IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

CONFIDENTIAL

The Florida Bar

Complainant,

v.

Laurence J. Pino

Respondent

CASE NO. 09C85C52
70,418

FILED

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 December 31, 1987. The Pleading, 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.

For The Respondent — DAVID H. SIMMONS

After considering all the pleadings and evidence before me, portions of which are commented upon below, I find:

II. As to Count I

1. That the credibility of Petitioner's witnesses, [redacted] and [redacted] was seriously damaged by their receding from a settlement in the case of Clyde [redacted], et al., vs. Laurence J. Pino et al., Case No. C184-7730 - Circuit Court, 9th Circuit, Orange County, Florida, admitting that the statement of settlement was not the whole truth, but for the limited purpose of disposing of the lawsuit. The witnesses denied that Respondent was guilty of any criminal activity but that did not absolve him of violations of Rules of the Florida Bar and or Disciplinary Rule of the Code of Professional Responsibility.

Therefore, the Referee relied almost entirely upon the documentary evidence and admissions by the respondent.

2. During the month of August, 1983, the respondent and [redacted] were in a relationship of attorney and client, respectively. The respondent had previously been retained and paid by [redacted] to represent him in an ongoing search for suitable investments. (See Respondent's Exhibit # 1).

3. During the month of July, 1983, Mr. [redacted] Provided the sum of $15,000.00 to respondent as an investment in one of respondent's business enterprises, a company known as Retail Systems Planning Corporation (Petitioner's Exhibit # 1).

4. During the same month, Mr. and Mrs. [redacted] also provided a total of $7600.00 as an investment in Crepes-to-Go, another of respondent's business ventures. (Petitioner's Exhibit # 1)

5. Although respondent is an attorney and Mr. and Mrs. [redacted] are not, respondent did not advise or suggest that either of them seek independent legal counsel prior to accepting the $22,600.00 for investment in companies which he founded or which he promoted.

6. Mr. [redacted] received a certificate of stock shares in Retail Systems Planning Corporation showing ownership of 150 shares, each share valued at $100.00. (Petitioners Exhibit # 4).

7. Respondent, upon receiving the $15,000.00 investment from Mr. [redacted] placed the money in his attorney trust account. Notwithstanding the fact that Mr. [redacted] received 150 shares of stock, respondent wrote a check to Retail Systems Planning Corporation for the sum of only $7,000.00.

8. Notwithstanding the fact that most of the balance of $8,000.00 of the investment funds that respondent was instructed to invest in Retail Systems Planning Corporation was placed in Crepes-to-Go, Inc., Mr. [redacted] never received additional shares in Crepes-to-Go, Inc., representing that money. The $8,000.00 sum remains unaccounted for.

9. The [redacted] did, however, receive a total of 76 shares of stock in Crepes-to-Go, Inc., representing the separate $7600.00 investment.

As to count II

10. One of the businesses which respondent organized and promoted was a restaurant business known as Crepes-to-Go, Inc. It was incorporated in the State of Florida on January 7, 1982.

11. The Respondent served as president until March 15, 1984 when Gene O'Baker became president. On October 4, 1984, Mr. O'Baker was removed as president and replaced by Samuel Pino, the father of the respondent.

12. There were numerous investors, including the respondent and his father and mother. A portion of the investment money received in the corporation was in the form of promissory note, one from Societa Giordano, Inc., in the amount of $20,000.00 which corporation is owned by respondent, and one from David Strobel, a note in an unknown amount.

13. The corporation record book for Crepes-to-Go, Inc.,

substantiates that on August 30, 1983, a certificate for 200 shares was issued to Societa Giordano, Inc., a number of shares which would reflect a value of $20,000.00. (Admitted by Respondent - Request for Admissions DD).

14. The corporate record book for Crepes-to-Go, substantiates that on October 25, 1983, a certificate for 400 shares was issued to David Strobel, a number of shares which would reflect a value of $40,000.00. (Admitted by Respondent - Request for Admissions EE).

15. In June, 1984, Crepes-to-Go closed its doors and the physical assets of the business located at 20-22 South Orange Avenue, Orlando, Florida, were sold to James A. Hartman for $100,000.00.

16. Seventy thousand dollars of that sum was paid in the form of a promissory note from Mr. Hartman dated June 7,1984, to Sam and Maria Pino, the parents of the respondent. The note was secured by a chattel mortgage, including most of the furnishings, restaurant equipment, signs, leasehold improvements, and awnings in the store (Respondents Exhibit # 5).

17. The disposition, as noted above, of substantial assets of the corporation to Samuel and Maria Pino, two stockholders among several, appears to be preferential treatment.

18. The Respondent, who had control of the books of the corporation and the corporate money, made significant and far reaching decisions for the corporation without instructions from the shareholders and failed to make any meaningful accountings of the money even when pressed to do so by Mr. [redacted]

19. The return of promissory notes to the makers, by the respondent after the makers received value for the notes, shows preferential treatment to some investor to the possible detriment of others.

20. The disposition of a large proportion of the assets of the corporation by the unilateral decision of the respondent served improperly to award a disproportionate share of the assets to the respondent and his family.

21. Furthermore, there was no proper accounting of these matters to the shareholders after the fact.

III As to Count I and II

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:

Count I	Count II
1-102(A)(6)	1-102(A)(6)
5-104(A)	5-104(A)
9-102(B)(4)	9-102(B)(3)
11.02(4)	

IV I recommend that the Respondent receive a public reprimand.

Statement of costs and manner in which cost should be taxed:

A.	Grievance Committee Level Costs	
	1. Administrative Costs	$150.00
	2. Transcript Costs	$849.90
	3. Bar Counsel/Branch Staff Counsel Travel Costs	$
B.	Referee Level Costs	
	1. Administrative Costs	$150.00
	2. Transcript,Depositions	$ 86.62
	3. Bar Counsel/Branch Staff Counsel Travel Costs	$ 52.07
	4. Audit costs pursuant to Rule 11.02(4)(c)	
C.	Miscellaneous Costs	
	1. Telephone charges	$ 1.72
	2. Staff Investigator expenses	$562.21
	TOTAL ITEMIZED COSTS:	$1852.52

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 14th day of JANUARY, 1988, at Melbourne, Brevard County, Florida.

Referee

Copies furnished to:

Bar Counsel
Counsel for Respondent
Staff Counsel, The Florida Bar, Tallahassee, Florida, 32301