

SUPREME COURT DISCIPLINES 29 ATTORNEYS

FOR IMMEDIATE RELEASE

March 31, 2014

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Summaries of orders issued Feb. 4 – March 10, 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 29 attorneys; publicly reprimanding eight attorneys, suspending 13, disbaring three and revoking the licenses of five. Eleven attorneys received more than one form of discipline. Seven were placed on probation and five 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.

Richard Kerry Adkison, P.O. Box 669, **Chipley**, to be **publicly reprimanded** by the referee following a Feb. 10, court order. Further, Adkison shall be placed on **probation** for three years and pay **restitution** of more than \$237,000 to two clients. (Admitted to practice: 1990) Adkison admitted to failing to follow Bar rules regarding non-lawyer assistants. He reported to The Florida Bar Foundation that his non-lawyer employee had embezzled funds from his trust account and general operating account. Adkison also failed to comply with Bar rules governing trust accounts. (Case No. SC12-2520)

Masable Larumbra Baker, 600 Bypass Drive, Suite 205, **Clearwater**, **suspended** until further order, following a Feb. 20, court order. (Admitted to practice: 2002) According to a petition for emergency suspension, Baker appeared to be causing great public harm by misappropriating trust funds. An audit found that in September 2012, there was a balance of \$613.12 in his trust accounts, but there should have been a balance of more than \$122,000. The majority of the money was used for Baker's personal and business purposes. (Case No. SC14-313)

Carl Andrew Borgan, 3130 Jackson Ave., **Coconut Grove**, **suspended** until further

order, effective 30 days from a Feb. 7, court order. (Admitted to practice: 1983) Borgan was alleged to have hidden marital assets in his trust account, and when a family court judge froze the account, he took no action to get his clients' funds released, including one client who died prior to the full disbursement of her settlement funds. Borgan refused to assist in obtaining the release of the funds to her surviving family members. Additionally, he showed a pattern of obstructing the administration of justice by failing to acknowledge receiving court-delivered documents and failing to cooperate with various court ordered activities. (Case No. SC12-2187)

Thomas Theodore Clifford, 1718 E. 7th Ave., Suite 201, **Tampa**, **suspended** for 90 days, effective 30 days from a March 10, court order. Clifford is further directed to complete trust accounting school and upon reinstatement, shall be placed on **probation** for two years. (Admitted to practice: 1990) In representing a client in a workers' compensation claim, Clifford failed to maintain the proper funds in his trust account. He also failed to maintain trust account records. Clifford was served a subpoena requiring him to provide trust accounting records. He was found in contempt for failing to do so for several months. (Case Nos. SC13-84 & SC13-1574)

Richard A. Colegrove Jr., P.O. Box 726, **Sanford**, **suspended** for 15 days, effective 30 days from a Feb. 4, court order. Further, upon reinstatement, Colegrove shall be placed on **probation** for one year and attend ethics school. (Admitted to practice: 1988) Colegrove was hired to handle a child support modification case and he did not diligently pursue the matter, failing to file an income deduction order. (Case No. SC13-920)

Michael Leonard DiTano, 125 Windsor Cove, N.E., **Atlanta, Ga.** The Supreme Court granted DiTano's request for a **disciplinary revocation**, effective 30 days from a Feb. 28, court order, with leave to seek readmission after five years. (Admitted to practice: 1997) Disciplinary revocation is tantamount to disbarment. DiTano had a complaint pending in which he admitted that he approved billings for payment by his employer knowing they were not for work performed on behalf of the corporation. This resulted in the voluntary surrender of his Georgia license. (Case No. SC13-1291)

Angel Manuel Garcia, 250 Bird Road, Suite 312, **Coral Gables**. The Supreme Court granted Garcia's request for a **disciplinary revocation**, effective Jan. 16, following a Jan. 7 court order, with leave to seek readmission after five years. (Admitted to practice: 1991) Disciplinary revocation is tantamount to disbarment. Garcia had a complaint pending involving allegations of improperly funded transactions for condominium conversion projects. (Case No. SC13-1952)

Bruce John Goldman, 11042 Paradela St., **Coral Gables**, to be **publicly reprimanded** following a Feb. 18, court order. Further, Goldman is placed on **probation** for three years. (Admitted to practice: 1981) During an investigation of his trust account, the Bar found that Goldman co-mingled personal and trust funds in excess of \$200,000 in 2008. He also failed to maintain the minimum required trust accounting records for a period of six years. (Case No. SC13-2463)

Andrew S. Goldwyn, 999 N.W. 51st St., Suite 210, **Boca Raton**, to be **publicly reprimanded** following a Feb. 18, court order. (Admitted to practice: 1994) Goldwyn was

found in contempt for failing to respond to official Bar inquiries regarding a complaint in a timely manner. (Case No. SC13-1338)

Michael J. Hernandez, 2211 S. Hacienda Blvd., Suite 205, **Hacienda Heights, Calif.**, **suspended** for one year, effective immediately, following a Feb. 5, court order. (Admitted to practice: 1999) Hernandez was found in contempt for failing to comply with the conditions of his March 11, 2013, suspension. Specifically, Hernandez failed to submit a sworn affidavit to the Bar listing names and addresses of all persons and entities that were furnished a copy of his suspension order. (Case No. SC13-1289)

Michael W. Johnson, 2320 N.E. 2nd St., Suite 3A, **Ocala**, to be **publicly reprimanded** and further placed on **probation** for three years, following a Feb. 4, court order. (Admitted to practice: 1982) Johnson was court-appointed to represent a client at a criminal trial and in an appeal in federal court. He was suspended by the federal court due to his failure to timely file appellate documents or respond to an Order to Show Cause in that regard. He ultimately responded and was reinstated. (Case No. SC13-477)

Mikel David Jones, 4781 N. Congress Ave., **Boynton Beach**, **disbarred** effective retroactive to May 16, 2012, following a Feb. 5, court order. (Admitted to practice: 1999) In U.S. District Court for the Eastern District of Pennsylvania, Jones was found guilty of conspiracy, wire fraud, mail fraud and money laundering – all felonies. (Case No. SC12-698)

Matthew Clark Kotzen, 1920 E. Hallandale Beach Blvd., Suite 704, **Hallandale Beach**, to be **publicly reprimanded** following a Feb. 4, court order. (Admitted to practice: 1997) As a result of Kotzen's lack of diligence in reviewing the time entries submitted by lawyers into the firm's client management system, a lawyer at the firm received payment on at least one occasion for services that had not been provided by the lawyer. (Case No. SC13-379)

Jeffrey Michael Lasman, P.O. Box 1907, **Brandon**, **suspended** until further order, effective 30 days from a March 6, court order. (Admitted to practice: 1999) Lasman was found in contempt for failing to respond to multiple grievances and avoiding service of a subpoena for trust account records. (Case No. SC13-2428)

Scott Douglas Leemis, 13896 Waterchase Way, **Jacksonville**, **suspended** until further order, effective 30 days from a March 6, court order. (Admitted to practice: 1981) Leemis was found in contempt for non-compliance and failure to respond to official Bar inquiries. (Case No. SC13-2189)

Mirosław Thomas Lobasz, 1106 N. G St., Suite D, **Lake Worth**, **permanently disbarred**, effective immediately, following a Feb. 4, court order. (Admitted to practice: 1994) Lobasz was disbarred on February 3, 2011, and continued to practice law. (Case No. SC12-2734)

Corinda Lynn Luchetta, P.O. Box 7357, **St. Petersburg**, **suspended** for 91 days, effective 30 days from a Feb. 21, court order. (Admitted to practice: 1999) Luchetta has displayed a pattern of misconduct. Most recently she failed to file an answer to the Bar regarding a complaint alleging she altered a marital agreement without consent and made it appear to the court that the client had signed the agreement before a notary. Luchetta was

suspended for 15 days with conditions of probation in 2008, in part for failing to respond to the Bar in five out of seven cases. (Case No. SC13-637)

Juan Carlos Martinez, 1221 Brickell Ave., Suite 1650, **Miami**, to be **publicly reprimanded** following a Feb. 18, court order. Further, Martinez shall pay **restitution** of \$11,240.25 to one client. (Admitted to practice: 1994) Martinez engaged in a conflict of interest by providing legal services to a client who was being sued by a former client. (Case No. SC13-2481)

Ramon Ismael Melendez, P.O. Box 720037, **Orlando**, **permanently disbarred** effective immediately, following a Feb. 21, court order. Further, Melendez shall pay **restitution** of more than \$141,000 to five clients. (Admitted to practice: 2000) Melendez abandoned his law practice and misappropriated client funds. (Case No. SC13-1316)

Miriam L. Mendieta, 7310 Biscayne Blvd., **Miami**, **suspended** for 90 days, effective 30 days from a Feb. 10, court order. (Admitted to practice: 1990) As a supervising attorney for the Law Offices of David J. Stern, P.A., Mendieta failed to exercise her authority to ensure that the actions of those she managed comported with Florida Bar rules. Those actions included a failure of attorneys she supervised to appear in court for conferences or hearings, substandard preparation of mortgage foreclosure files and allowing the filing of documents that were improperly notarized, witnessed or dated. (Case No. SC13-2404)

Timothy England Moffitt, 1570 Shadowlawn Drive, **Naples**, to receive a **public reprimand** to be administered by the Board of Governors, following a March 10, court order. Further, Moffitt shall pay **restitution** of \$1,000 to one client. (Admitted to practice: 2002) A client believed that Moffitt would handle an appeal for a flat fee, but the non-refundable nature of the fee was not put in writing and no notice of appeal was filed in a timely manner. Also, Moffitt became delinquent for failure to report Continuing Legal Education credits by August 31, 2012. He was notified of his delinquency in October 2012 and thereafter continued to have discussions with prosecutors regarding pending matters. When he appeared at a hearing, a presiding judge was aware of the delinquency and did not proceed. (Case No. SC13-2018)

Jason Royce Mosley, P.O. Box 12662, **Pensacola**, **suspended** for 30 days, effective 30 days from a Feb. 18, court order. Further, upon reinstatement, Mosley is placed on **probation** for two years. (Admitted to practice: 2000) After taking a job with a new law firm, Mosley signed an agreement not to take on outside employment without company permission. Mosley was subsequently terminated when the firm learned he had handled legal matters in which flat fees were paid by the clients to him rather than the firm. (Case No. SC13-1201)

Charles Louis Neustein, 777 Arthur Godfrey Road, Floor 2, **Miami Beach**. The Supreme Court granted Neustein's request for a **disciplinary revocation**, effective immediately, following a Feb. 10, court order, with leave to seek readmission after five years. (Admitted to practice: 1968) Disciplinary revocation is tantamount to disbarment. Neustein had a complaint pending alleging misconduct involving dishonesty, deceit, fraud or misrepresentation. (Case No. SC13-2096)

Tomas A. Pila, 3191 Coral Way, Suite 401, **Miami**, to be **publicly reprimanded** following a Feb. 10, court order. Further, Pila shall pay **restitution** of \$3,000 to one client. (Admitted to practice: 1997) Pila was retained by a client to recover \$60,000 lost as a part of a mortgage investment. He failed to take significant action in the case or pursue the claim. He also failed to stay in contact and continuously failed to communicate with the client. The client subsequently retained new counsel. When the client requested a copy of his file, Pila took more than a month to provide it. (Case No. SC13-2365)

Michael J. Scaglione, 2600 S. Douglas Road, Ph. 10, **Coral Gables**. The Supreme Court granted Scaglione's request for **addisciplinary revocation**, effective immediately, following a March 10, court order, with leave to seek readmission after five years. (Admitted to practice: 1999) Disciplinary revocation is tantamount to disbarment. Scaglione had several disciplinary actions pending including one stemming from a guilty plea in federal court to money laundering. (Case No. SC14-76)

Jorge Luis Suarez, 3735 S.W. 8th St., Suite 101, **Coral Gables**, **suspended** for 91 days, effective 30 days from a March 10, court order. (Admitted to practice: 1990) In 1997, Suarez began executing attorney fee affidavits for foreclosure cases at the David L. Stern law firm as an independent contractor. An unknown number of affidavits processed by Suarez from 2007 to 2010 were not executed by him in the presence of a notary. On more than one occasion, Suarez executed an expert affidavit without reviewing the pertinent file. (Case No. SC14-235)

Randall Norman Thornton, P.O. Box 58, **Lake Panasoffkee**. The Supreme Court granted Thornton's request for a **disciplinary revocation**, effective immediately, following a Feb. 18, court order, with leave to seek readmission after five years. (Admitted to practice: 1974) Disciplinary revocation is equivalent to disbarment. Thornton had a complaint pending involving allegations of trust account violations. (Case No. SC13-2236)

Richard Gregory Toledo, 21 S.E. 1st Ave. #10th, **Miami**, **suspended** for 91 days, effective 30 days from a March 10, court order. (Admitted to practice: 1989) Toledo began executing attorney fee affidavits for foreclosure cases at the David L. Stern law firm as an independent contractor in 2007. An unknown number of affidavits processed by Toledo during that time were not executed by him in the presence of a notary. On more than one occasion, Toledo executed an expert affidavit without reviewing the pertinent file. (Case No. SC14-233)

Moses Eugene Williams, 2510 Miccosukee Road, Suite 104, **Tallahassee**, **suspended** for 45 days, effective 30 days from a Feb. 4, court order. Further, upon reinstatement, Williams is placed on **probation** for 18 months. (Admitted to practice: 1984) A client paid Williams \$5,000 to represent her in a wrongful termination case. One month later, the former employer filed a motion to dismiss. With the motion unanswered and pending before the court, Williams filed a motion to withdraw because the client was unable to pay any additional fees for his services. He then improperly billed the client for his motion to withdraw and his response to the Bar regarding her complaint about him. In addition, Williams was found in contempt of court for a second time, for failure to pay child support. He was sentenced in court to 60 days in jail and a purge amount of \$5,000. (Case No. SC12-2287)