

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

TFB File No. 88-50,812 (15D)

v.

Supreme Court Case No. 72,025

STANLEY B. BERNSTEIN,

Respondent.

FILED
RECEIVED

MAY 8 1988

REPORT OF REFEREE

CLERK SUPREME COURT
By _____
Deputy Clerk

I. SUMMARY OF PROCEEDINGS:

The undersigned was appointed as the referee to preside in the above disciplinary action by order of this Court dated March 8, 1988. The pleadings, notices, and transcript, all of which are forwarded to the Court with this report, constitute the entire record in this case.

The respondent represented himself, admitted each and every one of the bar's requests for admissions and consented that he be disbarred. The bar was represented by David M. Barnovitz, Assistant Staff Counsel.

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH THE RESPONDENT IS CHARGED:

Upon respondent's admission of each and every allegation set forth in the bar's requests for admissions, I find as follows:

A. Respondent is and at all times hereinafter mentioned, was, a member of The Florida Bar subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Heretofore, between March, 1985 and August, 1986 respondent, in the State of New York, misappropriated \$171,631.68 of funds entrusted to him as an attorney, for a specific purpose. Respondent made full restitution.

C. Respondent was arrested by State of New York authorities and charged with the commission of grand larceny 2nd degree, a felony.

D. On May 15, 1987 in case number 55720 in the County Court, Suffolk County, State of New York, respondent pled guilty to grand larceny 3rd degree, a felony, in connection with the misappropriation, arrest and charge aforesaid.

E. By order dated December 7, 1987 the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, ordered respondent disbarred as a result of his felony conviction, aforesaid.

III. RECOMMENDATIONS AS TO WHETHER OR NOT THE RESPONDENT SHOULD BE FOUND GUILTY:

I make the following recommendations with respect to the violations charged by the bar:

By misappropriating funds entrusted to him, as an attorney, for a specific purpose and as a result of his felony conviction and disbarment, as aforesaid, respondent has violated Fla. Bar Integr. Rule, article XI, Rule 11.02(3) (a) which provides that the commission by a lawyer of any act contrary to honesty, justice or good morals, whether the act is committed in the course of his relations as an attorney or otherwise, whether committed within or outside the State of Florida, and whether or not the act is a felony or misdemeanor, constitutes a cause for discipline and Rule 11.02(4) which provides that money or other property entrusted to an attorney for a specific purpose is held in trust and must be applied only to that purpose and Disciplinary Rules 1-102(A) (3), 1-102(A) (4) and 1-102(A) (6) of the Code of Professional Responsibility which provide that a lawyer shall not engage in illegal conduct involving moral turpitude, shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation or engage in other conduct that adversely reflects on his fitness to practice law.

IV. RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE APPLIED:

I recommend as discipline for the violations hereinabove enumerated that respondent be disbarred.

V. PERSONAL HISTORY:

Respondent was admitted to The Florida Bar on February 1, 1977 and is 54 years of age.

VI. STATEMENT AS TO PAST DISCIPLINE:

Respondent has no prior discipline record with The Florida Bar. He was disbarred in the State of New York by order dated December 7, 1987.

VII. STATEMENT OF COSTS OF THE PROCEEDING AND RECOMMENDATIONS:

The costs of these proceedings were as follows:

Administrative Costs:

Referee Level ----- \$ 150.00


Court Reporter Costs:

Referee Level ----- 45⁰⁰

TOTAL ----- \$ 195⁰⁰

I recommend that such costs be taxed against the respondent.

Rendered this 21 day of April, 1988 at Okeechobee, Florida.


BURTON C. CONNER, REFEREE


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing report of referee was furnished to Stanley B. Bernstein, respondent, at his official record bar address of 6461 N.W. 2nd Avenue, #316, Boca Raton, FL 33431 and to David M. Barnovitz, Bar Counsel, The Florida Bar, 5900 North Andrews Avenue, Suite 835, Ft. Lauderdale, FL 33309 on this 3 day of ~~April~~, 1988 by regular mail.

May


BURTON C. CONNER, REFEREE

I have read the foregoing referee's report, have been furnished a copy thereof and consent thereto.


STANLEY B. BERNSTEIN

DATED: April 12, 1988