

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

CHARLES A. ESPOSITO,

Respondent.

Case No.

[Bar File No. 2011-30,748(07B);
2012-31,420(07B);
2013-30,102(07B)]

COMPLAINT

The Florida Bar, complainant, files this Complaint against Charles A. Esposito, 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 December 24, 1992, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent practiced law in St. Johns County, Florida, at all times material.

COUNT I

[Bar File No. 2011-30,748(07B)]

The Florida Bar re-alleges paragraphs one and two as if set forth fully herein and further alleges:

3. On January 25, 2013, the Seventh Judicial Circuit Grievance Committee B 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.

4. On or about May 7, 2010, David A. Weiss hired respondent to represent him in a child support matter after receiving a letter from the Commonwealth of Massachusetts Department of Revenue Child Support Enforcement Division. Mr. Weiss paid respondent \$4,500.00 to represent him in the child support matter.

5. On or about May 15, 2010, Mr. Weiss sent respondent his documentation in the underlying dissolution case and filled out and submitted to respondent a financial affidavit and other paperwork. Mr. Weiss had to resend the documentation when respondent's staff informed him that the documentation could not be located or that it had been lost.

6. On or about July 12, 2010, Mr. Weiss faxed respondent the Notice of Child Support Action he had received from the Florida Department of Revenue Child Support Enforcement.

7. On or about July 27, 2010, the Florida Department of Revenue filed a Complaint on UIFSA Petition, Child Support Enforcement Transmittal #1 – Initial Request, General Testimony and Uniform Support Petition in State of Florida,

Florida Department of Revenue, On Behalf Of: Susan O'Connell, Petitioner v. David Weiss, Respondent, Case No. DR10-1454, in the Circuit Court, Seventh Judicial Circuit, in and for St. Johns County, Florida.

8. Immediately upon receiving the complaint, Mr. Weiss provided a copy to respondent. Respondent's staff advised Mr. Weiss that the documentation had been lost so Mr. Weiss resent it.

9. Mr. Weiss repeatedly attempted to contact respondent regarding the response to the child support complaint. Respondent failed to respond to Mr. Weiss' attempts at communication.

10. On or about August 20, 2010, upon being unable to communicate with respondent and the deadline for filing his response to the complaint fast approaching, Mr. Weiss hired another attorney to handle the child support matter for which respondent had been hired and paid.

11. Thereafter, Mr. Weiss left a message for respondent that he was terminating the representation. He requested a full accounting of the work done on his behalf, a copy of the work be transferred to his new attorney and a refund. Respondent failed to respond to Mr. Weiss' requests.

12. On or about August 24, 2010, Mr. Weiss received a voicemail from respondent. He called respondent back and spoke with his staff reaffirming respondent's termination and requested an accounting and a refund.

13. On or about August 24, 2010, despite being terminated by Mr. Weiss, respondent filed a Notice of Appearance in the matter referenced in paragraph 7. At the time respondent filed the notice, he knew that Mr. Weiss had terminated the representation.

14. On or about September 1, 2010, Mr. Weiss wrote to respondent requesting an accounting of respondent's hours and a refund.

15. Mr. Weiss' new attorney filed an Answer to the child support complaint on or about September 2, 2010.

16. On or about September 10, 2010, Mr. Weiss' new attorney filed a Joint Stipulation for Substitution of Counsel. An Order of Substitution of Counsel was issued on September 16, 2010.

17. On or about September 13, 2010, Mr. Weiss again wrote to respondent seeking an accounting of respondent's hours and a refund. Respondent did not respond to either communication.

18. On or about October 19, 2010, Cynthia Nelson, Mr. Weiss' wife, e-mailed respondent a copy of Mr. Weiss' September 1, 2010 letter referenced in paragraph 14. Respondent failed to respond to this e-mail.

19. On or about October 27, 2010, Ms. Nelson e-mailed respondent a copy of Mr. Weiss' September 13, 2010 letter referenced in paragraph 17. Respondent failed to respond.

20. On or about March 30, 2011, the bar wrote respondent seeking additional information to fully investigate this matter. Respondent was required to respond by April 11, 2011. Respondent failed to timely respond to the bar's inquiry.

21. On or about April 13, 2011, the bar again wrote to respondent forwarding its March 30, 2011 letter and again advising him of his obligation to provide a response pursuant to rule 4-8.4 of the Rules Regulating The Florida Bar. On or about April 25, 2011, approximately 25 days after the bar's March 30, 2011 request for additional information, respondent provided a response to the bar.

22. As proof that he performed services for Mr. Weiss, respondent provided the bar with an Answer to Supplemental Petition to Increase Child Support with a Certificate of Service dated August 23, 2010. The answer was never filed with the court nor did respondent provide it to opposing counsel. Additionally, the answer responded to only six of the ten paragraphs in the complaint.

23. Respondent also provided the bar with a letter dated September 8, 2010, purportedly from his legal assistant, Angela Smith, to Mr. Weiss. The letter had purportedly enclosed a statement accounting for respondent's time and fees. Respondent represented that the letter had been sent to Mr. Weiss. Respondent did

not provide the bar with any statement or invoice to Mr. Weiss dated September 8, 2010 or earlier.

24. Respondent, however, provided the bar with two invoices dated February 24, 2011 and April 25, 2011 which respondent indicated he had previously provided to Mr. Weiss. Mr. Weiss denied receiving any statement or invoice accounting for respondent's time and fees.

25. In addition, the invoices which purported to detail the work performed by respondent contained misstatements. Respondent purported to have provided legal services to Mr. Weiss on January 8, 2010. Mr. Weiss however did not retain respondent until May 2010.

26. Further, in the earlier invoice respondent indicated that the initial consultation was on July 12, 2010. His second invoice related that the initial consultation was on May 7, 2010. In addition, the two invoices contained conflicting entries.

27. On or about May 29, 2012, the bar wrote respondent seeking additional information to fully investigate this matter. Respondent was required to respond by June 8, 2012. Respondent failed to timely respond to the bar's inquiry.

28. On or about June 21, 2012, the bar wrote to respondent forwarding its May 29, 2012 letter and again advising him of his obligation to provide a response pursuant to rule 4-8.4(g) of the Rules Regulating The Florida Bar. Respondent was

required to respond by July 2, 2012. On or about August 2, 2012, approximately 65 days after the bar's May 29, 2012 request for additional information, respondent provided a response to the bar.

29. On or about October 9, 2012, the bar wrote respondent seeking additional information to fully investigate this matter. The letter was e-mailed to respondent and he was required to respond as soon as possible. Respondent failed to respond to the bar's inquiry. Thereafter, on or about October 12, 2012, the bar e-mailed respondent forwarding its October 9, 2012 e-mail. Respondent failed to timely respond to the bar's inquiry. In his December 7, 2012 response, respondent failed to provide the information the bar requested.

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

a. 3-4.3 The standards of professional conduct to be observed by members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state

of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.

b. 4-1.3 A lawyer shall act with reasonable diligence and promptness in representing a client.

c. 4-1.4(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in terminology, is required by these rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows or reasonably should know that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

d. 4-1.4(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

e. 4-1.5(a) An attorney shall not enter into an agreement for, charge, or collect an illegal, prohibited, or clearly excessive fee or cost, or a fee generated by employment that was obtained through advertising or solicitation not in compliance with the Rules Regulating The Florida Bar. A fee or cost is clearly

excessive when: (1) after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee or the cost exceeds a reasonable fee or cost for services provided to such a degree as to constitute clear overreaching or an unconscionable demand by the attorney; or (2) the fee or cost is sought or secured by the attorney by means of intentional misrepresentation or fraud upon the client, a nonclient party, or any court, as to either entitlement to, or amount of, the fee.

f. 4-8.1(a) An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact.

g. 4-8.4(d) A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

h. 4-8.4(g)(2) A lawyer shall not fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency, as defined elsewhere in these rules, when bar counsel or the agency is conducting an investigation into the

lawyer's conduct. A written response shall be made within 10 days of the date of any follow-up written investigative inquiries by bar counsel, grievance committee, or board of governors.

COUNT II
[Bar File No. 2012-31,420(07B)]

The Florida Bar re-alleges paragraphs one and two as if set forth fully herein and further alleges:

31. On April 26, 2013, the Seventh Judicial Circuit Grievance Committee B 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.

32. On or about April 15, 2011, Jason Beau Phillips hired respondent to represent him in defending against a petition for injunction against domestic violence filed on April 11, 2011, by Mr. Phillips' mother, Bonnie M. Phillips. The case was styled Bonnie M. Phillips, Petitioner v. Jason Beau Phillips, Respondent, Case No. 11-574-FD, in the Circuit Court in and for Putnam County, Florida. Mr. Phillips paid respondent \$7,500.00.

33. On April 11, 2011, the court entered a Temporary Injunction for Protection against Domestic Violence Without Minor Children against Mr. Phillips and ordered the parties to appear on April 20, 2011, for a hearing on the matter.

34. At the April 20, 2011 hearing on the final judgment for injunction against domestic violence, it was clear that Mrs. Phillips, who was pro se, was confused about the matter. The judge continued the matter until April 27, 2011, and extended the temporary injunction to April 27, 2011, at 9:00 p.m.

35. Mrs. Phillips filed a Motion to Modify or Dissolve Temporary Injunction. She had the motion served on Mr. Phillips. Mr. Phillips provided a copy of the motion to respondent.

36. Respondent advised Mr. Phillips he did not need to appear at this hearing as his mother had dropped the injunction. Based upon respondent's advice, Mr. Phillips did not appear at the April 27, 2011 hearing.

37. Respondent failed to appear at the hearing on April 27, 2011. The hearing had not been cancelled nor had Mrs. Phillips' motion to dissolve been heard.

38. Respondent was aware that Mrs. Phillips was representing herself and, given the relationship between Mrs. Phillips and her son, there was reasonable belief that Mrs. Phillips might change her mind.

39. At the April 27, 2011 hearing, Mrs. Phillips withdrew her Motion to Modify or Dissolve Temporary Injunction and proceeded with the hearing.

40. The court entered a final injunction against Mr. Phillips at the April 27, 2011 hearing.

41. The final injunction was served on Mr. Phillips on May 11, 2011. The injunction required Mr. Phillips to enroll in a certified batterers' intervention program and provide proof of his enrollment to the court within 30 days of the date of the injunction.

42. Respondent filed a motion for rehearing. In his motion for rehearing, respondent argued that Mr. Phillips did not realize the ramifications of the final injunction. The motion for rehearing was denied in part because Mr. Phillips had appeared at the April 20, 2011 hearing and had been granted an opportunity to be heard.

43. Respondent failed to clearly advise his client of the requirement Mr. Phillips complete a batterer's class. As a result, Mr. Phillips failed to attend the class within the required time period.

44. On or about August 19, 2011, the court issued an Order to Show Cause against Mr. Phillips for his failure to provide proof of enrollment in a certified batterers' intervention program. The order requiring Mr. Phillips to appear before the presiding judge on September 21, 2011, with proof of his enrollment, was served on respondent on behalf of Mr. Phillips. Respondent failed to appear at the September 21, 2011 hearing despite being counsel of record in the case and having received notice of the hearing.

45. Mr. Phillips appeared by himself at the September 21, 2011 hearing where he provided proof that he completed the required course and had complied with the Court's order.

46. On or about May 14, 2011, Mr. Phillips was arrested for violating the injunction. On June 10, 2011, an Information was filed against Mr. Phillips. The case was styled State of Florida v. Jason Beau Phillips, Case No. 2011-1665MMMA, in the County Court of the Seventh Judicial Circuit, in and for Putnam County, Florida. On June 13, 2011, the court issued a Notice to Appear on June 30, 2011, addressed to respondent in Mr. Phillips' criminal matter.

47. On June 29, 2011, respondent entered a notice of appearance as counsel for Mr. Phillips in the criminal case. Thereafter, respondent failed to provide Mr. Phillips with diligent representation.

48. On July 5, 2011, the court in the criminal case issued a Notice to Appear on August 24, 2011, for the Pretrial. The notice was sent to respondent. On July 12, 2011, the court issued a revised notice to Mr. Phillips to appear at a pretrial conference set for August 24, 2011. The notice was addressed to Mr. Phillips.

49. On or about August 24, 2011, respondent filed a motion for continuance on Mr. Phillips' behalf stating that he was newly retained in the matter. Respondent, however, had entered his notice of appearance on June 29,

2011, almost 10 weeks prior to his request for a continuance. The pretrial hearing was continued until September 21, 2011.

50. Mr. Phillips scheduled several appointments with respondent. Respondent failed to keep the scheduled appointments or otherwise diligently represent and/or communicate with Mr. Phillips regarding the criminal case and the injunction case.

51. Mr. Phillips eventually hired new counsel and the criminal case was successfully resolved with a pretrial diversion program. On or about September 20, 2011, Mr. Phillips entered into a Deferred Prosecution Agreement. On or about September 28, 2011, the State filed a Notice of Successful Completion of Deferred Prosecution Agreement and Nolle Prossed.

52. In June 2011, Mr. Phillips was served with a Complaint in Ejectment. The case was styled Bonnie M. Phillips v. Beau Phillips, Case No. 11-258-CA-52, in the Circuit Court of the Seventh Judicial Circuit, in and for Putnam County.

53. Mr. Phillips contacted respondent whose staff informed him that respondent would take care of filing a response.

54. On or about July 13, 2011, Mr. Phillips learned that respondent had not filed a response.

55. Respondent failed to clearly communicate to Mr. Phillips that respondent did not intend to represent him in the ejectment case.

56. On May 18, 2012, the bar wrote to respondent notifying him of its investigation into this matter and seeking his response thereto as required by the Rules Regulating The Florida Bar. Respondent failed to timely respond to the inquiry.

57. By letter dated June 26, 2012, the bar notified respondent that he had not responded to the bar's May 18, 2012 letter. The bar sought respondent's response to Mr. Phillips' inquiry. Respondent failed to provide a timely response.

58. Approximately four months after the bar's initial inquiry, respondent filed his response. Respondent failed to timely respond to the bar's investigative inquiries in this matter.

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

a. 4-1.1 A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

b. 4-1.3 A lawyer shall act with reasonable diligence and promptness in representing a client.

c. 4-1.4(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in terminology, is required by these rules; (2) reasonably consult with the

client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows or reasonably should know that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

d. 4-1.4(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

e. 4-1.16(c) A lawyer must comply with applicable law requiring notice or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

f. 4-1.16(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers and other property relating to or belonging to the client to the extent permitted by law.

g. 4-8.4(g) A lawyer shall not fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency, as defined elsewhere in these rules, when bar counsel or the agency is conducting an investigation into the lawyer's conduct. A written response shall be made: (1) within 15 days of the date of the initial written investigative inquiry by bar counsel, grievance committee, or board of governors; (2) within 10 days of the date of any follow-up written investigative inquiries by bar counsel, grievance committee, or board of governors.

COUNT III
[Bar File No. 2013-30,102(07B)]

The Florida Bar re-alleges paragraphs one and two as if set forth fully herein and further alleges:

60. On May 24, 2013, the Seventh Judicial Circuit Grievance Committee B 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.

61. The bar received a notice of insufficient funds from respondent's bank at Wells Fargo regarding his trust account. Because of the overdraft, the bar, in its July 26, 2012 letter requested respondent explain the overdraft and requested he provide records for his trust account for January 1, 2012 to July 26, 2012. Respondent failed to timely respond.

62. By letter dated August 20, 2012, the bar informed respondent of his failure to respond to the bar's July 26, 2012 letter. The bar informed respondent of his obligation to provide a written response. Respondent failed to timely respond. He responded by letter dated August 31, 2012, approximately 67 days after the bar's initial letter.

63. After reviewing the documents, the bar wrote respondent on December 6, 2012, requesting an explanation of certain items and additional documents. After not receiving a response, the bar wrote respondent again on January 15, 2013. After still not receiving the requested information, the bar once again wrote respondent on January 29, 2013. Respondent finally provided the bar with a written response on February 22, 2013. Respondent failed to timely respond to the bar's inquiries into this matter.

64. Respondent's trust records had technical violations. For example, the journal provided by respondent was not in compliance with the Rules Regulating The Florida Bar as it was not clearly legible, did not have a running balance, there were two entries for every transaction (one as a positive amount and one as a negative amount) and numerous transactions lacked descriptions. The deposit slips failed to contain the source of funds and identification of the client.

65. On July 16, 2012, \$36,000.00 had been deposited into respondent's trust account. The deposit consisted solely of funds due respondent from a referral

fee. Respondent knew or should have known that the deposit should not have been made to his trust account as it was solely monies he was due.

66. Respondent stated that his secretary made the deposit into trust in error but that it should have been deposited into his operating account.

67. Respondent alleged he discovered the error on July 16, 2012, the same day of the deposit. Despite this knowledge, respondent wrote two checks to himself from his trust account in the amount of \$3,000.00 and \$8,000.00, respectively. Respondent caused the overdraft by writing checks against a deposit prior to the deposit being cleared.

68. Once the deposit was cleared, respondent did not withdraw his personal funds from the trust account within a reasonable amount of time in order to prevent commingling. Rather, respondent kept his personal funds in the trust account and made numerous disbursements over the course of approximately two months. The disbursements were to respondent or to others for respondent's personal or operating expenses.

69. Respondent subsequently brought his trust account records into substantial compliance with the bar rules.

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

- a. 4-1.15 A lawyer shall comply with The Florida Bar Rules

Regulating Trust Accounts.

b. 4-8.4(g) A lawyer shall not fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency, as defined elsewhere in these rules, when bar counsel or the agency is conducting an investigation into the lawyer's conduct. A written response shall be made: (1) within 15 days of the date of the initial written investigative inquiry by bar counsel, grievance committee, or board of governors; (2) within 10 days of the date of any follow-up written investigative inquiries by bar counsel, grievance committee, or board of governors; (3) within the time stated in any subpoena issued under these Rules Regulating The Florida Bar (without additional time allowed for mailing); (4) as provided in the Florida Rules of Civil Procedure or order of the referee in matters assigned to a referee; and (5) as provided in the Florida Rules of Appellate Procedure or order of the Supreme Court of Florida for matters pending action by that court.

c. 5-1.1(a)(1) A lawyer shall hold in trust, separate from the lawyer's own property, funds and property of clients or third persons that are in a lawyer's possession in connection with a representation. All funds, including advances for fees, costs, and expenses, shall be kept in a separate bank or savings and loan association account maintained in the state where the lawyer's office is situated or elsewhere with the consent of the client or third person and clearly labeled and designated as a trust account. A lawyer may maintain funds belonging

to the lawyer in the trust account in an amount no more than is reasonably sufficient to pay bank charges relating to the trust account.

d. 5-1.2(b)(2) Records may be maintained in their original format or stored in digital media as long as the copies include all data contained in the original documents and may be produced when required. The following are the minimum trust accounting records that shall be maintained original or clearly legible copies of deposit slips if the copies include all data on the originals and, in the case of currency or coin, an additional cash receipts book, clearly identifying the date and source of all trust funds received and the client or matter for which the funds were received.

e. 5-1.2(b)(5) A separate cash receipts and disbursements journal, including columns for receipts, disbursements, transfers, and the account balance, and containing at least: (A) the identification of the client or matter for which the funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred.

f. 5-1.2(b)(6) A separate file or ledger with an individual card or page for each client or matter, showing all individual receipts, disbursements, or transfers and any unexpended balance, and containing: (A) the identification of the

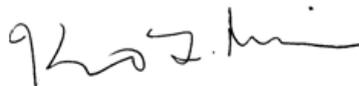
client or matter for which trust funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred.

g. 5-1.2(c)(5) The lawyer shall file with The Florida Bar between June 1 and August 15 of each year a trust accounting certificate showing compliance with these rules on a form approved by the board of governors.

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



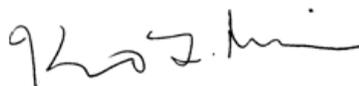
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CERTIFICATE OF SERVICE

I certify that this document has been e-filed with the Clerk of the Supreme Court of Florida, using the e-filing Portal and that a copy has been furnished by United States Mail via certified mail No. 7010 0780 0001 6735 8278, return receipt requested to Charles A. Esposito, Respondent, 94 Fulton Place, Palm Coast, Florida 32137-8404, and via electronic mail to cespositollc@gmail.com; with a copy by electronic mail to Frances R. Brown-Lewis, Bar Counsel, fbrownle@flabar.org, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, on this 20th day of December, 2013.



KENNETH LAWRENCE MARVIN
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Frances R. Brown-Lewis, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424 and fbrownle@flabar.org and orlandooffice@flabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, kmarvin@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.