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FILED
SID J. WHITE
OCT 7 1996
CLERK SUPREME COURT
Clerk, Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Petitioner,

vs.

ROBERT E. HUGHES, SR.,
Respondent.

Case No. 86,571
(TFB No. 930375(06A) &
952006(06A))

PETITION FOR REVIEW

& Amical Brief

Petitioner, ROBERT E. HUGHES, SR., by and through his undersigned attorney files this his Petition for Review of the Report of the Referee dated September 6, 1996 and alleges:

1. As to Count I, the Bar has failed to prove that the Respondent had prepared a land trust in behalf of EBI BONFIETTI. The Referee, apparently relying on NANCY OSET'S testimony on page 8 lines 2 through 7 of the trial transcript, found that Respondent had prepared a land trust for EBI BONFIETTI. Said testimony could equally stand for the finding that the Respondent had prepared a land trust for RON HADLEY and not EBI BONFIETTI. Further, the Bar failed to introduce into evidence any Land trust document prepared for EBI BONFIETTI.

2. As to Count II, the Referee, apparently relying on MR. CRINE'S testimony on page 143, line 18 through 25, found that the Respondent indicated that the Respondent was representing both sides in the transaction. Mr. Crine did not testify that Respondent indicated to him that Respondent would be representing Crine in the transaction. See MR. CRINE'S testimony on page 137, lines 11 through 13 and page 141, lines 7 through 10.

3. As to Count II, while the practice of law includes the preparation of documents to effectuate the transfer of real property interests, one does not have to be a licensed lawyer to prepare documents to effectuate the transfer of real property. For example Realtors are permitted to prepare the documents to effectuate the transfer of real property. Respondent did nothing more than what a realtor would have done in the same situation.

4. Respondent agrees with the Referee that "the timing of the different acts alleged in this case are difficult to ascertain, as the witnesses' ability to recall or accurately relate these acts are either faulty or suspect". The Bar has failed to prove its case on either Counts I or II, as evidenced by the trial transcript.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Petition for Review has been mailed to SID J. WHITE, Clerk of the Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida, 32301, and that copies were mailed by regular U.S. Mail to Mary Ellen Bateman, UPL Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida, 32399-2300, to Loretta C. O'Keeffe, Branch UPL Counsel, The Florida Bar, Tampa Airport Marriott Hotel, Suite C-49, Tampa, Florida, 33607, this 3rd day of October, 1996.



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