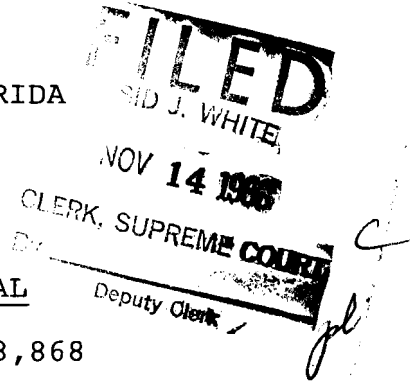


IN THE SUPREME COURT OF FLORIDA
(Before a Referee)



THE FLORIDA BAR,
Complainant,

v.

CHARLES E. BARTLETT,
Respondent.

CONFIDENTIAL

Case No. 68,868

(TFB No. 04A86N23)

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 proceedings occurred:

On June 4, 1986, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. Upon Respondent's failure to respond thereto, The Florida Bar filed a Motion to Deem Matters Admitted and a Motion for Summary Judgment on September 9, 1986. All of the aforementioned pleadings, attachments thereto, and exhibits received in evidence, and this report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

After carefully considering all pleadings, I find:

In April 1984, Respondent was contacted by Mr. Paul Porter concerning an encroachment upon an easement owned by Porter.

On April 26, 1984, Respondent received \$50.00 from Porter as a retainer and promised a quick resolution of the problem. Respondent

received an additional \$272.00 from Porter on or about October 31, 1984 for attorney fees in this matter.

By June 10, 1985, Respondent had failed to file suit on Porter's behalf or to take any remedial action on behalf of Porter as contracted for by him. Respondent had agreed to contact the adverse party regarding the removal of the encroaching fence in lieu of legal action and failed to carry out such agreement.

On June 25, 1985, Respondent had failed to take the promised action and did not refund the fees accepted for such work.

By November 7, 1985, Respondent had failed to either prosecute Mr. Porter's cause of action or refund the attorney's fees. Respondent's inaction and neglect has necessitated Mr. Porter hiring new counsel to represent him.

Respondent's actions constitute a violation of the following Disciplinary Rules:

Disciplinary Rules 1-102(A)(1) (a lawyer shall not violate a disciplinary rule); 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); 1-102(A)(6) (a lawyer shall not engage in any other conduct that adversely reflects on his fitness to practice law); 6-101(3) (a lawyer shall not neglect a legal matter entrusted to him); 7-101(A)(1) (a lawyer shall not intentionally fail to seek the lawful objectives of his client . . .); and 7-101(A)(2) (a lawyer shall not intentionally fail to carry out a contract of employment . . .).

III. I recommend that Respondent be found guilty of the following violations of the Code of Professional Responsibility:

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

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);

DR 6-101(3) (a lawyer shall not neglect a legal matter entrusted to him);

DR 7-101(A)(1) (a lawyer shall not intentionally fail to seek the lawful objectives of his client . . .); and

DR 7-101(A)(2) (a lawyer shall not intentionally fail to carry out a contract of employment . . .).

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

A. Disbarment.

B. Payment of costs in these proceedings.

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: 43 years old

Date admitted to the Bar: November 18, 1977

Prior Discipline: The Florida Bar v. Bartlett, 462 So.2d 1087 (Fla. 1985). Respondent received a 30-day suspension for trust fund violations. The Florida Bar v. Bartlett, Supreme Court No. 67,338, June 5, 1986 - 15 month suspension.

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

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

A. Grievance Committee Level

1. Administrative Costs	\$150.00
2. Court Reporter and Transcription Costs	\$ 86.25
3. Bar Counsel Travel	\$114.83

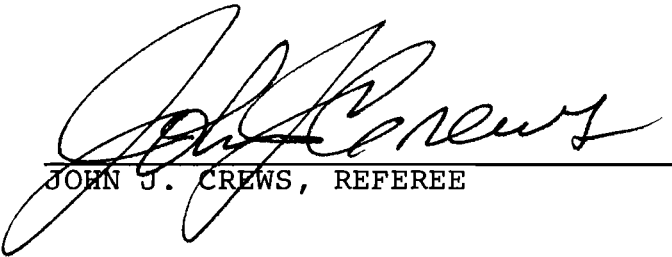
B. Referee Level

1. Administrative Costs	\$150.00
2. Bar Counsel Travel	<u>\$131.00</u>

TOTAL \$632.00

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 in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 13th day of November, A.D., 1986.



JOHN J. CREWS, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to HONORABLE SID J. WHITE, Clerk of the Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32301, and a confidential copy sent to JAMES N. WATSON, JR., Bar Counsel, The Florida Bar, Tallahassee, Florida 32301 and to CHARLES E. BARTLETT, Post Office Box 732, Orange Park, Florida 32073, by U.S. Mail, properly stamped, this 13th day of November, A.D., 1986.



Judicial Assistant