

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. 10-1245

v.

TFB File Nos. 2010-00,773(4C)
2010-00,846(4C)
2010-00,910(4C)
2010-01,017(4C)

ROBERT PATRICK SELZER,

Respondent.

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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 Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On June 30, 2010, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. After the filing of Respondent's Answer and Affirmative Defenses, the parties have come to terms and entered into Consent Judgment. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, 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 mentioned during this investigation 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. Please see attached Conditional Guilty Plea for Consent Judgment.

III. RECOMMENDATIONS AS TO GUILT

Based on the Conditional Guilty Plea for Consent Judgment filed by the parties, I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 3-4.3 (Misconduct), 4-1.2(a) Scope, 4-1.3 Diligence, 4-1.4(a) Communication, 4-3.4(c) (Failure to Comply with Court Order), and 4-8.4(c) Misrepresentation.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

Based on the Conditional Guilty Plea for Consent Judgment filed by the parties, I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

A. 30-day suspension from the practice of law.

B. **Restitution:** Respondent shall pay restitution to: 1) Larry Jackson in the amount of \$1250 (50% of the retainer); 2) Eloise Moore in the amount of \$500 (50% of the retainer); and 3) Danielle Wickland in the amount of \$250 (50% of the retainer) within one year of the date of the Supreme Court's Order in this matter.

C. Respondent shall pay Court Reporter Minnich \$193.40 representing all costs associated with her bill within three months of the date of the Supreme Court's Order in this matter.

D. Payment of the Bar's costs in this matter.

E. Finally, based on Respondent's request, I recommend that Respondent be suspended immediately without the customary 30-day period to wrap up so that he can resume the practice of law as quickly as possible.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

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

Age: 38

Date admitted to the Bar: September 16, 2004

Prior Discipline: 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), Rules of Discipline	\$1,250.00
Bar Counsel Travel Expenses	304.42
<u>TOTAL</u>	<u>\$1,554.42</u>

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 Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 19th day of August, 2010.

/s/Charles J. Tinlin
Honorable Charles Jay Tinlin
Referee

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, 500 South Duval Street, Tallahassee, Florida 32399-1927, and that copies were furnished by regular U.S. Mail to Respondent's Counsel, Hollyn June Foster, at Slott Barker & Nussbaum 334 East Duval Street, Jacksonville, FL 32202-2724; Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300 and Carlos Alberto Leon, Bar Counsel, The Florida Bar, 651 East Jefferson Street Tallahassee, Florida, 32399-2300 on this 19th day of August, 2010.

/s/Charles J. Tinlin

Honorable Charles Jay Tinlin