

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,  
vs.  
GEORGE L. ONETT,  
Respondent.

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CONFIDENTIAL

CASE NO. 67,622

(TFB NO. 04B86M18)

**FILED**  
SECRET  
AUG 27 1986  
CLERK OF THE SUPREME COURT  
By: \_\_\_\_\_ Deputy Clerk

REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to The Florida Bar Integration Rule, article XI, the following occurred:

On September 10, 1985, the Florida Bar filed its complaint against Respondent and on September 27, 1985 Respondent filed his answer. On November 1, 1985, The Florida Bar filed its Response to the Motion to Maintain Confidentiality in response to Respondent's Motion to Maintain Confidentiality which was filed on September 27, 1985. The Florida Bar filed its Request for Admissions and a Motion to Amend Complaint on November 18, 1985. Respondent filed an Objection to Request for Admissions on December 18, 1985. The Bar responded to the Objection on January 2, 1986. The aforementioned pleadings and this report constitute the record in this case and are forwarded to the Supreme Court of Florida.

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

1. Respondent is, and at all times mentioned in this complaint was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

2. From on or about November, 1979, to sometime in 1981, Respondent and Harold B. Haimowitz, along with others, sought to extort \$15,000 from a local Jacksonville restaurateur in his efforts to obtain a liquor license for his restaurant. Respondent accepted \$7,500 cash as a partial payment towards the total extortionate amount.

3. During this same time period, Respondent and his co-extortionists sought to defraud the citizens of the State of Florida, the Department of Business Regulation, and the Division of Alcoholic Beverages and Tobacco with regard to their review and approval of the restaurateur's liquor license application. Respondent perpetrated the fraud through intentional misrepresentation and concealment of relevant information.

4. During the investigation of these crimes, Respondent perjured himself before a federal grand jury.

5. As a result of the actions referenced to in paragraphs 2-4, Respondent was convicted of six felony counts by United States District Court for the Middle District of Florida. These felonies included conspiracy to use and cause to be used, the U.S. Postal Service to execute a scheme to defraud and for obtaining property by means of false and fraudulent pretenses and representations; conspiracy to obstruct interstate commerce by extortion; obstructing interstate commerce by extortion; mail fraud; and making false declarations while under oath before a Federal Grand Jury; all in violation of Title 18, U.S.C., Sections 371, 1341, 1623, 1951 and 2.

A copy of the Judgment and Commitment Order is attached as Exhibit A and serves as conclusive proof of Respondent's misconduct referenced in paragraphs 2-4.

6. By reason of the foregoing, Respondent has violated Disciplinary Rules 1-102(A)(1) (a lawyer shall not violate a disciplinary rule); 1-102(A)(3) (a lawyer shall not engage in illegal conduct involving moral turpitude); 1-102(A)(4) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); 1-102(A)(5) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice); and 1-102(A)(6) (a lawyer shall not engage in any other conduct that adversely reflects on his fitness to practice law).

III. RECOMMENDATIONS AS TO WHETHER RESPONDENT SHOULD BE FOUND GUILTY

DR 1-102(A)(1) (a lawyer shall not violate a disciplinary rule).

DR 1-102(A)(3) (a lawyer shall not engage in illegal conduct involving moral turpitude).

DR 1-102(A)(4) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

DR 1-102(A)(5) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice).

DR 1-102(A)(6) (a lawyer shall not engage in any other conduct that adversely reflects on his fitness to practice law).

Integration Rule 11.02(3)(b) (the commission by a lawyer of any act contrary to honesty, justice, or good morals, whether the act is committed in the course of his relations as an attorney, whether committed within or outside the State of Florida, and whether the act is a felony or misdemeanor, constitutes a cause for discipline).

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

A) Disbarment from The Florida Bar;

B) Payment of \$603.86 to The Florida Bar, representing its costs in bringing this action. Such costs shall be paid within thirty (30) days of the date of the Supreme Court's Order imposing discipline.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to article XI, Rule 11.06(9)(a)(4), I considered the following personal history of Respondent, to wit:

Age: 56 years old

Date Admitted to Bar: November 4, 1966

Prior Discipline: None

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


I find the following costs were reasonably incurred by The Florida Bar:

Referee Level

1. Administrative Costs	\$150.00
2. Court Reporter and Transcript Costs	320.36
3. Bar Counsel Travel and Expenses	<u>133.50</u>
TOTAL	\$603.86

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment on this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

DATED this 20<sup>th</sup> day of August, 1986.

  
STEPHAN P. MICKLE  
Referee

Copies to:

James N. Watson, Jr., Bar Counsel of The Florida Bar  
George L. Onett, Respondent  
Shalle Stephen Fine, Attorney for Respondent