

IN THE SUPREME COURT OF FLORIDA
Before a Referee)

THE FLORIDA BAR,
Complainant,

vs.

HIRAM LEE BAUMAN,
Respondent.

Supreme Court Case
No. 72,868

The Florida Bar File
No. 88-71,235 (MMO-11G)

FILED

JUL 20 1989

REPORT OF REFEREE

CLERK, SUPREME COURT

I. SUMMARY OF PROCEEDINGS: Pursuant to ~~the undersigned~~ being duly appointed as Referee for the Supreme Court of Florida to conduct disciplinary proceedings pursuant to Rules 3-7.2 and 3-7.9 of the Rules Regulating The Florida Bar, a final hearing was held on May 22, 1989, in North Miami, Dade County, Florida.

All of the pleadings, notices, motions, orders, transcripts, and exhibits are forwarded with this report and the foregoing constitutes the record of this case.

The following attorneys appeared as counsel for the parties:

On behalf of The Florida Bar: Warren Jay Stamm

On behalf of the Respondent: Hiram Lee Bauman, pro se

After an Order of Suspension was issued by the Supreme Court on April 16, 1987 ordering Respondent, H. Lee Bauman suspended for a six-month period beginning May 1, 1987, a Petition for Order to Show Cause was filed on August 8, 1988 and Order to Show Cause issued on August 18, 1988 commanding Respondent to show cause why he should not be held in contempt of the Supreme Court.

A response was filed by Respondent on September 21, 1988 and Amended Petition for Order to Show Cause was filed May 5, 1989 nunc pro tunc to April 16, 1987 alleging those actions set out in the original Petition, to wit: Respondent's continued unauthorized practice of law by maintaining a law office, meeting with clients, giving legal advice, representing to the public and courts that he was an attorney and accepting monies for representation of clients.

This Referee was appointed to hear this matter and final hearing was scheduled for May 22, 1989. Based on the testimony and evidence presented at this hearing and my review of this matter, i enter this Report of Referee.

11. Findings of Fact: At the final hearing held May 22, 1989, the following testimony and evidence was presented by The Florida Bar:

Chester and Seabrooks Matters
Putnam County Circuit Court Case No. 88-41-CF-J

1. Testimony of Donald Holmes, Esquire.
2. Letter from Donald Holmes, Esquire to Lee Bauman, Esquire dated April 29, 1988.
3. Order to Show Cause issued by Judge Eastmoore against Hiram Lee Bauman and James G. Roth dated June 13, 1988.
4. Order of Contempt of Judge Eastmoore against Hiram Lee Bauman and James G. Roth dated July 27, 1988, nunc pro tunc to July 20, 1988.
5. Order to Show Cause issued by Judge Eastmoore against Hiram Lee Bauman and James G. Roth dated October 14, 1988.

6. Excerpt of proceedings, State v. Chester heard before Judge Eastmoore July 20, 1988.

7. Transcripts of proceedings, State v. Chester heard before Judge Eastmoore March 16, 1988.

8. Transcript of proceedings, State v. Chester heard before Judge Eastmoore June 29, 1988.

9. Transcript of proceedings, State v. Chester heard before Judge Eastmoore July 20, 1988.

10. Certificate of Purge of Contempt Order, State v. James G. Roth (Case No. 88-1191 CF-J) and State v. Hiram Lee Bauman (Case No. 88-1192 CF-J) dated April 19, 1989.

11. Sworn to Affidavit of Richard Robin Strickler, Assistant State Attorney, Seventh Judicial Circuit, Polatka, Putnam County, Florida dated May 9, 1989.

Christopher Matter

12. Testimony of Judge Constance Nutaro, County Court Judge, Seventeenth Judicial Circuit, Broward County, Florida.

13. Testimony of Glenn R. Miller, Esquire.

14. Letter from Glenn R. Miller, Esquire to Lee Bauman, Esquire dated June 7, 1988.

Quintana/Suarez Matters

Dade County Circuit Court Case No. 88-670

15. Transcript of proceedings, State v. Quintana, heard before Judge Howard Gross, January 14, 1988.

16. Transcript of Plea Agreement, State v. Quintana, heard before Judge Ursula Ungaro May 16, 1988.

17. Deposition transcript of Officer Prellezo, State v. Suarez and Quintana, March 9, 1988.

Thomas Martinez Matter

18. Testimony of Antonio Sanchez, Investigator.

Alsina and Santiago Matters

Dade County Circuit Court Case No. 89-6526A

19. Testimony of Pam Thomas, Assistant State Attorney, Eleventh Judicial Circuit, Dade County, Florida.

20. Hearing transcripts, State v. Alsina, heard by Judge Ralph Person's, April 26, 1989.

21. Sounding Sheet for Judge Ralph Persons calendar, May 4, 1989.

Tony Sanchez Matter

22. Testimony of Antonio Sanchez, Investigator.

23. Business card of Wilcott Legal Center and Bail Bond Financing Service, Inc., given to Antonio Sanchez by Respondent, H. Lee Bauman.

The Respondent presented the following testimony and evidence at hearing.

1. Testimony of Ron Guralnick, Esquire.
2. Testimony of the Honorable Ralph Person.
3. Testimony of Respondent, Hiram Lee Bauman and transcript of May 1, 1989, which testimony was incorporated by Respondent. Based upon the testimony and exhibits 1 - 22, inclusive, I find that Respondent was aware of the Supreme Court Order dated April 16, 1987 in re: The Florida Bar v. H. Lee Bauman, Supreme Court Case No. 63229 which suspended Respondent from the practice of law beginning May 1, 1987 and required him to take and pass the

professional responsibility portion of The Florida Bar exam and demonstrate proof of rehabilitation.

III. RECOMMENDATION AS TO GUILT: Based upon the testimony and evidence presented in those matters as set out in the Bar's Petition for Order to Show Cause, I recommend that Respondent be found guilty of violating the Supreme Court order of April 16, 1987 and engaging in the unauthorized practice of law. As such, I find the Respondent in contempt of the Supreme Court.

IV. RECOMMENDATION AS TO DISCIPLINE: It is the recommendation of this Referee that Respondent remain suspended from the practice of law and be denied all privileges as a member of The Florida Bar for a period of three years from May 22, 1989. Further, it is recommended that prior to reinstatement, Respondent is to show proof of rehabilitation, pass the ethics portion of The Florida Bar exam and comply with all other requirements for reinstatement as established by The Florida Bar.

It is also recommended that as an integral condition of this suspension, proof of a single violation of this Order of Suspension from May 22, 1989 forward during the three year period now imposed shall result in the automatic and immediate disbarment of Respondent without leave to reapply for a period of five years from the date of violation and Respondent shall make full application and meet all requirements for reinstatement as established by The Florida Bar.

In mitigation, the Referee has taken into account the multiple prosecutions by several sovereigns for the same act and, while

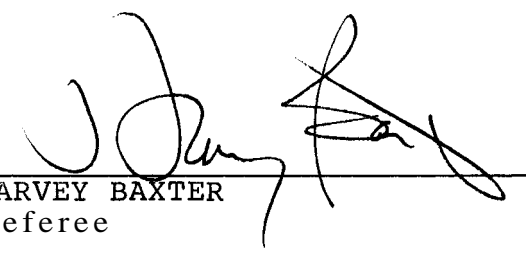
it does not excuse the Respondent for violating the order of the Supreme Court, the Referee finds as a single redeeming feature that Respondent did in fact take and pass the ethics portion of The Florida Bar exam. However, he did not reapply due to the pending multiple prosecutions for the same act. This Referee empathized with the Respondent due to these circumstances.

V. STATEMENT OF COSTS AND RECOMMENDATION AS TO THE MANNER IN WHICH COSTS SHOULD BE TAXED: I find that the following were reasonably incurred by The Florida Bar as costs in these proceedings and should be assessed against Respondent:

<u>Administrative Costs:</u>	<u>Amount</u>
Rules 3-7.5(k)(1), Rules of Discipline	500.00
Court Reporter	
Hearing before Judge Baxter on May 1, 1989	422.25
Final Hearing before Judge Baxter on May 22, 1989	922.20
Witness Fees and Subpoena Service	151.00
Travel Costs	<u>342.00</u>
TOTAL	\$ 2,337.45

It is recommended that the foregoing costs be assessed against Respondent. It is further recommended that execution issue with interest at a rate of twelve percent (12%) to accrue on all costs not paid within thirty (30) days of entry of the Supreme Court's final order, unless the time for payment is extended by the Board of Governors of The Florida Bar.

Dated this 23 day of June, 1989.



HARVEY BAXTER
Referee

Copies furnished to:

Warren Jay Stamm, Esquire
Hiram Lee Bauman, Respondent