

No: 13-7280

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IN THE  
SUPREME COURT OF THE UNITED STATES

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NEIL J. GILLESPIE - PETITIONER

vs.

REVERSE MORTGAGE SOLUTIONS, INC, ET AL, - RESPONDENTS

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RULE 44.2 PETITION FOR REHEARING OF AN ORDER DENYING  
PETITION NO. 13-7280 FOR WRIT OF CERTIORARI

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February 7, 2014

by

Neil J. Gillespie  
a nonlawyer appearing pro se  
*in forma pauperis*

8092 SW 115th Loop  
Ocala, Florida 34481  
Telephone: (352) 854-7807  
Email: neilgillespie@mfi.net

## LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

U.S. Court of Appeals for the Eleventh Circuit, Appeal No. 13-11585-B  
District Court Case No: 5:13-cv-00058-WTH-PRL, removed from Marion County Florida  
Marion Co. FL, Fifth Judicial Circuit, 42-2013CA-000115-AXXX-XX a.k.a. 2013-CA-000115

Verified Complaint to Foreclose Home Equity Conversion Mortgage (HECM)  
Unlicensed Practice of Law Investigation No. 20133090(5) of Neil J. Gillespie

Plaintiff: Reverse Mortgage Solutions, Inc., by Danielle Nicole Parsons, McCalla Raymer LLC

Defendant and Cross-party: Neil J. Gillespie, individually, and for his individual interest in the Gillespie Family Living Trust Agreement Dated February 10, 1997; Cross-party with HUD on removal; Cross-party with The Florida Bar for UPL; Constitutional Challenger

Defendant: United States of America, Secretary of Housing and Urban Development (HUD)  
Solicitor General of the United States for HUD, Constitutional Challenge, 28 U.S.C. §2403(a)  
12 U.S.C. § 1715z–20, Insurance of home equity conversion mortgages for elderly homeowners.

The Hon. Michael P. Stephens, Acting Inspector General, Federal Housing Finance Agency  
Non-party audit authority for HECM “reverse” mortgage, 12 U.S.C. § 1715z–20

Cross-party: The Florida Bar, Unlicensed Practice of Law Investigation of Neil J. Gillespie

Attorney General of Florida, Constitutional Challenge, 28 U.S.C. §2403(a)

U.S. Department of State. Treaties of the United States, U.S. Const. Article VI, Clause 2  
The Hon. Steve A. Linick, Inspector General, OIG Office of Investigations  
Mr. William Fitzgibbons, Hotline Program. Treaties of the U.S. are Supreme Law of the land.

The right of all people to competent legal representation is essential to upholding the Universal Declaration of Human Rights, Resolution 217(A)(III) of the United Nations General Assembly, December 10, 1948, and essential to upholding the following Conventions and Principals:

United Nations Convention against Corruption (UNCAC)  
Signed by President Bush December 9, 2003, ratified October 30, 2006.  
Article 6. Preventive anti-corruption body or bodies.

International Covenant on Civil and Political Rights (ICCPR)  
Signed by President Carter October 5, 1977, ratified June 8, 1992

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Signed by President Reagan April 18, 1988, ratified October 21, 1994

International Norms And Standards Relating To Disability  
Basic Principles and Guidelines, the Right to a Remedy and Reparation  
Basic Principles of Justice for Victims of Crime and Abuse of Power

## **JURISDICTION**

This Court denied certiorari in Petition No. 13-7280 by order entered January 13, 2014.

The Clerk's letter dated January 13, 2014 follows this page, and states,

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Any petition for the rehearing of an order denying a petition for a writ of certiorari shall be filed within 25 days after the date of the order of denial. (Rule 44.2). Friday February 7, 2014 is 25 days after the date of the order of denial.

The jurisdiction of this Court is invoked under Rule 44.2 and 28 U.S.C. § 1254(1).

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

**Scott S. Harris**  
Clerk of the Court  
(202) 479-3011

January 13, 2014

Mr. Neil J. Gillespie  
8092 SW 115th Loop  
Ocala, FL 34481

Re: Neil J. Gillespie  
v. Reverse Mortgage Solutions, Inc., et al.  
No. 13-7280

Dear Mr. Gillespie:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

**Scott S. Harris, Clerk**

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### **Intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.**

1. U.S. Department of State, OIG Office of Investigations. Treaties of the United States.

Pursuant to Article VI, Clause 2, U.S. Constitution, I hereby invoke the assistance and protection of ratified Treaties of the United States, by and through the U.S. Department of State. A ratified treaty of the United States is the Supreme Law of the land. U.S. Const. Article VI, Clause 2

The United Nations Convention against Corruption (UNCAC)  
Signed by President Bush December 9, 2003, ratified October 30, 2006.  
Article 6. Preventive anti-corruption body or bodies.

The International Covenant on Civil and Political Rights (ICCPR)  
Signed by President Carter October 5, 1977, ratified June 8, 1992

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or  
Punishment. Signed by President Reagan April 18, 1988, ratified October 21, 1994

2. Lawyer discipline through The Florida Bar an unconstitutional arbitrary political process
3. The Florida Bar File No. 2014-30,525 (9A) for Danielle Parsons opened Dec-06, 2013
4. The Florida Bar UPL Investigation No. 20143031(9A) of Yolanda Martinez Dec-05-2013
5. Florida Commission on Ethics Announced Settlement of My Home Mortgage Dispute.

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<u>Appendix B</u>	Letter February 25, 2011 Congressman Cummings to Inspector General Linick.
<u>Appendix C</u>	Orders of the Commission on Ethics Announcing settlement of mortgage dispute.

## TABLE OF AUTHORITIES CITED

### AUTHORITIES

### PAGE NUMBER

#### United Nations Convention against Corruption (UNCAC)

Signed by President Bush December 9, 2003, ratified October 30, 2006.

<http://www.unodc.org/unodc/en/treaties/CAC/>

Article 6. Preventive anti-corruption body or bodies. 1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

- (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;
- (b) Increasing and disseminating knowledge about the prevention of corruption.

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

#### Nineteenth Statewide Grand Jury, Interim Report

Case No. SC 09-1910, December 29, 2010

P. 119 with chart, Florida led the nation in the number of federally convicted public officials from 1998 through 2007. Endnote lxi page 124, Florida ranked first with 824 convicted public officials and New York ranked second with 704.

Prologue: Florida's Corruption Tax.

We, the members of the Nineteenth Statewide Grand Jury, find that public corruption continues to be an issue of great importance in all aspects of government, politics, and business throughout the State...Therefore, we call for an immediate repeal of what can only be referred to as Florida's Corruption Tax.

[http://myfloridalegal.com/webfiles.nsf/WF/JFAO-8CLT9A/\\$file/19thSWGJInterimReport.pdf](http://myfloridalegal.com/webfiles.nsf/WF/JFAO-8CLT9A/$file/19thSWGJInterimReport.pdf)

The New York Times, September 1, 2013, by Nick Madigan:

*Arrests of 3 Mayors Reinforce Florida's Notoriety as a Hothouse for Corruption*

<http://www.nytimes.com/2013/09/02/us/arrests-of-3-mayors-reinforce-floridas-notoriety-as-a-hothouse-for-corruption.html>

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR REHEARING OF AN ORDER DENYING A  
PETITION FOR WRIT OF CERTIORARI (Rule 44.2)

Petitioner pro se Neil J. Gillespie, in the first person, presents intervening circumstances of a substantial or controlling effect and other substantial grounds not previously presented.

I invoke the assistance and protection of Treaties of the United States, by and through the U.S. Department of State, and Mr. William Fitzgibbons, Office of Investigations. A ratified treaty of the United States is the Supreme Law of the land. Art. VI, cl. 2, U.S. Const.

Article 6, Convention against Corruption, requires preventive anti-corruption body or bodies.

Florida is the most corrupt state in America. New York Times, September 1, 2013, by Nick Madigan: *Arrests of 3 Mayors Reinforce Florida's Notoriety as a Hothouse for Corruption*:

"...Florida....led the country in convictions of public officials - 781 - between 2000 and 2010, according to Department of Justice figures."

"Florida has become the corruption capital of America," said Dan Krassner, the executive director of a watchdog group, Integrity Florida, citing statistics going back to 1976 and the "significant number of public officials arrested this year and last."

The Florida Bar's Hawkins Commission Report (2012) shows it is catastrophically broken. A response on page 24 (102) from a Florida Judge, appears as submitted at Appendix A and shows,

**10. Were you satisfied with the disposition of the referred case(s)?**

No. I conducted an evidentiary hearing over three or four days and was regrettably required to find a lawyer had suborned perjury. After finding the lawyer guilty of contempt, I referred this matter to the Bar. I used to Chair a Grievance Committee when I practiced law, so I am very familiar with the process. The grievance committee assigned a lawyer/member to investigate. This lawyer failed to investigate properly. She never spoke to me, she never spoke to any of the other lawyers in the case, and she never reviewed any transcripts. She merely called the lawyer whom I found in contempt; he denied suborning perjury and that's all she did. She recommended a finding of no probable cause. Her investigation was a joke and embarrassed the legal system and The Florida Bar.

**12. The Commission is very interested in any comments that you may have about The Florida Bar's discipline system and your experience(s) with it. Please utilize the space below to provide us with your comments.**

I have always found Bar staff lawyers to be courteous. But I have a HUGE problem with the way matters are investigated by grievance committees. See my answer above. The investigating attorney was sloppy and failed to protect the public. And when I tried to bring this to her attention after the fact, so she wouldn't make mistakes in the future, she was incredibly rude. I do not have a problem with a finding of NPC. I have a problem with an incompetent investigation. (spelling corrected)

Florida Nineteenth Statewide Grand Jury, Interim Report, Case No. SC 09-1910, Dec-29, 2010  
Prologue: Florida's Corruption Tax.

We, the members of the Nineteenth Statewide Grand Jury, find that public corruption continues to be an issue of great importance in all aspects of government, politics, and business throughout the State...Therefore, we call for an immediate repeal of what can only be referred to as Florida's Corruption Tax.

Florida lacks effective anti-corruption bodies required by the Convention Against Corruption:

Article 6. Preventive anti-corruption body or bodies. 1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

- (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;
- (b) Increasing and disseminating knowledge about the prevention of corruption.

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

The corrupting power and influence of The Florida Bar denies citizens rights and protections of,

The Constitution and laws of Florida	Constitution and laws of the United States
U.N. Convention against Corruption	Article III judicial power of the United States
Universal Declaration of Human Rights	Protection and assistance of the US Attorney
International Covenant on Civil and Political Rights	Convention Against Torture



Lawyer discipline through The Florida Bar is an unconstitutional arbitrary political process  
The public is not protected by an unconstitutional arbitrary political process

The Florida Bar made a conscious decision in 1991-1992 to reject adoption of the full recommendations of the American Bar Association (ABA) published in the Report of the Commission on Evaluation of Disciplinary Enforcement by the ABA Commission on Evaluation of Disciplinary Enforcement (1989-1992), also known as the 1992 ABA McKay Report.

John T. Berry is currently Director of The Florida Bar Legal Division. Mr. Berry was also one of the nine members of the McKay Commission that issued the Report to the ABA

Minutes of meetings of The Florida Bar Board of Governors (BOG) show discussion, and rejection, of the full 1992 ABA McKay Report recommendations. The Florida Bar provided me the BOG Minutes, which accompany this petition for rehearing.

Meeting of the Board of Governors, Omni Jacksonville Hotel, Jacksonville, Florida  
November 7-8, 1991. Report of Special Committee on Evolution of Disciplinary  
Enforcement is item 17, and begins on page 29.

Regular Minutes - Page 31

Frederick Bosch stated his opposition to not endorsing recommendation #6.2 which prohibits certain ex parte communication. He stated that ex parte communication would allow more politically based decisions on disciplinary matters.

Mr. Berry stated that the committee did not endorse this recommendation because discipline counsel are counsel to the board and grievance committees and not prosecutors.

Regular Minutes - Page 32  
November 7-8, 1991

Mr. Bosch made a motion, which was seconded, to disapprove the special committee's recommendation and endorse recommendation #6.2 of the McKay Commission report. Alan Dimond stated that the Bar is simply an arm of the prosecutor, and due process comes before the Florida Supreme Court of Florida.

After consideration, the motion to disapprove the committee's recommendation on #6.2, failed.

Mr. Dimond's contention that due process comes before the Florida Supreme Court belies the fact that relatively few complaints get that far. Instead, many complaints are wrongly dismissed at the local grievance committee, thereby wrongly denying due process rights of complainants.

*Local components, such as local bar investigative committees, foster cronyism as well as prejudice against unpopular respondents. - ABA McKay Report*

The American Bar Association recommended eliminating local discipline components in its McKay Report, the section titled: IMPROVING THE QUALITY OF DECISIONS

Implementing Existing ABA Policy: All jurisdictions should restructure their disciplinary systems to eliminate local components. All stages of disciplinary proceedings, including intake and screening of complaints, investigation, prosecution, hearing, and appeal should be conducted on a statewide or regional basis under the jurisdiction of a statewide disciplinary official or body, consistent with MRLDE 1, 3E(1), and 4B(1),(2),(3).

Comments: Despite the fact that eliminating local disciplinary enforcement was a major recommendation of the Clark Report, at least twelve jurisdictions still have significant local components in their disciplinary systems. Local components, such as local bar investigative committees, foster cronyism as well as prejudice against unpopular respondents. Local components result in a lack of uniformity in procedures and in the application of the rules of professional conduct. Local components promote delay in the handling of disciplinary cases.

While the distinction between a regional and a local body is sometimes unclear, regional bodies: (1) have uniform rules of procedure, (2) lack discretion to vary their procedures, (3) are directly supervised by a statewide authority, (4) can easily transfer cases among themselves; and (5) have a large enough jurisdiction so that respondents are not routinely known personally by adjudicators.

Bar Counsel Annemarie Craft closed my complaint against Mr. Bauer<sup>1</sup> by letter July 17, 2013, in part, "Mr. Bauer denies lying or misleading the Bar in any way." That was the extent of Ms. Craft's "investigation", which is very similar to the response complained about in the Hawkins Report on page 24 (102) from a Florida Judge, who wrote,

She merely called the lawyer whom I found in contempt; he denied suborning perjury and that's all she did. She recommended a finding of no probable cause. Her investigation was a joke and embarrassed the legal system and The Florida Bar.

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<sup>1</sup> The Florida Bar File No. 2013-00,540 (8B)

Federal Housing Finance Agency (FHFA)  
Office of Inspector General (OIG)

The Housing and Economic Recovery Act of 2008 established an Office of Inspector General (OIG) within the Federal Housing Finance Agency (FHFA). The Inspector General Act of 1978, as amended, sets forth the functions and authorities of the FHFA OIG.

U.S. Congressman Elijah Cummings, a Ranking Member of the U.S. House Committee on Oversight and Government Reform, wrote FHFA Inspector General Steve Linick<sup>1</sup> for an "investigation into widespread allegations of abuse by private attorneys and law firms hired to process foreclosures as part of the "Retained Attorney Network" established by Fannie Mae."

The letter cited the following Florida foreclosure firms or processors, (Appendix B)

Law Offices of David J. Stern, P.A.  
Law Offices of Marshall C. Watson, P.A.  
Shapiro & Fishnlan, L.L.P.  
McCalla Raymer, L.L.C.  
Lender Processing Services, Inc.

A report<sup>2</sup> by IG Linick refers to a 2006 Report to Fannie Mae of Foreclosure Abuses in Florida,

"In December of 2003, a Fannie Mae shareholder began alerting Fannie Mae to foreclosure abuse allegations, and in 2005 Fannie Mae hired an outside law firm to investigate a variety of allegations regarding purported foreclosure processing abuses. In May 2006, the law firm issued a report of investigation in which it found that:"

"[F]oreclosure attorneys in Florida are routinely filing false pleadings and affidavits.... The practice could be occurring elsewhere. It is axiomatic that the practice is improper and should be stopped. Fannie Mae has not authorized this unlawful conduct."

"Further, the report observed that Fannie Mae did not take steps to ensure the quality of its foreclosure attorneys' conduct, the legal positions taken in the attorneys' pleadings, or the manner in which the attorneys processed foreclosures on the Enterprise's behalf."

The Florida Bar has open inquiries for the attorney and paralegal in my foreclosure.

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<sup>1</sup> The Hon. Steve A. Linick was appointed as the Inspector General for the U.S. Department of State and the Broadcasting Board of Governors in September 2013.

<sup>2</sup> FHFA's Oversight of Fannie Mae's Default-Related Legal Services, September 10, 2011 Audit Report: AUD-2011-004

Florida Bar Counsel Theodore Littlewood opened a disciplinary file December 6, 2013 for Ms. Parsons on my inquiry/complaint made December 2, 2013. Three days later Ms. Parsons submitted December 9, 2013 a waiver to file a response in this petition, even though at that time McCalla Raymer LLC was inactive for administrative dissolution for failure to file an annual report, since September 27, 2013. Counsel Barry R. Davidson, Hunton & Williams LLP, entered his appearance for Ms. Parsons December 20, 2013 by letter to Mr. Littlewood.

My 169 page complaint alleges misconduct for Ms. Parsons in state and federal court, in the “Verified Foreclosure of Home Equity Conversion Mortgage”, a HECM “reverse” mortgage:

Reverse Mortgage Solutions, Inc. v. Neil J. Gillespie, et al., Florida case 2013-CA-000115; removed Feb-04-2013 to U.S. District Court, M.D.Fla., Ocala Div. 5:13-cv-00058-WTH-PRL

- State court, Candor Toward the Tribunal, Rule 4-4.3, and the rules and cases in The Florida Bar’s Candor Informational Packet, & F.S. § 837.06 False official statements;
- State court, misconduct as attorney responsible for supervising paralegal Martinez;
- District court, misconduct as attorney responsible for supervising paralegal Martinez;
- District court, fraud and impairment of the removed federal court action, 18 USC 371
- District court ex parte communication, US Judge Hodges and/or Magistrate Lammens
- District court, Rule 4-4.3 Candor Toward the Tribunal, The Bar’s Candor Packet,

Rule 11 Motion For Sanctions for Danielle Parsons, McCalla Raymer (Doc. 15)

Rule 55 Motion For Default Judgment (Doc. 16), filed February 26, 2013

Rule 72/Rule 60 Verified Objection, m/Relief Magistrate Order (Doc. 12) Doc. 17

Affidavit of Neil J. Gillespie, 28 U.S.C. § 144 (Doc. 22), filed April 8, 2013.

A response by Mr. Davidson January 8, 2014 blames “scriveners errors” for the misconduct described above and seeks dismissal of the complaint. Florida Bar Staff Opinion 29977 on false foreclosure affidavits cites to Rule 4-3.3, the “Candor Toward the Tribunal” rule.

There is no provision for excusing misconduct and false affidavits as “scriveners errors”.

(a) False Evidence; Duty to Disclose. A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer; (2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client;

Tellingly, Ms. Parsons has not taken any action to correct her “scriveners errors”.

Unlicensed Practice of Law (UPL) Investigation of Yolanda I. Martinez Case No. 20143031(9A)

Bar Counsel Ghunise Coaxum, Florida Bar Orlando UPL Dept., opened UPL investigation December 5, 2013 for Ms. Martinez December 1, 2013. Ms. Martinez is a non-lawyer paralegal employed by McCalla Raymer LLC for Ms. Parsons. Mr. Davidson represents Ms. Martinez.

My 77 page complaint alleges UPL for Ms. Martinez in state and federal court, in the “Verified Foreclosure of Home Equity Conversion Mortgage”, a HECM “reverse” mortgage:

Reverse Mortgage Solutions, Inc. v. Neil J. Gillespie, et al., Florida case 2013-CA-000115; removed Feb-04-2013 to U.S. District Court, M.D.Fla., Ocala Div. 5:13-cv-00058-WTH-PRL

Rule 10–2.1(b) defines a paralegal as a person who works under the supervision of a member of The Florida Bar for which a member of The Florida Bar is responsible. Ethics Opinion 70-62:

Lay personnel may be used in a law office only to the extent that they are delegated mechanical, clerical or administrative duties. The attorney may not ethically delegate to a lay employee any activity which requires the attorney's personal judgment and participation.

Also see, Florida Bar News, Paralegals in a law office and the unlicensed practice of law.

(UPL Update), February 15, 2004, by Ghunise Coaxum:

Attorneys rely on paralegals and other nonlawyer office staff to perform various activities. Generally, the activity may constitute the unlicensed practice of law if it is something that requires the attorney's independent judgment and participation, and it is performed by the paralegal. See, The Florida Bar Ethics Opinion, 70-62.

My complaint alleged the following for Ms. Martinez, which goes beyond allegations of UPL.

- District court, UPL of Ms. Martinez while improperly conducting by email a conference pursuant to Local Rule 3.01(g), M.D. FL.

During the Rule 3.01(g) conference Ms. Martinez engaged in UPL by purporting to determine a legal deadline to respond to my motion to dismiss under “Federal Court Rules”, “activity which requires the attorney's personal judgment and participation”. Ms. Martinez knew the information she provided was wrong and provided with a corrupt purpose. Also, Rule 3.01(g) does not

provide for a conference with an unrepresented nonlawyer party. I am not a lawyer, and am not subject to the plain language of the local rule, which specifies “opposing counsel” or “counsel”.

- District court, fraud and impairment of the removed federal court action, 18 USC 371
- District court ex parte communication, US Judge Hodges and/or Magistrate Lammens

Rule 11 Motion For Sanctions for Danielle Parsons, McCalla Raymer (Doc. 15)  
Rule 55 Motion For Default Judgment (Doc. 16), filed February 26, 2013  
Rule 72/Rule 60 Verified Objection, Motion For Relief, Magistrate Judge’s Order (Doc. 12) Document 17, filed March 5, 2013  
Affidavit of Neil J. Gillespie, 28 U.S.C. § 144 (Doc. 22), filed April 8, 2013.

- State court, UPL August 7, 2013 by email, Ms. Martinez provided me [incorrect] legal advice on the meaning of an Order entered July 25, 2013 by the U.S. Eleventh Circuit in Appeal Number: 13-11585-B, “activity which requires the attorney’s personal judgment and participation”.

Mr. Coaxum’s letter of December 5, 2013 to Ms. Martinez requests,

Can you please provide a written response to Mr. Gillespie’s allegations that you engaged in the unlicensed practice of law when you sent him the following e-mails:

On February 21, 2013: Our response to your Motion to Dismiss is due today per the Federal Court Rules and at this time we are requesting an extension of time to file a reply to the Motion to Dismiss of 20 days or on or before March 13, 2013.

On August 7, 2013: The 11th Circuit Court of Appeals has rendered its decision and has denied your Motion for Reconsideration as you can see from the attached Order. In that regard, kindly advise as to your availability for a hearing in the Circuit Court. Thank you.

Yolanda I. Martinez  
Paralegal to: Danielle N. Parsons

Mr. Davidson responded January 10, 2014 for Ms. Martinez, copy enclosed. The response can be summed up as Ms. Martinez was simply following orders, something she does routinely. This reply is gratuitous, and implicates Ms. Parsons in misconduct.

The Florida Commission on Ethics Announced Settlement of  
Complainant's Home Mortgage Dispute.

The Florida Commission on Ethics announced an alleged settlement of my home mortgage dispute in seven orders entered January 29, 2014, paragraph 3:

The complaint apparently alleges that the Respondent misused her public position by conspiring with others in her office to deprive the Complainant of his legal rights... related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

If this settlement is correct, I do not have knowledge of it, and ask the Court to inquire further.

Otherwise these seven orders appear part of a campaign of psychological abuse or torture.

On Friday, January 24, 2014, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Florida Commission on Ethics gave notice<sup>1</sup> December 17, 2013 to the public officers and employees below for Misuse of Public Position, § 112.313(6) F.S. in the fraud or impairment of Petition No. 12-7747, a legitimate government activity, 18 U.S.C. § 371, a conspiracy against my rights, 18 U.S.C. § 241, and a deprivation of my rights under color of law, 18 U.S.C. § 242.

<u>Ethics Complaint No.</u>	<u>Public Officer or Public Employee</u>	<u>Branch of Govt.</u>
Complaint No. 13-201	Pamela Jo Bondi, Attorney General of Florida	Executive
Complaint No. 13-202	Diana R. Esposito, Chief Asst. Attorney General	Executive
Complaint No. 13-203	Kenneth V. Wilson, Asst. Attorney General	Executive
Complaint No. 13-204	Valerie Williford, Employee of Attorney General	Executive
Complaint No. 13-205	Laura Martin, Employee of Attorney General	Executive
Complaint No. 13-206	David Rowland, G.Counsel, Thirteenth Judicial Circuit	Judicial
Complaint No. 13-207	Sandra Burge, paralegal, Thirteenth Judicial Circuit	Judicial

The complaints, exhibits, and seven (7) Notices in separate appendices.

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<sup>1</sup> Pursuant to Section 112.324, Florida Statutes.

Main Office  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
813/274-6000  
813/274-6200 (Fax)

2110 First Street, Suite 3-137  
Fort Myers, Florida 33901  
239/461-2200  
239/461-2219 (Fax)



U.S. Department of Justice  
United States Attorney  
Middle District of Florida

300 North Hogan Street, Suite 700  
Jacksonville, Florida 32202-4270  
904/301-6300  
904/301-6310 (Fax)

501 West Church Street, Suite 300  
Orlando, Florida 32805  
407/648-7500  
407/648-7643 (Fax)

Reply to: Orlando, Florida

August 1, 2007

**VIA UNITED STATES MAIL**

Neil J. Gillespie  
8092 SW 115<sup>th</sup> Loop  
Ocala, Florida 34481

**Re: Your July 6, 2007 letter**

Dear Mr. Gillespie:

This is in response to your July 6, 2007 letter. As you know, I am no longer with the Florida Attorney General's Office. I left that office at the end of 2002, and I have had no professional dealings with Ace Cash or any of the payday loan cases since my departure. For that reason and others, I do not believe that I am the appropriate person to whom your letter should be directed. As a federal prosecutor, I am primarily responsible for prosecuting violations of federal law that are investigated by law enforcement. Your request for an investigation needs to be directed to an investigating agency.

I have enclosed the materials that you sent me.

Sincerely,

JAMES R. KLINDT  
Acting United States Attorney

By: Roger B. Handberg  
Assistant United States Attorney



**Neil J. Gillespie**  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

Telephone: (352) 854-7807  
email: neilgillespie@mfi.net

RECEIVED  
U.S. ATTORNEY'S OFFICE

JUL 09 2007

MIDDLE DISTRICT OF FLORIDA  
ORLANDO

July 6, 2007

Roger B. Handberg, Assistant US Attorney  
US Attorney Office  
501 W. Church Street, Suite 300  
Orlando, FL 32805-2281

Dear Mr. Handberg,

Some time ago, in your position with the Florida Attorney General, your office intervened in a lawsuit where I was a plaintiff in a "payday loan" lawsuit, *Neil Gillespie v. ACE Cash Express, Inc.*, case no. 8:00-CV-723-T-23B, in United States District Court, Middle District of Florida, Tampa Division. I met you during a mediation June 12, 2002, at the office of Gasper J. Ficarrotta. Just prior to the mediation I called ACE's counsel, Paul Watson, to complain about my own lawyers' behavior and to try to settle my involvement in the lawsuit. I am writing you about the crimes of my former lawyers.

My lawyer was William J. Cook of Barker, Rodems & Cook, P.A. Mr. Cook began representing me while he was with the firm Alpert, Barker, Rodems, Ferrentino & Cook, P.A. Mr. Cook also represented me in another payday loan case against Amscot Corporation. That case settled October 30, 2001, and I suspected that my lawyers defrauded me during the settlement, but I could not prove it at the time. For example, Amscot's lawyer, John Anthony, initially offered Mr. Cook a \$5,000.00 "improper payoff attempt" to settle the case. Shortly thereafter Mr. Cook told me that he had received a \$50,000.00 court-award for costs and attorneys' fees, and that this award took precedent over our contingent fee agreement, thereby limiting my recovery.

In 2003 I learned that Mr. Cook did not receive \$50,000.00 in court-awarded costs and attorneys' fees, and that Mr. Cook defrauded me. I contacted The Florida Bar, but my former lawyers accused me of extortion for utilizing Bar's *Attorney Consumer Assistance Program* (ACAP) in a good-faith effort to resolve my dispute without litigation. In 2005 I sued my former lawyers for fraud and breach of contract, and they countersued me for libel over a letter about the bar complaint.

Initially I proceeded pro se because I could not find a lawyer willing to litigate against my former lawyers, in part because of their reputation, which I later learned

includes Mr. Alpert throwing coffee in the face of opposing counsel during a mediation. Nonetheless I prevailed on Mr. Cook's motion to dismiss and Judge Nielsen found I stated a cause of action for fraud and breach of contract. Ryan Rodems is representing Mr. Cook and the firm, and shortly thereafter he filed a false affidavit about a threat of violence. A voice recording of the conversation later proved Mr. Rodems lied, committed perjury, and Judge Nielsen recused himself. The antics continued with Judge Isom, and she recused herself. Now Judge Barton has the case. In April, 2007 I found a lawyer in Gainesville willing to take the case, Robert W. Bauer, but the case has been damaged due to Mr. Rodems perjury and obstruction of justice.

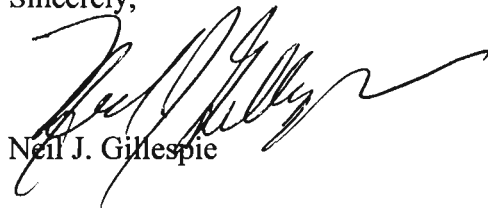
My former lawyers are incompetent, not just because they failed to prevail in any of the payday loan claims, but because of the coffee-throwing and other antics. In my view these lawyers are little more than criminals with law degrees. Their behavior is outrageous, and certainly more grievous than that of the payday lenders they sued.

I am writing you today about the criminal fraud by my former lawyers. Also, I am complaining about Mr. Rodems' perjury, obstruction of justice, and his threats of criminal prosecution issued to me during the course of litigation. The local state attorney, Mark Ober, has not responded to my correspondence.

Enclosed you will find Plaintiff's Motion for Punitive Damages Pursuant to Section 768.72 Florida Statutes, with supporting exhibits 1 through 50. I believe this document sets forth the facts needed to assist with your evaluation of my request. Also enclosed is an *amicus curiae* brief in the Illinois case of Cripe v. Leiter. Amicus HALT argued that over-billing a client is not part of the practice of law, and that lawyers are subject to statutory consumer protection law in dealing with their clients.

Thank you for your consideration.

Sincerely,



Neil J. Gillespie

enclosures

**Neil J. Gillespie**  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

VIA UNITED STATES CERTIFIED MAIL  
Article no.: 7006 0100 0007 3366 1075

October 2, 2007

Roger B. Handberg, Assistant US Attorney  
US Attorney Office  
501 W. Church Street, Suite 300  
Orlando, FL 32805-2281

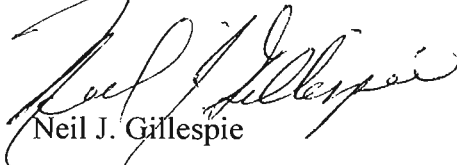
Dear Mr. Handberg,

Thank you for your letter of August 1, 2007. After reading your response, I am confused when you directed me to an investigating agency for an investigation of my former lawyers' criminal conduct. In my letter to you of July 6, 2007, I wrote that I contacted the local State Attorney, Mark Ober, but that he did not respond to my correspondence. I also provided you copies of my letters to Mr. Ober as exhibits to Plaintiff's Motion for Punitive Damages Pursuant to Section 768.72 Florida Statutes, specifically three letters grouped as exhibit number 47, letters dated March 7<sup>th</sup>, 16<sup>th</sup> and 24<sup>th</sup>, 2006. In addition, I wrote Mr. Ober on July 15, 2006 requesting a reply to my correspondence, but he did not respond. Isn't Mr. Ober, the State Attorney for the Thirteenth Judicial Circuit, the proper investigating agency? If not, who is?

I take Mr. Ober's failure to reply or acknowledge my correspondence as evidence of his tacit approval of my former lawyers' wrongdoing. The State Attorney's failure denied my civil rights to equal protection under law, the right to due process, protection from witness intimidation and/or tampering, and obstruction of justice.

I contacted you because as a federal prosecutor, you are responsible for prosecuting violations of federal law. In this instance the State Attorney has denied my civil rights. Citizens have federal civil rights that parallel their state civil rights, and historically when the state fails to uphold a citizen's civil rights, the U.S Department of Justice acts. That is why I believe you have both the authority and duty to act.

Sincerely,



Neil J. Gillespie



**BILL McCOLLUM**  
**ATTORNEY GENERAL**  
**STATE OF FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL**

**Office of Citizen Services**  
**The Capitol**  
**Tallahassee, Florida 32399-1050**

**Telephone: (850) 414-3990**  
**Fax: (850) 410-163**

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November 5, 2010

Mr. Neil J. Gillespie  
8092 Southwest 115th Loop  
Ocala, Florida 34481

Dear Mr. Gillespie:

Florida Attorney General Bill McCollum received your correspondence regarding the law firm of Barker, Rodems & Cook, PA; William J. Cook; the Thirteenth Judicial Circuit Court; and the Honorable Martha J. Cook.

Attorney General McCollum issued a statement (enclosed) on the Florida Supreme Court's order to convene a statewide grand jury on public corruption. The Statewide Prosecutor will serve, by law, as the statewide grand jury's counsel. As mentioned in the statement, our Statewide Prosecutor will work with the Florida Department of Law Enforcement and Florida's state attorneys to identify investigations and cases to bring before the statewide grand jury.

I am forwarding your correspondence to the Statewide Prosecution Office for review. However, due to the confidential nature of investigations, the Statewide Prosecution Office is not at liberty to comment further. We will keep your concerns under advisement.

I note that you have already contacted The Florida Bar which is the correct agency to file a complaint regarding an attorney. The Florida Supreme Court designated The Florida Bar as the agency responsible for reviewing grievances against lawyers licensed to practice in this state. Please continue working with that agency for whatever assistance or information they may be able to provide to you.

Regarding judges, the Judicial Qualifications Commission (JQC) is the appropriate authority to review a complaint involving judicial conduct. The JQC is an independent agency created by the Florida Constitution solely to investigate alleged misconduct by Florida state judges. You may contact that agency at:

Judicial Qualifications Commission  
1110 Thomasville Road  
Tallahassee, Florida 32303-6224  
Telephone: 850-488-1581

## **REASONS FOR GRANTING THE PETITION FOR REHEARING**

The Florida Commission on Ethics announced an alleged settlement of my home mortgage dispute in seven orders entered January 29, 2014, paragraph 3:

The complaint apparently alleges that the Respondent misused her public position by conspiring with others in her office to deprive the Complainant of his legal rights... related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

If this settlement is correct, I do not have knowledge of it, and ask the Court to inquire further.

Otherwise these seven orders appear part of a campaign of psychological abuse or torture.

Pursuant to Article VI, Clause 2, U.S. Constitution, I hereby invoke the assistance and protection of ratified Treaties of the United States, by and through the U.S. Department of State.

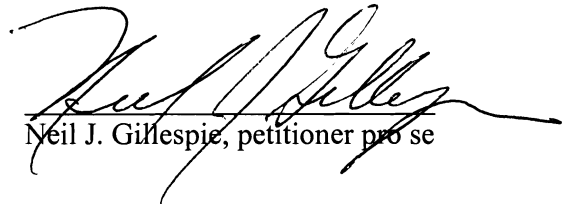
I ask the Supreme Court to grant the petition for rehearing or further relief.

This petition is incomplete, but this is as far as I could get by the deadline.

## **CONCLUSION**

The petition for rehearing Petition No. 13-7280 for writ of certiorari should be granted, together with such other and further relief as the Supreme Court deems just and equitable.

Respectfully submitted, February 7, 2014.

  
Neil J. Gillespie, petitioner pro se

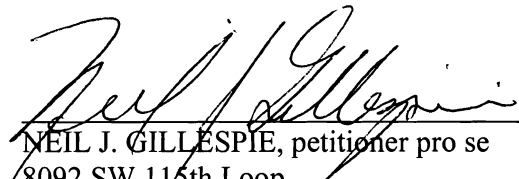
CERTIFICATE OF GOOD FAITH

Petition No. 13-7280

I, NEIL J. GILLESPIE appearing pro se, CERTIFY in accordance with Rule 44.2 that this petition for the rehearing of an order denying Petition No. 13-7280 for a writ of certiorari is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

I solemnly swear, under penalty of perjury, that the foregoing facts, upon information and belief, are true, correct, and complete, so help me God.

Respectfully submitted February 7, 2014.

  
NEIL J. GILLESPIE, petitioner pro se  
8092 SW 115th Loop  
Ocala Florida 34481  
Telephone: 352-854-7807  
Email: neilgillespie@mfi.net

## Review of Florida Bar Discipline System Survey

<b>Response Type:</b> Anonymous Response	<b>Collector:</b> New Link (Web Link)	<a href="#">Response</a>	<a href="#">Edit</a> <a href="#">Delete</a>
<b>Custom Value:</b> <i>empty</i>	<b>IP Address:</b> <i>empty</i>		
<b>Response Started:</b> Tuesday, December 13, 2011 5:22:03 PM	<b>Response Modified:</b> Tuesday, December 13, 2011 5:34:11 PM		

**1. Have you referred any cases involving lawyer conduct to The Florida Bar in the last five years?**

Yes

**2. Please indicate the total number of cases that you have referred over the past five years.**

2

**3. After you referred the matter(s) to The Florida Bar, did you ever receive a phone call from an attorney handling the case for the Bar?**

Yes, in some instances

**4. If the case(s) advanced beyond the Intake level (to a Grievance Committee or further), did The Florida Bar's attorney ask whether you wanted to receive updates or copies of the documents?**

Yes, in some instances

**5. If you asked for updates or copies of documents, did you receive them?**

No

**6. If the Supreme Court issued an Order or Opinion on the case(s) you referred, did you receive a copy of the Order or Opinion?**

Not applicable

**7. Please indicate your overall perception of how courteous and professional Florida Bar attorneys were during any communications.**

Somewhat courteous/professional

**8. Please indicate your overall level of satisfaction with the amount of communications that you**

received from The Florida Bar.

Neutral

**9. Please indicate your overall level of satisfaction with the quality of communications that you received from The Florida Bar.**

Neutral

**10. Were you satisfied with the disposition of the referred case(s)?**

No

I conducted an evidentiary hearing over three or four days and was regrettably required to find a lawyer had suborned perjury. After finding the lawyer guilty of contempt, I referred this matter to the Bar. I used to Chair a Grievance Committee when I practiced law, so I am very familiar with the process. The grievance committee assigned a lawyer/member to investigate. This lawyer failed to investigate properly. She never spoke to me, she never spoke to any of the other lawyers in the case, she never reviewed any transcripts. She merely called the lawyer whom I found in contempt; he denied suborning perjury and that's all she did. She recommended a finding of no probable cause. Her investigation was a joke and embarrassed the legal system and The Florida Bar.

**11. How interested would you be in having The Florida Bar's personnel discuss Bar procedures and the discipline system at Judicial education programs?**

Very interested

**12. The Commission is very interested in any comments that you may have about The Florida Bar's discipline system and your experience(s) with it. Please utilize the space below to provide us with your comments.**

I have always found Bar staff lawyers to be courteous. But I have a HUGE problem with the way matters are investigated by grievance committees. See my answer above. The investigating attorney was sloppy and failed to protect the public. And when I tried to bring this to her attention after the fact, so she wouldn't make mistakes in the future, she was incredibly rude. I do not have a problem with a finding of NPC. I have a problem with an incompetent investigation.



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STAFF DIRECTOR

ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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JACKIE SPEIER, CALIFORNIA

February 25, 2011

The Honorable Steve A. Linick  
Inspector General  
Federal Housing Finance Agency  
1625 Eye Street, NW  
Washington, DC 20006

Dear Mr. Inspector General:

I am writing to request that you initiate an investigation into widespread allegations of abuse by private attorneys and law firms hired to process foreclosures as part of the "Retained Attorney Network" established by Fannie Mae. I also request that you examine allegations of abusive behavior on the part of default management firms engaged by both mortgage servicers managing Fannie Mae-backed loans and attorneys and firms that are part of the Retained Attorney Network. Finally, I request that you examine efforts by Fannie Mae and the Federal Housing Finance Agency (FHFA) to investigate these allegations and implement corrective action.

### Allegations of Abuse in the Retained Attorney Network

In August 2008, Fannie Mae created "a new mandatory network of retained attorneys to handle all foreclosure and bankruptcy matters" relating to Fannie Mae mortgage loans, whether held in portfolio or mortgage-backed securities. Fannie Mae required that only these retained attorneys represent Fannie Mae mortgage servicers, and it established the maximum allowable reimbursable fees for foreclosure-related work.<sup>1</sup> In December 2010, Fannie Mae Executive Vice President Terence Edwards announced that the Retained Attorney Network would be expanded from 31 to 50 states.<sup>2</sup>

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<sup>1</sup> Fannie Mae, *New Foreclosure and Bankruptcy Attorney Network and Attorney's Fees and Costs* (Announcement 08-19) (Aug. 6, 2008) (online at <https://www.efanniemae.com/sf/guides/ssg/annlrs/pdf/2008/0819.pdf>) (requiring also that "requests for approval of excess fees by Fannie Mae must be submitted via email").

<sup>2</sup> Testimony of Terence Edwards, Executive Vice President, Credit Portfolio Management, Fannie Mae, before the U.S. Senate Committee on Banking, Housing and Urban Affairs (Dec. 1, 2010) (online at [www.fanniemae.com/media/pdf/Edwards\\_SenateBankingCommittee\\_12-1-10.pdf](http://www.fanniemae.com/media/pdf/Edwards_SenateBankingCommittee_12-1-10.pdf)).

EXHIBIT

11

Recent reports indicate that many of the private attorneys, law firms, and other entities participating in the Retained Attorney Network have been accused of practices that are fraught with flaws, errors, conflicts of interest, and fraud, and these allegations have prompted numerous state and federal investigations.

For example, on August 10, 2010, the Florida State Attorney General announced an investigation into unfair and deceptive practices by the Law Offices of David J. Stern, P.A., the Law Offices of Marshall C. Watson, P.A., and Shapiro & Fishman, L.L.P. The allegations against the firms include creating and filing with Florida courts improper documentation to speed foreclosures and establishing affiliated companies outside the United States to prepare false documents.<sup>3</sup> In announcing this investigation, the Attorney General stated:

On numerous occasions, allegedly fabricated documents have been presented to the courts in foreclosure actions to obtain final judgments against homeowners. Thousands of final judgments of foreclosure against Florida homeowners may have been the result of allegedly improper actions of the law firms under investigation.<sup>4</sup>

Former employees of the Stern law firm also reportedly alleged that the firm engaged in “robo-signing,” a practice in which employees signed hundreds of foreclosure affidavits each day, falsely swearing to have personal knowledge of the underlying documents. One employee testified that the firm’s chief operating officer “signed as many as 1,000 foreclosure affidavits a day without reading a single word.”<sup>5</sup> The employees also reported that the firm backdated and altered documents, and that it took steps to cover its misconduct by changing the dates on hundreds of documents.<sup>6</sup>

Last November, Fannie Mae issued a public notice stating that it had “terminated its relationship with the Law Offices of David J. Stern” and informing servicers that they “may not refer any future Fannie Mae matters to the Stern firm.”<sup>7</sup>

Separately, the U.S. Trustee Program (USTP) of the Department of Justice is investigating another firm in the Retained Attorney Network, the firm of Steven J. Baum, P.C. of Amherst, New York, for filing foreclosure documents that appear to be false or misleading;

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<sup>3</sup> Attorney General of Florida, *Press Release: Florida Law Firms Subpoenaed Over Foreclosure Filing Practices* (Aug. 10, 2010) (online at [www.myfloridalegal.com/newsrel.nsf/newsreleases/2BAC1AF2A61BBA398525777B0051BB30](http://www.myfloridalegal.com/newsrel.nsf/newsreleases/2BAC1AF2A61BBA398525777B0051BB30)).

<sup>4</sup> *Id.*

<sup>5</sup> *The Rise and Fall of a Foreclosure King*, Associated Press (Feb. 6, 2011).

<sup>6</sup> *Questions Rising Over Fannie and Freddie’s Oversight of Foreclosures*, New York Times (Oct. 19, 2010); *The Foreclosure Machine*, New York Times (Mar. 20, 2008).

<sup>7</sup> Fannie Mae, *Servicing Notice: Termination of Relationship with the Stern Law Firm* (Nov. 10, 2010) (online at [www.efanniemae.com/sf/guides/ssg/annltrs/pdf/2010/ntce111010.pdf](http://www.efanniemae.com/sf/guides/ssg/annltrs/pdf/2010/ntce111010.pdf)).

attempting to foreclose on borrowers after rejecting their attempts to make on-time payments; and failing to prove ownership of mortgages as it seized homes. The firm has also been accused of illegally charging for foreclosure-settlement conferences, overcharging on foreclosure fees, and racketeering.<sup>8</sup>

Another firm in the Retained Attorney Network, McCalla Raymer, L.L.C., is a defendant in a federal lawsuit in which the plaintiffs allege that it engaged in fraud, racketeering, and the manufacture of fraudulent foreclosure documents. Reportedly, this firm established operations in Florida under the name Stone, McGehee & Silver and hired ten former Stern law firm employees.<sup>9</sup> The firm Stone, McGehee and Silver, LLC, dba McCalla Raymer currently appears as a “Designated Counsel/Trustee” in Florida for Freddie Mac.<sup>10</sup>

Lender Processing Services, Inc. (LPS), a \$2.8 billion company headquartered in Jacksonville, Florida—and the largest provider of default loan services in the nation—is also under investigation by the Florida Attorney General for producing apparently forged or fabricated documents in foreclosure actions.<sup>11</sup> LPS is also a defendant in a federal suit alleging an illegal fee-sharing scheme. Filed in federal bankruptcy court in Mississippi, the suit alleges that LPS and another company, Prommis Solutions Holding Company, illegally required attorneys in their networks to turn over a portion of their fees for foreclosure services, and that another large law firm, Johnson & Freedman, L.L.C., joined in this scheme. The Chapter 13 Trustee for the Northern District of Mississippi, a unit of the Department of Justice, has joined as a plaintiff.<sup>12</sup>

A special investigation by *Reuters* last December reported that LPS and its affiliated companies also allegedly deployed low-skilled, non-lawyers to prepare foreclosure documents, created invalid mortgage assignments to facilitate foreclosures, and rewarded attorneys for speed rather than accuracy in filing court pleadings. *Reuters* reported:

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<sup>8</sup> See Federal Home Loan Mortgage Corp. v. Raia, SP 002253/10, District Court of Nassau County, New York (Hempstead); Campbell v. Baum, 10-cv-3800, U.S. District Court, Eastern District of New York (Brooklyn); Menashe v. Steven J. Baum P.C., 10-cv-5155, U.S. District Court, Eastern District of New York (Central Islip); and Baum v. Lask, 2010- 012048, New York Supreme Court, Erie County (Buffalo).

<sup>9</sup> *Novice Florida Lawyers Draw Suspicion in Foreclosure Mess*, Palm Beach Post (Jan. 13, 2011) (online at [www.palmbeachpost.com/money/real-estate/novice-florida-lawyers-draw-suspicion-in-foreclosure-mess-1146402.html](http://www.palmbeachpost.com/money/real-estate/novice-florida-lawyers-draw-suspicion-in-foreclosure-mess-1146402.html)).

<sup>10</sup> Freddie Mac, *Guide Exhibit 79: Designated Counsel/Trustee* (Florida) (revised 2/8/11) (online at [www.freddiemac.com/service/msp/exh79\\_fl.html](http://www.freddiemac.com/service/msp/exh79_fl.html)).

<sup>11</sup> Office of the Attorney General of Florida, Case Number L10-3-1094 (online at [http://myfloridalegal.com/\\_85256309005085AB.nsf/0/9B099A9DD32030BE8525771300426A68?Open&Highlight=0,lps](http://myfloridalegal.com/_85256309005085AB.nsf/0/9B099A9DD32030BE8525771300426A68?Open&Highlight=0,lps)).

<sup>12</sup> Thorne v. Prommis Solutions Holding Corp. et al., Second Amended Class Action Complaint, 10-01172 (BR N.D.M.S., Oct. 10, 2010).

The law firms are on a stopwatch. [An LPS spokesman] confirmed that the LPS Desktop system automatically times how long each firm takes to complete a task. It assigns firms that turn out work the fastest a “green” rating; slower ones “yellow” and “red” for those that take the longest. Court records show that green ratings go to firms that jump on offered assignments from their LPS computer screens and almost instantly turn out ready-to-file court pleadings, often using teams of low-skilled clerical workers with little oversight from the lawyers.<sup>13</sup>

Although Fannie Mae terminated its relationship with the Stern law firm last November, it does not appear to have terminated its relationships with any of the other firms described above.<sup>14</sup>

### **Request for Investigation**

These are serious allegations that may have affected thousands of homeowners. For these reasons, I request that your office initiate a comprehensive investigation into allegations of abuse by attorneys and law firms participating in the Retained Attorney Network, as well as servicers and default loan service providers alleged to have participated in these abuses.

It is my understanding that the mission of your office is to “promote the economy, efficiency, and effectiveness of the FHFA’s programs; to assist FHFA in the performance of its mission; to prevent and detect fraud, waste, and abuse in FHFA’s programs; and to seek sanctions and prosecutions against those who are responsible for such fraud, waste, and abuse.”<sup>15</sup> In 2008, FHFA replaced the Office of Federal Housing Enterprise Oversight and became the regulator and conservator for Fannie Mae. As such, the agency’s duties include overseeing the “prudential operations” of Fannie Mae and its contractors and ensuring that their activities and operations “are consistent with the public interest.”<sup>16</sup>

With this background, I request that you address the following issues with respect to attorneys and law firms participating in the Retained Attorney Network program and with respect to other entities engaged by both mortgage servicers managing Fannie Mae-backed loans and attorneys and firms that are part of the Retained Attorney Network:

1. To what extent have homeowners lost their homes to improper, illegal, or otherwise invalid foreclosures as a result of the types of abuses described above?

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<sup>13</sup> *Id.*

<sup>14</sup> Fannie Mae, *Retained Attorney List* (effective February 10, 2011) (online at <https://www.efanniemae.com/sf/technology/servinvreport/amn/pdf/retainedattorneylist.pdf>).

<sup>15</sup> Website of the Federal Housing Finance Administration Office of Inspector General (accessed on Feb. 3, 2011) (online at [www.fhfa.oig.gov/](http://www.fhfa.oig.gov/)).

<sup>16</sup> Section 1313(a)(1)(A)-(B). Housing and Economic Recovery Act of 2008 (P.L. 110-289).

2. To what extent have homeowners been charged improper, illegal, or otherwise invalid fees during the foreclosure process?
3. To what extent are attorneys, law firms, and other entities engaged in fee-splitting, kickbacks, or other similar schemes?
4. What is the total amount in "excess fees" that has been requested from Fannie Mae by attorneys and law firms? Of this amount, how much has been reimbursed, and how much has been determined to be inappropriate or unwarranted?
5. Have FHFA or Fannie Mae conducted investigations into allegations of abuse by attorneys, law firms, or other entities, and if so, what are the results? Were these allegations considered before the recent expansion of the Retained Attorney Network to all 50 states?
6. What specific information has been collected regarding allegations against the following firms and their affiliates?
  - a. Law Offices of David J. Stern, P.A.
  - b. Law Offices of Marshall C. Watson, P.A.
  - c. Shapiro & Fishman, L.L.P.
  - d. Steven J. Baum, P.C.
  - e. McCalla Raymer, L.L.C.
  - f. Johnson & Freedman, L.L.C.
  - g. Prommis Solutions Holding Company
  - h. Lender Processing Services, Inc. and LPS Default Solutions, L.L.C.
7. Have there been claims alleging that other attorneys or law firms participating in the Retained Attorney Network program or any default management firms managing the foreclosure of Fannie Mae-backed loans have engaged in similar conduct that violates the rights of borrowers or investors, federal or state foreclosure mitigation program guidelines, federal or state law, federal or state judicial requirements, state bar ethics requirements, or other regulations, rules, guidelines, or laws?
8. To what extent have the alleged abuses described above undermined loss and foreclosure mitigation efforts and outcomes? What responsibilities do loan servicers have in monitoring and overseeing the activities of attorneys and other third party companies? What are the levels of cure rate and loss mitigation activities among retained attorneys?

The Honorable Steve A. Linick  
Page 6

If you have any questions about this request, please have a member of your staff contact Lucinda Lessley of the committee staff at 202-225-4290.

Thank you for your consideration, and please feel free to contact me or my staff with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Elijah E. Cummings". The signature is stylized with large, bold letters and a long, sweeping underline that extends to the right.

Elijah E. Cummings  
Ranking Member

cc: The Honorable Darrell E. Issa, Chairman

JAN 29 2014

**COMMISSION ON ETHICS**

Complaint No. 13-201

On Friday, January 24, 2014, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees.<sup>1</sup> No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Neil J. Gillespie of Ocala, Florida.
2. The Respondent, Pam Bondi, serves as Attorney General for the State of Florida.
3. The complaint apparently alleges that the Respondent, as Attorney General, misused her public position by conspiring with others in her office to deprive the Complainant of his legal rights and to engage in "political persecution" in retaliation for his filing two petitions for writ of certiorari in the U.S. Supreme Court "for a redress of grievances protected

<sup>1</sup>The documents submitted by the Complainant as supplemental correspondence have been reviewed. Had the documents been sworn amendments to the complaint, which they were not, their contents nevertheless would not alter our decision to dismiss this matter as legally insufficient.

by the First Amendment" which apparently concerned the Complainant's alleged 20 legal actions, including 12 Florida Bar complaints, related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

4. The complaint further alleges that the Respondent "did not respond for Florida, thus no opposition brief was distributed" in the U.S. Supreme Court regarding the Complainant's petition, and that Respondent's failure to act allegedly "denied due process" for the Complainant.

5. The complaint also alleges that the Respondent, with others in her office, was a "co-conspirator" in creating "with a corrupt intent" at least three false documents "in furtherance of the fraud or impairment" of the Complainant's petition for writ of certiorari in the U.S. Supreme Court and apparently that she allowed others in her office to "create a false official record" in a "Synopsis of Major Issues" of the Complainant's allegations.

6. The only provision of the Code of Ethics possibly implicated by the allegation is Section 113.313(6), Florida Statutes, which states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them



from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another.

7. The complaint fails to state a violation of Section 112.313(6) because it fails to factually allege any basis for the Respondent having a legal duty to interject her office into this matter in a particular manner, or at all. The allegations that the Respondent conspired "with corrupt intent" to deprive the Complainant of legal rights, allowed others in her office to create false documents, and engaged in "political persecution" against the Complainant are speculative and, therefore, insufficient to indicate a violation of Section 112.313(6). Also, although the Complainant presumably suffered a detriment as a result of the U.S. Supreme Court's dismissal of his petition, no benefit to the Respondent or anyone else is identified, as required under the statute.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on January 24, 2014.

January 29, 2014  
Date Rendered

Morgan R. Bentley  
MORGAN R. BENTLEY  
Chair, Florida Commission on Ethics

MRB/bd

cc: The Honorable Pam Bondi, Respondent  
Mr. Neil J. Gillespie, Complainant

**JAN 29 2014**  
**COMMISSION ON ETHICS**

<sup>1</sup>The documents submitted by the Complainant as supplemental correspondence have been reviewed. Had the documents been sworn amendments to the complaint, which they were not, their contents nevertheless would not alter our decision to dismiss this matter as legally insufficient.

the U.S. Supreme Court "for a redress of grievances protected by the First Amendment" which apparently concerned the Complainant's alleged 20 legal actions, including 12 Florida Bar complaints, related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

4. The complaint also alleges that the Respondent, with others in her office, was a "co-conspirator" in creating "with a corrupt intent" at least three false documents "in furtherance of the fraud or impairment" of the Complainant's petition for writ of certiorari in the U.S. Supreme Court and apparently that she allowed others in her office to "create a false official record" in a "Synopsis of Major Issues" of the Complainant's allegations.

5. The only provision of the Code of Ethics possibly implicated by the allegation is Section 113.313(6), Florida Statutes, which states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another.

6. The complaint fails to state a violation of Section 112.313(6) because the allegations that the Respondent conspired "with corrupt intent" to deprive the Complainant of legal rights, allowed others in her office to create false documents, and engaged in "political persecution" against the Complainant are speculative and, therefore, insufficient to indicate a violation of Section 112.313(6). Also, although the Complainant presumably suffered a detriment as a result of the U.S. Supreme Court's dismissal of his petitions, no benefit to the Respondent or anyone else is identified, as required under the statute.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on January 24, 2014.

January 29, 2014  
Date Rendered

Morgan R. Bentley  
MORGAN R. BENTLEY  
*Chair, Florida Commission on Ethics*

MRB/bd

cc: Ms. Diana R. Esposito, Respondent  
Mr. Neil J. Gillespie, Complainant

**DATE FILED**

**JAN 29 2014**

**BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS**

**COMMISSION ON ETHICS**

In re KENNETH V. WILSON,

Respondent.

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Complaint No. 13-203

**PUBLIC REPORT AND ORDER DISMISSING COMPLAINT**

On Friday, January 24, 2014, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees.<sup>1</sup> No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Neil J. Gillespie of Ocala, Florida.
2. The Respondent, Kenneth V. Wilson, is an Assistant Attorney General for the State of Florida.
3. The complaint apparently alleges that the Respondent misused his public position by conspiring with others deprive the Complainant of his legal rights and to engage in "political

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<sup>1</sup>The documents submitted by the Complainant as supplemental correspondence have been reviewed. Had the documents been sworn amendments to the complaint, which they were not, their contents nevertheless would not alter our decision to dismiss this matter as legally insufficient.

persecution" in retaliation for his filing two petitions for writ of certiorari in the U.S. Supreme Court "for a redress of grievances protected by the First Amendment" which apparently concerned the Complainant's alleged 20 legal actions, including 12 Florida Bar complaints, related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

4. The complaint also alleges that the Respondent, with others in his office, was a "co-conspirator" in creating "with a corrupt intent" at least three false documents "in furtherance of the fraud or impairment" of the Complainant's petition for writ of certiorari in the U.S. Supreme Court and apparently that he "created a false official record" in a "Synopsis of Major Issues" of the Complainant's allegations.

5. The only provision of the Code of Ethics possibly implicated by the allegation is Section 113.313(6), Florida Statutes, which states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another.

6. The complaint fails to state a violation of Section 112.313(6) because the allegations that the Respondent conspired "with corrupt intent" to deprive the Complainant of legal rights and engaged in "political persecution" against the Complainant are speculative and, therefore, insufficient to indicate a violation of Section 112.313(6). Also, although the Complainant presumably suffered a detriment as a result of the U.S. Supreme Court's dismissal of his petitions, no benefit to the Respondent or anyone else is identified, as required under the statute.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on January 24, 2014.

January 29, 2014  
Date Rendered

Morgan R. Bentley  
MORGAN R. BENTLEY  
*Chair, Florida Commission on Ethics*

MRB/bd

cc: Mr. Kenneth V. Wilson, Respondent  
Mr. Neil J. Gillespie, Complainant

**BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS**

**DATE FILED**  
**JAN 29 2014**  
**COMMISSION ON ETHICS**

In re VALERIE WILLIFORD,  
  
Respondent.

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Complaint No. 13-204

**PUBLIC REPORT AND ORDER DISMISSING COMPLAINT**

On Friday, January 24, 2014, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees.<sup>1</sup> No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Neil J. Gillespie of Ocala, Florida.
2. The Respondent, Valerie Williford, is an employee in the Tampa office of the Attorney General for the State of Florida.
3. The complaint apparently alleges that the Respondent misused her public position by conspiring with others in her office to deprive the Complainant of his legal rights and to engage in "political persecution" in retaliation for his filing two petitions for writ of certiorari in

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<sup>1</sup>The documents submitted by the Complainant as supplemental correspondence have been reviewed. Had the documents been sworn amendments to the complaint, which they were not, their contents nevertheless would not alter our decision to dismiss this matter as legally insufficient.



the U.S. Supreme Court "for a redress of grievances protected by the First Amendment" which apparently concerned the Complainant's alleged 20 legal actions, including 12 Florida Bar complaints, related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

4. The complaint also alleges that the Respondent was a "co-conspirator" in creating "with a corrupt intent" at least three false documents "in furtherance of the fraud or impairment" of the Complainant's petitions for writ of certiorari in the U.S. Supreme Court and apparently that he "created a false official record" in a "Synopsis of Major Issues" of the Complainant's allegations.

5. The only provision of the Code of Ethics possibly implicated by the allegation is

Section 113.313(6), Florida Statutes, which states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another.

6. The complaint fails to state a violation of Section 112.313(6) because the allegations that the Respondent conspired "with corrupt intent" to deprive the Complainant of legal rights and engaged in "political persecution" against the Complainant are speculative and, therefore, insufficient to indicate a violation of Section 112.313(6). Also, although the Complainant presumably suffered a detriment as a result of the U.S. Supreme Court's dismissal of his petitions, no benefit to the Respondent or anyone else is identified, as required under the statute.

7. Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on January 24, 2014.

January 29, 2014  
Date Rendered

Morgan R. Bentley  
MORGAN R. BENTLEY  
Chair, Florida Commission on Ethics

MRB/bd

cc: Ms. Valerie Williford, Respondent  
Mr. Neil J. Gillespie, Complainant

**DATE FILED**

**JAN 29 2014**

**BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS**

**COMMISSION ON ETHICS**

In re LAURA MARTIN,  
  
Respondent.

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Complaint No. 13-205

**PUBLIC REPORT AND ORDER DISMISSING COMPLAINT**

On Friday, January 24, 2014, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees.<sup>1</sup> No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Neil J. Gillespie of Ocala, Florida.
2. The Respondent, Laura Martin, is an employee in the Tampa office of the Attorney General for the State of Florida.
3. The complaint apparently alleges that the Respondent misused her public position by conspiring with others in her office to deprive the Complainant of his legal rights and to engage in "political persecution" in retaliation for his filing two petitions for writ of certiorari in

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<sup>1</sup>The documents submitted by the Complainant as supplemental correspondence have been reviewed. Had the documents been sworn amendments to the complaint, which they were not, their contents nevertheless would not alter our decision to dismiss this matter as legally insufficient.

the U.S. Supreme Court "for a redress of grievances protected by the First Amendment" which apparently concerned the Complainant's alleged 20 legal actions, including 12 Florida Bar complaints, related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

4. The complaint also alleges that the Respondent was a "co-conspirator" in creating "with a corrupt intent" at least three false documents "in furtherance of the fraud or impairment" of the Complainant's petitions for writ of certiorari in the U.S. Supreme Court and apparently that he "created a false official record" in a "Synopsis of Major Issues" of the Complainant's allegations.

5. The only provision of the Code of Ethics possibly implicated by the allegation is Section 113.313(6), Florida Statutes, which states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another.

6. The complaint fails to state a violation of Section 112.313(6) because the allegations that the Respondent conspired "with corrupt intent" to deprive the Complainant of legal rights and engaged in "political persecution" against the Complainant are speculative and, therefore, insufficient to indicate a violation of Section 112.313(6). Also, although the Complainant presumably suffered a detriment as a result of the U.S. Supreme Court's dismissal of his petitions, no benefit to the Respondent or anyone else is identified, as required under the statute.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on January 24, 2014.

January 29, 2014  
Date Rendered

Morgan R. Bentley  
MORGAN R. BENTLEY  
*Chair, Florida Commission on Ethics*

MRB/bd

cc: Ms. Laura Martin, Respondent  
Mr. Neil J. Gillespie, Complainant

**DATE FILED**

**JAN 29 2014**

**BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS**

**COMMISSION ON ETHICS**

In re DAVID A. ROWLAND,  
  
Respondent.

Complaint No. 13-206

**PUBLIC REPORT AND ORDER DISMISSING COMPLAINT**

On Friday, January 24, 2014, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees.<sup>1</sup> No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Neil J. Gillespie of Ocala, Florida.
2. The Respondent, David A. Rowland, is General Counsel for the Thirteenth Judicial Circuit of Florida.
3. The complaint apparently alleges that the Respondent misused his public position by conspiring with others to deprive the Complainant of his legal rights and to engage in "political persecution" in retaliation for his filing two petitions for writ of certiorari in the U.S.

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<sup>1</sup>The documents submitted by the Complainant as supplemental correspondence have been reviewed. Had the documents been sworn amendments to the complaint, which they were not, their contents nevertheless would not alter our decision to dismiss this matter as legally insufficient.

Supreme Court "for a redress of grievances protected by the First Amendment" which apparently concerned the Complainant's alleged 20 legal actions, including 12 Florida Bar complaints, related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

4. The complaint also alleges that the Respondent "concocted with others a fraud to falsely portray" that the Complainant did not serve his Supreme Court petition on the Respondent, creating an alleged deprivation of due process because of the subsequent, allegedly related, lack of an opposition brief in the U.S. Supreme Court.

5. The only provision of the Code of Ethics possibly implicated by the allegations is Section 113.313(6), Florida Statutes, which states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

6. Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another.

7. The complaint fails to state a violation of Section 112.313(6) because the allegations that the Respondent conspired "with corrupt intent" to deprive the Complainant of legal rights and engaged in "political persecution" against the Complainant and "concocted with

others a fraud to falsely portray" that the Complainant did not serve his petition on the Respondent are speculative and, therefore, insufficient to indicate a violation of Section 112.313(6). Also, although the Complainant presumably suffered a detriment as a result of the U.S. Supreme Court's dismissal of his petitions, no benefit to the Respondent or anyone else is identified, as required under the statute.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on January 24, 2014.

January 29, 2014  
Date Rendered

Morgan R. Bentley  
MORGAN R. BENTLEY  
Chair, Florida Commission on Ethics

MRB/bd

cc: Mr. David A. Rowland, Respondent  
Mr. Neil J. Gillespie, Complainant



**DATE FILED**

**JAN 29 2014**

**BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS**

**COMMISSION ON ETHICS**

In re SANDRA BURGE,

Respondent.

Complaint No. 13-207

**PUBLIC REPORT AND ORDER DISMISSING COMPLAINT**

On Friday, January 24, 2014, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees.<sup>1</sup> No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Neil J. Gillespie of Ocala, Florida.
2. The Respondent, Sandra Burge, is an employee of the Thirteenth Judicial Circuit of Florida.
3. The complaint apparently alleges that the Respondent misused her public position by conspiring with others in her office to deprive the Complainant of his legal rights and to engage in "political persecution" in retaliation for his filing two petitions for writ of certiorari in

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<sup>1</sup>The documents submitted by the Complainant as supplemental correspondence have been reviewed. Had the documents been sworn amendments to the complaint, which they were not, their contents nevertheless would not alter our decision to dismiss this matter as legally insufficient.

the U.S. Supreme Court "for a redress of grievances protected by the First Amendment" which apparently concerned the Complainant's alleged 20 legal actions, including 12 Florida Bar complaints, related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

4. The complaint also alleges that the Respondent, as a "paralegal assistant" to the General Counsel of the Thirteenth Judicial Circuit "corruptly created and sent a false public email" representing that the Complainant did not serve his Supreme Court petition or appendices "in furtherance of the fraud or impairment" of his petition.

5. The only provision of the Code of Ethics possibly implicated by the allegation is Section 113.313(6), Florida Statutes, which states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another.

6. The complaint fails to state a violation of Section 112.313(6) because the allegations that the Respondent conspired "with corrupt intent" to deprive the Complainant of

legal rights, engaged in "political persecution," and "corruptly created and sent a false public email" are conclusory and, therefore, insufficient to indicate a violation of Section 112.313(6). Also, although the Complainant presumably suffered a detriment as a result of the U.S. Supreme Court's dismissal of his petitions, no benefit to the Respondent or anyone else is identified, as required under the statute.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on January 24, 2014.

January 28, 2014  
Date Rendered

Morgan R. Bentley  
MORGAN R. BENTLEY  
Chair, Florida Commission on Ethics

MRB/bd

cc: Ms. Sandra Burge, Respondent  
Mr. Neil J. Gillespie, Complainant