

**IN RE: JOHN A. ALIPERTA****NO. BD-2015-100****S.J.C. Judgment of Disbarment entered by Justice Duffly on July 11, 2016.<sup>1</sup>****SUMMARY<sup>2</sup>**

On April 26, 2016, John A. Aliperta, the respondent, submitted an affidavit of resignation pursuant to Supreme Judicial Court Rule 4:01, § 15. In the affidavit, the respondent acknowledged that bar counsel would be able to prove by a preponderance of the evidence that he engaged in the conduct described below and that the Board of Bar Overseers and the Supreme Judicial Court would find that he violated the Massachusetts Rules of Professional conduct set forth below.

In his capacity as guardian, conservator and legal custodian for three individuals from 2007 through 2014, the respondent engaged in conflicts of interest by using fiduciary funds to purchase annuities from a company of which he was an agent, and received commissions on the sales. He also improperly cashed in existing annuities, thereby incurring substantial surrender charges for the ward. The conflicts of interest violated Mass. R. Prof. C. 1.7(b), 1.8(a), and 8.4(c), (d), and (h). The respondent charged clearly excessive fees to one guardianship estate, in violation of Mass. R. Prof. C. 1.5(b).

In another guardianship estate, the respondent intentionally misused at least \$10,000 in estate funds and did not reimburse the estate for these funds, thereby violating Mass. R. Prof. C. 1.15(b) and 8.4(c) and (h).

On June 13, 2016, the board voted to recommend to the Court that the affidavit of resignation be accepted and that a judgment of disbarment be entered forthwith. On July 11, 2016, the Supreme Judicial Court for Suffolk County accepted the resignation and entered a judgment of disbarment effective immediately.

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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.