

IN THE SUPREME COURT OF FLORIDA

The Florida Bar,
Petitioner,

Florida Bar File Nos:
20162039(6A); 20162052(6A);
20162073(6A); 20162080(6A);
20162084(6A)

v.

Attorney Services of Tampa Bay, Inc.;

Jon Fernandez a/k/a Jon R. Fernandez
a/k/a Jonathan Fernandez a/k/a
Jonathon R. Fernandez a/k/a
Juan Fernandez a/k/a Juan R. Fernandez
a/k/a Juan Rafael Fernandez, individually
and as director of Attorney Services of
Tampa Bay, Inc.; and

Jon Fernandez a/k/a Jon R. Fernandez
a/k/a Jonathan Fernandez a/k/a
Jonathon R. Fernandez a/k/a
Juan Fernandez a/k/a Juan R. Fernandez
a/k/a Juan Rafael Fernandez, individually
and d/b/a J. Fernandez and Associates,

Respondents.

_____ /

PETITION AGAINST THE UNLICENSED PRACTICE OF LAW

The Florida Bar, Petitioner, files this Petition against Attorney Services of Tampa Bay, Inc.; Jon Fernandez a/k/a Jon R. Fernandez a/k/a Jonathan Fernandez a/k/a Jonathon R. Fernandez a/k/a Juan Fernandez a/k/a Juan R. Fernandez a/k/a Juan Rafael Fernandez, individually and as director of Attorney Services of Tampa

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Bay, Inc. and Jon Fernandez a/k/a Jon R. Fernandez a/k/a Jonathan Fernandez a/k/a Jonathon R. Fernandez a/k/a Juan Fernandez a/k/a Juan R. Fernandez a/k/a Juan Rafael Fernandez, individually and d/b/a J. Fernandez and Associates (hereinafter, collectively, “Respondents” unless otherwise specifically identified), pursuant to Chapter 10 of the Rules Regulating The Florida Bar, and alleges:

1. Respondent Attorney Services of Tampa Bay, Inc. (“Respondent Attorney Services of Tampa Bay”), at all times pertinent to this petition, was and is a Florida for-profit corporation doing business in Pinellas County, Florida, operating and providing services to the public in Florida.

2. Respondent Attorney Services of Tampa Bay is not licensed or otherwise authorized to practice law in Florida.

3. Jon Fernandez a/k/a Jon R. Fernandez a/k/a Jonathan Fernandez a/k/a Jonathon R. Fernandez a/k/a Juan Fernandez a/k/a Juan R. Fernandez a/k/a Juan Rafael Fernandez (“Respondent Fernandez”) was not and is not a member of The Florida Bar, and was not therefore licensed to engage in the practice of law in the State of Florida.

4. At all times material to this petition, Respondent Fernandez is fluent in Spanish and English.

5. Respondents have engaged in the unlicensed practice of law in Pinellas County, Florida, by one or more of the following acts:

COUNT I

6. Respondent Attorney Services of Tampa Bay advertises on www.alignable.com under “Attorneys/lawyers” offering paralegal services to the general public. A copy of Respondent Attorney Services of Tampa Bay’s advertisement on www.alginable.com is attached to this petition as Exhibit “A.”

7. Respondent Fernandez identifies himself in the Exhibit “A” advertisements for Attorney Services of Tampa Bay as a “Certified Legal Assistant (CLA).”

8. The professional credential “Certified Legal Assistant (CLA)” is recognized in the legal community as a credential earned by individuals from the National Association of Legal Assistants “NALA.”

9. Respondent Fernandez is not recognized by NALA as a “CLA.”

10. Respondent Fernandez is not authorized to provide or offer to provide paralegal services directly to the public.

11. Respondent Attorney Services of Tampa Bay states in the Exhibit “A” advertisement that its services include the following: “Specialties: Preparation of all pleadings, Discovery, Correspondence, Legal Research, Bankruptcy Petitions, Motions, Personal injury”

12. Respondent Attorney Services of Tampa Bay also solicits customers by use of a flyer printed in Spanish that depicts a woman figure holding the scales

of justice. Translated to English, the flyer states that Respondent Fernandez is an “authorized immigration assistant for: Attorney Samuel Asbury, Esq.,” a member of the Oregon State Bar and the Washington State Bar whose practice is limited to immigration law. A copy of the flyer is attached to this petition as Exhibit “B.”

13. Respondent Fernandez listed his Pinellas County address and telephone numbers on the Exhibit “B” flyer and not attorney Sam Asbury’s.

14. Respondent Tampa Bay Attorney Services advertises in the Exhibit “B” flyer that it will provide an evaluation of a person’s legal situation for \$25.

15. Respondent Fernandez used the Exhibit “B” flyer to promote business for Attorney Services of Tampa Bay and did not tell attorney Asbury about the prospective clients that responded to the flyer.

16. Respondent Fernandez mislead customers with the Exhibit “B” flyer to believe that he was working with or under the supervision of a licensed immigration attorney.

17. Respondent Attorney Services of Tampa Bay and Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by using a business name that suggests to the public that Respondent Attorney Services of Tampa Bay was authorized to provide legal services.

18. Respondent Attorney Services of Tampa Bay and Respondent Fernandez engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 235 below through use of advertisement, by offering paralegal services directly to the public.

19. Respondent Attorney Services of Tampa Bay and Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by representing to the public through use of advertisement that Respondent Attorney Services of Tampa Bay and Respondent Fernandez are capable of advising and handling matters requiring legal skills.

COUNT II

20. Respondent Fernandez owns and operates a business under the name J. Fernandez & Associates in Pinellas County, Florida.

21. J. Fernandez & Associates is not registered with the State of Florida Division of Corporations as a fictitious name.

22. Respondent Fernandez advertises on Facebook that J. Fernandez & Associates provides “legal aide [*sic*] and document preparation” and can assist pro se litigants “reach your goals in your legal case or lawsuit.”

23. Respondent Fernandez advertises with a flyer printed in Spanish that depicts a woman figure holding the scales of justice and, translated into English,

asserts that J. Fernandez & Associates can help with your needs, is your solution center, and lists areas of the law including immigration, political asylum, law 245(i) Visas, civil, divorces, bankruptcies, wills, accidents, medical malpractice. A copy of the flyer is attached to this petition as Exhibit “C.”

24. The J. Fernandez and Associates Exhibit “C” flyer includes contact information for Respondent Fernandez’s main office and cell phone number in Pinellas County.

25. Respondent Fernandez failed to provide a nonlawyer disclosure in the Exhibit “C” flyer.

26. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding J. Fernandez & Associates out as a law office.

27. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding J. Fernandez. & Associates out to the public as qualified to provide legal services.

28. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by offering paralegal services directly to the public.

COUNT III

29. John D. Fernandez is a licensed Florida attorney practicing law in

Clearwater, Florida under the business name of John D. Fernandez, P.A.

30. John D. Fernandez's father, also named John D. Fernandez, has been practicing law in Pinellas County for over forty years.

31. On August 31, 2015, John D. Fernandez was contacted by a representative of The Haven of RCS (Religious Community Services) ("RCS"), a shelter for victims of domestic violence in Pinellas County, and was advised that an individual k/n/a Respondent Fernandez was impersonating him.

32. Respondent Fernandez volunteered at the RCS food bank and came in contact with women utilizing RCS' services.

33. When Respondent Fernandez was asked by women participating in RCS programs if he was John Fernandez the father or John Fernandez the son, Respondent Fernandez would reply that he was John Fernandez, the son.

34. Respondent Fernandez allowed the women at RCS to believe that he was authorized to practice law in Florida.

35. Many of the women participating in RCS programs do not understand English and can only understand Spanish or Portuguese.

36. Respondent Fernandez provided legal services to women at RCS who were undocumented immigrants and then would threaten to turn them into immigration authorities if they failed to meet his payment demands.

37. Respondent Fernandez provided business cards advertising his legal

services to numerous women participating in a RCS program, including Virginia Vegas-Valdez.

38. Respondent Fernandez's business cards read "Attorney Services" in large lettering next to a picture of the American Flag and identify him as "Jon Fernandez, CLA, LDP, BPP, Certified Legal Assistant."

39. There are Spanish words noted on the back of Respondent Fernandez's card as follows: Inmigracion, Criminal, Divorcios, Adopciones, Bancarrota, Traducciones. Su centro de soluciones" which translate to English as "Immigration, Criminal, Divorce, Adoptions, Bankruptcy, Translations. Your solutions center."

40. Respondent Fernandez held himself out to Virginia Vegas-Valdez as attorney John D. Fernandez and as capable of providing legal services to her.

41. Respondent Fernandez provided legal advice to Virginia Vegas-Valdez.

42. Respondent Fernandez sent a letter to Critical Intervention Services, a business specializing in security and investigation services in Tampa, on behalf of Virginia Vegas-Valdez.

43. Respondent Fernandez identified himself in the letter to Critical Intervention Services as "Jon Fernandez CLA, LDP, BPP, J. Fernandez & Associates, Attorney Services of Tampa Bay.

44. Respondent Fernandez failed to disclose his nonlawyer status in the letter to Critical Intervention Services.

45. On or about September 29, 2015, attorney John D. Fernandez filed an unlicensed practice of law complaint with The Florida Bar against Respondent Fernandez.

46. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding himself out as an attorney.

47. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding J. Fernandez & Associates out as a law office.

48. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding J. Fernandez. & Associates out to the public as qualified to provide legal services.

49. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by offering paralegal services directly to the public.

50. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by giving legal advice to Virginia Vegas-Valdez.

51. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by allowing Virginia Vegas-Valdez to rely on him to properly handle a legal matter.

COUNT IV

52. Luis Solares is a native of Venezuela who came to the United States seeking political asylum for him and his family.

53. Luis Solares resides in Pinellas County, Florida.

54. Luis Solares's native language is Spanish; he does not understand English.

55. In or about March 2015, Luis Solares was referred to Respondent Fernandez by his cousin.

56. Respondent Fernandez introduced himself to Luis Solares as "Dr. Fernandez."

57. Respondent Fernandez communicated by text message to Luis Solares and identified himself in the text as "Dr. Jon Fernandez."

58. Respondent Fernandez told Luis Solares that he was an attorney.

59. Respondent Fernandez told Luis Solares that he worked with Sam Asbury, an immigration attorney admitted to practice law in Oregon.

60. Respondent Fernandez gave Luis Solares a flyer promoting Attorney Services of Tampa Bay printed in Spanish that, translated to English,

states that he is an “authorized assistant” to attorney Samuel Asbury.

61. Respondent Fernandez failed to disclose his nonlawyer status in the flyer he gave to Luis Solares referenced above.

62. Respondent Fernandez failed to make attorney Sam Asbury aware that Luis Solares communicated with Respondent Fernandez about an immigration matter.

63. Luis Solares never communicated with attorney Sam Asbury.

64. Luis Solares never signed any paperwork retaining attorney Sam Asbury.

65. On or about August 12, 2015, based on the representations of Respondent Fernandez referenced above, Luis Solares engaged the services of Respondent Fernandez for \$2,500 to prepare his I-589 application for political asylum.

66. On or about August 20, 2015, Luis Solares paid Respondent Fernandez \$1,000 by check to begin preparing his I-589 application for political asylum.

67. Luis Solares made the August 20, 2015 check payable to “Attorney Services of Tampa Bay.”

68. Respondent Fernandez selected the immigration forms to be prepared and submitted for Luis Solares.

69. Respondent Fernandez determined when Luis Solares' I-589 application for political asylum would be filed.

70. Luis Solares relied on Respondent Fernandez to properly prepare and file his I-589 application for political asylum.

71. On or about December 10, 2015, Luis Solares paid Respondent Fernandez another \$200 by check No. 110 as partial payment for the preparation of his I-589 political asylum application.

72. On or about December 28, 2015, Luis Solares paid Respondent Fernandez another \$500 by check No. 116 as partial payment for the preparation of his I-589 application for political asylum.

73. Luis Solares also paid Respondent Fernandez \$800 in cash as partial payment for the preparation of his I-589 application for political asylum.

74. Respondent Fernandez did not provide Luis Solares with receipts for the \$800 cash payment he gave to him as partial payment for the preparation of his I-589 application for political asylum.

75. Respondent Fernandez did not provide Luis Solares with a copy of the I-589 application for political asylum he prepared for him.

76. The I-589 application for political asylum Respondent Fernandez prepared for Luis Solares was returned by the United States Citizenship and Immigration Services as defective.

77. In or about March 2016, Luis Solares learned that Respondent Fernandez had been falsely holding himself out as an attorney to others in the community and that attorney Sam Asbury was unaware that Respondent Fernandez was signing customers up for legal services under the pretense that they were retaining attorney Sam Asbury's office for legal services.

78. Respondent Fernandez was not authorized to provide legal services to Luis Solares.

79. In or about March 2016, Luis Solares terminated the services of Respondent Fernandez.

80. Respondent Fernandez failed to provide a refund to Luis Solares, as he requested.

81. Respondent Fernandez failed to return Luis Solares' legal documentation including birth documents, as he requested.

82. Respondent Fernandez threatened Luis Solares that he had people "working with him" at the United States Citizenship and Immigration Services and, as a result, he could cancel Luis Solares' application for political asylum at any time.

83. Luis Solares subsequently retained a licensed attorney to resolve the issues with his I-589 application for political asylum.

84. Respondent Fernandez engaged in the unlicensed practice of law in

Florida under the rules and case law set out in Paragraph 235 below by holding himself out as an attorney to Luis Solares.

85. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by selecting and preparing an I-589 application for political asylum for Luis Solares.

86. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by allowing Luis Solares to rely on him to properly prepare his I-589 application for political asylum.

87. Respondent Fernandez and Respondent Attorney Services of Tampa Bay engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding Attorney Services of Tampa Bay out as a law office or otherwise qualified to provide legal services to the public.

COUNT V

88. In or about November 2015, Respondent Fernandez assisted Jeremy Slezak with preparing and filing a Petition for Injunction for Protection Against Stalking against Jeremy Slezak's estranged wife.

89. Respondent Fernandez advised Jeremy Slezak that filing the injunction was an appropriate thing to do.

90. Respondent Fernandez reviewed the language Jeremy Slezak put in

the injunction petition and advised him that it was appropriate.

91. Respondent Fernandez advised Jeremy Slezak to file the injunction petition in Manatee County where the estranged wife lived.

92. On November 9, 2015, Jeremy Slezak, based on the advice of Respondent Fernandez, filed the injunction petition in Manatee County Circuit Court, Case No. 15-010961-FD.

93. On November 9, 2015, the Manatee County Circuit Court denied Jeremy Slezak's injunction petition because the allegations in it failed to meet the statutory definition of "stalking."

94. Respondent Fernandez then suggested to Jeremy Slezak that he file a Petition for Injunction Against Domestic Violence against his estranged wife with the court in Pinellas County, even though Jeremy Slezak was primarily residing in Hillsborough County.

95. When Jeremy Slezak questioned Respondent Fernandez about the validity of filing the injunction petition with the court in Pinellas County, Respondent Fernandez answered that it would be okay because he (Respondent Fernandez) knew people at the courthouse.

96. On November 12, 2015, Jeremy Slezak filed his Petition for Injunction for Protection Against Domestic Violence in Pinellas County Circuit Court, Case No. 15-010961-FD.

97. On November 17, 2015, Jeremy Slezak filed a six-page Notice of Filing in Pinellas County Circuit Court in conjunction with the injunction petition he filed on November 12, 2015.

98. The six-page Notice of Filing laid out the reasons for Jeremy Slezak filing his petition for injunction and alleged violations by his estranged wife related to the court's final order regarding custody, parenting time, and support.

99. The six-page Notice of Filing asked the court to “grant this Notice of Filing, an Order and also a Hearing in accord with the foregoing: Enforce or compel compliance with the prior order, final judgment or settlement agreement; award such other relief in this action as is fair and equitable”

100. Respondent Fernandez advised Jeremy Slezak what language should be used in the Notice of Filing.

101. The Notice of Filing referenced above concerned the important legal rights of Jeremy Slezak under Florida law.

102. The Notice of Filing contained a Non-Lawyer disclosure paragraph that noted that “Jon Fernandez from Attorney Services of Tampa Bay, Inc., a nonlawyer, whose address is P.O. Box 2095, Clearwater, Florida 33757 and phone number: 727-226-7952, helped Jeremy J. Slezak who is the Petitioner, fill out this form.”

103. The Notice of Filing filed by Jeremy Slezak was not prepared on a

Florida Supreme Court approved form.

104. When Jeremy Slezak's mother inquired to Respondent Fernandez about the status of Jeremy Slezak's injunction petition filed in Pinellas County court, Respondent Fernandez told her that he personally spoke with the judge and the judge decided to set a hearing for November 24, 2015 to hear further information.

105. On November 25, 2015, the Pinellas County court denied the injunction petition filed by Jeremy Slezak based on insufficient evidence presented in Jeremy Slezak's petition.

106. Respondent Fernandez advised Jeremy Slezak to ask the court for full physical custody of his children in his divorce case.

107. Respondent Fernandez advised Jeremy Slezak that he would assist him in court by cueing him to provide appropriate answers.

108. On or about March 14, 2016, Jeremy Slezak filed an unlicensed practice of law complaint with the Florida Bar against Respondent Fernandez.

109. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by giving legal advice to Jeremy Slezak.

110. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by drafting

legal documents for Jeremy Slezak.

111. Respondent Fernandez and Respondent Attorney Services of Tampa Bay engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by using the business name “Attorney Services of Tampa Bay, Inc.” to suggest that it is authorized to provide legal services to the public.

COUNT VI

112. In or about April 2015, Luis Villarruel-Diaz was introduced to Respondent Fernandez through a friend.

113. Luis Villarruel-Diaz’s native language is Spanish; he is not fluent in English.

114. Respondent Fernandez held himself out to Luis Villarruel-Diaz as licensed to practice law in Venezuela and the United States.

115. Respondent Fernandez did not make his nonlawyer status clear to Luis Villarruel-Diaz.

116. In or about June 2015, Luis Villarruel-Diaz hired Respondent Fernandez to form a limited liability company for his business, Luigy Evolution Makeup Artist.

117. Respondent Fernandez failed to set up Luis Villarruel-Diaz’s business as a limited liability company as requested and instead set it up as a corporation.

118. Respondent Fernandez prepared articles of incorporation for Luigi Evolution Makeup Artist, Inc. on behalf of Luis Villarruel-Diaz.

119. In or about July 2015, Respondent Fernandez advised Luis Villarruel-Diaz that he could assist him with an issue he had with overdue payments owed to the car dealer AutoHouse in Tampa.

120. Luis Villarruel paid Respondent Fernandez \$160 in advance for his assistance in contacting AutoHouse on his behalf.

121. On or about July 13, 2015, Respondent Fernandez sent a letter to AutoHouse Tampa, 8604 N. Florida Avenue, Tampa, FL 33604 on behalf of Luis Villarruel-Diaz regarding the repossession of his car.

122. Respondent Fernandez began the July 13, 2015 letter to AutoHouse Tampa with “My name is attorney Jon Fernandez and our office is currently assisting Mr. Luis Villarruel-Diaz with some legal and financial issues he is facing at this time”

123. In the July 13, 2015 letter to AutoHouse, Respondent Fernandez advised that he [Respondent Fernandez] should be contacted to discuss the options available to recover Mr. Villarruel-Diaz’s car from repossession.

124. Respondent Fernandez used a signature block on the letter to AutoHouse that identified him as “Jon Fernandez, CLA, LDP, BPP, J. Fernandez & Associates, Attorney Services of Tampa Bay, P.O. Box 2095, Clearwater,

Florida 33757.”

125. A copy of the July 13 letter from Respondent Fernandez to AutoHouse is attached to this petition as Exhibit “D.”

126. On or about August 17, 2015, Respondent Fernandez sent an invoice to Luis Villarruel-Diaz for \$350 indicating it was from “J. Fernandez & Associates Attorney Services of Tampa Bay.”

127. Respondent Fernandez’s August 17, 2015 invoice was sent with a cover letter to Luis Villarruel-Diaz on letterhead that identifies him, among other things, as a “Juris Doctorate (Venezuela) Certified Legal Assistant (CLA) /Legal Document Preparer (LDP).”

128. Respondent Fernandez’s August 17, 2015 cover letter to Luis Villarruel-Diaz was prepared on letterhead that depicts a woman figure holding the scales of justice.

129. A copy of Respondent Fernandez’s August 17, 2015 cover letter to Luis Villarruel-Diaz is attached to this petition as Exhibit “E.”

130. The August 17, 2015 invoice from Respondents to Luis Villarruel-Diaz included \$150 for 3 hours of consultation services.

131. The August 17, 2015 invoice from Respondent Fernandez to Luis Villarruel-Diaz stated: “please cash payment or money order to: Attorney Services of Tampa Bay.”

132. In or about October 2015, Luis Villarruel-Diaz paid Respondent Fernandez \$1,800 in cash to prepare his USCIS documents to establish permanent resident status in the U.S.

133. Respondent Fernandez told Luis Villarruel-Diaz that he could help him resolve his immigration issues.

134. Respondent Fernandez failed to provide the immigration document preparation services that Luis Villarruel-Diaz paid him to do.

135. Respondent Fernandez failed to provide a refund to Luis Villarruel-Diaz for the \$1,800 he paid him to provide legal services in his immigration matter.

136. Respondent Fernandez failed to return Luis Villarruel-Diaz's passport.

137. Respondent Fernandez demanded that Luis Villarruel-Diaz pay him cash for his services and provided no receipt to Luis Villarruel-Diaz.

138. Luis Villarruel-Diaz relied on Respondent Fernandez to properly handle each of his legal matters noted above.

139. Luis Villarruel-Diaz subsequently retained the services of a licensed attorney to resolve his immigration issues.

140. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by giving legal advice to Luis Villarruel-Diaz.

141. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by impliedly and expressly holding himself out as an attorney.

142. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by allowing Luis Villarruel to rely on him to properly handle his legal matters.

143. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by acting as the legal representative of Luis Villarruel in regard to a legal matter.

144. Respondent Fernandez and Respondent Attorney Services of Tampa Bay engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by using the business name “Attorney Services of Tampa Bay, Inc.,” to suggest to the public that it is authorized to provide legal services to the public.

145. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding J. Fernandez. & Associates out to the public as qualified to provide legal services.

COUNT VII

146. In or about April 2015, Alberto Salinas met Respondent Fernandez through a friend.

147. At the time Alberto Salinas met Respondent Fernandez, he (Alberto Salinas) was attempting to secure citizenship in the United States.

148. Alberto Salinas' native language is Spanish; he does not understand English.

149. Respondent Fernandez told Alberto Salinas that he could help him with a driver's license issue and with resolving some traffic tickets.

150. Respondent Fernandez advised Alberto Salinas to terminate the services of his attorney in Miami.

151. Respondent Fernandez told Alberto Salinas that he could represent him because he too was an attorney and lived locally.

152. Based on the representations by Respondent Fernandez referenced above, Alberto Salinas gave Respondent Fernandez \$100 as a retainer for his services.

153. Respondent Fernandez told Alberto Salinas that he could get him a green card.

154. Respondent Fernandez offered Alberto Salinas a Skype interview with attorney Sam Asbury in Washington State to discuss his immigration case.

155. The Skype interview with attorney Sam Asbury took place, and Respondent Fernandez told Alberto Salinas that it would cost \$6,000 to proceed with his case.

156. Alberto Salinas paid Respondent Fernandez \$150 for the Skype interview, even though Respondent Fernandez had not taken care of his driver license issue and traffic ticket issues.

157. Respondent Fernandez instilled fear in Alberto Salinas and told him that he had no other choice but to secure his services.

158. Alberto Salinas called Respondent Fernandez several times to inquire about his case with no results.

159. After a few weeks passed, Alberto Salinas had a court date regarding his immigration case.

160. Alberto Salinas went by himself to court because Respondent Fernandez told him that he needed \$2,000 to represent him.

161. Alberto Salinas showed Respondent Fernandez's business cards to the judge, who informed him that Respondent Fernandez is not an attorney.

162. When Mr. Salinas confronted Respondent Fernandez about not being an attorney, Respondent Fernandez became hostile.

163. Mr. Salinas had an upcoming court date so he paid Respondent Fernandez \$1,500 and then another \$700 for his legal assistance in court.

164. Respondent Fernandez did not advise attorney Sam Asbury that Alberto Salinas paid him (Respondent Fernandez) for legal services.

165. Alberto Salinas struggled to feed his young family in order to pay

Respondent Fernandez.

166. Respondent Fernandez failed to appear in court with Alberto Salinas.

167. Respondent Fernandez told Alberto Salinas that he owed him \$3,000 and he would not go to court until he paid.

168. Respondent Fernandez failed to provide the services to Alberto Salinas with his immigration case, his driver's license issue, or his traffic tickets, as promised.

169. Alberto Salinas called Respondent Fernandez and told him that he no longer wanted his services because he did not provide the services he promised and asked for a full refund.

170. Respondent Fernandez refused to provide a refund to Alberto Salinas.

171. To date, Respondent Fernandez has not provided any services to Alberto Salinas and he has not provided him with a refund.

172. On or about February 8, 2016, Alberto Salinas filed an unlicensed practice of law complaint with The Florida Bar against Respondent Fernandez.

173. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding himself out as an attorney.

174. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by providing

legal advice to Alberto Salinas.

COUNT VIII

175. Merwuin Gil and his family are natives of Venezuela who came to the United States seeking political asylum.

176. In or about October 2015, Merwuin Gil contacted Respondent Fernandez for assistance with his political asylum case.

177. Respondent Fernandez led Merwuin Gil to believe that he was qualified to assist him with his political asylum case.

178. Respondent Fernandez failed to make his nonlawyer status clear to Merwuin Gil.

179. Respondent Fernandez told Merwuin Gil that he had a strong case to obtain political asylum in the United States.

180. Respondent Fernandez told Merwuin Gil how to proceed with his political asylum case.

181. Respondent Fernandez told Merwuin Gil he could save money by using his services rather than those of Attorney Sam Asbury to prepare his political asylum application.

182. Merwuin Gil agreed to pay Respondent Fernandez \$2,650 to prepare his family's political asylum application.

183. Respondent Fernandez had Merwuin Gil fill out paperwork and

advised him that his application would be mailed out in December 2015.

184. On or about November 2015, Respondent Fernandez sent a Statement of Account to Merwuin Gil.

185. The Statement of Account sent by Respondent Fernandez to Merwuin Gil noted it was from “Attorney Services of Tampa Bay, P.O. Box 2095, Clearwater, Florida 33757.”

186. The Statement of Account sent by Respondent Fernandez to Merwuin Gil noted that the charges for Merwuin Gil’s political asylum application with 5 applicants was \$2,650.

187. By January 2016, two months had passed and Respondent Fernandez always had an excuse why Merwuin Gil’s family political asylum documents were not completed or filed.

188. Merwuin Gil made numerous attempts to contact Respondent Fernandez to obtain the status of his political asylum paperwork to no avail.

189. On February 8, 2016, Merwuin Gil finally made contact with Respondent Fernandez, who provided him with some documents to sign that he said he would then forward to the USCIS in Texas.

190. On February 10, 2016, Merwuin Gil sent Respondent Fernandez a text message inquiring if he had forwarded his political asylum application as he stated he would and Respondent Fernandez replied, “yes.”

191. On or about March 3, 2016, when Merwuin Gil asked Respondent Fernandez for evidence that his immigration paperwork had been prepared and filed, Respondent Fernandez told Merwuin that he would not be able to continue working on his case and that he did not have time to be harassed about the paperwork.

192. When Merwuin Gil questioned Respondent Fernandez about why he could no longer work on his case Respondent Fernandez got angry, threatened to sue Merwuin Gil, send him back to Venezuela and place him in jail for harassing him.

193. Respondent Fernandez eventually agreed to meet with Merwuin Gil's wife and told her that if he received another message from anyone in her family inquiring about the status of their immigration paperwork, he was going to call USCIS, where he had friends who owed him favors, and arrange it so that their paperwork would not be accepted.

194. Respondent Fernandez showed Merwuin Gil's wife business cards of representatives of USCIS and told her that those people work for him.

195. In the text messages written in Spanish between Respondent Fernandez and Merwuin Gil, Merwuin Gil referred to Respondent Fernandez as "Dr." and "abogado."

196. In e-mails between Respondent Fernandez and Merwuin Gil,

Respondent Fernandez identified himself as “Jon Fernandez, CLA, LDP, BPP, J. Fernandez & Associates, Attorney Services of Tampa Bay, P.O. Box 2095, Clearwater, Florida 33757 Main Office: (727) 637-9608 Cell Phone (727) 226-7952.”

197. Respondent Fernandez failed to disclose his nonlawyer status in his written and oral communications with Merwuin Gil.

198. Respondent Fernandez failed to provide the services to Merwuin Gil that he paid for.

199. Respondent Fernandez failed to refund Merwuin Gil with the \$2,650 he paid him to prepare and file his political asylum application.

200. Merwuin Gil and his family are afraid to contact Respondent Fernandez.

201. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by impliedly holding himself out as an attorney.

202. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding J. Fernandez. & Associates out to the public as qualified to provide legal services.

203. Respondent Fernandez and Respondent Attorney Services of Tampa Bay engaged in the unlicensed practice of law in Florida under the rules and case

law set out in Paragraph 235 below by holding Attorney Services of Tampa Bay out to the public as qualified to provide legal services.

204. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by offering to provide legal services directly to the public.

205. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by giving legal advice to Merwain Gil.

206. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by allowing Merwain Gil to rely on him to properly handle a legal matter.

207. Respondents engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by using business names that suggest to the public that Respondents were authorized to provide legal services.

COUNT IX

208. In or about October 2015, Ms. Tong Sun and her father-in-law T.J. Quinn retained the services of Respondent Fernandez for assistance with an immigration matter.

209. Respondent Fernandez identified himself to Tong Sun and T.J. Quinn

as a Venezuelan attorney working as a “certified paralegal” in Florida.

210. Respondent Fernandez held himself out to Tong Sun and T.J. Quinn as capable of assisting them on immigration matters.

211. Based on the representation by Respondent Fernandez that he was qualified to provide legal services, T.J. Quinn paid Respondent Fernandez \$550 to prepare the necessary applications for Tong Sun to change her immigration status.

212. Respondent Fernandez prepared and filed Tong Sun’s I-765 application with supporting documentation with the USCIS.

213. In or about January 2016, the I-765 application prepared by Respondent Fernandez on behalf of Tong Sun was rejected by the USCIS.

214. Respondent had sent the I-765 application for filing with the wrong filing fee.

215. Respondent Fernandez led Tong Sun and T.J. Quinn to believe that he would resubmit Tong Sun’s I-765 application and her I-485 application to the USCIS.

216. Respondent Fernandez failed to return Tong Sun’s calls in the four-month period subsequent to the USCIS’ rejection of her I-765 immigration application.

217. In May 2016, Tong Sun called the USCIS to determine the status of her immigration documents and learned that it had no record of receiving her I-765

application and supporting documentation or her I-485 application in 2016.

218. When Tong Sun confronted Respondent Fernandez about the USCIS having no record of her I-765 or I-485 applications, he told her he checked with USCIS and her applications were on track.

219. Tong Sun again called the USCIS to determine the status of her immigration documents and learned that it had no record of receiving her I-765 application and supporting documentation or her I-485 application in 2016.

220. Respondent Fernandez failed to resubmit Tong Sun's immigration applications as he was paid to do.

221. On or about May 18, 2016, Tong Sun requested that Respondent Fernandez return her immigration documentation to her so that she could file it herself, but he failed to do so.

222. Respondent Fernandez finally agreed to return Tong Sun's immigration documentation only after T. J. Quinn, in desperation, offered to pay him \$150 to do so.

223. On May 31, 2016, Respondent Fernandez met with Tong Sun to return her immigration documentation and the first thing he said to her was "Did you bring the money? Can I see it? Is it in cash?"

224. On June 1, 2016, a day after meeting with Tong Sun, Respondent Fernandez sent invoice No. 20160601 dated May 18, 2016 to Tong Sun for \$150

charging her for the preparation and return of her immigration documents.

225. The May 18, 2016 invoice for \$150 from Respondent Fernandez to Tong Sun stated it was from “J. Fernandez & Associates, Attorney Services of Tampa Bay.”

226. Respondent Fernandez failed to provide the legal services to Tong Sun and T.J. Quinn that he was paid to provide.

227. Respondent Fernandez’s failure to resubmit Tong Sun’s immigration applications to the USCIS and his subsequent failure to promptly return her immigration documentation, resulted in a delay in the progress of her status adjustment applications with the USCIS.

228. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by impliedly holding himself out as an attorney.

229. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding J. Fernandez. & Associates out to the public as qualified to provide legal services.

230. Respondent Fernandez and Respondent Attorney Services of Tampa Bay engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by holding Attorney Services of Tampa Bay out to the public as qualified to provide legal services.

231. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by using the title paralegal in providing legal services directly to the public.

232. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by giving legal advice to Tong Sun.

233. Respondent Fernandez engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by allowing Tong Sun to rely on him to properly handle a legal matter.

234. Respondents engaged in the unlicensed practice of law in Florida under the rules and case law set out in Paragraph 235 below by using a business name that suggests to the public that Respondents were authorized to provide legal services.

235. The aforementioned actions of Respondents have violated Rule 10-2.1(b) of the Rules Regulating the Florida Bar; Rule 10-2.2(b) of Rules Regulating The Florida Bar; and the letter and spirit of this Court's decision in *State of Florida ex rel. The Florida Bar v. Sperry*, 140 So. 2d 587 (Fla. 1962), *reversed on other grounds*, 373 U.S. 379, 83 S.Ct 1322 (1963); *The Florida Bar v. Town*, 174 So. 2d 395 (Fla.,1965); *The Florida Bar v. Brumbaugh*, 355 So. 2d 1186 (Fla. 1978); *The Florida Bar v. Matus*, 528 So. 2d 895 (Fla. 1988); *The Florida Bar v. Becerra*,

661 So. 2d 299 (Fla. 1995); *The Florida Bar v. Corpa*, 642 So. 2d 548 (Fla. 1994); *The Florida Bar v. Davide*, 702 So. 2d 184 (Fla. 1997); *The Florida Bar v. Miravalle*, 761 So. 2d 1049 (Fla. 2000); and *The Florida Bar v. Abreu*, 833 So. 2d 752 (Fla. 2002).

WHEREFORE, Petitioner prays as follows:

1. That this Court issue an opinion ruling that the conduct constitutes the unlicensed practice of law.

2. That this Court issue a permanent injunction preventing and restraining Respondents from engaging in the acts complained of and from otherwise engaging in the practice of law in the State of Florida, until such time as Respondents are duly licensed to practice law in this state.

3. That this Court assess monetary penalties of \$9,000 which is equal to \$1,000 per incident of unlicensed practice of law.

4. That this Court grant restitution pursuant to rule 10-7.1 as follows:

NAME	AMOUNT
Luis Villarruel-Diaz	\$1,960
Alberto Salinas	\$3,000
Merwuin Gil	\$2,650
Luis Solares	\$2,500

NAME	AMOUNT
Tong Sun	\$550

and that this Court order Respondents to provide a monthly written report to the UPL Department of The Florida Bar detailing to whom restitution has been paid and the amount paid until such time as the restitution is paid in full

5. That the costs of this proceeding be taxed against Respondents.
6. That this Court grant such other and further relief as it may deem proper.

Respectfully submitted,

THE FLORIDA BAR

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 The Florida Bar
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By: /s/ Maria L. Torres for
Jeffrey M. Kolokoff, Chair
Florida Bar No. 28008
Standing Committee on UPL

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Attorney Services of Tampa Bay, Inc.
 Seminole FL
 Attorneys/lawyers

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About Us

I have been a Certified Legal Assistant (CLA), Legal Documents Preparer (LDP), Bankruptcy Petition Preparer (BPP), trilingual interpreter and translator (Spanish / English / Portuguese) for over 18 years in the United States and began my legal career working with overseas multinational companies like Nestlé, Hewlett-Packard (HP) and General Electric (GE) as HR and Legal Director. After that I dedicated my career to provide HR, Management and Productivity consulting as well as training and college/university teaching.

For several years I was a liaison and legal coordinator receiving direct supervision and training from BACKER & McKENZIE, an international law firm based in Chicago, Illinois. This law firm is home to more than 4,000 lawyers spread over 74 offices in 46 different countries.

I am in search of new clients (attorneys, solo practitioners, mid-sized firms, non-legal businesses, HR Departments and general public) who need a Paralegal, Legal Support, Executive and Administrative Assistant, HR Management, Corporate Training and Organizational Productivity for permanent, temporary or as needed work projects. Your company can't afford a full-time staff of your own? I can help get your work done even if you only need a few hours, a week or more time.

Specialties: Preparation of all pleadings, Discovery, Correspondence, Legal Research, Bankruptcy Petitions, Motions, Personal injury, Prepare client discovery responses, Meet with clients (Intake Initial Information), Attorney diary upkeep, Interview witnesses, Litigation preparation, Assist attorney in trial, Administrative and Answering Service, Legal follow-up and up-date process with your clients, Service of process and other legal duties as

Exhibit A

requested by Attorneys and Law offices. District, Circuit and Federal Courts.

Jon Fernandez, CLA, LDP, BPP.

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Cell phone: (727) 226-7952

Our Team



Jon Fernandez
Managing
Director

Products & Services

Trilingual Translations and Interpretation Services (English, Spanish and Portuguese) in law and medical offices

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Law offices / Medical offices / Courthouses / General Public.

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Businesses We Recommend

Exhibit A

Attorney Services of Tanna Rav



P. O. Box 2095, Clearwater, Florida 33757.

Main Office: (727) 270-7162 / (727) 637-9608
Jon Fernandez Cell: (727) 226-7952
Waleska Solares Cell: (727) 475-0695
E-Mail: JRFernandez74@gmail.com

Asistente autorizado de Inmigracion para:
ABOGADO SAMUEL ASBURY, Esq.
IMMIGRATION SOLUTIONS (sm)
Miembro de la Asocacion de Abogados del Estado de Oregon.
Practica Limitada solo a Inmigracion

- *Asilo Politico / Ley 245 (i)*
 - *Visas / Residencias / Ciudadania*
 - *Cambio de estado migratorio*
 - *DACA (Dream Act) o Acta de Soñadores*
 - *Defensa contra Deportacion*
 - *Visas U (Para victimas de ciertos crímenes)*
 - *Solicitud de Familiares / Reunificacion Familiar*
 - *Traduccidn de Documentos / Interpretaciones*
 - *Solicitud y Renovacion de permisos TPS*
 - *Búsqueda Documentos en Cortes*
 - *Orden Presidencial Ejecutiva de Accion Diferida*
-
- **CONSULTA PERSONAL O VIDEOCONFERENCIA CON EL ABOGADO \$ 160.**
 - **EVALUACION DE SU SITUACION LEGAL POR SOLO \$ 25.**

Exhibit B

Ayudandote con tus necesidades



J. Fernandez & Associates

Su centro de soluciones

- ◆ *Inmigración / Asilo Politico*
- ◆ *Ley 245(i) / Visas / Ciudadania*
- ◆ *Cambio de status migratorio*
- ◆ *Constitución de Empresas / Civil*
- ◆ *Familia / Criminal / DUI / Adopciones*
- ◆ *Divorcios / Bancarrotas*
- ◆ *Testamentos / Poderes*
- ◆ *Contratos / Desalojos*
- ◆ *Traducción de Documentos*
- ◆ *Accidentes / Negligencia Medica*
- ◆ *Búsqueda Documentos en Cortes*
- ◆ *Interpretaciones en Cortes,
oficinas de abogados y médicos*



Comuníquese con nosotros

a:

Main Office: (727) 270-7162 / (727) 637-9608

Jon Fernandez celular: (727) 226-7952

Waleska Solares celular: (727) 475-0695

E-Mail: JRFernandez74@gmail.com

Exhibit C

8/31/2015

REPO MR. LUIS VILLARRUEL-DIAZ - virginia.vagos.valdez@gmail.com - Gmail

REPO MR. LUIS VILLARRUEL-DIAZ

Recibidos x



Jon Fernandez <jrfernandez74@gmail.com>
para general, Luis, bcc: ml

13 jul.

Inglés español Traducir mensaje

Desactivar para Inglés

AUTO HOUSE TAMPA
8604 N. Florida Avenue
Tampa, Florida 33604

ATTN: Australia.

My name is attorney Jon Fernandez and our office is currently assisting Mr. Luis Villarruel-Diaz with some legal and financial issues he is facing at this time after few medical problems he has had lately, including three (3) surgeries last 30 days. On the other hand, it is our understanding that his car was repo by your company last Saturday, July 11, 2015 after missing payments,

In this regard, please let us know at your earliest convenience options available at this time for Mr. Diaz-Villarruel in order to recover his car as soon as possible and due to his current medical and work conditions. Feel free to contact us directly to this e-mail or to my cell phone.

I look forward to hearing from you soon regarding this urgent and important matter.

Respectfully yours,

Jon Fernandez, CLU, LDF, BFP.
J. Fernandez & Associates
Attorney Services of Tampa Bay.
P. O. Box 2085
Clearwater, Florida 33757
Main Office: ~~(727) 270-7162 / (727) 637-8608~~
Cell Phone: (727) 226-7852



Exhibit D

Attorney Services of Tampa Bay



P. O. Box 2095. Clearwater, Florida 33757
Office (727) 270-7162 / (727) 637-9608 / Cell: (727) 226-7952

Juris Doctorate (Venezuela)
Certified Legal Assistant (CLA) / Legal Document Preparer (LDP)
Bankruptcy Petition Preparer (BPP) / U.S.A.
Translator / Interpreter (English / Spanish / Portuguese)

Agosto 17, 2015

Mr. Luis Villarruel-Diaz
24479 U.S. Hwy. 19, lot # 815
Southern Comfort Mobile Homes
Clearwater, Florida 33766

Mr. Villarruel-Diaz:

I am including with this letter copies of Invoice pending with our office for professional services rendered to you at different times. The first Invoice No. 20150418 was sent to you on April 18, 2015 for assistance in English with Mr. John Mc.Duffy for an eviction process you had in Southern Comfort Mobile Homes and the second invoice, No. 20150622 for assistance provide to you during a mediation process in Pinellas County Small Claim Court as Interpreters, assistance with your new corporation and finally, assistance provide on July 15, 2015.

I am giving you forty eight (48) hours to respond to this letter or a case against you will be file in Small Claim Court in Pinellas County. If I am doing this, you will be responsible for any additional fees and costs.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Respectfully yours,


Jon Fernandez
Managing Director