

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC10-1331

v.

TFB File No. 2011-50,022(2B)

PATRICK CICALEASE,

Respondent.

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REPORT OF REFEREE

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 July 7, 2010, The Florida Bar filed its Notice of Determination or Judgment of Guilt in these proceedings. On July 12, 2010, an Amended Order was entered suspending Respondent from the practice of law. On October 4, 2010, a final sanction hearing was held in this matter. Allison Carden Sackett appeared on behalf of The Florida Bar. Respondent failed to respond in writing or appear at the final hearing. All items properly filed including pleadings, recorded testimony (if

transcribed), exhibits in evidence and the report of referee 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. On or about June 16, 2010, in Case No. 07-CR-1125-04, styled United States of America v. Patrick Cicalese, Southern District of New York, United States District Court, Respondent pled guilty to 1 count of conspiracy to engage in an illegal gambling business, 1 count of operating or aiding and abetting the operations of an illegal gambling business and 1 count of conspiracy to commit money laundering. All three are felonies under federal law.

Respondent was sentenced to probation for 3 years on each count, to run concurrently, fined \$10,000 and assessed \$300 in mandatory special assessment charges. In addition, Respondent was ordered to forfeit his interest in at least \$4 million, obtained as a result of the gambling offenses.

III. RECOMMENDATIONS AS TO GUILT.

I recommend that Respondent be found guilty of violating the following

Rules Regulating The Florida Bar: Rule 4-8.4(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

5.1 FAILURE TO MAINTAIN PERSONAL INTEGRITY

5.11 Disbarment is appropriate when:

- (a) a lawyer is convicted of a felony under applicable law

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Cohen, 908 So.2d 405 (Fla. 2005), attorney's knowing conspiracy with third party to conceal money that he knew was a product of illegal activities warranted disbarment.

The Florida Bar v. Bustamante, 662 So.2d 687 (Fla. 1995), attorney disbarred after pleading guilty to a federal felony.

The Florida Bar v. Horne, 527 So.2d 816 (Fla. 1988), Supreme Court held that federal felony conviction warrants disbarment and that money laundering was adverse to the integrity of Respondent as an attorney.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that be disciplined by:

- A. disbarment and
- B. Payment of The Florida Bar's costs in these proceedings.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

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

A. Personal History of Respondent:

Age: 47

Date admitted to the Bar: January 27, 1992

B. Aggravating Factors:

9.22 Aggravating factors considered include:

- (b) dishonest or selfish motive;
- (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency.

C. Mitigating Factors:

9.32 Mitigating factors considered include:

- (a) absence of a prior disciplinary record.

Prior Discipline: None.

VIII. 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	\$ 1,250.00
Court Reporter's Fees	70.00

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TOTAL	\$ 1,320.00
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It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 11 day of October, 2010.


Honorable George Spears Reynolds III, Referee
Leon County Courthouse
301 South Monroe Street, Room 301D
Tallahassee, FL 32301-1861

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 South Duval Street, Tallahassee, Florida 32399-1927, and that copies were mailed by regular U.S. Mail to Respondent, Patrick Cicalese, whose record bar address is 129 Center Street, Jupiter, FL 33458-4315, as well as 53 Turtle Creek Drive, Tequesta, FL 33469, Kenneth L. Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; Allison Carden Sackett, Bar Counsel, The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300; on this 12 day of October, 2010.


Honorable George Spears Reynolds III, Referee