

FLORIDA SUPREME COURT

01/23/2017

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IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

ANETT LOPEZ,
Respondent.

Supreme Court Case
No. SC16-1016

The Florida Bar File No.
2016-70,411(11K- OSC)

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REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On June 7, 2016, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. On December 21, 2016, an evidentiary hearing was held in this matter to determine if there was contempt as well as whether good cause exists for the alleged noncompliance with a subpoena for trust account records and other requests by The Florida Bar. All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and the report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Patrick Russell
The Florida Bar
444 Brickell Avenue, Suite M-100
Miami, FL 33131

For Respondent: *pro se*

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

II. FINDINGS OF FACT

Narrative Summary Of Case. This is a contempt and Order to Show Cause proceeding involving a subpoena dated July 27, 2015 that was served upon Respondent to produce trust account records as well as a letter from The Florida Bar dated September 30, 2015 to Respondent that requested additional information and records. The foregoing requests by The Florida Bar were in furtherance of an investigation involving the allegations by a medical clinic that Respondent did not properly pay or account for PIP case settlements.

In the Petition for Contempt and Order to Show Cause dated June 7, 2016, The Florida Bar alleged Respondent failed to fully respond to an official Bar inquiry and to produce all subpoenaed trust account records. Respondent filed a Verified Response to Order to Show Cause on June 23, 2016, in which Respondent

alleged her production of records was complicated by a computer virus but that she did deliver certain records to The Florida Bar that brought her into substantial compliance with the subpoena.

During the evidentiary hearing, the undersigned Referee listened to the testimony of all the witnesses, including the Respondent, Anett Lopez, and the representative of the Florida Bar, auditor Thomas Duarte. On account of the evidence and testimony presented, the undersigned Referee finds that The Florida Bar presented competent evidence that Respondent failed to comply with the subpoena for trust account records and other requests for information and records by The Florida Bar. Further, the undersigned Referee finds that despite Respondent's verified response, Respondent has not substantially complied with the requests of The Florida Bar. The failure to do so jeopardizes the integrity of The Florida Bar and the lawyers who practice as a privilege within this State. Finally, the undersigned Referee finds Respondent has not shown good cause for the failure to comply.

III. RECOMMENDATIONS AS TO GUILT.

I find Respondent to be in willful noncompliance with a subpoena for trust accounting records and other requests for information and documents from The Florida Bar, and there is no good cause for Respondent's failure to comply.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that Respondent be disciplined by:

- A. Suspension until there is full compliance.
- B. Payment of The Florida Bar's costs in these proceedings.

V. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following:

Personal History of Respondent:

Age: 42

Date admitted to the Bar: January 24, 2005

Aggravating Factors: n/a

Prior Discipline:

1. *The Florida Bar File No.2011-10,058(6B)* Respondent received a ten-day suspension from the practice of law by Court order dated February 20, 2012, for notarizing a client's family law pleadings outside of his presence, completion of improper notarial certificates, and the misapplication of trust funds for payments of costs from the client.
2. *The Florida Bar File No.2011-10,680(6B)* Respondent received a ten-day suspension from the practice of law by Court order dated March 27,

for a trust account overdraft caused by Respondent making disbursements of uncollected funds.

Mitigating Factors: n/a

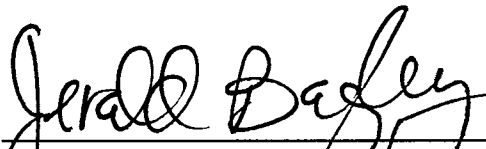
VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Administrative fee Rule 3-7.6(q)(1)(I)	\$ 1,250.00
Staff Auditor's Costs	\$ 7,659.00
Staff Investigator's Costs	\$ 610.30
 Court Reporter's Costs	 \$ 295.00
 TOTAL	 \$ 9,814.30

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 13th day of January 2017.



Honorable Jerald Bagley, Referee
Lawson E. Thomas Courthouse
175 N.W. 1st Avenue, Suite 1118
Miami, FL 33128

Original To:
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Supreme Court Building
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Tallahassee, Florida, 32399-1927

Conformed Copies to:
Anett Lopez, Esq., Respondent
Patrick Russell, Bar Counsel
Adria E. Quintela, Staff Counsel