

**IN THE SUPREME COURT OF FLORIDA
(Before a Referee)**

THE FLORIDA BAR

CASE NO. SC06-1677

Petitioner,

TFB NO. 20063014(05)

v.

DAVID BOSSET

Respondent.

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REPORT OF REFEREE

Pursuant to the undersigned being duly appointed as referee to conduct proceedings herein according to Rule 10-7.2, Rules Regulating The Florida Bar,

This action came before the Court to determine whether Respondent should be found guilty of indirect criminal contempt for failure to pay a \$1,000.00 monetary penalty assessed by this Court.

FINDINGS OF FACT:

1. The Supreme Court of Florida has inherent jurisdiction to prohibit the unlicensed practice of law pursuant to Article V, Section 15 of the Florida Constitution.

2. On June 6, 2007 The Florida Supreme Court restrained and permanently enjoined Respondent from engaging in the unlicensed practice of law and (a) assessed a \$1,000.00 monetary penalty against him; and (b) ordered him to pay costs to The Florida Bar in the amount of \$264.60.
3. On September 20, 2007 the Court denied Respondent's Motion for Rehearing which was filed by the Respondent on June 8, 2007.
4. On December 18, 2007, The Supreme Court entered an Order to Show Cause for Indirect Criminal Contempt based on Respondent's failure to pay the \$1,000.00 monetary penalty. The Court commanded Respondent to appear before the undersigned on January 30, 2008 to show cause for why he should not be held in indirect criminal contempt of this Court and punished accordingly.
5. On December 18, 2007 the undersigned was appointed as Referee in this matter.
6. On January 30, 2008, The Florida Bar represented by Bar Counsel Ghunise L. Coaxum, Esquire and Respondent Dave Bosset, appeared before the undersigned for arraignment and trial on charges of indirect criminal contempt of this Court's injunction. Respondent entered a plea of not guilty.

7. Respondent contended that a Federal Court declared him indigent and therefore unable to pay the monetary penalty. The undersigned did not find Respondent to be indigent. Further, Respondent waived counsel for this hearing.
8. The parties stipulated to the introduction of Petitioner's Exhibit #1. The June 6, 2007 order in which The Florida Supreme Court dismissed the Respondent's counterclaim and then permanently enjoined and restrained him from engaging in the practice of law in the State of Florida.
9. The parties stipulated to the introduction of Petitioner's Exhibit #2. The January 14, 2008 Affidavit of Thomas D. Hall stated that the Clerk of The Supreme Court had not received the \$1,000.00 monetary penalty.
10. The parties stipulated to the introduction of Petitioner's Exhibit #3. The January 11, 2007 Affidavit of Lori S. Holcomb stated that the \$1,000.00 monetary penalty had not been received by the Unauthorized Practice of Law department.
11. The parties stipulated to the introduction of Petitioner's Exhibit #4. The January 23, 2008 Affidavit of Willie Mae Shepard stated that David Bosset has never been a member of The Florida Bar.

RECOMMENDATIONS:

Based on the foregoing facts, it is the recommendation of the undersigned referee that the Respondent be found guilty of indirect criminal contempt and ordered to pay \$100.00 monthly installments on the 30th of each month for the next ten months.

Dated this 20th day of February, 2008.

/s/ William T. Swigert
William T. Swigert, Senior Judge
Referee

Copies to:

Ghunise L. Coaxum
Bar Counsel
The Florida Bar
Unlicensed Practice of Law Dept.
1200 Edgewater Dr.
Orlando, FL 32804

Lori S. Holcomb. Esquire
UPL Director
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-2300

Dave Bosset
10352 Lafoy Road
Spring Hill, FL 34608