

IN THE SUPREME COURT OF FLORIDA

(Before a Referee)

JUL 14 1987

THE FLORIDA BAR,
Complainant,

v.

GORDON L. BELMONT,
Respondent.

CLERK, SUPREME COURT
CONFIDENTIAL By _____
Deputy Clerk

Case No. 70,317

(TFB No. 02-87110)

REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rules Regulating The Florida Bar, Rule 3-7.5(a), the following proceedings occurred:

On April 2, 1987, 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 May 28, 1987. 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:

On December 22, 1986, Respondent was ordered disbarred from the practice of law in New Jersey by the Supreme Court of New Jersey. Respondent's disbarment was pursuant to a voluntary consent entered

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II. FINDINGS OF FACT

After carefully considering all pleadings, I find:

On December 22, 1986, Respondent was ordered disbarred from the practice of law in New Jersey by the Supreme Court of New Jersey. Respondent's disbarment was pursuant to a voluntary consent entered

by Respondent on December 2, 1986. Respondent is now forever barred from seeking reinstatement to the Bar of New Jersey.

On June 12, 1980, Respondent forged a check for \$36,500 on his law partner's personal check book. Respondent forged his partner's signature on said check, payable to the law firm, so that Respondent could misrepresent his personal financial status in support of a business transaction.

Respondent deposited the forged check into his trust account on June 16, 1980. Respondent had not been authorized to use or sign checks written on his law partner's personal account.

On June 26, 1980, Respondent, as representative of property purchasers, gave a trust account check for \$35,181.10 to the seller's attorney, representing Charles A. Marion, guardian of Viola Marion. Respondent's trust account check cited above returned for an improper indorsement.

Upon deposit of the trust account check from Respondent, it was returned to Marion's attorney for insufficient funds, creating a negative balance in Respondent's trust account of \$20,546.30.

In June 1980, Respondent received \$29,500 from David and Maria Egol to be held in trust for a down payment on a home. On August 8, 1980, Respondent forwarded his trust account check to the sellers of the home purchased by the Egols. On August 15, 1980, Respondent's trust account check to the sellers was returned for insufficient funds creating an overdraft in his trust account of \$10,307.91.

Between April and August 1980, while representing the Bredefelds in a real estate purchase, Respondent received funds to pay off the sellers' mortgage. On August 5, 1980, Respondent's bank

dishonored his trust account check of \$25,074.31 payable to the mortgage holders. The dishonored check created a negative balance in Respondent's trust account of \$21,185.85.

On August 13, 1980, Respondent made a deposit into his trust account of \$50,000 in order to cover outstanding client trust obligations. An audit of Respondent's trust account by the New Jersey State Bar authorities on August 19, 1980 revealed that from January 1979 to July 1980, at least 35 trust checks had been returned for insufficient funds with resulting negative balances as high as \$55,719.69.

III. VIOLATIONS

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

Disciplinary Rules:

1-102(A)(4) (a lawyer shall not engage in conduct involving deceit);

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 conduct that adversely reflects on his fitness to practice law);

9-102(B)(4) (a lawyer shall deliver to the client as requested by the client the funds in the possession of the lawyer which the client is entitled to receive) and

Integration Rule:

11.02(4) (money entrusted to an attorney for a specific purpose is held in trust and must be applied only to that purpose).

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 for a minimum of 5 years.
- B. Payment of costs in these proceedings.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.5(k)(1), I considered the following personal history of Respondent, to wit:

Age: 46 years old

Date admitted to the Bar: June 16, 1978

Prior Discipline: None in Florida

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's Fees
- 3. Bar Counsel Travel

B. Referee Level

- 1. Administrative Costs \$150.00
- 2. Court Reporter's Fees
- 3. Bar Counsel Travel

TOTAL \$300.00

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 July, 1987.



VICTOR M. CAWTHON, REFEREE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to SID J. WHITE, Clerk of the Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32301, and that a confidential copy was mailed by regular U.S. Mail to JAMES N. WATSON, JR., Bar Counsel, The Florida Bar, 600 Apalachee Parkway, Tallahassee, Florida 32301 and to GORDON L. BELMONT, Respondent, at his record Bar address of Post Office Box 93, Homewood, California 95718, this 13th day of July, 1987.



VICTOR M. CAWTHON, REFEREE