

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

Supreme Court Case  
No. SC09-1118

IN RE: PETITION FOR REINSTATEMENT  
OF SERGIO VEGA,

The Florida Bar File  
No. 2009-71,220(11K-MRE)

Petitioner.

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**REPORT OF REFEREE**

**I. Summary of Proceedings:** The undersigned was appointed on July 15, 2009, as referee, to conduct reinstatement proceedings herein according to the Rules Regulating The Florida Bar. The parties have entered into a stipulation regarding the reinstatement of the Petitioner. The stipulation agrees to conduct a summary proceeding in this matter pursuant to Florida Bar Rule 3-7.10(g)(4). A copy of said stipulation is attached hereto as Exhibit "A." The pleadings, 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:

On behalf of The Florida Bar: Daniela Rosette, Bar Counsel  
The Florida Bar  
444 Brickell Avenue, Suite M-100  
Miami, Florida 33131  
(305) 377-4445

On behalf of the Petitioner: Kevin P. Tynan, Esquire  
8142 North University Drive  
Tamarac, Florida 33321  
(954) 721-7300

**II. Findings of Fact:** After considering all the pleadings and evidence before me, pertinent portions of which are commented on below, I find:

The Petitioner is requesting reinstatement to the practice of law. The Petitioner was emergency suspended on July 2, 2002, for mishandling of trust funds. The Florida Bar v. Sergio Vega, 823 So.2d 128 (Fla. 2002). On May 17, 2004, the Petitioner was suspended for three (3) years to run *nunc pro tunc* to July 2, 2002, as a result of the misconduct involved in the emergency suspension. The Florida Bar v. Sergio Vega, 875 So.2d 1240 (Fla. 2004).

The Florida Bar's investigation has shown that all of the elements necessary for reinstatement as set forth in In Re: Petition of Wolf, 257 So. 2d 547 (Fla. 1972) and Rule 3-7.1(f)(3) of The Rules Regulating The Florida Bar have been satisfied.

1. Strict compliance with the specific conditions of the disciplinary order, such as payment of costs;
2. Evidence of unimpeachable character and moral standing in the community;
3. Clear evidence of a good reputation for professional ability;
4. Evidence of a lack of malice and ill feeling by the Petitioner toward those who by duty were compelled to bring about the disciplinary proceeding; and

5. Personal assurances, supported by corroborating evidence, revealing a sense of repentance, as well as a desire and intention of the Petitioner, to conduct himself in an exemplary fashion in the future.

### **III. Recommendation as to Whether or Not the Petitioner Should be**

**Reinstated:** The discovery has been completed and there has been independent verification of the information presented by the Petition for Reinstatement. The Florida Bar's counsel was unable to discover any evidence upon which denial of reinstatement may be based. Furthermore, The Florida Bar's counsel has gained the approval of the Designated Reviewer of the Board of Governors and Staff Counsel for The Florida Bar. The stipulation of the parties, therefore, is hereby accepted. The Referee recommends reinstatement of the Petitioner. The Referee further recommends that, once reinstated, Petitioner be placed on probation for a period of three (3) years to commence upon entry of the Florida Supreme Court order reinstating Petitioner. Special conditions of probation shall include:

1. Petitioner shall continue efforts to enter into a repayment plan with the IRS. Until such time as a repayment plan has been agreed to, or in the event such a plan is not agreed to, Petitioner shall make monthly good faith payments to the IRS, commensurate with his income. Evidence of either a repayment plan or monthly payments to the IRS shall be submitted to The Florida Bar on a quarterly basis via affidavit with supporting documentation.
2. Petitioner will participate actively in the program offered by FLA by having signed a rehabilitation contract with that organization. Petitioner will follow all recommendations made by FLA during the

entire probation period. Petitioner will pay an FLA 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. Failure to pay shall be deemed cause to revoke Petitioner's probation.

**IV. Personal History and Past Disciplinary Record:**

**Age:** 51

**Date admitted to The Florida Bar:** April 27, 1990

**Prior discipline:** In the Florida Bar File No. 2002-71,509(11K-MES), the Petitioner was emergency suspended on July 2, 2002, for mishandling of trust funds. The Florida Bar v. Sergio Vega, 823 So.2d 128 (Fla. 2002). In the Florida Bar File No. 2001-71,487(11K), the Petitioner received a three (3) year suspension on May 17, 2004 to run *nunc pro tunc* to July 2, 2002, as a result of the misconduct involved in the prior suspension. The Florida Bar v. Sergio Vega, 875 So.2d 1240 (Fla. 2004)

**V. Costs:** I find that pursuant to Rule 3-7.10(m)(3) of the Rules of Discipline, the costs incurred by the Bar are to be assessed against the Petitioner in this case. The amount to be assessed against the Petitioner shall be determined by the undersigned following a further submission by the Florida Bar regarding its taxable costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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**HONORABLE MAYNARD GROSS  
REFEREE**

Copies to:

Daniela Rosette, Bar Counsel  
Kevin P. Tynan, Attorney for Petitioner  
Kenneth Lawrence Marvin, Staff Counsel