

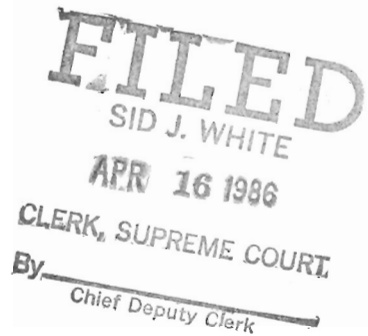
IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,  
v.  
HERBERT SAPP,  
Respondent.

CONFIDENTIAL

Case No. 67,744

(TFB No. 14-84N41)



REPORT OF REFEREE

I. Summary of Proceedings

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

On MARCH 19, 1986, Respondent in this matter, tendered a conditional guilty plea in exchange for the Bar's recommendation as to discipline. The Complaint, Conditional Guilty Plea, Joint Recommendation as to Discipline, transcripts and motions, all of which are forwarded to the Supreme Court of Florida with this report, constitute the record in this case.

II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged

After considering all the pleadings, I find:

1. Respondent was retained by Mrs. Marie Bonner several years ago regarding a mortgage foreclosure. A deposit of approximately \$300.00 was left with Respondent together with the

relevant documents necessary for the foreclosure. Respondent filed the foreclosure suit and as part of the action paid some of the back taxes on the property. Respondent also placed the notice of suit in the newspaper. Respondent received a default judgment in 1980, however, the judge required Respondent to file an amended notice of suit in the newspaper because the original notice of suit did not contain an adequate property description. Respondent stated that he did not file the amended notice because he did not have adequate funds to do so. In November of 1982, a hearing was held to show cause why Respondent's suit should not be dismissed for failure to prosecute. Because Respondent did not appear as required Mrs. Bonner's case was automatically dismissed. Respondent did no further work on the case.

III. Recommendations as to Whether the Respondent Should Be Found Guilty

I recommend that the Respondent's Conditional Plea of Guilty be accepted and specifically that he be found guilty of the following violations of the Code of Professional Responsibility:

DR 6-101(A)(3) (neglect of a legal matter)

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

IV. Recommendation as to Disciplinary Measures to Be Applied

I recommend that Respondent be disciplined by:

A. A public reprimand to be administered by the Board of Governors of The Florida Bar.

B. Payment of costs in these proceedings.

V. Personal History and Past Disciplinary Record:

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

Age: 45

Date Admitted to the Bar: 6/2/67

Prior Discipline: Grievance Committee private reprimand of minor misconduct in a case involving neglect.

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 Cases

1. Administrative Costs	\$150.00
2. Bar Counsel Travel	61.00
3. Court Reporter	183.00

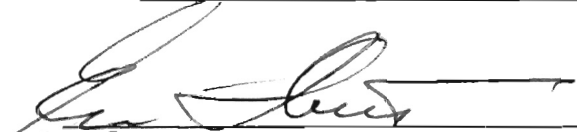
B. Referee Level Costs

1. Administrative Costs	<u>150.00</u>
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Total	\$644.00
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It is recommended that such 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 14<sup>th</sup> day of APRIL, 1986.

  
Referee

Copies to:

Susan V. Bloemendaal, Assistant Staff Counsel of The Florida Bar  
Herbert Sapp, Respondent  
John T. Berry, Staff Counsel of The Florida Bar