

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC-

v.

The Florida Bar File Nos.
2019-70,668 (11P)
2020-70,037 (11P)
2020-70,203 (11P)
2020-70,204 (11P)

KENNETH EDWARD WALTON II,
Respondent.

_____ /

REQUESTS FOR ADMISSION

The Florida Bar requests respondent make the following admissions for the purpose of this action only and subject to all pertinent objections to their admissibility, which may be interposed at the trial, pursuant to Fla. R. Civ. P. 1.370, within 45 days after service of this request.

COUNT I

THE FLORIDA BAR FILE NO. 2019-70,668

1. Your client, Salena Burgess, emailed you on September 5, 2018 and requested a status update related to her case.
2. You did not reply.
3. Even though you emailed Ms. Burgess on September 13, 2018, promising to work on her case over the weekend, you ceased communication with her until December 21, 2018, despite receiving emails

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from her on October 2, 2018; October 5, 2018; October 9, 2018; and October 22, 2018.

4. You once again ceased communication with her in January 2019, when she resumed requesting updates regarding her matter.

5. On March 12, 2019, you forwarded an email to Ms. Burgess regarding her bankruptcy case, stated that you were on your way to court, and promised to email the docket to her that same day.

6. You never emailed her with the docket and stopped communication again.

7. On January 15, 2020, you provided a statement to The Florida Bar where you stated you did not adequately communicate with and stated that Ms. Burgess “successfully completed her 60 months in Chapter 13, however she could not enjoy it as soon as it happened because of my poor communication.”

8. In that same communication to the bar, you admitted that you were medically incapacitated for most of your representation of Ms. Burgess.

9. You admit you violated the following Rules Regulating The Florida Bar: 4-1.3 (Diligence); (4-1.4 Communication); and 4-1.16(a) (When Lawyer Must Decline or Terminate Representation).

COUNT II

THE FLORIDA BAR FILE NO. 2020-70,037

10. You were hired as the closing agent by a buyer for the preparation of documents related to a real estate transaction for 429 NW 43rd Street in Miami, Florida.

11. You made several mistakes on the closing documents, which delayed the closing, which took place on or around October 18, 2018.

12. One of your duties was to pay Realtor Sandor Urban his approximately \$6,586.00 commission.

13. You never paid the commission despite promises to secure the payment between April 14, 2020 and August 17, 2020, over the course of at least 14 requests from Mr. Urban regarding the status of his payment for commission.

14. You also failed to correct the closing statement until May 2020, despite being requested to do so for at least 18 months.

15. Your response to a bar subpoena requesting trust account records was deficient in that you did not provide trust account bank statements and cancelled checks for January 1, 2018 through February 29, 2020; any client ledger cards, any cash receipts and disbursement journals; any trust account bank reconciliations; and any reconciliations of the trust

account bank balances to the individual client ledger card balances, which you are required to keep on a monthly basis.

16. You admit you violated the following Rules Regulating The Florida Bar: 4-4.4(a) (In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third or knowingly use methods of obtaining evidence that violate the legal rights of such a person); and 5-1.2 (Failure to maintain technical trust accounting records).

COUNT III

THE FLORIDA BAR FILE NO. 2020-70,203

17. Dmitri Mikhailov and Maritza Lagos retained you for \$5,000.00 in or about August 2018 to remove a lien over a Sunny Isles Beach, Florida, property.

18. You failed to perform the agreed-upon services.

19. Ultimately, Mr. Mikhailov ended up owing the City of Sunny Isles Beach \$700,000.00 in daily fines because of your failure to pursue the matter diligently.

20. Between October 15, 2015, and July 1, 2019, Mr. Mikhailov initiated correspondence requesting status updates with you no fewer than 15 times.

21. You did not respond to those attempts until he informed you he would be filing a grievance with The Florida Bar on July 1, 2019.

22. You ceased communication with Mr. Mikhailov shortly thereafter and stopped communicating with him completely after August 9, 2019.

23. You admit that Mr. Mikhailov should receive a refund of the money paid to you.

24. In a January 15, 2020, letter to the bar, you admit you suffered from “multiple medical conditions that rendered me unable to fully complete services and to stay in close communication with Mr. Mikhailov.”

25. You admit you violated the following Rules Regulating The Florida Bar: 4-1.3 (Diligence); 4-1.4 (Communication); 4-1.5 (Fees and Costs for Legal Services); and 4-1.16(a) (When Lawyer Must Decline or Terminate Representation).

COUNT IV

THE FLORIDA BAR FILE NO. 2020-70,204

26. Roy Collins retained you and paid \$5,000.00 in or about June 2019, for a foreclosure defense case.

27. Despite several attempts to contact you, Mr. Collins did not hear from you again until August 21, 2019, when you sent him a text

message apologizing for “being out of pocket” and requesting you both speak later that evening.

28. Mr. Collins never heard from you again.

29. In a letter to the bar, dated February 27, 2020, you admitted you were not healthy enough to represent Mr. Collins, stating that you “probably should not have accepted Mr. Collis [sic] case at that time [sic] I see that I was overly optimistic that I would soon make a full recovery.”

30. You admit you violated the following Rules Regulating The Florida Bar: 4-1.4 (Communication); 4-1.5 (Fees and Costs for Legal Services); and 4-1.16(a) (When Lawyer Must Decline or Terminate Representation).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this document has been efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Kenneth Edward Walton II, at kenneth@waltonlawfirm.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 1450 0000 7821 0285, return receipt requested to Kenneth Edward Walton II, whose record bar address is Bank of America Financial Center, 701 Brickell Avenue, Suite 1550, Miami, FL 33131-2824 and via email to Rita Elizabeth Florez, Bar Counsel, rflorez@floridabar.org, on this 16th day of February, 2021.



Patricia Ann Toro Savitz
Staff Counsel