

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

CHARLES A. ESPOSITO,

Respondent.

Supreme Court Case
No.

The Florida Bar File
No. 2019-30,552(07B)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Charles A. Esposito, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2019-30,552(07B).
3. As to The Florida Bar File No. 2019-30,552(07B), there has been a finding of probable cause by the grievance committee.
4. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

5. The disciplinary measures to be imposed upon respondent are as follows:

A. Public reprimand by publication.

B. Completion of Ethics School within six months of the Supreme Court of Florida order approving this Conditional Guilty Plea for Consent Judgment.

C. Payment of the bar's disciplinary costs.

6. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. Respondent represented complainant in a criminal case. Respondent charged complainant a nonrefundable fee. Respondent failed to confirm the nonrefundable fee in writing.

B. Complainant filed several pro se pleadings attacking respondent's representation of him. Respondent filed a motion to withdraw as counsel for complainant. In the motion, respondent clarified some misrepresentations made by the client to the court and thus revealed information relating to the representation.

C. The client was not prejudiced as a result of respondent's Motion to Withdraw.

7. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter: 4-1.5(e) Duty to Communicate Basis or Rate of Fee or Costs to Client and Definitions; 4-1.6(a) Consent Required to Reveal Information; 4-8.4(d) Misconduct.

8. The following aggravation is applicable in this matter: prior disciplinary offenses [Standard 9.22(a)]; and substantial experience in the practice of law [Standard 9.22(i)].

9. The following mitigation is applicable in this matter: absence of a dishonest or selfish motive [Standard 9.32(b)]; full and free disclosure to disciplinary board or cooperative attitude toward proceedings [Standard 9.32(e)]; and remorse [Standard 9.32(k)]. Respondent's prior disciplinary offenses were of a different nature and over five years ago.

10. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

11. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

12. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,317.57. These costs are due within 30 days of the court order. Respondent

agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate.

Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

13. Respondent acknowledges the obligation to pay the costs of this proceeding (and any agreed restitution) and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding or restitution will reflect adversely on any other bar disciplinary matter in which respondent is involved.

14. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

15. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 7th day of March, 2020.



CHARLES A. ESPOSITO

Respondent

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Dated this 8 day of MARCH, 2020.



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Dated this 9th day of March, 2020.

Carrie C. Lee

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