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FILED
SID J. WHITE
JUL 8 1985
CLERK, SUPREME COURT
By *pl*
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

IN RE: PETITION OF JOHN A. GILLIS

(TFB No. HRS86001)

PETITION FOR LEAVE TO RESIGN WITHOUT LEAVE TO REAPPLY

Pursuant to Florida Bar Integration Rule, article XI, Rule 11.08, JOHN A. GILLIS, a member of The Florida Bar, files this Petition for Leave to Resign Without Leave to Reapply, pending disciplinary proceedings and says:

1. Petitioner was admitted to practice law in Florida in 1970. Petitioner is currently residing in Florida and practicing law at Suite 402, Pan American Bank Building, 715 East Bird Street, Tampa, Florida. However, an Inventory Attorney has assumed control over Petitioner's files, pursuant to court order.

2. Petitioner has no prior discipline.

3. Pending disciplinary action against Petitioner involves the following:

a. In May 1983, Ronald W. Moore, (TFB No. 13A85170), retained the Petitioner to handle a loan from Kentucky Central Life Insurance Company to pay off the existing mortgages on his condominium, Unit 14, Sonrisa Condominium, Pinellas County, Florida. The above-mentioned condominium was subject to a first mortgage of \$100,000.00 now held by Goldome Mortgage Corporation, amounting to \$93,677.67. Petitioner placed the proceeds of the loan amounting to \$400,000.00 into his trust account. But failed to pay off the first mortgage as required. Nevertheless, Petitioner submitted a closing statement indicating the mortgage had been paid off. Petitioner used the \$93,667.67 for personal matters and to continue payments on the mortgage to Goldome, so as to prevent discovery by the mortgagor.

b. On June 4, 1984, Robert E. McLain, (TFB No. 13A85160), gave a check for \$208,936.11 to the Petitioner to hold as trustee

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and transfer to the J. R. Scott and Associates Corporation for investment purposes. Petitioner deposited the check in his trust account. Petitioner formed J. R. Scott and Associates for a client as a service corporation, but it was never utilized by that client. Petitioner designated his secretaries, Jackie Boyle and Cheryl Davis, (now Cheryl Woodham), president and secretary respectively. However, Petitioner solely controlled the corporation. Petitioner intended to use the corporation as a vehicle to invest the funds, but used all of those funds except for two payments to Mr. McLain totalling \$16,000.00, for various other purposes, such as to pay salaries, office and living expenses.

c. On June 8, 1984, Mr. Hazel L. Williams, mother of Robert E. McLain, died at St. Petersburg, Florida and was insured by the Prudential Insurance Company under policy number 12764616. Robert E. McLain was named as beneficiary and Petitioner made claim on behalf of Mr. McLain. Petitioner received a check from Prudential in the amount of approximately \$21,121.95. Petitioner signed the name of Robert E. McLain to the check, and deposited it into Petitioner's trust account. Petitioner disposed of those funds without payment to Mr. McLain. (TFB No. 13A85160)

d. In 1984, the Petitioner was handling a real estate transaction for the Henderson Realty Corporation, (TFB No. 13A85150), involving disputed escrow money. Their attorneys were negotiating. Petitioner orally agreed to place the money in an interest bearing account pending an agreement over the disputed funds. By check dated September 14, 1984, Henderson Realty transferred the disputed escrow money (\$19,440.00) to Petitioner's trust account. Petitioner used the above funds for personal and various other matters, and has failed to return or account for any of the escrow money.

e. In December 1984, John Ellen Moore, (TFB No. 13A85167), retained the Petitioner to represent her as the seller in a real estate transaction. The buyers deposited \$8,000.00 plus a note payable for \$8,000.00 with the Petitioner to purchase the property. The closing on the property was effective in

December 1984, but the Petitioner never turned over to Ms. Moore the \$8,000.00. Petitioner used the funds for various other matters.

f. In February, 1985, Bolds Investment Corporation, (TFB No. 13A85153), retained the Petitioner to handle a disputed real estate transaction. Bolds Corporation gave the Petitioner a check for \$9,000.00 and one for \$720.00 both dated February 27, 1985, to hold in escrow while he filed an interpleader in the case. The Petitioner has not filed any action with the Court and has not returned the escrow money to Bolds Corporation but has dissipated the funds using them for other purposes.

g. Petitioner represented Sabra Johnson, (TFB No. 13A85151), personal representative of the estate of Lois Elizabeth Catron, who died at Tampa, Florida, on March 31, 1984. Assets included a house, which was sold by Petitioner under Power of Attorney from Johnson. The proceeds of the sale amounted to \$32,000.00 and were deposited in Petitioner's trust account, subsequently dissipated, and not furnished to or accounted for to the estate.

h. In October, 1984, Helen D. Villiger, (TFB No. 13A85149), furnished \$5,000.00 to Petitioner to hold as trustee and transfer to the J. R. Scott and Associates, Inc. (Supra) for investment purposes, with the provision that payment be made in the sum of \$100.00 per month to her son. Petitioner placed the funds in his trust account and did not invest the funds, but made \$100.00 payments for a period of four (4) or five (5) months. Petitioner dissipated the funds using them for other purposes.

i. Petitioner represented the Nick Kapioltas, (TFB No. 13A86001), in the sale of a Brown Derby Restaurant at Lakeland, Florida and received \$25,000.00 to be held in trust. Closing was to be held about December 1, 1984. The funds were to be held to pay any residual claims from the buyer, and thereafter, the amount remaining, to be paid to the seller. Petitioner utilized the funds for other than the intended purposes, did not furnish them to the seller.

j. Petitioner was attorney for the Estate of Anthony D. Majestic, who died January 28, 1985, (TFB No. 13A85168). The estate totaled about \$26,000.00. Petitioner received the estate funds, placed them in his trust account and did not open an estate account. There was no petition for probate filed and approximately \$3,000.00 was paid to the wife, Frances E. Majestic. The remaining monies were used by the Petitioner for other purposes and not accounted for the estate.

k. In September, 1983, (TFB No. 13A86H02), Geraldine Ward furnished \$54,174.50 to Petitioner as trustee to be transferred to J. R. Scott and Association for investment purposes. Petitioner drafted the trust agreement, however, Mrs. Ward did not come in. Petitioner dissipated the funds using them for other purposes.

4. Petitioner waives confidentiality of this proceeding, pursuant to Florida Bar Integration Rule, article XI, Rule 11.12(1)(a).

5. Petitioner agrees to cooperate fully with any investigation made in connection with the Client Security Fund of The Florida Bar.

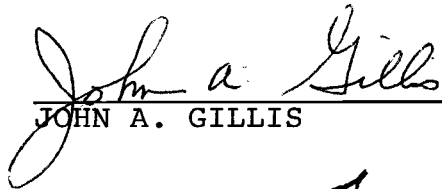
6. Petitioner will make all reasonable efforts to reimburse those individuals who suffered monetary losses as a result of his actions.

7. Petitioner will also make all reasonable efforts to reimburse the Client Security Fund of The Florida Bar for payments made by the fund as a result of his conduct.

8. Petitioner freely and voluntarily submits this Petition to Resign without Leave to Reapply, and he states there was no intent on his part to injure anyone or to cause anyone to suffer any loss.




WHEREFORE, Petitioner, JOHN A. GILLIS, respectfully requests this Court to grant his petition striking his name from the roll of attorneys in the State of Florida.



JOHN A. GILLIS

Sworn to and subscribed before me this 2nd day of July, 1985.




NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Jan. 23, 1986
Bonded thru Troy Fain Insurance, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition for Leave to Resign without Leave to Reapply has been furnished by regular U.S. Mail to JOHN T. BERRY, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301-8226; and a copy to DAVID R. RISTOFF, Assistant Staff Counsel, The Florida Bar, Suite C-49, Tampa Airport Marriott Hotel, Tampa, Florida 33607; on this 2nd day of July, 1985.



JOHN A. GILLIS

