

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case
No. SC-

IN RE:
THE PETITION FOR
DISCIPLINARY REVOCATION OF
FRANK JOSEPH HESTON

The Florida Bar File
No. 2019-50,595(17H)FDR

Petitioner.

**PETITION FOR DISCIPLINARY REVOCATION WITH LEAVE TO
APPLY FOR READMISSION**

COMES NOW Petitioner, Frank Joseph Heston, and submits this Petition for Disciplinary Revocation with Leave to Apply for Readmission pursuant to Rule Regulating Fla. Bar 3-7.12 and states:

1. Petitioner knowingly and voluntarily submits this petition with full knowledge of its effect.
2. Petitioner is 70 years old and has been a member of The Florida Bar since December 17, 1973 and is subject to the jurisdiction of the Supreme Court of Florida and the Rules Regulating The Florida Bar.
3. Petitioner has the following discipline history:
 - A. Petitioner received a 20-day suspension by Court order dated October 29, 2009, involving two client matters:

(1) 2009-50,961(17H) – This file concerns allegations that Petitioner was not diligent in handling a probate, in addition to responsiveness issues to the Court, the Bar, the client and a successor attorney.

(2) 2009-51,125(17H) – This file concerns allegations that Petitioner was not diligent in handling a bankruptcy matter, inadequate and not forthright representations to client, as well as issues concerning accounting for funds received, billing and the return of original documents to the clients.

B. Petitioner received a public reprimand by Court order dated October 24, 2002, for failing to provide adequate representation and communication in a client matter.

C. Petitioner received a public reprimand by Court order dated January 29, 1987, for trust account commingling and poor recordkeeping that resulted in a trust shortage.

4. The following disciplinary charges are currently pending against the Petitioner:

A. The Florida Bar File No. 2019-50,313(17H) is currently pending before a Grievance Committee. It is alleged that Petitioner failed to inform a client of the sale of his client's real property and failed to forward the proceeds to him, which had been deposited into Petitioner's trust account. The Bar's investigation has revealed that Petitioner misappropriated \$71,327.53 in trust funds

regarding this matter. Petitioner has delivered documentation to the Bar confirming that he has since provided \$73,000.00 to this client.

B. The Florida Bar File No. 2019-50,598(17H) is currently pending at staff level. This file involves allegations of misuse of trust funds.

5. There are no known criminal proceedings against the Petitioner.

6. Petitioner contends that granting this Petition will not adversely affect the public interest, the integrity of the courts, or the confidence of the public in the legal profession. Further, Petitioner contends that granting this Petition will not hinder the administration of justice.

7. Petitioner agrees to reimburse the Client Security Fund (CSF) for any and all funds CSF has paid or may pay out for claims resulting from Petitioner's misconduct.

8. Petitioner agrees to reimburse The Florida Bar for the costs incurred in his disciplinary cases.

9. Petitioner agrees to submit to a complete audit of any trust account(s) and any other account(s) in which Petitioner has placed client funds, if requested to do so by The Florida Bar.

10. Petitioner further agrees to submit a sworn financial affidavit to The Florida Bar attesting to Petitioner's current personal and professional financial

circumstances on a form to be provided by The Florida Bar within thirty (30) days, if requested.


11. Petitioner further agrees to maintain a current mailing address with The Florida Bar for a period of five (5) years after the disciplinary revocation becomes final. Further, Petitioner shall keep the Bar advised as to the physical address of Petitioner's home and/or business in the event Petitioner should utilize a post office box or other type of mail drop service during the five (5) year period after the disciplinary revocation becomes final.

12. Petitioner agrees that he will cease transacting any trust funds immediately. Moreover, he will immediately begin to wind down his practice and will cease the practice of law within sixty (60) days of the execution of this petition.

13. Petitioner understands that the granting of this petition by the Supreme Court of Florida shall serve to dismiss all pending disciplinary cases.

WHEREFORE, Petitioner respectfully requests that this Court grant this
Petition and order that Petitioner's membership in The Florida Bar be revoked with
leave to seek readmission.

Respectfully submitted,

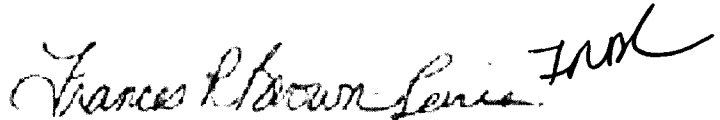


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Dated this 19 day of March, 2019.

CERTIFICATE OF SERVICE

I certify that this Petition for Disciplinary Revocation with Leave to Apply
for Readmission has been E-filed with The Honorable John A. Tomasino, Clerk of
the Supreme Court of Florida, using the E-filing Portal; with a copy provided via
E-mail to Frank Joseph Heston, Petitioner, at fheston@frankhestonlaw.com; and to
Staff Counsel, The Florida Bar at aquintel@floridabar.org, on this 20th day of
March, 2019.



Frances R. Brown-Lewis, Bar Counsel