

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

BRIAN ALFRED MANGINES,

Respondent.

Supreme Court Case  
No. SC-

The Florida Bar File  
No. 2019-50,731(15E)

\_\_\_\_\_ /

**NOTICE OF DETERMINATION OR JUDGMENT OF GUILT**

COMES NOW, The Florida Bar, and files this Notice of Determination or Judgment of Guilt, pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar and states:

1. Respondent is a member of The Florida Bar, admitted on June 2, 1997.

2. In *State v. Brian Alfred Mangines*, Case No. 2019CF002657AMB, in the Circuit Court for the Fifteenth Judicial Circuit Palm Beach County, Florida on or about April 24, 2019, a criminal Information was filed against respondent.

3. Respondent was charged with one count of Conspiracy to Commit Patient Brokering in violation of Florida Statutes Section 777.04(3) and 817.505(a)(b) and (4), a 3rd degree felony. Respondent was also

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charged with one count of Patient Brokering in violation of Florida Statutes Section 817.505(1)(b) and (4) and 777.011, a 3rd degree felony.

4. On or about May 16, 2022, a judgment was entered accepting respondent's guilty plea to one count of Patient Brokering in violation of Florida Statutes Section 817.505(1)(b) and (4) and 777.011.

5. The State announced a Nolle Prose as to the one count of Conspiracy to Commit Patient Brokering.

6. Adjudication was withheld and respondent was sentenced to 24 months of probation, which included a condition that he could not engage in the practice of law during probation. (A copy of the documents on which the determination or judgment are based are attached hereto and incorporated herein as **The Florida Bar's Composite Exhibit 1.**)

7. By the conduct set forth above, respondent violated R. Regulating Fla. Bar 3-4.3 (The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline....); 3-4.4 (A determination or judgment by a court of competent jurisdiction that a member of The Florida Bar is guilty of any crime or offense that is a felony under the laws of that court's jurisdiction is cause for automatic suspension from the practice of law in Florida....); 4-8.4(a) (A lawyer shall not violate or attempt to violate the Rules of Professional

Conduct, knowingly assist or induce another to do so, or do so through the acts of another.); and 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.).

WHEREFORE, The Florida Bar respectfully requests this Court enter an order:

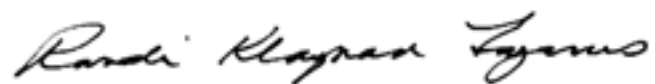
A. Finding respondent guilty of violating R. Regulating Fla. Bar 3-4.3 (The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline....); 3-4.4 (A determination or judgment by a court of competent jurisdiction that a member of The Florida Bar is guilty of any crime or offense that is a felony under the laws of that court's jurisdiction is cause for automatic suspension from the practice of law in Florida....); 4-8.4(a) (A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.); and 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.);

B. Suspending respondent pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar;

C. Ordering respondent to furnish a copy of the suspension order to: (1) all of the respondent's clients with matters pending in the respondent's practice; (2) all opposing counsel or co-counsel in the matters listed in (1) above; (3) all courts, tribunals, or adjudicative agencies before which the respondent is counsel of record; and (4) all state, federal, or administrative bars of which respondent is a member, as required by Rule 3-5.1(h) of the Rules of Discipline of The Florida Bar and to furnish staff counsel with the requisite affidavit listing the names and addresses of all persons and entities that have been furnished copies of the order within 30 days after service of the Court's order; and

D. Appointing or directing the appointment of a referee to conduct a hearing on sanctions pursuant to Rule 3-7.2(h), Rules of Discipline of The Florida Bar.

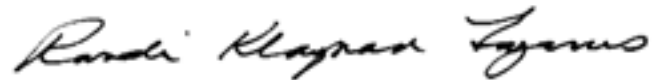
Respectfully submitted,



Randi Klayman Lazarus, Bar Counsel  
The Florida Bar  
Fort Lauderdale Branch Office  
Lake Shore Plaza II  
1300 Concord Terrace, Suite 130  
Sunrise, Florida 33323  
(954) 835-0233  
Florida Bar No. 360929  
[rlazarus@floridabar.org](mailto:rlazarus@floridabar.org)  
[smiles@floridabar.org](mailto:smiles@floridabar.org)

## **CERTIFICATE OF SERVICE**

I certify that this Notice of Determination or Judgment of Guilt has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to D. Culver Smith, III, Counsel for Respondent, at [csmith@culversmithlaw.com](mailto:csmith@culversmithlaw.com); using the E-filing Portal, and via email to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, via email at [psavitz@floridabar.org](mailto:psavitz@floridabar.org), on this 24th day of August, 2022.



Randi Klayman Lazarus, Bar Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Randi Klayman Lazarus, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Fort Lauderdale Branch Office, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, (954) 835-0233 and [rlazarus@floridabar.org](mailto:rlazarus@floridabar.org) and [smiles@floridabar.org](mailto:smiles@floridabar.org). Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, [psavitz@flabar.org](mailto:psavitz@flabar.org).

**FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
 PLEA IN THE CIRCUIT COURT  
 THE FOLLOWING REFLECTS ALL TERMS OF THE NEGOTIATED SETTLEMENT**

Name: **BRIAN ALFRED MANGINES**  
 Plea: Guilty X

| Case No.        | Charges                                     | Count | Lesser | Degree |
|-----------------|---------------------------------------------|-------|--------|--------|
| 2019CF0026S7AMB | Patient Brokerage, 817.50S(1)(b)(4) 777.011 | 2     | No     | 3F     |

**\*\*\* The State announces a Notice Pursuant to Count 2 (Conspiracy to Commit Patient Brokering) \*\*\***

PSI: Waived/Not Required X Required/Requested \_\_\_\_\_  
 ADJUDICATION: Adjudicate [ ] as to Count(s) \_\_\_\_\_ Withhold [X] as to Count(s) 2

**SENTENCE:**  
~~\$3,000~~ Fine. Standard court costs \$200 cost of prosecution.  
 incarceration: \_\_\_\_\_ Days \_\_\_\_\_ with credit for \_\_\_\_\_ days time served.  
 Defendant agrees that \_\_\_\_\_ days is the correct amount of credit and waives any affirmative right to appeal any other credit the Defendant believes he/she may be entitled to.  
X Defendant will provide two (2) samples of DNA in Court

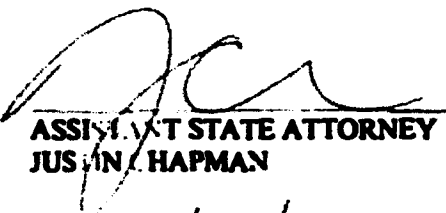
**PROBATION: 24 Months**  
**ALL CONDITIONS OF PROBATION MUST BE SUCCESSFULLY COMPLETED NO LESS THAN 30 DAYS BEFORE PROBATION IS SCHEDULED TO TERMINATE UNLESS STATED BELOW. STANDARD CONDITIONS OF PROBATION HAVE BEEN EXPLAINED BY DEFENSE COUNSEL.**


- SPECIAL CONDITIONS OF PROBATION:**
- A. \$3,000 fine
  - B. Standard court costs and \$200 cost of prosecution.
  - C. Defendant shall not do any work either directly or indirectly in any capacity related to health care, substance abuse treatment, clinical lab testing, and/or recovery housing.
  - D. Defendant shall not engage in the practice of law during probation.


\*\*\* The State has no objection to an early-termination of probation after 1 year if no violations and all conditions of probation have been satisfied.

  
 \_\_\_\_\_  
 HONORABLE KIRK VOLKER  
 CIRCUIT COURT JUDGE

5/16/22  
 \_\_\_\_\_  
 DATE

  
 \_\_\_\_\_  
 ASSISTANT STATE ATTORNEY  
 JUSTIN CHAPMAN  
3/24/22  
 \_\_\_\_\_  
 DATE:

  
 \_\_\_\_\_  
 DEFENSE ATTORNEY  
 ROBERT GERSHMAN, ESQ.  
3/22/22  
 \_\_\_\_\_  
 DATE:

  
 \_\_\_\_\_  
 DEFENDANT  
 BRIAN MANGINES'  
3/22/2022  
 \_\_\_\_\_  
 DATE:

**FILED**  
 Circuit Criminal Department  
 MAY 16 2022

JOSEPH ABRUZZO  
 Clerk of the Circuit Court & Comptroller  
 Palm Beach County

IN THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO: 2019CF002657AMB  
DIV: U  
OBTS NUMBER:

STATE OF FLORIDA

v.

BRIAN ALFRED MANGINES,  
W/M,  
03/05/1963, [REDACTED]

- PROBATION VIOLATOR
- COMMUNITY CONTROL VIOLATOR
- RETRIAL
- RESENTENCE

**JUDGMENT**

The above defendant, being personally before this Court represented by ROBERT S. GERSHMAN ESQ  
(attorney)

|                                                                                        |                                                                                                |                                                                                              |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Having been tried and found guilty of the following crime(s): | <input checked="" type="checkbox"/> Having entered a plea of guilty to the following crime(s): | <input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s): |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|

| COUNT | CRIME             | OFFENSE STATUTE NUMBER(S) | DEGREE |
|-------|-------------------|---------------------------|--------|
| 2     | Patient Brokering | 817.505 (1)(b)(4); 777.41 | 3F     |
|       |                   |                           |        |
|       |                   |                           |        |

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and being a qualified offender pursuant to s. 943.325, the Defendant shall be required to submit DNA samples as required by law.

and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

SENTENCE

STAYED

- The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on
- probation and/or  Community Control under the supervision of the Dept. Of Corrections
- (conditions of probation set forth in separate order).

SENTENCE

DEFERRED

- The Court hereby defers imposition of sentence until

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 16<sup>th</sup> day of May, 2022

CIRCUIT COURT JUDGE  
**KIRK C. VOLKER**  
Circuit Judge

**FILED**  
Circuit Criminal Department

MAY 16 2022

JOSEPH ABRUZZO  
Clerk of the Circuit Court & Comptroller  
Palm Beach County

*Py 1/2*



IN THE CRIMINAL DIVISION OF THE CIRCUIT/COUNTY COURT OF THE  
 FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA,  
 IN AND FOR PALM BEACH COUNTY

CASE NO. 50-2019-CF-002657-AXXX-MB

DIV. U: Felony - U (Circuit)

OBTS NUMBER: 5001048567

STATE OF FLORIDA

COMMUNITY  
 CONTROL  
 VIOLATOR

V

BRIAN ALFRED MANGINES  
 DEFENDANT

PROBATION  
 VIOLATION

March 5, 1963

White

Male











DATE OF BIRTH

RACE

GENDER

The fingerprints below are those of said Defendant taken by Deputy Sheriff

*D. Chasteen 8956*

| 1. R. THUMB                                                                         | 2. R. INDEX                                                                         | 3. R. MIDDLE                                                                        | 4. R. RING                                                                            | 5. R. LITTLE                                                                          |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|  |  |  |  |  |
| 6. L. THUMB                                                                         | 7. L. INDEX                                                                         | 8. L. MIDDLE                                                                        | 9. L. RING                                                                            | 10. L. LITTLE                                                                         |
|  |  |  |  |  |

I hereby certify that the above and foregoing fingerprints are the fingerprints of the defendant, BRIAN ALFRED MANGINES, and that they were placed thereon by said defendant in my presence this 16 day of May, 2022

*D. Chasteen 8956*

Circuit/County Court Judge - Clerk - Deputy Sheriff  
 (Please Circle Title)

*By 2/2*