

SUPREME COURT DISCIPLINES 27 ATTORNEYS

FOR IMMEDIATE RELEASE

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Summaries of orders issued May 19 – June 5, 2014

The Florida Bar, the state's guardian for the integrity of the legal profession, announces that the Florida Supreme Court in recent court orders disciplined 27 attorneys; disbarred seven and suspending 14. Six attorneys were publicly reprimanded. Four attorneys received more than one form of discipline. Two were placed on probation and three were ordered to pay restitution.

As an official arm of the Florida Supreme Court, The Florida Bar and its Department of Lawyer Regulation are charged with administering a statewide disciplinary system to enforce Supreme Court rules of professional conduct for the 98,000-plus lawyers admitted to practice law in Florida. Key discipline case files that are public record are posted to attorneys' individual online Florida Bar profiles. [To view discipline documents, follow these steps.](#) Additional information on the discipline system and how to file a complaint are available at www.floridabar.org/attorneydiscipline.

Court orders are not final until time expires to file a rehearing motion and, if filed, determined. The filing of such a motion does not alter the effective date of the discipline. Disbarred lawyers may not re-apply for admission for five years. They are required to go through an extensive process that rejects many who apply. It includes a rigorous background check and retaking the bar exam. Historically, less than 5 percent of disbarred lawyers seek readmission.

Antonio R. Arnao, 28870 U.S. Highway 19 N., Suite 300, **Clearwater, disbarred** effective immediately, following a June 2 court order. (Admitted to practice: 1988) In May 2013, The Florida Bar received several complaints against Arnao, alleging that he was paid and did little or no work on their cases. Additionally, there were communication problems between Arnao and his clients. Arnao subsequently failed to respond to the Bar's inquiries regarding the complaints, he failed to comply with a subpoena and he did not respond to the request for issuance of notice of non-compliance and finding of contempt. (Case Nos. SC13-1576 & SC13-1623)

Frank Alfred Baker, 4431 Lafayette Street, **Marianna, suspended** effective 30 days from a June 5 court order. (Admitted to practice: 1976) Baker is a defendant in a Federal criminal lawsuit. He was found guilty by a jury of eight felony fraud counts, including conspiracy, wire fraud, making false statements to the Federal Deposit Insurance Corp. and causing a false claim to be filed against the United States. (Case No. SC14-1063)

Stephen Ashley Barnes, 505 S. Magnolia Ave., **Tampa, to be publicly reprimanded** following a May 19 court order. (Admitted to practice: 1994) In two separate personal injury cases, Barnes' clients died during the course of litigation. While the cases

should have been abated, he continued to litigate the cases without disclosing the death of the clients until after he had a party to formally substitute for his clients. (Case No. SC13-2239)

Douglas Lawrence Bates, 817 S. University Drive, Suite 100, **Plantation**, **disbarred** effective 30 days from a May 29 court order. (Admitted to practice: 1987) Bates pleaded guilty to one felony count of conspiracy to commit wire fraud. From December 2008, Bates was acquainted with Scott Walter Rothstein from the law firm Rothstein Rosenfelt Adler. At Rothstein's request, Bates created two fraudulent opinion letters about the operations of RRA. (Case No. SC14-659)

Stephanie Bolton, P.O. Box 262521, **Tampa**, **suspended** effective 30 days from a May 21 court order. (Admitted to practice: 2004) Bolton pleaded no contest in court to Grand Theft, a third-degree felony. She was sentenced to two years of probation. (Case No. SC14-967)

Michael Ralph Casey, 1831 N.E. 38th St., Apt. 707, **Oakland Park**, **suspended** until further order, effective 30 days from a May 28 court order. (Admitted to practice: 1976) According to a petition for emergency suspension, Casey appeared to be causing great public harm. Casey is accused of defrauding hundreds of investors worldwide out of approximately \$20 million. In September 2012, he was charged in federal court, with conspiracy to commit mail and wire fraud. On April 29, Casey failed to appear for a court hearing, and a bench warrant was issued for his arrest by the U.S. District Court, Southern District of Florida. The FBI Wanted poster indicates that Casey "should be considered armed and dangerous." (SC14-954)

Joseph R. Deciantis, 1890 Tamiami Trail S., Unit A, **Venice**, to be **publicly reprimanded** following a June 2 court order. (Admitted to practice: 1985) Deciantis was retained to represent clients in two separate dissolution of marriage cases and one divorce modification. In all three instances, he received thousands of dollars but neglected to provide adequate representation. Deciantis failed to diligently respond to or participate in discovery in one case and in two cases he failed to provide clients with itemized statements of charges. (Case No. SC13-1774)

Thomas Francis diLustro, 531 S. Gay St., Suite 602, **Knoxville, Tenn.**, **suspended** until further order, effective 30 days from a May 21 court order. (Admitted to practice: 2000) According to a petition for emergency suspension, diLustro appeared to be causing great public harm. diLustro, who is also a member of the Tennessee Bar, failed to comply with Tennessee rules of professional conduct. In one instance he forged his client's signature to a document submitted to court for approval and he provided false testimony regarding the signature. (Case No. SC14-885)

Ana I. Gardiner, 5920 N.E. 14th Road, **Fort Lauderdale**, **disbarred** effective 30 days from a June 5 court order. (Admitted to practice: 1988) While the presiding judge in a capital first-degree murder case, Gardiner was involved in a significant emotional relationship with the lead prosecutor in the case. She deliberately chose not to disclose the information to the defense during the pendency of the proceedings, despite her duty to do so. Further, Gardiner misrepresented the nature and extent of her relationship with the lead prosecutor to the JQC during its investigation into her misconduct. (SC11-2311)

Thomas Harold Greene Jr., 12809 Camellia Bay Drive, W., **Jacksonville**, **disbarred** effective immediately, following a May 29 court order. (Admitted to practice: 1991) A Bar audit found multiple instances of misappropriation. For one client, Greene paid himself \$44,350 in attorney fees. He misappropriated funds from 15 other clients and would deposit personal funds into the trust account, commingling his personal assets with his trust account. Greene also charged and collected clearly excessive contingency fees in 14 personal injury cases. For one claim, he paid himself \$69,000 on a \$110,000 judgment. (SC13-1854)

Dennis Hernandez, 3339 W. Kennedy Blvd., **Tampa**, to be **publicly reprimanded** following a May 19 court order. (Admitted to practice: 1992) Hernandez entered into an agreement with three attorneys to refer cases to their law practice. In December 2010, in the Circuit Court of Hillsborough County, he filed a civil lawsuit against them individually as well as their business entities and 18 former clients, alleging breach of contract for failing to pay referral fees. He voluntarily dismissed the complaints in May 2011. In another matter, Hernandez was arrested for battery related to a domestic dispute in May 2012. He entered into a diversion program consisting of a pretrial intervention contract. (Case No. SC13-1888)

Eric R. Hurst, c/o Lenoir Brewer, 108 W. College Ave., **Tallahassee**, **suspended** until further order, effective 30 days from a May 21 court order. (Admitted to practice: 1991) On May 8, Hurst pleaded no contest to one count of obscene communication use of computer to seduce, solicit a minor, and one count of traveling to meet a minor, both felonies. (Case No. SC14-946)

Joel Scott Jacobi, 12555 Biscayne Blvd., **North Miami**, **suspended** for 18 months, effective retroactive to Oct. 21, 2010, following a May 29 court order. (Admitted to practice: 1997) Jacobi and a law partner opened a firm for the purpose of providing nationwide loan modification services, and approximately 85 percent of his clients were from states other than Florida; however, he was only licensed to practice law in Florida. Between September 2009 and October 2010, Jacobi failed to adequately supervise his non-lawyer employees, and failed to ensure client matters were handled diligently. Virtually all communication with clients was done by non-lawyer staff. Jacobi was also negligent in an additional matter unrelated to his loan modification practice, wherein he took a fee for legal services, and then failed to perform any significant services on behalf of the client. (Case No. SC14-607)

Evan Scott Kagan, 1412 S.W. 20th Court, **Fort Lauderdale**, **suspended** for 90 days, effective 30 days from a May 29 court order. Further, Kagan shall pay **restitution** of nearly \$22,000 to nine clients. (Admitted to practice: 2006) Kagan was the subject of numerous Florida Bar disciplinary matters. In each case, Kagan was hired to perform debt consolidation legal services. He accepted the fees for representation and failed to adequately communicate. In some instances, he performed significant legal services but not enough to justify the fees charged. (Case No. SC14-702)

Christina Marie Kitterman, 102 N.E. 2nd St., No. 128, **Boca Raton**, **disbarred** effective retroactive to April 16, 2014, following a May 29 court order. (Admitted to practice: 2002) Kitterman was sentenced in court to three felony counts of wire fraud. While employed at

the law firm Rothstein Rosenfeldt Adler, Kitterman participated in a phone call, at the demand of Rothstein, and misrepresented herself as a lawyer for The Florida Bar. (Case No. SC14-660)

Tracy Lee Locy, P.O. Box 1284, **Cape Canaveral, suspended** for 120 days, effective 30 days from a May 29 court order. Further, Locy is placed on **probation** for two years and shall pay **restitution** of \$2,000 to one client. (Admitted to practice: 2005) In November 2011, Locy pleaded no contest in court to battery, a first-degree misdemeanor. In another matter, shortly after agreeing to represent a client, Locy learned that the client had already been convicted and there were no legal services he could provide. The \$2,000 check he refunded to the client was returned for insufficient funds. Twenty-three months after agreeing to return the fee, Locy still had not refunded the money. (Case No. SC13-1187)

Eric Andrew Mader, P.O. Box 18628, **Tampa, suspended** for 91 days, effective 30 days from a May 19 court order. Further, Mader is placed on **probation** for three years. (Admitted to practice: 1997) From 2009 to 2012, Mader's law group represented in state and out of state clients for loan modifications, foreclosure defense and debt reduction solutions. He employed lawyers and non-lawyers to provide the services to clients. Mader used a website to improperly solicit clients and he charged and collected improper fees from the clients. (SC13-1883)

Frank Excel Marley III, 12555 Orange Drive, Suite 4082, **Davie, disbarred** effective immediately, following a May 29 court order. (Admitted to practice: 2003) Marley was suspended by the Court in February for his felony conviction in U.S. District Court. He was found guilty of one count of conspiracy to commit wire and mail fraud and six counts of theft from an Indian Tribe. (Case No. SC14-2)

Jeff Mitchell Novatt, 1415 Panther Lane, Suite 327, **Naples, suspended** for 10 days, effective 30 days from a May 29 court order. (Admitted to practice: 2000) Novatt was hired by a client involved in litigation with his condominium association. The client was interested in purchasing other units in the development, so he asked Novatt to contact specific owners including the association's president to express interest, without disclosing the client's identity. In 20 letters to the client's targeted owners, Novatt misrepresented the truth, claiming that he was from a national investment company specializing in acquiring real estate. He also claimed that the owners were identified based on investment analysis that involved a public records search. (Case No. SC13-2213)

Paul Anthony Pyszynski, 2042 Bee Ridge Road, **Sarasota, suspended** until further order, following a May 21 court order. (Admitted to practice: 1996) According to a petition for emergency suspension, Pyszynski appeared to be causing great public harm. A Bar's investigation indicated that Pyszynski obtained more than \$100,000 from six clients and he failed to disburse, refund or respond to requests for an accounting. In June 2012, a U.S. bankruptcy judge issued an order retroactive to Nov. 20, 2011, accepting Pyszynski's voluntary cessation of bankruptcy practice. (SC14-872)

David Leonard Ross, P.O. Box 18137, **Beverly Hills, Calif., suspended** for three years, following a May 29 court order. (Admitted to practice: 1982) Ross is a resident of California and a member of The Florida Bar. He is not licensed to practice in California state courts. In

May 2006, Ross was given a retainer of \$10,000 by a client, from which he would be paid based on billing at an hourly rate. Shortly before the scheduled hearing in June 2006, the client told Ross circumstances had changed and she'd no longer need his services. For several years, Ross withheld the client's funds, avoided communication and engaged in delaying tactics. In May 2009, Ross was involved in a family matter in California involving his elderly aunt's trust. He filed a legal action on behalf of himself and four other relatives and forged an attorney's signature on a complaint filed in court. (Case No. SC11-1106)

Monica Amelia Santiago, 70 S. Semoran Blvd., **Orlando**, **suspended** for 10 days, effective 30 days from a May 29 court order. Further, Santiago is directed to attend ethics school. (Admitted to practice: 2008) In seven separate cases, after being retained, Santiago failed to diligently represent clients. One client learned that his divorce had never been filed. In another case, Santiago failed to notify a client that she had moved her law office. Two clients were forced to hire new counsel. (SC13-2233)

Christian N. Scholin, 477 S. Rosemary Ave., Suite 319, **West Palm Beach**, **permanently disbarred** effective immediately, following a May 29 court order. (Admitted to practice: 1993) Scholin was disbarred in July of 2010. In December of 2013, Scholin pleaded guilty to engaging in the unlicensed practice of law, a third-degree felony. (Case No. SC14-638)

John Walter Smith, P.O. Box 5054, **Alpharetta, Ga.**, to be **publicly reprimanded** following a May 29 court order. (Admitted to practice: 1975) Between 2008 and 2010, Smith's law firm contracted with non-lawyers to process loan modifications. Smith failed to adequately supervise the non-lawyer employees, which led to inadequate communication with four clients who filed complaints with The Florida Bar. (Case No. SC14-665)

Loring Noel Spolter, 1301 E. Broward Blvd., Suite 330, **Fort Lauderdale**, **suspended** following a June 5 court order. (Admitted to practice: 1990) Spolter was found in contempt for failing to comply with the conditions of his September 25, 2013, suspension. Specifically, Spolter was ordered to provide the Bar within 30 days of his suspension, a sworn affidavit listing the names and addresses of all persons and entities that received the suspension order. (Case No. SC14-124)

Richard Walter Springer, 3003 S. Congress Ave. IA, **Palm Springs**, to be **publicly reprimanded** following a May 29 court order. Further, Springer shall pay **restitution** of \$18,750 to one client. (Admitted to practice: 1974) Springer inappropriately commingled client funds into his operating account and he charged an excessive fee. (Case No. SC13-1677)

Martin Miles Werner, 102 N.E. 2nd St., Unit 166, **Boca Raton**, to be **publicly reprimanded** following a May 29 court order. (Admitted to practice: 1985) Werner represented a debtor in a case without having the required 12 hours of CLE courses related to the subject area of bankruptcy law. He therefore engaged in the unauthorized practice of law, specifically in the U.S. Bankruptcy Court for the Southern District of Florida. (Case No. SC14-705)