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RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 815-2920
drb.mbx@njcourts.gov

TIMOTHY M. ELLIS
CHIEF COUNSEL
NICOLE M. ACCHIONE
FIRST ASSISTANT COUNSEL
BARRY R. PETERSEN, JR.
DEPUTY COUNSEL
SALIMA ELIZABETH BURKE
ADALINE KASER
ASHLEY KOLATA-GUZIK
NICHOLAS LOGOTHETIS
ALISA H. THATCHER
ASSISTANT COUNSEL

March 24, 2026

VIA CERTIFIED, REGULAR & ELECTRONIC MAIL

Richard P. Tonetta



Re: **In the Matter of Richard P. Tonetta**
Docket No. DRB 26-001
District Docket No. XIV-2024-0313E
LETTER OF ADMONITION

Dear Mr. Tonetta:

The Disciplinary Review Board (the Board) has reviewed your conduct in the above matter and concluded that it was improper. Following a review of the record, the Board determined to impose an admonition, with conditions, for your violation of RPC 1.15(a) (negligently misappropriating entrusted funds) and RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6).

Specifically, following a 2024 random audit, by letter dated June 25, 2024, the OAE advised you of a number of recordkeeping deficiencies in your financial books and records. A week after the OAE issued that letter, Truist Bank notified the OAE that, on June 24, 2024, a check for \$1,013.83, issued from your ATA, had been presented against insufficient funds. When the OAE contacted

you for further information, you explained that, approximately eight months earlier, you had issued the \$1,013.83 check to the estate of your former law partner to close out an account created when you and he sold a property owned by your limited liability company, LaTon, LLC (the LaTon funds).

In May 2024, while the check for the LaTon funds remained outstanding, you inadvertently made two overpayments in connection with a different matter (the Armstrong Estate matter). As a result, when the check for the LaTon funds was presented, your ATA held only \$678.66, resulting in the notice of insufficient funds.

Regarding the overpayments in the Armstrong Estate matter, you stated that, on February 14, 2024, you made two payments, totaling \$883.36, on behalf of the estate. However, you failed to record those payments in your client ledger. Consequently, in May 2024, when you disbursed the remaining estate funds to the Armstrong heirs, you overpaid them a total of \$883.36. You later stipulated that you failed to timely detect the omitted ledger entries because you were not conducting proper monthly three-way reconciliations of your ATA.

On July 31, 2024, you deposited sufficient funds in your ATA to correct the shortage caused by the Armstrong Estate overpayments.

On October 29, 2024, the OAE conducted a demand audit of your financial books and records. That audit, along with the OAE's review of ATA and ABA records obtained via subpoena, revealed the following recordkeeping deficiencies: (1) special fiduciary funds (estate funds) improperly held in your ATA; (2) an old outstanding check (the check for the LaTon funds); (3) client ledger cards that were not fully descriptive; (4) an improper electronic transfer from your ATA; (5) failure to properly prepare monthly three-way ATA reconciliations; and (6) improper designations of your ATA and your ABA.

In addition, the OAE audit and review of your financial records revealed that you had failed to safeguard entrusted funds. More specifically, as of May 2024, you were required to hold, inviolate, \$500 in entrusted funds for the Yacovelli Estate. By overpaying the Armstrong heirs \$883.36 (and already

having issued the check for \$1,013.83 for the LaTon funds¹), you caused an invasion of the Yacovelli Estate funds.

In June 2025, the OAE determined that you had brought your financial books and records into compliance with the requirements of R. 1:21-6. In December 2025, you entered into a disciplinary stipulation with the OAE.

Based on the above facts, you stipulated that you violated RPC 1.15(a) by negligently misappropriating entrusted funds, and RPC 1.15(d) by failing to maintain your financial books and records in compliance with R. 1:21-6.

The record before the Board further documented that the OAE previously conducted random audits of your financial books and records in 2005 and 2017. Thus, in aggravation, the Board considered your heightened awareness of your recordkeeping obligations.

In imposing only an admonition, the Board accorded considerable mitigating weight to your lack of prior discipline in your forty-five years at the bar. Also in mitigation, you stipulated to your misconduct, timely remediated the shortage in your ATA, and corrected your recordkeeping deficiencies.

Your conduct has adversely reflected not only on you as an attorney but also on all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

Additionally, as conditions of this discipline, the Board determined that you shall be required (1) within sixty days following the date of this letter, to attend a recordkeeping course pre-approved by the OAE, and (2) for a one-year period following the date of this letter, to submit to the OAE, on a quarterly basis, your monthly three-way reconciliations.

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Office of Board Counsel. Should you become the subject of any further discipline, this admonition will be taken into consideration.

¹ The record does not establish that the LaTon funds were entrusted funds, as opposed to improperly commingled personal funds associated with the sale of property owned by LaTon, LLC. Accordingly, the Board's determination that you negligently misappropriated entrusted funds rests on your invasion of the Yacovelli Estate funds.

The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel

TME/knd

c: Chief Justice Stuart Rabner
Associate Justices
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Disciplinary Review Board (e-mail)
Johanna Barba Jones, Director
Office of Attorney Ethics (e-mail and interoffice mail)
Daniel Davis, Deputy Ethics Counsel
Office of Attorney Ethics (e-mail)