

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

ANETT LOPEZ,

Respondent.

Supreme Court Case
No. SC16-1016

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

REPLY TO RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE

COMES NOW the complainant, The Florida Bar, by and through the undersigned attorney, hereby files this Reply to Respondent's Response to Order to Show Cause, and further states:

1. The Order to Show Cause stems from The Florida Bar's underlying investigation of Respondent in Florida Bar Case No. 2015-70,058 (11K).
2. The underlying investigation began upon the receipt of a complaint from a medical clinic owner who alleged that Respondent failed to remit payments on at least 136 PIP cases.
3. The issues giving rise to the Petition for Contempt and Order to Show Cause began with the Florida Bar's service of a subpoena to Respondent on July 27, 2015.

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4. Since that time, The Florida Bar has been attempting to secure records and information from Respondent in order to complete its investigation. The attempts to secure that information include the service the subpoena and numerous written inquiries from Bar counsel as contained in Exhibit "1" of the Petition for Contempt and Order to Show Cause.

5. On June 22, 2016, nearly a year after The Florida Bar's original request, Respondent delivered a USB thumb drive to The Florida Bar as an apparent attempt to produce all that was previously requested.

6. On June 23, 2016, Respondent filed her Verified Response to Order to Show Cause and now alleges the production has brought her into "substantial compliance" with the subpoena at issue in this matter. It should be noted that Respondent failed to address compliance with any of the written inquiries from Bar counsel which required additional documents and information.

7. To be clear, even with the belated document dump on June 22, 2016, Respondent is not even close to compliance much less substantial compliance for the subpoena and written inquiries by The Florida Bar.

8. Specifically, the Branch auditor for The Florida Bar determined that Respondent failed to: (1) produce a substantial amount of records relating to five accounts including such basic items as the general ledger, cash receipt and disbursement journals, monthly bank account reconciliations, and client ledger

cards; (2) provide additional information and documentation relating to certain ledger entries that were unidentified and undocumented; (3) provide the name of the bank and account numbers for legal service entities to which the Respondent is associated with; and (4) explain an altered document that was produced to The Florida Bar. An affidavit from the Branch auditor explaining the details of Respondent's noncompliance is attached hereto as Exhibit "A".

9. All told, Respondent has had nearly a year to produce all the documents and information sought by The Florida Bar and despite the Order to Show Cause, has willfully failed to comply.

10. Respondent's refusal to produce the documents and information has impeded The Florida Bar's investigation to determine whether she has properly accounted for and disbursed funds received on behalf of her clients.

11. Had the Respondent been in compliance with Rule 5-1.2, the documents and information sought would be easily obtainable. Likewise, had Respondent been in compliance with Rule 5-1.2, the expenditures for accounting fees and copies of bank records would not have been necessary. In the end, Respondent's alleged expenditures for accounting fees and copies of bank records do not qualify as a hardship or a valid justification for not complying for nearly a year with the subpoena and written inquiries of The Florida Bar.

12. Accordingly, Respondent has not shown good cause for the willful failure to produce documents and information, and as such, The Florida Bar respectfully requests that Respondent be suspended until such time that she does fully respond as requested in the Petition for Contempt and Order to Show Cause.

WHEREFORE, with Respondent not showing good cause, The Florida Bar requests this Honorable Court to suspend Respondent pursuant to Rule 3-7.11(d) and (f) and Rule 5-1.2(i).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Russell', written in a cursive style.

Patrick Russell, Bar Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5731
Florida Bar No. 995568
prussell@flabar.org

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 e-mail to Kevin P. Tynan, Respondent's Counsel, at ktynan@rtlawoffice.com; using the e-filing Portal and that a copy has been furnished by United States Mail via certified mail No. 7010 2780 0002 0694 3575, return receipt requested to Kevin P. Tynan, Respondent's Counsel, whose record Bar address is at Richardson and Tynan P.L.C., 8142 North University Drive, Tamarac, Florida 33321, and to Adria Quintela, Staff Counsel, The Florida Bar, via e-mail at aquintel@flabar.org, on this 5th day of July, 2016.

A handwritten signature in black ink, appearing to read 'P. Russell', written in a cursive style.

Patrick Russell, Bar Counsel