

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

TODD PATRICK SCHOLL,
Respondent.

Supreme Court Case
No. SC21-279

The Florida Bar File
No. 2021-30,038(10B)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Todd Patrick Scholl, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is acting freely and voluntarily in this matter and tenders this plea without fear or threat of coercion. Respondent is not represented by counsel in this matter.

3. As to The Florida Bar File No. 2021-30,038(10B), there was a finding of probable cause by the grievance committee.

4. The disciplinary measures to be imposed upon respondent are

as follows:

- A. Public reprimand to be administered by publication; and,
- B. Payment of the disciplinary costs.

5. The following allegations provide the basis for respondent's guilty plea in this matter:

A. On December 20, 2019, approximately four-months after his admission to The Florida Bar, respondent was arrested in Seminole County, Florida and charged with first-time Driving Under the Influence (DUI) and Refusal to Give Breath, Urine, or Blood Test, both misdemeanors of the first degree.

B. Respondent indicated to the arresting officer that he had two beers earlier in the evening as well as Robitussin cough drops but did not believe that he was impaired.

C. Respondent failed some of the field sobriety tests and the arresting officer noted the strong smell of alcohol on respondent's breath. After his arrest, respondent refused to take a breath test to measure his blood alcohol content.

D. On or about July 15, 2020, respondent pled no contest to the DUI charge, a misdemeanor in the second degree, to conclude the matter.

E. According to respondent, he chose to enter a plea due to the delays in processing criminal cases caused by the pandemic.

F. The State declined to prosecute the charge involving respondent's refusal to submit to a breath test.

G. Respondent was sentenced to a one-year period of probation with conditions, fines, and costs.

H. Thereafter, respondent was terminated from his employment at a law firm and was unemployed for over four months.

I. During his period of unemployment, respondent performed community service and voluntarily began attending Alcoholics Anonymous (AA). Respondent has continued attending AA.

J. Respondent voluntarily submitted to an evaluation by an evaluator approved by Florida Lawyers Assistance, Inc. In September 2020, based upon the evaluator's testing, respondent scored in the low probability of Substance Abuse Disorder. No further treatment was recommended.

K. In 2017, respondent had a prior arrest for first-time DUI, a misdemeanor in the first degree, that was resolved with a no contest plea to Reckless Driving, a misdemeanor in the first degree. The

arrest and conviction were reported to the Board of Bar Examiners before respondent's admission to the bar.

6. The following Rules Regulating The Florida Bar provide the basis for the discipline to be imposed in this matter: 3-4.3 (Misconduct and Minor Misconduct); 3-4.4 (Criminal Misconduct); and 4-8.4(b) A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

7. In mitigation, respondent does not have any prior discipline [Florida Standards for Imposing Lawyer Sanctions 3.3(b)(1)]; respondent presented a cooperative attitude toward the disciplinary proceedings and he was forthcoming with the bar [3.3(b)(5)]; respondent was sanctioned by the criminal court [3.3(b)(11)]; and, he expressed remorse and freely admitted the misconduct [3.3(b)(12)].

8. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

9. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

10. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the

amount of \$1,614.00. These costs are due within 30 days of the Court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

11. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

12. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 3rd day of May, 2021.



Todd Patrick Scholl
Respondent
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Dated this 3rd day of May, 2021.



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