

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case No.
SC15-1305

Complainant,

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

v.

ARTURO DOPAZO III,

Respondent.

_____ /

**THE FLORIDA BAR RESPONSE TO THE MOTION FOR REHEARING
BY RESPONDENT, ARTURO DOPAZO III.**

The Florida Bar, hereby files this Response to the Motion for Rehearing by Respondent, Arturo Dopazo III, and in support thereof states:

1. This Honorable Court did not misapprehend Respondent's argument, it simply did not agree with it.

2. Respondent's Motion for Rehearing repeats Respondent's primary argument that was exhaustively covered in his Amended Initial Brief in over eleven pages (pp. 16-26) and again in the Reply/Cross-Answer Brief for another seven pages (pp 15-21).

3. As a result, this exact argument by Respondent was addressed in detail by The Florida Bar in its Answer and Cross Brief for over twelve pages (pp. 19-30).

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4. The presumption that this Honorable Court did not understand Respondent's argument after a full thirty pages of briefs were dedicated to it is puzzling to say the least.

5. Regardless, The Florida Bar has established that there was record evidence to support the finding of guilt for the solicitation charge. That included trial testimony from both the Respondent himself as well as Penny Jones. As such, the solicitation case was not solely circumstantial as Respondent continues to argue. Further, it was shown that the solicitation case was never inextricably tied to the illegal patient recruiting scheme as Respondent claims. The solicitation case stood on its own and did not depend upon the illegal patient recruiting scheme. The Referee understood this, and he found Penny Jones to be a credible witness when he accepted her testimony over Respondent's testimony as to the issue of solicitation.

6. Overall, Respondent has failed to demonstrate there is no evidence in the record to support the finding of guilt for solicitation. Likewise, Respondent admits that it is the Referee's job to weigh evidence and determine credibility upon record evidence. The Referee did just that in this case, and as this Honorable Court has observed, it will not reweigh the evidence or overturn the Referee's judgment absent clear and convincing evidence.

WHEREFORE The Florida Bar respectfully requests that this Honorable Court deny the Motion for Rehearing by Respondent, ARTURO DOPAZO III.

CERTIFICATE OF SERVICE

I certify that The Florida Bar Response To The Motion For Rehearing By Respondent, Arturo Dopazo III, has been e-Filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-Filing Portal and that a copy has been furnished by U.S. Mail via Certified Mail No.7014 2120 0003 5156 4779, return receipt requested to Andrew Scott Berman, Counsel for Respondent, to 1001 Brickell Bay Drive, Suite 1704, Miami, FL 33131-4939 and via e-mail to aberman@ybkglaw.com; and to Adria E. Quintela, Staff Counsel, The Florida Bar at aquintel@flabar.org on October 16, 2017.



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