13, 2022 correspondence.

Respondent's line of questioning on cross-examination partially focused on whether, prior to setting deadlines for the production of documents, the OAE confirmed with respondent whether he or his accountant could, in fact, comply with the deadlines. The investigator testified that the OAE had selected deadlines that provided respondent with a reasonable amount of time within the Rules to submit a written reply that was "fully responsive" to the OAE's requests. The investigator further testified that the OAE was aware that respondent needed time to recreate and reconcile his financial records because he had failed to maintain those records in accordance with the Rules.

The investigator acknowledged that respondent "eventually" provided the documents and, further, that there was no evidence that he sought to conceal or withhold any information from the OAE. The investigator further testified that the OAE identified respondent's recordkeeping deficiencies, including the four ATA shortages, only after he provided his reconstructed financial records. However, the investigator explained that the OAE was unable to fully determine what deficiencies existed, or the extent of any potential ATA shortages, without access to respondent's recreated and updated client ledger cards.

For his part, respondent testified that he had his "own form of recordkeeping" which he admitted failed to comply with R. 1:21-6. He conceded that he failed to maintain client ledger cards and explained that he maintained

his records as best he could and in the same way the records were maintained at his prior firm. He testified that the audit was the first time anyone had explained to him how he was required to maintain his firm's financial records. He admitted that the errors would not have occurred if he had prepared individual client ledger cards. Respondent reiterated, however, that all the information included in the reconstructed client ledger cards was on his general ledger.

Respondent admittedly over-disbursed client funds in the Gonzalez, Flores, Olivera, and Mosquera matters but emphasized that they represented four mistakes out of "thousands upon thousands" of checks and "hundreds and hundreds of entries." He further asserted that he discovered the discrepancies and provided them to the OAE. Further, when he discovered the errors, he replenished the funds. He stated that the large gap in time during which he failed to rectify the shortages was due to his recordkeeping deficiencies. He emphasized that he did not act intentionally or take anything that did not belong to him, and that the affected clients did not suffer any harm. He added that he had corrected the mistakes and "owned up to them," and, therefore, could not understand why the OAE had filed an ethics complaint against him.

Respondent repeatedly disputed that he had failed to cooperate with the OAE. Rather, he asserted that, at no point, did he intentionally obstruct the investigation, refuse to appear, refuse to open his books, refuse to provide

documentation, or attempt to conceal his mistakes. Indeed, he claimed that the letters he received from the OAE were in response to him submitting information. He further testified that whenever he submitted something to the OAE he would receive a follow up letter “within 15 minutes” seeking additional documents.

Respondent further explained that the personal issues that occurred at the time made it “impossible” to “get everything done within the time that the OAE wanted it done.” He testified that “during the investigatory period” he unexpectedly lost his father and grandfather and he “had an accident where [he] had to have two cervical disks replaced.” He also testified that he was in the middle of a divorce and had to move out of his house.

On cross-examination, respondent admitted that he was required to recreate his records because he failed to maintain the required three-way reconciliations or client ledger cards.

In response to questioning by the panel members, respondent testified that his father passed away on April 4, 2020; his grandfather passed away on June 7, 2020; and that he suffered a “fall down accident” on August 4, 2021.

### Respondent's Written Summation

In his written summation to the hearing panel, respondent admitted that his financial records failed to comply with R. 1:21-6; however, he disputed the OAE's allegation that he failed to make any effort to bring his records into compliance. Rather, he maintained that he "had no knowledge that the books and records had to be maintained in the manner prescribed in R. 1:21-6."

Respondent asserted that he never intentionally misappropriated client funds, none of the four clients were harmed, and he immediately rectified the negative balances as soon as he discovered his errors. He disputed having "negligently misappropriated" any client funds.

Next, respondent argued that he did not violate RPC 8.1(b), as the OAE alleged, because he never stopped responding to the OAE's ongoing requests for his records. He asserted that nothing in the record established that he interfered with the investigation or attempted to conceal or withhold any documents. He also argued that the OAE had requested documents dating back to 2014, which took a significant amount of time to compile and recreate.

Although respondent acknowledged that there were a few instances when he "may have missed a deadline and not communicated prior to the deadline," he asserted that "was only when [he] had significant personal issues which arose on a limited number of occasions during the investigation." Respondent further

argued that nothing in the record established that he failed to cooperate, and he maintained that he had provided all the requested documents prior to the OAE filing the ethics complaint against him.

### The OAE's Written Summation

The OAE, in its written summation to the hearing panel, argued that respondent had admitted to the facts underlying the RPC 1.15(a) charge. Specifically, respondent conceded that he had over-disbursed settlement funds in all four client matters. Further, citing disciplinary precedent discussed below, the OAE argued that his subsequent replenishment of the trust shortages did not absolve him of the misconduct.

Next, the OAE asserted that respondent admittedly failed to maintain his financial books and records in accordance with R. 1:21-6, in violation of RPC 1.15(d). Specifically, he testified that he maintained a single handwritten ledger and admitted that he had failed to maintain client ledger cards or to perform three-way reconciliations, as the Rule expressly requires. According to the OAE, respondent's claim of ignorance of his recordkeeping obligations and his subsequent efforts to bring his records in compliance with the Rule, did not nullify his violation of the Rule.

Finally, the OAE argued that respondent's partial cooperation nevertheless amounted to a failure to cooperate within the meaning of RPC 8.1(b).

In mitigation, the OAE acknowledged the impact of respondent's personal and medical issues. In aggravation, the OAE urged the hearing panel to consider respondent's continued refusal to accept his wrongdoing. Specifically, the OAE pointed to respondent having stipulated to the facts underpinning his misconduct but then attempting to minimize it as merely "a few instances" where he "may have missed a deadline." Rather, the OAE emphasized that respondent had, in fact, missed at least nine deadlines and ceased communication with the OAE for periods of several weeks to several months.

Moreover, the OAE argued that respondent admitted throughout the investigation that he had failed to maintain his books and records in accordance with the Rules, but also continued to assert that, by keeping his general ledger, he had maintained his books and records. Likewise, respondent admitted to erroneously over-disbursing client funds in the four client matters; however, in his written summation, he denied having negligently misappropriated any client funds.

In recommending the imposition of a reprimand or a censure, the OAE cited relevant disciplinary precedent, discussed below, in which attorneys



received reprimands for their negligent misappropriation of entrusted funds due to poor recordkeeping practices.

### **The Hearing Panel's Findings**

The hearing panel found, by clear and convincing evidence, that respondent violated RPC 1.15(a) and RPC 1.15(d). However, the panel concluded that the evidence did not clearly and convincingly establish respondent's violation of RPC 8.1(b).

Specifically, the hearing panel found that respondent violated RPC 1.15(d) by his admitted failure to comply with the recordkeeping requirements of R. 1:21-6. The panel also found that respondent violated RPC 1.15(a) by issuing payments from his ATA that left negative client ledger balances in the four client matters. The panel noted that, contrary to respondent's argument, negative client balances, even those stemming from inadvertence or poor recordkeeping practices that are later replenished, constitute negligent misappropriation.

With respect to the RPC 8.1(b) charge, the panel noted that the OAE acknowledged that respondent had provided all the information and documents prior to the conclusion of the investigation. The panel further determined that the OAE failed to present clear and convincing evidence that respondent's

failure to timely respond to its demands were “knowing or intentional.” Rather, in the panel’s view, the evidence suggested that respondent acted negligently by failing to secure extensions of time when needed. The panel also considered that, during the relevant period of the investigation and around the time he failed to meet the OAE deadlines, he experienced major life issues, including: (1) both he and his child contracted COVID-19, which resulted in him needing to quarantine and miss three weeks of work; (2) he was in an accident in which he sustained injuries that required two different surgeries; (3) he lost both his father and grandfather in rapid succession; and (4) he was going through a divorce. Further, the panel noted that respondent had informed the OAE that he was working with an accountant to recreate the records and address the deficiencies.

Ultimately, the panel concluded that, although respondent’s delays in providing the information prolonged the OAE’s investigation, the disciplinary precedent upon which the OAE relied was “inapplicable” because the attorneys in those matters, unlike here, either demonstrated a clear unwillingness to cooperate or failed to produce the requested documents at any time during the investigation.

In mitigation, the panel considered respondent’s lack of prior discipline; his admission that his recordkeeping practices were deficient; that he was

suffering from health and personal issues during the relevant period; that his misconduct was not for personal gain; and the clients did not suffer any harm.

Based on disciplinary precedent, the hearing panel recommended the imposition of a reprimand or a censure. As a condition, the panel recommended that respondent be required to submit his monthly ATA reconciliations to the OAE, on a quarterly basis, for a period of two years.

### **The Parties' Positions Before the Board**

Neither party submitted a brief for our consideration.

During oral argument, the OAE reiterated that the undisputed facts clearly and convincingly established respondent's failure to cooperate with its investigation. The OAE emphasized that the investigation spanned one year and seven months, during which respondent failed to reply to numerous document requests despite the OAE having granted multiple extensions of time to provide his records. Citing In re Palfy, 225 N.J. 611 (2016), the OAE argued that partial cooperation is disruptive to a full and fair investigative process.

The OAE asserted that, although respondent encountered personal issues during the span of the investigation, he continued to maintain an active legal practice and, thus, had the capacity, as well as the duty, to maintain, preserve, and produce his financial records.

Respondent, for his part, adamantly disagreed that he failed to cooperate with the OAE. In response to our questioning during oral argument, he asserted that the delay in producing his financial records to the OAE was a direct result of having to wait for his accountant to recreate his records. He explained that he had his “own way” of maintaining the records and, thus, it took “a long time” to recreate the records because the OAE required individual client ledger cards. He further asserted that when he did provide his records, the OAE immediately issued a new request for additional records, which led to further delays.

When we questioned why it took more than three years from the initial random audit to recreate his records, despite having the assistance of an accountant, respondent explained that he had an active personal injury practice that involved thousands of trust account transactions that he needed to recreate. He further explained that he also underwent surgery during the investigation, which led to further delays.

Respondent emphasized that the OAE never discovered independently any of the recordkeeping discrepancies; rather, he underscored that he, and not the OAE, had discovered the negligent misappropriation in the four client matters, which he asserted was evidence of his cooperation.

## **Analysis and Discipline**

### *Violations of the Rules of Professional Conduct*

Following our de novo review of the record, we are satisfied that the DEC's conclusion that respondent committed unethical conduct is fully supported by clear and convincing evidence. We did not, however, adopt all of the DEC's findings.

Specifically, the record clearly demonstrates that, as the result of his recordkeeping deficiencies, respondent negligently misappropriated and, thus, failed to safeguard client funds, in the Gonzalez; Flores; Olivera; and Mosquera matters, in violation of RPC 1.15(a). Respondent's recreated financial records, upon which the OAE relied, revealed that he over-disbursed client funds in each of the four client matters, which resulted in trust shortages totaling \$16,488. These negative account balances spanned at least eighteen months, with one negative balance persisting for more than three years, until respondent recreated his financial records and replenished the shortages. By maintaining negative trust account balances, respondent failed to safeguard client funds that he was required to hold, inviolate.

As the OAE observed, it is well-established that inadequate recordkeeping practices that result in the "over-disbursement" of trust funds violate RPC 1.15(a) and warrant discipline. See In the Matter of David C. Steinmetz, DRB

21-062 (October 29, 2021) (the attorney mistakenly over-disbursed funds causing negative balances in his ATA; as a result of his recordkeeping infractions, the attorney disbursed funds for legal fees without having the corresponding deposits in this trust account; we concluded that the attorney's conduct constituted negligent misappropriation), so ordered, 251 N.J. 216 (2022).<sup>4</sup>

Furthermore, contrary to respondent's argument, it is well-settled that the act of rectifying a trust shortage does not negate the negligent misappropriation. See In re Miranda, 255 N.J. 353 (2023) (the attorney negligently misappropriated client funds across thirteen client matters, in violation of RPC 1.15(a), even though the attorney fully replenished the client funds), and In re Henning, 256 N.J. 102 (2023) (the attorney negligently misappropriated client funds in connection with eight client matters, in violation of RPC 1.15(a), notwithstanding the attorney having promptly replenished the funds prior to the filing of the ethics complaint).<sup>5</sup>

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<sup>4</sup> The additional case cited by the OAE in its summation brief to the DEC is in accord. See In re Clemens, 202 N.J. 139 (2010) (the attorney was found to have negligently misappropriated client funds in violation of RPC 1.15(a) after his deficient recordkeeping practices caused a \$17,000 shortage in his trust account).

<sup>5</sup> The additional case cited by the OAE in its summation brief to the DEC is in accord. See In re Cameron, 221 N.J. 238 (2015) (the attorney was found to have negligently misappropriated client funds in violation of RPC 1.15(a) after he over-disbursed funds from his trust account in connection with a real estate transaction, despite his efforts to promptly replenish the funds).

Next, respondent admittedly violated RPC 1.15(d) by failing to comply with the recordkeeping requirements of R. 1:21-6. Specifically, he stipulated that he failed to (1) properly designate his ABA and ATA; (2) conduct monthly three-way reconciliations of his ATA; (3) disburse inactive trust ledger balances for an extended period; (4) resolve client ledger cards with debit balances; and (5) maintain sufficiently detailed deposit slips.

It was not until February 2023 – more than three years after the OAE’s September 2019 demand audit – that respondent corrected all of his recordkeeping deficiencies. Moreover, his failure to promptly produce the requested documents to the OAE makes clear that he did not maintain adequate attorney financial records. Thus, respondent violated RPC 1.15(d), in various aspects, over a prolonged period.

Although respondent asserted that he had no knowledge that he was required to maintain his financial books and records in accordance R. 1:21-6, his ignorance of the Rule is not a defense to the misconduct. See In re Berkowitz, 136 N.J. 134, 147 (1994) (“Lawyers are expected to be fully versed in the ethics rules that regulate their conduct. Ignorance or gross misunderstanding of these rules does not excuse misconduct”), and In re Goldstein, 116 N.J. 1, 5 (1989) (“Ignorance of ethics rules and case law does not diminish responsibility for an ethics violation”).

Finally, we respectfully part ways with hearing panel’s determination that the record lacked clear and convincing evidence to establish respondent’s violation of RPC 8.1(b), which requires an attorney to “respond to a lawful demand for information from . . . [a] disciplinary authority.”

It is well-settled that partial cooperation with a disciplinary authority’s lawful demands for information does not satisfy an attorney’s obligation pursuant to the Rules and can result in a finding that the attorney violated RPC 8.1(b). See e.g., In re Sheller, 257 N.J. 495 (2024) (although the attorney timely replied to the OAE’s correspondence, he admittedly failed to bring his financial records into compliance, despite the OAE’s extensive efforts spanning fourteen months; indeed, on at least four occasions, the OAE provided the attorney with specific guidance on how to correct his records; notwithstanding the OAE’s repeated good faith efforts to accommodate him, his submissions consistently remained deficient; we, thus, determined that the attorney violated RPC 8.1(b)); In re Higgins, 247 N.J. 20 (2021) (the attorney failed, for more than seventeen months, to comply with the OAE’s numerous requests for information regarding the matters under investigation, necessitating his temporary suspension; although the attorney ultimately filed a reply to the ethics grievance, brought his records into compliance, and stipulated to his misconduct, we concluded that his lengthy period of non-compliance constituted a failure to cooperate); In re Palfy,



225 N.J. 611 (2016) (wherein we viewed the attorney’s partial “cooperation as no less disruptive and frustrating than a complete failure to cooperate[,]” noting that “partial cooperation can be more disruptive to a full and fair investigation, as it forces the investigator to proceed in a piecemeal and disjointed fashion”).<sup>6</sup>

Here, like the attorney in Sheller, respondent submitted replies to some of the OAE’s correspondence but admittedly failed to reply to at least eight of the OAE’s requests for information. Moreover, he repeatedly failed to provide complete financial records to the OAE, as he had been directed to do and was required, by Court Rule, to maintain. In addition, between August 2021 and December 2022, the OAE granted him several extensions to provide his financial records, considering his personal circumstances and to allow his accountant sufficient time to prepare his ATA reconciliations. Although respondent argued to the hearing panel that his personal and medical issues significantly impacted his ability to provide the information, the dates of those issues potentially coincided with only two of the eight failures to reply to the OAE’s requests.

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<sup>6</sup> The additional cases cited by the OAE in its summation brief to the DEC are in accord. See In re Hediger, 253 N.J. 565 (2023) (the attorney violated RPC 8.1(b) by providing incomplete financial records in reply to numerous requests from the OAE), and In re Linder, 2022 N.J. LEXIS 738 (September 14, 2022) (the attorney violated RPC 8.1(b) by providing incomplete financial records in reply to numerous requests from the OAE; the attorney asserted that the failures were unintentional and caused, in part, by personal issues, including a medical issue involving a family member).

Moreover, in September 2021 and February 2022, the OAE granted extensions to dates proposed by respondent. Nevertheless, he failed to provide the requested documents by the dates he proposed. In fact, each time respondent failed to reply to a request, the OAE followed up with a new extended deadline.

Respondent's failure to comply with the recordkeeping requirements of R. 1:21-6 resulted in his negligent misappropriation of client funds; his inability to reconcile his ATA until he retained the services of an accountant to recreate his financial records; and his subsequent inability to promptly cooperate with the OAE's investigation. An attorney who fails to comply with the requirements of R. 1:21-6 "in respect of the maintenance, availability[,] and preservation of accounts and records[,] or who fails to produce or to respond completely to questions regarding such records as required[,] shall be deemed to be in violation of R.P.C. 1.15(d) and R.P.C. 8.1(b)." R. 1:21-6(i). Moreover, respondent's cooperation in other aspects of the disciplinary process does not excuse his admitted failure to timely provide complete replies to the OAE's demand for the information. Thus, we determine that there is clear and convincing evidence that respondent did, in fact, violate RPC 8.1(b).

In sum, we find that respondent violated RPC 1.15(a), RPC 1.15(d), and RPC 8.1(b). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

### Quantum of Discipline

Generally, a reprimand is the appropriate discipline for negligent misappropriation caused by poor recordkeeping practices, even when accompanied by less serious infractions. See, e.g., In re Sherer, 250 N.J. 151 (2022) (reprimand for an attorney who, as a consequence of poor recordkeeping, committed a single act of negligent misappropriation by issuing a \$36,097.03 ATA check to himself, thereby over-disbursing \$3,366.69 that he was required to hold, inviolate, for eleven clients; additionally, for a two-week period, the attorney commingled \$8,747 in personal funds in his ATA; the attorney also failed to cooperate with the OAE's demand audit, and he failed to reimburse the clients impacted by his negligent misappropriation, resulting in harm to those parties; in mitigation, the attorney had no prior discipline in a thirty-six-year legal career and was no longer practicing law); In re Steinmetz, 251 N.J. 216 (2022) (reprimand for an attorney who committed numerous recordkeeping violations, negligently misappropriated more than \$60,000, and commingled personal funds in his ATA; he failed to correct his records; in mitigation, the attorney had no prior discipline in sixteen years at the bar, hired an accountant to assist with his records, and no clients were harmed by his misconduct); In re Osterbye, 243 N.J. 340 (2020) (reprimand for an attorney whose poor recordkeeping practices resulted in four distinct instances of negligent

misappropriation, totaling \$4,552.53, impacting the funds of clients and others in connection with real estate transactions; his inability to demonstrate to the OAE that had corrected his recordkeeping practices, despite multiple opportunities to do so, also violated RPC 8.1(b); the attorney also commingled \$225 in personal funds he received from his tenant; no prior discipline).

Admonitions typically are imposed for failure to cooperate with disciplinary authorities, if the attorney does not have an ethics history, if the attorney's ethics history is remote, or if compelling mitigation is present. The quantum of discipline is enhanced, however, if the failure to cooperate is with an arm of the disciplinary system, such as the OAE, which uncovers recordkeeping improprieties in an ATA and requests additional documents. See, e.g., In re Schlachter, 254 N.J. 375, 376 (2023) (reprimand for an attorney who committed recordkeeping violations, including failure to maintain adequately descriptive receipts and disbursements journals, ledger cards, and checkbooks with running balances; the attorney also failed to properly designate his ATA and to retain checks for seven years; the attorney repeatedly failed, for almost a year, to comply with the OAE's numerous record requests and ultimately provided only a portion of the requested records; although the OAE attempted to help the attorney take corrective action, he remained non-compliant with the recordkeeping Rules; in mitigation, his misconduct resulted in no harm to his

clients and he had no disciplinary history in sixteen years at the bar); In re Leven, 245 N.J. 491 (2021) (reprimand for an attorney who, following two OAE random audits uncovering numerous recordkeeping deficiencies, including an unidentified client ledger card that held a negative \$50,200.35 balance, repeatedly failed, for more than three months, to comply with the OAE's requests for his firm's financial records; thereafter, for more than eight months, the attorney repeatedly assured the OAE that he would provide the required records but failed to do so, despite two Court Orders directing him to cooperate; the attorney, however, provided some of the required financial records; we found that a censure could have been appropriate for the attorney's persistent failure to address his recordkeeping deficiencies and his prolonged failure to cooperate with the OAE; however, we imposed a reprimand in light of the lack of injury to the clients and the attorney's remorse, contrition, and otherwise unblemished forty-seven-year career at the bar); In re Tobin, 249 N.J. 96 (2021) (censure for an attorney who, following an OAE random audit that uncovered several recordkeeping deficiencies (including more than \$800,000 in negative client balances), failed to provide the documents requested in the OAE's seven letters and eight telephone calls, spanning more than one year; although we noted that a reprimand was appropriate for the attorney's recordkeeping violations and failure to cooperate, we imposed a censure in light of the

attorney's prior reprimand for recordkeeping violations and the default status of the matter; in mitigation, the attorney had been practicing law for sixty-three years and suffered serious health problems prior to the continuation date of the random audit).<sup>7</sup>

Here, like the reprimanded attorneys in Sherer, Steinmetz, and Osterbye, respondent's poor recordkeeping practices caused the negligent misappropriation of client funds. Further, the censured attorney in Tobin, unlike respondent, had prior discipline and allowed the matter to proceed as a default. Thus, based upon precedent, we conclude that the baseline discipline for respondent's misconduct is a reprimand. To craft the appropriate discipline in this case, however, we also consider aggravating and mitigating factors.

In aggravation, respondent has refused to accept full responsibility for his misconduct. Specifically, although he admitted that his poor recordkeeping resulted in negative client balances, he asserted that nothing in the record supported the OAE's contention that he "negligently misappropriated" any client funds. Moreover, although he stipulated that he failed to reply to OAE

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<sup>7</sup> The additional cases cited by the OAE in its summation brief to the DEC are in accord. See e.g., In the Matter of Kevin D. Sisco, DRB 19-462 (April 21, 2020) (admonition); In the Matter of Joseph Gachko, DRB 17-359 (January 23, 2018) (admonition); In the Matter of Michael C. Dawson, DRB 15-242 (October 20, 2015) (admonition).

requests by the stated deadlines, he argued that nothing in the record established that he failed to cooperate.

In mitigation, respondent experienced personal and medical issues at some point during the random audit or investigation. However, we accord this consideration minimal weight in view of the contradictory evidence concerning the timing of those events. Specifically, in his June 6, 2022 e-mail to the OAE, he claimed that his father “passed away unexpectedly and a few weeks later [his] grandfather passed away of a heart attack.” However, he testified at the ethics hearing that his grandfather passed away on June 7, 2020. He also testified that his father passed away in 2020, not 2022, as inferred by his e-mail.

Assuming respondent simply misspoke when he testified the year was 2020, that timeframe would only account for respondent’s failure to reply to the OAE’s February 17 and May 4, 2022 letters. Moreover, if the events occurred in 2022 as respondent implied in his e-mail to the OAE concerning his grandfather’s death, he sent that e-mail on June 6, the day before his grandfather died.

In further mitigation, respondent has no formal discipline in his eighteen-year career.

## **Conclusion**

On balance, we find the aggravating and mitigating factors to be in equipoise. Accordingly, we determine that a reprimand is the quantum of discipline required to protect the public and preserve confidence in the bar.

Additionally, as a condition to his discipline, we recommend that respondent be required to submit to the OAE, on a quarterly basis, his monthly three-way reconciliations for a period of two years.

Members Hoberman and Menaker voted to impose a censure with the same condition.

Member Campelo 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, P.J.A.D. (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 Ramon A. Camejo  
Docket No. DRB 24-248

Argued: January 16, 2025

Decided: April 16, 2025

Disposition: Reprimand.

<i><b>Members</b></i>	Reprimand	Censure	Absent
Cuff	X		
Boyer	X		
Campelo			X
Hoberman		X	
Menaker		X	
Modu	X		
Petrou	X		
Rodriguez	X		
Spencer	X		
Total:	6	2	1

/s/ Timothy M. Ellis

Timothy M. Ellis  
Chief Counsel