

## SUPREME COURT DISCIPLINES 29 ATTORNEYS

FOR IMMEDIATE RELEASE

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### **Summaries of orders issued Aug. 20 – Sept. 3, 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 29 attorneys; disbarred two, revoking the licenses of two, suspending 18 and publicly reprimanding seven. Four attorneys received more than one form of discipline. Three 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 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](http://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.

**Antonio R. Arnao**, 28870 U.S. Highway 19 N., Suite 300, **Clearwater**, **suspended** until further order, effective 30 days from an Aug. 20 court order. (Admitted to practice: 1988) Arnao failed to comply with an October 2011 suspension order directing him to adhere to the conditions of a Florida Lawyers Assistance contract, including timely payments of related fees. (Case No. SC13-187).

**Thomas William Austin, Jr.**, 2949 N.W. 12<sup>th</sup> Ave., **Wilton Manors**, **suspended** for 91 days, effective 30 days from an Aug. 22 court order. (Admitted to practice: 1996) Austin purchased an already existent loan modification business called Protection Law Center. Protection Law Center purchased from a separate entity names of potential loan modification clients who had responded to internet ads placed by this separate entity. Austin's employees then improperly solicited these potential clients. Austin also failed to properly supervise some of these non-lawyer employees who at times guaranteed that the potential client's loans would be modified. In several instances after being retained, Austin failed to adequately communicate with clients regarding their loan modification matters. He also commingled funds and failed to use proper trust accounting records and procedures. (Case No. SC13-759)

**Michael Harvey Blacker**, P.O. Box 162850, **Miami**, to be **publicly reprimanded** following

an Aug. 22 court order. (Admitted to practice: 1969) After selling their house, Blacker and his wife learned that the house was encumbered by a home equity mortgage they'd applied for previously. Blacker mistakenly believed it was a personal loan. (Case No. SC12-1562)

**Scott Vincent Boruta**, 1880 Shetland Court, **Palm Harbor**. Pursuant to an August 20th order, The Supreme Court granted Boruta's petition for **disciplinary revocation**, effective immediately, with leave to apply for readmission after five years. (Admitted to practice: 2003) Boruta had two complaints pending for misappropriation of client funds and criminal theft. (Case No. SC12-2475)

**Donald Walter Bradshaw**, P. O. Box 3792, **Ocala**, **suspended** for 91 days, effective retroactive to Aug. 7, 2012, following an Aug. 22 court order. (Admitted to practice: 2001) In one case, Bradshaw initiated a legal action but thereafter neglected the case, resulting in a dismissal without prejudice for lack of prosecution, and his abandonment in a second matter led to a client hiring new counsel for representation. (Case No. SC13-750)

**Joseph Andrew Caramadre**, 90 Beechwood Drive, **Cranston, R. I.**, **suspended** effective 30 days from an Aug. 26 court order. (Admitted to practice: 1994) Caramadre is also a member of the State Bar of the Commonwealth of Massachusetts and the Rhode Island Bar. He pleaded guilty to one felony count of wire fraud and one felony count of conspiracy to commit offenses including: mail fraud, wire fraud and identity theft in Rhode Island. He was subsequently suspended from practicing law in Massachusetts based on the felony conviction. Caramadre also failed to timely notify The Florida Bar of his indictment, judgment or suspension from Massachusetts. (Case No. SC13-1540)

**Kenneth D. Doerr**, 1641 Field Road, **Sarasota**, **suspended** for four months, effective 30 days from an Aug. 20 court order. (Admitted to practice: 1996) In an estate case, Doerr had a conflict of interest, representing two clients in a matter in which they had adverse interests and wishes. He displayed a lack of diligence and candor by not disclosing to each client his representing the other. (Case No. SC12-2390)

**David Anthony Fontes**, 2917 W. Bayshore Court, **Tampa**. Pursuant to an August 20th order, the Supreme Court granted Fontes' petition for **disciplinary revocation**, effective immediately, with leave to apply for readmission after five years. (Admitted to practice: 1986) Fontes had misappropriated of over \$138,000 of client funds entrusted to him, failed to complete and legal matter, and failed to communicate. Fontes subsequently reimbursed the client's money. (Case No. SC12-609)

**Stephen Douglas Fromang**, 1620 26<sup>th</sup> St., **Vero Beach**, to be **publicly reprimanded** by an Aug. 22 court order. (Admitted to practice: 1976) Fromang's failure to provide effective counsel to a client facing felony charges resulted in reversal of the conviction. In a court order, the Fourth District Court of Appeals found that Fromang's performance was so clearly deficient that it affected the outcome of the trial. (Case No. SC12-2736)

**John Robert Fuchs**, 12100 Wilshire Blvd., Suite M-50, **Los Angeles, Calif.**, **suspended** for 91 days, effective 30 days from an Aug. 20 court order. (Admitted to practice: 1988) This was a reciprocal agreement based on the California Supreme Court order of July 14, 2011, both suspending Fuchs and placing him on probation. Fuchs

inappropriately communicated with a judge regarding a case in which they were both involved. (Case No. SC12-1822)

**Bennett Lloyd Grossman**, 1919 N.E. 45<sup>th</sup> St., Suite 212, **Fort Lauderdale**, **suspended** for 90 days, effective 30 days from an Aug. 22 court order. (Admitted to practice: 2009) Grossman shared fees with a non-attorney and he failed to supervise her activities. Grossman opened his own law practice in 2011 and a former co-worker, a paralegal, opened an executive law center at the same time. The paralegal referred numerous clients to Grossman. Thereafter, Grossman agreed to represent all clients that hired the law center. He was paid \$3,500 per month. (Case No. SC13-1022)

**Sarah Elizabeth Gumz**, 220 S.W. 4<sup>th</sup> Ave., **Boynton Beach**, **suspended** for 30 days, effective 30 days from an Aug. 22 court order. Further, Gumz is placed on **probation** for three years. (Admitted to practice: 2011) Gumz was conditionally admitted to The Florida Bar in June 2011, based on alcohol abuse issues and placed on probation for two years until May 2013. Gumz reported to the Bar in June 2012 that she was arrested for misdemeanor DUI in May 2012. (Case No. SC12-1406)

**Mark Alexander Hutner**, 3191 Coral Way, Suite 504, **Miami**, **suspended** for three years, effective 30 days from an Aug. 22 court order. (Admitted to practice: 2003) In August 2011, the Bar received notice from a bank that Hutner had issued a non-sufficient funds check in the amount of \$13,150 from his trust account. The check was paid by the bank and subsequently covered by Hutner. (Case No. SC13-751)

**Edward Petrie Jordan II**, 1460 E. Highway 50, **Clermont**, to be **publicly reprimanded** following an Aug. 22 court order. (Admitted to practice: 1986) Further, Jordan shall complete the Continuing Legal Education course, "The Shield and the Sword: Protecting Yourself and Your Client in the Practice of Family Law." In two dissolution of marriage cases, Jordan had a conflict of interest. In both instance, he was hired to represent the husbands, but he had previously represented the husbands and wives. (Case No. SC13-755)

**Paul Rogers Kennedy**, 323 N.E. 6<sup>th</sup> Ave., Suite C., **Delray Beach**, **suspended** for 18 months, effective 30 days from an Aug. 22 court order. (Admitted to practice: 2002) After entering into a lawyer referral agreement with a non lawyer entity, Kennedy accepted over 1,000 referrals from the non lawyer entity in the area of timeshare resale fraud. Kennedy subsequently realized that some of his referrals were obtained by the entity through prohibited solicitations and that employees of the entity had improperly guaranteed successful results, which resulted in over fifty complaints to The Florida Bar when their matters were not resolved. (Case No. SC13-756)

**Joseph Ramon Kruk III**, P.O. Box 2491, **Lakeland**, **suspended** until further order of the Court effective 30 days from an Aug. 20 court order. (Admitted to practice: 2003) Kruk was found in contempt for failing to respond to official Bar inquiries dated Nov. 9, Dec. 3, and December 21, 2012. (Case No. SC13-246)

**Anthony Thomas Lepore**, P.O. Box 823662, **South Florida**, **suspended** for 91 days, effective 30 days from an Aug. 22 court order. (Admitted to practice: 1987) Over the course

of several years, Lepore signed thousands of affidavits for a law firm handling foreclosures without the presence of a notary public or other sworn officer as required by Florida notary law. (Case No. SC13-752)

**Tony J. McDonald**, 584 Copley Lane, **Orlando, suspended** for three years, effective immediately and further, placed on **probation** for three years, following an Aug. 22 court order. (Admitted to practice: 2007) McDonald pleaded no contest in court to trafficking in illegal drugs/controlled substance, a first degree felony. He was adjudicated guilty and sentenced to 18 years probation and a \$500,000 fine. (Case No. SC13-17)

**Ramon Ismael Melendez**, P.O. Box 720037, **Orlando, suspended** until further order, effective 30 days from an Aug. 20 court order. (Admitted to practice: 2000) According to an Aug. 20 petition for emergency suspension order, Melendez appeared to be causing great public harm by abandoning his law practice and misappropriating client funds. (Case No. SC13-1316)

**Roy Thomas Mildner**, 423 Delaware Ave., **Fort Pierce, suspended** for 90 days, effective 30 days from an Aug. 22 court order. (Admitted to practice: 1986) Mildner engaged in a conflict of interest situation by accepting an investment from a client without providing required disclosures. The loan proceeds were deposited into respondent's personal account. (Case No. SC12-1559)

**Jolyon Wilson Morris**, 1200 N.W. 78<sup>th</sup> Ave., Suite 30, **Miami, suspended** for 90 days effective 30 days from an Aug. 22 court order and further, upon reinstatement, placed on **probation** for two years. (Admitted to practice: 1995) A Bar auditor found that Morris disbursed funds to himself from a client's marital settlement agreement before receiving her permission. (Case No. SC13-737)

**Scott Matthew Newman**, 1900 Glades Road, suite 307, **Boca Raton, to be publicly reprimanded** following an Aug. 22 court order. (Admitted to practice: 2002) In November 2012 and February 2013, Newman pleaded guilty in court to misdemeanor DUIs. He also pleaded guilty to resisting arrest without violence. Newman was placed on probation and his driver's license was suspended. (Case No. SC13-952)

**Henry Neil Portner**, 12794 Forest Hill Blvd., Suite 19C, **Wellington, to be publicly reprimanded** following a Sept. 3 court order. Portner shall also pay **restitution** totaling \$4,390 to two clients. (Admitted to practice: 1991) Portner failed to adequately supervise non-lawyer employees he'd hired to assist him with loan modification cases. He also failed to adequately communicate with clients. (Case No. SC13-1033)

**Jorge Rivera**, 3030 Coral Way, **Miami, to be publicly reprimanded** following an Aug. 22 court order. (Admitted to practice: 1998) Rivera admitted that beginning in at least 2007, his law firm used a retainer agreement containing language seeking to limit the firm's liability for malpractice, in violation of Bar rules. (Case No. SC12-623)

**Scott Franklyn Saidel**, 5301 N. Federal Highway., Suite 130, **Boca Raton, disbarred** effective immediately, following an Aug. 22 court order. (Admitted to practice: 2009) Saidel pleaded guilty in U.S. district court to conspiracy to commit money laundering,

obstruct justice and tamper with a witness. (Case No. SC13-290)

**Sherman N. Smith III**, 5601 Highway A1A Apt. S108, **Vero Beach**, **suspended** until further order, effective 30 days from an Aug. 22 court order. (Admitted to practice: 1971) Smith was found in contempt for failure to respond to an official Bar inquiry or produce records sought by a duly issued subpoena. (Case No. SC13-645)

**Henry T. Sorensen II**, 3811 Ivydale Court, **Land O'Lakes**, **suspended** for three years, effective 30 days from an Aug. 20 court order. (Admitted to practice: 1997) After being instructed by clients to appeal a trial court's ruling, Sorensen failed to do so and misrepresented to the clients that a notice of appeal had been filed. He also sent an email to the couple representing that they had won the appeal and attached a fabricated opinion that appeared to have been issued by the Fifth District Court of Appeal. (Case No. SC12-2061)

**Michael D. Stewart**, 200 S.E. 1<sup>st</sup>. St., Suite 701, **Miami**, to be **publicly reprimanded** following an Aug. 22 court order. (Admitted to practice: 2005) In three separate matters, Stewart failed to adequately communicate with clients. (Case No. SC13-1058)

**Theodore Thomas Tarone Jr.**, 180 Royal Palm Way, suite 201, **Palm Beach**, **disbarred** following an Aug. 22 court order. (Admitted to practice: 1995) Tarone pleaded guilty to conspiracy to commit mail fraud in connection with 17 separate real estate closings. Tarone was sentenced in court to 18 months in prison and two years of supervised release upon release. He was also ordered to pay restitution of nearly \$3.5 million. (Case No. SC12-1258)