

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

vs.

Case No. 70,828
(TFB No. 09B87C05)

KAREN S. DAY,
Respondent.

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules regulating the Florida Bar, hearing was held on August 28, 1987. The pleadings, notice, and transcript, all of which are forwarded to the Supreme Court of Florida with this report, constitutes the record on this case.

The following attorneys appeared as counsel for the parties:

For the Florida Bar: Jan K. Wichrowski
For the Respondent: Karen S. Day, in proper person.

II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged: After considering all of the pleadings and evidence before me, I find:

Respondent and her husband were principals in a company. Inter-county Lawyers Service, a legal support service business involving the service of subpoenas. Respondent's position in the company varied and she, at times, held the positions of president, vice president and stockholder in the corporation. While holding these titles, Respondent also engaged in private law practice at a separate office.

In late 1985, the notary public employed by the company terminated her employment. For a two or three week period, Respondent would go over to the company's office and notarize all affidavits presented to her. Respondent notarized "thousands of affidavits" without requiring the affiants to personally appear before the Respondent.

The Respondent left her notary seal in an unlocked drawer at the business location.

III. Recommendation as to Whether or Not the Respondent Should be Found Guilty: As to the Complaint, I make the following recommendation as to guilt or innocence: I recommend that the Respondent be found guilty and specifically that she be found guilty of violating the following Rules of Discipline, Rules of Professional Conduct: 1-102(A)(4); 1-102(A)(5) and 1-102(A)(6) which constitute a violation of Integration Rule 11.02(3)(A) of The Florida Bar.

I further recommend that the Respondent be found not guilty of violating Rule 1-102(A)(3).

IV. Recommendation as to Disciplinary Measures to Be Applied: I recommend that the Respondent receive a public reprimand by publication in the Southern Reporter, pursuant to the Rules of Regulating The Florida Bar, Rule 3-5.1(d). I recommend that no personal appearance be required pursuant to the ABA Standards for Imposing Lawyer Sanctions, 6.13 as well as The Florida Bar vs. Atwood, 409 So.2d 1022 (Fla. 1982).

V. Personal History and Post Disciplinary Record: After finding of guilty and prior to recommending discipline to be recommended pursuant to Rule 3-7.5(K)(4), I considered the following personal history and prior disciplinary record of the Respondent, to-wit:

Age: 29
Dated Admitted to Bar: November 1982
Prior Disciplinary Convictions: None

VI. Statement of Costs and Manner in Which Costs Should be Taxed:

A. Grievance Committee Level Costs:

| | |
|---------------------------|----------|
| 1. Administrative Costs | \$150.00 |
| 2. Transcript Costs | 453.65 |
| 3. Investigator's Expense | 79.05 |

B. Referee Level Costs:

| | |
|-------------------------|----------|
| 1. Administrative Costs | \$150.00 |
| 2. Transcript Costs | 98.75 |

TOTAL ITEMIZED COSTS \$931.45

It is apparent that other costs may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the Respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the Judgment in this case becomes final unless a waiver is granted by the Board of Governors of the Florida Bar.

DATED this 6th day of October, 1987.


FRANK N. KANEY, Referee

Copies furnished to:

Jan K. Wichrowski
Karen S. Day
Staff Attorney - The Florida Bar