

**SUPREME COURT OF NEW JERSEY
DISTRICT ETHICS COMMITTEE
BURLINGTON COUNTY
DISTRICT III-B**

ATTORNEYS:

Karen Amacker
Kim C. Belin
Cristal Holmes-Bowie
Theresa D. Brown
Dean J. Buono
Mark Caira
Kevin R. Dochney
Marc Hill Jordan
Michael O. Kassak
Kathryn M. Laughlin
Colleen McGuigan
Drew A. Molotsky
John P. Montemurro
Cindy M. Perr
Daniel Posternock
Stephanie S. Shreter
Michael J. Wietrzychowski
Maria L. Winters



Christopher R. Stockton. - Chair
Leslie M. Martinelli -Vice Chair

Cynthia S. Earl, Esquire
114 Mill Street
Moorestown, New Jersey 08057
Secretary for the Committee

PROJECT III VOLUNTEERS:

Ralph A. Jacobs
Anne C. Singer

PUBLIC MEMBERS:

William Barker
Marguerite Dotzman
Gerald S. Lord
C. Naoji Moriuchi

May 11, 2011

Ronald J. Stagliano, Esquire
Stagliano, DeWeese & Fuscellaro
3200 Pacific Avenue
Wildwood, New Jersey 08260

Re: Committee v. Ronald J. Stagliano, Esquire
Docket Number: IIIB-10-23E

Dear Mr. Stagliano:

In accordance with *R. 1:20-4(d)*, I serve upon you a Complaint. You are required to file your written, verified Answer with **21** days of receipt. *R. 1:20-4(e)*. The original and two copies of your Answer are to be filed directly with me. One copy is to be filed with the Vice Chair, whose name and address are as follows: **Leslie M. Martinelli, Esquire, Freeman, Barton, Huber & Sacks, 20 Tanner Street, Haddonfield, New Jersey 08033.**

One copy is to be filed with the Office of Attorney Ethics, Post Office Box 963, Trenton, New Jersey 08625. A copy of the cover letter transmitting the Answer (without enclosure) should be sent to the OAE Statewide Coordinator at the same address.

May 11, 2011

RE: Committee v. Stagliano

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In filing your Answer, you must follow **In re Gravel**, 22 N.J. 248, 263 (1956) and New Jersey Court Rule 1:20-4(e), which requires a written Answer, verified in the form set forth, and the following:

- (1) a full, candid and complete disclosure of all facts reasonably within the scope of the formal complaint;
- (2) all affirmative defenses, including all claim of mental or physical disability, if any, and whether it is alleged to be causally related to the offense charged;
- (3) any mitigating circumstances;
- (4) a request for a hearing either o the charges or in mitigation; and
- (5) any constitutional challenges to the proceedings. R. 1:20-4(e).

You are advised that, while the burden of proof by clear and convincing evidence is on disciplinary authorities to establish unethical conduct, the burden of going forward on all properly raised affirmative defenses and mitigating factors, including claims of mental and physical disability, if any, and whether such defenses or claims are causally related to the offense charged, is on you. The burden of proof for all medical/psychiatric defenses is clear and convincing evidence. R. 1:20-6(c)(2)(B).

Please note that you must personally verify your answer by attaching and signing the following form to that document.

VERIFICATION OF ANSWER

I, _____, am the Respondent in the within disciplinary action and hereby certify as follows:

1. I have read every paragraph of the foregoing Answer to the Complaint and certify that the statements therein are true and based on my personal knowledge.
2. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(sign name here)

May 11, 2011

RE: Committee v. Stagliano

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TAKE NOTICE THAT YOUR FAILURE TO FILE A TIMELY, VERIFIED ANSWER WILL CONSTITUTE AN ADMISSION OF THE CHARGES. SUCH FAILURE MAY ALSO RESULT IN YOUR IMMEDIATE TEMPORARY SUSPENSION FROM PRACTICE. IN EITHER EVENT, NO FURTHER HEARING NEED BE HELD AND THE ENTIRE RECORD, OR A RECORD SUPPLEMENTED BY THE PRESENTER, IN THIS MATTER CAN BE CERTIFIED DIRECTLY TO THE DISCIPLINARY REVIEW BOARD FOR IMPOSITION OF SANCTION, ALL PURSUANT TO R. 1:20-6(c)(1), R. 1:20-4(e) and (f) and R. 1:20-11.

This matter will be prosecuted by **Dean Buono, Esquire**, as presenter, before a three-member panel of this District Ethics Committee. Pursuant to *R. 1:20-4(g)*, you are entitled to have an attorney present on your behalf at the forthcoming hearing. If you are unable to retain an attorney by reason of indigency, you may make application to the Assignment Judge of your vicinage for the appointment of counsel based upon a certification pursuant to *R. 1:20-4(g)*. Such application must be made within 14 days after service of the complaint on written notice to the Vice Chair or Special Ethics Master.

In addition, you are entitled, pursuant to *R. 1:20-7(i)*, to the issuance of subpoenas necessary and relevant to your defense. This application should be directed to the Hearing Panel Chair or Special Ethics Master at least two weeks prior to the trial date. A failure to request production of subpoenas or assignment of counsel will result in a waiver. Furthermore, failure to secure counsel forthwith will not be accepted by the Hearing Panel or Special Ethics Master as a reason for adjournment.

Pursuant to *R. 1:20-5(a)*, discovery of all information specified therein is requested. In the event that any class of information specified in that rule is not available, a written representative to that effect is required.

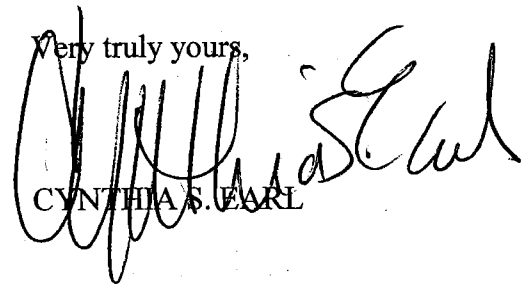
May 11, 2011

RE: Committee v. Stagliano

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If you have any questions regarding this matter, you should promptly communicate with me.

Very truly yours,



CYNTHIA S. EARL

CSE:db

Enclosure

cc: Leslie M. Martinelli, Esquire - Vice Chair (w/enclosure)
Dean Buono, Esquire - Presenter (w/o enclosure)
William C. Blum, Esquire - Grievant (w/enclosure)
Melissa Czatoryski, Esquire - OAE District Liason (w/enclosure)
Paula T. Granuzzo, Esquire - OAE Statewide Coordinator (w/o enclosure)
Carl Poplar, Esquire - Attorney for Grievant (w/enclosure)

**SUPREME COURT OF NEW JERSEY
DISTRICT IIIB ETHICS COMMITTEE
BY: DEAN J. BUONO, INVESTIGATOR**

DISTRICT IIIB ETHICS COMMITTEE

COMPLAINT

VS.

Ronald J. Stagliano, Esquire
RESPONDENT

**SUPREME COURT OF NEW JERSEY
DISTRICT IIIB ETHICS COMMITTEE**

DOCKET NO. **IIIB-10-23E**

CIVIL ACTION

COMPLAINT

District III Ethics Committee by way of Complaint against Respondent, says:

GENERAL ALLEGATIONS

1. Ronald J. Stagliano, Esquire (Respondent) was admitted to the Bar of this State in 1980.
2. Respondent maintains law offices at 3200 Pacific Avenue, Wildwood, Cape May County, New Jersey.

FIRST COUNT

3. Ronald J. Stagliano, Esquire, was solicitor for the Borough of West Wildwood from 1996 through 2008.
4. On December 20, 1991 and October 15, 1997 certain vacant and undeveloped properties were sold to the borough at a tax sale.
5. On December 3, 1999, and April 7, 2000 the Borough of West Wildwood instructed solicitor Ronald J. Stagliano to institute In Rem Foreclosure proceedings on both properties.
6. On May 16, 2001, the West Isle Development, LLC was formed. The certificate of formation indicated the registered agent is Ronald J. Stagliano and Robert Stagliano (brother) is one of the members.
7. On August 13, 2001, FDML, LLC was formed. The certificate of formation also indicated the registered agent is Ronald J. Stagliano and an individual named Pascal DiAntonio is its lone member.
8. Pascal DiAntonio is a friend of Ronald Stagliano.

9. On September 7, 2001, the Borough of West Wildwood adopted a resolution authorizing the assignment of tax sale certificates on both sets of properties.
10. The Resolution further recites that West Isle Development, LLC had offered to purchase the tax liens. On this same date, the borough received a cashiers check for payment.
11. On September 12, 2001, Ronald J. Stagliano, Esquire sent a correspondence to Stewart Kay, Esquire as a response to Kay's request regarding the properties. Ronald J. Stagliano, Esquire advised that the tax sale certificates were assigned to the borough and that Stagliano had received 2 requests for a transfer before Kay's.
12. On June 28, 2002, July 2, 2002 and July 23, 2002, portions of the one property were quitclaimed to FDML. The deeds were prepared by an attorney in Stagliano's law firm.
13. In 2004, FDML filed an appeal of the 2004 tax assessment.
14. In 2005, West Isle Development, LLC filed two actions in the Cape May County Superior court to foreclose the tax sale certificates on both properties. In one of the actions, FMDL was a defendant.
15. Respondent's failure to notify or recuse himself constitutes a violation of RPC 1.7 "*Conflict of Interest*" which provides in pertinent part:

A conflict of interest exists if: the representation of one client will be directly adverse to another client; or there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer.

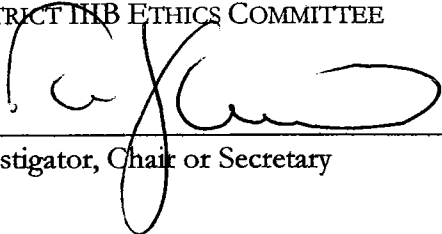
Notwithstanding the existence of a concurrent conflict of interest a lawyer may represent a client if: each effected client gives informed consent, confirmed in writing, after full disclosure and consultation, provided, however, that a public entity cannot consent to any such representation.

16. Respondent's failure to notify or recuse himself constitutes a violation of RPC 1.8(a) "*Conflict of Interest: Current Clients*" which provides in relevant part:
 - (a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless: (1) the transaction and terms in which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner that can be understood by the client; (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advise of independent legal counsel of the client's choice concerning the transaction; and (3) the client gives informed consent, in writing signed by the client, to

the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

WHEREFORE, Respondent should be disciplined.

DISTRICT INB ETHICS COMMITTEE

By  _____
Investigator, Chair or Secretary

Dated: 5/11/11

CARL D. POPLAR, P.A.
A PROFESSIONAL CORPORATION
1010 Kings Highway South
Building Two
Cherry Hill, New Jersey 08034
(856) 216-9979
Attorneys for Respondent: Ronald J. Stagliano

| | |
|---|--|
| DISTRICT IIB ETHICS COMMITTEE | SUPREME COURT OF NEW JERSEY DISTRICT IIB ETHICS COMMITTEE |
| vs. | Docket No. IIB-10-23E |
| RONALD J. STAGLIANO, ESQUIRE Respondent | Civil Action VERIFIED ANSWER |

The Respondent, Ronald J. Stagliano, by Verified Answer to the Complaint says:

GENERAL ALLEGATIONS

1. Admitted.
2. Admitted.

FIRST COUNT

3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.

12. Admitted.
13. Admitted.
14. Admitted.
15. Denied.
16. Denied

WHEREFORE, the Respondent requests that the Complaint, in its entirety, be dismissed.

STATEMENT OF FACTS IN DEFENSE OF ALLEGATIONS

1. In addition to the Respondent's assertion that the cited RPCs were not violated, the staleness and motivation to file the Grievance requires its dismissal for the reasons that include, but are not necessarily limited to the following:

a. The Respondent Ronald Stagliano was continuously the Solicitor for the Borough of West Wildwood from 1996 to 2008 and was not reappointed as a result of partisan and contentious political issues. The Grievance is predicated on a report of the Grievant, the Borough of West Wildwood, prepared by the law firm of Gruccio Pepper DeSanto & Ruth, P.A. and dated December 29, 2009 after what is believed to be a comprehensive investigation, review and inquiry regarding alleged conduct of the Respondent from in or about 1998 through in or about 2004.

b. The Grievance was filed by the Gruccio Pepper DeSanto & Ruth on behalf of the Borough of West Wildwood by the submission of the aforesaid report to the Secretary of District I Ethics Committee on or about March 9, 2010.

c. The conduct referred to in the Grievance, and the subject report, was public knowledge and specifically communicated to representatives of the Grievant.

d. The alleged conduct at no time was adverse and/or detrimental, but rather beneficial to the interest of the Grievant.

e. The Grievance and its subject investigation, inquiry and evaluation is not a result of any public purpose but rather personal and/or political issues raised by current and new representatives of the Grievant and against the Respondent.

2. The facts supporting the absence of violations of the cited Rules of Professional Conduct, include but are not necessarily limited to the following:

a. The real estate taxes had not been paid for more than ten (10) years on two (2) of the subject parcels of land, and for nearly seven (7) years on the remaining lots.

b. In or about September of 2001, the subject tax liens were the subject of a private sale and/or assignment. The Resolutions authorizing the sale and assignment of the subject tax certificates was adopted by the Commission on September 7, 2001. The total amount of the certificates to the subject property together with interest totaled \$50,726.61, which was paid in September of 2001 by West Isle to the benefit of the Borough of West Wildwood.

c. The properties that were the subject of the tax sale certificates were undeveloped at the time that the tax liens were assigned and/or purchased and are still undeveloped.

d. The Borough of West Wildwood since 2001 has received the payment of taxes on the subject parcels of land each year since the assignments which payments total

approximately \$170,600.00. (Not including the amount of \$50,724.61 paid at the time of assignment.)

e. West Isle Development, LLC was formed by the Stagliano Law Firm.

There was no effort to secret that the Respondent's law firm formed the LLC.

f. The principals of West Isle were Mr. Pascual DiAntonio and Robert A. Stagliano. It is public knowledge in that small community that Mr. DiAntonio was a developer and a client of the Stagliano law firm.

g. At the time of August and September of 2001, the Borough Commission knew and/or was made aware that the principal of West Isle was Mr. Pascual DiAntonio and he was a long time client of the Respondent's law firm, and that Robert A. Stagliano was the Respondent's brother.

h. In addition to the real estate taxes on this undeveloped land not being historically paid, there was no effort at redemption of the property by the owner subsequent to the sale and/or assignment.

i. At the time of the sale and assignment of the subject tax liens in this matter, it was not uncommon for this procedure to be used and employed by the Borough in other matters to obtain payment of delinquent real estate taxes.

3. There was no violation of the Rules of Professional Conduct, RPC 1.7, "Conflicts of Interest" and RPC 1.8(a), "Conflicts of Interest on Current Clients" for reasons that include, but are not necessarily limited to the following:

a. At the time the Borough of West Wildwood sold or assigned tax sale certificates to West Isle, the Respondent was the Solicitor of the Borough. The sale and

assignment did not have any adverse effect on either the Borough of West Wildwood or West Isle. The sale and/or assignment at the time and continuously benefits the Borough of West Wildwood, the Grievant herein.

b. The Grievant, during the subject time of the asserted conduct had full knowledge of the transaction and the Respondent's relationship with both West Isle and the Borough of West Wildwood.

c. The Rule of Professional Conduct RPC 1.7 that was in effect prior to January 1, 2004 sets forth in pertinent part as follows:

RPC 1.7 Conflict of Interest: General Rule

(a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client unless: (1) the lawyer reasonably believes that representation will not adversely affect the relationship with the other client; and (2) each client consents after a full disclosure of the circumstances and consultation with the client, except that a public entity cannot consent to any such representation.

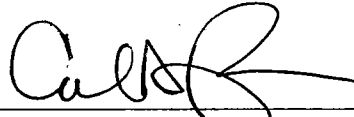
(b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibility to another client or to a third person, or by a lawyer's own interest, unless: (1) the lawyer reasonably believes the representation will not be adversely affected; and (2) the client consents after a full disclosure of the circumstances and consultation with the client, except that a public entity cannot consent to any such representation. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the common representation and the advantages and risks involved.

d. The goal and the entitlement of the Borough was to have delinquent real estate taxes paid. The real estate taxes at issue that were delinquent for several years have been remitted and paid.

e. There did not exist reasonable belief by the Respondent that there would be any adverse effect to the Borough of West Wildwood.

4. The Respondent requests a hearing on the charges.

CARL D. POPLAR, P.A.
A Professional Corporation



BY: CARL D. POPLAR

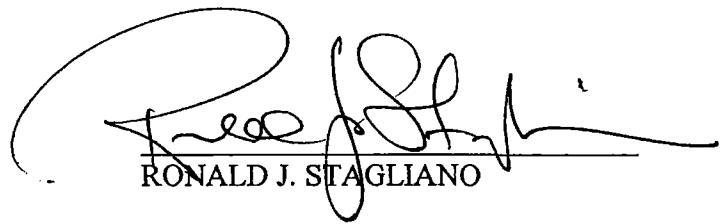
DATED: May 19, 2011

VERIFICATION OF ANSWER

I, Ronald J. Stagliano, am the Respondent in the within disciplinary action and hereby certify as follows:

1. I have read every paragraph of the foregoing Answer to the Complaint and certify that the statements therein are true and based on my personal knowledge.

2. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.


RONALD J. STAGLIANO

DATED: May 19, 2011

**SUPREME COURT OF NEW JERSEY
DISTRICT ETHICS COMMITTEE
BURLINGTON COUNTY
DISTRICT III-B**

Christopher R. Stockton - CHAIR
Leslie M. Martinelli - VICE CHAIR

Cynthia S. Earl, - SECRETARY
114 Mill Street
Moorestown, New Jersey 08057

ATTORNEY MEMBERS:

Karen Amacker
Kim C. Belin
Cristal Holmes-Bowie
Theresa D. Brown
Dean J. Buono
Mark Caira
Kevin R. Dochney
Cedric Edwards
Kevin R. Dochney
Ralph A. Jacobs
Marci Hill Jordan
Michael O. Kassak

Ronald Stagliano, Esquire
c/o Carl D. Poplar, Esquire
1010 Kings Highway South (Building Two)
Cherry Hill, New Jersey 08034



Kathryn M. Laughlin
Colleen McGuigan
Drew A. Molotsky
John P. Montemurro
Hon. James J. Morley, J.S.C. (ret.)
Cindy M. Perr
Daniel Posternock
Stephanie S. Shreter
Anne C. Singer
Michael J. Wietrzychowski
Maria L. Winters

PUBLIC MEMBERS:

William Barker
Marguerite Dotzman
C. Naoji Moriuchi

July 16, 2011

**RE: Committee v. Ronald Stagliano, Esquire
Docket Number: IIB-10-23E**

Dear Mr. Stagliano:

This letter is to advise you that a formal hearing will be conducted before a panel of the District IIB Ethics Committee consisting of **Kim C. Belin, Esquire**, Panel Chair, and **Karen Amacker, Esquire and C. Naoji Moriuchi** on **Wednesday, August 24, 2011 at 10:00 A.M.** at the **law offices of Cooper Levenson, 1415 Marlton Pike Suite 600, Cherry Hill, New Jersey 08034** and will concern itself with the complaint filed against you in the above matter. Kindly arrange to attend.

The alternates in this matter are: **William Barker**, alternate public member and **Cindy Perr, Esquire**, alternate attorney member. *Alternates are advised to contact the Panel Chair the day before the hearing to confirm if they are needed.*

Pursuant to R. 1:20-4(g)(2), you are entitled to have an attorney present on your behalf, and, if you are unable to retain same by reason of indigence, you may make application to the Assignment Judge of this vicinage for the appointment of counsel. You are further entitled, pursuant to R. 1:30-7(i), to the issuance of subpoenas necessary and relevant to your defense. Failure to secure counsel will not be accepted as a reason for

July 15, 2011

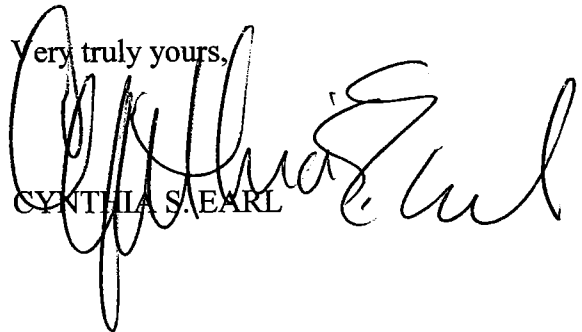
Re: Committee v. Ronald Stagliano, Esquire

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adjournment of this hearing.

You are further advised that, pursuant to R. 1:10-6(c)(2)(a), you have the right to cross-examine witnesses and present evidence. While the burden of proof by clear and convincing evidence is on disciplinary authorities to establish unethical misconduct, you bear the burden of proof of all properly raised affirmative defenses, including all claims of mental and physical disability, and whether such defenses or any circumstances you believe to mitigate the offenses charged. You must be prepared at the hearing to produce all evidence upon which you will rely, including proper expert testimony. A copy of any expert's report or summary must be furnished to the presenter pursuant to R. 1:20-5(a)(6) at least **20** days prior to the hearing or you will be barred from producing such testimony at the hearing.

Very truly yours,



CYNTHIA S. EARL

CSE:db

cc: Degnan & Bateman Court Reports
Kim Belin, Esquire - Panel Chair
C. Naoji Moriuchi - Panel Member
William Barker - Alternate Public Member
Karen Amacker, Esquire - Panel Member
Christopher R. Stockton, Esquire - Chair
Leslie M. Martinelli, Esquire - Vice Chair
Dean Buono, Esquire - Presenter
Cindy Perr, Esquire - Alternate attorney member
Paula T. Granuzzo, Esquire - OAE Statewide Coordinator
Melissa Czatoryski, Esquire - OAE Liason

