

FILED
SID J. WHITE

AUG 15 1986

CLERK, SUPREME COURT

By _____
Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

RICHARD G. CHOSID,
Respondent.

Case NO. 68,157

The Florida Bar Case
No. 17A86F541

REPORT OF 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, a hearing was held on April 14, 1986. The Pleadings, Notices, Motions, Orders, Transcripts and Exhibits all of which are forwarded to the Supreme Court with this report, constitute the record in this case.

The following appeared as counsel for the parties:

For The Florida Bar Jacquelyn Plasner Needeman

For the Respondent Richard G. Chosid

II. Findings of fact as to each item of misconduct of which the Respondent is charged: After considering all the pleadings and

evidence before me, pertinent portions of which are commented upon below, I find:

1. The Respondent, Richard G. Chosid, although presently suspended from the practice of law by order of the Supreme Court of Florida dated March 26, 1985, pursuant to Florida Bar Integration Rule, article XI, Rule 11.07, at all times hereinafter mentioned was a member of The Florida Bar subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.
2. On or about June 18, 1984, Respondent was indicted by a grand jury in the United States District Court for the Eastern District of Michigan, Southern Division, Case No. 84-CR-20350-DT-01.
3. On or about December 26, 1984, Respondent, pursuant to a plea bargain agreement, pled guilty to Count Four (4), Making and Subscribing a False Individual Income Tax Return, in violation of 26 U.S.C. 6202(1).
The Court accepted Respondent's guilty plea and adjudicated Respondent guilty of said felony.
4. The Court Sentenced Respondent to a term of imprisonment for a period of two (2) years and further ordered him to pay a committed fine of five

thousand dollars (\$5,000).

III. Recommendations as to whether or not the Respondent should be found guilty: As to the charges, I make the following recommendations as to guilt or innocence:

I recommend that the Respondent be found guilty and specifically that he be found guilty of violating the following Florida Bar Integration Rules and/or Disciplinary Rules of the Code of Professional Responsibility, to wit:

The Florida Bar Integration Rule, article XI, Rules 11.02(3)(a) and (b) and Disciplinary Rules 1-102(A)(1), 1-102(A)(3), 1-102(A)(4) and 1-102(A)(6) of the Code of Professional Responsibility of the Florida Bar.

IV. Further findings:

There has been no finding that the Respondent was in any way involved in any drug trafficking or dealing. There has been no evidence or proofs offered relating to any acts of misconduct other than that related to the false statement contained in the income tax return in question. This Respondent has been engaged in a long and exemplary career as a responsible and caring active trial attorney, primarily in sole practice. Respondent has served his time in a Federal Correctional Institution and paid his committed fine. He is

presently on parole in Ft. Lauderdale until March, 1987.

V. Recommendation as to disciplinary measures to be applied: I recommend that the Respondent be suspended from the practice of law in Florida until such time as he further complies with the Rules and Regulations of the Florida Bar. I have failed to grant the request for disbarment since I find that it is the severest sanction available to us and should not be imposed where less severe punishment would accomplish the desired purpose. The Florida Bar v. Moore, 194 So. 2d 264 (Fla. 1966). I further find that the conduct of Respondent, although not to be condoned, was less grievous than many other reported cases (See The Florida Bar v. George A. Routh, 414 So. 2d 1023.) and should not result in disbarment. Reinstatement will be governed by article XI, Rule 11.11 of the Integration Rule. I further recommend that the duration of the Respondent's suspension be for a period of thirty-six months beginning November 1, 1984 and thereafter until he shall prove his rehabilitation as provided in Rule 11.10(3).

VI. Statement of Costs and manner in which costs should be taxed:
I find the following costs were reasonably incurred by the Florida Bar:

Administrative Costs

Referee Level

~~\$50.00~~ \$150.00 (20)

Court Reporter Costs

Court Reporter Appearance

on April 14, 1986 and

Transcript

215.53

TOTAL COSTS DUE THE FLORIDA BAR

\$365.53 *(MD)*

DATED this 4 day of August, 1986.

Maryann Mac Kenzie

MARY ANN MacKENZIE
Referee

Copies furnished to:

Jacquelyn Plasner Needelman, Bar Counsel
John T. Berry, Staff Counsel
Richard G. Chosid, Respondent