

SUPREME COURT DISCIPLINES 22 ATTORNEYS

FOR IMMEDIATE RELEASE

May 29, 2014

CONTACT: Public Information Department,
The Florida Bar
TELEPHONE: (850) 561-5666

Summaries of orders issued April 10 – May 9, 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 22 attorneys; disbarred five and suspending 12. Five attorneys were publicly reprimanded. Six attorneys received more than one form of discipline. Five were placed on probation and one was 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.

Sean William Biggins, 1717 20th St., Suite 107, **Vero Beach**, **disbarred** effective immediately, following an April 25 court order. (Admitted to practice: 1990) Biggins was found in contempt for failing to comply with the terms of an Oct. 9, 2013, suspension. He continued to practice law while suspended. (Case No. SC14-144)

Carl Andrew Borgan, 3130 Jackson Ave., **Coconut Grove**, **disbarred** effective immediately, following a May 1 court order. (Admitted to practice: 1983) Borgan held funds in excess of \$19,000 belonging to complainants in his trust account for years, despite their numerous requests and demands. He failed to provide requested trust account records to The Florida Bar and he commingled his own funds with those of his clients in order to hide marital assets from his wife in his divorce case. Finally, Borgan failed to appear at a final hearing on discipline, despite being properly noticed. (Case No. SC12-2187)

Joseph Andrew Caramadre, 90 Beechwood Drive, **Cranston, R.I.**, **disbarred** effective immediately, following an April 29 court order. (Admitted to practice: 1994) In November 2012, Caramadre pleaded guilty in federal court to one felony count of wire fraud and one felony count of conspiracy. In January 2013, Caramadre was temporarily suspended from the Massachusetts Bar Association. He failed to timely notify The Florida Bar of his

indictment, judgment or suspension. (Case No. SC13-1540)

James Lee Clark, 701 S. Howard Ave., Suite 201, **Tampa**, to be **publicly reprimanded** and further, placed on **probation** for one year, following an April 10 court order. (Admitted to practice: 1992) Clark was not diligent in handling a client matter involving the administration of an estate and recording of a deed. He also charged the client a 3 percent credit card fee to process payment of the retainer. Clark also was not diligent in his representation of two other clients who retained him to obtain loan modifications. Clark refunded retainers to each. Additionally, Clark's trust account records contained numerous accounting errors which have since been corrected. (Case No. SC13-1385)

Jean Marie Downing, 2111 Thomas Drive, Suite 1, **Panama City Beach**, **suspended** for 90 days, effective 30 days from an April 15 court order. Further, Downing is directed to attend ethics school. (Admitted to practice: 2000) Downing knowingly filed an improper pleading for the purpose of gaining leverage for her client who was involved in a property dispute. (Case No. SCF11-1678)

Susan K.W. Erlenbach, 2532 Garden St., **Titusville**, **suspended** for one year, effective 30 days from a May 1 court order, followed by a two-year **probation**. (Admitted to practice: 1982) Over a period of nine years, Erlenbach failed to timely file tax returns or pay taxes. She also withheld federal income tax, Social Security and Medicare taxes from employees of her professional association, but failed to pay the sums withheld to the Department of Treasury. (Case No. SC10-1793)

Theodore Stewart Fries Jr., 5465 N.E. 1st Lane, **Ocala**, **publicly reprimanded** by an April 29 court order. (Admitted to practice: 2002) Fries was found in contempt for failing to timely respond in writing to official Bar inquiries. (Case No. SC13-2232)

Marlene Garcia, 1521 Bella Vista Ave., **Coral Gables**, **suspended** for three years, effective retroactive to Dec. 5, 2013, and further, placed on **probation** for three years. She will also sign a rehabilitation contract with Florida Lawyers Assistance, Inc., following a May 9 court order. (Admitted to practice: 1987) In December 2012, Garcia pleaded no contest to one felony count of possession of cocaine and was adjudicated guilty. (Case No. SC13-2272)

Stephen Earl Hilker, P.O. Box 470969, **Lake Monroe**, **suspended** for 91 days, effective 30 days from a May 9 court order. (Admitted to practice: 1977) In representing a client in a probate matter, Hilker engaged in conduct involving dishonesty. He failed to properly respond to official Bar inquiries and improperly disparaged and communicated with a person known to be represented by another lawyer in the same case. (Case No. SC13-2294)

Lawton Reid Jackson, P.O. Box 140592, **Gainesville**, **disbarred** effective retroactive to May 19, 2012, following an April 10 court order. (Admitted to practice: 1989) Jackson commingled funds, and deposited \$50,000 that was supposed to be held in escrow into a personal bank account, then converted approximately \$30,000 for personal expenditures. He also represented a client in a lawsuit against a former client in the same or substantially similar matter without a waiver or permission from either prior to the representation. (Case No. 12-1215)

Jason Todd Lorenzon, 5005 Rockside Road, Suite 600, **Independence, Ohio**, to be **publicly reprimanded** and further, placed on **probation** for six months, following an April 24 court order. (Admitted to practice: 2008) Lorenzon was also a member of the Ohio Bar. He was suspended in Oct. 2012 for six months. Lorenzon entered into an "of counsel" agreement with a Florida law firm that negotiates debt on behalf of consumers in Florida and Ohio. He gave the company his electronic signature and attorney number for use on forms he'd pre-approved. The company took on at least three cases without his knowledge. (Case No. SC13-1363)

Evenette Mondesir, 1175 N.E. 125th St., S-103, **Miami, disbarred** effective immediately, following an April 21 court order. (Admitted to practice: 1990) Mondesir was a law partner with Gabrielle Alexis, who was disbarred in 2012. The two formed a title company and became agents for the Attorneys Title Insurance Fund. In a real estate transaction involving a lender insured by the Fund, Mondesir and Alexis misappropriated more than \$665,000 of proceeds from the closing instead of satisfying the mortgage. Mondesir was also found guilty of contempt for failing to comply with (former) Rule 3-5.1(g), Rules Regulating The Florida Bar. (Case Nos. SC10-1846 & SC10-1890)

Richard A. Munoz, 2030 South Douglas Road, **Coral Gables, suspended** for 91 days, effective retroactive to March 14, following an April 29 court order. (Admitted to practice: 1992) Munoz represented a client in two bankruptcy cases and submitted an order to the court containing inaccurate information. (Case No. SC13-1548)

Howard Raab, P.O. Box 208, **Taos, N.M.**, to be **publicly reprimanded** following an April 10 court order. (Admitted to practice: 1983) Raab admitted to having a consensual improper personal encounter with a woman he represented in a dissolution of marriage proceeding. (Case No. SC13-1784)

James Edward Rawe Jr., 4109 17th Ave. W., **Bradenton, suspended** until further order, effective 30 days from an April 15 court order. (Admitted to practice: 1993) Rawe was found in contempt for non-compliance and failure to respond in writing to official Bar inquiries. (Case No. SC13-2072)

Michael Tyron Rayne, 8382 Fordham Lane, **Tallahassee, suspended** for 20 months, effective retroactive to July 23, 2013, and further, shall pay **restitution** of \$3,500 to one client, following a May 9 court order. (Admitted to practice: 2002) Rayne was retained to represent a client in a probate matter. He abandoned the case before it was settled but he did not inform the client; he failed to properly communicate with the client the basis of his fee and he failed to timely respond to Bar inquiries about the case. (Case No. SC13-2162)

Mark Dwayne Rodriguez, 415 Tompkins St., **Inverness, suspended** until further order, effective 30 days from an April 29 court order. (Admitted to practice: 1998) Rodriguez was found in contempt for failing to produce subpoenaed trust account records. (Case No. SC13-2475)

Gary Bruce Sack, 25 W. New Haven Ave., Suite F/G, **Melbourne, suspended** until further order, following an April 30 court order, effective 30 days from an April 30 court order.

(Admitted to practice: 1973) According to a petition for emergency suspension, Sack appeared to be causing great public harm by misappropriating client funds. (Case No. SC14-822)

Laura E. Spencer, 4161 Barbarossa Ave., **Coconut Grove, suspended** for three years, effective immediately, following an April 25 court order. (Admitted to practice: 1996) Spencer was found guilty by a jury of fleeing and eluding an officer, a third-degree felony. (Case No. SC13-1782)

Loring Noel Spolter, 1301 E. Broward Blvd., Suite 330, **Fort Lauderdale, suspended** for three years, effective immediately, following an April 10 court order. (Admitted to practice: 1990) Spolter was found in contempt for failing to comply with the terms of a Sept. 25, 2013, suspension order. Spolter was required to provide a sworn affidavit to The Florida Bar within 30 days of his suspension, listing the names and addresses of all persons and entities that were furnished a copy of his suspension order. (Case No. SC13-2406)

Lanell Williams-Yulee, 607 W. Dr. Martin Luther King Jr. Blvd., Suite A, **Tampa**, to be **publicly reprimanded** following a May 1 court order. (Admitted to practice: 1991) While a county court candidate, Williams-Yulee personally solicited campaign contributions, a violation of Canon 7C(1) of the Florida Code of Judicial Conduct. (Case No. SC11-265)

Daniel Joshua Zemel, 2075 N. Bay Road, **Miami, suspended** for 91 days, effective 30 days from a May 8 court order. Further, upon reinstatement, Zemel shall be placed on **probation** for one year. He will also undergo a mental health evaluation conducted by Florida Lawyers Assistance. (Admitted to practice: 1990) In 2010, Zemel was a defendant in two civil actions representing himself. He had not paid his Bar dues at the time the offenses occurred, so he was of the belief that Bar rules did not pertain to him. In one case, Zemel was terminated from a law firm after a dispute with his employer. Secondly, during his divorce proceeding, Zemel made false statements of fact to a judge. (Case No. SC12-667)