

**STEVEN LOUIS CHARLIP**

**Public Reprimand No. 2017-7**

**Order (public reprimand) entered by the Board on July 4, 2017.**

**SUMMARY**<sup>1</sup>

The respondent is an attorney duly admitted to the bar of the Commonwealth on December 21, 1987. He received a public reprimand for misconduct related to the administration of his IOLTA account and his handling of client funds in connection with two real estate matters.

During the years 2014 and 2015, the respondent failed to keep records for his IOLTA account as required by Mass. R. Prof. C. 1.15. In particular, the respondent failed to maintain a chronological check register with a client identifier for each transaction; failed to perform a three-way reconciliation at least every sixty days; and failed to keep individual ledgers for each client matter and a ledger for bank charges. These failures constituted violations of Mass. R. Prof. C. 1.15(f)(1)(B), 1.15(f)(1)(E), and 1.15(f)(1)(C) and (D), respectively.

In September 2014, the respondent represented the seller of real estate located in Malden, Massachusetts. The purchase and sale agreement designated the respondent as the escrow agent responsible for holding the buyer's deposit. In that capacity, the respondent received a \$40,000 check from the buyer on September 3, 2014. However, he failed to negotiate the check until October 8, 2014, just prior to the closing. At that time, the respondent deposited the check into his operating account rather than his IOLTA. The operating account contained personal and/or business funds belonging to the respondent.

By failing to negotiate the buyer's check promptly upon receiving it, the respondent violated Mass. R. Prof. C. 1.1 and 1.3. By depositing the funds into his operating account rather than into a client trust account, the respondent violated Mass. R. Prof. C. 1.15(b)(1) as in effect prior to July 1, 2015. By commingling the buyer's deposit with his own business and/or personal funds, the respondent violated Mass. R. Prof. C. 1.15(b) as in effect prior to July 1, 2015.

In another matter, the respondent represented the buyers of a house located in Cambridge, Massachusetts. The purchase and sale agreement for this transaction designated the respondent as the escrow agent for a \$5,000 holdback that had been established for the payment of property taxes that would accrue while the sellers continued to reside in the house temporarily after the closing.

At the time of the closing in mid-January 2015, the settlement agent disbursed the \$5,000 in holdback funds to the respondent in the form of a check. As in the first matter, the respondent deposited these funds into his operating account rather than his IOLTA, in violation of Mass. R. Prof. C. 1.15(b)(1). He ultimately disbursed the funds from the operating account in early May 2015.

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for public reprimand. The board accepted the parties' recommendation, and on June 12, 2017, the board ordered a public reprimand.

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<sup>1</sup> Compiled by the Board of Bar Overseers based on the record of proceedings before the board.