

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))

FILED

SID J. WHITE

SEP 8 1996

CLERK, SUPREME COURT

By _____
Deputy Clerk

*Bar
for
du*

REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as Referee to conduct proceedings herein according to Rule 10-7.1(b)(6), Rules Regulating The Florida Bar, the following proceedings occurred:

- A. The Florida Bar filed its Petition Against Unlicensed Practice of Law on October 6, 1995.
- B. The Respondent filed his answer and affirmative defenses on November 7, 1995.
- C. The Respondent filed a Motion to Dismiss on November 20, 1995.
- D. The Florida Bar filed a Motion to Strike Respondent's Motion to Dismiss on December 18, 1995.
- E. The Motion to Dismiss was denied on January 8, 1996.
- F. On January 17, 1996, the undersigned was appointed as a referee to hear the matter.

G. A trial was held on June 7, 1996, the transcript being included herein.

H. Closing arguments were given on July 19, 1996, the transcript being included herein.

All of the aforementioned pleadings, attachments thereto, and exhibits received in evidence, and this report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Jurisdictional Statement.

Respondent, at all times material herein, was not and is not a member of The Florida Bar, and was not therefore licensed to engage in the practice of law in the State of Florida.

B. Narrative Summary of Case.

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.

Mr. Ebi Bonfietti, in February of 1992, undertook to purchase a property from Mr. Ronald A. Hadley. The two parties agreed in principal to a purchase price of \$27,000. with buyer to pay \$3,000. down and seller to provide financing. At seller's suggestion, buyer contacted Respondent to prepare a Contract for Sale. He was to pay \$200. to Respondent for that service. He testified he expected a contract providing for a deed and a mortgage. He instead received documents conveying an interest in a land

trust with Respondent as trustee. (Exhibits D, E1, E2, F, G and H). These documents were prepared by Respondent on forms he had authored.

Although Exhibit B was offered in evidence, and I now find it inadmissible for the reasons cited in Respondent's objections, there is no doubt that one was prepared by Respondent. He had so indicated to witness, Nancy Oset, an attorney subsequently conferred with by Mr. Bonfietti.

Mr. Bonfietti made payments pursuant to the agreement and realized that he had a problem when he subsequently tried to refinance the property.

It is evident that Respondent did far more than fill in blanks to bring about a previously arranged agreement. He crafted the deal and prepared the documents to accomplish the completed transaction.

Count II of the Petition involves a second transaction wherein it is alleged that Respondent practiced law in counseling and preparing documents to effectuate the transfer in a property interest between Mary Lou Becker and Dennis J. Crine. The evidence as to this count is found in the testimony of Mr. Crine (Pages 131 - 144), Exhibit I, in evidence, Exhibit N, in evidence, and the testimony of Respondent (Pages 163 - 216).

In this instance, Mr. Crine and his fiance, Theresa A. Gerrity, who were renting a property, decided to purchase the property. For this purpose, they met with Mr. Hughes, who indicated that he was representing both sides in the transaction and that, because of his experience, he could handle the transfer which was the assignment of an Illinois Type Land Trust. This he did through preparation of Exhibit I.

III. CONCLUSION OF LAW

1. Respondent gathered information, counseled persons and prepared documents for the transfer of interest under land trusts.

2. His actions affected important rights of persons under law, and that reasonable protection of rights and property of those advised and served required that persons giving that advice possess legal skill and knowledge of law greater than that possessed by average citizens.

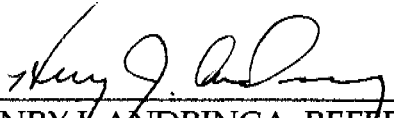
IV. RECOMMENDATIONS

A. That Robert E. Hughes, Sr. be found to have engaged in the unlicensed practice of law in the State of Florida.

B. That Robert E. Hughes, Sr. be restrained and enjoined from counseling, advising and preparing documents for individuals in the creation and transfer of land trusts, and from otherwise engaging in the practice of law in the State of Florida, until such time as Robert E. Hughes, Sr. is duly licensed to practice in this state.

C. That the costs of this proceeding be taxed against Robert E. Hughes, Sr.

Dated this 6th day of September, 1996.



HENRY J. ANDRINGA, REFEREE
29582 U.S. Hwy. 19 North
Clearwater, FL 34621

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee 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, and to Bruce M. Harlan, Counsel for Respondent, 326 Belcher Road North, Clearwater, Florida, 34625, this 6th day of September, 1996.



HENRY J. ANDRINGA, REFEREE