

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

Ken
Melvin
Viny

THE FLORIDA BAR,
Complainant,

Case Nos.: SC09-1953
TFB NOL: 2007-11,274(13D)

v.

MICHAEL VINCENT LAURATO,
Respondent.

_____ /

SUPPLEMENTAL REPORT OF REFEREE

The undersigned, as duly-appointed referee in these proceedings, files this Supplemental Report of Referee, which supplements and incorporates the original Report of Referee, dated April 30, 2010, previously filed herein. This Supplemental Report of Referee is filed following the sanctions hearing conducted on May 24, 2010.

I. Recommendation as to disciplinary measures to be applied: Having reviewed the record of these proceedings, and having heard the evidence at the sanctions hearing, I recommend that Respondent receive a Public Reprimand to be administered by this referee. Respondent shall also pay the Florida Bar's costs in this matter. In arriving at the foregoing disciplinary recommendation, consideration was also given to applicable case law which supports the imposition of a public reprimand. *Florida Bar v. Wright*, 520 So. 2d 269 (Fla. 1988) (attorney falsified discovery responses in his own dissolution of marriage proceeding); *Florida Bar v.*

2010
[Signature]

Glant, 684 So. 2d 723 (Fla. 1993) (intentional misrepresentation on an application for a position as a lawyer); *Florida Bar v. Sax*, 530 So.2d 284 (Fla. 1988) (attorney submitted notarized pleading to court knowing that pleading contained untrue factual averment and was signed outside presence of notary). This finding is also consistent with uncontested Reports of Referee, as pointed out by Respondent. *Florida Bar v. Lifsey*, SC07-747 (misrepresentation to a judge as to why attorney had not filed a brief); *Florida Bar v. Dsouza*, SC07-675 (sworn misrepresentations on attorney's own bankruptcy petition); *Florida Bar v. Young*, SC07-1153 (untruthful statements in attorney's own divorce proceedings).

II. Personal History and Past Disciplinary Record: After the finding of guilt and prior to recommending discipline to be recommended, I considered the following personal history and prior disciplinary record of the Respondent, to wit:

Age: 37

Date Admitted to the Florida Bar: August 1999

Prior disciplinary record: None

Mitigation: Under Standard 9.32 Mitigating factors include:

(a) Absence of a prior disciplinary record.

(g) Good character or reputation among many in the legal community. Gregory Jones, a board certified civil trial lawyer, who was also the previous chairman of the Florida Bar Grievance Committee, testified that he has known Respondent since 2000 and that had impressive trial skills and was "above board" ethically. Thomas Bopp, past president of the Hillsborough County Bar Association and on the peer review committee, testified that he has known the Respondent

for six to seven years and that he was an excellent lawyer, professional, and "above board." He testified that Respondent's reputation in the community is that he was a good lawyer. There was also evidence that throughout his career, Respondent has engaged in many pro bono hours and community work.

This referee notes that Respondent is not board certified in any area of practice.


III. Statement of Costs and Recommendation as to the Manner in Which Costs Should be

Taxed: I find that the following costs were incurred by The Florida Bar in this proceeding:

Administrative costs	
Rule 3-7.6(o)(1)(I)	\$ 1,250.00
Florida Bar Counsel Expenses(travel)	\$ 149.84
Court Reporter's Fees and Transcripts	\$ 2,602.60
TOTAL:	\$4,002.44

It is recommended that costs in the amount of \$4,002.44 be assessed against Respondent. It is further recommended that execution issue with interest at the prevailing statutory rate to accrue on all costs not paid within 30 days of the entry of the Supreme Court's final order, unless time for payment is extended by the Board of Governors of The Florida Bar.

Dated this 30 day of JUNE 2010.


William R. Webb, Referee

Copies:

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