

SUPREME COURT DISCIPLINES 24 ATTORNEYS

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Summaries of orders issued Aug. 7 – 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 24 attorneys; disbarred five, revoking the license of one, suspending nine and publicly reprimanding eight. Five attorneys received more than one form of discipline. One was 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.

Edgar Alexander Benes, 2300 N.W. Corporate Blvd., Suite 222, **Boca Raton**, **suspended** for 90 days, effective 30 days from a Sept. 3 court order. (Admitted to practice: 1992) Benes was the subject of a Florida Bar disciplinary matter involving escrow deposits pursuant to real estate deals. There was a lack of proper oversight by Benes of his trust account that resulted in improper disbursements. He also improperly commingled his personal funds in the trust account and improperly used the commingled funds to pay personal bills. (Case No. SC13-760)

Andrea Black, 200 Ernestine St., **Orlando**, to be **publicly reprimanded** by publication in the Southern Reporter, following an Aug. 7 court order. Further, Black shall attend a professionalism workshop. (Admitted to practice: 1985) In a dissolution of marriage case, Black represented a client and came into possession of her former husband's iPhone. Black did not notify the opposing counsel of her discovery of the phone. And on numerous occasions Black refused to return the phone, as opposing counsel had directed. The phone contained privileged and confidential information involving the dissolution case and other client communication by the former husband, who is also an attorney. (Case No. SC12-1956)

Sanford David Bosem, 6005 S. Eastern Ave. #15, **Las Vegas**, **disbarred** effective

immediately, following an Aug. 7 court order. (Admitted to practice: 1990) Bosem was serving a rehabilitation suspension for neglect of client matters when he was prosecuted for these cases. In one instance, Bosem failed to respond to the Bar about a complaint. In another case, without the client's knowledge, Bosem filed a voluntary dismissal, leaving an active case. He stopped working on the case or communicating with the client. The case was subsequently dismissed for lack of prosecution. Besom also failed to respond to the Bar regarding this matter. (SC12-1754)

Allen David Brufsky, 475 Galleon Drive, **Naples, disbarred** effective immediately, following an Aug. 7 court order. (Admitted to practice: 1998) Brufsky was found in contempt for practicing law while suspended. He was suspended in November 2010 and in May 2011, acting as an attorney, he prepared, signed and filed a notice in probate court for his wife. Brufsky also made a misleading statement about his Florida suspension on an application to practice before a federal court in New York. (SC11-1528 & SC11-2139)

Casey Roche Bryant, 630 W. Adams St., Suite 202, **Jacksonville, suspended** until further order, following an Aug. 21 court order. (Admitted to practice: 2010) for violation of the terms of his conditional admission to the Bar. (Case No. SC13-917)

Victor Armando Careaga, 175 S.W. 7th St., Suite 1804, **Miami**. The Supreme Court granted Careaga's request for a **disciplinary revocation**, effective 30 days from a Sept. 3 court order, without leave to seek readmission. (Admitted to practice: 1986) Disciplinary revocation is equivalent to disbarment. Careaga had a complaint pending involving allegations of unaccounted for trust funds. (Case No. SC13-882)

Stephen Michael Cody, 16610 S.W. 82nd Court, **Palmetto Bay, suspended** for one year, effective 30 days from an Aug. 20 court order. Cody shall also pay **restitution** of more than \$13,000 to a former client. (Admitted to practice: 1981) Cody was the subject of two Bar disciplinary matters and a contempt case. In one instance, Cody failed to inform a client of the Court's order regarding attorney's fees and costs and failed to communicate with the client regarding all subsequent matters in the case. Cody was charged with two counts of Uttering a Worthless Check by the State Attorney's Office for the 11th Judicial Circuit. Cody also failed to contact the Bar's Law Office Management and Assistance Service within the required time to schedule an office procedures and record keeping analysis. (Case No. SC12-1073)

Robert B. Cook, P.O. Box 3609, **Tequesta, suspended** for 10 days, effective 30 days from a Sept. 3 court order. Further Cook shall pay **restitution** of \$5,000 to one client. (Admitted to practice: 1971) At the request of his business partner, a non-lawyer, Cook wrote two checks in the amount of \$2,500 each for services performed for the company, and both were returned. (Case No. SC12-2337)

David Diaz, 5728 Major Blvd., Suite 735, **Orlando**, to be **publicly reprimanded** following a Sept. 3 court order. (Admitted to practice: 2006) While in the process of closing his law office, Diaz continued to work on pending cases. Diaz closed his operating account and subsequently deposited personal funds into his trust account, using it to pay personal obligations. Based on several notifications by the bank to the Bar of insufficient funds in his trust account, the Bar conducted an audit. (Case No. SC13-761)

Steven Alan Fein, 900 S. State Road 7, **Plantation, disbarred** effective 30 days from a Sept. 3 court order. (Admitted to practice: 1989) Fein submitted to the court fee affidavits that he knew or should have known were not signed by the person whose name appeared on them, and he notarized the affidavits. (Case No. SC12-2546)

Marcia Vestylena Forsett, 11 Elkhorn Drive, **Frostproof**, to be **publicly reprimanded** following an Aug. 7 court order. Further, Forsett shall attend ethics school. (Admitted to practice: 2007) In her representation of a client, Forsett failed to demonstrate adequate competence in drafting a will. (Case No. SC12-2163)

Lauri J. Goldstein, 1330 S.E. Federal Highway, **Stuart, suspended** for 91 days, effective 30 days from an Aug. 20 court order. (Admitted to practice: 1990) In the course of handling a personal injury case, Goldstein failed to keep the client reasonably informed about the status of the case and failed to properly supervise the non-lawyer employees who had contact with her clients. She also failed to maintain proper trust account records and trust accounting procedures and charged an improper administrative costs fee. (Case No. SC12-2066)

Shawn Connelly Gray, 669 S.W. Linden St., **Stuart, suspended** effective 30 days from an Aug. 28 court order. (Admitted to practice: 1999) Gray was arrested in a Sarasota County sex offense sting operation. He entered an open plea in court to four counts of Use of a Computer to Solicit Sex Acts/Minor, a third-degree felony, and one count of Traveling to Meet a Parent to Solicit Child Sex, a second-degree felony. (Case No. SC13-1573)

Oscar Antonio Hotusing, 5766 Alligator Run, **Patrick Air Force Base**, to be **publicly reprimanded** following an Aug. 7 court order. Hotusing shall also pay **restitution** of \$280 to one client. (Admitted to practice: 1993) During a campaign run for circuit court judge, Hotusing engaged in several campaign law violations by referring to himself as a judge and appearing in a judicial robe, when in fact he was a former judge. He also took no action to correct his Facebook webpage or correct television interviewers who referred to him as a judge. In a separate dissolution of marriage case, Hotusing failed to maintain adequate communication with the client, failed to work diligently on the case, failed to attend a hearing in regard to the client's matter, and failed to properly withdraw from the client's matter, leaving her and his law firm abruptly. (Case No. SC11-686)

John Alden James, Jr., 23 Main St., **Andover, Mass., suspended** for 30 days, effective 30 days from an Aug. 7 court order. (Admitted to practice: 1977) This is a reciprocal discipline case. James is also a member of the New Hampshire and Massachusetts bar associations. He was suspended for six months in New Hampshire and subsequently received the same discipline in Massachusetts for his handling of a family's trust matter. James failed to pay the correct filing fee, failed to submit certain required documents on multiple occasions, repeatedly failed to respond to client emails and calls, and failed to attend a court hearing. (Case No. SC12-2340)

Johnny Kincaide Jr., 6575 Constance St., **Lake Worth, permanently disbarred** effective immediately, following an Aug. 7 court order. (Admitted to practice: 1998) Kincaide was suspended in August 2012 on an emergency basis for establishing a

pattern of severe neglect that was causing great public harm. He was the subject of 20 separate Florida Bar disciplinary matters. In numerous instances, Kincaide accepted client retainer fees, failed to adequately communicate, and took no significant action in the cases. Kincaide repeatedly failed to respond to official Bar inquiries. He also commingled personal and trust funds. (Case No. SC12-1695)

F. Joseph McMackin III, 4001 Tamiami Trail N, Suite 250, **Naples**, to be **publicly reprimanded** following an Aug. 7 court order. (Admitted to practice: 1973) McMackin represented a plaintiff in a foreclosure action. After having difficulty locating one of the defendants, McMackin left voice mail messages that were false and deceptive. (Case No. SC13-97)

Karen Elizabeth Miller, 2220 Altamont Ave., **Fort Myers**, was **publicly reprimanded** following an Aug. 7 court order, and shall be on **probation** for three years. (Admitted to practice: 1989). Miller was adjudicated guilty in two separate misdemeanor cases involving DUI and reckless driving. In another matter, Miller had a history of failing to appear for court hearings or request continuances. (Case No. SC12-1982)

Wesley Haynes Owens, Waterview Ii, Suite 100, 5400 La Moya Ave. Unit 21, **Jacksonville**, **suspended** for one year, effective retroactive to June 20, 2012, following an Aug. 7 court order. Further, Owens shall pay **restitution** of \$3,500 to four clients. (Admitted to practice: 1995) Owens was found in contempt for failing to comply with the terms of an emergency probation in Oct. 2011 and he was subsequently suspended for 91 days. Owens pleaded no contest to a DUI and in several instances, he was hired to represent clients and failed to adequately communicate and diligently pursue their cases. (Case Nos. SC11-2390, SC12-1119, & SC12-1439)

Ronald Haury Roby, P.O. Box 2855, **Winter Park**, **suspended** until further order, following an Aug. 21 court order. (Admitted to practice: 1966) According to a petition for emergency suspension, Roby appeared to be causing great public harm by misappropriating trust funds. (Case No. SC13-1256)

Eric A. Rosen, 2925 PGA Blvd., **Palm Beach Gardens**, to be **publicly reprimanded** following an Aug. 22 court order. (Admitted to practice: 2007) Rosen is also admitted to practice in New York. Rosen, on behalf of his firm, entered into a contractual arrangement with a non-lawyer owned company in California. Without his knowledge or consent, the company created a letterhead for Rosen's firm that reflected the California address and it engaged in advertising that had not been approved by The Florida Bar. (Case No. SC12-392)

James Thomas Roslund, P.O. Box 36196, **Detroit, Mi.**, **disbarred** following an Aug. 7 court order. (Admitted to practice: 1973) Roslund was found guilty of misconduct justifying disciplinary action, by the State Bar of Michigan, of which he is also a member. A client signed an agreement allowing Roslund to deduct \$150 monthly from his bank account as payment for legal services. After four months, the client asked Roslund to stop the automatic withdrawals and provide him with a receipt showing amount paid and amount still owed. Roslund twice ignored the client's requests. The client subsequently informed Roslund that he had retained new counsel and he requested a full refund of fees. Roslund still did

not reply, and even after a request for an investigation of his conduct, did not provide a refund. Roslund had received three earlier suspensions for similar conduct. (Case No. SC12-1697)

Laurie Schrier, 562 E. Woolbright Road #17, **Boynton Beach, suspended** effective immediately, following an Aug. 7 court order. (Admitted to practice: 1988) Schrier was found in contempt for failing to respond on two occasions to an official Bar inquiry. (Case No. SC13-291)

Nicholas Theodore Steffens, 6810 N. State Road 7 Fl. 2, **Coconut Creek**, to be **publicly reprimanded** following an Aug. 7 court order. (Admitted to practice: 2005) Steffens failed to comply with the terms of an Oct. 2011 suspension order. He was directed to adhere to the conditions of a Florida Lawyers Assistance contract, including timely payments of related fees. (Case No. SC13-296)