

**IN RE: MARC DANIEL FOLEY****NO. BD-2010-005****S.J.C. Judgment of Disbarment entered by Justice Duffly on November 2, 2015.¹****SUMMARY²**

On February 22, 2010, Marc Daniel Foley, the respondent, was suspended for a term of eighteen months for misconduct in connection with the conversion of a twenty-four unit apartment building to a condominium and the sale of the units. Matter of Foley, 26 Mass. Att’y Disc. R. 199 (2010). The respondent represented an individual in purchasing the building and converting it to a condominium. He or an associate under his direction then represented the lenders at the sale of the condominium units. As to all but one of the closings, the respondent or his associate had the parties sign HUD-1 Settlement Statements that the respondent knew, either in fact or by willful blindness, falsely stated that the buyers paid cash at the closing and falsely inflated the amount of net proceeds paid to the seller.

On December 20, 2012, the respondent was convicted in the United States District Court for the District of Massachusetts of thirty-three counts of wire fraud in violation of 18 U.S.C. § 1343 and five counts of unlawful monetary transaction in violation of 18 U.S.C. § 1957. The conduct for which the respondent was convicted was the same as that for which he was suspended in 2010. He was committed to the Bureau of Prisons for seventy-two months to be served concurrently on each count and thirty-six months of supervised release. The respondent also was assessed \$3,800 and ordered to pay restitution of \$2,198,204.

On January 17, 2013, bar counsel filed with the Board of Bar Overseers a petition for discipline based upon the respondent’s conviction. Further proceedings were deferred pending the respondent’s appeal of his conviction, which was affirmed by the United States Court of Appeals for the First Circuit on April 1, 2015. On August 20, 2015, the respondent submitted to the board an affidavit of resignation in which he acknowledged his conviction.

On September 21, 2015, the board voted to recommend to the Court that the respondent’s resignation be accepted and that he be disbarred, retroactive to February 22, 2010, the date of his term suspension. On November 2, 2015, the Supreme Judicial Court for Suffolk County (Duffly, J.) so ordered.

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.