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IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ARTURO DOPAZO III,

Respondent.

_____/

Supreme Court Case No. SC-

The Florida Bar File No. 2012-70,885 (11K)

RECEIVED, 07/15/2015 01:58:32 PM, Clerk, Supreme Court

COMPLAINT OF THE FLORIDA BAR

The Florida Bar, Complainant, files this Complaint against Arturo Dopazo III, Respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and at all times mentioned in the complaint was, a member of The Florida Bar, admitted on November 18, 1996, and is subject to the jurisdiction of the Supreme Court of Florida.

2. The Eleventh Judicial Circuit Grievance Committee "K" found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

3. Pursuant to a Federal investigation by the Federal Bureau of Investigation, non-lawyer, Ruben Rodriguez ("Rodriguez") and Maria Victoria Suarez, a.k.a. Maria Herrera ("Suarez"), husband and wife, illegally obtained

patient records from an employee at Jackson Memorial Hospital and from an ambulance company employee that transported patients to Miami-Dade hospitals and health care clinics. Suarez, like Rodriguez, was also a non-lawyer.

4. The Federal investigation uncovered illegal kickbacks paid to Rodriguez from medical clinics and a patient/client recruiting scheme involving local attorneys. The Respondent is one of the attorneys implicated in the patient/client recruiting scheme.

5. As a result of his illegally obtaining these patient records, Rodriguez pled guilty to two (2) felony charges of conspiracy and one (1) felony charge of aggravated identity theft and was sentenced to eleven (11) years in prison in addition to other sanctions. For her part, Suarez pled guilty to one (1) felony charge of conspiracy and was sentenced to credit time served for the one (1) day she spent in jail along with eighteen (18) months house arrest in addition to other sanctions.

6. In this regard, Respondent knowingly permitted Rodriguez, a non-lawyer to act as his agent to solicit clients on Respondent's behalf to whom Respondent had no family or prior professional relationship.

7. For his part in the foregoing scheme, Respondent knowingly collected illegal or prohibited legal fees that were obtained through solicitation by non-lawyer Rodriguez.

8. During an interview with the Federal Bureau of Investigation, Rodriguez explained the patient/client recruiting scheme as follows. First, he or someone on his behalf would call a patient directly to see if they wanted an attorney and if so, they would give the patient's telephone number to the attorney. Secondly, Rodriguez would then send the patient to the attorney's office. Finally, if a patient was sent to a medical clinic involved in the illegal kickback scheme and the case settled, the attorney would give Rodriguez the patient's PIP payout sheet and closing statement so the referral fee could be calculated. Respondent was one of the attorneys who participated in this scheme and paid Rodriguez a fee for the referral of patients/clients. A true and correct copy of the report from the Federal Bureau of Investigation relative to Rodriguez is attached hereto as Exhibit "A."

9. A patient/client list created by Rodriguez for Asclepius Medical, Inc., one of the medical clinics involved in the illegal kickback scheme along with a Bar audit of Respondent's bank records confirms that the Respondent collected legal fees from at least 33 patients/clients that were obtained through solicitation by Rodriguez. A true and correct copy of the patient/client list for Asclepius Medical, Inc. along with the Bar audit results are attached hereto as Exhibit "B."

10. During an interview with the Federal Bureau of Investigation, Miguel Betancourt ("Betancourt"), the owner of Asclepius Medical, Inc., explained how the kickback and patient/client recruiting scheme worked. After an accident,

patients were directly contacted by someone who told them they represented an attorney and ultimately those patients were referred to that attorney. In turn, the attorney would refer the patients to the medical clinic. The patients sent to the medical clinic were the solicited clients of Rodriguez. Betancourt then paid Rodriguez a fee for the referral of the patients. Respondent was one of two attorneys who represented Betancourt's patients for whom he paid Rodriguez a kickback fee. A true and correct copy of the report from the Federal Bureau of Investigation relative to Betancourt is attached hereto as Exhibit "C."

11. During an interview with the Federal Bureau of Investigation, Raul Martinez ("Martinez"), the owner of Personal Injury Clinic, admitted that he also paid Rodriguez a fee for the referral of patients to his clinic. Martinez stated that Respondent was one of the attorneys that represented these solicited patients. Martinez further stated he was introduced to Rodriguez by the Respondent. Finally, Martinez advised the Federal Bureau of Investigation that he paid Respondent directly once or twice for patient referrals. A true and correct copy of the report from the Federal Bureau of Investigation relative to Martinez is attached hereto as Exhibit "D."

12. Respondent paid Rodriguez a fee for the solicited clients and in doing so knowingly shared legal fees with a non-lawyer.

13. During the interview with the Federal Bureau of Investigation, Rodriguez stated the Respondent paid him 33% of the amount Respondent collected for each patient/client Rodriguez sent to Respondent. See Exhibit "A."

14. As a means to conceal this patient/client recruiting scheme and sharing of legal fees with non-lawyer Rodriguez, Respondent made payments to Miami-Dade Services, Inc.

15. Miami-Dade Services, Inc. was controlled by Rodriguez and his wife Suarez and is one of three (3) shell companies established by Rodriguez to receive illegal kickbacks from medical clinics and attorneys.

16. Upon the Bar's review of the Respondent's banking records, it was discovered that from February 2005 through April 2009, Respondent disbursed at least 31 payments totaling $68,833.33 from his law firm's operating account to Miami-Dade Services, Inc. A true and correct Bar audit report for Respondent's banking records is attached hereto as Exhibit "E."

17. Substantially all of the 31 payments from Respondent to Miami-Dade Services, Inc., were recorded in Respondent's accounting records as being for "investigators."

18. Pursuant to the Bar's inquiry as to the 31 payments, Respondent admitted to making the payments but claimed they were made on letters of

protection for healthcare services furnished to his clients at a clinic operated by Rodriguez.

19. Respondent's own admission to the Bar as to the 31 payments to Miami-Dade Services, Inc., contradicts the Respondent's accounting records.

20. Respondent shared legal fees with a non-lawyer by making the 31 payments to Miami-Dade Services, Inc. for the referral of solicited clients.

21. Respondent, through his participation in the patient/client recruiting scheme, including but not limited to obtaining clients through solicitation by a non-lawyer and the subsequent sharing of legal fees with a non-lawyer, did violate the Rules of Professional Conduct or knowingly assisted or induced another to do so.

22. Further, Respondent through his participation in the patient/client recruiting scheme, including but not limited to the attempts to conceal the sharing of legal fees with a non-lawyer through the use of a shell company and fraudulent accounting entries, did engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

23. Finally, Respondent either directly himself or through an employee/ agent, knowingly solicited the mother of an injured child at the hospital while the child was in a coma.

24. Pursuant to the Bar's inquiry, Penny L. Jones ("Jones") stated that an individual came to see her at the hospital without her prior knowledge or consent

to engage her as a client for the Respondent. During these visits, Jones stated the individual gave her a business card and an engagement letter for the Respondent. Jones further stated that prior to the aforementioned visits, she had not contacted any attorney nor had expressed the desire to speak or engage an attorney to represent her or her minor child. A true and correct affidavit from Jones given to the Bar is attached hereto as Exhibit "F."

25. Pursuant to the Bar's inquiry, the Respondent admits that he represented Jones for her child's case. Respondent claims he visited Jones at the hospital but only at her request. Respondent admits he is unaware of who referred this case to his office.

26. Respondent, by either directly soliciting Jones or through the solicitation by Respondent's employee or agent, did violate the Rules of Professional Conduct or knowingly assisted or induced another to do so.

27. Wherefore, by reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

A. 4-1.5 (prohibited fee obtained via solicitation)

B. 4-5.4 (sharing fees with a non-lawyer)

C. 4-7.18 (direct contact with prospective client)

D. 4-8.4(a) (violate Rules of Conduct)

E. 4-8.4(c) (dishonesty, fraud, misrepresentation, deceit)

WHEREFORE, The Florida Bar prays Respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

Patrick Russell, Bar Counsel
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CERTIFICATE OF SERVICE

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida with a copy provided via email to Respondent's Counsel, John A. Weiss, at jack@johnaweisspa.com; using the e-filing portal and that a copy has been furnished by United States Mail via certified mail No. 7014 2120 0003 2092 9011, return receipt requested to Respondent's Counsel, John A. Weiss, whose record bar address is at John A. Weiss P.A. 2937 Kerry Forest Parkway, Suite B2 Tallahassee, Florida 32309, and via email to Patrick Russell, Bar Counsel, prussell@flabar.org, on this 15th day of July, 2015.

Adria E. Quintela

ADRIA E. QUINTELA
Staff Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Patrick Russell, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Miami Branch Office, 444 Brickell Avenue, Suite M-100, Miami, Florida 33131, (305) 377-4445 and prussell@flabar.org and Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Adria Quintela, Staff Counsel, The Florida Bar, Lakeshore Plaza II, Suite 130, 1300 Concord Terrace, Sunrise, Florida 33323, aquintel@flabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.