

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

ANDREAN ROSE EATON,
Respondent.

Supreme Court Case
No. SC18-2107

The Florida Bar File
No. 2018-70,265 (11I)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned Respondent, Andrean Rose Eaton, 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 in this matter.
3. This consent judgment is entered into after the finding of probable cause and after the filing of a formal complaint.
4. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2018-70,265(11I). There

are no additional pending Florida Bar complaints that have been initiated or filed against Respondent.

5. The disciplinary measures to be imposed upon Respondent are as follows:

A. 10-day suspension.

6. The following allegations and rules provide the basis for Respondent's guilty plea and for the discipline to be imposed in this matter:

A. On November 30, 2017, The Florida Bar emailed official correspondence to Respondent at her record bar email address, notifying her that the bank maintaining her law firm's trust account had reported an overdraft.

B. Respondent failed to submit a written response explaining the circumstances of the overdraft within 15 days, as required by Rule 4-8.4(g)(1).

C. On December 20, 2017, the Bar again emailed correspondence to Respondent, noting that it had not received a response and reminding her that she must provide a written explanation no later than January 2, 2018.

D. Respondent failed to submit a written response within 10 days of the Bar's follow-up inquiry, as required by Rule 4-8.4(g)(2).

E. Instead, Respondent submitted her response on January 5, 2018. In it, she acknowledged that it was untimely and provided an explanation for the overdraft.

F. According to Respondent, she accidentally issued a check from the wrong checkbook (the trust account), triggering the overdraft.

G. As a part of its investigation, the Bar subpoenaed Respondent and requested certain trust accounting records for the period of October 1, 2017 to March 31, 2018.

H. Respondent appeared as agreed, but failed to produce all the requested documents; those documents that she did produce were not in compliance with the minimum requirements of Rule 5-1.2 in the following respects:

- i. Respondent failed to produce a receipt and disbursement journal for the period of October 1, 2017 to March 31, 2018.
- ii. Most, but not all, of Respondent's client ledger cards failed to reflect the individual disbursements made on behalf of individual clients;
- iii. Respondent failed to provide monthly bank account reconciliations for the period of October 1, 2017 to March 31, 2018.

I. By virtue of the foregoing, Respondent has violated Rule 4-8.4(g) (Misconduct) of the Rules of Professional Conduct and Rule 5-1.2 (trust Accounting Record and Procedures) of the Rules Regulating Trust Accounts.

J. Subsequent to the filing of the formal complaint in this matter, Respondent provided reconstructed trust account records which were largely responsive to the Bar's requests. A review of those records indicates that, despite having difficulty retrieving reports from her trust accounting software, Respondent is in substantial compliance with Rule 5-1.2.

K. Additionally, Respondent has provided assurances that she will work with a CPA to ensure her trust accounting records are compliant with the Rules.

L. Finally, the parties acknowledge that, had this matter proceeded to a final hearing, Respondent would have offered mitigating evidence under Fla. Stds. Imposing Law. Sanctions 9.23 establishing the following: b) absence of a dishonest or selfish motive; c) personal or emotional problems; and l) remorse. More specifically, Respondent has represented that, during the Bar's investigation below, she was suffering from health complications which negatively impacted her ability to promptly respond to the Bar's requests for information.

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

8. 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.

9. 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 \$1,350.00. 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.

10. 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 or restitution may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

11. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, Respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

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

Dated this 19 day of MARCH, 2019.



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Dated this 19 day of March, 2019.



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