

SUPREME COURT DISCIPLINES 34 ATTORNEYS

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Summaries of orders issued Sept. 3 – Oct. 11, 2013

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 34 attorneys; disbarred 13, revoking the license of one, suspending 11 and publicly reprimanding nine. Six attorneys received more than one form of discipline. Three were placed on probation and four 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 96,000-plus lawyers admitted to practice law in Florida. Case files are posted to attorneys' individual Florida Bar profiles and may be reviewed at and/or downloaded from The Florida Bar's website, www.floridabar.org.

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 five percent of disbarred lawyers seek readmission.

Wilfredo Oscar Allen, 2250 S.W. 3rd Ave., Suite 100, **Miami, suspended** for 30 days following an Oct. 9 court order. Further, Allen shall pay **restitution** of \$1,750 to one client. (Admitted to practice: 1986) After accepting a client in an immigration case, Allen failed to timely file the petition, resulting in the petition being denied. Subsequently, Allen failed to notify the client that the petition had been denied for an extensive period of time. As a result of the denial, the client was unable to secure any type of permanent status in the United States and was unable to leave the country to attend to family and business matters. (Case No. SC13-1495)

L. Lisa Batts, 55 S.E. Osceola St., suite 100, **Stuart, suspended** for 90 days, effective Oct. 8, following an Oct. 1 court order. Further, Batts shall be placed on **probation** for three years. (Admitted to practice: 1988) The Bar's audit of Batts' trust account revealed a shortage of approximately \$10,000, mostly due to erroneous transfers by the bookkeeper. Batts failed to maintain the minimum required trust accounting records, failed to follow minimum required trust accounting procedures, and failed to supervise her bookkeeper's handling of the trust account. (Case No. SC13-1368)

Sean William Biggins, 1717 20th St., Suite 107, **Vero Beach, suspended** until further order, effective 30 days from an Oct. 9 court order. (Admitted to practice: 1990) Biggins

failed to comply with an October 2011 order by not timely paying the underlying monitoring fees associated with the terms of his probation. (Case No. SC13-916)

Shawn Micheal Brannagan, 2120 Mariner Blvd., **Spring Hill**, **suspended** until further order, effective 30 days from a Sept. 23 court order. (Admitted to practice: 1996) According to a petition for emergency suspension, Brannagan appeared to be causing great public harm by misappropriating trust funds. In a pattern of misconduct: Brannagan engaged in overdrafts of funds, misappropriated client funds for his own benefit, failed to perform the required monthly trust account reconciliations and comparisons, and failed to follow minimum trust accounting procedures. (Case No. SC13-1621)

Chris Eugene Cadenhead, 420 E. Pine Ave., **Crestview**, **disbarred** effective immediately following an Oct. 9 court order. (Admitted to practice: 1983) Cadenhead pleaded guilty in U.S. District Court to conspiracy to commit bank fraud, bribery of a loan officer, conspiracy to commit mail and/or wire fraud and mail fraud – all federal felonies. (Case No. SC13-753)

Damon A. Chase, 1525 International Parkway, Suite 4021, **Lake Mary**, to be **publicly reprimanded** following an Oct. 1 court order. Further, Chase is directed to attend ethics school. (Admitted to practice: 2003) Chase represented several clients in a complex, real estate litigation case. Chase's failure to adequately supervise his young associate led, in some instances, to motions and/or pleadings being filed wherein legally sound arguments were not being presented. Chase sent an email to a client that could be considered threatening, directed unprofessional language toward an opposing party and testified during a motion to withdraw hearing in a manner that may have been detrimental to his client. Chase also failed to adequately communicate with clients. (Case No. SC13-1367)

Harvey M. Cohen, 8211 W. Broward Blvd., Suite 310, **Plantation**, to be **publicly reprimanded** following an Oct. 1 court order. Further, Cohen is directed to attend a professionalism workshop. (Admitted to practice: 1990) Cohen represented a client and in September 2011, the case was dismissed and a judgment was entered against the client. Cohen advised his client that she may want to consider transferring her ownership of an asset to a family member so it would not be subject to the judgment against her. (Case No. SC13-1383)

Kathleen M.P. Davis, P.O. Box 542796, **Greenacres**, **suspended** until further order effective immediately, following a Sept. 20 court order. (Admitted to practice: 1995) Davis was found in contempt for failing to respond to multiple official Bar inquiries. (Case No. SC12-1367)

Walter Ewing Foster III, 315 S. Palmetto Ave., **Daytona Beach**, **disbarred** effective immediately, following an Oct. 9 court order. (Admitted to practice: 1983) Foster misappropriated funds from his trust account and failed to maintain the required trust accounting records and procedures. (Case No. SC13-1395)

Stephen A. Glass, 100 Biscayne Blvd., Suite 800, **Miami**, **permanently disbarred** effective immediately, following an Oct. 1 court order. (Admitted to practice: 1980) In May 2012, Glass accepted money to represent a client in a dissolution of marriage case, despite the fact that he had been disbarred since April 1994. (Case No. SC13-387)

Kenneth Charles Glover, P.O. Box 3641, **Lakeland**, **disbarred** effective immediately, following an Oct. 1, 2013 court order. (Admitted to practice: 1977) Based on an audit, Glover commingled attorney and client funds in an effort to cover trust account shortages. (Case No. SC13-1364)

Donald Joseph Grasso, 1314 Hooper Ave., **Toms River, N.J.**, **disbarred** effective immediately, following an Oct. 1 court order. (Admitted to practice: 1988) As an owner with 50 percent interest in a corporation doing business as a restaurant and bar, for three years Grasso filed false and fraudulent documents with the Internal Revenue Service and he failed to disclose cash receipts. (Case No. SC13-148)

Thomas Harold Greene, Jr., 12809 Camellia Bay Drive W., **Jacksonville**, **suspended** until further order, following an Oct. 11 court order. (Admitted to practice: 1991) A Bar investigation found that Greene misappropriated funds from his trust account, charged excessive fees in contingency cases, failed to make timely payments owed to third parties and commingled personal funds with his trust funds. He also failed to maintain trust account records and procedures in compliance with Bar rules. (Case No. SC13-1854)

Kenneth C. Hutto, 842 S. Missouri Ave., **Lakeland**, to be **publicly reprimanded** following an Oct. 1 court order. Further Hutto shall attend ethics school. (Admitted to practice: 2003) Hutto engaged in a conflict of interest in his business dealings with an elderly former client. (Case No. SC13-1369)

Clint Johnson, 425 S. Hunt Club Blvd., Suite 2051, **Apopka**, **disbarred** effective immediately, following a Sept. 4 court order. (Admitted to practice: 2003) Johnson held himself out as an attorney and practiced law while suspended. He failed to properly supervise a bookkeeper who misappropriated client funds. He also engaged in conduct involving gross neglect of his trust accounts through his failure to supervise the management of the trust accounts. Johnson was the subject of several out of state investigations for failing to obtain authorization in those states for debt management services. (Case Nos. SC11-1136, SC11-1578 & SC11-2343)

Alice Renee Francis Lee, 8904 Riverlachen Way, **Riverview**, to be **publicly reprimanded** following an Oct. 9 court order. (Admitted to practice: 1979) Lee knowingly failed to provide accurate information to a client. (Case No. SC13-179)

Keith Burgess Losey, 4396 Bowsprit Court, Apt. 1D, **Fort Myers**, **permanently disbarred** effective immediately, following an Oct. 7 court order. (Admitted to practice: 1998) Losey was emergency suspended in January for misappropriation of client funds. During the Bar proceedings he failed to appear at scheduled case status conferences in April and May. He was charged and convicted of felony grand theft in Lee County. Losey failed to notify the Bar of the felony charge. Losey also failed provide the Bar with trust records and other documents requested pursuant to subpoena. (Case Nos. SC13-29 & SC13-472)

Stephen M. Martin, 200 Lake Morton Drive, Floor 2, **Lakeland**, to be **publicly reprimanded** by publication in the Southern Reporter and further, placed on **probation** for two years, following an Oct. 1 court order. (Admitted to practice: 1980) Martin's trust

account records were not in compliance, resulting in small shortages. A Bar auditor determined that many of the errors were caused by errors such as miscalculations, payments issued twice and the failure to account for a fee. (Case No. SC13-1366)

Jeffrey Allen McCann, 4731 Northlake Blvd. #249, **Palm Beach Gardens**, **disbarred** effective immediately, following an Oct. 9 court order. (Admitted to practice: 2003) McCann was paid \$3,000 to represent a client in a lawsuit. McCann attended the final hearing without his client and informed the court that the client agreed to pay the full amount of the claim. The client claimed he did not agree to pay the claim and was unaware of the final hearing. He believed the case had been dismissed because of an email he received from McCann. When the settlement was not paid, a final judgment was entered against the client for the full amount, plus interest, attorney's fees and costs. The client discovered the judgment against him when reviewing a credit report and made numerous unsuccessful attempts to contact McCann. The client had to hire a new attorney to set aside the judgment and try the case. (Case No. SC12-2291)

Omar Medina Jr., 505 S. Magnolia Ave., **Tampa**, **suspended** for 30 days, effective Nov. 4, following a Sept. 30 court order. (Admitted to practice: 1989) Medina knowingly made a false statement of material fact to a third party in the course of representing a client seeking medical treatment. (Case No. SC12-1260)

George M. Nachwalter, 13131 S.W. 132nd St., Suite 102, **Miami**. The Supreme Court granted Nachwalter's request for **addisciplinary revocation**, effective 30 days from a Sept. 3 court order, without leave to seek readmission. (Admitted to practice: 1960) Disciplinary revocation is equivalent to disbarment. Nachwalter had complaints pending involving allegations of trust account irregularities. (Case No. SC13-924)

Peter R. Price, 24 Library Ave., P.O. Box 51, **Westhampton Beach, N.Y.**, **disbarred** effective immediately, following a Sept. 3 court order. (Admitted to practice: 1982) Price was also a member of the New York State Bar Association. Price was found guilty by the Supreme Court of the State of New York of misappropriation, knowingly advancing frivolous claims, conflict of interest and other conduct involving dishonesty, fraud, deceit or misrepresentation. (Case No. SC12-1565)

Lafe Rainier Purcell, 1403 W. Colonial Drive #A, **Orlando**, **disbarred** effective immediately, following a Sept. 3, court order. (Admitted to practice: 1997) Purcell misappropriated client funds and abandoned his law practice. Numerous payments from Purcell's trust account were made for his personal benefit or that of his law firm. He also commingled trust funds with his law firm operating funds. Purcell failed to respond to a request from the Bar to produce his trust account records. A Bar investigator learned that Purcell broke his lease and moved out of his law office without giving notice. (Case No. SC13-151)

Julio R. Ferrer Roo, 8500 W. Flagler St., Suite 105A, **Miami**, **disbarred** effective immediately, following a Sept. 3 court order. (Admitted to practice: 1971) Roo was found in contempt for violating the terms of his April 2012 suspension order. Specifically, Roo was required to submit to The Florida Bar a sworn affidavit listing the persons/entities to which he gave notice of his suspension and provided a copy of his suspension order. Over the

years, Roo exhibited a pattern of misconduct, ranging from dishonesty, lack of competence and diligence and failure to adequately communicate. (Case No. SC12-2288)

John D. Sauls III, 45411 Fifth Ave., **Callahan**, to receive a **public reprimand**, pay **restitution** totaling \$2,400 to three clients and be placed on **probation** for two years, following an Oct. 9 court order. (Admitted to practice: 2008) In three separate cases, Sauls failed to communicate with clients and he closed his office without notice and never filed the clients' bankruptcy claims. (Case No. SC13-546)

James Walter Schmidt, 63½ E. Main Street, **Xenia, Ohio**, to receive a **public reprimand** following an Oct. 9 court order. (Admitted to practice: 1973) Schmidt is also a member of the Ohio State Bar. This is a reciprocal discipline case. Schmidt served in a part-time county official position that permitted outside employment. He also maintained a private law practice, was a Certified Public Accountant, a rental property owner and manager and a licensed real estate broker. Tenants came to his county office to pay rent and if Schmidt was not there, employees accepted the payment on his behalf and wrote receipts on county time. Another county employee did miscellaneous typing for his law firm. Schmidt pleaded guilty to conflict of interest, unauthorized use of property and several other charges. He was fined, sentenced to three years' probation and ordered to perform community service. (Case No. SC13-953)

Robert Patrick Selzer, 5 W. Forsyth St., **Jacksonville**, **suspended** for 30 days, effective 30 days from a Sept. 3 court order. Further, Selzer shall pay **restitution** of \$350 to one client. (Admitted to practice: 2004) Selzer was paid \$3,000 to handle a divorce. He subsequently failed to communicate. After paying additional money in order to continue to trial, Selzer failed to attend a hearing. When the problems with communication persisted the client called the Bar and learned that Selzer was delinquent and ineligible to practice law. The client was forced to retain and pay for another attorney. (Case No. SC13-380)

Laura E. Spencer, 4161 Barbarossa Ave., **Coconut Grove**, **suspended** until further order, effective 30 days from a Sept. 27 court order. (Admitted to practice: 1996) Spencer was found guilty in court of fleeing or attempting to elude a law enforcement officer, a third degree felony. (Case No. SC13-1782)

Loring Noel Spolter, 1301 E. Broward Blvd., Suite 330, **Fort Lauderdale**, **suspended** for one year, effective 30 days from a Sept. 25 court order. (Admitted to practice: 1990) In the course of representing a client in four separate cases before one judge, Spolter was charged with filing frivolous pleadings in bad faith and publicly impugning the dignity of the judge and the U.S. District Court for the Southern District of Florida. (Case No. SC11-2180)

Theodore Swaebe, P.O. Box 453304, **Miami**, to be **publicly reprimanded** following a Sept. 3 court order. Further, Swaebe shall attend ethics school. (Admitted to practice: 1995) In six separate cases, Swaebe was retained to represent clients, and he failed to return calls or otherwise keep them adequately informed about the status of their cases. (Case No. SC13-810)

Richard Earl Trapp, 231 E. Colonial Drive, **Orlando**, **disbarred** effective 30 days from an Oct. 1 court order. (Admitted to practice: 1974) A Bar audit of Trapp's trust account found

that during the period Jan. 1, 2012, to Feb. 28, 2013, Trapp transferred clients' third-party cost funds from his trust account to his operating account, then failed at times to pay those costs prior to paying his personal and business expenses. Trapp commingled funds and he failed to maintain compliant trust account records and follow proper accounting procedures. (Case No. SC13-1339)

William Grandon Whitcomb, 2016 Bayside Parkway, **Fort Myers**, **suspended** for two years, effective retroactive to March 6, following an Oct. 1 court order. (Admitted to practice: 1985) Whitcomb was initially charged with possession of child pornography with the intent to promote, a second degree felony. He pleaded guilty to an amended non-sex crime of unauthorized use of a computer network, a third degree felony. Adjudication was withheld and Whitcomb was sentenced to 36 months probation and payment of court costs. (Case No. SC13-117)

R. Scott Whitehead, 4507 Furling Lane, Suite 209, **Destin**, **permanently disbarred** effective immediately, following a Sept. 3 court order. Further, Whitehead shall pay **restitution** of more than \$112,000. (Admitted to practice: 1998) The Florida Bar charged Whitehead in a 29-count complaint with engaging in criminal activity, fraud, misrepresentation, deceit, neglect of clients, failure to respond to The Florida Bar and numerous trust account violations. (Case No. SC12-2182)

Richard Edward Zaleski Jr., 37 N. Orange Ave., Suite 500, **Orlando**, to be **publicly reprimanded** by publication in the Southern Reporter, following a Sept. 3 court order. Further, Zaleski shall attend a trust accounting workshop. (Admitted to practice: 2000) After receiving a complaint, a Bar audit of Zaleski's trust account revealed shortages and technical violations. (Case No. SC13-764)