

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

JOSEPH RAYMOND ROWE, JR.,

Respondent.

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CASE NO. SC08-242

TFB NOS. 2006-11,714(13F)

2007-10,802(13F)

2007-10,834(13F)

2007-11,107(13F)

2007-11,558(13F)

2008-10,797(13F)

**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, this Referee has considered the Conditional Guilty Plea for Consent Judgment . 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: Steven Anthony Pellingra

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 find those facts as set forth in the Conditional Guilty Plea for Consent Judgment to which Respondent admits guilt, are adopted as my findings of fact and incorporated by reference into this report.

III. Recommendations as to Whether or Not the Respondent should Be Found Guilty: As to the Complaint, and based on the Conditional Guilty Plea For Consent Judgment, I find the Respondent guilty of violating the Rules Regulating The Florida Bar as set forth in the Conditional Guilty Plea for Consent Judgment which is incorporated by reference into this report.

IV. Recommendation as to Disciplinary Measures to Be Applied:

- a) A **six (6) month suspension**, the effective the date of which shall be the same as the effective date of the suspension in SC07-956;
- b) As a condition precedent to reinstatement Respondent shall provide proof of the following:
  - 1. That he has completed a psychiatric, psychological and addiction evaluation by a psychiatrist who works with and is recommended by Florida Lawyers Assistance, Inc. If a psychiatric, psychological or addiction problem is noted, the respondent must enter into a contract with Florida Lawyers Assistance, Inc.; and,
  - 2. Reimbursement in full to the Clients' Security Fund of The Florida Bar for any payments made by the Fund as a result of his conduct. Respondent shall receive a credit for any amounts he has paid directly to clients named herein.
- c) payment of Bar costs in prosecuting these matters.

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: 1960

Date Admitted to Bar: June 19, 1991

Prior Disciplinary convictions and Disciplinary

Measures Imposed Therein:

- 1. Suspension for 30 days, effective April 10, 2006, in SC04-1781;
- 2. Suspension for 30 days, effective July 9, 2007, in SC06-1727.

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

- A. Aggravating Factors Include: 9.22
  - (a) prior disciplinary offenses;
  - (c) a pattern of misconduct;
  - (d) multiple offenses; and
  - (i) substantial experience in the practice of law.

B. Mitigating Factors Include: 9.32  
None

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  
Rule 3-7.6(q)(1)(I) ..... \$1,250.00  
The Florida Bar Investigator Time and Expenses ..... 491.36  
  
**TOTAL** ..... \$1,741.36

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  2  day of  June  2008.

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Ray E. Ulmer, Jr., Referee

Copies:

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