

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

HAROLD C. CULMER
Respondent.

CONFIDENTIAL

CASE NO. 68,379
(TFB No. 11H85128)

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS. On March 6, 1986, the Chief Justice of the Supreme Court of Florida appointed the undersigned to serve as Referee in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: Paul A. Gross of Miami

For the Respondent: Harold C. Culmer, pro se of Miami

II. FINDINGS OF FACT. On April 4, 1986, Harold C. Culmer, the Respondent, signed a Conditional Guilty Plea for Consent Judgment to the Complaint, in exchange for a public reprimand to be published in the Southern Reporter.

1. The Conditional Guilty Plea was approved by the Bar Counsel, Staff Counsel and the Designated Reviewer, in accordance with Florida Bar Integration Rule, article XI, Rule 11.13(6)(b).

2. By his plea, the Respondent admitted that he was guilty of violating the Code of Professional Responsibility, Disciplinary Rule 6-101(A)(3), neglect of a legal matter entrusted to him and Disciplinary Rule 1-102(A)(6), conduct that adversely reflects on his fitness to practice law.

3. A brief summary of the facts are as follows:

On or about February 15, 1984, Ronald McCray retained Respondent to defend him in a civil suit. The Respondent failed to file an Answer to the Complaint. As a result, a Final Judgment was entered against Mr. McCray.

III. RECOMMENDATION AS TO WHETHER OR NOT RESPONDENT SHOULD BE FOUND GUILTY. The undersigned Referee recommends that the Conditional Guilty Plea for Consent Judgment be approved by this Court and that Respondent be found guilty of violating the Code of Professional Responsibility, Disciplinary Rule 6-101(A)(3), neglect of a legal matter entrusted to him and Disciplinary Rule 1-102(A)(6), engaging in conduct that adversely reflects on Respondent's fitness to practice law.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED. It is recommended that Harold C. Culmer, the Respondent, be given a public reprimand to be published in the Southern Reporter.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD. Harold C. Culmer is 46 years of age and was admitted to practice law in Florida during 1969. Mr. Culmer was given a private reprimand during 1985 for neglect of a legal matter.


VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED. According to the Conditional Guilty Plea, the Respondent agreed to pay for the costs for the grievance committee hearing which was held on February 5, 1985, to wit: \$244.90. In addition, the Respondent agreed to pay \$300.00 administrative costs, in accordance with Florida Bar Integration Rule, article XI, Rule 11.06(9)(a)(5).

Accordingly, the undersigned referee recommends that the Respondent pay The Florida Bar \$544.90 for costs.

VII. CONFIDENTIAL STATUS. It is recommended that the Confidential Status of this case be maintained until this Court issues an order approving the Report of Referee.

It is further recommended that execution issue, with interest at a rate of 12% per year on all costs not paid within thirty (30) days of entry of this Court's order, unless the time for such payment is extended by the Board of Governors of The Florida Bar.

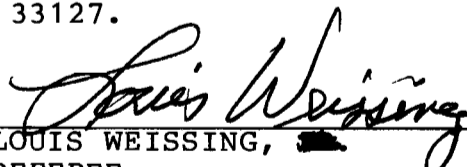
Dated this 13th day of May, 1986.



LOUIS WEISSING, REFEREE
Broward County Courthouse
201 SE 6th Street
Room 930
Ft. Lauderdale, Florida 33301

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Report of Referee were mailed this 13th day of May, 1986, to the following persons: Paul A. Gross, Bar Counsel, The Florida Bar, 211 Rivergate Plaza, 444 Brickell Avenue, Miami, Florida 33131; John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301-8226, and to Harold C. Culmer, 5022 NW 7th Avenue, Miami, Florida, 33127.



LOUIS WEISSING, REFEREE

IN THE SUPREME COURT OF FLORIDA
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THE FLORIDA BAR,
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v.

HAROLD C. CULMER,
Respondent.

_____ /

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW the undersigned Respondent and files this Conditional Guilty Plea to the Complaint filed herein. This conditional plea is filed pursuant to Florida Bar Integration Rule, article XI, Rule 11.13(6) and tendered in exchange for the following disciplinary measures to be imposed on the Respondent, to wit:

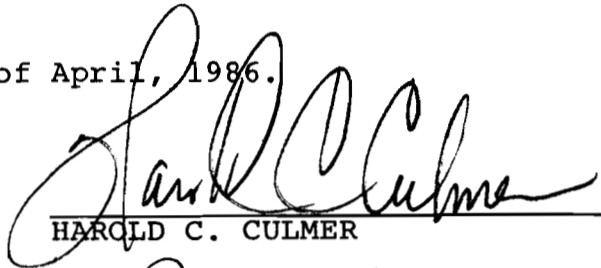
PUBLIC REPRIMAND to be published in the Southern Reporter.

If this conditional plea is not finally approved by the Board of Governors and by the Supreme Court, then it shall be of no effect and may not be used against the Respondent in any way.

If this plea is accepted then Respondent agrees that all costs in the grievance committee proceedings to which this plea relates and all costs at the referee level shall be paid by the Respondent. The costs for the grievance committee hearing on February 5, 1985, are \$244.90. In addition, the Respondent

agrees to pay the administrative costs of \$300.00 in accordance with Florida Bar Integration Rule, article XI, Rule 11.06(9)(a)(5).

Dated this 4th day of April, 1986.


HAROLD C. CULMER


Approved:
4/10/86
Date


PAUL A. GROSS, Bar Counsel

4/21/86
Date


MICHAEL NACHWALTER, Designated Reviewer

4/23/86
Date


JOHN T. BERRY, Staff Counsel