

NOTICE TO THE BAR

Re: Defaults Scheduled for Review by the Disciplinary Review Board

The following matters have been certified to the Disciplinary Review Board as defaults, in accordance with R. 1:20-4(f):

In the Matter of Michael Dennis Bolton

Docket No. DRB 15-246

District Docket No. XIV-2014-0035E

In the Matter of Joseph S. Chizik

Docket No. DRB 15-247

District Docket Nos. XIV-2014-0214E and XIV-2014-0324E

In the Matter of Barry N. Frank

Docket No. DRB 15-208

District Docket Nos. XIV-2014-0025E and XIV-2014-0088E

In the Matter of Barry N. Frank

Docket No. DRB 15-210

District Docket No. XIV-2014-0449E

In the Matter of Barry N. Frank

Docket No. DRB 15-322

District Docket Nos. XIV-2014-0591E and XIV-2015-0069E

In the Matter of William E. Gahwyler, Jr.

Docket No. DRB 15-206

District Docket No. XIV-2014-0192E

In the Matter of William E. Gahwyler, Jr.

Docket No. DRB 15-274

District Docket No. XIV-2013-0456E

In the Matter of William E. Gahwyler, Jr.

Docket No. DRB 15-307

District Docket Nos. XIV-2014-0541E and XIV-2015-0019E

In the Matter Herbert Joni Tan

Docket No. DRB 15-174

District Docket Nos. XIV-2014-0226E; XIV-2014-0198E

XIV-2014-0212E; XIV-2014-0264E; XIV-2014-0319E;

XIV-2014-0320E and XIV-2014-0328E

In the Matter of Herbert Joni Tan

Docket No. DRB 15-276

**District Docket Nos. XIV-2014-0463E; XIV-2015-0127E
and XIV-2015-0128E**

In the Matter of Joseph P. Kelly

Docket No. DRB 15-231

District Docket No. VC-2014-0026E

In the Matter of Andrey V. Zielyk

Docket No. DRB 15-232

District Docket No. XIV-2013-0532E

These matters are scheduled to be reviewed by the Board on **Thursday, October 15, 2015**. R. 1:20-4(f) provides that an attorney-respondent's failure to timely file an answer "shall be deemed an admission that the allegations of the complaint are true and . . . provide sufficient basis for the imposition of discipline." Although chances for a successful motion are limited, a motion to vacate the default may be filed with the Board **by no later than October 5, 2015**. **MOTIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED BY THE BOARD.** The motion should specify why the attorney-respondent failed to file a timely answer (including lack of notice) and should set forth any claimed meritorious defenses to the ethics charge. The motion must also be simultaneously served on the Director of the Office of Attorney Ethics and, where appropriate, the district ethics committee responsible for the underlying ethics matter. A certification regarding that service must accompany any documents filed with the Board.

Respondents are hereby advised that, generally, in a default matter, the discipline is enhanced to reflect a respondent's failure to cooperate with disciplinary authorities as an aggravating factor. In re Kivler, 193 N.J. 332, 338 (2008).

Respondents may communicate with the Board by contacting the Office of Board Counsel at:

P.O. Box 962, Trenton, NJ 08625, Telephone: 609-292-1012

Dated: September 16, 2015

Ellen A. Brodsky
Chief Counsel
Disciplinary Review Board