

# Supreme Court of Florida

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No. 81,809

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**ORIGINAL**

THE FLORIDA BAR,

Complainant,

vs.

MICHAEL A. CATALANO,

Respondent.

[October 20, 1994]

PER CURIAM.

Michael A. Catalano, a member of The Florida Bar, petitions for review of a referee's report recommending that he be publicly reprimanded. We have jurisdiction pursuant to article V, section 15 of the Florida Constitution.

We disapprove the referee's report because we do not find competent and substantial evidence to support the finding that Catalano knowingly committed certain acts and thus violated Rules Regulating the Florida Bar 4-3.3(a)(1) and 4-4.1(a). We therefore find Catalano not guilty of the charged misconduct.

Given our disapproval of the referee's report, we decline to impose the Bar's costs on Catalano.

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, KOGAN, HARDING and ANSTEAD, JJ., concur.

WELLS, J., recused.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Original Proceeding - The Florida Bar

John F. Harkness, Jr., Executive Director and John T. Berry,  
Staff Counsel, Tallahassee, Florida; and Pamela Pride-Chavies,  
Bar Counsel, Miami, Florida,

for Complainant

Richard Hersch, Coconut Grove, Florida; and Sean J. Greene,  
Miami, Florida,

for Respondent