

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

The Florida Bar,  
Complainant,

PUBLIC

v.

Case No. 70,045

Charles B. Rambo,  
Respondent.

FILED  
SID J. WHITE

MAR 24 1988

REPORT OF REFEREE

CLERK, SUPREME COURT

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 February 3, 1988. The pleadings, notices, motions, orders, transcripts and exhibits, all of which are submitted 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 - Richard A. Greenberg, Esq.

For The Respondent - B. Anderson Mitcham, Esq.

II. Findings of Fact as to Each Item of Misconduct charged against the Respondent: After considering all the pleadings and evidence before me, the pertinent portions of which are commented upon below, I find:

The charges against the Respondent result from a single occurrence of alleged misconduct. The Complaint alleges that the Respondent was the go-between, or funnel, of a bribe in the amount of \$4,000 from Respondent's client to Hillsborough County Commissioner Joseph Kotvas. The Complaint further alleges the bribe was for the purpose of guaranteeing a favorable outcome in the county's rezoning of the client's property located in the northwest area of Hillsborough County.

The Respondent testified at the hearing. He also testified under a grant of use immunity before a federal grand jury and at a trial conducted in U.S. District Court. In each of those instances, Respondent made sworn statements which admitted that he attended a 1982 meeting with Kotvas, in which he learned from Kotvas that a bribe would be necessary in order to ensure favorable treatment to Respondent's client before the Board of County Commissioners. Respondent admits that he explained the situation to his client, that he accepted money from his client for the purpose of transferring the bribe, and further that he personally delivered the bribe to Kotvas.

Respondent's testimony reveals that after he funneled the bribe to Kotvas in July 1982, Respondent made no effort to disclose the crime to any authority until Kotvas was arrested and FBI agents sought to interview the Respondent in March or April 1983. Only then did Respondent seek legal assistance and make a full confession to the U.S. Attorney under an agreement of use immunity.

III.

Recommendations as to whether or not the Respondent should be found guilty of the charges contained in the complaint: I make the following recommendations as to the Respondent's guilt or innocence under each separate charge.

I recommend that the Respondent be found guilty, specifically, that he be found guilty of violating the following Disciplinary Rules of the Code of Professional Responsibility, to wit:

1. Disciplinary Rule 1-102(A)(3), by engaging in illegal conduct involving moral turpitude;
2. Disciplinary Rule 1-102(A)(4), by engaging in conduct involving dishonesty, fraud, deceit or misrepresentation;
3. Disciplinary Rule 1-102(A)(6), by engaging in conduct that adversely reflects upon his fitness to practice law;
4. Disciplinary Rule 7-102(A)(3), by concealing or knowingly failing to disclose that which he is required by law to reveal; and
5. Disciplinary Rule 7-102(A)(7), by counseling or assisting his client in conduct that the lawyer knew to be illegal or fraudulent.

I find that Respondent is clearly guilty of breaching all the above-outlined disciplinary rules by knowingly participating in a bribery scheme with a public official, which participation included meeting in Kotvas' county-owned office to finalize the amount of the bribe, and personally delivering the cash amount of the bribe to Kotvas. At the time of this crime, Respondent testified he assumed the money would have to be shared with other county commissioners. Respondent also testified he sought and received one continuance on this zoning matter because at the time the application for rezoning was originally scheduled Kotvas was out of town. Respondent wanted the continuance to ensure Kotvas' presence in order to obtain a favorable vote for Respondent's client.

IV.

Recommendation as to Disciplinary measures to be applied: I recommend that the Respondent be suspended from the practice of law in Florida, for a period of 30 months, and thereafter until he shall prove his rehabilitation as provided under 3-5.1(e), Rules Regulating the Florida Bar.

Although Respondent's conduct merits disbarment, I cannot overlook the Respondent's cooperation with the authorities when Respondent was initially questioned regarding the matter and Respondent's discipline-free record as an attorney in the community. The character and reputation evidence presented at the hearing demonstrates that the Respondent is held in high esteem by his fellow attorneys and numerous judges.

The record also bears out my concern of what may be considered selective prosecution by the Bar of this Respondent, in light of the lack of inquiry into the participation of three other attorneys alleged to have been involved in related bribery schemes, based simply upon their acquittal of criminal charges brought in U.S. District Court.

I wonder if the Bar does not owe the general Bar membership and the public a thorough investigation of

those related cases, rather than merely proceed against the single attorney who admitted his guilt.

V. Personal History and Past Disciplinary Record: After finding Respondent guilty but prior to deciding the appropriate disciplinary measure to be applied under standard 3.0, Florida Standards for Imposing Lawyer Sanctions, I considered the following personal history and prior disciplinary record of the Respondent, to wit:

Age: 62 years  
Date admitted to Bar: 1949  
Prior disciplinary convictions and disciplinary measures imposed therein: None  
Other personal data: Married;  
Four grown children;  
Active church member.

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	\$ -0-*
2. Transcript Costs	\$ 89.00
3. Bar Counsel/Branch Staff Counsel Travel Costs	\$ 16.86
B. Referee Level Costs	
1. Administrative Costs	\$ 150.00
2. Transcript Costs	\$ 958.99
3. Bar Counsel/Branch Staff Counsel Travel Costs	\$ 8.35
C. Miscellaneous Costs	
1. Staff Investigator expenses	\$ 90.50
TOTAL ITEMIZED COSTS:	<u>\$1,313.70</u>

\*None listed upon the Bar's statement of costs.

It is apparent that other costs have been 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 22nd day of March, 1988.

  
Referee

cc: Richard A. Greenberg, Esquire  
B. Anderson Mitcham, Esquire