

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

**FILED**  
THOMAS D. HALL  
JUL 02 2012  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

THE FLORIDA BAR,

Complainant,

v.

Case No. SC12-560  
TFB File No. 2011-30,971 (05B)

A J ROHE,

Respondent.  
\_\_\_\_\_/

**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 March 22, 2011, The Florida Bar filed a Notice of Determination or Judgment of Guilt Complaint against Respondent. On or about March 27, 2012, the Supreme Court issued an order suspending respondent pursuant to 3-7.2(f) of the Rules Regulating The Florida Bar with such suspension being effective thirty days from the date of the Court's order. On or about March 29, 2012, respondent filed a Request for Immediate Suspension notifying the Court that he did not need thirty days to protect his clients as he had already done so. Thereafter, on or about

April 2, 2012, the Supreme Court issued an order granting respondent's request and ordered that respondent's suspension would be effective *nunc pro tunc* to March 30, 2012.

The undersigned was appointed to preside as referee in this matter on April 2, 2012 by order of the Chief Judge of the Fourth Judicial Circuit. The parties have presented, as permitted under the Rules Regulating The Florida Bar, a Conditional Guilty Plea for Consent Judgment for my consideration.

Respondent was represented by David Robert Ristoff and the bar was represented by JoAnn Marie Stalcup.

All of the aforementioned pleadings, any exhibits received into evidence, and this 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.

1. On or about March 5, 2011, respondent was arrested and charged with resisting arrest with violence, a third degree felony. Respondent was in a drinking establishment during Bike Week where he consumed a significant amount of alcohol. He and other patrons began "smack" talking. Ultimately,

management contacted law enforcement. Respondent failed to cooperate with law enforcement, he came into physical contact with one of the officers, and thereafter, respondent was restrained. The police officer was not harmed.

2. Respondent entered a no contest plea to the offense, as charged, on March 7, 2012 in *State v. Rohe*, Case No. 2011-31242CFAES, in the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida.

3. Adjudication of guilt was withheld. Respondent was sentenced to 2 years probation with various conditions, including abstention from alcohol and/or illegal drugs and random alcohol/drug testing.

### III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 4-8.4(b) A lawyer shall not 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

Prior to recommending discipline, I considered each of the following questions as outlined in the Standards for Imposing Lawyer Sanctions: (a) the duty violated; (b) the lawyer's mental state; (c) the potential or actual injury caused by the lawyer's misconduct; and (d) the existence of aggravating or mitigating factors.

I also considered the purpose of discipline as delineated in *The Florida Bar v. Liberman*, 43 So.3d 36, 39 (Fla. 2010) that discipline must be fair to the public, both in terms of protecting the public from unethical conduct and at the same time

not denying the public the services of a qualified lawyer as a result of undue harshness in imposing a penalty; it must be fair to the respondent, being sufficient to punish the breach of ethics and at the same time encourage reformation and rehabilitation; and it must be severe enough to deter others who might be prone or tempted to become involved in similar violations.

I considered the following Standards prior to recommending discipline:

5.1 Failure to Maintain Personal Integrity

5.12 Suspension is appropriate when a lawyer knowingly engages in criminal conduct which is not included within Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

9.2 Aggravation

I found no aggravating factors applicable to this matter.

9.3 Mitigation

- 9.32(a) absence of a prior disciplinary record;
- 9.32(b) absence of a dishonest or selfish motive;
- 9.32(c) personal or emotional problems;
- 9.32(d) timely good faith effort to rectify consequences of misconduct;
- 9.32(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
- 9.32(g) character and reputation;

9.32(j) interim rehabilitation;

9.32(k) imposition of other penalties or sanctions; and

9.32(l) remorse.

In addition to the consideration of the purpose of lawyer discipline and the foregoing standards applicable to this matter; I considered the fact respondent sought assistance for his abuse of alcohol within days of his arrest and the fact he was willing to enter into a contract with Florida Lawyers Assistance, Inc., and comply with their recommendations. Respondent has abstained from the use of alcohol and/or other mind altering substances since the date of his arrest. Respondent, within a short period of time, entered into a FLA rehabilitation contract of his own volition and has complied with the conditions outlined in the contract in an exemplary fashion. I find that this not only speaks to the remorse of respondent over this situation, but also to the fact that respondent can and is willing to be rehabilitated. Further, respondent acted promptly, ethically, responsibly and professionally to protect his clients when he understood that he would be suspended. Respondent promptly notified the bar of his arrest, as required by the rules, and immediately stepped down from his position on one of the bar's grievance committees. Finally, I considered the character letters submitted on respondent's behalf, which show that respondent is well thought of in the legal

community and that he is considered to be competent, professional, and ethical.

[See, attached hereto Composite Exhibit 1]

V. CASE LAW

I considered the following case law prior to recommending discipline: *The Florida Bar v. Rosato Pitassi*, 77 So.3d 1256 (Fla 2011) (Table Cite) Case No. SC11-2384; *The Florida Bar v. Stewart*, 66 So.3d 304 (Fla. 2011) (Table Cite) Case No. SC10-594; and *The Florida Bar v. Cohen*, 919 So.2d 384 (Fla. 2006).

*The Florida Bar v. Rosato Pitassi*, 77 So.3d 1256 (Fla. 2011) (Table Cite) Case No. SC11-2384. The attorney received a two year suspension and a mandatory 3 year FLA contract based upon a consent judgment entered into by the parties and approved by the Court. In the criminal matter, the attorney entered a no contest plea to driving under the influence and resisting with violence. Adjudication was withheld and she was sentenced to 18 months probation on the resisting with violence charge and 12 months concurrent probation on the DUI charge. The attorney had a history of alcohol abuse and had been previously treated by FLA from approximately 2004 until August 2009. Her father died in 2009 and the incident leading to her arrest occurred on the 1 year anniversary of her father's death. After her arrest, the attorney began attending AA and FLA meetings and also began treatment with a psychiatrist. Eight mitigating factors were found and no aggravating factors were found.

*The Florida Bar v. Stewart*, 66 So.3d 304 (Fla. 2011) (Table Cite) Case No. SC10-594. The attorney was suspended for a period of 91 days and, upon reinstatement, the attorney was further placed on 3 years probation. The attorney was charged with driving with a suspended or revoked license, a third degree felony, possession of oxycodone, a third degree felony, and several misdemeanors. He entered a guilty plea to the felony charge of possession of oxycodone and one misdemeanor charge. The court withheld adjudication and placed the attorney on 18 months of drug offender probation. Within one month, a warrant was issued for the attorney's arrest for violating his probation. The warrant indicated the respondent had violated the law by resisting an officer with violence and battery on a law enforcement officer, both of which are third degree felonies. The attorney admitted to violating his probation; however, the record is silent as to which offense. The attorney's probation was reinstated but it was modified to reflect one year of Community Control with residential drug treatment. The referee found one aggravating factor existed and three mitigating factors existed.

*The Florida Bar v. Cohen*, 919 So.2d 384 (Fla. 2006). The attorney received a 90 day suspension followed by three years probation. The attorney entered a nolo contendere plea to felony marijuana possession, driving under the influence, possession of drug paraphernalia, fleeing and eluding officers, resisting arrest without violence, and reckless driving. The court entered an order adjudicating the

attorney guilty of driving under the influence and withheld adjudication on all remaining charges, including the felony possession of marijuana. The attorney had been driving seventy to ninety miles per hour, intoxicated, in the wrong direction of I-95 when given chase by the police. He failed to stop. Additionally, an oncoming innocent driver had to swerve to avoid being hit, struck another car, and hit a cement barrier. Both innocent drivers had to be taken to the emergency room and their cars were damaged. When the attorney finally stopped and exited his car, he failed to respond to the officer's repeated commands. He was brought under control only through forceful restraint. The referee found 10 mitigating factors existed and that no applicable aggravating factors existed. The Court found that the attorney had sought the assistance of FLA after his arrest and that he began treatment for his mental health and addiction issues. The attorney tested negative in all categories during random monthly drug tests since early in his recovery period and the attorney participated actively in his recovery program.

After careful review of the case law, I find support for the discipline recommendation made in this matter. The recommended discipline punishes the respondent for his misconduct while permitting him the chance to rehabilitate himself. This recommended discipline also allows for the public to be served by competent counsel should respondent seek and be successful in any attempt to be reinstated to the practice of law.



VI. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

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

Age: 41

Date admitted to the Bar: April 22, 1997

Prior Discipline: None.

VII. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

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

A. Respondent shall be suspended for a period of six months *nunc pro tunc* to March 30, 2012, the effective date of respondent's suspension pursuant to the Order issued by the Supreme Court of Florida dated April 2, 2012. Respondent shall remain suspended until he is reinstated by the Supreme Court of Florida.

B. Respondent voluntarily contacted Florida Lawyers Assistance, Inc., (hereinafter referred to as "FLA") within days of his arrest in March 2011 and entered into a rehabilitation contract with FLA on or about May 10, 2011. Respondent shall remain compliant with all conditions of his FLA rehabilitation contract for a term of not less than 2 years from May 10, 2012 and/or any term as

deemed necessary and/or appropriate should respondent be reinstated by the Supreme Court of Florida.

C. Respondent shall waive confidentiality with FLA so that FLA is authorized and required to notify the bar of respondent's progress during the remaining term of respondent's contract.

D. Based upon this waiver of confidentiality, any breach of respondent's FLA rehabilitation contract, regardless of how substantial or insubstantial such breach may be, shall be reported immediately to the bar.

E. All of the foregoing shall be at respondent's expense.

F. Respondent shall pay the bar's costs in this matter.


**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
Investigative Costs and Expenses	66.70
<b>TOTAL</b>	<b>\$1,316.70</b>

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 5<sup>th</sup> day of June, 2012.



Honorable David Michael Gooding  
Referee

Original to Supreme Court of Florida with Referee's original file.

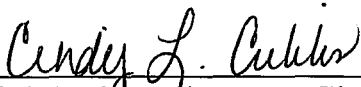
Copies to:

David Robert Ristoff, Counsel for Respondent, Williams Ristoff & Proper, PLC, 4532 US Highway 19, New Port Richey, Florida 34652-4964;

JoAnn Marie Stalcup, Bar Counsel, The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050; and

Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300

This 29 day of June 2012.



Judicial Assistant/Deputy Clerk

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

FILED  
THOMAS D. HALL  
JUL 02 2012  
CLERK, SUPREME COURT  
BY

THE FLORIDA BAR,

Complainant,

v.

Case No.: SC12-560  
TFB File No. 2011-30,971(05B)(CFC)

A J ROHE,

Respondent.

**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, the undersigned respondent, A J Rohe, and files this Conditional Guilty Plea pursuant to R. Regulating Fla. Bar 3-7.9.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. The respondent is acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

3. Respondent tenders this Conditional Guilty Plea for Consent Judgment with full knowledge of all rights afforded to respondents in disciplinary proceedings by the Rules Regulating The Florida Bar including, but not limited to, the right to have the referee hear argument concerning the appropriate sanction to be imposed pursuant to rule 3-7.2(h).

4. The disciplinary measures to be imposed upon the respondent are as follows:

A. Respondent shall be suspended for a period of six months *nunc pro tunc* to March 30, 2012, the effective date of respondent's suspension pursuant

to the Order issued by the Supreme Court of Florida dated April 2, 2012. Respondent shall remain suspended until he is reinstated by the Supreme Court of Florida.

B. Respondent voluntarily contacted Florida Lawyers Assistance, Inc., (hereinafter referred to as "FLA") within days of his arrest in March 2011 and entered into a rehabilitation contract with FLA on or about May 10, 2011. Respondent shall remain compliant with all conditions of his FLA rehabilitation contract for a term of not less than 2 years from May 10, 2012 and/or any term as deemed necessary and/or appropriate should respondent be reinstated by the Supreme Court of Florida.

C. Respondent shall waive confidentiality with FLA so that FLA is authorized and required to notify the bar of respondent's progress during the remaining term of respondent's contract.

D. Based upon this waiver of confidentiality, any breach of respondent's FLA rehabilitation contract, regardless of how substantial or insubstantial such breach may be, shall be reported immediately to the bar.

E. All of the foregoing shall be at respondent's expense.

F. Respondent shall pay the bar's costs in this matter.

5. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. On or about March 5, 2011, respondent was arrested and charged with resisting arrest with violence, a third degree felony. Respondent was in a drinking establishment during Bike Week where he consumed a significant amount of alcohol. He and other patrons began "smack" talking. Ultimately, management contacted law enforcement. Respondent failed to cooperate with law enforcement, he came into physical contact with one of the officers, and thereafter respondent was restrained. The police officer was not harmed.

B. Respondent entered a no contest plea to the offense, as charged, on March 7, 2012 in *State v. Rohe*, Case No. 2011-31242CFAES, in the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida.

C. Adjudication of guilt was withheld. Respondent was sentenced to 2 years probation with various conditions, including abstention from alcohol and/or illegal drugs and random alcohol/drug testing.

6. The respondent admits that, by reason of the foregoing, he has violated Rule Regulating The Florida Bar 4-8.4(b) A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

7. Factors and consideration of mitigation relevant to discipline include:

A. Respondent has no prior discipline other than the felony suspension imposed in this case [9.32(a)].

B. Absence of dishonest or selfish motive [9.32(b)].

C. Personal or emotional problems [9.32(c)]. Respondent has a history of abusing alcohol as well as a history of being unable to appropriately control his actions when he is impaired. Respondent was in a bar during Bike Week in Daytona Beach. He was intoxicated and engaged in "smack" talk with other patrons. When management asked him to leave, he refused to do so and then became confrontational with law enforcement. Respondent is ashamed of his inappropriate/criminal conduct and recognizes that his behavior was influenced by his intoxicated state.

D. Timely good faith effort to rectify consequences of misconduct [9.32(d)]. Respondent acted prior to and immediately after the filing of the Notice of Determination or Judgment of Guilt to protect his clients from harm and to close his practice due to his impending felony suspension and any subsequent sanction imposed by the Supreme Court of Florida.

E. Full and free disclosure to disciplinary board or cooperative attitude toward proceedings [9.32(e)]. Respondent notified the bar immediately upon his arrest and voluntarily stepped down from his position as a member of one of the bar's grievance committees.

F. Character and reputation [9.32(g)]. Respondent provided the bar with letters from two attorneys and one judge attesting to the respondent's character and reputation. Each letter spoke to the respondent's competence, integrity, advocacy, reasonableness, reliability, and ethics. In addition, respondent has actively participated in making his community a better place to live and has helped those less fortunate than himself.

G. Interim rehabilitation [9.32(j)]. Respondent voluntarily contacted FLA within days of his arrest, prior to any referral from the bar, and expressed willingness to FLA to work with FLA and consider any recommendations made by FLA. Respondent has remained abstinent from alcohol and/or mood altering substances since the date of his arrest. On or about May 2011, respondent entered into a FLA contract. Respondent's compliance over the past year with the conditions of his contract, which include: weekly attendance at a 12 Step and FLA attorney support meeting; random urinalysis testing; and meeting with an attorney-monitor at least monthly, has been exemplary. Respondent has attended all required meetings, has checked in with the drug testing service as required, and has been randomly tested 8 times with the results being negative for all substances, including alcohol. In addition, respondent has displayed a cooperative and pleasant attitude since entering into his FLA contract.

H. Imposition of other penalties or sanctions [9.32(k)]. Respondent was placed on 2 years criminal probation with specific conditions. The police officer involved in the confrontation with respondent did not oppose a reduction in the

charges to a misdemeanor. While the State was not willing to reduce the charges, the State did agree to withholding adjudication.

I. Remorse [9.32(1)]. Respondent has expressed extreme remorse over his misconduct in this matter. Respondent fully recognizes that his misconduct violated the law, showed a lack of respect for others, including law enforcement, and tarnished the profession and for that he is profoundly sorry. Respondent also recognizes and fully appreciates the fact that he is unable to appropriately control his actions when he consumes alcohol and has come to a greater understanding of the damage his disease with alcohol has caused him and others that depend upon him.

8. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

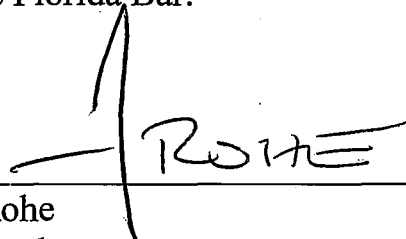
9. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

10. If this plea is approved, then the respondent agrees to pay all reasonable costs associated with this case pursuant to R. Regulating Fla. Bar 3-7.6(q) in the amount of **\$1,316.70**. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, the respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to R. Regulating Fla. Bar 1.36 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.



11. The respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement, and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding or restitution will reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which the respondent is involved. In the event the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

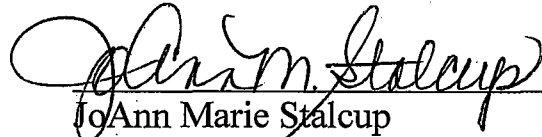
12. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of The Rules Regulating The Florida Bar.



A J Rohe  
Respondent  
Florida Bar No. 108121



David Robert Ristoff  
Counsel for Respondent  
Williams Ristoff & Proper P L C  
4532 US Highway 19  
New Port Richey, FL 34652-4964  
(727) 842-9758  
Florida Bar No. 358576

A handwritten signature in cursive script, reading "JoAnn Marie Stalcup", is written over a horizontal line.

JoAnn Marie Stalcup

Bar Counsel

The Florida Bar

1000 Legion Place, Suite 1625

Orlando, Florida 32801-1050

(407) 425-5424

Florida Bar No. 972932

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

**FILED**  
THOMAS D. HALL  
JUL 02 2012  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

THE FLORIDA BAR,

Complainant,

v.

SC File No.: SC12-560

TFB File No. 2011-30,971(05B)(CFC)

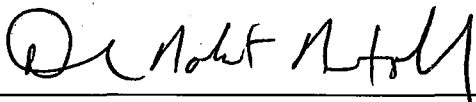
A J ROHE,

Respondent.

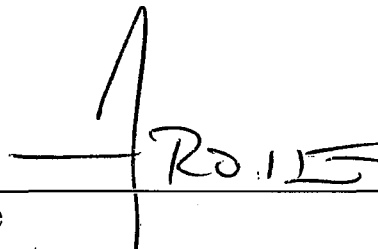
**STIPULATION FOR ENTRY OF CONSENT JUDGMENT**

The Florida Bar and the Respondent, A J Rohe, and Respondent's Counsel, David Robert Ristoff, hereby stipulate to the entry of a Consent Judgment and the Report of Referee in the above-referenced case based upon the Conditional Guilty Plea and Consent Judgment entered into by the parties.

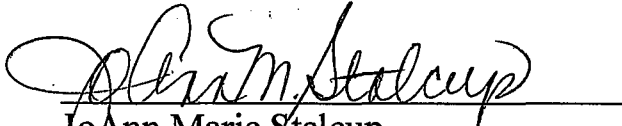
The parties further stipulate to the entry of the Consent Judgment and the Report of Referee and the imposition of the referenced discipline without further notice of hearing.



David Robert Ristoff  
Counsel for Respondent  
Williams Ristoff & Proper P L C  
4532 US Highway 19  
New Port Richey, FL 34652-4964  
Florida Bar No. 358576



A J Rohe  
Respondent  
Florida Bar No. 108121



JoAnn Marie Stalcup

Bar Counsel

The Florida Bar

1000 Legion Place, Suite 1625

Orlando, Florida 32801-1050

Florida Bar No. 972932

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Consent Judgment and Stipulation for Entry of Consent Judgment has been furnished by regular U.S. mail to The Honorable David Michael Gooding, Beach Boulevard Judicial Complex, 3490 Beach Boulevard, Jacksonville, Florida 32207; a copy of the foregoing has been furnished by regular U.S. mail to David Robert Ristoff, Counsel for Respondent, Williams Ristoff & Proper P L C, 4532 US Highway 19, New Port Richey, Florida 34652-4964; and a copy of the foregoing has been furnished by regular US mail to Staff Counsel, The Florida Bar, 625 East Jefferson Street, Tallahassee, Florida 32399-2300 this 4th day of June, 2012.



JoAnn Marie Stalcup

Bar Counsel

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

**FILED**  
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Case No. SC12-560

TFB File No. 2011-30,971(5B)

A J ROHE,

Respondent.

**REQUEST FOR PAYMENT OF DISCIPLINARY COSTS**

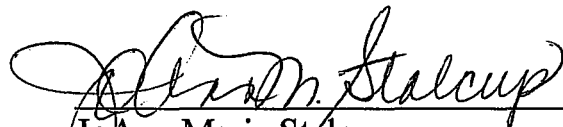
COMES NOW, The Florida Bar, and files this, its request for payment of disciplinary costs incurred in prosecuting this matter against Respondent and, as grounds therefore, would show:

1. Pursuant to Rule 3-7.6(q)(3), Rules Regulating The Florida Bar, when the Bar is successful, in whole or in part, the Referee may assess the Bar's costs against the Respondent unless it is shown that the costs of the Bar were unnecessary, excessive, or improperly authenticated.
2. The Referee has recommended Respondent be found guilty of engaging in professional misconduct.
3. The Bar is filing this request for payment of the disciplinary costs incurred in prosecuting Respondent, and has attached hereto, and incorporated

herein, its Statement of Costs as proper authentication of the costs as required by Rule 3-7.6(q)(5).

WHEREFORE, The Florida Bar respectfully requests that the Referee recommend payment of the Bar's costs as set forth in the Statement of Costs.

Respectfully submitted,

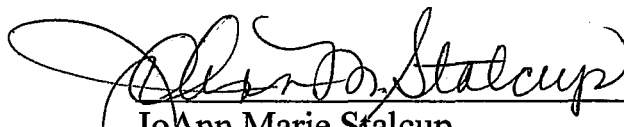


JoAnn Marie Stalcup  
Bar Counsel

The Florida Bar  
1000 Legion Place, Suite 1625  
Orlando, Florida 32801-1050  
(407) 425-5424  
Florida Bar No. 972932

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing has been furnished by United States Mail to The Honorable David Michael Gooding, Referee, Beach Boulevard Judicial Complex, 3490 Beach Boulevard, Jacksonville, Florida 32207; a copy has been furnished by regular U.S. mail to David Robert Ristoff, Counsel for Respondent, at Williams Ristoff & Proper P L C, 4532 US Highway 19, New Port Richey, Florida 34652-4964; and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, on this 4th of June, 2012.



JoAnn Marie Stalcup  
Bar Counsel

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

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THE FLORIDA BAR,

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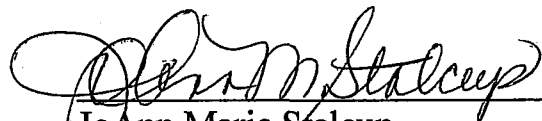
**STATEMENT OF COSTS**

COMES NOW The Florida Bar and files this Statement of Costs pursuant to  
Rule 3-7.6(q) of The Rules Regulating The Florida Bar:

Investigative Costs	\$66.70
Administrative Fee	\$1,250.00

<b>TOTAL</b>	<b>\$1,316.70</b>
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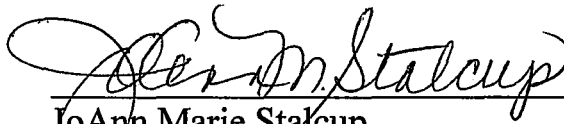
Respectfully submitted,

  
\_\_\_\_\_  
JoAnn Marie Stalcup  
Bar Counsel

The Florida Bar  
1000 Legion Place, Suite 1625  
Orlando, Florida 32801-1050  
(407) 425-5424  
Florida Bar No.: 972932

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing has been furnished by First Class mail to The Honorable David Michael Gooding, Beach Boulevard Judicial Complex, 3490 Beach Boulevard, Jacksonville, Florida 32207; a copy has been furnished by First Class mail to Mr. David Robert Ristoff, Counsel for Respondent, at Williams Ristoff & Proper P L C, 4532 US Highway 19, New Port Richey, Florida 34652-4964; and a copy has been furnished by First Class mail to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, this 4th day of June, 2012.



JoAnn Marie Stalcup  
Bar Counsel



IN THE SUPREME COURT OF FLORIDA  
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FILED  
THOMAS D. HALL  
2012 JUL -2 AM 10:20  
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THE FLORIDA BAR,

Complainant,

Case No. SC12-560

TFB Case No. 2011-30,971 (5B)

v.

A.J. ROHE,

Respondent.

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**INDEX OF RECORD**

<b><u>Tab</u></b>	<b><u>Pleading</u></b>	<b><u>Date filed/ issued</u></b>
1	NOTICE of Determination or Judgment of Guilt	03/22/12
2	ORDER of Suspension	03/26/12
3	ORDER to Appoint Referee	03/27/12
4	REQUEST for Immediate Suspension	03/29/12
5	NOTICE of Appearance	03/30/12
6	ORDER Appointing Referee	04/02/12
7	ORDER Granting Immediate Suspension	04/02/12
8	ORDER on Telephonic Case Management Conference	04/13/12
9	CERTIFICATE by Referee	04/16/12
10	NOTICE of Final Hearing	04/19/12
11	WITNESS Subpoena	05/07/12
✓12	CONDITIONAL Guilty Plea for Consent Judgment	06/04/12
✓13	STIPULATION for Entry of Consent Judgment	06/04/12
✓14	REQUEST for Payment of Disciplinary Costs	06/04/12
✓15	STATEMENT of Costs	06/04/12
✓16	REPORT OF REFEREE	06/05/12
17	CORRESPONDENCE	
✓18	CERTIFICATION OF RECORD AND INDEX	06/29/12

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

SC Case No. SC12-560

TFB File No. 2011-30,971(5B)

A J ROHE,

Respondent.

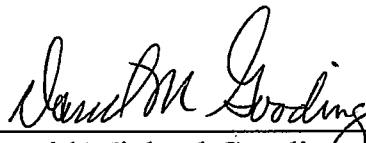
**FILED**  
THOMAS D. HALL  
JUL 02 2012  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

**CERTIFICATION OF RECORD & INDEX**

**I HEREBY CERTIFY** the above record and index are complete pursuant to R.

Regulating Fla. Bar 3-7.6(n)(3).

Dated this 29 day of June, 2012.

  
\_\_\_\_\_  
David Michael Gooding  
Referee

Original to Supreme Court with Referee's Original File.

Copies of this Certification of Index only to:

David Robert Ristoff, Counsel for Respondent, Williams, Ristoff & Proper PLC, 4532  
US Highway 19, New Port Richey, Florida 34652-4964;

JoAnn Marie Stalcup, Bar Counsel, The Florida Bar, 1000 Legion Place, Suite 1625,  
Orlando, Florida 32801-1050; and

Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300

This 29 day of June, 2012

Cindy L. Cuklus  
Judicial Assistant/Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

A.J. ROHE

Respondent.

Case No. SC12-560  
[TFB File No. 2011-30,971(05B)(CFC)]

FILED  
THOMAS D. HALL  
2012 MAR 26 AM 9:38  
CLERK SUPREME COURT  
BY \_\_\_\_\_

**NOTICE OF DETERMINATION OR JUDGMENT OF GUILT**


COMES NOW, The Florida Bar, and files this Notice of Determination or Judgment of Guilt, pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar and says:

1. Respondent is a member of The Florida Bar, admitted on April 22, 1997.
2. On or about March 7, 2012, in *State v. Rohe*, Case No. 2011-31242CFAES, in the Circuit Court Seventh Judicial Circuit, in and for Volusia County Florida, Criminal Division, respondent entered a plea of no contest to Resisting Arrest With Violence, a third degree felony.
3. Adjudication of guilt was withheld, and the court sentenced respondent to 2 years probation with various conditions, including abstention from alcohol and/or illegal drugs and random alcohol/drug testing. Copies of the Judgment and Order of Probation are attached hereto as composite Exhibit "A."

WHEREFORE, The Florida Bar respectfully requests that this Court enter an order:

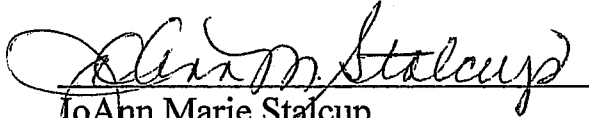
1. Finding respondent guilty of violating Rule 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.) of the Rules Regulating The Florida Bar;
2. Suspending respondent pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar;
3. Ordering respondent to furnish a copy of the suspension order to all clients, opposing counsel and courts before which he is counsel of record as required by Rule 3-5.1(g) of the Rules of Discipline of The Florida Bar and to furnish staff counsel with the requisite affidavit listing all clients, counsel and courts so informed within 30 days after receipt of the Court's order; and
4. Appointing or directing the appointment of a referee to conduct a hearing on sanctions pursuant to Rule 3-7.2(h), Rules of Discipline of The Florida Bar.

Respectfully submitted,

  
\_\_\_\_\_  
JOANN MARIE STALCUP  
Bar Counsel  
The Florida Bar  
1000 Legion Place, Suite 1625  
Orlando, Florida 32801-1050  
(407) 425-5424  
Florida Bar No. 972932

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Notice of Determination or Judgment of Guilt has been furnished by First Class mail to the Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927; a copy of the foregoing has been furnished by First Class mail to David Robert Ristoff, Counsel for Respondent, at Williams Ristoff & Proper P.L.C., 4532 U.S. Highway 19, New Port Richey, Florida 34652-4964; and a copy of the foregoing has been furnished by First Class mail to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300 on this 22nd day of March, 2012.

  
JoAnn Marie Stalcup  
Bar Counsel

- ☐ Probation Violator  
☐ Community Control Violator  
☐ Retrial  
☐ Resentence

State of Florida

v.

**Albert James Rohe**

In the Circuit Court, 7th Judicial Circuit

in and for Volusia County, Florida

Division CRIMINAL 42

Case Number 2011-31242CFAES

**JUDGMENT**

The defendant, Albert James Rohe, being personally before this court represented by Horace Smith and Michael Hatfield, the attorney of record, and the state represented by Kevin Sullivan, and having

- ☐ been tried and found guilty by jury/by court of the following crime(s)  
☐ entered a plea of guilty to the following crime(s)  
☒ entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
1	Resist Arrest With Violence	843.01	F-3 <sup>rd</sup>	2011-31242CFAES	6401157236

- ☐ and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s)  
☒ and good cause being shown; **IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.**  
☒ and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to an offense specified in section 943.325, Florida Statutes, the defendant shall be required to submit blood or other biological specimens.

Filed In Open Court  
 Seventh Judicial Circuit  
 Volusia County, Florida











MAR 07 2012

State of Florida

v.

Defendant **Albert James Rohe**Case Number **2011-31242CFAES**

## FINGERPRINTS OF DEFENDANT

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by: Dep. Brown 2413

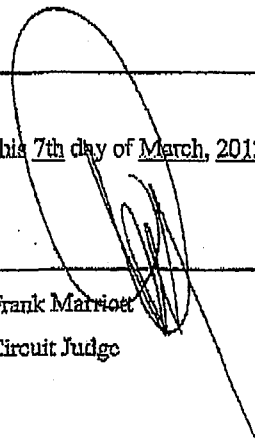
Name

Deputy Sheriff

Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant Albert James Rohe and that they were placed thereon by the defendant in my presence in open court this date.

Defendant's Social Security No./Reason for absence: \_\_\_\_\_

DONE AND ORDERED in open court in Volusia County, Florida this 7th day of March, 2012.  
\_\_\_\_\_  
Frank Marriot  
Circuit Judge



In The Circuit Court Seventh Judicial Circuit,  
In and For Volusia County, Florida

State of Florida

Case No.

2011-31242CFAES

v.

Division: 42

Albert James Rohe

Defendant Address:

707 S. Palm Avenue

Howey In The Hills, FL 34737

**Order/Final Judgment for Charges, Costs, & Fees**

(Costs are assessed by case)

The above named defendant is hereby ordered to pay the following sums, if checked:

**Mandatory Costs (Select one)**

<input checked="" type="checkbox"/>	\$ 418.00	Felony Standard	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.06
<input type="checkbox"/>	\$ 770.00	Felony Assault & Battery	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.08, 938.085, 938.06
<input type="checkbox"/>	\$ 451.00	Felony Traffic	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 318.18(17), 318.18(13)(a), 938.06
<input type="checkbox"/>	\$ 586.00	Felony DUI	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 318.18(17), 318.18(13)(a), 938.06
<input type="checkbox"/>	\$ 569.00	Felony Crime Agst. Minor	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.10(1), 938.06
<input type="checkbox"/>	\$ 613.00	Felony BUI	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.07, 327.35(9), 938.06
<input type="checkbox"/>	\$ 921.00	Felony Asslt/Battery-Minor	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.08, 938.085, 938.10(1), 938.06
<input type="checkbox"/>	\$ 521.00	Felony Reckless Driv.	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 316.192, 318.18(17), 318.18(13)(a), 318.18(19), 938.06
<input type="checkbox"/>	\$ 569.00	Felony Standard & Rape Crisis	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.085, 938.06
<input type="checkbox"/>	\$ 720.00	Felony Crime Agst. Minor & Rape Crisis	§ 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.10(1), 938.085, 938.06

**Additional Mandatory Costs (Select all that apply)**

<input type="checkbox"/>	\$ 50.00	Indigency Application Fee/Public Defender	§ 27.52(2)(a)
<input type="checkbox"/>	\$ 500.00	Prostitution- Additional Civil Penalty	\$796.07(6)
<input type="checkbox"/>	\$ 500.00	BUI Refusal-Civil Penalty	\$327.35215(1)
<input type="checkbox"/>	\$	Indigent Defense Cost/Fee (No less than \$100.00)	§ 938.29
<input checked="" type="checkbox"/>	\$ 100.00	State Attorney Cost of Prosecution (No less than \$100.00)	§ 938.27

**Fines: (Select all that apply - Enter Amount)**

<input type="checkbox"/>	\$	Fine & 5% surcharge	§ 316.193, 327.35, 775.083(1), 893.13, 893.135, 938.04
<input type="checkbox"/>	\$	Fine (Crime result death/injury-not exceed \$10,000)	§ 775.0835(1), 938.04
<input type="checkbox"/>	\$	Fine & 5% surcharge - Other (explain)	

**Discretionary Costs: (Select all that apply - Enter Amount)**

<input type="checkbox"/>	\$ 100.00	Drug Related - FDLE Operating Trust Fund	§ 938.25
<input type="checkbox"/>	\$	Alcohol and Drug Abuse Additional Cost (up to amount of fine)	§ 938.21, 938.23
<input checked="" type="checkbox"/>	\$ 150.00	Investigation Costs to Daytona Beach Police Dept.	§ 938.27
<input type="checkbox"/>	\$	Other (explain)	

**Restitution (Select one)**

- ☒ No restitution ordered.  
☐ Restitution Ordered. To be paid in accordance with separate Restitution Order.  
☐ Jurisdiction is reserved to determine restitution upon motion of the State.

**Payment of charges, costs, and fees are due immediately and are payable to the Clerk of Court for Distribution unless otherwise noted:**

- ☒ A condition of probation/community control, payable to FL DOC, Probation & Parole, pursuant to probation/community control order.  
☐ Due within \_\_\_\_ days following release from jail/prison and is payable to the Clerk of Court for distribution.  
☐ Due within \_\_\_\_ days and is payable to the Clerk of Court for distribution.

Unless payment is ordered as a condition of probation, it is further ordered that Judgment is hereby entered in favor of the State of Florida, and/or Clerk of Court, and victim(s) for the sum of the above amounts, together with interest at the lawful rate, for which let execution issue. (§ 55.10, 960.295, Fla. Stat.) This judgment shall supersede any previous judgment that may have been entered against the defendant in the above referenced case only. Fines/Costs/Fees which remain unpaid for 90 days or more may be turned over to a collection agency for further action. Failure to pay as ordered may result in the suspension of your Florida Driver's License.

DONE AND ORDERED in Volusia County, Florida, this 7th day of March, 2012.

DIANE M. MATOUSEK, CLERK OF THE CIRCUIT COURT

Filed in Open Court this 7 day of March, 2012.

Frank Marriott  
Circuit Judge

CC: State Attorney  
 Defense Counsel  
 Probation & Parole (if applicable)

Prepared by: amm

STATE OF FLORIDA  
Plaintiff

-VS-

ALBERT JAMES ROHE  
Defendant

IN THE SEVENTH JUDICIAL  
CIRCUIT COURT, IN AND FOR  
VOLUSIA COUNTY

CASE NUMBER 2011-31242 CFAES  
COUNT I

DC NUMBER V40614

Local Jurisdiction Identification Number: \_\_\_\_\_

### ORDER OF PROBATION

This cause coming before the Court to be heard, and you, the defendant, being now present before the court, and you having

- ☐ entered a plea of guilty to ☐ been found guilty by jury verdict of  
☒ entered a plea of nolo contendere to ☐ been found guilty by the court trying the case without a jury of

Count I RESISTING ARREST WITH VIOLENCE, A THIRD  
DEGREE FELONY  
Count \_\_\_\_\_  
Count \_\_\_\_\_  
Count \_\_\_\_\_

Count \_\_\_\_\_  
Count \_\_\_\_\_  
Count \_\_\_\_\_  
Count \_\_\_\_\_

#### SECTION 1: JUDGMENT OF GUILT

- ☐ The court hereby adjudges you to be guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

#### SECTION 2: ORDER WITHHOLDING ADJUDICATION

- ☒ Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Probation for a period of twenty-four (24) months under the supervision of the Department of Corrections, subject to Florida law.

#### SECTION 3: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE

It is hereby ordered and adjudged that you be:

- ☐ committed to the Department of Corrections for a term of \_\_\_\_\_ prison with credit for \_\_\_\_\_ jail time, followed by Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.  
or  
☐ confined in the County Jail for a term of \_\_\_\_\_ with credit for \_\_\_\_\_ jail time. After you have served \_\_\_\_\_ of the term, you shall be placed on Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.  
or  
☐ confined in the County Jail for a term of \_\_\_\_\_ with credit for \_\_\_\_\_ jail time, as a special condition of supervision.

12 MAR 19 09 11  
CIVIL  
CLERK  
JAN 11

ALBERT JAMES ROHE2011-31242 CFAES COUNT 1

IT IS FURTHER ORDERED that you shall comply with the following standard conditions of supervision as provided by Florida law:

- (1) You will report to the probation officer as directed.
- (2) You will pay the State of Florida the amount of \$50.00 per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
- (3) You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (4) You will not possess, carry or own any firearm. You will not possess, carry, or own any weapon without first procuring the consent of your officer.
- (5) You will live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of your probation, community control, or any other form of court ordered supervision.
- (6) You will not associate with any person engaged in any criminal activity.
- (7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
- (8) You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
- (9) You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
- (10) You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
- (11) You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
- (12) You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
- (13) You will submit to the taking of a digitized photograph by the department. This photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
- (14) You will report in person within 72 hours of your release from incarceration to the probation office in Volusia County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 1023 Mason Avenue, Daytona Beach, Florida 32117.

#### SPECIAL CONDITIONS

- ☒ 15. You must undergo a Drug and Alcohol evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless waived by the court.
- ☒ 19. You will abstain entirely from the use of alcohol and/or illegal drugs, and you will not associate with anyone who is illegally using drugs or consuming alcohol.
- ☒ 20. You will submit to urinalysis testing on a random basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.
- ☒ 43. Other: This period of Probation is to run **CONCURRENT** with any active sentence.

ALBERT JAMES ROHE2011-31242 CFAES COUNT I

- ☒ 44. Other: Within the first three (3) months, you shall pay \$1 per month for each month under supervision to be disbursed to First Step, Inc., a non-profit organization.
- ☒ 45. Other: You shall pay to the Department of Corrections a \$2.00 per month surcharge for each month you are under supervision pursuant to Section 948.09(1)(2), F.S.
- ☒ 48. Other: Total amount of court costs ordered \$668.00.
- ☒ 49. Other: *You are to have no contact with Caribbean Jacks without written consent from management.*

Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.

Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; the following conditions are imposed in addition to all other conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.


(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

**YOU ARE HEREBY PLACED ON NOTICE** that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

**IT IS FURTHER ORDERED** that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

**PAYMENT IS TO BE MADE THROUGH AND PAYABLE TO:** ☒ Department of Corrections or ☐ Clerk of Court  
(If collected by the Department of Corrections, a surcharge of 4% will be added to all payments ordered by the court, pursuant to s. 945.31, F.S.)

**IT IS FURTHER ORDERED** that the clerk of this court file this order in the clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

ALBERT JAMES ROHE2011-31242 CFAES COUNT IDONE AND ORDERED, on 3/8/12NUNC PRO TUNC 03-07-12  
\_\_\_\_\_  
Frank Marriott, Circuit Judge

I acknowledge receipt of a copy of this order and that the conditions have been explained to me and I agree to abide by them.

Date: \_\_\_\_\_

Defendant \_\_\_\_\_

Instructed by: \_\_\_\_\_  
Supervising Officer

## COPIES TO:

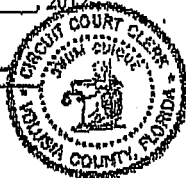
Counsel for the State: \_\_\_\_\_ hand delivery in open court  
U.S. Mail; ☒ interoffice/hand delivery  
Counsel for Defendant: \_\_\_\_\_ hand delivery in open court  
U.S. Mail; ☒ interoffice/hand deliveryI do certify that a copy heretof has been furnished to counsel for  
the State and the defendant by the method indicated above,  
this 9th day of March, 2012.

Diane M. Matousek

Clerk of the Circuit Court (seal)

By: 

Deputy Clerk

Original: Court  
Copies: Probationer, File

Dp/051/Rizzo

# Supreme Court of Florida

TUESDAY, MARCH 27, 2012

CASE NO.: SC12-560

Lower Tribunal No(s): 2011-30,971(05B)CFC

THE FLORIDA BAR

vs. A.J. ROHE

---

Complainant(s)

Respondent(s)

The Florida Bar having filed on March 26, 2012, Notice of Determination or Judgment of Guilt, it is ordered that A.J. Rohe is suspended from The Florida Bar pursuant to 3-7.2(f) of the Rules Regulating the Florida Bar, and it is further

ORDERED that this suspension shall be effective thirty days from the date of this order so that respondent can close out his practice and protect the interests of existing clients. If respondent notifies this Court in writing that he is no longer practicing and does not need the thirty days to protect existing clients, this Court will enter an order making the suspension effective immediately. Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(g). In addition, respondent shall accept no new business from the date this order is filed until he is reinstated.

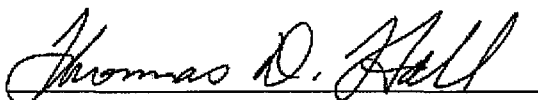
The above matter has been referred to the Chief Judge of the Fourth Judicial Circuit for the appointment of a referee pursuant to rule 3-7.2(h).

See Rule 3-5.1(g) of the Rules Regulating The Florida Bar.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

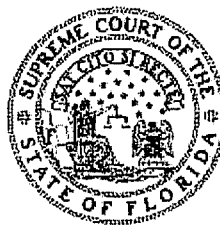
A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



dd

Served:

KENNETH LAWRENCE MARVIN

HON. DONALD R. MORAN, JR., CHIEF JUDGE

JOANN MARIE STALCUP

DAVID ROBERT RISTOFF

# Supreme Court of Florida RECEIVED

APR 03 2012

DAVID M. GOODING  
CIRCUIT JUDGE

WHEREAS, it officially has been made known to me that it is necessary to

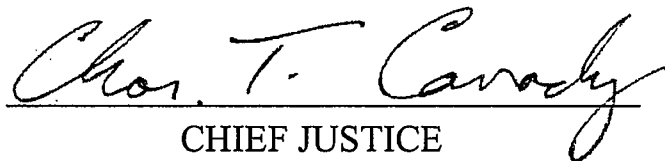
appoint a referee for the Court pursuant to rule 3-7.2(h)(2), Rules Regulating the Florida Bar, to preside in a disciplinary action brought by The Florida Bar pursuant to Chapter 3 of the Rules Regulating the Florida Bar in the matter of:

The Florida Bar vs. A.J. Rohe,  
Supreme Court Case No. SC12-560

NOW, THEREFORE, I, Charles T. Canady, under authority vested in me as Chief Justice of the Supreme Court of Florida, do hereby designate the Honorable Donald Richard Moran, Jr., Chief Judge of the Fourth Judicial Circuit Court of Florida, to appoint a referee for the Court in the above matter and, within fourteen days of this order, to notify the Clerk of the Florida Supreme Court and the parties as to the judge appointed as referee. The referee shall hear argument concerning the appropriate sanction to be imposed and file a report and recommendation with the Supreme Court of Florida as provided in rule 3-7.2(h)(2). Pursuant to rule 3-7.6(m)(1), any order by the referee regarding the imposition of sanctions shall be merely a recommendation to this Court. Such an order shall not dispose of the proceedings. This Court shall review and, if appropriate, approve the referee's recommended sanction.

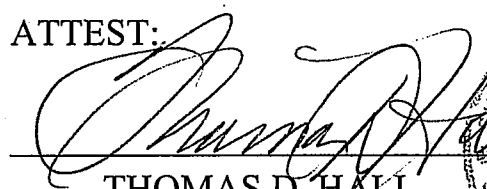
**The referee's report shall be filed within ninety days of his or her appointment.**

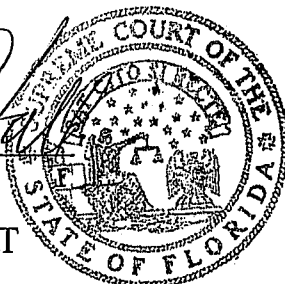
DONE AND ORDERED at Tallahassee, Florida, on March 27, 2012.



CHIEF JUSTICE  
SUPREME COURT OF FLORIDA

ATTEST:

  
THOMAS D. HALL  
CLERK, SUPREME COURT



Enclosed: Notice of Determination or Judgment of Guilt, and Order dated March 27, 2012.



IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

Case No. SC12-560

[TFB File No. 2011-30,971(05B(CFC))]

A.J. ROHE,

Respondent.

---

**REQUEST FOR IMMEDIATE SUSPENSION**

COMES NOW, A.J. Rohe, and files this his request for immediate suspension and says:

1. Respondent is in receipt of the Order dated 3/27/12 suspending him from the practice of law pursuant to 3-7.2(1) of the Rules Regulating the Florida Bar, and hereby advises the Court that he has closed out his practice and does not need the 30 days allowed to protect his client's interests, as that has already been done.


2. The 3/27/12 Order stated, "If Respondent notifies this Court in writing that he is no longer practicing and does not need the thirty days to protect existing clients, this Court will enter an Order making the suspension effective immediately." The Respondent requests that this occur and that an Order be entered suspending him as of 3/29/12 or the earliest date after that date that the Court is willing to enter the Order so that time may begin to accumulate on whatever length of suspension is ultimately determined to be appropriate.

3. The Respondent will comply with Florida Bar Rule 3-5.1(g) and has ceased accepting new business.

WHEREFORE, the Respondent requests the entry of an immediate suspension so that time may begin to accumulate on whatever length of suspension is deemed appropriate.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Request for Immediate Suspension has been furnished by First Class mail to the Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927; a copy of the foregoing has been furnished by First Class mail to the Honorable Donald Richard Moran, Jr., Duval County Courthouse, 330 E. Bay Street, Suite 220, Jacksonville, Florida 32202-2900; a copy of the foregoing has been furnished by First Class mail to David Robert Ristoff, Counsel for Respondent, at Williams Ristoff & Proper P.L.C., 4532 U.S. Highway 19, New Port Richey, Florida 34652-4964; a copy of the foregoing has been furnished by First Class mail to JoAnn Marie Stalcup, Bar Counsel, The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050 and to Staff Counsel, The Florida Bar 651 East Jefferson Street, Tallahassee, Florida 32399-2300 on this 29<sup>th</sup> day of March, 2012.

  
A.J. Rohe - Respondent

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

A.J. ROHE

Respondent.

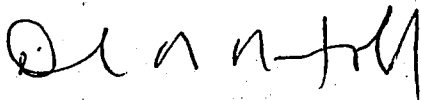
CASE NO. SC12-560

TFB NO. 2011-30,971(05B)CFC

**NOTICE OF APPEARANCE**

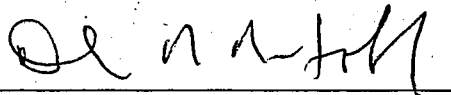
The undersigned attorney, David R. Ristoff, of the Law Firm of WILLIAMS, RISTOFF, PROPER & BLOOM files his Notice of Appearance on behalf of the Respondent, A.J. ROHE, in the above-styled cause.

Dated this 30<sup>th</sup> day of March, 2012.



DAVID R. RISTOFF  
Attorney for Respondent  
FBN: 358576  
WILLIAMS, RISTOFF, PROPER & BLOOM  
4532 US Highway 19  
New Port Richey, FL 34652  
Phone (727) 842-9758  
Fax (727) 848-2494

I HEREBY CERTIFY that the original of this Notice has been furnished by regular U.S. Mail mail to Thomas D. Hall, Clerk, the Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1925; and a copy by regular U.S. Mail to Honorable Donald R. Moran, Jr., Chief Judge, Duval County Courthouse, 330 E Bay St Ste 220, Jacksonville, Florida 32202-2900; JoAnn Marie Stalcop, The Florida Bar, 1000 Legion Place, Ste. 1625, Orlando, FL 32801-1058; and Kenneth Marvin, Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300; this 30<sup>th</sup> day of March, 2012.



DAVID R. RISTOFF

**RECEIVED**

APR 03 2012

IN THE CIRCUIT COURT, FOURTH JUDICIAL  
CIRCUIT, IN AND FOR DUVAL COUNTY, FLORIDA

DAVID M. GOODING  
CIRCUIT JUDGE

ORDER APPOINTING REFEREE

WHEREAS, the Chief Justice of the Supreme Court of Florida has designated the undersigned Chief Judge of the Fourth Judicial Circuit of Florida to appoint a referee for the Court to preside in a disciplinary action brought by The Florida Bar pursuant to Chapter 3 of the Rules Regulating the Florida Bar,

IT IS ORDERED that the Honorable David Gooding, Circuit Court Judge, in and for the Fourth Judicial Circuit, State of Florida, is hereby designated and appointed as referee for the Florida Supreme Court, in the matter of:

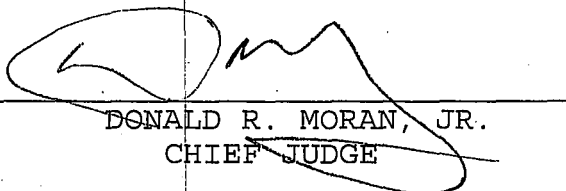
The Florida Bar vs. A. J. Rohe,  
Supreme Court Case No. SC12-560

The Honorable David Gooding, as referee, is hereby vested with all and singular the powers and prerogatives conferred by the Constitution, laws of the State of Florida, and the Rules Regulating the Florida Bar, concerning a referee for the Supreme Court of Florida in this matter.

Online resources are available for Judges serving as referees in proceedings involving disciplinary action against attorneys, and the unlicensed practice of law. The resources offered at

[http://www.flcourts.org/gen\\_public/courted/bar-referee.shtml](http://www.flcourts.org/gen_public/courted/bar-referee.shtml)  
provide detailed information on the role of a Bar Referee in each  
of these proceedings and should be reviewed prior to handling this  
case.

DONE AND ORDERED at Jacksonville, Duval County, Florida, this  
2nd. day of April, 2012.



DONALD R. MORAN, JR.  
CHIEF JUDGE

Original filed with  
The Honorable Thomas D. Hall  
Clerk, Supreme Court of Florida

Copies to:  
The Honorable David Gooding, Referee  
Joann Marie Stalcup, Esquire, Bar Counsel, The Florida Bar  
Staff Counsel, The Fl. Bar  
David Robert Ristoff, Counsel for Respondent

Please Note: Judge Gooding's address is:  
330 East Bay Street, Room 107  
Jacksonville, FL 32202

# Supreme Court of Florida

**RECEIVED**

APR 09 2012

MONDAY, APRIL 2, 2012

DAVID M. GOODING  
CIRCUIT JUDGE

CASE NO.: SC12-560

Lower Tribunal No(s): 2011-30,971(05B)CFC

THE FLORIDA BAR

vs. A.J. ROHE

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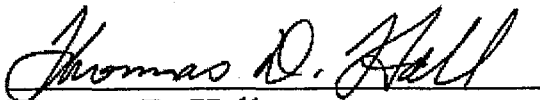
Complainant(s)

Respondent(s)

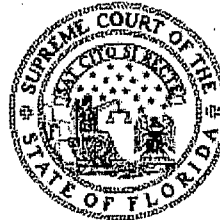
Respondent's Request for Immediate Suspension, filed with this Court on March 30, 2012, is hereby granted and the suspension ordered by this Court dated March 27, 2012, shall be effective, nunc pro tunc, March 30, 2012.

A True Copy

Test:



Thomas D. Hall  
Clerk, Supreme Court



bhp

Served:

KENNETH LAWRENCE MARVIN

HON. DONALD R. MORAN, JR., CHIEF JUDGE

JOANN MARIE STALCUP

A. J. ROHE

DAVID ROBERT RISTOFF

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,  
v.

Case No. SC12-560  
TFB File No. 2011-30,971 (05B)

A J ROHE,

Respondent.  
\_\_\_\_\_ /

**ORDER ON CASE MANAGEMENT CONFERENCE**

This cause having been before the Court on a case management conference scheduled for April 9, 2012, the parties having appeared by phone and the Court being fully advised in the premises FINDS as follows:

A. The bar indicated the report in this matter must be filed within 90 days rather than 180 days, or by on or before July 2, 2012.

B. The bar asserted that because this matter is based upon the filing of a Notice of Determination or Judgment of Guilt, the only issue to be determined at a hearing is the appropriate sanction recommendation.

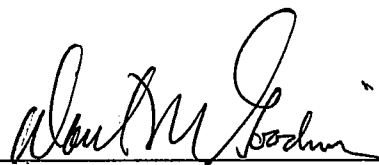
C. Counsel for respondent notified the referee that his client waives venue in this matter.

D. The parties asserted that they are attempting to resolve the instant matter; however requested that a hearing date be set in the event a resolution is not reached.

Based on the foregoing, it is ORDERED and ADJUDGED that:

1. Venue is waived; therefore, if a final hearing is required, the hearing will be conducted in Duval County.
2. The final hearing, as to sanctions, will be conducted on May 22, 2012 commencing at 9:00 A.M. The bar shall prepare the Notice of Hearing.
3. The parties are to notify this referee as soon as practicable if a resolution is reached in order for this referee to cancel the final hearing currently set in this matter.

DONE and ORDERED in Chambers at the Duval County Courthouse, Duval County, this 13<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
Honorable David Michael Gooding  
Referee

Copies provided to:

David Robert Ristoff, Counsel for Respondent  
JoAnn Marie Stalcup, Bar Counsel  
Kenneth Lawrence Marvin, Staff Counsel



IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT  
IN AND FOR DUVAL COUNTY FLORIDA

THE FLORIDA BAR,

Complainant,

vs.

Supreme Court Case No. SC12-560  
(TFB No.) 2011-30,971 (5B)

A J ROHE,

Respondent.


**CERTIFICATE BY REFEREE**

I, David Michael Gooding, am a Circuit Judge in Duval County in the Fourth Judicial Circuit of Florida. In compliance with the Rules Regulating The Florida Bar, Rule 3-7.6 Procedures before a referee, I hereby certify the following:

I have previously served as a Judicial Referee in proceedings instituted before February 1, 2010.

+ I hereby certify that I have received the referee training materials approved by the Supreme Court of Florida and certify to Chief Judge Donald R. Moran, Jr. that I have reviewed these training materials as required by said Rule.

Dated: 4/16/2012

  
David Michael Gooding, Circuit Judge

cc: The Honorable Donald R. Moran, Jr., Chief Judge, Fourth Judicial Circuit, Duval County Courthouse, 330 East Bay Street, Jacksonville, FL 32202

Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300

The Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927

JoAnn Marie Stalcup, Bar Counsel, The Florida Bar, Orlando Branch Office, 1000 Legion Place, Suite 1625, Orlando, FL 32801-1050

David Robert Ristoff, Williams Ristoff & Proper P L C, 4532 US Highway 19 New Port Richey, FL 34652-4964

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

**RECEIVED**

APR 23 2012

DAVID M. GOODING  
CIRCUIT JUDGE

THE FLORIDA BAR,

Complainant,

Case No. SC12-560

v.

[TFB Case No. 2011-30,971 (05B)]

A J ROHE,

Respondent.

**NOTICE OF FINAL HEARING**

TO: Mr. David Robert Ristoff  
Williams Ristoff & Proper P L C  
4532 US Highway 19  
New Port Richey, FL 34652-4964

PLEASE TAKE NOTICE that the above-referenced matter is hereby set for final hearing before:

Referee: Honorable David Michael Gooding

On: May 22, 2012

At: 9:00 AM

At: Beach Boulevard Judicial Complex

Courtroom B4

3490 Beach Boulevard

Jacksonville, FL 32207

One day has been reserved.



JoAnn Marie Stalcup, Bar Counsel

The Florida Bar

Orlando Branch Office

1000 Legion Place, Suite 1625

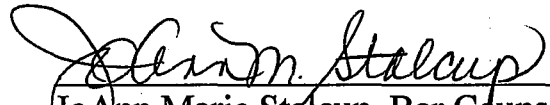
Orlando, Florida 32801-1050

(407) 425-5424

Florida Bar No.: 972932

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Notice of Final Hearing was furnished by First Class mail to David Michael Gooding, Referee, at Duval County Courthouse, 330 E Bay Street, Suite 107, Jacksonville, Florida 32202-2919; a copy has been furnished by First Class Mail, to Respondent's Counsel, David Robert Ristoff, at Williams Ristoff & Proper P L C, 4532 US Highway 19, New Port Richey, Florida 34652-4964 and a copy has been furnished to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, this 19<sup>th</sup> day of April, 2012.

  
JoAnn Marie Stalcup, Bar Counsel

*If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact JoAnn Marie Stalcup, Bar Counsel, at (407) 425-5424 at least 7 days before your scheduled appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.*

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

THE FLORIDA BAR,  
Complainant,

**WITNESS SUBPOENA**  
Case No. SC12-560  
[TFB File No. 2011-30,971(05B)]

v.

A J ROHE,  
Respondent.

TO: The Honorable Michelle T. Morley  
Sumter County Judicial Center  
225 East McCollum Avenue  
Bushnell, Florida 33513

YOU ARE HEREBY COMMANDED to appear before The Honorable David Michael Gooding at the Beach Boulevard Judicial Complex, Courtroom 4, 3490 Beach Boulevard, Jacksonville, Florida 32207 on the 22<sup>nd</sup> day of May, 2012 at 9:00 AM to testify in regard to the above-entitled proceeding.

For failure to appear and testify as herein required, you will be deemed to be in contempt of the Supreme Court of Florida.

Dated this 7<sup>th</sup> day of May, 2012.

THE FLORIDA BAR

By:

  
David Michael Gooding  
Referee

**RETURN OF SERVICE**

I CERTIFY that the foregoing  
subpoena was served this  
day of \_\_\_\_\_, 2012

by \_\_\_\_\_

\_\_\_\_\_  
Signature and Title of Person  
Making Service



RECEIVED

APR 30 2012

The Florida Bar  
Orlando Office

April 25, 2012

JoAnn Stalcup, Esquire  
The Florida Bar  
1000 Legion Place  
Suite 1625  
Orlando, FL 32801-1058

Re: Attorney A. J. Rohe

Dear Ms. Stalcup:

I am writing to request the minimum disciplinary action regarding Attorney Rohe.

I referred one of my closest girlfriends to him for her divorce.

I have been married for twenty years to a deputy sheriff.

I am a former staff attorney of the Orange County Sheriff's Office and worked as a prosecutor for numerous years in Orange and Lake County. I have taught many hours of training to law enforcement officers at various police academies and agencies in Orange and Lake County. I am pro-law enforcement.

My request for the minimum permitted disciplinary action is based on fifteen (15) years of closely working, quite frankly, *against* Mr. Rohe in hundreds (if not thousands) of family law matters.

During the past fifteen (15) years, I have seen Attorney Rohe's devotion of energy, time and money to organizations designed to improve our community and our profession. Throughout the time I've known him, I have known him to be honest, dependable, and principled.

We regularly attend the same local, circuit, and state wide organizations, as well as continuing legal education and professionalism promoting seminars and events.

The majority of my interaction with Attorney Rohe has been as an opposing counsel.

In the hundreds of matters I have had with Attorney Rohe, I have never seen anything which would make me question his professional ethics.

J.J. Dahl, Esquire  
Board Certified in Marital & Family Law



Tracy Stephens, Esquire

For years when I have had a conflict in a matter, I have referred clients to him. I did this to ensure that any referral I made would be handled with the same excellence and competency as if I were handling it.

Approximately two years ago I referred one my closest girlfriends to him for representation in her divorce. Because she had referred her husband to me for a legal matter, I could not represent her. Obviously if I would forward one of my closest friends to Attorney Rohe, I have the utmost confidence in his professionalism, ethics and ability.

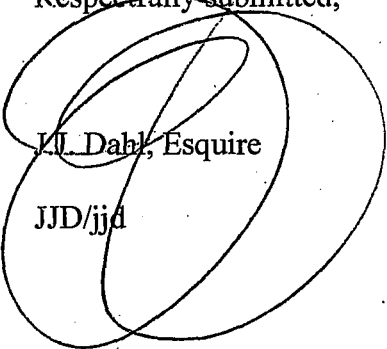
In the practice of law, I have observed him not only abiding by the Rules of Professional Conduct, but conducting himself to the higher standards of professional contact as outlined in the *Bounds of Advocacy* of the Academy of Matrimonial Attorneys.

Please feel free to contact me for further inquiry or discussion. I can be reached at my office or if it is more convenient via email at [jj@jjdahl.com](mailto:jj@jjdahl.com) or on my cell phone (352) 267-7656.

I appreciate your consideration in this matter.

In light of his community service, his professional work ethic and reputation and experience, I believe he is a candidate for the minimum disciplinary action required.

Respectfully submitted,



J.L. Dahl, Esquire

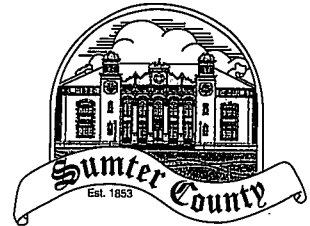
JJD/jjd



# MICHELLE T. MORLEY

Circuit Court Judge

Danielle L. Colladay  
Judicial Assistant



Sumter County Judicial Center  
225 East McCollum Avenue Bushnell, FL 33513

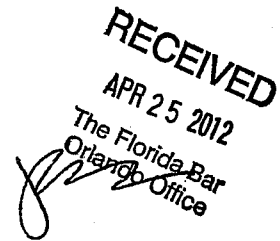
Phone (352) 569-6028

Fax (352) 569-6031

Friday, April 20, 2012

Joanne M. Stalcup  
The Florida Bar  
1000 Legion Place, Suite 1625  
Orlando, FL 32801-1058

RE: A. J. Rohe  
Fla. Bar #108121



Dear Ms. Stalcup:

It is my understanding that Mr. A. J. Rohe is under disciplinary consideration by the Bar. I have known Mr. Rohe since he began practicing law in 1997. I offer my impressions and experience with Mr. Rohe for whatever benefit it brings you as you consider his case.

When I practiced law, Mr. Rohe and I were often on opposing sides of cases. He was a formidable opponent. We certainly did not always agree on how our respective cases should resolve, but our mutual respect never waived.

Mr. Rohe has been a robust advocate. He has always stayed current on the law and has been known to cite cases decided within a week of being published. He knows his clients and their cases inside and out. He independently investigates much of what his clients report to him and he does not speak on their behalf unless he is confident in the facts he is representing. He is strategic and tactical in his management of his files, bringing matters to a fair conclusion without delay. He is known for being reasonable and realistic in setting outcome goals for his clients. Above all, he is known as a lawyer whose word is his bond.

Since Mr. Rohe's firm has expanded, he has hired and trained lawyers to follow the same patterns of preparation, advocacy and integrity that he has followed since the early years of his career. He and his associates are prompt, reliable, honest and reasonable and it is a pleasure to have them in Court. I can count on him and his associates to accurately and fairly present their positions, and to educate me on issues when my understanding is shallow. The legacy Mr. Rohe is developing as a lawyer is truly admirable.

It is so very unfortunate that Mr. Rohe has been humbled by bad choices he has made in his personal conduct. The situation has either caused or given him the fortitude to change his personal habits. He has acknowledged to me that he is embarrassed, ashamed and

remorseful. He realizes that the results of his choices have dominoed from his arrest, to his family, his membership in the Bar, the livelihood of his associates, the sense of security of his clients, and to the global reputation of all members of the Florida Bar. In accepting responsibility for his choices Mr. Rohe will accept the consequences.

I am at your disposal should you wish for me to add anything further. I wish you the best as you deliberate.

Respectfully,

*Michelle Morley*

Michelle Morley



**MARY HATCHER, P.A.**

222 SOUTH FLORIDA STREET  
BUSHNELL, FLORIDA 33513

MARY P. ATTRIDGE, ESQUIRE  
FLORIDA SUPREME COURT CERTIFIED  
APPELLATE AND FAMILY LAW MEDIATOR

TELEPHONE (352) 793-5600  
FACSIMILE (352) 793-6520  
yourlaw@mhatcherlaw.com

April 18, 2012

**JoAnn Marie Stalcup, Esquire**  
THE FLORIDA BAR  
1000 Legion Place  
Suite 1625  
Orlando, Florida 32801

RECEIVED  
APR 23 2012  
The Florida Bar  
Orlando Office

**RE: A.J. Rohe, III**  
**Case No.: SC12-560/Lower Tribunal No(s): 2011-30, 971 (05B) CFS**

Dear Ms. Stalcup:

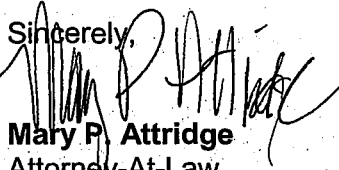
Please allow me the opportunity to express both my personal respect and professional admiration I have for my colleague, A.J. Rohe, III. Mr. Rohe and I have practiced together for over ten years, and without hesitation I would consider Mr. Rohe to be among the most knowledgeable and well prepared practitioners I have encountered in my 23 years of practice.

Mr. Rohe has consistently exhibited a level of professionalism and integrity which should be emulated by our fellow members of The Florida Bar. In addition, Mr. Rohe has been active in The Florida Bar Committees, seeking to improve our specific area of practice as well as that of the profession.

Aside from his rigorous professional obligations, Mr. Rohe has shown a commitment to the community as well. Mr. Rohe has played an active role in both civic and church based service organizations for several years. Despite the time necessary to practice at Mr. Rohe's level, he has also dedicated his time to helping those less fortunate.

In closing, Mr. Rohe is without a doubt a credit to our profession and I am proud to consider him my colleague. Should you have any further questions or comments, or require any additional information, please do not hesitate to contact me. Thank you for your consideration and I am

Sincerely,

  
**Mary P. Attridge**  
Attorney-At-Law

MPA/nmw



# THE FLORIDA BAR

ORLANDO BRANCH OFFICE  
THE GATEWAY CENTER  
1000 LEGION PLACE, SUITE 1625  
ORLANDO, FLORIDA 32801-1050

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

(407) 425-5424  
WWW.FLORIDABAR.ORG

April 10, 2012

**RECEIVED**

APR 13 2012

DAVID M. GOODING  
CIRCUIT JUDGE

Honorable David Michael Gooding  
Duval County Courthouse  
330 E Bay St Ste 107  
Jacksonville, FL 32202-2919

Re: The Florida Bar v A J Rohe  
Supreme Court Case No.: SC12-560  
The Florida Bar File No. 2011-30,971 (05B) ;

Dear Judge Gooding:

The proposed Order on Case Management Conference held on April 9, 2012, regarding the above-referenced matter, is enclosed. A copy of this proposed order was provided to respondent's counsel on April 9, 2012 and he has no objections to this proposed order.

Also enclosed are pre-addressed, postage-paid envelopes for your use in mailing the Order on Case Management Conference to the respondent, our headquarters and myself.

Please do not hesitate to contact me should you have any questions or comments.

Sincerely yours,

JoAnn Marie Stalcup  
Bar Counsel

JMS/so

enclosures

cc: Mr. David Robert Ristoff



## THE FLORIDA BAR

ORLANDO BRANCH OFFICE  
THE GATEWAY CENTER  
1000 LEGION PLACE, SUITE 1625  
ORLANDO, FLORIDA 32801-1050

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

**RECEIVED**

APR 12 2012

(407) 425-5424  
DAVID M. GOODING  
CIRCUIT JUDGE  
FLORIDABAR.ORG

April 9, 2012

Honorable David Michael Gooding  
Duval County Courthouse  
330 E Bay St Ste 107  
Jacksonville, FL 32202-2919

Re: Supreme Court Case No.: SC12-560  
The Florida Bar v A J Rohe  
The Florida Bar File No. 2011-30,971 (5B)

Dear Judge Gooding:

Enclosed is the Certificate by Referee, together with preaddressed, postage paid envelopes to be used in mailing the copies of the executed Certificate by Referee.

Sincerely yours,

JoAnn Marie Stalcup  
Bar Counsel

JMS/so

enclosures

cc: Mr. David Robert Ristoff



**WRP&B**

**WILLIAMS, RISTOFF, PROPER & BLOOM**  
a Partnership of P.L.C.s  
*Attorneys and Counselors at Law*

Principal Office:  
4532 U.S. Highway 19  
New Port Richey, FL 34652  
Tel: 727-842-9758  
Toll Free: 800-450-8820  
Fax: 727-848-2494

Email: [info@WRPBLaw.com](mailto:info@WRPBLaw.com)  
Web: [www.WRPBLaw.com](http://www.WRPBLaw.com)

Stephen R. Williams  
David R. Ristoff\*  
Steven A. Proper, M.D.  
Richard B. Bloom, D.O., F.A.C.O.S.  
Beth S. Wilson\*\*

\*Also Admitted in Ohio  
\*\*Of Counsel

May 7, 2012

Honorable David Michael Gooding  
Via Facsimile 904-357-5971

Re: The Florida Bar v. AJ Rohe  
Case No. SC12-560

Dear Judge Gooding:

Please find attached a Witness Subpoena for Honorable Michelle T. Morley. Judge Morley will not be called as a live witness, however, she is willing to prepare an Affidavit. The rules require a Subpoena to be served on Judge Morley before she will be able to submit an Affidavit.

If you should have any questions please do not hesitate to contact my office.

Sincerely,

  
DAVID R. RISTOFF

DRR/af

**SIGNED IN MR RISTOFF'S  
ABSENCE TO PREVENT A  
DELAY IN MAILING**

Satellite Offices:

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## THE FLORIDA BAR

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JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

June 4, 2012

Honorable David Michael Gooding  
Beach Boulevard Judicial Complex  
3490 Beach Boulevard  
Jacksonville, FL 32207

Re: The Florida Bar v. A J Rohe  
Supreme Court Case No.: SC12-560  
The Florida Bar File No. 2011-30,971(05B)(CFC)

Dear Judge Gooding:

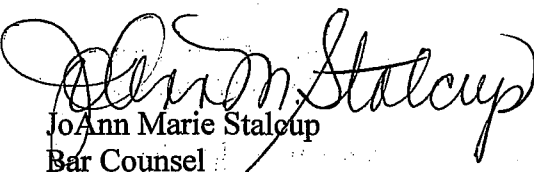
The original Conditional Guilty Plea for Consent Judgment, Stipulation for Entry of Consent Judgment, Request for Payment of Discipline Costs, and Statement of Costs are enclosed.

Also enclosed are the proposed Report of the Referee Accepting Consent Judgment and the case law in the above-referenced case, as well as the original Certification of Record & Index. A copy of the proposed Report of the Referee Accepting Consent Judgment will be emailed to your Judicial Assistant, Cindy Cribbs, as The Supreme Court requires the Report of the Referee be filed in MS Word format by e-mail, as well as the original by mail. The e-mail address to be used is [e-file@flcourts.org](mailto:e-file@flcourts.org).

If the proposed Report of the Referee meets with your approval, please file it with the Supreme Court, together with your entire file, constituting the record of these proceedings. Please be advised that the Court also requires the record to be accompanied by an Index. Copies of the Report of the Referee and Index should be served on the parties, as well as on Kenneth Lawrence Marvin, Staff Counsel of The Florida Bar. Preaddressed, postage paid envelopes are enclosed for your use.

Please do not hesitate to contact me should you have any questions or if we can assist with filing the Report.

Sincerely yours,

  
JoAnn Marie Stalcup  
Bar Counsel

JMS/so

cc: Mr. David Robert Ristoff