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THE FLORIDA BAR,
IN RE: PETITION FOR
RESIGNATION BY:

MICHAEL B. MANN,
PETITIONER.

CONFIDENTIAL
Supreme Court Case No. _____
THE FLORIDA BAR
CASE NO.'S 14-83N29,
14-83N47 and 14-84N11

FILED

SID J. WHITE

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PETITION FOR RESIGNATION PENDING
DISCIPLINARY PROCEEDING PURSUANT
TO RULE 11.08 OF THE INTEGRATION RULE

COMES NOW the Petitioner, Michael B. Mann, and files this, his Petition For Resignation Pending Disciplinary Proceedings pursuant to Rule 11.08 of the Integration Rule and states the following:

1. Petitioner is, and at all times mentioned in this petition was, a member of The Florida Bar subject to the jurisdiction of the Supreme Court of Florida.
2. Petitioner was admitted to practice law in the State of Florida on November 19, 1971.
3. On December 3, 1983, Petitioner received a private reprimand for minor misconduct administered by the grievance committee for neglect of a legal matter entrusted to him in violation of Disciplinary Rule 6-101(A)(3). (See Exhibit C)
4. On January 30, 1984, Petitioner was suspended by the Supreme Court of Florida until further order of the Court as a result of a Petition for Temporary Suspension filed by The Florida Bar pursuant to Integration Rule, article XI, Rule 11.10(6). (See Exhibits A and B)
5. The following constitutes a statement of all pending complaints filed against Petitioner with The Florida Bar:

(A) In The Florida Bar Case No. 14-83N29, it is alleged that:

(1) Sometime before June 11, 1982, Petitioner was contacted by Mr. Winfred Parrish in regard to a foreclosure action Mr. Parrish wished to bring against Mr. David Bryson.

(2) On July 13, 1982, Mr. Parrish mailed to Petitioner a \$100.00 check representing the retaining fee and the original

mortgage note and payment schedule on the property Mr. Parrish had previously sold to Mr. Bryson.

(3) Petitioner did not initiate the foreclosure action on behalf of Mr. Parrish as he was retained to do.

(4) Petitioner also failed to return to Mr. Parrish the original mortgage note and payment schedule as Petitioner agreed to do sometime after February 15, 1983.

(B) In The Florida Bar Case No. 14-83N47, it is alleged that:

(1) On May 6, 1983, Petitioner presented his trust account check no. 108 in the amount of \$1,250.00 drawn on account no. 01 04322 2 at the First National Bank of Panama City, Florida, to Mr. William F. Wager, Jr., an attorney practicing law in Panama City, Florida.

The check represented a settlement in a personal injury claim against a client of Petitioner's.

(2) The aforementioned check was deposited by Mr. Wager on May 6, 1983.

(3) Early the following week, Petitioner telephoned Mr. Wager and informed him the check would be returned to Mr. Wager by First National Bank because an out-ofstate check which he had deposited to his trust account had not cleared. Petitioner asked Mr. Wager to hold the check for a few days and then redeposit it.

(4) On May 20, 1983, Mr. Wager redeposited the aforementioned check into his account.

(5) On May 26, 1983, the check was again returned bearing a stamp thereon "Do not present again as a cash item."

(6) The dishonored check remained unpaid.

(C) In The Florida Bar Case No. 14-84N11, it is alleged:

(1) Sometime prior to August of 1976, Petitioner received funds from Fr. Norbert Raszeja to be deposited in Petitioner's trust account and disbursed for purpose associated with the Bay County Day Care Center. Bay County Day Care Center was an activity of Fr. Raszeja's religious order, The Chicago Province of the Congregation of the Resurrectionists.

(2) From sometime prior to August 1976 to 1980, Petitioner collected funds and made disbursements from the

trust account for purposes associated with Bay County Day Care Center.

(3) Beginning in 1980 and continuing through 1983, Fr. Raszeja made numerous requests of Petitioner to account for all funds of Bay County Day Care Center remaining in Petitioner's trust account and to deliver the balance of those funds to Fr. Raszeja on behalf of the order.

(4) On September 2, 1983, Petitioner signed an acknowledgment confirming that \$7,216.07 still remained in his trust account and agreeing to remit the trust funds to Fr. Raszeja.

(5) Petitioner has failed to account for and to deliver upon request the trust funds belonging to Bay County Day Care Center.

(6) On September 2, 1982, Petitioner opened a trust account at the Commercial Bank in Panama City, account no. 1 363 36.

(7) On January 13, 1983, a check for \$5,000.00 drawn on the above-mentioned trust account and made payable to Scott R. Nabors, Trust Account, was returned by the bank due to insufficient funds. The balance in the account on January 13, 1983 was \$181.21.

(8) Between November 26 and December 6, 1982, Petitioner issued five checks of \$300.00 to \$2,000.00 on the Commercial Bank trust account which were stamped "returned due to uncollected funds" or "holding funds."

(9) On February 3, 1983, Petitioner closed his trust account at the Commercial Bank.

(10) On March 4, 1983, Petitioner opened a trust account at the First National Bank in Panama City, account no. 0105322201.

(11) Petitioner did not prepare or have prepared the required quarterly reconciliations of the First National Bank trust account.

(12) Petitioner did not maintain complete records of deposits to the First National Bank trust account.

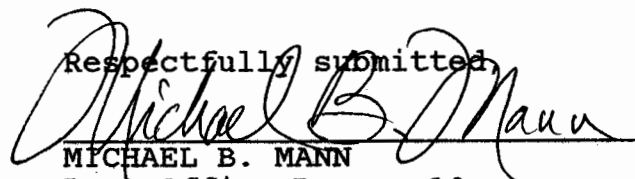
6. To the best of Petitioner's knowledge and belief, no other cases or complaints are currently under investigation by The Florida Bar.

7. Petitioner acknowledges that certain of the foregoing allegations constitute violations of the Code of Professional Responsibility.

8. Petitioner agrees to make restitution to those clients or others who have been harmed as a result of the aforementioned allegations.

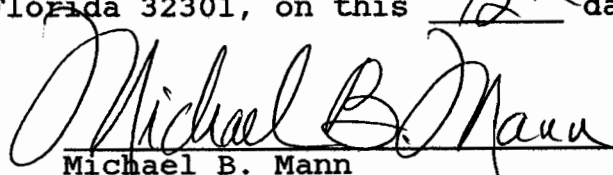
9. Petitioner avers that the public interest will not be adversely affected by the granting of this petition and that granting this petition will not adversely affect the purity of the courts nor hinder the administration of justice nor the confidence of the public in the legal profession.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this Petition For Resignation Pending Disciplinary Proceedings Pursuant to Rule 11.08 of the Integration Rule.

Respectfully submitted,

MICHAEL B. MANN
Post Office Drawer 10
Lynn Haven, Florida 32444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was sent by U.S. Mail to Susan V. Bloemendaal, Assistant Staff Counsel, The Florida Bar, Tallahassee, Florida 32301, on this 12th day of MARCH, 1985.


Michael B. Mann