

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

ROBERT LAURENCE PELLETIER,
Respondent.

Supreme Court Case
No. SC22-397

The Florida Bar File
No. 2022-00,060(4A)

Received, Clerk, Supreme Court

JUL 20 2022

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Robert Laurence Pelletier, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

3. As to The Florida Bar File No. 2022-00,060(4A), there has been a finding of probable cause by the grievance committee.

4. The disciplinary measures to be imposed upon respondent are as follows:

- A. Public Reprimand by publication;
- B. Attendance at Ethics School within 6 months of the Court's final order and payment of the \$750.00 workshop fee; and,
- C. Payment of The Florida Bar's costs.

5. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

- A. On June 26, 2019, Thaddeus Surrency (Mr. Surrency), was criminally charged in three criminal cases with multiple counts, including felonies in Alachua County, Florida.
- B. On June 29, 2019, Mr. Surrency was appointed a public defender in his criminal cases. Subsequently Mr. Surrency hired separate private counsel.
- C. On June 7, 2021, Mr. Surrency's private counsel was permitted by order to withdraw as counsel. Mr. Surrency filed a motion requesting a court appointed lawyer.
- D. On June 11, 2021, respondent was retained by Jennifer Surrency (Ms. Surrency), to represent her husband, Mr. Surrency in his three criminal cases for a flat fee of \$18,000.00.

E. Ms. Surrency paid respondent \$8,000.00, on June 10, 2021, and \$1,000.00, on June 11, 2021.

F. Ms. Surrency was a co-defendant to the criminal charges pending against her husband, Mr. Surrency.

G. Respondent only obtained Ms. Surrency's signature on the Retainer Agreement between respondent and Mr. and Ms. Surrency.

H. On June 14, 2021, respondent efiled a Notice of Appearance in Mr. Surrency's criminal matters.

I. Respondent's only contact with the assistant state attorney assigned to prosecute Mr. Surrency's case, was on June 15, 2021, with a one-line email, no phone call or follow up attempt to the email was made with the prosecutor.

J. On June 21, 2021, Mr. Michael Ruppert, was appointed off the Restricted Registry, to represent Mr. Surrency in his criminal cases.

K. An order was not entered appointing or substituting respondent in as counsel to Mr. Surrency's criminal cases.

L. On July 9, 2021, respondent was notified that Mr. Surrency signed a plea deal with the State Attorney's Office in his criminal cases with the assistance of his public defender.

M. On July 12, 2021, despite not being substituted in as counsel and after notification of Mr. Surrency's intent to enter a plea deal, respondent went to Gainesville, right before Mr. Surrency was to enter his plea in court, to meet with Mr. Surrency.

N. Respondent had not communicated with Mr. Ruppert, prior to meeting with Mr. Surrency.

O. The parties dispute whether sufficient work was conducted by respondent on behalf of Mr. Surrency.

P. On August 9, 2021, The Florida Bar received a complaint against respondent by Ms. Surrency.

Q. On August 17, 2021, respondent was sent a letter notifying respondent of the complaint and giving him fifteen days, with the deadline of September 1, 2021, to respond to The Florida Bar's official inquiry.

R. Respondent failed to timely respond to The Florida Bar's official inquiry.

S. On September 2, 2021, respondent's employer, David Taylor, wrote The Florida Bar asking for an extension on behalf of respondent.

T. The Florida Bar granted an extension to September 30, 2021, to receive a response to the complaint.

U. Respondent again, failed to timely respond to The Florida Bar's official inquiry.

V. On October 6, 2021, respondent refunded Mr. and Ms. Surrency \$3,800.00, of the \$9,000.00, paid in legal fees.

W. On October 7, 2021, The Florida Bar notified respondent of his lack of responsiveness and gave him a final date of October 18, 2021, to provide a response.

X. On October 11, 2021, respondent provided a partial response to The Florida Bar's inquiry.

Y. Respondent has not provided a full response to all of The Florida Bar's inquiries.

Z. Respondent possesses a boat that has a "boat wrap" advertisement for the firm he worked for that was not in full compliance with advertisement requirements.

AA. Through discovery, respondent was able to provide that on April 28, 2021, pending addition of the location of the firm, respondent's boat wrap advertisement was approved through The Florida Bar's advisory staff review. Respondent has since provided a completed image of the boat wrap that incorporated the location of the firm, affirming his compliance for the advertisement rule requirements and in accordance with the review.

BB. By reason of the foregoing, respondent has violated Rules Regulating The Florida Bar 4-1.4(a)(3) Communication, a lawyer shall keep the client reasonably informed about the status of the matter; 4-1.3 Diligence; 4-1.7(a) Representing Adverse Interests; and, 4-8.4(g) A lawyer shall not fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency.

CC. The Florida Bar voluntarily dismisses rules 4-1.5(a) Illegal, Prohibited, or Clearly Excessive Fees and Costs; and 4-7.13(a)(2) Deceptive and Inherently Misleading Advertisements, as part of this agreement upon acceptance of this plea.

6. Aggravating Factors

- a. [3.2(b)(1)] Prior discipline. Respondent was previously disciplined on July 29, 2021, by public reprimand in The

Florida Bar case No. 21-159, for advertisement violations of the Rules Regulating The Florida Bar. This instant matter was pending at the time of the public reprimand in TFB case No. 21-159, and possibly could have been consolidated, for all matters against respondent to be handled within the first discipline.

- b. [3.2(b)(4)] Multiple offenses. The complaint in this matter listed multiple violations of the Rules Regulating The Florida Bar.
- c. [3.2(b)(9)] Substantial experience in the practice of law. Respondent has been a licensed attorney in the state of Florida since September 24, 2012.

7. Mitigating Factors

- a. [3.3(b)(2)] absence of a dishonest or selfish motive.
- b. [3.3(b)(12)] Remorse. Respondent has expressed remorse for his conduct.

8. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

9. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

10. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,850.75. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

11. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding may reflect adversely on any reinstatement

proceedings or any other bar disciplinary matter in which respondent is involved.

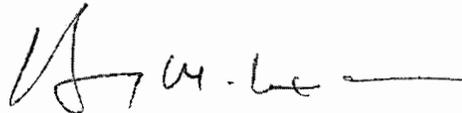
12. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 10th day of JUNE, 2022.

 Robert L. Pelletier
PSY!

Robert Laurence Pelletier
101 E Adams St., Suite 1020
Jacksonville, FL 32202-3303
904/356-8684
Florida Bar ID No.: 99088
info@pelletier.legal

Dated this 10th day of JUNE, 2022.



Henry Matson Cox III
101 E Adams St.
Jacksonville, FL 32202-3303
904/353-0211
Florida Bar ID No.: 155193
hmc@bedellfirm.com
gad@bedellfirm.com

Dated this 28th day of April 2022.



Rose L. Garrison, Bar Counsel

The Florida Bar
Tallahassee Branch Office
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5845
Florida Bar ID No.: 105920
rgarrison@floridabar.org