

addressed their envelope as 2624 S.E. 17th Street but Exhibit one (1) establishes that the postal service corrected this error). This transmittal was returned unclaimed by Respondent.

3. That copies of the Notice of Hearing on The Florida Bar's Motion for Judgment on the Pleadings and Argument on Discipline were sent by certified mail and regular mail to Respondent at both his official Bar address and last known address. Although there is no proof that Respondent actually received said Notice, The Florida Bar adduced sufficient proof that Respondent was physically residing at his last known address and that he was receiving mail at that address but was not claiming certified mail sent to that address.

4. That Florida Bar Integration Rule, article XI, Rule 11.01(2) states:

mailing by registered or certified mail of papers or notices prescribed in 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.

5. That Florida Bar Integration Rule, article XI, Rule 11.13(2) provides:

service of process if [sic] not required to obtain jurisdiction over respondents in disciplinary proceedings; but due process requires the giving of reasonable notice and such shall be effective by the service of the complaint upon the respondent by mailing a copy thereof by registered or certified mail return receipt requested to the last known address of the respondent according to the records of The Florida Bar or such later address as may be known to the person effecting the service.

6. That at all times material to the investigation and prosecution of the various allegations giving rise to the complaint sub judice, The Florida Bar has diligently pursued its obligation to contact Respondent and provide him with notice of all proceedings, pleadings and hearings.

7. That at all times material to this cause, Respondent has been afforded ample opportunity to file pleadings, personally appear before this Referee, present witnesses, testimony and all other evidence material and relevant to this cause.

8. That Respondent has received notice of these proceedings as required by the Integration Rule of The Florida Bar and has chosen not

to be a participant in said proceedings.

9. That the requests propounded to Respondent in The Florida Bar's Request for Admissions are deemed admitted by virtue of Respondent's failure to respond to them. In addition, the grievance committee transcript and certain exhibits pertaining thereto were introduced and accepted into evidence.

10. That based upon the foregoing, the undersigned finds that all allegations in The Florida Bar's Complaint have been proven by clear and convincing evidence and are incorporated by reference as if set forth fully herein.

11. That in concise form, Respondent was retained to handle a dissolution of marriage proceeding and then neglected to conclude this matter on behalf of his client and, in essence, abandoned said client.

III. RECOMMENDATIONS AS TO WHETHER RESPONDENT SHOULD BE FOUND GUILTY:

As to all allegations, the undersigned recommends that Respondent be found guilty of violating the following Disciplinary Rules of the Code of Professional Responsibility and Integration Rules: Disciplinary Rules 1-102(A)(1) [a lawyer shall not violate a disciplinary rule], 1-102(A)(6) [a lawyer shall not engage in any other conduct that adversely reflects on his fitness to practice law], 6-101(A)(3) [a lawyer shall not neglect a legal matter entrusted to him], 7-101(A)(2) [a lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services] and 7-101(A)(3) [a lawyer shall not intentionally prejudice or damage his client during the course of the professional relationship], and article XI, Rule 11.02(2) [violation of the Code of Professional Responsibility is a cause for discipline] and 11.02(3)(a) [commission by a lawyer of any act contrary to honesty, justice or good morals] of the Integration Rule of The Florida Bar.

IV. STATEMENT AS TO PAST DISCIPLINE:

Respondent has not been the subject of disciplinary sanctions except for the instant matter.

V. STATEMENT OF COSTS AND RECOMMENDATION AS TO THE MANNER IN WHICH COSTS SHOULD BE TAXED:

The undersigned finds the following costs were reasonably incurred by The Florida Bar:

Court Reporter Attendance and Transcript,
 Grievance Committee hearings \$132.50

Administrative Costs at Grievance Committee
 Level (article XI, Rule 11.06(9) (a) of the
 Integration Rule of The Florida Bar) \$150.00

Investigative Costs \$180.16

Court Reporter Attendance and Transcript,
 Referee level proceedings \$142.25

Administrative Costs at Referee Level
 (article XI, Rule 11.06(9) (a) of the
 Integration Rule of The Florida Bar) \$150.00

Bar Counsel Travel Expense \$ 8.40

TOTAL COSTS \$763.31

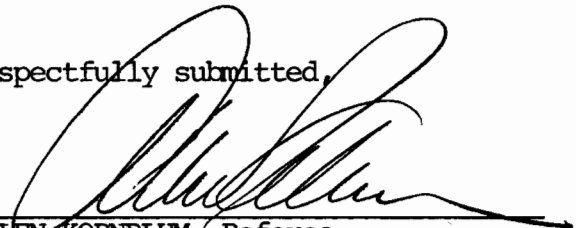
It is recommended that Respondent be taxed costs in the amount of Seven Hundred and Sixty-Three Dollars and Thirty-One Cents (\$763.31).

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

The undersigned recommends that Respondent receive a Public Reprimand to be imposed by the Supreme Court of Florida and published in Southern Reporter. In addition, Respondent should be required to make restitution to his client, Gloria A. McDowell, in the amount of Six Hundred Ten Dollars and No Cents (\$610.00). Costs of these proceedings should be taxed against Respondent in the amount of Seven Hundred and Sixty-Three Dollars and Thirty-One Cents (\$763.31), with execution to issue and with interest at a rate of twelve per cent (12%) to accrue on all costs not paid within thirty (30) days of entry of the Supreme Court's Final Order in this cause, unless time for payment is extended by the Board of Governors of The Florida Bar.

DATED this 9 day of July, 1985, at Miami Beach, Dade County, Florida.

Respectfully submitted,


 ALLEN KORNBLUM, Referee

Copies furnished to:

Robert A. Cervantes, Respondent
 by regular mail to official Bar Address and
 last known address

Richard B. Liss, Attorney for Complainant

*all
 copies
 mailed
 7/9/85
 (ms)*