



costs." The Court also reiterated its findings in The Fla. Bar v. Gold, 526 So. 2d 51 (Fla. 1988) that "Where the choice is between imposing costs on a bar member who **has** misbehaved and imposing them on the rest of the members who have not misbehaved, it is only fair to tax the costs against the misbehaving member."

The Courts ruling in Miele and Gold, appears to the Referee, to be a direct conflict with its directive in the instant case that "Wilson should not be held responsible for costs generated by charged violations that the bar failed to prove!! The Florida Bar was successful in proving only 25% of the violations alleged against Harold Wilson.

3. The Florida Bar's costs appear reasonable with the exception of the costs assessed for the services of the Staff Investigator, Ernest J. Kirstein, Jr.

Recommendation of Referee:

I recommend that the Respondent be **assessed** the **full** cost of the Florida Bar's audit in the amount of \$5,229.57

I recommend that the Respondent be assessed the sum of \$500.00 for the Florida Bar's costs for the services of the Staff Investigator, Ernest J. Kirstein.

I recommend that the remaining Florida Bar costs for court reporting services, expenses for the Assistant Staff Counsel, clerk's fees, and referee's expenses in the amount of **\$3,987.32** be assessed against the Respondent. The total costs to be assessed against the Respondent are \$9,716.89 that shall accrue interest at the statutory rate.

DATED this 30<sup>th</sup> day of November, 1992.

Walter R. Falley  
Referee

Copy: Joseph A. Corsmier, Assistant Staff Counsel  
Harold S. Wilson, Esquire