

NEW JERSEY  
LAWYERS' FUND  
FOR CLIENT PROTECTION

(Civil Action – Summons and Complaint,  
NJLFCP v. Kenneth Irek,  
Law Division, Mercer County  
Docket No. L-5664-94,  
mailed to Kenneth Irek,  
January 3, 1995)

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clarification and indexing.

NJDISBARRED.COM-Index (F)(7)



**NEW JERSEY LAWYERS' FUND  
FOR  
CLIENT PROTECTION**

TRUSTEES  
ROBERT S. FEDER, CHAIRMAN  
COWLES W. HERR, VICE CHAIRMAN  
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ASSISTANT TREASURER  
FRANK C. FARR

RICHARD J. HUGHES JUSTICE COMPLEX  
CN-961  
TRENTON, NJ 08625-0961  
BILLING: (609) 292-8079  
CLAIMS: (609) 292-8008

STREET ADDRESS FOR DELIVERIES:  
25 W. MARKET STREET

Fax (609) 394-3637

January 3, 1995

Mr. Kenneth Irek  
1111 Crandon Boulevard  
Key Biscayne, Florida 33149

**Re: New Jersey Lawyers' Fund for Client  
Protection v. Kenneth Irek;  
Docket No. MER-L-005664; CPF-520**

Dear Mr. Irek:

Enclosed please find a Summons and Complaint in the above captioned matter, served upon you in accordance with the Rules of Court.

Please be guided accordingly.

Sincerely,

*Michael T. McCormick*  
Michael T. McCormick

Lawyers Fund 1/4

URN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date received.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

Article Addressed to:

Mr. Kenneth Irek  
1111 Crandon Blvd  
Key Biscayne, Florida  
33149

Signature (Addressee): *Kenneth Irek* 9/31/1

4a. Article Number: 2363199777

4b. Service Type:

- Registered
- Insured
- Certified
- Express Mail

7. Date of Delivery: JAN 24 1995

8. Addressee's Address (Only if requested)

RECEIVED  
Return Receipt for Merchandise

you for using Return Receipt Service.



MTM/CPF-520  
NEW JERSEY LAWYERS' FUND  
FOR CLIENT PROTECTION  
Richard J. Hughes Justice Complex  
25 West Market Street, CN-961  
Trenton, NJ 08625-0961  
(609) 984-7179  
Michael T. McCormick, Esquire

<u>NEW JERSEY LAWYERS' FUND</u>	:	SUPERIOR COURT OF NEW JERSEY
<u>FOR CLIENT PROTECTION,</u>	:	LAW DIVISION, MERCER COUNTY
	:	
Plaintiff,	:	
	:	DOCKET NO. MER-L-005664-94
v.	:	
	:	CIVIL ACTION
<u>KENNETH IREK</u>	:	
	:	SUMMONS

FROM THE STATE OF NEW JERSEY :  
TO THE DEFENDANT(S) NAMED ABOVE :

KENNETH IREK  
1111 CRANDON BOULEVARD  
KEY BISCAYNE, FLORIDA 33149

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer or Motion and Proof of Service with the Deputy Clerk of the Superior Court in the county listed above within thirty-five (35) days from the date you received this Summons, not counting the day you received it. (The address of the Deputy Clerk of the Superior Court is provided). An \$80.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court), must accompany your Answer or Motion when it is filed. You must also



send a copy of your Answer or Motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written Answer or Motion (with fee and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written Answer or Motion within thirty-five (35) days the Court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney you may call the Legal Services office in the County where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.



Donald F. Phelan  
Clerk, Superior Court of N.J.

DATED : January 3, 1995.

Name of Defendant to be served : **Kenneth Irek**  
Address of Defendant to be served : **1111 Crandon Boulevard**  
**Key Biscayne, Florida 33149**



PAYMENT TYPE:	CK CG CA
CHG/CK NO.	
AMOUNT:	
OVERPAYMENT:	

**CIVIL CASE INFORMATION STATEMENT (CIS)** Use for initial pleadings (not motions) under R 4:5-1.

ATTORNEY NAME Michael T. McCormick	TELEPHONE NUMBER ( 609 ) 984-7179	COUNTY OF VENUE Mercer
FIRM NAME (If Applicable) N.J. Lawyers' Fund for Client Protection	DOCKET NUMBER (When Available) MER L-005664-94	
OFFICE ADDRESS Richard J. Hughes Justice Complex 25 West Market Street, CN-961 Trenton, N.J. 08625	DOCUMENT TYPE (See reverse side for listing): complaint	
NAME OF PARTY (e.g., John Doe, Plaintiff) N.J. Lawyers' Fund for Client for client Protection		CAPTION N.J. Lawyers' Fund for Client Protection v. Kenneth Irek

**THE INFORMATION PROVIDED BELOW CANNOT BE INTRODUCED INTO EVIDENCE.**

CASE TYPE NUMBER (See reverse side for listing): 899	Is this a Title 59 action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Check if applicable: <input type="checkbox"/> Punitive Damages <input type="checkbox"/> Friendly Hearing Sought <input type="checkbox"/> Declaratory Judgment	
CDR Desired? <input type="checkbox"/> Yes Specify type: <input type="checkbox"/> No	

**Present Medical Expenses:**
 \$2500 or less  More than \$2500. If more, do you wish to submit this case to Arbitration?  Yes  No

Briefly describe the case; include any special characteristics that may warrant extended discovery or accelerated disposition (see reverse side for additional instructions):

Plaintiff is assignee/subrogee of Claimants reimbursed by Fund trustees as a result of Defendant's misappropriation of Funds.

New Jersey Lawyers' Fund for Client Protection exists under R. 1:28-1 et seq. of the Rules of Court.

Defendant is a disbarred attorney at law of the State of New Jersey.

Describe all pending actions related to this case, i.e., arising out of the same occurrence or transaction (give docket number if known):

None known at this time.

ESTIMATED NUMBER OF DAYS TO TRY THE CASE Liability: <u>1/2 day</u> Damages: <u>1/2 day</u>	CASE ASSESSMENT (Mandatory for DCM Counties) <input type="checkbox"/> Expedited <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Complex
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ALBERT F. DRIVER, JR.  
COUNTY CLERK  
DEPUTY CLERK SUP. CT.

1994 DEC 29 AM 8:01  
RECEIVED AND FILED  
MERCER COUNTY  
CLERKS OFFICE

New Jersey Lawyers' Fund for  
Client Protection  
Richard J. Hughes Justice Complex  
CN-961  
Trenton, NJ 08625  
Michael T. McCormick, Deputy Counsel  
(609) 984-7179

NEW JERSEY LAWYERS' FUND FOR	:	SUPERIOR COURT OF NEW JERSEY
CLIENT PROTECTION	:	LAW DIVISION
	:	MERCER COUNTY
Plaintiff	:	
	:	DOCKET NO. <i>MER-L-005664-94</i>
v.	:	
	:	Civil Action
KENNETH IREK	:	
	:	<b>COMPLAINT</b>
Defendant	:	

The plaintiff, New Jersey Lawyers' Fund for Client Protection, an entity established by the Supreme Court of New Jersey under R. 1:28-1, et seq., Richard J. Hughes Justice Complex, CN-961, Trenton, New Jersey 08625, complaining against the defendant says:

1. The plaintiff was established to reimburse clients for losses caused by the dishonest conduct of members of the Bar of New Jersey.

2. Defendant maintained offices for the practice of law at 41 Highway 34, Colts Neck, New Jersey 07722.

3. Defendant was disbarred from the practice of law on May 11, 1993.

4. In or about August 1990, while representing Zontan and Cathleen Szatmary, defendant embezzled, misapplied and converted to his own use the sum of \$5,000.00 received by him on behalf of Mr. and Mrs. Szatmary as funds to be held, in a fiduciary capacity,



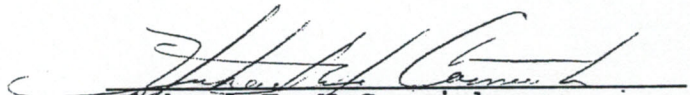
in escrow in connection with a real estate transaction.

5. The individuals named in paragraph four of this complaint filed a claim with plaintiff on account of the dishonest conduct of the defendant.

6. Pursuant to R. 1:28-1, et seq., of the Rules Governing the courts of New Jersey, the plaintiff has paid the claim of the Claimants named in paragraph four and has received an assignment of all their rights, claims and interest against the defendant.

7. To date, defendant has not reimbursed the plaintiff for any of the monies paid on his behalf.

**WHEREFORE**, plaintiff demands judgment against the defendant for damages in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) plus interest from the date of Complaint and costs of suit.

  
Michael T. McCormick  
Deputy Counsel  
Attorney for Plaintiff


Dated: December 21, 1994

**CERTIFICATION**

I hereby certify pursuant to R. 4:5-1 that, to my knowledge, the matter in controversy is not the subject of any action pending in any court nor is there any pending arbitration proceeding, nor is any such action or arbitration contemplated. I further certify that there are no other parties who should be joined in this

action.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

  
Michael T. McCormick  
Deputy Counsel  
Attorney for Plaintiff

Dated: December 21, 1994



NEW JERSEY LAWYERS' FUND  
FOR  
CLIENT PROTECTION

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CN-961

TRENTON, NJ 08625-0961

BILLING: (609) 292-8079

CLAIMS: (609) 292-8008

FAX (609) 394-3637

STREET ADDRESS FOR DELIVERIES:  
25 W. MARKET STREET

December 21, 1994

Mercer County Clerk  
P.O. Box 8068  
Trenton, New Jersey 08625

**Re: New Jersey Lawyers' Fund for Client Protection  
v. Kenneth Irek; CPF-520**

Dear Clerk:

Enclosed for filing is the original and two copies of a Complaint in the above matter. Kindly file and return a filed copy of the Complaint to me in the envelope provided.

As a Committee of the Supreme Court, the Fund is exempt from fees in this regard.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael T. McCormick".

Michael T. McCormick

enclosures  
MM/1



DATE : November 29, 1994

POSTMASTER  
Key Biscayne, Florida 33149

**REQUEST FOR CHANGE OF ADDRESS FOR BOXHOLDER  
INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS**

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: Kenneth Irek  
Address: 590 Ocean Drive, Unit 5-B, Key Biscayne, Florida 33149

**NOTE:**The name and last known address are required for change of address information. The name, if known, and post office address are required for boxholder information.

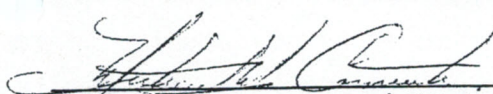
The following information is provided in accordance with 39CFR 265.6 (d) (6) (ii). There is no fee for providing the boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6 (d) (1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester (e.g., process server, attorney, party representing himself): Attorney
2. Statute or regulation that empowers me to serve process, (not required when requestor is an attorney or a party acting pro se must cite statute): N/A
3. The names of all known parties to the litigation: Client Protection Fund and Kenneth Irek
4. The court in which the case has been or will be heard: Superior Court of New Jersey, Chancery Division, Mercer County
5. The docket or other identifying number if one has been issued:  
none issued as of this date
6. The capacity in which the party is to be served (e.g., defendant or witness): Defendant

**WARNING**

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000.00 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

  
Michael T. McCormick, Esq.



For Post Office Use Only

BOXHOLDER'S  
NEW ADDRESS

POSTMARK

No change of address order on file.

Not known at address given NAME and STREET ADDRESS  
Moved, left no forwarding address  
No such address

Real Address: 1111 CRANDON BLVD  
A 1202  
KEY BISCAYNE FL  
33149

12/2/94  
L-Adams  
4975



NEW JERSEY LAWYERS' FUN  
FOR  
CLIENT PROTECTION

TRUSTEES  
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ASSISTANT TREASURER  
FRANK C. FARR

STREET ADDRESS FOR DELIVERIES:  
25 W. MARKET STREET

Fax (609) 394-3637

October 5, 1994

Manuel P. Sanchez, Esq.  
Sanchez, Sanchez & Santoliquido  
902 Second Avenue  
Elizabeth, NJ 07202

Re: **Jacobi v. Irek**  
**CPF-520:2-94**

Dear Mr. Sanchez:

Thank you for your attendance and attention at the trustee meeting of September 28, last.

As was related to your clients and you at the meeting, the trustees could not make a more favorable finding within the guidelines established. Specifically, there was no "dishonest conduct" by Kenneth Irek acting as an attorney at law. The trustees considered the fact that money was given to Kirex Corporation, as the mortgage contingency clause was waived and Kirex Corporation was permitted to receive all funds for corporation use. At that point, Kirex could have used the money for any purpose, including paying corporate salaries or for making improvements on the property. A finding of "dishonest conduct" could not, with the evidence presented, be reasonably determined by the Board of Trustees.

Again we thank you for your attention and services to your client and we are sorry that we are unable to help them further.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Daniel R. Hendi', written over the typed name.  
DANIEL R. HENDI

DRH:lic