

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED

SID J. WHITE

SEP 10 1987

CLERK OF SUPREME COURT

By 
CONFIDENTIAL

CASE NO. 64,215
(TFB No. 06A82H71)

THE FLORIDA BAR,
Complainant,

vs.

ROBERT N. BUSSEY,

Respondent. _____/

AMENDMENT TO REPORT OF REFEREE

Upon being advised of a scriviner's error in the report entered in this case of August 27, 1987, that report is amended as follows:

REFEREE'S RECOMMENDATIONS

1. Respondent be found guilty of violations of DR 1-102(A)(1), DR 1-102(A)(4), DR 1-102(A)(6) and Integration Rule 11.02(3) as they existed at the time Complainant, THE FLORIDA BAR, filed its Complaint.

In all other respects, the Report of Referee entered in this case on August 27, 1987, remains unchanged.

DATED this 4th day of September, 1987.


STEPHEN L. DAKAN, REFEREE

Original: Clerk of Supreme Court

Copy to: The Florida Bar
John L. Riley, Esq.

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

THE FLORIDA BAR,
Complainant,

vs.

ROBERT N. BUSSEY,
Respondent

CONFIDENTIAL

Case No. 64,215
(TFB No. 06A82H71)

SEP 2 1987
C
By _____
Deputy Clerk

REPORT OF REFEREE

Petitioner-Complainant, THE FLORIDA BAR, filed its Complaint against the Respondent, ROBERT N. BUSSEY, alleging violations of DR 1-101(A)(1), DR 1-101(A)(4) DR 1-101(A)(6), and Integration Rule 11.02(3). All of the allegations arose out of proceedings in the United States District Court and the United States Courts of Appeals against the Respondent and others. The entire case presented by Complainant is based upon a summary judgment against Respondent entered by the United States District Court, Middle District of Florida, on May 26, 1982, which was affirmed by the United States Court of Appeals for the Eleventh Circuit on May 21, 1984.

By its ruling, the United States Court of Appeals found undisputed facts as a matter of law which supported the conclusion of the United States District Court that Respondent had breached a fiduciary duty owed by him; that a complicated banking transaction in which Respondent participated was a sham; and that Respondent wrongfully converted bank stock to his own use.

The Referee entered a preliminary ruling of law to the effect that the affirmed summary judgment could form the basis of at least a prima facie case by Complainant against Respondent and that Respondent could not go behind the ruling of the United States Court of Appeals in an attempt to demonstrate that it is incorrect.

Final hearing was held at which time Complainant offered the decision of the United States Court of Appeals (marked P-1), the Judgment of the United States District Court for the Middle District of Florida (marked P-2), and an affidavit from The Florida Bar showing that as of December 19, 1986, Respondent had been suspended for non-payment of dues since October 4, 1984. Respondent offered R-1 consisting of Exhibits 1 through 99 received in the United States District Court in connection with its summary judgment proceeding.

FINDINGS OF FACT

Since the decision of the United States Court of Appeals for the Eleventh Circuit found the undisputed facts, that decision (P-1) is adopted by the Referee and incorporated herein as the findings of facts and conclusions of law pertinent to this case.

REFEREE'S RECOMMENDATIONS

Based on the above Findings of Fact the Referee recommends:

1. Respondent be found guilty of violations of DR 1-101(A)(1), DR 1-101(A)(4), DR 1-101(A)(6) and Integration Rule 11.02(3) as they existed at the time Complainant, THE FLORIDA BAR, filed its Complaint.
2. The Respondent be suspended from the practice of law for a period of two (2) years to run concurrent with his suspension for non-payment of dues beginning October 4, 1984, and thereafter until he has demonstrated his fitness to practice law.
3. The only past disciplinary measures as to the Respondent are his suspension for non-payment of dues effective October 4, 1984.
4. No cost items were presented to the Referee, but costs should be taxed against Respondent as a condition of re-instatement.

Dated this 27th day of August, 1987.

Respectfully submitted,


Stephen L. Dakan, Referee

813-365-1000

Original - The Honorable Sid White
Copy to: The Florida Bar
John L. Riley, Esq.