

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Case No. SC08-2110
[TFB Case No. 2008-31,307 (09A)]

v.

JACK A. KALEITA,
Respondent.

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

- I. Summary of Proceedings: The undersigned was appointed as referee to conduct disciplinary proceedings herein according to the Rules Regulating The Florida Bar. The Pleadings, Notices, Motions, Orders, Transcripts and Exhibits, all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar - Patricia Ann Toro Savitz
For The Respondent - Chandler R. Muller

- II. Findings of Fact as to Each Item of Misconduct of which the Respondent Is Charged: After considering all the pleadings and evidence, pertinent portions of which are commented on below, this referee finds pursuant to the Conditional Guilty Plea for Consent Judgment that the facts of the Consent Judgment are admitted. The Conditional Guilty Plea for Consent Judgment is attached hereto and incorporated herein.
- III. Recommendations as to Whether the Respondent Should Be Found Guilty: As to each count of the complaint this referee makes the following recommendations as to guilt or innocence: Pursuant to the Conditional Guilty Plea for Consent Judgment, this referee finds the respondent guilty as admitted in the Conditional Guilty Plea for Consent Judgment.

IV. Recommendation as to Disciplinary Measures to Be Applied:

Pursuant to the Conditional Guilty Plea for Consent Judgment, this referee makes the following recommendations as to the disciplinary measures to be applied:

- A. Admonishment for minor misconduct to be administered in writing by the referee.
- B. Three year period of probation with the following conditions:
 - i. Respondent will participate actively in the program offered by Florida Lawyers Assistance, Inc., by signing a rehabilitation contract with that organization within thirty (30) days of the order of the Supreme Court of Florida. Respondent shall follow all recommendations by Florida Lawyers Assistance, Inc., during the entire probation period.
 - ii. Respondent will pay a Florida Lawyers Assistance, Inc., registration fee of \$250.00 and a probation monitoring fee of \$100.00 a month to The Florida Bar's headquarters office. All monthly monitoring fees must be remitted no later than the end of each respective month 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 costs which currently total \$1,635.50.

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

Age: 47

Date admitted to bar: October 15, 1986

Prior disciplinary convictions and disciplinary measures imposed therein:
None.

VI. Statement of costs and manner in which costs should be taxed: This referee finds the following costs were reasonably incurred by The Florida Bar.

A. Grievance Committee Level Costs:	
1. Court Reporter Costs	\$ N/A
2. Bar Counsel Travel Costs	\$ N/A
B. Referee Level Costs:	
1. Court Reporter Costs	\$ 170.00
2. Bar Counsel Travel Costs	\$ N/A
C. Administrative Costs	\$ 1,250.00
D. Miscellaneous Costs:	
1. Investigator Costs	\$ 200.30
2. Copy Costs	\$ 7.20
3. Auto Track Cost	<u>\$ 8.00</u>
TOTAL ITEMIZED COSTS:	<u>\$ 1,635.50</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. It is further recommended that respondent shall be deemed delinquent and ineligible to practice law pursuant to R. Regulating Fla. Bar 1-3.6 for failure to timely pay the costs assessed in this proceeding.

Dated this _____ day of _____, 2009.

BRUCE W. JACOBUS
Referee

Original to Supreme Court with Referee's original file and index.

Copies of this Report of Referee only to:

Patricia Ann Toro Savitz, Bar Counsel, 1200 Edgewater Drive, Orlando, Florida,
32804-6314;

Chandler R. Muller, Counsel for Respondent, Muller & Sommerville, P. A., Post
Office Box 2128, Winter Park, FL 32790-2128;

Mr. Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 East Jefferson
Street, Tallahassee, Florida 32399-2300

this _____ day of _____, 2009.

Judicial Assistant/Deputy Clerk