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IN THE SUPREME COURT OF FLORIDA
(BEFORE A REFEREE)

THE FLORIDA BAR,
Complainant,

vs .

Case No. 75,686 and 77,594

LOUIS ST. LAURENT,
Respondent.

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: The undersigned was appointed as a Referee to conduct disciplinary proceedings herein pursuant to article XI of the Integration Rule of the Florida Bar and Rule 3-7.5, Rules of Discipline. The final hearing on this matter was held on April 2, 1992.

Enclosed under separate cover are the pleadings, orders, transcripts and exhibits that constitute the record in this matter.

The following attorneys appeared as counsel for the parties herein:

Patricia S. Etkin, representing the Florida Bar; and
Frederick R. Mann, representing Louis St. Laurent.

II. FINDINGS OF FACT: The Respondent entered an unconditional plea of guilty to the Complaint on or about the 23rd day of January, 1992.

The Respondent, Louis St. Laurent, at all times material hereto was and continues to be a member of The Florida Bar, subject to the Rules Regulating the Florida Bar and subject to the

jurisdiction of the Supreme Court of Florida. The Respondent resides and practices law in Dade County, Florida. He served ten years as the Chief Assistant State Attorney of **the** 20th Judicial Circuit. He is presently married to Ellen St. Laurent, who is also an attorney and member of The Florida Bar, with two children.

During the 1980's, the Respondent suffered a series of personal and personal financial problems that have impacted both the Respondent and his family. Both the Respondent and Mrs. St. Laurent have been adjudicated bankrupt. During this period (July, 1984), this family **was** also exposed to the possibility that their children had been sexually abused by Frank Fuster (who provided babysitting services to this family), Mr. Fuster was later convicted of having sexually abused children under his care in the "Countrywalk" case.

The essence of the charges in this complaint stem from the Respondent's role in a development known as the "Topsider Resort Condominium Association, Inc., d/b/a Topsider Resort" and Can-Am Investments. The Florida Bar alleges that the Respondent fraudulently delivered defective title to purchasers of "time share" units in Topsider Resort.

The Respondent and others in Can-Am investments had unwritten and unrecorded agreements with the bank holding the mortgage on the "Topsider Resort" project, to wit: that the bank would allow the sale and transfer of units in order to continue receiving business with regard to another project. **The** 1980's and early 1990's have been replete of questionable banking practices that have led to the numerous bank closures.

III. COSTS OF INVESTIGATION/PROSECUTION: I am greatly concerned with the amount of money expended by the Florida Bar in their prosecution of Mr. St. Laurent. The Florida Bar is requesting that the Respondent be responsible for \$36,091.59 (see attached "The Florida Bar's Statement of Costs" and "Supplement to the Florida Bar's Statement of Costs") in costs of investigation and prosecution. I find that the Bar's costs of investigation and prosecution is unreasonable.

The Bar expended \$21,158.70 in costs for the reproduction of bank records, The Bar never attempted to request these items directly from the Respondent. The information provided by the bank records **was** of little relevance to the complaint against the Respondent. Therefore, I would disallow the Bar's request for reimbursement for the copies of bank records as unreasonable.

Therefore, I would recommend that the Respondent be ordered to **pay \$14,932.89, as** reasonable costs of investigation and prosecution, to the Florida Bar.

IV. FINDINGS OF GUILT FOR VIOLATION OF THE RULES REGULATING THE FLORIDA BAR: The Florida Bar has argued that Mr. St. Laurent be found guilty of having violated Disciplinary Rules **1-102 (A) (4)** and **1-102 (A) (6)** and Rule **11.02(3)(a)** of the Integration Rule of the Florida Bar. Based upon the unconditional plea of guilty and the undersigned's review of all the pleadings, transcripts of testimony (depositions and hearings before the Grievance Committee) and the live testimony presented at the final hearing, I find that Louis St. Laurent has violated the following Rules Regulating the Florida Bar:

The Respondent is guilty of having violated this disciplinary rule by failing to disclose to the purchasers of the time-share units that there **was** a cloud **on** the title to their units. The Respondent's conduct in this case adversely impacts on his fitness to practice law.

V. AGGRAVATING CIRCUMSTANCES: The **Florida Bar was** given an opportunity to present aggravating circumstances during the final hearing on this matter. The undersigned has been unable to find any of the factors outlined in Section 9.2 of Florida Standards for Imposing **Lawyer** Sanctions from the evidence presented by the Florida Bar.

VI. MITIGATING CIRCUMSTANCES: That present in this are several mitigating circumstances as outlined in **9.3** of the Florida Standards for Imposing Lawyer Sanctions. They are as follows:

A. The Respondent has no previous disciplinary record and/or proceedings with the Florida Bar or any other **bar**.

B. That during the time period involved in this case the Respondent has suffered personal **and** emotional problems (**please** refer to "findings of fact").

C. The Respondent's character and reputation **is** one of honesty and integrity **as** evidenced by the testimony Joseph D'Alessandro, State Attorney of the 20th Judicial Circuit and David Wilson, Deputy Sheriff of Lee County.

D. That the Respondent has lived under the cloud of these proceedings for the last four years and has been adversely impacted by the delay in the investigation and handling of this matter by the Florida Bar. That the Respondent has not

substantially contributed to the delay in the handling of this matter.

E. That the Respondent **was** inexperienced in this area of practice (all of the Respondent's career has been spent with the State Attorney in Fort Myers and general practice).

F. That the Respondent has shown remorse in the proceedings before the undersigned, to wit: that he has offered to **pay** restitution to the Martin Family in the amount of \$4,000.00 (which is the amount of money that they suffered **as a** loss as a result of the Respondent's actions).

V. RECOMMENDATION: In closing, the Respondent pled guilty to the charges made against him by the Florida Bar. Based upon a review of all the pertinent case law presented by the parties and the undersigned's review of the entire file the following are the recommendations regarding the sanctions that should be imposed:

A. That the Respondent be given a public reprimand.

B. Suspension from the practice of law for forty-five (45) days.

C. That upon the completion of the suspension, the Respondent be placed on twenty-four (24) months of probation, with the special condition that he **pay** restitution to the Martin family in the amount of \$4,000.00.

D. That a judgment be entered in favor of the Florida Bar in the amount of \$14,932.89, as reasonable costs of prosecution.


HENRY G. FERRO, Referee