

adjudication of guilt is sufficient to sustain disciplinary action. The Florida Bar v. Lancaster, 448 So.2d 1019, 1022 (Fla. 1984); The Florida Bar v. Brown, 377 So.2d 1176 (Fla. 1979). Also, an attorney's pleading nolo contendere to a misdemeanor is relevant to his fitness to practice law. The Florida Bar v. Lancaster, 448 So.2d 1019, 1021. See The Florida Bar v. Agar, 394 So.2d 405 (Fla. 1980). Record, Page 55, lines 1-8.

III. RECOMMENDATION AS TO WHETHER OR NOT THE RESPONDENT SHOULD BE FOUND GUILTY: I recommend that the Respondent be found guilty of violating Disciplinary Rule 1-102(A)(6) of the Code of Professional Responsibility, to wit: engaging in conduct that adversely reflects on his fitness to practice law.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED: I recommend the respondent be suspended from practicing law in Florida for a period of three months and one day, and that he be required to show proof of rehabilitation before being readmitted to practice law.

It is noted that the Respondent, in accordance with a pre-plea agreement with the U.S. Government, (May 1, 1981), has agreed not to practice law for five years. The Respondent has not practiced law since May 1981, in accordance with the Agreement. Record, Page 16; Record, Page 105, Line 25 and Page 106, lines 1-12. I recommend the three months and one day suspension become effective on the date of the Supreme Court's order approving the Report of Referee, and that Respondent be eligible to apply for reinstatement after completion of said suspension.

Although I am confident the respondent will abide by his agreement with the U.S. Government not to practice law until May 1, 1986, he should not be reinstated until after that date and subsequent to showing proof of rehabilitation in accordance with Florida Bar Integration Rule 11.11. Nevertheless, I recommend that the respondent be permitted to file his petition for reinstatement as soon as he has completed his three months and one day suspension, even though this may be prior to May 1, 1986.

If this Honorable Court should approve this report and if the respondent should file a Petition for Reinstatement, I respectfully recommend that I be appointed referee in said reinstatement proceedings. I recommend this for the sake of continuity and because of my knowledge of this case.

Furthermore, I further recommend that confidentiality be waived on the date of this Court's order.

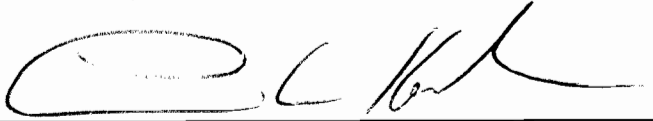
V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD: The Respondent is 47 years of age, and married. He was admitted to The Florida Bar during 1962. Prior discipline: Public Reprimand. The Florida Bar v. Capodilupo, 291 So.2d 582 (Fla. 1974); Record, Page 55, lines 20-25.

VI. STATEMENT OF COSTS AND MANNER IN WHICH COST SHOULD BE TAXED:

Court Reporter Costs for Grievance Committee Hearing on 6/26/84.	\$ 314.65
Court Reporter Costs for Referee Hearing on 4/29/85.	176.50
Travel expenses of Bar Counsel 8/1/85.	13.00
Administrative Costs at Grievance Committee level (\$150) and referee level (\$150) Fla. Bar Integr. Rule 11.06(9)(a)(5)	<u>\$ 300.00</u>
TOTAL COSTS	\$ 804.15

It is recommended that the foregoing costs be assessed against Respondent. It is further recommended that execution issue with interest at the rate of twelve percent (12%) per year to accrue on all costs not paid within thirty (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.

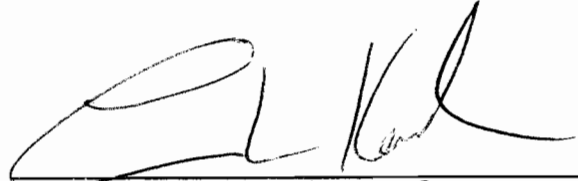
Dated this 24th day of October, 1985.



LAWRENCE L. KORDA, REFEREE
Broward County Courthouse
201 S.E. 6th Street
Ft. Lauderdale, Florida 33301
(305)765-8382

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Report of Referee were mailed this 24th day of October, 1985 to the following persons: Paul A. Gross, Co-Bar Counsel, The Florida Bar, 444 Brickell Avenue, 211 Rivergate Plaza, Miami, Florida 33131; Julian S. Mack, Co-Bar Counsel, Suite 205, 520 Brickell Key Drive, Miami, Florida 33131; Hy Shapiro, Respondent's Counsel, 3356 Virginia Street, Suite 204, Coconut Grove, Florida 33133, and to John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301.



Lawrence L. Korda, Referee

