

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

CASE NO. SC10-1309

TFB NO. 2010-10,293 (13D)

Complainant,

v.

BRENT A. ROSE,

Respondent.

_____ /

REFEREE'S REPORT RECOMMENDING
DIVERSION TO A PRACTICE AND PROFESSIONALISM
ENHANCEMENT PROGRAM

I. **RECOMMENDATION:** Pursuant to Rules Regulating The Florida Bar 3-5.3(h)(1), the referee adopts the parties conditional agreement for diversion to a practice and professionalism enhancement program, a copy of which is attached hereto and incorporated herein.

II. **NARRATIVE SUMMARY:** Respondent represented a former husband in post-judgment proceedings in a dissolution of marriage action. The court imposed sanctions against the client and Respondent; each was to pay half, but the obligation was joint and several as to the opposing party. Respondent initially refused to pay his half, resulting in the client risking collection efforts that would have required him to pay the entire amount. After that initial refusal, Respondent paid his half, satisfying the sanctions order.

III. **COSTS:** The respondent shall pay the costs of this matter in the amount of:

Administrative Costs: \$1,250.00

Cost and Fees shall be due to The Florida Bar within 30 days from acceptance of this diversion recommendation.

IV. **Fee:** Ethics School: \$750.00

V. **ATTENDANCE:** Respondent shall attend the next scheduled Ethics

School.

VI. EFFECT OF DIVERSION: Diversion to a practice and professionalism enhancement program shall close this file without the imposition of a disciplinary sanction and diversion shall not constitute a record of professional misconduct. If Respondent successfully completes the diversion recommended hereunder, this file shall remain closed.

VII. EFFECT OF FAILURE TO COMPLETE DIVERSION PROGRAM: Failure of Respondent to successfully complete all requirements of the practice and professionalism enhancement programs to which Respondent is referred may:

- (a) constitute a waiver of the right to an evidentiary hearing herein;
- (b) result in the entry of a finding of minor misconduct predicated upon the facts set forth in section II above;
- (c) constitute a waiver of any right to reject or appeal the imposition of minor misconduct; and
- (d) require Respondent, upon reasonable notice, to appear before the board of governors for imposition of the admonishment of minor misconduct and payment of costs stated herein.

DATED this ____ day of _____, 2010.

_____/s/ Dorothy L Vaccaro_____
Honorable Dorothy L. Vaccaro

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, 500 Duval Street, Tallahassee, Florida 32399, and that copies were mailed by regular U.S. Mail to KENNETH LAWRENCE MARVIN, Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300; TROY MATTHEW LOVELL, Bar Counsel, The Florida Bar, 4200 George J. Bean Parkway, Suite 2580, Tampa, Florida 33607-1496; and SCOTT THOMAS ORSINI, Counsel for Respondent, PO Box 118, St. Petersburg, Florida 33731, on this ____ day of _____, 2010.

_____/s/Dorothy L Vaccaro_____
Honorable Dorothy L. Vaccaro