

IN THE SUPREME COURT OF FLORIDA
(Before A Referee)

THE FLORIDA BAR,

Petitioner,

v.

LEOMAR PINTO, and
AMERICAN DREAM JOB
PLACEMENT AND IMMIGRATION, INC.

Respondents.

Supreme Court Case
No. SC06-154

The Florida Bar File
No(s): 20044177(11A)
20054103(11A)

REPORT OF THE REFEREE

I. SUMMARY OF PROCEEDINGS:

The Florida Bar was represented in this matter by Jacquelyn Plasner Needelman, and Respondents were represented by Michaele Gonzalez Paulson.

Pursuant to the undersigned being duly appointed as referee to conduct proceedings herein according to Rule 10-7.1 (c), Rules Regulating The Florida Bar, the following proceedings occurred:

The Florida Bar filed a Petition Against the Unlicensed Practice of Law on January 31, 2006. The Supreme Court of Florida entered an Order to Show Cause on February 22, 2006. On July 27, 2006, Respondent submitted her response to the Petition Against the Unlicensed Practice of Law. The Florida Bar submitted Discovery. On February 28, 2007, the undersigned was appointed as referee in this

cause. Respondent submitted responses to discovery on May 12, 2007, and May 16, 2007. On October 4, 2007, Respondent Pinto signed a Stipulation with The Florida Bar agreeing that a permanent injunction be entered against her and the corporate/business Respondent. The Stipulation agreed to the payment of restitution.

All of the aforementioned pleadings and attachments constitute the record in this case and are being forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

FINDINGS OF FACT

The Florida Bar's Petition in this cause alleged as follows:

IN GENERAL

Respondent Leomar Pinto, at all times material herein, was not and is not a member of The Florida Bar, and was not licensed to engage in the practice of law in the State of Florida. Respondent conducted business as American Dream Job Placement and Immigration, Inc., which business was not authorized to render legal services in the State of Florida.

AS TO COUNT I

Respondents Leomar Pinto and American Dream Job Placement and Immigration Services, Inc. held themselves out as being able to render legal services in immigration matters.

AS TO COUNT II

In or about September 2000, Respondent Pinto held herself out to Maria Ramos as being able to provide legal advice and services pertaining to immigration matters, specifically asylum matters. Ms. Ramos paid Respondent Pinto \$4,650.00 for immigration services.

AS TO COUNT III

In or about January 2004, Respondent Pinto held herself out to Jesus Antonio Ramirez as being able to provide legal advice and services pertaining to immigration matters. Mr. Ramirez paid Respondent Pinto \$7,200.00 for immigration services.

AS TO COUNT IV

In or about September 2001, Respondent Pinto held herself out to Liliana Polo and Carlos Polo as being able to provide legal advice and services pertaining to immigration matters. The Polos paid Respondent Pinto \$7,250.00 for immigration services.

CONCLUSIONS OF LAW

If the Respondents were found to have committed the allegations alleged in The Florida Bar's Petition in this cause, they would have been found to have engaged in the unlicensed practice of law in violation of the Supreme Court of Florida's decisions in The Florida Bar v. Abreu, 833 So. 2d 752 (Fla. 2002); The

Florida Bar v. Matus, 528 So. 2d 895 (Fla. 1988); The Florida Bar v. Rodriguez, 509 So.2d 1111 (Fla. 1987); The Florida Bar v. Valdes, 464 S0. 2d 1183 (Fla. 1985; and The Florida Bar v. Brumbaugh, 355 So. 2d 1186 (1978).

III. RECOMMENDATIONS:

Based on the Stipulation and findings of fact, it is the recommendation of the undersigned referee as follows:

1. That the stipulation signed by Respondent Pinto on October 4, 2007 be approved by this Court.

2. That a writ of Injunction shall issue permanently and perpetually enjoining Respondents from:

(A) Holding out to the public or anyone else that Respondent Pinto is an attorney.

(B) Holding out to the public or anyone else that they can render legal services.

(C) Advising persons and entities of their rights, duties, and responsibilities under Florida law, or Federal law, as those laws relate to any legal and/or immigration and naturalization matters, including advising persons and entities as to various immigration benefits or statuses.

(D) Advising persons and entities as to any legal remedy which might be available to them.

(E) Advising persons or making a decision on behalf of another person that requires legal skill and knowledge of the law greater than that possessed by the average person.

(F) Obtaining information verbally from another person for completion of immigration forms or legal documents.

(G) Representing to the public, either personally or by the use of advertisement, that Respondent Pinto or any person she employs, or who act in concert with her, are capable of advising and handling matters requiring legal skills.

(H) Using a business card, placing advertisements offering legal services and consultations, holding herself or her office out to be specialists in immigration or legal matters and guaranteeing being able to resolve other persons immigration or legal matters.

(I) Allowing members of the public to rely on Respondents to properly draft legal forms or legal documents affecting the legal rights of persons and entities.

(J) Drafting legal forms or legal documents affecting the legal rights of persons and entities.

(K) Advertising in any fashion which may lead a reasonable lay person to believe that Respondents offer to the public legal service, legal advice or

personal legal assistance regarding immigration and naturalization matters and any other legal matters including, but not limited to, advertising that Respondents can provide the services of an attorney.

(L) Advertising in any fashion that Respondent Pinto is a Notary Public in any language other than English.

(M) Advertising legal form preparation services beyond those services which nonlawyers are allowed to perform.

(N) Taking inquiries or answering questions from persons and entities as to which particular immigration form or application is suited to the needs of the persons and entities, how to fill out the form or application, or what supporting documentation should accompany the form or application.

(O) Calling Respondent Pinto a paralegal or legal assistant unless she works under the supervision of a member of The Florida Bar and she performs specifically delegated work for which a member of The Florida Bar is responsible.

(P) Directly or indirectly stating or inferring that Respondents or their business have attorneys working for them.

(Q) Otherwise engaging in the unlicensed practice of law in any manner.

3. Additionally, Respondents, and those acting in concert with them agree to take the following affirmative steps:

(A) In the event Respondents are contacted by any party seeking legal services, Respondent and any business they are associated with shall refuse to perform such legal services.

(B) Respondent Pinto agrees that every present and future employee of any business or service associated with Respondent, and all persons acting in concert with her shall be provided with a copy of this Stipulation by Respondent, and shall be instructed by Respondent to act in accordance with the Stipulation.

4. That pursuant to the agreement in the Stipulation, Respondents, be required to make restitution to Jesus Ramirez by Respondent Pinto forwarding a money order or bank check **payable to Jesus Ramirez**, in the amount of \$7,200.00, to the Unlicensed Practice of Law Division of The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, FL 33131, when her circumstances improve. Respondent states that she is unable to pay these monies at this time.

5. That pursuant to the agreement in the Stipulation, Respondents, be required to make restitution to Maria Ramos by Respondent Pinto forwarding a money order or bank check **payable to Maria Ramos**, in the amount of \$4,650.00, to the Unlicensed Practice of Law Division of The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, FL 33131, when her circumstances improve. Respondent states that she is unable to pay these monies at this time.

6. That pursuant to the agreement in the Stipulation, Respondents, be

required to make restitution to Liliana Polo and Carlos Polo by Respondent Pinto forwarding a money order or bank check **payable to Liliana Polo and Carlos Polo**, in the amount of \$7,250.00, to the Unlicensed Practice of Law Division of The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, FL 33131, when her circumstances improve. Respondent states that she is unable to pay these monies at this time.

7. That Respondent Pinto shall submit a financial affidavit listing her personal income and all financial assets every six (6) months, beginning one (1) month after the Court Order is issued in this matter, and every six (6) months thereafter, until all amounts required to be paid by Respondent are paid in full. The financial affidavits must be submitted to: Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927, with a copy to The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, FL 33131. Respondent Pinto shall use the financial Affidavit form furnished to her by The Florida Bar. Respondent agrees to pay in full or to begin making payments on the restitution when her financial circumstances improve. If the affidavits demonstrate that Respondent's financial situation has improved, The Florida Bar shall request by motion that the Supreme Court of Florida require Respondent Pinto to pay in full or begin making payments of the restitution.

8. When restitution payments begin, Respondent shall provide a monthly

written report to the Unlicensed Practice of Law Department detailing to whom restitution has been paid and the amount paid until such time as the restitution is paid in full.

IV. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED:

I find the following costs were reasonably incurred by The Florida Bar:

COURT REPORTER:

Fernandez & Associates, Inc. (proceedings held on February 17, 2005, attendance)	\$75.00
Fernandez & Associates, Inc. (proceedings held on May 16, 2005, attendance)	\$140.00
Joan L. Bailey & Associates (proceedings held on May 8, 2007)	\$80.00
Joan L. Bailey & Associates (deposition of Maria Ramos taken on June 4, 2007, attendance fee)	\$80.00
Joan L. Bailey & Associates (proceedings held on July 2, 2007)	\$80.00

TRANSLATOR:

Precision Translating Services, Inc. (proceedings held on February 17, 2005, attendance)	\$210.00
Precision Translating Services, Inc. (proceedings held on May 16, 2005, attendance)	\$210.00

Precision Translating Services, Inc.
(proceedings held on May 8, 2007,
attendance) \$105.00

Precision Translating Services, Inc.
(deposition held on June 4, 2007,
attendance) \$105.00

Precision Translating Services, Inc.
(proceedings held on July 2, 2007,
attendance) \$105.00

PROCESS SERVERS:

A.J.'S Process Service \$315.00

Hudson Process Service \$85.00

Secretary of State, Corporate Records \$6.50

INVESTIGATOR COSTS:

Arthur Gill \$2,598.01

TOTAL COSTS DUE THE FLORIDA BAR \$4,194.51

That the costs of these proceedings in the amount of \$4,194.51, be taxed
against Respondents.

Dated this ____ day of _____, 2007.

THOMAS S. WILSON, JR.
Circuit Court Judge and Referee
Dade County Courthouse

73 West Flagler Street, Room 626
Miami, Fl 33130
(305) 349-7161

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to the Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927, and true and correct copies were mailed to Jacquelyn Plasner Needelman, Bar Counsel, The Florida Bar, UPL Dept., 444 Brickell Avenue, Suite M-100, Miami, FL 33131, Michaelle Gonzalez Paulson, Counsel for Respondents, 7300 N. Kendall Drive, Suite 380, Miami, FL 33156, and to Lori S. Holcomb, UPL Counsel, UPL Department, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300, on this _____ day of _____, 2007.

THOMAS S. WILSON, JR.
Circuit Court Judge and Referee
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