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**FILED**

SID J. WHITE

DEC 23 1997

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IN THE SUPREME COURT OF FLORIDA

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

THE FLORIDA BAR,

Complainant,

v.

JULIO V. ARANGO,

Respondent.

Supreme Court Case

No. 88,254

The Florida Bar File

No. 96-70,369(11N)

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On Petition for Review

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INITIAL BRIEF OF COMPLAINANT

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### SYMBOLS AND REFERENCES

For the purposes of the Bar's Initial Brief on Appeal, the Florida Bar will be referred to as the Bar. Respondent will be referred to as Respondent. References to the Report of Referee, attached hereto as Appendix A, will be cited by using ROR.

### STATEMENT OF THE CASE

The Bar charged Respondent with a single violation of Rule 4-1.3 (Diligence), of the Rules of Professional Conduct. A final hearing was held by the Honorable Robert P. Kaye, as Referee, on February 24, through 26, 1997. The Report of Referee was issued on or about October 23, 1997.<sup>1</sup>

In his Report the Referee found that on three separate and distinct occasions, Respondent failed to use reasonable diligence in representing his client, Maria Morales, that as to Ms. Morales Respondent engaged in a "pattern of neglect," and that as a part of his defense Respondent presented evidence and documents which were false or fabricated. After such findings, the Referee found Respondent guilty of violating Rule 4-1.3 and has recommended an admonishment as the appropriate discipline. Both parties have petitioned for review of the Referee's recommendation as to discipline. However, since neither party has appealed the Referee's factual findings and the finding as to Respondent's guilt, same are undisputed.

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<sup>1</sup> The time within which to file the Report of Referee had been extended because Judge Kaye had been assigned to preside in litigation involving flight attendants and the tobacco industry.

UNDISPUTED FINDINGS OF FACT

1. In his representation of Morales, Respondent failed to use reasonable diligence in the following respects:

(a) Respondent failed to diligently ascertain information from Morales relating to whether she owned an automobile.

Respondent's nine month delay in obtaining the automobile ownership information from Morales caused potential harm to Morales.<sup>2</sup> (Paragraphs 1 through 5 of the ROR).

(b) Respondent failed to promptly notify Morales of the existence of certain PIP checks which he had received for and on her behalf. (Paragraphs 7 of the ROR).

(c) Respondent failed to diligently deliver said PIP checks to Morales. Respondent's unreasonable delay in delivering the PIP checks to Morales caused her, slight, but actual harm. (Paragraphs 6 through 9 of the ROR).

(d) Respondent failed to diligently represent Morales' interests relating to certain dental records. (Paragraphs 10 through 22 of the ROR).

2. Respondent engaged in unethical conduct which constituted a

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<sup>2</sup> The personal injury protection carrier could have asserted a policy defense of lack of timely notice of the accident, which could have resulted in a denial of the payment of Morales' medical bills.

pattern of neglect in representing Morales. (Paragraphs 23 of the ROR).

3. As a part of his defense Respondent presented evidence and documents which were false or fabricated. Respondent submitted during the proceedings below the following false or fabricated evidence:

a. the medical authorization (Bar's Exhibit 30), which was falsely notarized;

b. respondent's letter of October 20, 1994 to Dr. Herdocia (Bar's Exhibit 6), which was fabricated;

c. respondent's letter of February 21, 1995 to Dr. Herdocia (Bar's Exhibit 7), which was fabricated;

d. respondent's letter of March 21, 1995 to Dr. Herdocia (Bar's Exhibit 8), which was fabricated; and

e. various entries in Respondent's log (Bar's Exhibit 10), which were fabricated. (Paragraphs 24(a) through 24(e) of the ROR).

#### UNDISPUTED STATEMENT OF FACTS

On June 26, 1992 Maria Morales (Morales) was injured in an automobile accident. On July 6, 1992 she met with Respondent at his office and an attorney/client relationship was established. During the initial interview Respondent (or his staff) prepared a



client information sheet. (Paragraphs 1 and 2 of the ROR).

During, or at least within a few weeks of the initial interview, Respondent had the duty to, but failed to ascertain whether Morales owned an automobile.<sup>3</sup> It was not until April 1993, some nine (9) months after he took the case, that Respondent obtained this information from Morales.<sup>4</sup> (Paragraphs 1 through 5 of the ROR).

In late June 1994 Respondent received two checks from Fidelity National Insurance Co. (Fidelity),<sup>5</sup> payable to Morales. Respondent failed to advise Morales that he had received the checks. The checks sat in Respondent's office for nine (9) months, until they were discovered, replaced (they had become void after 90 days), and the replacement checks finally given to

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<sup>3</sup> Although simple to obtain, it was crucial for Respondent to ask for and obtain this information quickly. Later herein the Bar will discuss the reasons for its importance, as well as the potential adverse consequences to Morales if said information was not timely obtained.

<sup>4</sup> Respondent blamed Morales for this delay. However, it was conceded by Respondent and his expert that Morales would not have understood the importance of giving Respondent this information, absent an explanation or a direct question from him about the importance of same.

<sup>5</sup> Fidelity was the personal injury protection (PIP) insurance carrier in the Morales matter.

Morales in May 1995.<sup>6</sup> (Paragraphs 6 through 9 of the ROR).

On March 23, 1994 Geico Insurance Co.<sup>7</sup> (Geico) first requested, by letter, that Respondent deliver Morales' pre-accident dental records to Geico.<sup>8</sup> Geico also requested that Respondent obtain and deliver these same records on April 28, 1994, (by letter) June 9, 1994, (phone call) January 25, 1995 (by phone call) and May 25, 1995 (by letter). Respondent's single response to Geico was a June 15, 1995 hand written memo telling Geico to obtain the dental records directly from Dr. Herdocia.<sup>9</sup>

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<sup>6</sup> Respondent's inaction and lack of diligence caused actual harm to Morales, in that she was deprived of the use and benefit of the funds for over ten (10) months.

<sup>7</sup> Geico was the liability insurance carrier in Morales matter. Geico dealt with the people involved in the matter through two or more adjustors. The Bar will not identify the adjustor involved in a particular transaction, unless the identity of the adjustor is required for a clear understanding of the transaction.

<sup>8</sup> Shortly after the accident Morales went to her dentist, Feliberto Herdocia, DDS, who treated her for dental injuries suffered in the accident. Dr. Herdocia was Morales' dentist prior to the accident. Dr. Herdocia's office submitted dental records and a bill to Geico in November 1992 and to Fidelity in mid 1993.

<sup>9</sup> Neither the Bar, nor apparently the Referee, considered Respondent's October 24, 1994 letter transmitting the signed medical authorization to Geico as a response to Geico's request that Respondent obtain the dental records from Dr. Herdocia. In fact, this letter, as well as the June 15, 1994 letter, evidenced

After February 1993 Dr. Herdocia's office did not receive a single written request from Respondent for Morales' pre-accidental dental records. (Paragraphs 10 through 22 of the ROR).

On June 23, 1994, pursuant to Respondent's request, Geico sent Respondent a medical authorization for Morales signature, which Respondent was to obtain and then return to Geico. Morales signed the medical authorization in early July 1994. On October 20, 1994 someone in Respondent's office falsely notarized said medical authorization.<sup>10</sup> The signed document sat in Respondent's office for over three months,<sup>11</sup> until October 24, 1994 when it was sent to Geico.<sup>12</sup> (Paragraphs 10 through 22 and 24 of the ROR).

From March 1994 through his discharge in late August 1995, a period of seventeen (17) months), Respondent failed to act with

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Respondent's intent to rid himself of the entire dental records matter.

<sup>10</sup> This falsified document and other fabricated evidence was submitted by Respondent in the proceedings below as evidence to show that he acted diligently in the Morales matter.

<sup>11</sup> Respondent did nothing despite a follow up letter from Geico on August 16, 1994.

<sup>12</sup> Despite another follow up by Geico on October 5, 1994 it still took Respondent almost another three weeks to send the document to Geico.

reasonable diligence and promptness in representing Morales by insuring that Geico had the documentation required to settle her case or after reasonable attempts to settle, by filing a lawsuit on her behalf. (Paragraphs 2 through 24 of the ROR).

#### **SUMMARY OF ARGUMENT**

The Referee erred by recommending only an admonishment as the appropriate discipline where Respondent was found guilty of a pattern of neglect, resulting in actual client harm, and of fabricating evidence. The appropriate discipline is a rehabilitative suspension of at least ninety-one (91) days.

#### **ARGUMENT**

##### **THE REFEREE ERRED BY RECOMMENDING AN ADMONISHMENT AND SUSPENSION IS THE APPROPRIATE DISCIPLINE**

The Referee has recommended that Respondent be found guilty of failing to act with reasonable diligence in representing Morales. The Referee found three distinct and identifiable instances where Respondent clearly failed to act with reasonable diligence. The Referee specifically found that Respondent engaged in a pattern of neglect. The Referee also found client harm, both actual and potential, and found that Respondent presented fabricated and false evidence during the defense of the

matter below.<sup>13</sup>

As a result of Respondent's neglect, he failed to settle the Morales matter or to file a lawsuit on her behalf from July 1992 through August 1995, a period of over three (3) years. This delay was unreasonable and caused needless anxiety for Morales and eventually undermined her confidence in Respondent.

Rule 4-1.3 of the Rules of Professional Conduct provides that a lawyer must act with reasonable diligence and promptness in representing a client. The comment to this Rule provides in pertinent part, as follows:

Perhaps no professional shortcoming is more widely resented than procrastination. A client's interest often can be adversely affected by the passage of time or the change of conditions; .... Even when the client's interest are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer.

Respondent's conduct in this case warrants a ninety-one (91) days suspension<sup>14</sup> because of Respondent's misconduct, especially

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<sup>13</sup> The Referee's findings also included two additional aggravating factors and three mitigating factors.

<sup>14</sup> While public reprimand is the most common sanction for isolated instances of neglect, The Florida Bar v. Price, 569 So.2d 1261 (Fla. 1990), Respondent's conduct herein involved both a pattern of neglect and matters of aggravation. Therefore, public reprimand is not

a pattern of neglect and aggravating factors including the submission of false evidence and false statements during the disciplinary process. The submission of false evidence during the disciplinary process constitutes significant aggravation for disciplinary purposes.<sup>15</sup>

As this Court stated in The Florida Bar v. Poplack, 599 So. 2d 116, 118 (Fla. 1992):

We have held that bar disciplinary proceedings must serve three purposes: first, the judgment must be fair to society, both in terms of protecting the public from unethical conduct and at the same time not denying the public the services of a qualified lawyer; second, the judgment must be fair to the respondent, being sufficient to punish a breach of ethics and at the same time encourage reformation and rehabilitation; and third, *the judgment must be severe enough to deter others who might be prone or tempted to become involved in like violations.* The Florida Bar v. Lord, 433 So. 2d 983, 986 (Fla. 1983) (emphasis in original)

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appropriate.

<sup>15</sup> This Court has found that the submission of false documents and testimony constitutes a violation of Rule 4-3.3(a)(1) (Candor Towards The Tribunal). The Florida Bar v. Kleinfeld, 648 So.2d 698 (Fla. 1995) (finding a violation of Rule 4-3.3 when the referee found the respondent fabricated her testimony in an effort to mislead the court in its determination of the facts). It would also be a violation of Rule 4-8.4(c), (conduct involving dishonesty, fraud, deceit, or misrepresentation).

Respondent's conduct in this case encompasses several different acts of lack of diligence, including the failure to deliver funds which belonged to his client. Also, the numerous fraudulent acts of the Respondent, cited above, were extremely serious. Respondent should be severely disciplined for his repeated falsification of evidence.

The fabrication of evidence undermines the legal system. Such conduct by an officer of the Court contributes significantly to negative attitudes and disrespect for our judicial system. A substantial discipline in response to such conduct is required to deter future transgressions of a similar nature.

The following cases in which this Court ordered a suspension of ninety days or more provides ample authority for a ninety-one (91) day suspension.

In The Florida Bar v. Adler, 505 So. 2d 1334 (Fla. 1987), a single violation of the rules by fraudulently backdating an instrument, resulted in a 90 day suspension. This case involves several acts of submission of false and fraudulent evidence, one of which consists of multiple false entries in a logbook. In addition, this case involves several findings of neglect i.e., lack of diligence. Those numerous acts of wrongdoing, i.e., cumulative misconduct, must be dealt with more severely than

isolated misconduct, The Florida Bar v. Vernell, 374 So. 2d 473 (Fla. 1979). That principle should remain in clear focus when additional applicable case law is evaluated.

Several cases involving neglect should serve as standards for this disciplinary matter. In The Florida Bar v. Jones, 543 So. 2d 751 (Fla. 1989), Respondent was found to be in violation of several rules relating to diligence and/or neglect. An additional act resulted in a separate violation, namely the failure to cooperate with the Bar investigation. Based upon the aggravating factors, this case, like Jones includes two different types of violations which are similar to those in Jones. This case involves more acts which were violative of the rules and/or constituted aggravation, including the very serious transgression of submitting false evidence. Jones received a ninety one day suspension.

The Florida Bar v. Fath, 368 So. 2d 357 (Fla. 1979) dealt solely with one case of neglect and, therefore, one type of violation. The discipline ordered by this Court was ninety (90) **days**. This Court also held that a ninety (90) day suspension was appropriate for neglect and conduct involving deceit in The



Florida Bar v. Harper, 518 So. 2d 262 (Fla. 1988)<sup>16</sup>

In The Florida Bar v. Schilling, 486 So. 2d 551 (Fla. 1986), the Court approved the Referee's recommendation of a public reprimand and a six month suspension for lack of diligence in two cases. There were no aggravating factors.

There are other cases which help to determine the appropriate discipline for this Respondent. The Respondent was suspended for six months in The Florida Bar v. Jones, 457 So. 2d 1384 (Fla. 1984). The same elements of neglect and misrepresentation, which occurred in this case, constituted the violations in Jones. Jones' suspension was also based upon cumulative conduct (previous misconduct), but no additional aggravating factors were found to exist.

Several negligent acts in regard to a corporate client resulted in a one year suspension in The Florida Bar v. Gunther, 390 so. 2d 1192 (Fla. 1980). No aggravating factors or cumulative misconduct existed. Several negligent acts, including failure to promptly disburse client funds, produced a twelve month suspension in The Florida Bar v. Segal, 441 So. 2d 624 (Fla. 1983). Misrepresentation, neglect and the failure to

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<sup>16</sup> A longer suspension **was** deemed appropriate for trust account violations.

promptly deliver property belonging to the client warranted a suspension for eighteen (18) months in The Florida Bar v. Hotaling, 470 so. 2d 689 (Fla. 1985).

The discipline imposed in the cases cited herein is the type of discipline which is appropriate to deal with the conduct of the Respondent in this case. The recommendation of an admonishment is inadequate to serve as a deterrent and constitutes error. A ninety-one day suspension would be effective to meet the purpose of discipline, including serving as a deterrent.

Suspension is also appropriate under the Florida Standards for Imposing Lawyer Sanctions. Under Standard 4.42, absent aggravating or mitigating circumstances, suspension is appropriate when a lawyer engages in a pattern of neglect and causes injury or potential injury to a client,

With reference to the Referee's finding that Respondent presented fabricated evidence in defending the case below, Standard 6.1 provides that suspension is appropriate when a lawyer knows that false statements or documents are being submitted to the court and the lawyer takes no remedial action.

When Respondent's misconduct is considered in its totality, the ONLY appropriate discipline warranted under the Standards

would be a suspension. Because of the totality of the misconduct, a rehabilitation suspension is warranted.

As discussed above there were both aggravating and mitigating factors found by the Referee.

Under Standard 9.22, Aggravation, the following factors were found to exist:

(f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;

(g) refusal to acknowledge wrongful nature of conduct; and

(i) substantial experience in the practice of law.

The serious nature of the first of these three factors has been emphasized above.

#### CONCLUSION

Under the case law and the Standards, a ninety-one (91) suspension is the appropriate discipline for the Respondent.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **was** mailed to Jerome H. Shevin, Esquire, Attorney for Respondent, 100 North Biscayne Blvd., 30th Floor, Miami Florida 33132 and to John T. Berry, Staff Counsel, 650 Apalachee Parkway, Tallahassee, Florida 32399-2300 on the **23rd** day of December, 1997 .



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IN THE **SUPREME** COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,

Supreme Court Case  
No. 88,254

vs.

JULIO V. ARANGO,  
Respondent.

The Florida Bar File  
No. 96-70,369 (11N)

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS: Pursuant to the undersigned being duly appointed as Referee for the Supreme Court of Florida to conduct disciplinary proceedings as provided for by Rule 3-7.5 of the Rules Regulating The Florida Bar, a Final Hearing was held on February 24 through 26, 1997. All of the pleadings, transcripts, notices, motions; orders and exhibits in the above referenced matter, are forwarded with this report and the foregoing constitutes the record of the case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Billy J. Hendrix  
Suite M-100, Rivergate Plaza  
444 Brickell Avenue  
Miami, Florida 33131

For The Respondent: Jerome H. Shevin  
100 N. Biscayne Blvd., 30th Floor  
Miami, Florida 33132

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH

THE RESPONDENT IS CHARGED: After considering all of the record herein, including the parties' written closing arguments and memoranda of law, I find that the facts set out in The Florida Bar's complaint are true. I specifically find as follows:

1. That Respondent' is, and was at all times material herein, a member of The Florida Bar subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. On or about July 6, 1992 Respondent was engaged by Maria Morales (Morales) to represent her in a personal injury matter which resulted from an accident in which she was involved on June 26, 1992.

3. At the initial interview, as a part of Respondent's internal office procedures a client information sheet was filled out by Respondent or his staff. As a part of the interview Respondent's office policy mandated that Morales be asked whether she owned an automobile. Despite Mr. Arango's testimony at trial that Mrs. Morales was asked about ownership of automobiles by herself or other members of her family, Respondent's records do not indicate that the question was asked or answered.

4. It wasn't until April 1993 that Respondent, or his

staff, asked Morales whether she owned an automobile. At that time she advised that she did and it was a 1985 Ford. Morales testified that in July 1992 she knew that she owned an automobile. It is apparent that had Morales been asked in July 1992 she would have told Respondent that she owned an automobile, The delay of nine (9) months in obtaining this information was unreasonable. I find that Respondent failed to use reasonable diligence in ascertaining this information from Morales.

5. Respondent's nine month delay in obtaining the automobile ownership information from Morales caused potential harm to Morales.<sup>1</sup>

6. In late June 1994 Respondent received two checks from Fidelity National Insurance Co. (Fidelity), Morales' personal injury protection insurance (PIP) carrier. Said checks were issued on June 14, 1994 and were payable to Morales. Said checks became void ninety 90 days after their date of issue.

7. Respondent did not advise Morales that he had received the PIP checks. Respondent placed the checks in Morales' file where they stayed for nine (9) months. When Morales eventually

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<sup>1</sup> The personal injury protection carrier could have asserted a policy defense of lack of timely notice of the accident, which could have resulted in a denial of the payment of Morales' medical bills.

learned that Respondent had the checks they had become void and had to be re-issued by Fidelity. Morales did not obtain the use and benefit of the PIP funds until May 1995.

8. Respondent's failure to advise Morales that he had the PIP checks and placing them in the file for nine (9) months caused an unreasonable delay in Morales having the use and benefit of said PIP-checks. I find that Respondent failed to use reasonable diligence in delivering said PIP checks to Morales.

9. Respondent's unreasonable delay in delivering the PIP checks to Morales caused her, slight, but actual harm.

10. On March 23, 1994 Geico requested in writing that Respondent obtain and deliver to Geico certain pre-accident dental records from Morales' treating dentist, Filiberto Herdocia, DDS. Respondent did not respond to this letter.

11. On April 28, 1994 Geico sent a second written request to Respondent for the same dental records. Respondent failed to respond to this letter.

12. On June 9, 1994 Respondent's secretary told Geico that Respondent would get the dental records.

13. On June 15, 1994 Respondent sent a letter to Geico advising Geico to request the dental records from Dr. Herdocia.

14. On June 23, 1994, pursuant to Respondent's request,



Geico sent a medical authorization to Respondent, to be signed by Morales and returned to Geico.

15. Morales signed the medical authorization between July 5, 1994 and July 8, 1994

16. On August 16, 1994 Geico made a written inquiry as to the medical authorization,. Respondent failed to respond to Geico's inquiry. \*

17. On October 5, 1994 Marlene Arce, Respondent's secretary, told Geico that she had the medical authorization and would send it to Geico.

18. On October 24, 1994 Respondent mailed to Geico the signed medical authorization, on which it is indicated that it had been signed by Morales on October 20, 1994.<sup>2</sup>

19. On January 25, 1995 and again on May 25, 1995 Geico requested Respondent's assistance in obtaining the pre-accident dental records.

20. At no time prior to his discharge did Respondent notify Dr. Herdocia or his office that Geico had requested Morales' pre-accident dental records. At no time prior to his discharge did

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<sup>2</sup> The medical authorization was not executed on October 20, 1994. Morales was not in the United States on this date.

Respondent deliver said dental records to Geico.

21. It was Respondent's duty to act with commitment, dedication and zeal in pursuing Morales' personal injury case. It was in Morales' interest that the pre-accident dental records be timely delivered to Geico, so that a settlement could be reached or suit filed. Respondent could not delegate his responsibility for advancing Morale's' interest to Geico.

22. Respondent failure to notify Dr. Herdocia that Geico had requested Morales' pre-accident dental records, his failure to respond to Geico's requests for the dental records, his failure to deliver to Geico the medical authorization which he had in his office for over four (4) months and his ultimate failure to deliver Morales' pre-accident dental records to Geico, combined with Respondents failure to notify Mrs. Morales of the existence of the two "Fidelity" checks each, constitute a failure by Respondent to act with reasonable diligence and promptness in representing Morales.

23. Each of the specific acts of neglect and/or lack of diligence set out hereinabove evidences a pattern of neglect by Respondent in the Morales matter. Respondent engaged in a pattern of neglect in this matter.

24. As a part of his defense Respondent presented evidence

and documents which were false or fabricated. Respondent submitted during these proceedings the following false or fabricated evidence:

a. the medical authorization (Bar's Exhibit 30), which was falsely notarized;

b. respondent's letter of October 20, 1994 to Dr. Herdocia (Bar's Exhibit 6), which was fabricated;

c. respondent's letter of February 21, 1995 to Dr. Herdocia (Bar's Exhibit 7), which was fabricated;

d. respondent's letter of March 21, 1995 to Dr. Herdocia (Bar's Exhibit 8), which was fabricated; and

e. various entries in Respondent's log (Bar's Exhibit 10), which were fabricated.

COMMENT BY REFEREE

The Referee had a great deal of difficulty in resolving what appears to be conflicting testimony of some of the witnesses. It also is very apparant that Mrs. Morales had been less than candid and forthright with her attorney, and that Dr.Herdocia"s pffice procedure and inexperience in dealing with such matters caused a great deal of confusion to all parties concerned. Nonetheless, the Referee believes the Respondent Mr. Arango could have, indeed should have, been more diligent in the

handling of the case and the gathering of the important factual material he needed to resolve the issues. In addition, the Referee believes the better procedure regarding the two "Fidelity PIP Checks" would have been to place them in Mr. Arango's trust account and to immediately notify the client and discuss the matter with her as to the disposition of the funds.

III.- RECOMMENDATION AS TO GUILT:

The Referee recommends that the Respondent be found guilty of the following violations, to wit:

Guilty of violating Rule 4-1.3 (Diligence) of the Rules of Professional Conduct.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED:

The Referee finds that Respondent's conduct falls within the conduct described in Standard 4.42 of the Florida Standards for Imposing Lawyer Sanctions (hereinafter Standard).

Under Standard 9.22, I find the following aggravating factors: (f) submission of suspected false evidence, suspected false statement or other deceptive practices during the disciplinary process; (g) refusal to acknowledge wrongful nature of conduct; and (I) substantial experience in the practice of law.

Under Standard 9.32, the Referee finds the following

mitigating factors: (a) absence of a prior disciplinary record; (g) character or reputation (good), and (j) apparant interim rehabilitation.

In light of the foregoing, the Referee recommends that the Respondent be admonished under the provisions of Standard 4.44, and further, that Respondent be responsible for the payment of costs as herein further described

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD:

Age: 55  
Date Admitted to Bar: July 7, 1978  
Prior disciplinary record: None

VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED\*. I find the following costs were reasonably incurred by The Florida Bar.

Administrative fee . . . . .	\$ 750.00
Court Reporter's attendance and transcript of deposition of Ms. Arce taken 10/18/96 . . . . .	550.45
Court Reporter's attendance and transcript of deposition of Ms. Loredo taken 10/18/96 . . . . .	110.20
Court Reporter's attendance and transcript of deposition of Dr. Herdocia 10/25/96 . . . . .	430.25
Court Reporter's attendance and transcript of deposition of Ms. Vigil-Farinas taken 10/30/96 . . . . .	381.30
Court Reporter's attendance and transcript of deposition of Mr. Patino taken 11/2/96 . . . . .	177.25
Court Reporter's attendance and transcript of deposition	

