

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Case No.: SC07-1407
TFB No.: 2008-10,092 (20C)

v.

CHARLES GUY BATSEL,
Respondent.

_____ /

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules Regulating The Florida Bar, a Conditional Guilty Plea for Consent Judgment was signed by the parties. Any pleadings, notices, motions, orders, transcripts, and exhibits are forwarded to The Supreme Court of Florida with this report and constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Susan Varner Bloemendaal

For The Respondent: Pro se

II. Findings of Fact as to Each Item of Misconduct With Which the Respondent Is Charged: After considering all the pleadings and evidence before me, I adopt as my findings those facts set forth in the Consent Judgment which is incorporated herein by reference.

III. Recommendations as to Whether or Not the Respondent should Be Found Guilty: As to the Complaint, and based on the Consent Judgment, I recommend that the Respondent be found guilty of violating the following Rules Regulating The Florida Bar: Rule 3-4.4 (Criminal conduct); and Rule 4-8.4(b) (Committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

IV. Recommendation as to Disciplinary Measures to Be Applied: A **suspension of three (3) years**, requiring proof of rehabilitation prior to reinstatement.

V. Personal History and Past Disciplinary Record: After the finding of guilty and prior to recommending discipline to be recommended pursuant to Rule 3-7.6(m)(1), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Year of Birth: December 28, 1946

Date Admitted to Bar: May 1, 1973

Prior Disciplinary convictions and Disciplinary

Measures Imposed Therein: None

The referee notes that the Respondent is not certified in any area of practice.

Aggravating Factors:

9.22 (i) substantial experience in the practice of law;

Mitigating Factors:

9.32 (a) absence of a prior disciplinary record;

(b) absence of a dishonest or selfish motive;

(c) personal or emotional problems; and,

(j) interim rehabilitation.

VI. Statement of Costs and Manner in Which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar:

1.	<u>Administrative Costs pursuant to Rule 3-7.6(q)(1)(I)</u>	\$1,250.00
2.	<u>Court Reporter Expenses</u> : Status Conference Diane Demby & Associates (9/10/07) Appearance Fee:.....	70.00
3.	<u>Chief Branch Discipline Counsel Expenses</u> : Susan V. Bloemendaal (9/10/07):	66.99
4.	<u>Certified Copies</u> : Clerk of the Circuit Court Barbara T. Scott (7/20/07).....	50.00
	Total Amount Due to Date:.....	<u>\$1,436.99</u>

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses, together with the foregoing itemized costs, be charged to the respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the

Board of Governors of The Florida Bar.

Dated this _____ day of _____, 2007.

Honorable Charles E. Williams,
Referee

Copies furnished to:

Susan Varner Bloemendaal, Chief Branch Discipline Counsel, The Florida Bar,
5521 W. Spruce Street, Suite C-49, Tampa, Florida 33607-5958;

Charles Guy Batsel, Respondent, PO Box 363, Placida, Florida 33946-0363;
Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson
Street, Tallahassee, Florida 32399-2300.