

**Supreme Court of the State of New York
Appellate Division: Second Judicial Department**

D26079
C/prt

_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
PETER B. SKELOS
STEVEN W. FISHER
JOHN M. LEVENTHAL, JJ.

2009-05839

OPINION & ORDER

In the Matter of Nat J. Azznara,
admitted as Nat John Azznara,
an attorney and counselor-at-law,
resignor.

(Attorney Registration No. 2418127)

Resignation tendered pursuant to 22 NYCRR 691.9 by Nat J. Azznara, who was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on September 11, 1991, under the name Nat John Azznara.

Daniel A. Seymour, White Plains, N.Y., for resignor.

Gary L. Casella, White Plains, N.Y. (Antonia Cipollone of counsel), for Grievance Committee for the Ninth Judicial District.

PER CURIAM.

Nat J. Azznara has submitted an affidavit dated June 12, 2009, wherein he tenders his resignation as an attorney and counselor-at-law (*see* 22 NYCRR 691.9). Mr. Azznara was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on September 11, 1991, under the name Nat John

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Azznara.

Mr. Azznara is tendering his resignation voluntarily and free from coercion and duress after review with counsel. He is fully aware of the implications of submitting a resignation, including the fact that his name will be stricken from the roll of attorneys and that any application for reinstatement must be made pursuant to all applicable laws and rules.

Mr. Azznara is aware that the Grievance Committee for the Ninth Judicial District (hereinafter the Grievance Committee) has intended to make an application by order to show cause seeking, inter alia, his interim suspension and authorization to commence a disciplinary proceeding against him. He acknowledges that the Grievance Committee's investigation concerns, among other things, five notices received pursuant to 22 NYCRR Part 1300 and issued between April and October 2008 and in March 2009 with reference to two separate attorney escrow accounts he maintained. He further acknowledges that the Grievance Committee is investigating three separate complaints, all alleging that he failed to account for funds entrusted to him. The Grievance Committee's investigation reveals, inter alia, that he breached his fiduciary duty by, among other things, failing to safeguard funds entrusted to him and insuring that they remain intact. Moreover, Mr. Azznara acknowledges that the Grievance Committee is pursuing a sua sponte investigation concerning his failure to timely maintain his attorney registration.

Mr. Azznara concedes his inability to successfully defend himself on the merits against such allegations.

Mr. Azznara is aware that the Court could require him to make monetary restitution to any persons whose money was misappropriated or misapplied or to reimburse the Lawyers' Fund for Client Protection for same. He is aware that any order issued pursuant to Judiciary Law § 90(6-a) could be entered as a civil judgment against him and he specifically waives the opportunity afforded him by Judiciary Law § 90(6-a)(f) to be heard in opposition thereto.

The Grievance Committee submits that Mr. Azznara's resignation is the most expeditious way to conclude this matter and fully supports its acceptance.

Inasmuch as the proffered resignation complies with the requirements of 22 NYCRR 691.9, it is accepted and, effective immediately, Nat J. Azznara, admitted as Nat John Azznara, is disbarred, and his name is stricken from the roll of attorneys and counselors-at-law.

PRUDENTI, P.J., RIVERA, SKELOS, FISHER and LEVENTHAL, JJ., concur.

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ORDERED that pursuant to Judiciary Law § 90, effective immediately, Nat J. Azznara, admitted as Nat John Azznara, is disbarred and his name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that Nat J. Azznara, admitted as Nat John Azznara, shall promptly comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, Nat J. Azznara, admitted as Nat John Azznara, is commanded to desist and refrain from (1) practicing law in any form, either as principal or as agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if Nat J. Azznara, admitted as Nat John Azznara, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and Mr. Azznara shall certify to the same in his affidavit of compliance pursuant to 22 NYCRR 691.10(f).

ENTER:



James Edward Pelzer
Clerk of the Court