

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

2000-0000-188

THE FLORIDA BAR,
Complainant,

CONFIDENTIAL

CASE NO. 63,889
(TFB NO. 12B82H09)

v.

MICHAEL E. SWEETING,
Respondent.

FILED

SID J. WHITE

AUG 30 1984

CLERK, SUPREME COURT

By [Signature]
Chief Deputy Clerk

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Article XI of the Integration Rule of The Florida Bar, the enclosed pleadings, orders, transcripts and exhibits are forwarded to the Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar Steve Rushing

For the Respondent Gerald C. Surfus

II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged: After considering all the pleadings and evidence before me, I accept the tendered Conditional Guilty Plea for Consent Judgment which admits to each act of misconduct alleged in the instant complaint attached hereto.

III. Recommendation as to Whether or Not the Respondent Should Be Found Guilty: I recommend that the Respondent be found guilty and specifically that he be found guilty of the following violations of the Code of Professional Responsibility: That Michael E. Sweeting has violated Disciplinary Rule 1-102(A)(3) (Engaging in illegal conduct involving moral turpitude); DR 1-102(A)(4) (Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation); DR 1-102(A)(5) (Engaging in conduct that is prejudicial to the administration of justice); DR 1-102(A)(6) (Engaging in conduct that adversely reflects on his fitness to practice law); DR 7-102(A)(7) (Counseling or assisting his client in conduct the lawyer knows to be illegal or fraudulent); DR 7-102(A)(8) (Knowingly engaging in illegal conduct or conduct contrary to a disciplinary rule); and Integration Rule 11.02(3)(a) (conduct contrary to honesty, justice, and good morals).

IV. Recommendation as to Disciplinary Measures to be Applied:

I recommend that the respondent receive a public reprimand, a one (1) year suspension, an appearance before the Board of Governors, and payment of costs.

V. Personal History and Past Disciplinary Record: After finding of guilt and prior to recommending discipline to be recommended pursuant to Rule 11.06(9)(a)(4), I considered the following personal history and prior disciplinary record of the respondent, to wit:

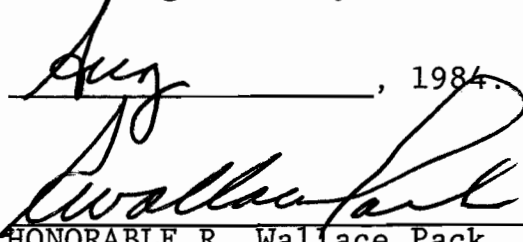
- (1) Age: 33
- (2) Date Admitted to Bar: December 17, 1976
- (3) The fact that respondent entered guilty pleas to the criminal charges without taking depositions, served a jail sentence without appealing the plea, and is presently on probation.
- (4) The fact that respondent has no prior disciplinary history.

VI. Statement of Costs and Manner in Which Costs Should be Taxed: I find the following costs were reasonably incurred by The Florida Bar.

a. Grievance Committee Level Costs	
1. Administrative Costs	\$150.00
2. Transcript Costs	192.64
3. Bar Travel Expenses	75.20
b. Referee Level Costs	
1. Administrative Costs	\$150.00
2. Transcript Costs	59.25
3. Bar Counsel Travel Expenses	95.00
TOTAL ITEMIZED COSTS:	<u>\$722.09</u>

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses with the foregoing itemized costs be charged to the respondent, and that he be given one month after the judgment in this case becomes final to pay such costs. Interest at the statutory rate shall accrue and be payable beginning one month after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 27 day of Aug, 1984.


HONORABLE R. Wallace Pack
Referee

Copies furnished to:
Gerald C. Surfus, Esquire
Steve Rushing, Branch Staff Counsel
John T. Berry, Staff Counsel, The Florida Bar

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AMENDED STATEMENT OF COSTS

1. Grievance Committee Level	
a. Administrative costs at the Grievance Committee level, The Florida Bar Integration Rule, article XI, Rule 11.06(9)(a).	\$ 150.00
b. Court Reporter appearance and transcript for Grievance Committee hearing on April 8, 1983.	100.80
c. Court Reporter appearance and transcript for continuation of April 8, 1983 hearing concluded on April 21, 1983.	91.84
d. Bar Counsel (Steve Rushing) Travel Expenses:	
(1) April 8, 1983: \$36.40	
(2) April 21, 1983: 19.80	
(3) October 19, 1983: 19.00	75.20
(meeting with Designated Reviewer)	
2. Referee Level	
a. Administrative costs at Referee level, Florida Bar Integration Rule, article XI, Rule 11.06(9)(a).	150.00
b. Court Reporter appearance and transcript for July 19, 1984.	59.25
c. Bar Counsel (Steve Rushing) Travel Expenses for July 19, 1984.	95.00
	<u>95.00</u>
	<u>\$ 772.09</u>

The above costs were incurred at the Grievance Committee and Referee level by The Florida Bar in the above-styled matter.

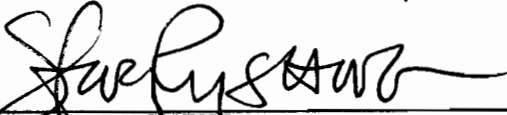
Respectfully submitted,



STEVE RUSHING
Branch Staff Counsel
The Florida Bar, Suite C-49
Tampa Airport Marriott Hotel
Tampa, Florida 33607
(813) 875-9821

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Amended Statement of Costs has been furnished by U.S. regular mail to GERALD C. SURFUS, Attorney for Respondent, 150 East Avenue, South, Sarasota, Florida, 33577; on this 17th day of August, 1984.



STEVE RUSHING