STATE OF CONNECTICUT

STATEWIDE GRIEVANCE COMMITTEE

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05/23/2011

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

ROBERT J RECIO
560 WASHINGTON ROAD
P.O. BOX 420
WOODBURY CT 06798

RE: GRIEVANCE COMPLAINT #10-0738
FROST vs. RECIO

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P. Bowler

Encl.
cc: Attorney Gail S. Kotowski
Jeff Frost

NOTICE REGARDING DECISION
SANCTIONS OR CONDITIONS

GRIEVANCE COMPLAINT # 10-0738

THE ATTACHED DECISION IS PRESENTLY STAYED IN ACCORDANCE WITH PRACTICE BOOK §§2-35 AND 2-38.

SECTION 2-35 STATES, IN PART, AS FOLLOWS:

> (e) ... Enforcement of the final decision ... shall be stayed for thirty days from the date of the issuance to the parties of the final decision. In the event the respondent timely submits to the Statewide Grievance Committee a request for review of the final decision of the reviewing committee, such stay shall remain in full force and effect pursuant to Section 2-38(b).

SECTION 2-38 STATES, IN PART, AS FOLLOWS:

> (b) ... Enforcement of a decision by a reviewing committee imposing sanctions or conditions against the respondent ... shall be stayed for thirty days from the issuance to the parties of the final decision of the reviewing committee pursuant to Section 2-35(g). If within that period the respondent files with the Statewide Grievance Committee a request for review of the reviewing committee's decision, the stay shall remain in effect for thirty days from the issuance by the Statewide Grievance Committee of its final decision pursuant to Section 2-36. If the respondent timely commences an appeal [of the sanctions or conditions to the Superior Court] pursuant to subsection (a) of this section, such stay shall remain in full force and effect until the conclusion of all proceedings, including all appeals, relating to the decision imposing sanctions or conditions against the respondent. If at the conclusion of all proceedings, the decision imposing sanctions or conditions against the respondent is rescinded, the complaint shall be deemed dismissed as of the date of the decision imposing sanctions or conditions against the respondent.

DECISION DATE: 5-23-11

STATEWIDE GRIEVANCE COMMITTEE

Jeff Frost Complainant	:	
vs.	:	Grievance Complaint #10-0738
Robert J. Recio Respondent	:	

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, 1061 Main Street, Bridgeport, Connecticut on March 9, 2011. The hearing addressed the record of the complaint filed on August 26, 2010, and the probable cause determination filed by the Waterbury Judicial District Grievance Panel on November 3, 2010, finding that there existed probable cause that the Respondent violated Rule 8.4(3) of the Rules of Professional Conduct and Practice Book Section 2-32.

Notice of the hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel and to the Respondent on February 1, 2011. Pursuant to Practice Book §2-35(d), First Assistant Disciplinary Counsel Patricia A. King pursued the matter before this reviewing committee. The Complainant appeared at the hearing and testified. The Respondent appeared and testified via video conference. No exhibits were received into evidence at the hearing.

Reviewing committee member Reverend Simon Castillo was not available for the hearing. Both Disciplinary Counsel and the Respondent waived the participation of Reverend Castillo in this matter. Accordingly, this matter was heard and decided by the undersigned.

This reviewing committee makes the following findings of fact by clear and convincing evidence:

The Respondent has been suspended from the practice of law in the State of Connecticut since 1998. In March of 2009, the Respondent purchased real property in the State of New Hampshire from the Complainant for the sale price of $475,000. The Complainant provided the Respondent with a private mortgage in the amount of $425,000 in connection with the sale of the real property. Beginning in August of 2009, the Respondent did not make payments on the mortgage. In November of 2009, the Complainant initiated a foreclosure action against the Respondent. On November 9, 2009, the Respondent filed for bankruptcy. The Respondent had previous bankruptcies. The Respondent did not tell his counsel, Mark P. Cornell of New Hampshire, that he had previous bankruptcies. The Respondent's counsel filed a bankruptcy

petition on the Respondent's behalf in reliance on the Respondent's failure to disclose his previous bankruptcies. The bankruptcy petition filed by the Respondent's counsel on the Respondent's behalf did not disclose any previous bankruptcies for the Respondent.

The Respondent did not respond to this grievance complaint within thirty days of the date notification of this grievance complaint was mailed to the Respondent. The Respondent last filed an Attorney Registration form in 1997 listing Connecticut addresses. On August 31, 2010 and September 3, 2010, a copy of the instant grievance complaint was mailed to the Respondent at his last registered Connecticut addresses. Both complaints were returned by the post office. Thereafter, on December 23, 2010, the Respondent filed a response with the Office of the Chief Disciplinary Counsel.

This reviewing committee finds the following violations by clear and convincing evidence:

The Respondent did not inform his bankruptcy attorney of his prior bankruptcy filings. A bankruptcy petition was filed by the Respondent's counsel without disclosing the Respondent's prior bankruptcy filings. The Respondent's failure to disclose his prior bankruptcies in his November 9, 2009 bankruptcy filing constituted a violation of Rule 8.4(3) of the Rules of Professional Conduct.

Furthermore, the Respondent failed to file a timely response to this grievance complaint in violation of Practice Book Section 2-32(a)(1). The Respondent failed to keep his Attorney Registration including any address change current with the Statewide Grievance Committee. As such, his failure to file a timely response to this grievance complaint was not for good cause.

Since we conclude by clear and convincing evidence that the Respondent violated Rule 8.4(3) of the Rules of Professional Conduct and Practice Book Section 2-32(a)(1), we reprimand the Respondent.

(5)
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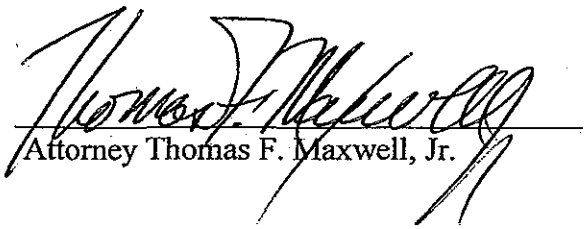
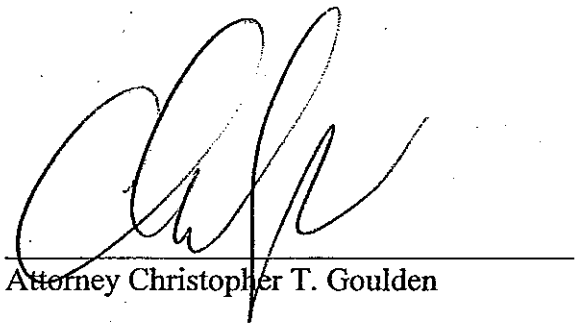
DECISION DATE: 5-23-11



Attorney Thomas F. Maxwell, Jr.



Attorney Christopher T. Goulden