

62,075

IN THE SUPREME COURT OF FLORIDA

FILED

MAY 18 1982

THE FLORIDA BAR,

Petitioner,

V.

RAMIRO ARANGO,

Respondent.

CASE NO.

W. J. WHITE
CLERK SUPREME COURT
By _____
Chief Deputy Clerk *WJW*

PETITION AGAINST UNAUTHORIZED PRACTICE OF LAW

The Florida Bar, petitioner, charges Ramiro Arango, respondent, with engaging in the unauthorized practice of law in the State of Florida, and in support thereof, alleges:

I

This petition is filed pursuant to Article XVI of the Integration Rule of The Florida Bar.

II

This Court has original and exclusive jurisdiction to prohibit the unauthorized practice of law pursuant to Article V, Section 15, of the Florida Constitution.

III

Petitioner is charged with the duty and responsibility of initiating and prosecuting, in this Court, proceedings against the unauthorized practice of law.

IV

Article II, Section 2, of the Integration Rule of The Florida Bar provides in part that "No person shall engage in any way in the practice of law in this state unless such person is an active member of The Florida Bar in good standing...."

V

The Board of Governors of The Florida Bar has authorized the institution of this proceeding against respondent.

VI

Respondent, at all times material herein, was not and is not a member of The Florida Bar, and was not and is not therefore licensed to engage in the practice of law in the State of Florida.

VII

Respondent has engaged in the unauthorized practice of law in Dade County, Florida by one or more of the following acts:

1. Respondent's office is located at 154 Giralda Avenue, Coral Gables. The building at that address is owned by Gara Office, Inc., a company which is in turn owned by respondent.
2. The building has approximately seven internal offices, some of which respondent has made available to members of The Florida Bar. Respondent has provided both secretarial and library services to certain of these attorneys. Some, but not necessarily all of the attorneys who have utilized respondent's office space are: Rollo Karkeet, Blas E. Padrino, Leonardo P. Mendez, John W. Parente, and Jose R. Sierra.
3. On June 10, 1981, 154 Giralda Avenue was found to have a sign on the door which identified the building as GARA OFFICES and which further stated LAW OFFICES and listed the names of Mary Louise Dennis and Jerome Rosenblatt who are both members of The Florida Bar. Inside, the office had a large reception area and a law library. Respondent has the largest individual office on the premises, and prominently displays several diplomas on his wall including one from the University of Florida special program for former Cuban lawyers. Respondent has taken the Florida Bar Examination a number of times, but so far has not been admitted to the practice of law by this Court.

4. Respondent is well known among the Latin community in the Miami area. In recent years he has appeared on Miami area television and on at least one occasion was identified by words on the screen as "Dr. Ramiro Arango, Abogado". Note: Abogado in Spanish means Attorney. In addition, he has been heard on a Miami area radio talk show during which he gave advice to callers regarding various subjects, including immigration matters. See Petition Against Unauthorized Practice of Law, The Florida Bar v. Ramiro Arango; Petition denied by the Florida Supreme Court, July 9, 1980, case number 59,166.

5. In March, 1977, attorney Blas E. Padrino occupied an office at 154 Giralda Avenue and established a relationship for the practice of law with the Law Office of Rollo E. Karkeet. Although Mr. Karkeet lived in Hernando County, Florida, he maintained an address for practicing law at 154 Giralda Avenue. Respondent ostensibly served as Mr. Karkeet's office manager or clerk.

6. During the tenure of Mr. Padrino's relationship with the Law Office of Rollo E. Karkeet, from March 1977 to March 1978, respondent referred approximately 200 clients to Mr. Padrino for legal services.

7. Respondent prepared and filed a complaint in small claims court, but affixed Blas Padrino's name to the instrument without Padrino's knowledge or consent.

8. Respondent impersonated attorney Padrino during a telephone call respondent conducted with an insurance adjuster.

9. Respondent demanded access to Mr. Padrino's files, including client files who had employed Padrino apart from Padrino's relationship with Karkeet/respondent.

10. Mr. Padrino provided legal services in a civil automobile accident case for a client referred to him by respondent. Padrino discovered that the client, on respondent's advice, had falsely testified during a prior deposition that she had not had any previous automobile accidents.

11. Elisa R. Tamayo, a citizen of the U.S., employed respondent to assist Jose H. Tamayo, her husband, a citizen of Columbia, with the issuance of an immigrant visa. Ms. Tamayo paid respondent a retainer for his services. Elisa Tamayo reasonably believed respondent to be a licensed Florida attorney based on his demeanor and office arrangements. Accordingly, she and her husband reposed trust and confidence in respondent to their detriment since Jose Tamayo has been deported, thus damaging the Tamayos.

12. In October 1979, respondent prepared a contract for the sale of four (4) shares of Maraca, Inc. from Mr. Moises Marcel Quizman, the seller, to Ms. Camille Castro, the buyer. The contract states that the price of the shares was \$166,667.00. The contract also memorialized the agreement between the parties that Ms. Castro would manage a restaurant/night club owned by Maraca, Inc.

13. Subsequent to this agreement, Ms. Castro and her business partner, Magdalena Sera, moved from Las Vegas, Nevada, to Miami. After arriving in Miami, Ms. Castro and Ms. Sera purchased a residence. Respondent prepared the contract for sale to transfer the residence from the seller to the buyer.

14. Because of certain representations of the respondent, Ms. Castro returned her shares of Maraca, Inc. to respondent and did not ever manage the restaurant/night club even though she had relocated from Las Vegas to Miami. Ms. Castro has been injured by the services rendered by respondent, which services she would not have accepted had she not been under the reasonable, but mistaken, belief that respondent was a member of The Florida Bar.

15. Respondent prepared a contract for the purchase of real property, identified as the Sensation Night Club, 3622 Coral Way, Miami, between Maca Corporation, seller, and Moises Marcel Quizman and/or Assignees, buyer. The contract, with a purchase price of \$950,000, is one page long. Later, Moises Marcel Quizman assigned his contract rights to purchase the Sensation to Maraca Corporation. Maraca subsequently purchased the property and closed on October 29, 1979. Respondent represented the buyer/assignee throughout this transaction. By March of 1980, the buyer had experienced problems with the roof at the premises.

16. Although the contract called for the seller to give the buyer a roof guarantee, no written guarantee was tendered and respondent did not insist on receiving one prior to closing. The buyer ultimately closed the sale without the written guarantee. This resulted in injury to the buyer due to roofing problems which later arose. The April 1980 and May 1980 mortgage payments were not made by Maraca Corporation and the mortgagee filed a foreclosure action in June 1980.

17. In or about January 1982, Daisy Alvarez visited respondent's office at 154 Giralda Avenue. She employed respondent to prepare the Articles of Incorporation for Anyway Realty Corporation. Ms. Alvarez paid respondent \$100.00 to prepare and file the articles. Respondent performed this legal service.

VIII

The aforementioned activities of respondent violate the letter and spirit of this Court's decisions in The Florida Bar v. Town, 174 So.2d 395 (Fl. 1965), The Florida Bar v. Fuentes, 190 So.2d 748 (Fl. 1966), State ex rel The Florida Bar v. Sperry, 140 So.2d 587 (Fl. 1962), judgment vacated on other grounds, 373 U.S. 379 (1963).

WHEREFORE, petitioner prays as follows:

1. That this Court issue its order directed to respondent, commanding him to show cause, if any there be, why he should not be enjoined by this Court for the unauthorized practice of law in the State of Florida, and why he should not be held in indirect criminal contempt of this Court.
2. That this Court issue a permanent injunction preventing and restraining respondent from engaging in the acts complained of and from otherwise engaging in the practice of law in the State of Florida.
3. That this Court find respondent in indirect criminal contempt of this Court.
4. That the costs of this proceeding be assessed against respondent.
5. That this Court grant such other and further relief as it may deem proper.

Respectfully submitted,

THE FLORIDA BAR

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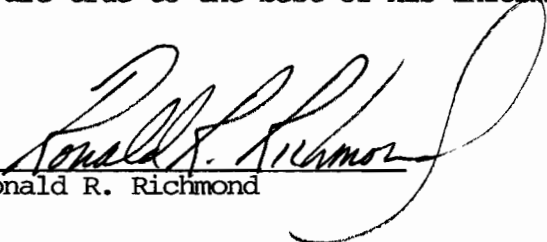
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BY: 
Ronald R. Richmond

State of Florida
County of

Before me, the undersigned authority, duly authorized to administer oaths, personally appeared Ronald R. Richmond, who, after first being duly sworn, upon oath, says that the allegations of the foregoing Petition Against Unauthorized Practice of Law are true to the best of his information and belief.



Ronald R. Richmond

Sworn to and subscribed before me this 13th day of May, 1982.



Notary Public

My Commission Expires:

Notary Public, State of Florida at Large
My Commission Expires Oct. 11, 1984
Bonded Thru Troy Fain Insurance Inc.