IN THE SUPREME COURT OF FLORIDA

CASE NO. 87,298
TFB NO. 95-11,133(6E)

THE FLORIDABAR,

complainant,

v.

GREGORY GLEN SCHULTZ,

Respondent,

/

RESPONDENT'S ANSWER BRIEF

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SYMBOLS AND REFERENCES

In this Brief, Respondent, Gregory Glen Schultz will be referred to as "Respondent". The Florida Bar will be referred to as "The Florida Bar " or "The Bar".

"TR -1 " will refer to the Transcript of the final hearing in the disciplinary case, The Florida Bar v. Gregory Glen Schultz, Case No. 87,298, date July 19, 1996.

"TR-2"will refer to the Transcript of the findings of fact by the referee in The Florida Bar v. Gregory Glen Schultz, case No. 87,298, dated August 2, 1996.

"TR-3" will refer to the transcript of a disciplinary hearing before the Referee in Case No. 87,298, dated August 2, 1996.

"TR-4" will refer to the Transcript of the supplemental evidentiary hearing in Case No. 87,298, dated August 26, 1996.

"TR-5" will refer to the Transcript of hearing before a Bar Grievance committee in Case No. 87,298, dated November 15, 1995.

"Rule" or "Rules" will refer to the rules regulating the Florida Bar. "Standard" or "Standards" will refer to the Florida Standards for Imposing Lawyer Discipline.

STATEMENT OF CASE FACTS AND CASE

Respondent, Gregory Glen Schultz and Van Nortwick, the owner of Kenna's Travel Services had long-standing business relationship as a customer and travel agent respectively. (Tr-1 at 22). On April 29, Respondent paid for the purchase of four airline tickets by tendering a check numbered 1779 in the amount of $1,235.95, dated April 30, 1994. (Tr-1 at 131). Respondent personally delivered it to Van Nortwick. However, Van Nortwick subsequently demanded Respondent to issue a replacement check because the previously issued check issued was misplaced or lost. (Tr.- 1 at 158). The conversation was overheard by Bridget Kenny who was an employer of Respondent's landlord. from whom Respondent leased his office space. (Tr-1 at 89). Bridget Kenny testified that in April of 1994, she overheard the conversation between Van Nortwick and Respondent over the speakerphone in Respondent's office (Tr-1 at 193). Upon Van Nortwick's demand, Respondent issued the second check as a replacement for the first one. (Tr-1 at 132). The second check was numbered 1782 and was hand-delivered to Van Nortwick. (Tr-1 at 158). Sidny Mawby, a business associate of Respondent, testified that in May, 1994 he accompanied Respondent to deliver the check to Van Nortwick. (Tr-1 at 109). Mawby further testified that he overheard conversation between Respondent and Van Nortwick concerning Van Nortwick's misplacing a previously issued check prior to his accompanying Respondent to Van Nortwick's office. (Tr- 1 at 109). Sidny Mawby testified that in the conversation, he heard that Van Nortwick demanded Respondent issue a replacement for the misplaced check.(Tr-1 at 115). Sidny Mawby also overheard the conversation between Van Nortwick and Respondent in which Van Nortwick claimed that she had found the missing check and that she was going to deposit one of the checks for the outstanding bill. (Tr- 1 at 109) .

Respondent ordered an airline ticket to Costa Rica on September 16, 1994 from Kenna's Travel Service. (Tr-2 at 5). During a telephone conversation with Van Nortwick, Van Nortwick demanded him to pay off the balance due. (Tr-1 at 175). Respondent replied to Van Nortwick that he had paid off the outstanding balance and that he did not see any problem (TR- 1 at 175) .

However, when Respondent stopped by Van Nortwick's office to pick up the airline ticket he had purchased, Van Norwick's insisted that Respondent issue a check to pay off the alleged outstanding bill in the amount of $2,000.00. (Tr-1 at 174). Respondent issued a check made payable to Kenna's Travel Service and handed it to Van

Nortwick.. (Tr-1 at 174). Subsequently, Respondent made a stop payment order on the check. (Tr-1 at 190).

Respondent attempted to contact Van Nortwick to inform her that she would not be able to cash the check due to Respondent's making a stop payment order and to reconcile the account during that time, (Tr-1 at 177). However, Respondent was not able to reach Van Nortwick until January 3, 1995, (Tr-1 at 177). On January 3, 1995, during the phone conversation, Respondent told Van Nortwich that he had stopped the payment on the check. (Tr- 1 at 182). In February, 1995, Van Nortwick filed a small claims action and a Bar complaint. (Tr-2 at 7).

SUMMARY OF ARGUMENT

The record clearly supports the Referee's finding that there is no clear and convincing evidence to show that Respondent had manufactured evidence. Whereas, the only "evidence" that the Florida Bar presents in the Bar's initial brief in seeking to overturn the Referee's factual findings is the Bar counsel's argument. The Bar counsel's argument failed to satisfy the burden of proving required to overturn the Referee's findings. It is a well established rule that a referee's findings are presumed to be correct, and if a referee's findings are supported by competent, substantial evidence, then this court is precluded from re-weighing the evidence and substituting its judgment for that of the referee. The bar failed to satisfy its burden of demonstrating that there is no evidence in the record to support those findings or that the record evidence clearly contradicts the conclusions.

As a general rule, disbarment is appropriate when a lawyer with the intent to deceive the court knowingly makes a false statement or submits a false document to a court of law. However, in order to sustain its burden of proof that the attorney be disbarred, the Florida Bar must prove by clear and convincing evidence not only that the attorney lied under oath, or presented false evidence, but that the attorney was motivate by a corruptive motive. The culpability involved will depend not only on the nature of an offense, but also on the attendant circumstances.

The Bar failed to prove the circumstances which create a presumption of disbarment The Bar failed to show both Respondent's state of mind and the material fact that Respondent presented fabricated evidence and gave false testimony which were necessary for the Bar to seek disbarment. Moreover, the Bar failed to prove any other aggravating factors to justify its contention that Respondent's conduct warrants disbarment. The Referee merely found that Respondent violated Rules 3-4.3, 4-8.4(a) and 4-8.4(c). If a lawyer was simply found guilty of violating the rule in that he were engaged in conduct involving dishonesty, or misrepresentation, this Court usually does not impose severe discipline such as disbarment in the absence of any special circumstances. In the absence of harm to clients' interests or harm to the public, and absence of evidence to support the Bar's contention, Respondent's conduct does not warrant disbarment.

The Referee correctly found that there was no clear and convincing evidence that Respondent gave false testimony in the proceedings. A referee's findings are presumed to be correct and will be upheld. Since, the Bar failed to prove that the Referee's findings are clearly erroneous, this Court should not substitute its judgment for the Referee's findings. In light of all circumstances, disbarment is inappropriate and unjustifiable sanction.

ARGUMENT

I. . THE RECORD, TAKEN IN ITS ENTIRETY CLEARLY SUPPORTS THE REFEREE'S FINDINGS THAT THERE IS NO EVIDENCE TO SHOW THAT RESPONDENT FABRICATED THE EVIDENCE AND GAVE FALSE TESTIMONY IN THE PROCEEDING.

It is a well established rule that a referee's findings are presumed to be correct, and they should not be disturbed. The Florida Bar v. Hooper, SO7 So. 2d 1078 (Fla. 1987). If a referee's findings are supported by competent, substantial evidence, then this court is precluded from reweighing the evidence and substituting its judgment for that of the referee. The Florida Bar. v. MacMillan, 600 So. 2d 457, 459 (Fla. 1992). A party contending that the referee's findings of fact and conclusions as to guilty are erroneous carries the burden of demonstrating that there is no evidence in the record to support those findings or that the record evidence clearly contradicts the conclusions. The Florida Bar v, Miele, 605 So. 2d 866, 868 (Fla. 1992). The presumption must be overcome by clear and convincing evidence to show contrarily to it.

In the present case, the Florida Bar must carry its heavy burden to overturn the Referee's findings, by presenting competent and substantial evidence to overturn the Referee's presumptively correct tidings.

At the supplemental evidentiary hearing, the Referee stated:

> " I' ll strike the comments I made at the last disciplinary hearing concerning , . . .evidence that Mr. Schultz had manufactured evidence.. . that the evidence is not clear and convincing at this point concerning that. It's curious concerning those out-of-sequence checks, but nothing more. "

The Referee's initial findings that the checks had never been tendered to Van Nortwick and that Respondent had fabricated those checks were merely based on the fact that those two checks were issued out-of-sequence. Subsequently, Respondent presented competent evidence in the supplemental evidentiary hearing to counter its findings. The Referee reversed his initial findings and struck the relevant portions of the findings out of the record. Because, responsibility of a factual findings is delegated to a referee,

proceedings before this Court do no take on the nature of a trial de novo. The Florida Bar v. Hooper, 09 So. 2d 289,291 (Fla. 1987).

The record clearly supports the Referee's finding that there is no clear and convincing evidence to show that Respondent had manufactured evidence. Whereas, the only "evidence" that the Florida Bar presents in the Bar's initial brief in seeking to overturn the Referee's factual findings is the Bar counsel's argument which can not be considered as "evidence". The Bar counsel's argument failed to satisfy the burden of proving required to overturn the Referee's fmdings.

Throughout the proceedings, Respondent had maintained his contention with respect to his issuance of two checks and as to the checks being out of sequence due to his loose check system Further, the Respondent's contention has been corroborated by testimonies of two disinterested witnesses. The Referee's reversal of his initial findings were clearly consistent with the cumulative weight of the evidence presented.

Respondent testified that he issued a check in the amount of $1,23 5.95 made payable to Kenna' s Travel Service with notations on it. The copy of the check reflects the number of the check to be 1779. On or around May 13, 1996, Respondent was informed by Van Nortwick that the check which had been tendered was lost and she asked Respondent issue a replacement check. The record reflects that two witnesses overheard this conversation. Upon this request, Respondent issued a replacement check 1782 for the same amount dated on April 30, 1994 and delivered it to Van Nortwick. Sidny Mawby, a business associate of Respondent accompanied him to drop the check off at Van Nortwick's office.

Whereas the assertion of the Bar that Respondent fabricated the evidence and gave false testimony in the proceedings is entirely without foundation. Even assuming that this Court reviews the Referee's findings *de novo, the* Bar still failed to prove its contention. The Court in The Florida Bar v. Bass, 106 So. 2d 77, 79 (Fla. 1958) held that "the power to disbar or suspend a member of the legal profession... should be exercised only in a clear case for weighty reasons and on clear proof"

In the brief, the Bar, without producing any competent evidence to support its argument, contended that the Referee's findings are inconsistent with his other findings and therefore, are clearly erroneous. The Bar pointed out the following factors to support

its contention: (1) the amount of the checks bears no relation whatsoever to the four ticket prices; (2) Respondent had issued a check 1788 on April 8, 1994 to pay off the pre-existing balance due and it was three weeks prior to Respondent's issuing the check 1779; (3) The checks, 1779 and 1782 are only checks issued out of sequence during the period from January 1 through May 31 1994; (4) The checks, 1779 and 1782 had never been cashed; (5) checks, 1779 and 1782 were dated on the same day, notwithstanding Respondent's claim that he issued them on different dates; (6) Respondent made a stop payment order on the check he issued on September 16, 1994 yet failed to make a stop payment on the checks, 1779 and 1782.

The Bar's contentions are, at most based on suspicion and speculation, which is contrary to the standard of proof required by this Court to overturn the referee's presumptively correct tidings. First, mere fact that the amount of the checks 1779 and 1782 does not exactly match with the purchase price of the four airline tickets does not even create inference that Respondent had never tendered the checks. The record shows that Van Nortwick had never tendered any billing statement during their eight year' business relationship. Van Nortwich herself admitted that she had no billing system Van Nortwick merely kept invoices which were used to wrap up tickets for her references as an alternative to a billing statement.

Contrarily to the Bar's contention, Respondent's issuance of a check in the amount less than the alleged balance supports the existence of a genuine dispute as to the amount due between the parties. The Bar argued that the checks were fabricated in the amount less than the balance due intentionally to create a false fee dispute. However, in the absence of specific findings to prove Respondent's such iutent, mere fact that the check was issued in the mount less than the balance due itself does not prove the Bar's contention.

Further, the Bar relied on an improper factor when the Bar argued that Respondent had never tendered the two checks because he had already issued the check to pay off the pre-existing debt, yet, he issued another check 1778 only three weeks later. It is true that Respondent had a pre-existing balance due which covered the amount of tickets purchased through March. Respondent issued the check 1788 dated on April 8, 1994 to pay off the pre-existing balance due. It is a common business practice in a commercial context to arrange 3-4 weeks' billing cycle. Further, the record shows that it was Respondent's practice to issue a check to pay off the balance due at the end of each

month. According to this practice, Respondent issued a check 1779 to pay off the amount due as of April 30, 1994. The mere fact that Respondent issued the previous check three weeks prior to his issuance of another check does not prove anything more than Respondent's attempt in good faith to pay off the amount due. The Bar's argument completely ignored this practice, and it failed to prove that the Referee's tidings are clearly erroneous.

The Bar further argued that two checks were the only checks issued out of sequence between January and May 1996. The Bar reasoned that Respondent fabricated the checks with intent to create a false dispute in order to conceal Respondent's fraudulent intent when he made a stop payment order on the check issued on September, 16, 1994. However, the record clearly shows that in numerous occasions, he wrote checks out-of-sequence. Respondent testified that it was attributable to the fact that he used a loose check system and that it was his habit to put several checks in his brief case when he transported himself The Bar's argument clearly fails to support it contention.

Further, it should be noted by this Court that in order to believe the Bar's contention that the two checks were manufactured by Respondent in order to create a false "bill dispute", it must also be believed that Respondent had anticipated that the subsequent action would be taken against him and it would be necessary to manufacture the evidence to achieve such purposes. At the grievance hearing held in November 1995, Respondent presented the carbon copies of the checks as evidence. In order to manufacture the evidence, Respondent had to keep the unused, clean carbon copy of those two checks in anticipation of Van Nortwick's subsequent action if he had in fact fabricated the evidence. Off course, this scenario is impossible. Respondent had no reason to believe that the bar complaint would be filled against him at the time Respondent purchased the four airline tickets. The Bar complaint and civil action were filed by Van Nortwick in February, 1995. It was more than 10 months after Respondent purchased the four airline tickets. Respondent's exhibit presented at the supplemental evidential hearing clearly shows that the most of the checks carrying numbers near to those two checks, 1779 and 1782 were issued in either April or May in 1994.

After Respondent's purchasing the four airline tickets in April 1994 , Respondent still maintained good business relationship with Van Nortwick by purchasing airline tickets. Van Nortwick testified that there was neither hostility nor animosity between the two parties. Therefore, it is unreasonable to believe that Respondent attempted to keep

the clean carbon copies of the checks, 1779 and 1782 unused with intent to use them for manufacturing evidence in anticipation for the future action, which was in fact filed 10 months after Respondent purchased the four airline tickets.

Further, the Florida Bar argues that it was "apparent that neither putative checks for $ 1,235.95 had ever been negotiated, Respondent still did not stop payment on either check and that the only rational explanation is that neither putative check could be cashed, because neither had ever been delivered to Van Nortwick". However, it is a common occurrence that a check may be lost or misplaced and never be negotiated by the payee after the check is duly tendered to the payee. Further, the Bar argued that the fact that Van Nortwick never notified Respondent that the amount he owned was actually $ 2,009.80 proves that the two checks had never been delivered to her. However, the fact that no demand was ever made by Van Nortwick, during the period from May to September would create reasonable inference which is contrary to the Bar's argument. Since no demand was ever made by Van Nortwick, it is more reasonable to believe that she might have received either one of the checks or had possession of the both of them.

The Bar also contends that Respondent's failure to make a stop payment on the checks, 1779 and 1782 shows that the checks had never been tendered. However, Respondent testified that he was aware of the fact that those two checks had not been cleared on September 16, 1994. Respondent further testified that he was concerned about the possibility that the check issued on September 16, 1994 would be negotiated by Van Nortwick to a third party which would claim a holder in due course status. If she had done it, a holder in due course would be entitled to cut off Respondent's valid claim or defense to the check. The first two checks, 1778 and 1782 were issued more than four months prior to the issuance of the September check. The first check, 1779 was issued at the end of April 1994. The second check, 1782 was issued as a replacement of the first check and dated on April 30, 1994.

Respondent was aware that neither one of the two checks, 1779 and 1882 had been cleared as of September 1996, Respondent was aware that the check 1782 was supposedly torn up by Van Nortwick and the check 1779 was issued more than four months ago. Under the circumstances, it is reasonable to make a stop order on the check which was the most recently issued if there are several checks outstanding. As such, mere

fact that no stop payment on the checks, 1779 and 1782 was ever made does not prove anything contrarily to the Referee's findings.

After hearing the testimony, observing the demeanor of the witnesses, and reviewing the evidence presented, the Referee reversed his initial findings and held that there was no clear and convincing evidence indicating Respondent made false statements in the proceeding and presented fabricated evidences. In attorney disciplinary proceedings, the referee is in a unique position to assess the demeanor and credibility of the lawyer being disciplined. The Florida Bar v. Rood, 622 So. 2d 974. (Fla. 1993). The record taken in it entirety clearly shows that the Referee's findings are supported by competent and substantial evidence. Conversely, the Bar failed to present any substantial evidence to justify its contention that the Referee's findings are clearly erroneous. Under this circumstances, Respondent respectfully urges this Court that this Court should uphold the Referee's tidings.

II. THE CHRONOLOGY OF RESPONDENT S BANK STATEMENT IS NOT AN "ORIGINAL" RECOR AND THUS, IT SHOULD NOT BE CONSIDERED AS EVIDENCE FOR THE PURPOSES OF THE REVIEW.

The Florida Bar reconstructed the evidence, the Bar's exhibit 4 and placed it in the brief to support the Bar's argument. The Bar contended that the chronology shows that Respondent had insufficient funds when those two checks, 1779 and 1782 are issued, which proves that the two checks had never been tendered to Van Nortwick.

Respondent urges this Court that the reconstructed chronology should not be considered as evidence, The chronology is not "original' record within the meaning of the rule of the Appellate Procedure. The Bar's attempt is not mere "reconstruction" of the original record.

The Florida Rules of Appellate Procedure 9.200(a) provides that

"[T]he record shall constitute of the original documents, exhibits and transcript of proceedings, if any filed in the lower tribunal".

The chronology contained in the Florida Bar's brief is not an "original" record filed in the lower tribunal, A function of the appellate court is to determine whether the lower tribunal committed an error based on the issues and evidence before it and an appeal has never been an evidentiary proceeding. Thornber v. Citv of Fort Walton Beach, 534 So. 2d 754 (Fla. 1st DCA 1988). Altchiler v. State of Florida Department of Professional Regulation, 442 So. 2d 349 (Fla. 1st DCA, 1983).

The Bar's attempt to reconstruct the evidence and placed it on the brief which is not in an "original record" is in violation of the mandate of the appellate rule. Therefore, the chronology and all arguments by the Bar based on the chronology should not be considered as "evidence" for the purposes of review by this Court.

III. THE FLORIDA BAR FAILED TO CARRY ITS BURDON OF PROVING THAT RESPONDENT SHOULD BE DISBARRED AND DISBARMENT IS AN APPROPRIATE DISCIPLINE.

The Referee recommended Respondent be found guilty in violation of the following Rules; Rules 3-4.3 (The commission by a lawyer of nay act that is unlawful or contrary to honesty and justice), 4-8.4(a)(A lawyer's violation of the Rule of professional conduct), and 4-8.4(c)(A lawyer's engaging in conduct involving dishonest, fraud deceit or misrepresentation". Upon his findings, the Referee recommended that Respondent be suspended for a period of six (6) months. The Florida Bar filed a petition for review in seeking disbarment, arguing that the record provides ample evidence that respondent lied to the Referee and presented fabricated evidence and therefore; disbarment is the appropriate sanction.

However, having observed Respondent's demeanor, and carefully reviewing the evidence presented by both parties, the Referee correctly reversed his initial tidings and found that there was no clear and convincing evidence that Respondent presented false testimony. In the absence of specific showing contrary to the Referee's tidings.

This Court has repeatedly stated that "disbarment is an extreme penalty and should only be imposed in those rare cases where rehabilitation is highly improbable. The Florida Bar v. Davis, 361 So. 2d 159 (Fla. 1978) appropriate discipline, the Court should look at the evidence adduced below and determine whether any

punishment less severe than disbarment can accomplish the desired purposes of the Bar discipline. The Florida Bar v. Moore, 194 So. 2d 264 (Fla. 1966).

As a general rule, disbarment is appropriate when a lawyer with the intent to deceive the court knowingly makes a false statement or submits a false document to a court of law. The Florida Bar v. Inglis, 660 So. 2d 697 (Fla. 1995). The Florida Bar v. Agar, 394 So. 2d 405,456 (Fla. 1981). The Florida Bar v. Dood, 118 So. 2d 17, 19 (Fla. 1960).

However, in order to sustain its burden of proof that the attorney be disbarred, the Florida Bar must prove by clear and convincing evidence not only that the attorney lied under oath, or presented false evidence, but that the attorney was motivate by a corruptive motive. The Florida Bar. v. Thomson, 271 So. 2d 78, 761 (Fla. 1972). The culpability involved will depend not only on the nature of an offense, but also on the attendant circumstances.

Further, each case must be examined in light of all circumstances including the nature and seriousness of the misconduct and the effect of such conduct on the public, administration of justice and members of the Bar. The Florida Bar v. Breed, 378 So. 2d 783 (Fla. 1979).

In the present case however, the Bar failed to prove the circumstances which create a presumption of disbarment The Bar not only failed to show Respondent's state of mind but also failed to prove that Respondent presented fabricated evidence and gave false testimony. Moreover, the Bar failed to prove any other aggravating factors to justify its contention that Respondent's conduct warrants disbarment. The Referee merely found that Respondent violated Rules 3-4.3, 4-8.4(a) and 4-8.4(c). If a lawyer was simply found guilty of violating the rule in that he were engaged in conduct involving dishonesty, or misrepresentation, this Court usually does not impose severe discipline such as disbarment. The Florida Bar v. Thomson, 271 So. 2d 78, 761 (Fla. 1972). The Florida Barv. Bratton, 389 So. 2d 637 (Fla. 1980).

In seeking disbarment, the Florida Bar relied on the decision in The Florida Bar v. Aaar, Florida Bar v. McKenzie, 581 So. 2d 53 (Fla. 1991), and The Florida Bar v. Graham, 605 So. 2d 53 (Fla. 1992). However, none of those cases is analogous to the present case. The Bar's argument failed to show the logical connection between the

present case and those cases. First, in the cases mentioned above, three was clear and convincing evidence that the attorney knowingly and deliberately presented false testimonies or evidences. Furthermore, lawyers in the case mentioned above not only presented a false testimony on behalf of their client but also initiated the scheme to perpetrate a fraud upon the court. In The Florida Bar v. Salnik, 599 So. 2d 101 (Fla. 1992), an attorney used a judge's rubber stamp and misrepresented to an unrepresented opposing party that the document was a fmal judgment of the court to intimidate the opposing party. Contrarily, in the present case, there is no substantial or competent evidence to prove that Respondent fabricated the evidence and lied under oath in the proceedings.

The Referee correctly found that there was no clear and convincing evidence that Respondent gave false testimony in the proceedings. Comparing the seriousness of the harm to the public and the client and the gravity of the misconduct of lawyers and sufficiency of the evidence in the cases mentioned above, Respondent's conduct does not warrant disbarment.

A referee's findings are presumed to be correct and will be upheld unless the party seeking review can prove them to be clearly erroneous or lacking in evidential support. The Fla. Bar v. Hyden, 583 So. 2d 10156 (Fla. 1991). Since, the Bar clearly failed to prove that the Referee's findings are clearly erroneous, this Court should not substitute its judgment for the Referee's and should be bound by the Referee's tidings.

CONCLUSION

The Referee's findings of facts are consistent with the great weight of the evidence in the record and the admission of the witnesses. In the absence of clear and convincing evidence supporting the Bar's contention that Respondent fabricated evidence and made false testimony in the proceedings, this Court should be bound by the Referee's findings. In the absence of the harm to the public and the client, and substantial and competent evidence to support the Florida Bar's allegation, Respondent should not deserve a harsh penalty such as disbarment. Since the Bar failed to prove its contention that the Referee's findings are clearly erroneous, disbarment is inappropriate and unjustifiable in light of all circumstances.

Certificate of Service

I HEREBY CERTIFY that the original and seven (7) copies have been **furnished** via U.S. Mail to: Sid J. White, Clerk of the Supreme Court of Florida - 500 South **Duval** Street, Tallahassee, Floirdea **32399-** 1927; and additional copies have been **furnished** to: John T. Berry, **Staff Counsel** - Florida Bar - 650 Apalachee Parkway, Tallahassee, Florida 32399-2300 and Joseph A. Corsmeier, **Assistant** Staff Counsel - The Florida **Bar,** Suite **C-**49, Tampa Airport Mariott Hotel, Tampa, Florida 33607 on this 7 day of December, 1996,

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