

**IN RE: FRANK M. DIMARIA**

**NO. BD-2015-093**

**S.J.C. Judgment of Disbarment entered by Justice Botsford on December 6, 2016.<sup>1</sup>**

**SUMMARY<sup>2</sup>**

This matter came before the Supreme Judicial Court on the respondent's affidavit of resignation pursuant to S.J.C. Rule 4:01, § 15.

The respondent acted as a closing attorney representing lenders in real estate transactions. He admitted in the affidavit that sufficient evidence existed to prove by a preponderance of the evidence that he intentionally misappropriated real estate settlement funds over a period of time, that he used funds from subsequent closings to pay off obligations owed on earlier closings, that the net result was that the balance in his IOLTA account was approximately \$350,000 short of the amount that should have been on deposit to pay off a mortgage from an October 2015 closing, and that he did not have adequate funds available to pay off this obligation. The respondent admitted that a hearing committee, the Board of Bar Overseers and the Supreme Judicial Court would conclude that he violated Mass. R. Prof. C. 1.15(b), (c), and (f) and Mass. R. Prof. C. 8.4(c), (d), (g), and (h).

On November 14, 2016, the Board of Bar Overseers voted to recommend that the respondent's affidavit of resignation be accepted and that he be disbarred.

On December 6, 2016, the Supreme Judicial Court for Suffolk County accepted the respondent's affidavit of resignation and disbarred him from the practice of law.

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<sup>1</sup> The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.