

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

The Florida Bar,
Complainant,

CONFIDENTIAL

v.

CASE NO. 69,932

JERRY DEAN BELL,
Respondent.

FILED

JUL 14 1987

JUL 14 1987

COURT REPORTER

STATE OF FLORIDA

JUL 14 1987

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, hearings were held on May 14, 1987. The Pleadings, Notices, Motions, Orders, Transcripts and Exhibits all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as Counsel for the parties:

For the Florida Bar John B. Root, Jr., Esquire

For the Respondent John Thor White, Esquire

II. Findings of Fact: I find that the respondent was not in substantial compliance with the trust accounting requirements of The Florida Bar, as more particularly set forth in paragraph 6 et.seq. of the Complaint and as confirmed by the investigation and report of Branch Auditor, Pedro J. Pizarro, CPA, a copy of which report having been admitted into evidence and attached hereto as an exhibit (No. 1); and, as a result of the aforementioned, the undersigned referee further finds that the respondent has violated those Disciplinary Rules of the Code of Professional Responsibility and/or those Integration Rules of The Florida Bar as specifically set forth and enumerated in part III of this report.

III. Recommendations as to whether or not the Respondent should be found guilty: As to each count of the complaint I make the following recommendations as to guilt or innocence:

As to Count I

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

- (a) Disciplinary Rule 9-102 (A)
- (b) Integration Rule 11.02 (4)
- (c) Integration Rule (By Laws) 11.02(4)(c)(2)(e)
- (d) Integration Rule (By Laws) 11.02(4)(c)(2)(f)
- (e) Integration Rule (By Laws) 11.02(4)(c)(3)(a)
- (f) Integration Rule (By Laws) 11.02(4)(c)(3)(d)

IV. Recommendation as to Disciplinary measures to be applied: I recommend that the respondent be privately reprimanded by the Board of Governors as provided in Rule 11.10(2) and that he be placed on probation for a period of two (2) years with the express condition that the respondent attend and complete a seminar on trust accounting if he, the respondent, continues to hold himself out as an attorney and engages in the active practice of Law.

This recommendation is based on the respondent's recent traumatic personal experience, his desire to retire from the active practice of law, and the lack of moral turpitude in these acts involving nonfeasance, mismanagement, and/or indifference or inattention to careful accounting practices, as well as a review of all cases cited and read into the record of the proceedings.

V. Personal History and Past Disciplinary Record: After finding of guilty 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:

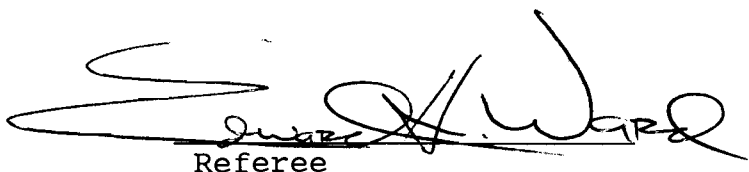
Age: 52
Date admitted to Bar: 1965
Prior disciplinary convictions and disciplinary
measures imposed therein: Private Reprimand - 1
year probation 1986
Other personal data: See attached summary of
Arguments In Mitigation

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 Costs		
1. Administrative Costs	\$150.00	
2. Transcript Costs	\$137.70	
3. Bar Counsel/Branch Staff Counsel Travel Costs	\$ 11.07	
B. Referee Level Costs		
1. Administrative Costs	\$150.00	
2. Transcript Costs	\$239.05	
3. Bar Counsel/Branch Staff Counsel Travel Costs	\$ 56.68	
4. Audit costs pursuant to Rule 11.02(4)(c)		
C. Miscellaneous Costs		
1. Telephone Costs	\$.	
2. Staff Investigator expenses	\$.	
TOTAL ITEMIZED COSTS:	\$744.50	(1)

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized 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 24th day of July, 1987.


Referee

(1) See attached Affidavit -- \$30.00 difference