

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC07-1462

v.

TFB File No. 2007-00,817(1A)

J. ROD CAMERON,

Respondent.

_____ /

REPORT OF THE REFEREE ACCEPTING CONSENT JUDGMENT

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to R. Regulating Fla. Bar 3-7.6, the following proceedings occurred:

On August 2, 2007, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. Respondent filed a response to the Request for Admissions on September 17, 2007. On November 29, 2007, Respondent entered into a Consent Judgment, and subsequently, the parties filed a Stipulation for Entry of Consent Judgment with the Referee. All of the aforementioned pleadings, responses thereto, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times material to this complaint was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case. Based on the Conditional Guilty Plea for Consent Judgment, I would find the following facts:

1. On January 12, 2007, Respondent voluntarily reported to The Florida Bar that he had checked his trust account balance online and he was overdrawn.

2. Respondent immediately deposited funds into his trust account to cover the shortage, and then reported the overdraft to The Florida Bar.

3. Respondent stated that the trust account shortage was \$2,318.57 for one day, January 11, 2007. He explained that the shortage was due to taking a \$12,000 fee in a client's case and forgetting that he had already taken a portion of that fee via a separate check in December 2006.

4. Respondent voluntarily provided his trust accounting records to The Florida Bar's auditor, James T. Wells, who conducted a compliance audit for the period October 6, 2006, through January 31, 2007.

5. The Florida Bar's auditor found that Respondent failed to properly maintain the required trust account records, including a balanced cash receipts and

disbursement journal, bank reconciliations, monthly comparisons, and client ledgers prepared in accordance with the Bar Rules.

6. The auditor determined that if Respondent had properly maintained the required trust accounting records pursuant to the Bar Rules, i.e., a cash receipts and disbursement journal and client ledgers, Respondent would have quickly discovered that there were insufficient funds in his trust account before he wrote the check.

7. The auditor also found that, while Respondent did maintain a separate trust account, he failed to designate it properly as a “trust account” per the Rule.

8. Respondent immediately replaced the \$2,318.57 to cover the one day shortage, and no clients were harmed.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating the Florida Bar: 4-1.15 (Compliance with Trust Accounting Rules), 5-1.1(a)(1)(Trust Account Required) 5-1.1(b)(Nature of Money or Property Entrusted to Attorney), 5-1.2(b)(1)(Trust Account properly designated), 5-1.2(b)(5) and (6) (Minimum Trust Accounting Records), 5-1.2.(c)(1)(A) (Minimum Trust Accounting Procedures-Reconciliations), and 5-1.2.(c)(1)(B) (Minimum Trust Accounting Procedures-Comparisons).

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

Based on the foregoing findings, I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined as follows:

- A. The imposition of an admonishment by way of the Court's final order.
- B. As of the date of the final order of the court, Respondent shall be placed on two years' probation. The terms of probation are as follows: (1) Respondent will attend the first available Trust Accounting Workshop in his geographic area, after being placed on probation; (2) Respondent will submit quarterly reports to The Florida Bar's Branch Auditor and Staff Counsel to demonstrate that his trust account is in compliance with The Florida Bar's rules governing trust accounts. The quarters are March 31, June 30, September 30 and December 31; (3) The quarterly reports shall consist of three components. First, a monthly bank reconciliation. Second, a summary list of client ledger balances showing client names and balances on their ledgers. Third, a certification statement by the Respondent stating that his trust account was maintained in compliance with The Florida Bar Rules Governing Trust Accounts for the quarter. (4) Respondent will pay a quarterly monitoring fee of \$100 to The Florida Bar. All quarterly monitoring fees must be remitted no later than the end of each respective quarter in which the monitoring fee is due. All fees must be paid to the Bar's headquarters office in Tallahassee. Failure to pay shall be deemed

cause to revoke probation.

C. Payment of The Florida Bar's taxable costs in the amount of \$ 2,628.00

in these proceedings.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD AND AGGRAVATING AND MITIGATING FACTORS

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1), I considered the following personal history of Respondent, to wit:

A. Personal History of Respondent

Age: 42

Date admitted to the Bar: July 16, 1996

B. Prior Discipline: TFB File No. 2006-01,220(1A)-90-day suspension for drug charges; no relation to trust account.

C. Under Standard 9.22, I considered the following aggravating factors.

(a) prior disciplinary offense

(i) substantial experience in the practice of law.

D. Under Standard 9.32, I considered the following mitigating factors:

(b) absence of a dishonest or selfish motive—Respondent voluntarily reported one-day shortage to Bar and assisted auditor in review of trust account records.

(d) timely good faith effort to rectify consequences of misconduct—Respondent immediately replaced \$2,318.37 from his operating account to cover shortage and then voluntarily reported the overdraft to the Bar.

(e) full and free disclosure to disciplinary board and cooperative attitude toward proceedings—Respondent was very co-operative, self-reported and voluntarily supplied auditor with requested materials.

(g) good character and reputation in the legal community.

(l) remorse

VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS

SHOULD BE TAXED

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

Administrative Costs, pursuant to to Rule 3-7.6(q)(1)(I), Rules of Discipline	\$ 1,250.00
Audit Costs pursuant to R. Regulating Fla. Bar 5-1.2(f)	1,378.00

TOTAL **\$ 2,628.00**

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Ha. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this _____ day of _____, 2008.

JUDGE THOMAS F. WELCH
REFEREE
P. O. Box 2269
Panama City, Florida 32402

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, Supreme Court Building, Tallahassee, Florida 32399-1927, and that copies were furnished by regular U.S. Mail to KENNETH LAWRENCE MARVIN, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; OLIVIA PAIVA KLEIN, Bar Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee,

Florida 32399-2300; and J. ROD CAMERON, Respondent, whose record Bar address is 5089 Highway 90, Pace, Florida 32571-1503, on this 11th day of February, 2008.

JUDGE THOMAS F. WELCH
REFEREE