

FILED

SID J. WHITE

SEP 27 1995

IN THE SUPREME COURT OF FLORIDA

CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

THE FLORIDA BAR,
Petitioner,

v.

CASE NO. *86513*
(TFB NO. 950029(13) &
952069(13))

FLORIDA FIRST FINANCIAL GROUP, INC.,
AND REED LIENHART A/K/A ANTHONY
ROSSI, A/K/A MIKE STEELE, AS PRINCIPAL
AND DIRECTOR OF FLORIDA FIRST FINANCIAL
GROUP, INC., AND INDIVIDUALLY, AND
TERRY DON SMITH, A/K/A PETE WILSON,
INDIVIDUALLY,

Respondent.
_____ /

PETITION AGAINST THE UNLICENSED PRACTICE OF LAW

The Florida Bar, Petitioner, charges Florida First Financial Group, Inc., Reed Lienhart a/k/a Anthony Rossi, a/k/a Mike Steele and Terry Don Smith a/k/a Pete Wilson, Respondents, with engaging in the unlicensed practice of law in the State of Florida, and in support thereof, alleges:

I.

This Petition is filed pursuant to Chapter 10 of the Rules Regulating The Florida Bar.

II.

This Court has original and exclusive jurisdiction to prohibit the unlicensed practice of law pursuant to Article V, Section 15 of

the Florida Constitution.

III.

Petitioner is charged with the duty and responsibility of initiating and prosecuting, in this Court, proceedings against the unlicensed practice of law.

IV.

The Board of Governors of The Florida Bar has authorized the institution of this proceeding against Respondent.

V.

Respondents, at all times material herein, were not and are not members of The Florida Bar, and were not therefore licensed to engage in the practice of law in the State of Florida.

VI.

First Florida Financial Group, Inc. (hereinafter "FFFG") operates as a collection agency. Respondent Lienhart is the sole principal, officer, director and resident agent for FFFG. Respondent Smith is employed as a collection agent for FFFG.

VII.

The principal and director of FFFG, Respondent Lienhart, signed a cease and desist affidavit under oath on March 9, 1990 wherein Respondent Lienhart swore that he was not licensed to practice law in the state of Florida and he understood that it constitutes unauthorized practice of law for an unlicensed individual to hold himself out as an attorney in collection matters when not so licensed. Respondent Lienhart agreed not to engage henceforth in any of the activities previously mentioned which constitute the unlicensed

practice of law unless and until he was admitted to practice law in this state by the Supreme Court of Florida. A copy of Respondent Lienhart's cease and desist affidavit is attached hereto and incorporated herein as Exhibit "A".

VIII.

Respondents have engaged in the unlicensed practice of law in Hillsborough County, Florida, by one or more of the following acts:

Count I

1. In or about June 1994, Ms. Daniela Rouse received a telephone call from Respondent Smith who identified himself as Pete Wilson.

2. Respondent Smith represented himself to Ms. Rouse as a lawyer and he said that her son, Dan Lukic, was required to appear in court on June 30, 1994 regarding an unpaid rental bill that Mr. Lukic owed to Cimarron Apartments.

3. In or about June 1994, Mr. Dan Lukic contacted Respondent Smith who identified himself as Pete Wilson. Respondent Smith explained that he was representing Cimarron Apartments in a lawsuit against Mr. Lukic and his former roommate, Mr. Troy Viney.

4. Respondent Smith advised Mr. Lukic that he was scheduled to appear in court on June 30, 1994 and Respondent Smith wanted to know where he could serve Mr. Lukic with the subpoena.

5. When Mr. Lukic asked Respondent Smith if he was the attorney for Cimarron Apartments, Respondent Smith said "yes."

6. Respondent Smith told Mr. Lukic that he was going to have Mr. Lukic's wages garnished and that Mr. Lukic would have to pay Cimarron Apartments' legal fees.

7. In or about June 1994, Respondent Smith also contacted Mr. Troy Viney concerning the settlement of his debt with Cimarron Apartments.

8. During the course of conversation with Mr. Viney, Respondent Smith held himself out as an attorney.

9. Believing that Respondent Smith was going to file a lawsuit against them, Mr. Lukic and Mr. Viney entered into a repayment plan with FFFG.

10. At all times material to these transactions, Mr. Lukic, Mr. Viney and Ms. Rouse believed that Respondent Smith was an attorney licensed to practice law in the State of Florida.

Count II

11. In or about February 1995, Respondent Lienhart using the name Mike Steele contacted Mr. William Bronco concerning the collection of a debt.

12. Respondent Lienhart represented himself as an attorney to Mr. Bronco.

13. Respondent Lienhart also threatened to sue Mr. Bronco and he told Mr. Bronco that he would see him in court.

14. At all times material to this conversation, Mr. Bronco believed that Respondent Lienhart was a licensed Florida attorney.

IV.

The aforementioned actions of the Respondents have violated the letter and spirit of this Court's decision in The Florida Bar v. Callahan, Hart, Danforth & Cummings, 478 So. 2d 37 (Fla. 1985); The Florida Bar v. DeToma, 501 So. 2d 599 (Fla. 1987); The Florida Bar v. Lerner, 485 So. 2d 326 (Fla. 1986); The Florida Bar v. Rich, 481 So.

2d 1221 (Fla. 1986); The Florida Bar v. Shankman, 471 So. 2d 1280 (Fla. 1985); The Florida Bar v. Walzak, 380 So. 2d 428 (Fla. 1980); The Florida Bar v. Warren, 655 So. 2d 1131 (Fla. 1995) and Rule 10-2.1(a), Rules Regulating The Florida Bar.

WHEREFORE, Petitioner prays as follows:

1. That this Court issue a permanent injunction preventing and restraining Respondent from engaging in the acts complained of and from otherwise engaging in the practice of law in the State of Florida, until such time as Respondent is duly licensed to practice law in this state.
2. That the costs of this proceeding be taxed against Respondent.
3. That this Court grant such other and further relief as it may deem proper.

Respectfully submitted,

THE FLORIDA BAR

John A. Devault, III, President
The Florida Bar
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Jacksonville, Florida 32202
(904) 353-0211

John W. Frost, II, President-elect
The Florida Bar
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Bartow, Florida 33831-2188
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John F. Harkness, Jr.
Executive Director
The Florida Bar
650 Apalachee Parkway
Tallahassee, Florida 32399-2300
(904) 561-5600

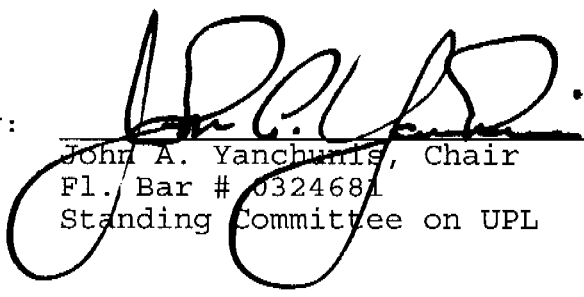
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John A. Yanchunis, Chair
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Loretta C. O'Keefe/Branch Unlicensed
Practice of Law Counsel
The Florida Bar
Suite C-49
Tampa Airport Marriott Hotel
Tampa, Florida 33607-1442
(813) 875-9821

By:


John A. Yanchunis, Chair
Fl. Bar # 0324681
Standing Committee on UPL

CEASE AND DESIST AFFIDAVIT

STATE OF FLORIDA :
COUNTY OF HILLSBOROUGH :

BEFORE ME, the undersigned authority, duly authorized to administer oaths, personally appeared, ANTHONY ROSSI, a/k/a REED LEINHARDT, of Florida First Financial Group, who after first being duly sworn, upon oath, deposes and says as follows:

1. I am not a member of The Florida Bar and am not licensed to practice law in the State of Florida.

2. I understand that it constitutes a contempt of the Supreme Court of Florida, as well as a first degree misdemeanor under the Florida Statutes, for an unlicensed individual to engage in the practice of law and/or hold practice, in Florida.

3. I further understand that it constitutes unauthorized practice of law for an unlicensed individual to hold himself out as an attorney in collection matters when not so licensed.

4. I further agree that I will not engage henceforth in any of the aforementioned activities which constitute the unauthorized practice of law unless and until I am admitted to practice in this state by the Supreme Court of Florida.

5. I further agree that I have read and will abide by the decision in the case of The Florida Bar vs. Savitt, 363 So.2d 559 (Fla. 1978).

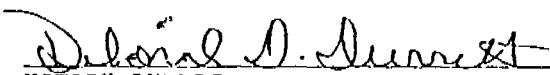
6. I further agree to waive confidentiality as to matters contained in this Affidavit.

FURTHER AFFIANT SAYETH NOT.



AFFIANT

SWORN TO and subscribed before me this 9th day of MARCH, 1990.



NOTARY PUBLIC

My Commission Expires:

Notary Public, State of Florida
My Comm. Expires Dec. 31, 1991
Bonded thru Fidelity Insurance Inc.

EXHIBIT "A"

THE FLORIDA BAR

Suite C-49
Tampa Airport, Marriott Hotel
Tampa, Florida 33607
(813) 875-9821

FILED

SID J. WHITE

SEP 27 1995

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

September 26, 1995

Sid J. White, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32399-1927

Re: 1 The Florida Bar v. Mark T. Rubright, TFB Case Nos. 950108(06A) & 952007(06A)
2 The Florida Bar v. Robert B. Akard, Jr., TFB Case Nos. 952028(06A) &
952080(06A)
3 The Florida Bar v. Florida First Financial Group, Inc. and Reed Lienhart
a/k/a Anthony Rossi a/k/a Mike Steel, as Principal and Director of Florida
First Financial Group, Inc., and Individually, and Terry Don Smith, a/k/a
Pete Wilson, Individually, TFB Case Nos. 950029(13) & 952069(13)
4 The Florida Bar v. Charles Eidson, TFB Case Nos. 952072(13)

Dear Mr. White:

Enclosed are Petitions Against Unlicensed Practice of Law and copies thereof which name the following respondents:

Mark T. Rubright
876 116th Avenue North
St. Petersburg, Florida 33716

Robert B. Akard, Jr.
1790 Main Street
Sarasota, Florida 34236

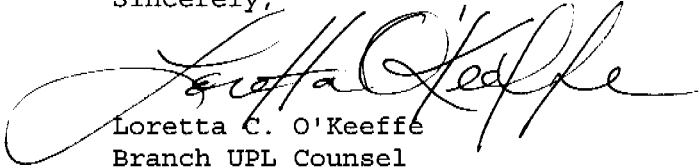
Florida First Financial Group, Inc.
Reed Lienhart a/k/a Anthony Rossi a/k/a
Mike Steele, and
Terry Don Smith a/k/a Pete Wilson
1718 E. Giddens Avenue
Tampa, Florida 33610

Charles Eidson
4012 Oklahoma Avenue
Tampa, Florida 33616

Please have the sheriff or an authorized process server serve the respondents at the above listed addresses.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Loretta C. O'Keeffe". The signature is written in black ink and is positioned above the typed name and title.

Loretta C. O'Keeffe
Branch UPL Counsel

LCO/mml/SC1B

Enclosures