

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

CASE NO. SC09-1119

Complainant,

TFB NO. 2008-11,168 (20D)

v.

DENNIS A. HEDGE,

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, 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: Henry Lee Paul

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 find those facts as set forth in the Conditional Guilty Plea for Consent Judgment to which Respondent admits guilt, are adopted as my finding 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:
Admonishment for minor misconduct to be administered by service of the Supreme Court order approving the discipline. Payment of The Florida Bar's costs and fees in the amount of \$1,849.80.

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

Year of Birth: 1943

Date Admitted to Bar: April 24, 1972

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

9.22(i) substantial experience in the practice of law

Mitigating Factors: 9.32

9.32(a) absence of a prior disciplinary record

9.32(b) absence of a dishonest or selfish motive

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. Administrative Costs | |
| Pursuant to Rule 3-7.6(q)(1)(I) | \$1,250.00 |
| 2. The Florida Bar Investigator Time | |
| James O. Trotter (6.50 hours) | \$ 169.00 |

3. The Florida Bar Investigator Expenses (Mileage, tolls, copying)

James O. Trotter (6/23/08)

Obtain Court records, Lee County Clerk
of Court, meet with Charles Doikos,
Investigating Member

Mileage: 24.0 miles @ \$0.505 per mile \$ 12.12

Parking \$ 1.00

SUBTOTAL \$ 13.12

James O. Trotter (8/06/08)

Obtain and serve Witness Subpoena

Mileage: 8.0 miles @ \$0.585 per mile \$ 4.68

4. Court Reporter Expenses

Demby & Associates, Inc.

Appearance at Grievance Committee

Hearing on 9/02/08 \$ 90.00

Demby & Associates, Inc.

Appearance at Grievance Committee

Hearing on 9/28/08 \$ 90.00

Transcript of Grievance Committee

Hearing (original and copy) \$ 209.00

SUBTOTAL \$ 299.00

5. The Florida Bar Copying Costs

05/12/08 – 98 pages @ \$0.15 per page \$ 14.70

07/31/08 – 62 pages @ \$0.15 per page \$ 9.30

SUBTOTAL \$ 24.00

GRAND TOTAL \$1,849.80

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 6 day of October 2009.

s/
The Honorable Janette Dunnigan,
Referee