

MAY 10 1988

THE FLORIDA BAR:

In re: RICHARD K. FINK

CLERK OF THE COURT  
By Supreme Court  
Case No. Deputy Clerk

72,426

PETITION FOR LEAVE TO RESIGN,  
WITHOUT LEAVE TO REAPPLY

COMES NOW, RICHARD K. FINK, the undersigned attorney, who files this Petition for Leave to Resign, Without Leave to Reapply, and in support thereof, states the following:

1. This petition is filed pursuant to the Rules Regulating The Florida Bar Rules of Discipline, Rule 3-7.11.

2. The petitioner, Richard K. Fink, was born during 1926 and he was admitted to practice law in Florida on November 25, 1950.

3. Petitioners' law office is located at 219 N.E. 20th Street, Miami, Florida 33137-5003.

4. [REDACTED] died during October, 1973. In accordance with the terms of the [REDACTED]'s Last Will and Testament, a trust was created for [REDACTED] and other persons. The Petitioner was one of four trustees of the trust.

5. Beginning in 1978, the Petitioner illegally and without proper authority took funds from the trust and furnished false accountings to the beneficiaries and other trustees.

6. As of November 1985, the petitioner improperly took \$53,500 from the trust. However, he replaced some of these funds.

7. At the present time, Petitioner acknowledges that he owes the trust at least \$39,000, plus interest for funds being improperly removed from the trust.

8. The Petitioner received a private reprimand approximately twenty-years ago and has no other record of ever being disciplined.

9. The Petitioner came to the Miami office of The Florida Bar on May 9, 1988 at about 9:00 a.m. and voluntarily disclosed to Carlos J. Ruga, Staff Auditor of The Florida Bar that he had misappropriated from the trust at least \$39,000 plus interest. The exact amount of the defalcation is not known at this time as an audit has not been conducted. On May 9, 1988, at about 11:00 a.m., [REDACTED] and her son, [REDACTED] came to the Miami office of The Florida Bar and complained about Petitioner's misconduct. The complainants contend that approximately \$125,000 has been misappropriated by the Petitioner from the trust. This concerns funds improperly removed plus interest that was due.

10. The Petitioner is presently under investigation by The Florida Bar as a result of the above misappropriation under The Florida Bar File No. 88-71,392(MRS 11I).

11. The Petitioner has several active files in his offices which he will transfer to other counsel or return to the clients, depending upon the wishes of his clients, within thirty days from the date of this Petition.

12. The Petitioner submits that the public interest will not be adversely affected by the granting of this petition and that the granting of this petition will not adversely affect the purity of the courts nor hinder the administration of justice nor the confidence of the public in the legal profession.


13. The Petitioner waives confidentiality.

14. Petitioner contends that he has had financial, health, marital and alcohol problems.


WHEREFORE, based upon the foregoing Petition, the Petitioner requests the entry of an order permitting the Petitioner to resign from The Florida Bar, Without Leave to Reapply.


I HEREBY CERTIFY that a true and correct copy of the foregoing Petition was mailed this 10<sup>th</sup> day of May, 1988 to John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida 32301, and John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301. In addition, a copy of said Petition was delivered to Paul A. Gross, Branch Staff Counsel, The Florida Bar, 444 Brickell Avenue, Suite 211, Miami, Florida. 33131

DATED THIS 9th DAY OF MAY, 1988

  
RICHARD K. FINK  
Petitioner  
219 N.E. 20th Street  
Miami, Florida 33137-5003  
(305) 576-7390

Witnesses:

  
Paul A. Gross

  
Sally L. Doyle