



IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that Robert K. Hayden be disciplined by a thirty (30) day suspension, and payment of costs. I recommend that the 30-day suspension period become effective on August 1, 1986 and begin to run at that time.

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: 42
- (2) Date Admitted to Bar: 1973
- (3) Prior Disciplinary Record: Received a Private Reprimand in Consolidated TFB Nos. 06A78H06, 06A78011, 06A78H39, 06A78H43, and 06A78H31.
- (4) Mitigating Factors: Respondent waived probable cause hearing in both matters, the trust account problems arose from poor recordkeeping and a series of at least three incompetent C.P.A.'s which respondent hired, and the civil case was settled regarding restitution of the coin necklace and wear of the watch.

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:	
Administrative Costs	\$ <del>300.00</del> <sup>150.00 with</sup>
Bar Auditor Costs	7,012.02
Staff Investigator Costs	114.30
B. Referee Level:	
Administrative Costs	300.00
Court Reporter Costs	111.06
Staff Investigator Costs	144.60
Bar Counsel Costs	31.88
	<del>7,813.86</del>
	<u>7,863.86 with</u>

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the respondent, and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by The Board of Governors of The Florida Bar.

Dated this 24 day of April, 1986.

*Walter N. Burnside, Jr.*  
HONORABLE WALTER N. BURNSIDE, JR.

Copies furnished to:

John M. Elias, Respondent  
Stephen O. Rushing, Branch Staff Counsel  
John T. Berry, Staff Counsel

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,  
v.  
ROBERT K. HAYDEN,  
Respondent.

CONFIDENTIAL

CASE NO. 66,011  
(TFB No. 06A84H65)  
CASE NO. 68,331  
(TFB No. 06A85103)

STATEMENT OF COSTS

A. Grievance Committee Level:

1. Administrative costs at the Grievance Committee level, Florida Bar Integration Rule, article XI, Rule 11.06(9)(a)

~~(a) TFB No. 06A84H65 \$150.00~~  
(b) TFB No. 06A85103 150.00

*with  
my  
S.O.R.*  
150.00  
~~300.00~~

2. Bar Auditor Expenses:  
(Pedro J. Pizarro, C.P.A.)

(a) Time Expended:  
(302 2/10 hours) \$6,956.64  
(b) Travel Expenses: 55.38 \$7,012.02

3. Staff Investigator Costs: (06A85103)  
(Ernest J. Kirstein, Jr.)

(a) Time Expended:  
(7.1 hrs. @ 15.00) 106.50  
(b) Mileage:  
(30 miles @ .26) 7.80 114.30

B. Referee Level:

1. Administrative costs at the Referee level, Florida Bar Integration Rule, article XI, Rule 11.06(9)(a)

(a) Case No. 66,011  
(TFB No. 06A84H65) \$150.00  
(b) Case No. 68,331  
(TFB No. 06A85103) \$150.00 300.00

2. Court Reporter Expenses:  
(Final Hearing of January 7, 1986)

(a) Appearance Fee \$55.00  
(b) Transcript Cost 47.00  
(c) Mileage 8.50  
(d) Postage .56 111.06

3. Staff Investigator Expenses: 06A84H65 (66,011)  
(Ernest J. Kirstein, Jr.)

(a) Time Expended:			
(2 hrs. @ \$14.00)	\$ 28.00		
(5.5 hrs. @ \$15.00)	82.50		110.50
(b) Mileage:			
(30 miles @ .25)	\$ 7.50		
(40 miles @ .26)	10.40		
(60 miles @ .27)	16.20		34.10

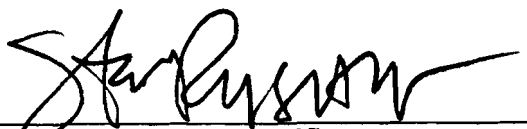
4. Branch Staff Counsel Expenses:  
(Stephen O. Rushing)

(a) Meeting with Designated Reviewer (4/16/85)			
Mileage: (48 miles @ .26)	12.48		
Meals: \$6.25			
(b) Meeting with Designated Reviewer (12/30/85)			
Mileage: (05 miles at .27)	\$1.35		
(c) Final Hearing of January 7, 1986			
Mileage: (40 miles @ .27)	\$10.80		
Meals: \$1.00			31.88

TOTAL COST TO DATE: \$8,013.86

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

Respectfully submitted,

  
STEPHEN O. 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 the foregoing Statement of Costs has been furnished to JOHN M. ELIAS, Attorney for Robert K. Hayden, at Suite 107, 611 Druid Road, East, Clearwater, Florida 33516; and a copy to JOHN T. BERRY, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301-8226; on this 18<sup>th</sup> day of March, 1986.

  
STEPHEN O. RUSHING