

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-300
District Docket No. XIV-2023-0206E

In the Matter of Daniel J. McCracken
An Attorney at Law

Argued
March 20, 2025

Decided
June 9, 2025

HoeChin Kim appeared on behalf of
the Office of Attorney Ethics.

Respondent waived appearance for oral argument.

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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 pursuant to R. 1:20-6(c)(1).¹ The Office of Attorney Ethics (the OAE) charged respondent with having violated RPC 1.5(c) (failing to provide an accounting at the conclusion of a contingent fee matter); RPC 1.15(a) (commingling funds); RPC 1.15(a) (negligently misappropriating entrusted funds); RPC 1.15(a) (two instances – failing to safeguard funds); RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6); and RPC 5.3(a), (b), and (c)(3) (failing to supervise nonlawyer staff).

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 2011. During the relevant period, he maintained a practice of law in Audubon, New Jersey. Subsequently, in or about August 2022, he closed his Audubon office.

¹ That Rule provides that the pleadings and a statement of the procedural history of the matter may be filed directly with us, without a hearing, if the pleadings do not raise genuine disputes of material fact, respondent does not request an opportunity to be heard in mitigation, and the presenter does not request to be heard in aggravation.

Facts

During the relevant period, respondent maintained five attorney accounts at PNC Bank:

- Attorney Trust Account (ATA);
- Attorney Business Account ending in 2011 (ABA 2011) (closed in December 2021);
- Attorney Business Account ending in 9272, which he intended to be an ATA and called an escrow account (Escrow 9272) (closed in December 2021);
- Attorney Business Account ending in 6638 (ABA 6638) (opened in November 2021 and closed in December 2022); and
- “business interest checking account” ending in 1838, intended to be an ATA (ATA 1838)² (opened in February 2022).

On May 25, 2023, Lisa Smalls filed a “consumer complaint,” alleging that respondent’s former office manager, Christa Rosenheim (who operated a mortgage foreclosure company, unrelated to respondent’s firm), “withdrew over \$43,000 of [Smalls’] funds intended for a mortgage assistance program.”³

² Although respondent did not open ATA 1838 as an ATA or register it with the IOLTA Fund, he intended it to be an ATA and IOLTA account, as he designated it “MCCRACKEN LAW LLC, ATTY TRT ACCT” on his bank statements and “MCCRACKEN LAW LLC, IOLTA ACCOUNT” on his preprinted checks.

³ The record does not include Smalls’ complaint, information regarding the agency to which it was initially directed, or information regarding the outcome of any associated investigation into Rosenheim’s conduct, including any finding regarding whether or not she misused Smalls’ funds.

Rosenheim served as respondent's office manager for approximately a year before resigning in August 2021. While employed by respondent, she oversaw his attorney accounts, including Escrow 9272 and ABA 2011, and was a signatory on these accounts.

As indicated above, independent of respondent's law practice, Rosenheim operated a mortgage foreclosure assistance company, First Foreclosure Defense Company, which she managed under New Jersey Law Group, LLP (NJLG) "and then briefly with respondent's office."⁴ Smalls hired Rosenheim under the auspices of First Foreclosure and authorized Rosenheim to make monthly debit withdrawals of \$1,340.50 from her bank account. Subsequently, Rosenheim deposited most of these monthly withdrawals in accounts associated with her separate business. However, she steered two of the monthly debits to respondent's attorney accounts – the May 2021 withdrawal, to Escrow 9272, and the June 2021 withdrawal, to ABA 2011. She thereafter disbursed the funds from those accounts to her First Foreclosure account.⁵

In December 2021, approximately four months after Rosenheim's August resignation, respondent closed the Escrow 9272 and ABA 2011 accounts.

⁴ It is unclear what the OAE meant by its allegation in the formal ethics complaint that Rosenheim managed her mortgage foreclosure assistance company "briefly with respondent's office," and the record contains no related exhibits.

⁵ The complaint indicates that each of these deposits was for \$1,340, not \$1,340.50.

During the OAE's investigation, respondent indicated that, although he knew Rosenheim ran a real estate business, he had no connection to its operations. Moreover, he stated that he did not know Smalls and had never represented her. In addition, he denied authorizing Rosenheim to use his attorney accounts for NJLG/First Foreclosure and stated that he had not known she did so, as he concededly failed to review the bank statements for his various attorney accounts during the relevant time.

The OAE also contacted Smalls in connection with its investigation. However, she indicated that her concerns pertained only to Rosenheim's misconduct and, accordingly, declined to take part in the OAE's investigation.

Based on Rosenheim's deposit of Smalls' funds in respondent's attorney accounts, the OAE charged him with violating RPC 1.15(a) by failing to safeguard funds of third persons held in an attorney trust account and by commingling funds not related to any representation in the same account. The OAE further charged respondent with violating RPC 5.3(a), (b), and (c)(3) by failing to supervise Rosenheim to ensure that her conduct was compatible with his professional obligations.

The OAE's related demand audit, conducted in June 2024, revealed additional deficiencies associated with respondent's attorney accounts and recordkeeping practices. The most significant of these concerned an estate

matter that respondent had settled for a client in February 2022 (the Estate Matter). In connection with the Estate Matter, respondent received and deposited, in his newly opened ATA 1838, checks for (1) the client's \$114,000 share of the estate; (2) payment of the client's portion of the estate accountant's fee; and (3) payment of the client's portion of a credit card debt owed by the estate.

Respondent timely issued a check to the accountant; a check in the amount of \$8,551.24, payable to Estate Information Services, L.L.C. (EIS), for his client's portion of the estate's credit card debt; and a check in the amount of \$73,333.25 to his client, reflecting the net proceeds of the settlement. When respondent sent the check to his client, he failed to provide an accompanying statement reflecting the costs, expenses, and legal fees deducted from the \$114,000 settlement; rather, he provided only a cover letter, indicating that he had reduced his one-third contingent legal fee to 32.5 percent.

Respondent's client and the accounting firm promptly negotiated their checks. In contrast, EIS never negotiated its check and, according to respondent, never contacted him to state it had not received payment.

In September 2023, respondent discovered that he still held \$8,589.25 in ATA 1838. Not realizing that the EIS check remained outstanding, he mistook the funds for legal fees owed to himself. Subsequently, between mid-September

and mid-December 2023, he made eight cash withdrawals, totaling \$8,500, from ATA 1838.

Following the last of these cash withdrawals, the balance in ATA 1838 was reduced to \$22.23. In January and February 2024, bank service charges further reduced the balance to (\$33.77) and, thereafter, the bank closed the account.

The demand audit of respondent's financial books and records also revealed that he failed to (1) conduct monthly reconciliations for Escrow 9272 and ATA 1838; (2) maintain receipts and disbursements journals for Escrow 9272, ATA 1838, ABA 2011, and ABA 8838; and (3) review the monthly bank statements for his attorney accounts throughout the relevant period. Moreover, after closing his Audubon office in August 2022, he admittedly failed to provide PNC Bank with an updated address.

The OAE informed respondent that, in its view, his failure to keep track of checks issued from his attorney accounts prevented him from realizing, in September 2023, that the funds in ATA 1838 were not his fees but, rather, were a payment owed to a third party. Subsequently, the OAE directed respondent to open a new account, deposit the sum of \$8,551.24, and to remit those funds to the Superior Court Trust Fund (the SCTF).

Based on respondent's handling of the client's settlement funds in the Estate Matter and his recordkeeping practices, the OAE charged him with having violated RPC 1.5(c) by failing, upon conclusion of a contingent fee matter, to "provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination," and RPC 1.15(a) by failing to safeguard client funds and by negligently misappropriating entrusted funds.

Further, the OAE charged respondent with having violated RPC 1.15(d) by failing to comply with the R. 1:21-6 recordkeeping provisions, as follows: (1) failing to designate his attorney trust account and the associated deposit slips and checks as "Attorney Trust Account," or an IOLTA account as "IOLTA Attorney Trust Account," as required by R. 1:21-6(a); (2) failing to designate his attorney business account and the corresponding deposit slips and checks as "Attorney Business Account," "Attorney Professional Account," or "Attorney Office Account," as required by R. 1:21-6(a); (3) failing to complete and maintain monthly receipts and disbursements journals for his attorney trust and attorney business accounts, as required by R. 1:21-6(c)(1)(A); (4) failing to make all trust account withdrawals by check only, as required by R. 1:21-6(c)(1)(A); and (5) failing to conduct monthly three-way reconciliations, as required by R. 1:21-6(c)(1)(H).

In his verified answer, respondent admitted all factual allegations and charged violations of the Rules of Professional Conduct set forth in the formal ethics complaint. Respondent did not reply to two requests from the OAE, seeking confirmation that he did not desire a mitigation hearing. For its part, the OAE did not request a hearing in aggravation.

The Parties' Positions Before the Board

Respondent did not submit a brief for our consideration and waived his appearance at oral argument, having concurred with the OAE's conclusions and recommendations before us.

The OAE, in both its brief to us and during oral argument, reiterated the facts and allegations contained in the formal ethics complaint and asserted that a reprimand was the appropriate level of discipline for respondent's misconduct.

Specifically, the OAE asserted that an admonition or a reprimand typically is imposed when an attorney's failure to supervise nonlawyer staff results in the misappropriation of entrusted funds. Here, the OAE argued, respondent's failure to supervise Rosenheim allowed her to use Escrow 9272 as "her own personal business account, into which funds from a customer of her foreclosure business were deposited." However, recognizing that Rosenheim's actions had not resulted in any invasion of entrusted client funds, the OAE urged that an

admonition would be appropriate for respondent's violations of RPC 5.3, as well as the RPC 1.15(a) violations stemming from Rosenheim's deposit of Smalls' May 2021 bank debit in Escrow 9272.

The OAE further urged that a reprimand typically results when a lawyer negligently misappropriates funds as a result of poor recordkeeping practices.

In mitigation, the OAE acknowledged that respondent has no prior discipline since his 2011 admission to the bar.

As a condition of discipline, the OAE recommended that respondent be required to turn over to the SCTF the sum of \$8,551.24, the amount corresponding to the unnegotiated EIS check in the Estate Matter.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we conclude that the facts in this matter clearly and convincingly support most, but not all, of the charged violations of the Rules of Professional Conduct.

RPC 1.15(a) provides, in relevant part, that "a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property . . . Other property shall be identified as such and appropriately safeguarded." Here, based on

Rosenheim's deposit of funds for her personal business in Escrow 9272, the OAE asserted that respondent (1) failed to safeguard funds of a third person held in an attorney trust account, and (2) commingled funds not related to any representation in his attorney trust account.

In light of the unusual circumstances of this case, and absent evidence that Escrow 9272 held any funds relating to respondent's practice of law at the time Rosenheim deposited Smalls' May 2021 bank debit, it is less than clear that the improper deposit by Rosenheim resulted in respondent's commingling or failing to safeguard funds within the meaning of RPC 1.15(a). Rather, the crux of his misconduct lay in his failure to supervise Rosenheim – a dereliction fully addressed by the charged violations of RPC 5.3, which we turn to next. Accordingly, we determine to dismiss the charges that respondent violated RPC 1.15(a) in connection with Rosenheim's use of Escrow 9272.

As indicated, in connection with Rosenheim's misconduct, the OAE further alleged that respondent violated RPC 5.3(a), (b), and (c)(3).

RPC 5.3(a) requires that an attorney "shall adopt and maintain reasonable efforts to ensure that the conduct of nonlawyers retained or employed by the lawyer . . . is compatible with the professional obligations of the lawyer." RPC 5.3(b) similarly requires that an attorney "having direct supervisory authority over the nonlawyer" shall make such efforts. Here, respondent's failure to

supervise Rosenheim enabled her to misuse his attorney accounts to process two deposits on behalf of a customer of her personal foreclosure business. He was required, at a minimum, to review the monthly bank statements for these accounts to ensure Rosenheim's use of them comported with the professional obligations of an attorney. Yet, he failed to exercise even this most basic level of supervision. As a result, he remained ignorant of Rosenheim's activities when she improperly deposited two withdrawals from Smalls' bank account in his attorney accounts and, thereafter, withdrew those funds. Further, by failing to detect Rosenheim's initial misuse of his attorney accounts, he allowed her to misuse the accounts for her own business a second time, a month later.

Accordingly, respondent's conduct with respect to Rosenheim violated RPC 5.3(a) and (b).

Although also addressing an attorney's responsibility for the conduct of nonlawyer staff, RPC 5.3(c)(3) focuses on a narrower scope of misconduct than that addressed by RPC 5.3(a) and (b). Specifically, subsection (c)(3) provides that:

A lawyer shall be responsible for conduct of [a nonlawyer assistant] that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

. . .

(3) the lawyer has failed to make reasonable investigation of circumstances that would disclose past instances of conduct by the nonlawyer incompatible with the professional obligations of a lawyer, which evidence a propensity for such conduct.

Here, the investigation into Rosenheim did not begin until more than eighteen months after she stopped working for respondent and, prior to her using his financial accounts in May and June 2021, she consistently had used her own business's account to process Smalls' funds. Thus, the record does not suggest that he had cause to investigate her past conduct or that, had he done so prior to May 2021, he would have unearthed any malfeasance on her part. Compare In the Matter of Stanley E. Marcus, DRB 21-022 (August 19, 2021) at 4 (the attorney violated RPC 5.3(c)(3) when, for a period that he estimated as lasting at least two years, he failed to detect that his bookkeeper was issuing checks from his ABA to herself and family members), and In the Matter of Gerald M. Saluti, Jr., DRB 16-260 and 16-258 (March 6, 2017) at 25 (the attorney violated RPC 5.3(c)(3) by hiring, as his office manager, a nonlawyer who had been convicted of aggravated assault, eluding arrest, deceptive business practices, writing bad checks, and several counts of theft by deception; despite knowing that the nonlawyer had a criminal history, the attorney took no measures to investigate what crimes the nonlawyer had committed; further, he turned over the firm's accounts to the nonlawyer and gave the individual authority to sign

the law firm's checks; we found suspect the attorney's assertion that he believed that the nonlawyer had been guilty only of eluding police, particularly since the attorney's forte was criminal law).

Based on the above precedent, we determine to dismiss the charge that respondent violated RPC 5.3(c)(3).

In connection with the Estate Matter, respondent admittedly violated RPC 1.5(c) when, at the conclusion of the contingent fee matter, he failed to provide a written statement reflecting the manner in which he had calculated the remittance to the client.

Also in connection with the Estate Matter, respondent violated RPC 1.15(a) in his handling of the client's \$8,551.24, which he held in trust to cover the check made payable to EIS. Although the funds initially remained intact in his ATA 1838, he took no steps whatsoever to monitor that account or to track the status of the check and, consequently, later mistook the funds for attorney fees which he then withdrew for his own use. In so doing, he both failed to safeguard and negligently misappropriated entrusted funds.

Finally, respondent admittedly committed numerous recordkeeping infractions, in violation of RPC 1.15(d). His utter failure to maintain any semblance of recordkeeping practices enabled Rosenheim to use his attorney

financial accounts for her separate foreclosure business and, further, resulted in his negligent misappropriation of a client's funds, as described above.

In sum, we find that respondent violated RPC 1.5(c); RPC 1.15(a) (two instances – failing to safeguard funds and negligently misappropriating entrusted funds); RPC 1.15(d); and RPC 5.3(a) and (b). We determine to dismiss the charges that, in connection with Rosenheim's conduct, respondent further violated RPC 1.15(a) (commingling and failing to safeguard funds) and RPC 5.3(c)(3). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Attorneys who fail to supervise their nonlawyer staff and have no serious prior discipline typically receive an admonition or a reprimand, depending on the presence of other violations or aggravating and mitigating factors. See In the Matter of Vincent S. Verdiramo, DRB 19-255 (January 21, 2020) (admonition for an attorney whose abdication of his recordkeeping obligations enabled his nonlawyer assistant to steal more than \$149,000 from his attorney trust account; the attorney also violated RPC 1.15(a) and RPC 1.15(d); in mitigation, the attorney promptly reported the theft to affected clients, law enforcement, and disciplinary authorities; we also weighed, in mitigation, the attorney's extensive

remedial action, acceptance of responsibility, deposit of \$55,000 in personal funds to replenish the account, and unblemished, thirty-three-year career), and In re Deitch, 209 N.J. 423 (2012) (reprimand for an attorney whose failure to supervise his paralegal-spouse and poor recordkeeping practices resulted in the invasion of \$14,000 in client or third-party funds; the paralegal-spouse stole the funds by negotiating thirty-eight checks issued to her by forging the attorney's signature or using a signature stamp; no prior discipline).

Here, respondent's failure to supervise Rosenheim did not result in the invasion of entrusted client funds. In addition, the record before us does not establish that Smalls was directly affected by Rosenheim's use of his accounts to deposit and disburse two of her authorized monthly bank debits; rather, her consumer complaint centered on Rosenheim's ultimate use of more than \$43,000 of her funds intended for a mortgage assistance program. Accordingly, standing alone, an admonition is the appropriate level of discipline for respondent's misconduct related to Rosenheim.

Respondent, however, also negligently misappropriated entrusted funds in the Estate Matter. Generally, a reprimand is imposed 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) (as a consequence of poor recordkeeping, the attorney committed a single

act of negligent misappropriation by issuing a \$36,097.03 check from his ATA 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 the trust account; the attorney also failed to cooperate with the OAE's demand audit and, further, 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) (the attorney committed numerous recordkeeping violations, negligently misappropriated more than \$60,000, and commingled personal funds in his ATA; the attorney also 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 did not cause harm to any clients); In re Osterbye, 243 N.J. 340 (2020) (the attorney's poor recordkeeping practices resulted in four distinct instances of negligent misappropriation, totaling \$4,552.53, belonging to clients and others in connection with real estate transactions; the attorney's inability to demonstrate to the OAE that he had corrected his recordkeeping practices, despite multiple opportunities to do so, also violated RPC 8.1(b) (failing to cooperate with disciplinary authorities); in

addition, the attorney commingled personal funds in his ATA; no prior discipline).

In three cases involving combined violations of the Rules of Professional Conduct similar to those committed by respondent, the Court imposed a reprimand (In re Batt, 236 N.J. 7 (2018)) and censures (In re Gray, 255 N.J. 499 (2023), and In re Marcus, 250 N.J. 188 (2022)).

Most recently, in Gray, the Court censured an attorney who, like respondent, violated RPC 1.15(a) (two instances – failing to safeguard client funds and negligently misappropriating client funds), RPC 1.15(d), and RPC 5.3(a) and (b). 255 N.J. at 499. Although Gray did not violate RPC 1.5(c) (as respondent did), he committed multiple other infractions not present here, and his misconduct had more egregious consequences. Specifically, he also violated RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter), RPC 1.15(b) (two instances – failing to promptly notify a client of receipt of funds in which the client has an interest and failing to promptly deliver funds to a client), and RPC 1.17(c)(3) (engaging in the improper purchase of a law office). In the Matter of David E. Gray, DRB 23-039 (July 28, 2023) at 22. In further contrast to the instant matter, Gray’s total lack of oversight of a nonlawyer assistant allowed the latter to easily embezzle at least \$100,000 of a client’s entrusted judgment funds. Id. at 29.

In Marcus, the Court similarly censured an attorney who, like respondent, violated RPC 1.15(a), RPC 1.15(d), and RPC 5.3(a) and (b). 250 N.J. at 188. However, in contrast to the present matter, Marcus's abdication of his recordkeeping and supervisory responsibilities created an environment wherein his administrative assistant could steal more than \$223,200 from his ABA, undetected, over an extended period. DRB 21-022 at 11. Further, he failed to recognize that his accountant was not performing the required monthly three-way reconciliations and, consequently, failed to realize that he had a \$22,721.78 shortfall in his ATA, representing a negligent misappropriation of twenty-five clients' funds. Id. at 15. We concluded that a reprimand was the baseline sanction required for Marcus's misconduct. Id. at 14. In aggravation, among other factors, we weighed his significant disciplinary history (including a censure and three reprimands); the fact that, in two of these prior matters, he had been disciplined for recordkeeping infractions; and his continued employment of the administrative assistant, despite his knowledge of her theft. Id. at 2-3, 14-16. In mitigation, we weighed the attorney's admission of wrongdoing and the fact he had replenished his ATA shortfall; in addition, there was no evidence of injury to any client. Id. at 17.

Finally, in Batt, the Court reprimanded an attorney who violated RPC 1.15(a), RPC 1.15(d), and RPC 5.3(a) and (b). 236 N.J. at 7. Specifically, Batt

improperly delegated to his paralegal the task of reconciling his ABA and ATA and, for five years, failed to even review his ABA and ATA statements. In the Matter of Howard J. Batt, DRB 18-212 (October 2, 2018) at 1-2. After another nonlawyer staff member (his file clerk) left his employment, she and the paralegal engaged in a criminal scheme, resulting in the theft of funds from Batt's ABA and ATA. Id. at 2. So pervasive was his failure to supervise his nonlawyer employees that, even after he had pressed criminal charges against the file clerk for her theft of ABA funds, he failed to investigate whether his employees also invaded ATA funds. Ibid. Rather, the theft from his ATA did not come to light until an ATA check, issued by respondent, was dishonored due to insufficient funds. Ibid. A subsequent forensic accounting of his ATA revealed that, during a three-year period, more than \$49,000 in ATA funds were transferred to the ABA, without his knowledge or authorization, and were disbursed via fraudulent ABA checks, as part of his employees' criminal scheme. Ibid. In finding a reprimand appropriate for Batt's misconduct, we weighed that he had no prior discipline in thirty-eight years at the bar; replenished his account; took corrective actions through forensic accounting and reconstruction of his ATA; and accepted responsibility for his misconduct. Id. at 4.

Based upon the above disciplinary precedent, we conclude that the baseline discipline for respondent's misconduct is at least a reprimand. To craft the appropriate discipline in this case, however, we also consider aggravating and mitigating factors.

There are no aggravating factors to consider.

In mitigation, respondent admitted his misconduct and has no prior discipline in his fourteen-year-career at the bar.

Conclusion

On balance, in our view, the mitigating factors do not warrant a downward departure in the quantum of discipline, and, thus, a reprimand remains the appropriate quantum of discipline to protect the public and preserve confidence in the bar.

As a condition to his discipline, we recommend that, within sixty days of the Court's disciplinary Order in this matter, respondent be required to submit proof to the OAE that he disbursed to EIS the amount of \$8,551.24, corresponding to the amount of the unnegotiated check. In the event respondent is unable to locate EIS or its successors or assigns, following a diligent search, he shall remit the amount to the SCTF and submit proof of same to the OAE.

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 Daniel J. McCracken
Docket No. DRB 24-300

Argued: March 20, 2025

Decided: June 9, 2025

Disposition: Reprimand

<i>Members</i>	Reprimand
Cuff	X
Boyer	X
Campelo	X
Hoberman	X
Menaker	X
Modu	X
Petrou	X
Rodriguez	X
Spencer	X
Total:	9

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel