

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

CONFIDENTIAL

Complainant,

TFB NO. 12A85H86

CASE NO. 69,051

v.

JEFFREY LEVKOFF,

Respondent.

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, a final hearing was held on February 2, 1987. The enclosed pleadings, orders, transcripts and exhibits are forwarded to The Supreme Court of Florida with this report, and constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar

THOMAS E. DEBERG

For The Respondent

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II. Findings of Fact as to Each Item of Misconduct With Which the Respondent is Charged: After a hearing on the matter before me I find the following:

On or about October 1, 1980 respondent was suspended from The Florida Bar for non-payment of dues. He was not reinstated during the period of October 1, 1980 to January 15, 1986, nor has he been reinstated as of December 02, 1986. In February 1984 respondent was hired by Greg Hartman to assist in matters related to Attorney Hartman's contract as attorney for the Child Support Enforcement Program of the Department of Health and Rehabilitative Services (HRS). During this association, respondent on occasion gave legal advice to representatives of HRS, who believed him to be authorized to practice law. In 1984, while suspended, respondent appeared in Court in Arcadia, Florida and in the Sarasota Court as an attorney on behalf of HRS and participated in legal proceedings before the Court.

Respondent had full knowledge of his suspension from the practice of law during the aforementioned periods.

II. Recommendation as to Whether or Not the Respondent Should Be Found Guilty: I recommend that the respondent's guilty plea to engaging in the unauthorized practice of law and to violating the following section of the Code of Professional Responsibility be accepted: Disciplinary Rule 3-101(B) (a lawyer shall not practice law in a jurisdiction where to do so would be a violation of regulations of the profession in that jurisdiction).

III. Recommendation as to Disciplinary Measures to be Applied:
I recommend that the respondent's Guilty Plea for consent judgment be accepted, and that he be suspended from the practice of law for ninety (90) days, which suspension should run concurrently with any suspension for non-payment of dues still in effect at the time this order is entered. I further recommend that respondent be assessed the costs of these proceedings.

IV. Personal History and Past Disciplinary Record: After finding of guilt and prior to recommending discipline to be recommended pursuant to Rule 11.06(9)(a)(4), I considered the following personal history and prior disciplinary record of the respondent, to wit:


- (1) Age: ~~40~~ 39
- (2) Date Admitted to Bar: 11/10/72
- (3) Areas of Designation: None
- (4) Mitigating Factors: No prior history of discipline.
- (5) Aggravating Factors: Although aware he had been suspended for more than three years and was still suspended, respondent represented clients during legal proceedings before Courts in Arcadia and Sarasota, Florida.
- (6) Respondent is not currently practicing law in the State of Florida.

V. Statement of Costs and Manner in Which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar.

Grievance Committee Level Costs	
Administrative Costs	\$ 150.00
Transcript Costs	110.00
Appearance Fee	40.00
Staff Counsel Expenses	98.00
COURT REPORTER	30.00
Referee Level Costs	
Administrative Costs	<u>150.00</u>
TOTAL AMOUNT DUE TO DATE:	\$ 578.00

It is apparent that other costs may be incurred if further proceedings occur. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the respondent and be payable within thirty (30) days after judgment in this case becomes final, along with interest at the statutory rate which shall accrue and be payable beginning thirty (30) days after final judgment in this case, unless a waiver is granted by The Board of Governors of The Florida Bar.

Dated this 2 day of Feb, 1987.


HONORABLE TED BROUSSEAU
Circuit Judge

Copies furnished to:

Thomas DeBerg, Bar Counsel
John Berry, Staff Counsel, Tallahassee

Confidentiality is hereby lifted T.B.