

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

PETER MILAN PREDRAG VUJIN,

Respondent.

Supreme Court Case
No. SC17-1949

The Florida Bar File
No. 2018-70,003 (11D)

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On November 2, 2017, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. On March 2, 2018, a final hearing was held in this matter. All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and the report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Narrative Summary of Case. Respondent represented the interests of Mr. Pierron and Mr. Leblond in a civil matter. On June 23, 2017, Respondent mailed and emailed correspondence to Mr. Samir Touil. The subject matter of the letter was identified as “In Re: Pre Lawsuit Demand Letter, Demand for Return of Money of Pierron, Philippe, Demand for \$9000.00 Plus Attorney’s Fees within Seven days, \$13,000.00 Total to be Paid Within One Week.”

The letter presented threats of criminal charges in order to obtain an advantage in a civil dispute. The letter discussed several alleged criminal statutes which were, according to Respondent, implicated by Mr. Touil’s actions in a real estate deal. Respondent also indicated that Mr. Touil will “most likely face deportation for your obvious commission of several aggravated felonies.”

In the letter Respondent states, “As such, my clients hereby respectfully demand the return of their \$9000.00, as well as your payment, as per the contract that you drafted, of my attorney’s fees, which at this point are \$4000.00 only, totaling \$13,000.00 as demanded above. Should you fail to send this amount to my Trust account within one week (seven days) from today, my clients will have no

other choice but to report you to the authorities and take you to Court for the compensation of damages obviously and fraudulently caused by you.”

The letter concludes, “Therefore, for your own sake, please remand the money to me now.” Respondent informed the recipient that he should only respond to ask for wiring instructions, and attached the final threat that, “Your failure to comply with the Law in this matter will have disastrous, irreparable consequences in one week.”

In his written response to the grievance, Respondent denied wrongdoing and indicated he could not be guilty because the rule applies only when the sole intent is to gain an advantage in a civil proceeding. Respondent stated, “My clients never contemplated a civil resolution here.” Respondent’s statements to the Bar are demonstrably false and clearly contradicted by the letter itself entitled “In Re: Pre Lawsuit Demand Letter.”

III. RECOMMENDATIONS AS TO GUILT.

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar:

Rule 4-3.4(g) (A lawyer must not present, participate in presenting, or threaten to present criminal charges solely to obtain an advantage in a civil matter) of the Rules Regulating The Florida Bar.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

6.21 Disbarment is appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

7.1 Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

8.1(b) Disbarment is appropriate when a lawyer has been suspended for the same or similar misconduct, and intentionally engages in further similar acts of misconduct.

While I acknowledge that my prior Report of Referee has not yet been reviewed by the Supreme Court, I found Standard 8.1(b) instructive as to the level of discipline to impose in the instant proceeding.

V. CASE LAW

I considered the following case law prior to recommending discipline:

In *The Florida Bar v. Leon Rolle*, 661 So.2d 296 (Fla. 1995), the Court rejected the respondent's argument that the recommended discipline was too harsh,

stating, “In rendering discipline, this Court considers the Respondent’s previous disciplinary history and increases the discipline where appropriate. The Court deals more harshly with cumulative misconduct than it does with isolated misconduct. Additionally, cumulative misconduct of a similar nature should warrant an even more severe discipline than might dissimilar conduct.”

In *The Florida Bar v. Edward C. Vining*, 761 So.2d 1044 (Fla. 2000), the Court held that disbarment is appropriate where, as here, there is a pattern of misconduct and a history of discipline. Additionally, cumulative misconduct of a similar nature warrants an even more severe discipline than might dissimilar conduct.

In *The Florida Bar v. Jeffrey Alan Norkin*, 132 So.3d 77 (Fla. 2013), the Court held that a more severe sanction than would ordinarily be appropriate was required, based on Respondent’s similar prior misconduct. In rendering discipline, the Court considers the respondent’s disciplinary history and increases the discipline where appropriate for cumulative misconduct.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures. In light of Respondent’s prior disciplinary history, the pending disbarment recommendation made in Supreme Court Case No. SC17-

1258, and the significant aggravating factors applicable to the instant case, I recommend that Respondent be disciplined by:

A. Disbarment; and

B. Interim Suspension: I recommend that upon receipt of this Report of Referee, the Florida Supreme Court immediately impose an interim suspension in this case, pending review of the instant matter, as well as review of the Report of Referee submitted in Florida Supreme Court Case No. SC17-1258. Respondent's recent conduct demonstrates that he is either not willing or not capable of conducting himself in a professional manner, and that he poses a threat to the public and/or the legal system if he is permitted to continue practicing during the review period. (See comments under "Additional Aggravating Factors," *infra*); and

C. Payment of The Florida Bar's costs in these proceedings.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following:

Personal History of Respondent:

Age: 41

Date admitted to the Bar: April 28, 2003

Prior Discipline: Respondent received a public reprimand pursuant to court order dated March 12, 2015 in Florida Supreme Court Case No. SC14-2281.

There is also another Report of Referee pending in Supreme Court Case No. SC17-1258, in which a disbarment recommendation has been made.

Aggravating Factors:

- 9.22(a) prior disciplinary offenses;
- 9.22(b) dishonest or selfish motive;
- 9.22(c) pattern of misconduct;
- 9.22(g) refusal to acknowledge wrongful nature of conduct.

I did not make this finding based on Respondent's decision to proceed to trial in this case; but rather, this finding is based on the fact that Respondent admitted he sent the offending letter, but still maintained in his written correspondence to the Bar that he did nothing wrong. *See The Florida Bar v. Germain*, 957 So.2d 613, 622 (2007)(where a respondent admits to the factual issues in the case, and acknowledges he took the actions alleged, and the issue rests solely on the legal question of whether the facts as alleged constitute unethical conduct, the aggravating factor of failing to acknowledge the wrongfulness of the conduct clearly applies.)

Additional Aggravating Factors: I find that Respondent's Notice of Medical Unavailability and Motion to Reschedule, filed after midnight on the day of trial, was a bad faith attempt to obstruct the instant disciplinary proceedings. The attachment to the Notice did not indicate that Respondent had been hospitalized, as alleged in his motion. Nor did Respondent attach any relevant and pertinent medical documentation to demonstrate he was unable to travel to court for the hearing. Nor did he provide any explanation for his failure to file his motion in a timely manner. Moreover, Respondent has a history of bad faith delay of proceedings.

More importantly, in his untimely motion, Respondent continues the same pattern of scandalous, outrageous, and unfounded attacks on his prior counsel, opposing parties, and opposing counsel, that was demonstrated in the prior case in which I sat as Referee, Supreme Court Case No. SC17-1258. Respondent's continuing misconduct, even in light of the prior recommendation of disbarment for the same behavior, demonstrates his unwillingness or inability to conform to

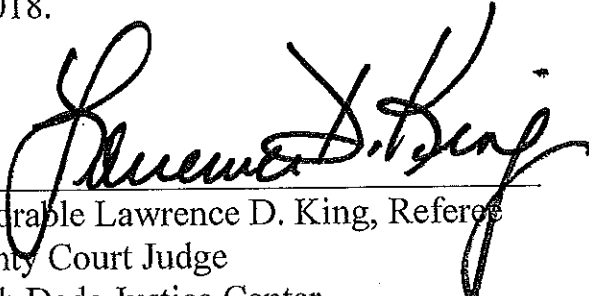
professional standards and norms. I have attached a copy of Respondent's Motion and Notice to this Report of Referee as Exhibit A.

Mitigating Factors: None

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

The Florida Bar, having been successful in this matter, shall be awarded their necessary taxable costs of this proceeding and shall submit their statement of costs, as well as a motion to assess costs against Respondent.

Dated this 9th day of March, 2018.



Honorable Lawrence D. King, Referee
County Court Judge
South Dade Justice Center
10710 SW 211th Street, Room 2501
Miami, FL 33189

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927

Conformed Copies to:

Peter Milan Predrag Vujin, Respondent, via email to petermvujinesq@gmail.com

Jennifer R. Falcone, Bar Counsel, via email to jfalcone@flabar.org

Adria Quintela, Staff Counsel, The Florida Bar, via email to aquintel@flabar.org

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THE FLORIDA BAR,

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PETER M. VUJIN, ESQ.,

Respondent.

/

RESPONDENT'S NOTICE OF
MEDICAL UNAVAILABILITY AND
MOTION TO RESCHEDULE

COMES NOW, the Respondent, PETER M. VUJIN, ESQUIRE, and respectfully files this Notice of Medical Unavailability and Motion to Reschedule, and for cause argues as follows:

1. On 2/09/2018, the Respondent has been hospitalized at Mercy Hospital, Miami, Florida, for emergency treatment due to lumbar radiculopathy. Please See Exhibit "1".
2. The treatment for said condition continued here in Montreal, Quebec, Canada, and the Respondent is currently scheduled to have an MRI later this month.

EXHIBIT A

3. The Respondent is physically unable to move and therefore unable to attend the hearing scheduled in this cause.
4. Further, during the pendency of previous proceedings in this matter, the Respondent's previous counsel, Mr. Robert H. Weber III, Esq., made threats, including threats of physical violence, in writing, to the Respondent, with the ostensible aim to force the Respondent to accept the settlement with the Florida Bar. Mr. Weber also changed locks on the Respondent's home thereby causing the Respondent to have no home in Miami-Dade County, Florida.
5. Said actions of a member of the Florida Bar tasked with protecting the interests of the Respondent, during litigation, represent political terrorism apparently designed to scare the Respondent, and have been successful.
6. As of this moment, the Respondent fears the Florida Bar and is unsure what the Florida Bar may do to him to gain an unfair advantage here, due to the Respondent's allegations of corruption against the Florida Bar.
7. As such, the Respondent does not understand how he could get a fair trial and is unable to walk into a trap.
8. Accordingly, the Respondent is forced to ask the Honorable Court to reschedule this hearing, for at least 60 days, or until the Court can guarantee

safe passage to the undersigned to return to Miami without fear of physical harm.

9. It would be error to enter Default, or otherwise sanction the Respondent here, as the record speaks for itself.

WHEREFORE, the Respondent respectfully moves the Honorable Court to reschedule the Final Hearing in this matter as pleaded, abstain from entry of Default or other sanctions, and for all other relief deemed Fair, Just and Proper.

I **HEREBY CERTIFY** that I served the Court, and the Florida Bar via email with a true and correct copy of this Respondent's Notice on this 2nd day of March, 2018, at 1239 ante-meridiem.

RESPECTFULLY SUBMITTED:

/s/

Peter M. Vujin, esquire
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