

IN THE SUPREME COURT OF FLORIDA
BEFORE A REFEREE

FILED

SID J. WHITE

MAY 30 1985

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

Supreme Court Cases Nos.:
65,473 and 66,203

THE FLORIDA BAR,
Complainant,
v.
GREGORY K. JONES,
Respondent.

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS:

Case No. 65,473 was commenced by the filing of the bar's complaint and requests for admissions on June 21, 1984. By order dated July 12, 1984 the undersigned was appointed referee as provided in Fla. Bar Integr. Rule, article XI, Rule 11.06(9). Issue was joined by the filing on July 17, 1984 of respondent's answer and responses to the requests for admissions.

Case No. 66,203 was commenced by the filing of the bar's complaint and requests for admissions on November 28, 1984. By order dated December 3, 1984 the undersigned was appointed referee as provided in the rule, aforesaid. Issue was joined by the filing on December 17, 1984 of respondent's answer and responses to the requests for admissions.

By order dated and filed November 28, 1984 the undersigned, sua sponte, directed and scheduled a status conference in Case No. 65,473, which conference was attended by counsel for complainant but not by respondent or anyone on respondent's behalf. As a result of such status conference both of the above referred to cases were, by order dated and filed January 14, 1985, consolidated and a final hearing was set for June 7, 1985.

On May 3, 1985 the complainant filed an application for approval of a consent judgment to which was attached a written, sworn plea wherein and whereby respondent admitted guilt to the various violations with which he was charged in each case and consented to a judgment imposing as a single discipline for all charges set forth in each above referred to case, a sixty (60) days suspension from The Florida Bar with automatic reinstatement plus payment of the bar's costs in the sum of \$529.35.

Upon due deliberation and being satisfied that the proposed discipline was appropriate, I granted complainant's application for approval of respondent's guilty plea for consent judgment. Complainant has appeared in Case No. 65,473 by its bar counsel, David M. Barnovitz and in Case No. 66,203 by its bar counsel, Richard B. Liss. Respondent has appeared, in both cases, pro se.

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH THE RESPONDENT IS CHARGED:

In that respondent has submitted a written, sworn guilty plea to the charges as recited in the complaints in each of the above referred to cases, copies of the complaint and of the written guilty plea are attached hereto and each and every allegation therein is hereby incorporated by reference thereto as the undersigned's findings of fact.

III. RECOMMENDATIONS AS TO WHETHER OR NOT THE RESPONDENT SHOULD BE FOUND GUILTY:

In Case No. 65,473 I recommend that respondent be found guilty of violating Disciplinary Rule 6-101(A)(3) of the Code of Professional Responsibility which prohibits an attorney from neglecting a legal matter entrusted to him.

In Case No. 66,203 I recommend that respondent be found guilty of violating Disciplinary Rules 1-102(A)(1), 1-102(A)(4) and 1-102(A)(6) of the Code of Professional Responsibility which prohibit an attorney from violating a disciplinary rule, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation and from engaging in any other conduct that adversely reflects on his fitness to practice law. I also recommend that he be found guilty in such case of violating Fla. Bar Integr. Rule, article XI, Rule 11.02(4) which mandates that money entrusted to an attorney for a specific purpose is held in trust and must be applied only to that purpose.

IV. RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE APPLIED:

I recommend that the sixty (60) day suspension from The Florida Bar and taxation of costs as provided in respondent's conditional guilty plea and approved by The Florida Bar be accepted by the Supreme Court of Florida.

V. **PERSONAL HISTORY:**

Respondent, Gregory K. Jones, was admitted to the Florida Bar on May 22, 1975 and is 37 years of age.

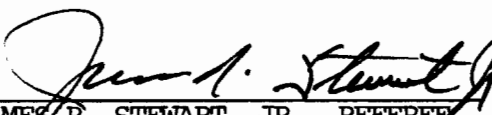
VI. **STATEMENT AS TO PAST DISCIPLINE:**

Respondent has no disciplinary history.

VII. **STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED:**

Upon respondent's guilty plea for consent judgment and the approval thereof by The Florida Bar I find that the sum of \$529.35 represents the costs that were reasonably incurred by the bar and recommend that respondent be directed to pay the same within thirty (30) days of the Supreme Court's final order herein unless the time for payment is extended by the Board of Governors of The Florida Bar.

DATED THIS 23rd day of May, 1985 at West Palm Beach, Palm Beach County, Florida.


JAMES R. STEWART, JR., REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Referee's Report was furnished to Gregory K. Jones, Respondent, 8 Pruyn Place, Catskill, NY 12414, Richard B. Liss, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, FL 33304, and to David M. Barnovitz, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, FL 33304, by regular mail, on this 23rd day of May, 1985.


JAMES R. STEWART, JR., REFEREE