

IN THE SUPREME COURT OF FLORIDA  
(Before A Referee)

THE FLORIDA BAR, )  
Complainant, )

CONFIDENTIAL

v.

<sup>m</sup>  
RAYMOND W. SEIDLER,  
Respondent.

**FILED**

Supreme Court Case  
No. 65,780

SID J. WHITE

APR 30 1985

CLERK, SUPREME COURT

By <sup>m</sup>  
Chief Deputy Clerk

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: On August 23, 1984, The Florida Bar filed its Complaint with The Supreme Court of Florida. The Request for Admissions was filed with the Referee on September 29, 1984. The undersigned was duly appointed as Referee by the Chief Justice, on August 29, 1984. A Final Hearing concerning this matter was held on March 29, 1984 at The Florida Bar Offices located at Miami, Florida.

The following attorneys appeared as counsel for the parties:

On Behalf of The Florida Bar: Paul A. Gross of Miami

On Behalf of the Respondent: Pro Se - did not appear at trial

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH

THE RESPONDENT IS CHARGED: After considering all the pleadings, documentary evidence, and testimony, the undersigned Referee finds:

IN GENERAL

1. That the Respondent, RAYMOND <sup>m</sup>W. SEIDLER, is and all times hereinafter mentioned, was a member of The Florida Bar subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

2. That copies of the Complaint and Request for Admissions were sent by certified mail to the Respondent's official Bar address. In addition, the Notice of Hearing and all other pleadings were sent to the Respondent at his official Bar address.

3. That Florida Bar Integration Rule, Article II, Section 6, states: "It should be the duty of each member of The Florida Bar immediately to advise the executive director of any change of mailing address or military status." Also, Florida Bar Integration Rule, Article XI, Rule 11.01(2), states:

mailing by registered or certified mail of papers or notices prescribed by these rules to the last mailing address of an attorney as shown by the official records in the office of the executive director of The Florida Bar shall be sufficient notice and service unless this court shall direct otherwise.

4. That at all time material to the investigation and prosecution of the various allegations giving rise to the complaint sub judice, The Florida Bar has diligently pursued its obligations and ethical responsibility to contact the Respondent and to provide him with notice of all proceedings, pleadings, hearings, and the like.

5. That at all times material to the hearing of this case, both The Florida Bar and Respondent have been afforded ample opportunity to file pleadings, to personally appear before this Referee, and to present witnesses, testimony, and all other matters of evidence material and relevant to this cause.

III. AS TO ALLEGATIONS IN COMPLAINT: The questions in the Complainant's Request for Admissions were taken as being admitted, as the Respondent failed to respond to them. (Florida Rules of Civil Procedure, Rule 1.370). In addition, the grievance committee record was introduced and accepted in evidence. See The Florida Bar v. Junkin, 89 So.2d 481 (Fla. 1956), and The Florida Bar v. Schneiderman, 285 So.2d 392 (Fla. 1973). (Exhibits 1 through 4).

Based upon the above, I find that all allegations in the Complaint have been proven by clear and convincing evidence. See The Florida Bar v. Travelstead, 435 So.2d 832 (Fla. 1983), where an attorney was disbarred, even though said attorney did not respond to the Bar's Complaint.

IV. THE FACTS IN THIS CASE ARE AS FOLLOWS: The detailed allegations are set forth in the complaint. However, in brief form, the facts are as follows:

Count I: Respondent paid for purchases with a check in the amount of thirty-five (\$35.00) dollars which was returned twice due to uncollected funds. Respondent never paid for the purchase.

Count II: Respondent agreed to represent a client in the sale of her property. Without her knowledge or consent, Respondent signed for the client, an escrow agreement, which called for all funds and documents to be held in escrow by the purchaser's attorney; to be released to Respondent at time of closing. The funds and documents were given to Respondent by escrow agent. However, said funds (\$3,306.75) and documents, which were the property of the client, were never delivered to said client.

In addition, Respondent represented client in a matter concerning a housing violation. However, Respondent failed to appear in court for the trial. <sup>Client</sup> Respondent was found guilty, but sentence was suspended.

Count III. On September 27, 1979 Respondent was suspended from practicing law for one year, effective April 8, 1978, with proof of rehabilitation required before being reinstated.

On March 11, 1982, Respondent's Petition for Reinstatement was granted, pending payment of costs. Since Respondent did not pay the costs, he was not authorized to practice law. Nevertheless, he did practice law in Florida before he was so authorized.

Count IV: Respondent paid his secretary's salary with checks which were dishonored, to wit: \$980.00, \$150.00, \$250.00, and \$250.00. However, the secretary may have been reimbursed for these checks.

Count V: On July 7, 1983 Respondent opened a trust account at a bank. The initial deposit was \$1,375.00. On August 1, 1983, Respondent deposited a check in the amount of \$2500. Because Respondent represented himself as an attorney, the bank treated the check as cash. Respondent immediately withdrew the funds. When the check for \$2500 was presented for payment by the bank, Respondent's account had been closed and the bank suffered a loss of \$2500.

V. RECOMMENDATION AS TO WHETHER OR NOT RESPONDENT SHOULD BE FOUND GUILTY: As to all allegations in the Complaint, I make the following recommendations:

I recommend that the Respondent be found guilty of the following violations of the Code of Professional Responsibility:

Count I: Disciplinary Rule 1-102(A)(4), [conduct involving dishonesty, fraud, deceit or misrepresentation]; Disciplinary Rule 1-102(A)(6), [conduct adversely reflecting on fitness to practice law].

Count II: Disciplinary Rule 1-102(A)(4)[engaging in conduct involving dishonesty, fraud, deceit or misrepresentation]; Disciplinary Rule 1-102(A)(6)[engaging in conduct that adversely reflects on his fitness to practice law]; Disciplinary Rule 6-101(A)(3)[neglect of a legal matter] and Florida Bar Integration Rule 11.02(4)[trust accounting rule].

Count III: Disciplinary Rule 3-101(B)[practicing law in a jurisdiction where to do so would be violative of the profession in that jurisdiction]

Count IV: Disciplinary Rules 1-102(A)(4)[engaging in conduct involving dishonesty, fraud, deceit or misrepresentation] and 1-102(A)(6)[engaging in conduct that adversely reflects on his fitness to practice law].

Count V: Disciplinary Rule 1-102(A)(4)[engaging in conduct involving dishonestly, fraud, deceit or misrepresentation] and 1-102(A)(4)[engaging in conduct that adversely reflects on his fitness to practice law].

VI: RECOMMENDTION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

Although this Referee realizes that disbarment should be reserved only for extremely serious cases, it is the opinion of the undersigned referee that a DISBARMENT is warranted in the case, for the following reasons:

Count II of the Complaint involves misappropriation of \$3,306.25 from a client and Count V involves stealing \$2,500 from a bank by use of a bad check. These two charges, without considering the other allegations, warrant disbarment. In The Florida Bar v. Breed, 378 So.2d 783 (Fla. 1979), where an attorney, inter alia, misused and misappropriated clients funds, the Supreme Court stated:

We give notice, however, to the legal profession of the state that henceforth we will not be reluctant to disbar an attorney for this type of offense even though no client is injured. Breed at 785.

In this case, clients were injured and the Respondent has a prior disciplinary record. He was suspended for one year. The Florida Bar v. Seidler, 375 So.2d 849 (Fla. 1979). In the case The Florida Bar v. Vernell, 374 So.2d 473, 476 (Fla. 1979), The Supreme Court stated "this court deals more severly with cumulative misconduct than with isolated misconduct", citing The Florida Bar v. Rubin, 362 So.2d 818 (Fla. 1976).

Accordingly, in view of the prior discipline record, the cumulative misconduct and the serious nature of at least two of the counts in this case, the referee recommends that the Respondent, RAYMOND <sup>M</sup>~~W.~~ SEIDLER, BE DISBARRED.

VII: PERSONAL HISTORY AND DISCIPLINARY RECORD: The Florida Bar reported the following concerning RAYMOND <sup>m</sup>~~W.~~ SEIDLER: MR. SEIDLER is 34 years of age, divorced and was originally admitted to practice law in Florida during 1973. He was suspended from April 8, 1978 (The Florida Bar v. Seidler, 375 So.2d 849 (Fla. 1979) and was reinstated on March 11, 1982 - pending payment of costs.

The State Attorney reported that there are three outstanding warrants issued against RAYMOND <sup>m</sup>~~W.~~ SEIDLER. (Exhibit 8). However, this referee did not consider this in arriving at his findings and recommendations in the case.

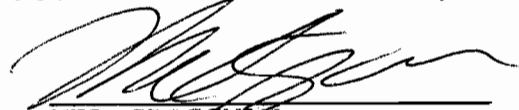
VIII. STATEMENT OF COSTS AND RECOMMENDATION AS TO THE MANNER IN WHICH COSTS SHOULD BE TAXED: The Florida Bar has reported the following costs, and the Referee finds said cost to be reasonable; to wit:

	<u>Amount</u>
Administrative Costs:	
[Florida Bar Integration	
Rule, article XI, Rule 11.09(5)(a)	
Grievance Committee	\$ 150.00
Referee Level	150.00
Court Reporter costs:	
Referee Trial - March 29, 1985	74.96
Grievance Committee hearing -	
February 29, 1984	266.70
Printing:	18.70
Investigation Costs (Gordon B. Sither)	<u>462.55</u>
TOTAL	\$1,122.91

The undersigned recommends that the above costs be taxed against Respondent, and judgment for the costs in the amount of \$1,122.91 be entered against RAYMOND <sup>m</sup>~~W.~~ SEIDLER, for which let execution issue.

It is further recommended that execution issue with interest at a rate of twelve percent (12%) per year, to accrue on all costs not paid within 30 days of entry of the Supreme Court's final order, unless the time for such payment is extended by the Board of Governors of The Florida Bar.

Dated this 20th day of April, 1985 at Fort Lauderdale, Florida.



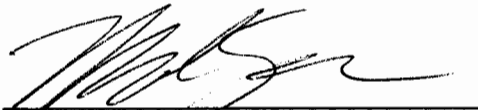
MEL GROSSMAN

Referee

905 Broward County Courthouse  
201 S.E. 6th Street  
Fort Lauderdale, FL 33301  
(305) 765-8384

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copies of the foregoing Report of Referee were mailed this 22d day of April, 1985 to the following persons: Paul A. Gross, Bar Counsel, The Florida Bar, 211 Rivergate Plaza, 444 Brickell Avenue, Miami, FL 33131, Raymond <sup>m</sup>W. Seidler, Respondent at 6477 SW 12th Street, Miami, FL 33144 and John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, FL 32301-8226.



MEL GROSSMAN

Referee