

IN THE SUPREME COURT OF FLORIDA
Before a Referee

THE FLORIDA BAR,

Complainant,

Case No: SC17-782

v.

DENNIS L. HORTON,

Respondent.

_____ /

NOTICE OF FILING FLORIDA BAR PRESS RELEASE

Respondent, DENNIS L. HORTON, through undersigned counsel, hereby notifies the Court and counsel that Complainant, THE FLORIDA BAR, has disseminated the attached press release describing this pending matter and identifying this Respondent, further causing unnecessary and unwarranted stress and strife to third persons, including the Law Office of Horton & Horton, P.A., Michael G. Horton, Esq., and clients thereof, and thereby poisoning or destroying relationships between and among such third persons.

Because it was argued and demonstrated in a hearing held in this case on May 19, 2017 that lawyers in Florida enjoy less protection from the state judicial system than do wife-beaters, it is particularly egregious and in fact it shows legal malice for The Florida Bar to rely on – and now publicize – its pleaded assertion that on May 1, 2017 this Respondent “appears to be causing great public harm” when in actual fact the pleaded allegations the Bar filed on that date – even if

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taken as true – show no such thing.

The original fraud on the Court perpetrated by agents of The Florida Bar, now compounded by the work of the Bar's public relations officials may not be remediated through a civil action, due to the Eleventh Amendment and the Bar's status as an arm of this Court and the prosecuting department of this Court. It therefore falls on the Respondent to make the Court aware of the publicity created by the Bar in this pending litigation, the motivation for which can only be to defame an attorney member and as a foreseeable and proximate result destroy relationships and engender hostility and angst in and among third persons.

The question is: If an attorney suspended under a rule of court (that is rife with the potential for abuse by the Bar) is required to – and does – notify all his clients and copies them on the Order of Suspension resulting from the abuse of that rule, why does The Florida Bar feel compelled to destroy his law firm, his career, and the career and business of his son through its publicity apparatus?

CERTIFICATE OF SERVICE

I CERTIFY that this paper was served per Rule 2.516 to Carrie C. Lee, Esq., at clee@floridabar.org, mcasco@floridabar.org, aquintel@floridabar.org, avanstru@floridabar.org, at The Florida Bar, 561 E. Jefferson Street, Tallahassee, Florida 32399 on July 5, 2017.

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NEWS RELEASES

SUPREME COURT DISCIPLINES 20 ATTORNEYS

FOR IMMEDIATE RELEASE

June 29, 2017

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The Florida Bar

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Summaries of orders issued March 30 – May 25, 2017

The Florida Bar, the state's guardian for the integrity of the legal profession, announces that the Florida Supreme Court in recent court orders disciplined 20 attorneys – disbarring three, revoking the licenses of seven, suspending six and publicly reprimanding four. Three attorneys received more than one form of discipline. Two were ordered to pay restitution and one was placed on probation.

As an official arm of the Florida Supreme Court, The Florida Bar and its Department of Lawyer Regulation are charged with administering a statewide disciplinary system to enforce Supreme Court rules of professional conduct for the 104,000-plus members of The Florida Bar. Key discipline case files that are public record are posted to attorneys' individual online Florida Bar profiles. [To view discipline documents, follow these steps.](#) Additional information on the discipline system and how to file a complaint are available at www.floridabar.org/attorneydiscipline.

Court orders are not final until time expires to file a rehearing motion and, if filed, determined. The filing of such a motion does not alter the

effective date of the discipline. Disbarred lawyers may not re-apply for admission for five years. They are required to go through an extensive process that rejects many who apply. It includes a rigorous background check and retaking the bar exam. Historically, less than 5 percent of disbarred lawyers seek readmission.

Marcy Elizabeth Abitz, 322 N.W. 103rd Terrace, Pembroke Pines, disbarred effective immediately, following a May 25 court order.

(Admitted to practice: 2002) Further, Abitz shall pay restitution of \$375 per month for 24 months to Cypress Insurance Group. An echeck from the insurance company for nearly \$9,000 was mistakenly mailed to Abitz. She deposited the funds and disbursed most of the money within days of receipt. Upon receiving an initial email from Cypress about the error, Abitz said she would investigate the matter.

Thereafter, Abitz ignored all requests to communicate with the insurance group.

(Case No. SC16-1358)

Dennis Roland Bedard, 1717 N. Bayshore Drive, Suite 215, Miami, received a disciplinary revocation with leave to seek readmission after five years, effective immediately, following a May 25 court order.

(Admitted to practice: 1988) Disciplinary revocation is tantamount to disbarment. A disciplinary matter pending against Bedard involved claims, made by a prior client of the misuse of client funds. (Case No. SC17-476)

Phillip J. Brutus, 4000 N. State Road 7, Suite 214, Lauderdale Lakes, suspended for one year, effective 30 days from a May 4 court order.

(Admitted to practice: 1987) Further, upon reinstatement, Brutus shall serve two years of probation. In handling a dissolution of marriage proceeding, Brutus disbursed funds from the former husband to the client and himself, and the remainder to costs, without a court order or settlement agreement indicating how the money would be disbursed. A Bar audit also found that Brutus did not properly maintain his trust account in accordance with rules. Between July and September 2010,

there were at least three overdrafts. (Case No. SC14-2499)

Joseph Cichowski, 1007 N. Federal Highway #4000, Fort Lauderdale, received a disciplinary revocation with leave to seek readmission after five years, effective immediately, following a May 11 court order.

(Admitted to practice: 2000) Disciplinary revocation is tantamount to disbarment. A disciplinary matter pending against Cichowski involved an adjudication of guilt for grand theft auto. (Case No. SC17-469)

Richard Michael Colbert, 2717 Gulf Breeze Parkway, Gulf Breeze, received a disciplinary revocation without leave to seek readmission, effective immediately, following a May 11 court order. (Admitted to practice: 1987) Disciplinary revocation without leave to reapply is tantamount to permanent disbarment. Colbert pleaded guilty in court to 13 federal felonies including theft, embezzlement and misappropriation of bank funds, money laundering, bank and mail fraud, and false statements to a financial institution. (Case No. SC17-233)

Mirta Desir, P.O. Box 1052, West Palm Beach, disbarred effective immediately, following a May 11 court order. (Admitted to practice: 2011) Desir was retained to represent clients in two separate matters, and failed to adequately communicate and keep them informed. One case was dismissed and could not be refiled because of the statute of limitations. In the other case, the client requested a full refund and the return of his file. Desir refunded only \$1,000 of the \$2,760 and failed to return the file. In another matter that resulted in a monetary settlement, Desir refused to pay the award in the amount of nearly \$12,800. She failed to respond to Bar inquiries regarding the matter. (Case No. SC16-1417)

Joe Manuel Gonzalez, 304 S. Willow Ave., Tampa, suspended for three years, effective retroactive to Dec. 3, 2016, following a May 4 court order. (Admitted to practice: 1981) Gonzalez pleaded and was adjudicated guilty to the felony charge of structuring financial

transactions to avoid currency requirements, in violation of 31 U.S.C. Section 5324(a)(3). (Case No. SC16-1998)

Dennis L. Horton, 900 W. Highway 50, Clermont, suspended until further order, following a May 3 court order. (Admitted to practice: 1974) According to a petition for emergency suspension, Horton appeared to be causing great public harm by taking improper loans from his clients and commingling trust funds in his operating account that had excessive overdrafts. It resulted in trust funds being misused for purposes other than those for which they were intended. (Case No. SC17-782)

David Erickson Hudgens, P.O. Box 1574, Daphne, Ala., received a disciplinary revocation with leave to seek readmission after five years, effective immediately, following a May 11 court order. (Admitted to practice: 1984) Disciplinary revocation is tantamount to disbarment. A disciplinary matter pending against Hudgens involved a discipline case stemming from trust accounting issues in Alabama, involving misappropriation, misrepresentation and the filing of false reports. (Case No. SC17-495)

Constantine Kalogianis, 8141 Bellarus Way, Suite 103, Trinity, disbarred effective 30 days from a May 25 court order. (Admitted to practice: 1993) Kalogianis borrowed over \$225,000 from a client's inheritance for real estate development and gave \$35,000 from the funds to his paralegal. Subsequently, Respondent decreased the monthly payments to the client and then stopped making payments on the loan. Kalogianis engaged in a pattern of misconduct involving dishonesty, fraud, deceit or misrepresentation regarding the loan agreement. (Case No. SC15-2095)

Courtney Krudy, P.O. Box 405, Greenwood, Ind., received a disciplinary revocation with leave to seek readmission after five years, effective immediately, following a May 25 court order. (Admitted to practice: 2013)

Disciplinary revocation is tantamount to disbarment. A disciplinary matter pending against Krudy involved a reciprocal discipline action in which Krudy was found to have misappropriated funds from her previous law firm in Indiana. (Case No. SC17-174)

D. Kenneth Leigh, Jr., 414 Old Hard Road, Suite 201, Fleming Island, to be publicly reprimanded following a March 30 court order. (Admitted to practice: 1999) Leigh opened three law offices in two months in South Florida. When the firm did not generate sufficient capital to cover the overhead, Leigh failed to remit payroll taxes to the Internal Revenue Service for the last quarter of 2015. Instead, he commingled the payroll taxes into the firm's general operating account. (Case No. SC17-213)

Paul R. Linder, 738 Rugby St., Orlando, received a disciplinary revocation without leave to seek readmission, effective 30 days from an April 20 court order. (Admitted to practice: 1982) Disciplinary revocation without leave to reapply is tantamount to permanent disbarment. Disciplinary matters pending against Linder included an overdraft in his trust account of more than \$58,000 and allegations of improperly using client funds for a purpose other than which they were intended. (Case No. SC17-434)

Katherine M. Mohr, 23150 Fashion Drive, Suite 232, Estero, to be publicly reprimanded following a May 25 court order. (Admitted to practice: 2011) Mohr was found in contempt for failing to comply in a timely manner with the terms of a Jan. 5 court order. Specifically, Mohr was required to notify her clients, opposing counsel and tribunals of her 90-day suspension, and provide the Bar within 30 days a sworn affidavit listing the names and addresses of all persons and entities that were furnished a copy of her suspension order. (Case No. SC17-640)

Brian Christopher Morris, PO Box 137, Port Jefferson Station, N.Y., suspended until further order, effective 30 days from a May 5 court order. (Admitted to practice: 2011) According to a petition for

emergency suspension, Morris appeared to be causing great public harm by the misappropriation of client funds. During every month in the audit period, there were trust account shortages ranging from \$2,111 to \$9,376. Nine Bar complaints alleged that Morris also failed to adequately communicate, neglected cases and lacked competence. (Case No. SC17-795)

Aura Olivas, 4000 Ponce De Leon Blvd., Suite 470, Coral Gables, suspended until further order, effective immediately, following a May 3 court order. (Admitted to practice: 2002) Olivas was found in contempt for non-compliance. She failed to respond to official Bar inquiries and a subpoena for trust account records. (Case No. SC17-463)

Carl Wesley Pittman, P.O. Box 710, Panama City, to be publicly reprimanded by publication following a May 4 court order. (Admitted to practice: 1976) Pittman is further directed to attend ethics school. Pittman was retained to represent a married couple in a civil case against a car dealer. A sexual relationship developed between Pittman and the female client at the outset of the litigation, creating a violation of 4-8.4(i) and a conflict of interest. When it ended almost six months later, Pittman self-reported the matter to the Bar. He then filed for substitution of counsel and ceased representation of both clients. (Case No. SC16-1885)

Neil Wayne Platock, 2 Northgate Drive, Ponte Vedra Beach, to be publicly reprimanded following a May 10 court order. (Admitted to practice: 1985) Platock was found in contempt for failing to comply in a timely manner with the terms of an Aug. 25 court order. Specifically, Platock was required to notify his clients, opposing counsel and tribunals of his two-year suspension, and provide the Bar within 30 days a sworn affidavit listing the names and addresses of all persons and entities that were furnished a copy of his suspension order. (Case No. SC16-2311)

Peter G. Stamas, 315 S.E. 7th Street, Suite 301, Fort Lauderdale,

suspended for two years, effective immediately, following a May 4 court order. (Admitted to practice: 2007) Further, Stamas shall pay restitution totaling \$7,000 to two clients. Stamas practiced law while suspended. (Case No. SC16-1022)

Paul Bradford Woods, 1221 Brickell Ave., Floor 9, Suite 900, Miami, received a disciplinary revocation with leave to seek readmission, effective immediately, following a March 30 court order. (Admitted to practice: 1981) Disciplinary revocation is tantamount to disbarment. Disciplinary matters pending against Woods involved allegations of his involvement as an escrow agent in which a party was defrauded and his fraudulent conduct in civil proceedings. (Case No. SC17-92)

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EDITORS: Please note The Florida Bar is not an association and "Association" is not part of our name. Proper reference is "The Florida Bar." Local bar organizations are properly termed "associations."

[Revised: 06-29-2017]