

IN THE SUPREME COURT OF FLORIDA

The Florida Bar,
Petitioner,

Florida Bar File Nos.:
20162061(13B)
20162070(13B)
20162071(13B)

v.

Roberta Guedes,
Respondent.

PETITION AGAINST THE UNLICENSED PRACTICE OF LAW

The Florida Bar, Petitioner, files this Petition against Roberta Guedes, Respondent, pursuant to Chapter 10 of the Rules Regulating The Florida Bar and alleges:

1. Respondent, at all times material herein, 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.

2. Respondent has engaged in the unlicensed practice of law in Hillsborough and Orange Counties, Florida, by one or more of the following acts:

COUNT I

3. On December 10, 2015, Respondent and Alencar Bracht appeared at the Hillsborough Clerk of Court's office in Tampa, Florida to complete a Petition for Injunction for Protection Against Domestic Violence for Mr. Bracht.

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4. Respondent completed and filed the Petition for Injunction for Protection Against Domestic Violence on behalf of Mr. Bracht on December 10, 2015, Hillsborough County Circuit Court Case No. 15-DR-18984.

5. Respondent incorrectly listed Alencar Bracht's last name as "Bratch" on the Petition for Injunction for Protection Against Domestic Violence filed on December 10, 2015.

6. Respondent represented herself as the attorney for Alencar Bracht on the Petition for Injunction for Protection Against Domestic Violence.

7. Respondent failed to complete a Disclosure from Nonlawyer, Form 12.900(a), in conjunction with the Petition for Injunction for Protection Against Domestic Violence she prepared for Mr. Bracht.

8. Respondent listed her address on Alencar Bracht's injunction petition as 400 N. Ashley Dr., Suite 2600, Tampa, FL 33602.

9. The Hillsborough County Clerk's office forwarded Alencar Bracht's injunction petition to Judge Frances Perrone for review.

10. After filing the injunction petition, Respondent remained in the courthouse with Mr. Bracht and made several attempts to communicate directly with Judge Perrone concerning the substance of Alencar Bracht's injunction petition.

11. Judge Perrone's judicial assistant informed Respondent that Judge

Perrone was on the bench and she would not address a matter *ex parte*.

12. Respondent failed to advise Judge Perrone's judicial assistant that she was not an attorney.

13. Respondent appeared in Judge Perrone's courtroom with Alencar Bracht even though Mr. Bracht's case was not on Judge Perrone's docket that day.

14. After Judge Perrone concluded her docket, Respondent and Mr. Bracht remained in the courtroom.

15. Respondent stood up in the courtroom and said that she needed to talk to Judge Perrone.

16. A bailiff told Respondent that Judge Perrone would not speak with her and that she should leave the courtroom. Respondent then shouted, "So a child is going to be abducted?"

17. While at the courthouse on December 10, 2015, Respondent also contacted Judge Chet Tharpe and told him she had a problem with Alencar Bracht's case and that Judge Perrone would not talk to her.

18. Respondent advised Judge Tharpe that Alencar Bracht was her client.

19. Respondent advised Judge Tharpe that she was an attorney.

20. When Judge Perrone returned to her office to review pending case files, she reviewed Mr. Bracht's Petition for Injunction for Protection Against Domestic Violence, and based on the facts of the petition, she granted the

temporary injunction.

21. Judge Perrone directed her judicial assistant to have the file processed right away and to extend a courtesy call to the attorney for Mr. Bracht to advise that the petition had been granted.

22. Judge Perrone and her judicial assistant verified that Respondent was listed as the attorney for Mr. Bracht on the Petition for Injunction for Protection Against Domestic Violence, with an address at 400 N. Ashley Dr., Suite 2600, Tampa, FL 33602.

23. Judge Perrone and her judicial assistant searched for Respondent's name on The Florida Bar's attorney directory with no results.

24. Judge Perrone's judicial assistant obtained a telephone number for Respondent from a google search of her name and left a voice mail message for her to call Judge Perrone's office.

25. During the return telephone call, Judge Perrone's judicial assistant asked Respondent if she was an attorney, and Respondent replied, "you can just scratch through that part" [of the filed petition].

26. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding herself out as the attorney for Alencar Bracht in Hillsborough County Circuit Court Case No. 15-DR-18984.

27. Respondent engaged in the unlicensed practice of law in Florida under

the case law set out in Paragraph 139 below by holding herself out as an attorney to Judge Tharpe.

COUNT II

28. Agnieszka Piasecka is an attorney licensed to practice law in Florida and Poland.

29. Ms. Piasecka went to Stetson Law School with Respondent.

30. Ms. Piasecka graduated law school in 2013 and Respondent graduated in 2014.

31. Ms. Piasecka and Respondent had plans after law school to open a law practice together, but their plans were never executed because Respondent did not pass the bar exam.

32. After Respondent's law school graduation, she offered Ms. Piasecka the use of an office at 400 N. Ashley Dr., Suite 2600, Tampa, FL 33602 free of charge for her to practice law if she ever needed it.

33. Ms. Piasecka only used the Ashley Drive office twice to meet clients and never went to that office again.

34. On November 15, 2014, Respondent formed a Florida corporation under the name Immigration and Litigation Law Office, Inc. by forging Ms. Piasecka's electronic signature on the articles of incorporation as the incorporator without her knowledge or permission.

35. Respondent used 400 N. Ashley Drive, Suite 2600, Tampa, FL 33602 as the principal address for the incorporation of Immigration and Litigation Law Office, Inc.

36. Respondent appointed Arlete Chouinard (a/k/a Arlete M. DeJesus) as President of Immigration and Litigation Law Office, Inc., a person unknown to Ms. Piasecka.

37. Respondent created a website for Immigration & Litigation Law Office and listed Ms. Piasecka as the founder and senior partner in the firm.

38. The website for Immigration & Litigation Law Office listed its Tampa location as 400 North Ashley Drive, Suite 2600, Tampa, FL 33602.

39. The website for Immigration & Litigation Law Office advertised that it focused on immigration law, appellate, international disputes, litigation and arbitration, family law, bankruptcy law, criminal law, and labor law.

40. Respondent noted on the website for Immigration and Litigation Law Office that it had several locations in the USA, as well as locations in Asia & Europe.

41. Respondent informed Ms. Piasecka that she had obtained a fictitious name "Immigration and Litigation Law Office" for Ms. Piasecka to use with the 400 N. Ashley Drive address.

42. Respondent failed to inform Ms. Piasecka that she formed

Immigration and Litigation Law Office, Inc. in Ms. Piasecka's name and electronically forged her signature.

43. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding out Immigration and Litigation Law Office as a law practice.

44. Respondent engaged in the unlicensed practice of law under the case law set out in Paragraph 139 below by pretending to be an attorney in forming Immigration and Litigation Law Office, Inc.

COUNT III

45. On September 23, 2014, Respondent formed a Florida limited liability company under the name Ferguson & McKenzie, LLC, 400 North Ashley Drive, Suite 2600, Tampa, FL 33602.

46. Respondent forged Agnieszka Piasecka's electronic signature on the articles of incorporation as the incorporator of Ferguson & McKenzie, LLC without Ms. Piasecka's knowledge or permission.

47. Respondent appointed Arlete M. DeJesus (a/k/a Arlete Chouinard) as the initial manager of Ferguson & McKenzie, LLC, a person unknown to Ms. Piasecka.

48. Respondent created a website for Ferguson & McKenzie, LLC, listing 400 North Ashley Drive, Suite 2600, Tampa, FL 33602 as its principal office and

mailing address.

49. On October 1, 2014, Respondent signed the lease for Ferguson & McKenzie located at 400 North Ashley Drive, Suite 2600, Tampa, FL 33602.

50. The website for Ferguson & McKenzie contained stock photos of fake attorneys and advertised that it specialized in immigration law and litigation, family law, foreclosure, bankruptcy, trust and estates, and juvenile law.

51. Respondent used the -e-mail address robertaguedes@fergusonmckenzielaw.com in communications with third parties concerning legal matters.

52. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding out Ferguson & McKenzie, LLC as a law practice.

53. Respondent engaged in the unlicensed practice of law under the case law set out in Paragraph 139 below by pretending to be an attorney in forming Ferguson & McKenzie, LLC.

COUNT IV

54. In March 2015, Lindomarcia Reyes retained the services of Respondent at the Immigration & Litigation Law Office, 400 N. Ashley Drive, Suite 2600, Tampa, FL 33602 for help in responding to a Department of Homeland Security, US Citizen and Immigration Services (“USCIS”) Notice of Intent to

Deny I-130 Petition.

55. Respondent represented herself as an attorney to Lindomarcia Reyes.

56. On March 27, 2015, Lindomarcia Reyes entered into a written attorney-client agreement with the Immigration & Litigation Law Office that set forth that she would pay \$800 for legal fees relating to the filing of a Request for Evidence concerning the I-130 Petition.

57. Lindomarcia Reyes believed she had retained the services of an attorney by hiring Respondent to handle her immigration case.

58. Respondent signed the March 27, 2015 attorney-client agreement on behalf of Immigration & Litigation Law Office as “Roberta Guedes, Attorney, Florida Bar No. 0105476.”

59. Florida Bar No. 0105476 belongs to attorney Agnieszka Piasecka.

60. Ms. Piasecka was unaware that Respondent used her Bar number on the retainer agreement for Lindomarcia Reyes.

61. On March 30, 2015, Respondent sent a letter to USCIS on Immigration & Litigation Law Office letterhead on behalf of Lindomarcia Reyes.

62. Respondent identified herself as “Roberta Guedes, Attorney for Petitioner” in the March 30, 2015 letter to the USCIS.

63. On April 29, 2015, Respondent sent a letter to the USCIS on Immigration & Litigation Law Office letterhead on behalf of Lindomarcia Reyes.

64. Respondent identified herself as “Roberta Guedes, Esq.” in the April 29, 2015 letter to the USCIS.

65. In August 2015, Lindomarcia Reyes again retained the services of Respondent to help her obtain an immigrant visa for her daughter so that she could bring her from Brazil to the U.S.

66. On October 12, 2015, Lindomarcia Reyes met with Respondent to complete the required online immigration forms and to supply her with the supporting documents requested by the National Visa Center (“NVC”).

67. Respondent told Lindomarcia Reyes that everything would be filed with the NVC once the packet was ready.

68. Weeks went by without any updates from Respondent, even though Respondent charged Lindomarcia Reyes’ debit card without her consent.

69. Lindomarcia Reyes attempted to contact Respondent by phone but Respondent did not return her calls.

70. Respondent would only communicate with Lindomarcia Reyes by text, but she never gave her a straight answer.

71. On December 15, 2015, Respondent texted Lindomarcia Reyes that the U.S. Consulate Office in Rio de Janeiro had contacted her to discuss her case, and that an interview date was near.

72. When Lindomarcia Reyes did not hear from the U.S. Consulate, she

texted Respondent for an update, but received no response.

73. During the period from March 27, 2015 to November 17, 2015, Lindomarcia Reyes paid Respondent \$3,782 for fees charged by Respondent to assist her with her immigration matters.

74. On January 7, 2016, Lindomarcia Reyes consulted with Florida licensed attorney Ibrahim Ayyub for a second opinion on her case.

75. Mr. Ayyub contacted the NVC on behalf of Lindomarcia Reyes and found out that a DS-260 form had been electronically submitted to the NVC, but the financial and supporting documents had not.

76. Mr. Ayyub learned from the NVC that Agnieszka Piasecka was listed as the attorney of record on Lindomarcia Reyes' case.

77. Mr. Ayyub could not find Respondent listed as an attorney on The Florida Bar's website. He searched online for the Immigration & Litigation Law Office, with no results.

78. After consulting with Mr. Ayyub, Lindomarcia Reyes terminated her "attorney-client" relationship with Respondent and hired Mr. Ayyub.

79. On January 19, 2016, Respondent sent an e-mail to Ibrahim Ayyub concerning Lindomarcia Reyes' case.

80. Respondent sent the January 19, 2016 e-mail to Mr. Ayyub from the e-mail address of robertaguedes@fergusonmckenzielaw.com.

81. The January 19, 2016 e-mail to Mr. Ayyub from Respondent contained a disclaimer on the bottom that read in part, “This email may contain information that is confidential or attorney-client privileged” A copy of the January 19, 2016 e-mail is attached to this petition as Exhibit “A.”

82. Respondent failed to disclose her nonlawyer status in her January 19, 2016 e-mail to Mr. Ayyub.

83. On January 27, 2016, Agnieszka Piasecka received a call from attorney Ibrahim Ayyub, who notified her that he was in possession of the immigration file of his client Lindomarcia Reyes and that her name was listed on the forms as attorney of record.

84. Lindomarcia Reyes never met or spoke with Ms. Piasecka concerning her immigration case.

85. Ms. Piasecka had never met Lindomarcia Reyes and was unaware of her legal matter.

86. Respondent forged Ms. Piasecka’s signature on Lindomarcia Reyes’ immigration petition without the knowledge or permission of Ms. Piasecka.

87. Respondent used Ms. Piasecka’s Bar number on Lindomarcia Reyes’ immigration petition without the knowledge or permission of Ms. Piasecka.

88. Respondent used Ms. Piasecka’s Bar number on Lindomarcia Reyes’ retainer agreement with Immigration & Litigation Law Office without the

knowledge or permission of Ms. Piasecka.

89. Respondent forged Ms. Piasecka's name on correspondence to the USCIS concerning Lindomarcia Reyes.

90. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding herself out as an attorney to Lindomarcia Reyes.

91. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding herself out as an attorney in documentation and correspondence to the USCIS.

92. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding herself out as an attorney to attorney Ibrahim Ayyub.

93. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by allowing Lindomarcia Reyes to rely on her to properly select and complete her immigration forms.

COUNT V

94. In or about January 2015, Rosemar Machado met with Respondent at her office at Immigration & Litigation Law Office, 400 N Ashley Drive, Tampa, Florida 33602 for assistance with a divorce.

95. Rosemar Machado had heard through a friend that Respondent could

help her with her divorce because Respondent was an attorney.

96. Respondent represented herself as an attorney to Rosemar Machado.

97. Respondent selected and prepared the divorce documents for Rosemar Machado's signature in her divorce case.

98. Respondent failed to include a nonlawyer disclosure on the divorce forms she prepared for Rosemar Machado.

99. Respondent told Rosemar Machado not to contact her husband about the divorce and that she (Respondent) would handle everything.

100. On or about January 12, 2015, Respondent prepared a letter on Immigration & Litigation letterhead directed to Michael Machado, Rosemar Machado's then husband, concerning their divorce case.

101. The January 12, 2015 letter began with "Your wife has retained my services to assist her with an uncontested dissolution of marriage." A copy of the first page of the January 12, 2015 letter is attached to this petition as Exhibit "B."

102. On or about March 9, 2015, Respondent prepared an invoice for Rosemar Machado on letterhead that read "Immigration & Litigation Law Office."

103. Respondent identified herself as an attorney on the March 9, 2015 invoice to Rosemar Machado. A copy of the invoice is attached to this petition as Exhibit "C."

104. On or about April 18, 2015, Respondent prepared a Marital Settlement

Agreement for Rosemar Machado.

105. The Marital Settlement Agreement Respondent prepared for Rosemar Machado is not a Supreme Court of Florida approved form.

106. Respondent took oral information from Rosemar Machado to prepare the Marital Settlement Agreement.

107. Rosemar Machado believed she had retained the services of an attorney by hiring Respondent to handle her divorce case.

108. Rosemar Machado never met or spoke with an attorney named Agnieszka Piasecka.

109. Respondent never mentioned Agnieszka Piasecka to Rosemar Machado.

110. Respondent never told Rosemar Machado that she worked for another attorney at Immigration & Litigation Law Office.

111. Rosemar Machado relied on Respondent to properly handle her divorce case.

112. In 2016, Rosemar Machado learned from her sister Lindomarcia Reyes that Respondent was not an attorney.

113. Respondent allowed Rosemar Machado to believe that Respondent was an attorney.

114. Rosemar Machado paid Respondent \$1,000 to prepare her divorce

documents.

115. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding herself out as an attorney to Rosemar Machado.

116. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding herself out as an attorney in correspondence to Michael Machado.

117. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by providing personal services to Rosemar Machado in the preparation of legal documents that went beyond selling forms, typing forms, providing written information or providing secretarial or notary services.

118. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by allowing Rosemar Machado to rely on her to properly select and complete her divorce documents.

COUNT VI

119. On or about January 3, 2015, Nelson Neto entered into an Attorney-Client Agreement with Immigration & Litigation Law Office, 400 N. Ashley Drive, Suite 2600, Tampa, FL 33602, concerning an immigration matter.

120. Respondent held herself out as an attorney to Nelson Neto.

121. Respondent was the only person Nelson Neto communicated with at Immigration & Litigation Law Office.

122. Respondent forged Agnieszka Piasecka's signature on the January 3, 2015 Attorney-Client Agreement concerning Nelson Neto. A copy of the Attorney-Client agreement is attached to this Petition as Exhibit "D."

123. On January 8, 2015, Respondent prepared a Motion for Continuance on behalf of Nelson Neto in the matter of Nelson Alberto Neto, Case No. A205-655-824, Executive Office for Immigration Review, United States Immigration Court, Orlando, Florida.

124. Respondent forged Ms. Piasecka's signature as the attorney for Nelson Neto on the Motion for Continuance. A copy of the Motion for Continuance is attached to this Petition as Exhibit "E."

125. Ms. Piasecka had never met or communicated with Nelson Neto.

126. Ms. Piasecka was unaware of Nelson Neto's immigration case.

127. On January 8, 2015, Respondent prepared and filed Respondent's Written Pleading on behalf of Nelson Neto concerning his immigration case referenced above.

128. Respondent forged Ms. Piasecka's signature as the attorney of record for Nelson Neto on Respondent's Written Pleading. A copy of the Respondent's Written Pleading is attached to this Petition as Exhibit "F."

129. Respondent served the documents referenced in paragraphs 123 and 127 above by hand delivering them to the Executive Office for Immigration Review, United States Immigration Court, Orlando, Florida.

130. On January 8, 2015, Respondent accompanied Nelson Neto to the Executive Office for Immigration Review, United States Immigration Court, in Orlando, Florida, for a master calendar hearing.

131. During the master calendar hearing, Respondent pretended to be attorney Agnieszka Piasecka and acted as counsel for Nelson Neto.

132. Nelson Neto paid Respondent \$1,500 in fees to represent him in his immigration case.

133. Nelson Neto relied on Respondent to properly handle his immigration case.

134. In or about 2017, Nelson Neto hired licensed attorney O. George Bamis to handle his immigration case.

135. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding herself out as an attorney to Nelson Neto.

136. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding out Immigration and Litigation Law Office as a law practice in a motion and a pleading filed in

immigration court on behalf of Nelson Neto.

137. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by holding herself out as an attorney in a motion and a pleading filed in immigration court on behalf of Nelson Neto.

138. Respondent engaged in the unlicensed practice of law in Florida under the case law set out in Paragraph 139 below by allowing Nelson Neto to rely on her to properly handle his immigration case.

139. The aforementioned actions of the Respondent have violated 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 (1963); *The Florida Bar v. Matus*, 528 So. 2d 895 (Fla. 1988); *The Florida Bar v. Corpa*, 642 So. 2d 548 (Fla. 1994); *The Florida Bar v. Warren*, 655 So. 2d 1131 (Fla. 1995); *The Florida Bar v. Lister*, 662 So. 2d 1241 (Fla. 1995); *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 Respondent 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 Respondent is duly licensed to practice law in this state.

3. That this Court assess monetary penalties of \$6,000 which is equal to \$1,000.00 per incident of unlicensed practice of law.

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

NAME	AMOUNT
Lindomarcia Reyes	\$3,782
Rosemar Machado	\$1,000
Nelson Neto	\$1,500

and that this Court order Respondent 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 Respondent.

6. That this Court grant such other and further relief as it may deem proper.

Respectfully submitted,

THE FLORIDA BAR

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By: /s/ Maria L. Torres for
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