

IN THE SUPREME COURT OF FLORIDA
BEFORE A REFEREE

THE FLORIDA BAR,
Complainant,

v.

KIMBERLY V. BARENZ,
Respondent.

CONFIDENTIAL

Case No. 66,776

TFB File No. 15D84F33

REFEREE'S REPORT

FILED

S/D J. WHITE

JUL 10 1985

CLERK SUPREME COURT

By _____

I. SUMMARY OF PROCEEDINGS:

Pursuant to the undersigned's appointment as referee to conduct disciplinary proceedings herein according to Fla. Bar Integr. Rule, article XI, a hearing was held on June 19, 1985 on complainant's application for judgment on the pleadings and for purposes of hearing argument regarding discipline to be recommended, if any. I granted complainant's application.

David M. Barnovitz, bar counsel, appeared for the complainant. Respondent appeared in person and by her attorney, Domenic L. Grosso, Esquire.

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

Attached hereto and made part hereof is a copy of the bar's complaint. I find as fact, and incorporate by reference the same as if fully set forth herein, each and every allegation recited in paragraphs 1 through 17, inclusive, of the complaint.

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

With respect to Count I, I recommend that respondent be found guilty of violating Fla. Bar Integr. Rule, article XI, Rule 11.02(4).

With respect to Count II, I recommend that respondent be found guilty of violating Fla. Bar Integr. Rule, article XI, Rule 11.02(4)(c) and the Bylaws promulgated thereunder (article XI, par. 4(a) prior to June 30, 1984 and par. 3(a)(ii) after June 30, 1984).

With respect to Count III, I recommend that respondent be found guilty of violating Fla. Bar Integr. Rule, article XI, Rule 11.02(4) (c) and the Bylaws promulgated thereunder (article XI, par. 2(f)).

With respect to Count IV, I recommend that respondent be found guilty of violating Disciplinary Rule 9-102(B) (3) and Fla. Bar Integr. Rule, article XI, Rule 11.02(4) (c) and the Bylaws promulgated thereunder (article XI, pars. 2(d) and 2(f)).

With respect to Count V, I recommend that respondent be found guilty of violating Fla. Bar Integr. Rule, article XI, Rule 11.02(4) (c) and the Bylaws promulgated thereunder (article XI, par. 3(d)).

With respect to Count VI, I recommend that respondent be found guilty of violating Disciplinary Rule 9-102(A) of the Code of Professional Responsibility.

With respect to Count VII, I recommend that respondent be found guilty of violating Disciplinary Rule 3-104(C) of the Code of Professional Responsibility.

IV. **RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE APPLIED:**

I recommend as discipline in this matter that the respondent, Kimberly V. Barenz, be suspended from The Florida Bar for a period of thirty (30) days.

V. **PERSONAL HISTORY:**

Kimberly V. Barenz was admitted to The Florida Bar on May 16, 1981 and is 30 years of age.

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

Respondent has no prior disciplinary history.

VII. **STATEMENT OF COSTS OF THE PROCEEDINGS AND RECOMMENDATIONS:**

The costs of these proceedings were as follows:

Administrative Costs:	
Grievance Committee Level -----	\$ 150.00
Referee Level -----	150.00
Court Reporter Costs:	
Grievance Committee Level -----	511.70
Referee Level -----	128.00
Statement (Kimberly Barenz) -----	65.63
Copying Costs -----	10.00
Auditor Costs -----	<u>1,412.41</u>
<u>TOTAL</u> -----	\$2,427.74

I recommend that such costs be taxed against the respondent.

RENDERED this 3 day of July, 1985 at Fort Lauderdale, Broward County, Florida.


 BARBARA BRIDGE, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing referee's report was furnished to Domenic L. Grosso, Attorney for Respondent, 900 North Federal Highway, Suite 340, Boca Raton, FL 33432 and David M. Barnovitz, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, FL 33304, by regular mail, on this 3 day of July, 1985.


 BARBARA BRIDGE, REFEREE