

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

CARL ROLAND HAYES,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2020-10,393 (13A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Carl Roland Hayes, 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 currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2020-10,393 (13A). Respondent waives the right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause in reference to this matter.
3. The Thirteenth Judicial Circuit Grievance Committee "A" has found probable cause for further disciplinary proceedings against respondent regarding The Florida Bar File No. 2020-10,393 (13A).

4. Respondent is not board certified by The Florida Bar in any area of practice.

5. 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.

6. Respondent admits to the following facts:

In or around May 2019, respondent was hired to represent a client in an immigration matter. The client had previously been convicted of three felonies and ordered to be permanently removed from the United States. The client hired respondent to fight the permanent removal order. At a hearing on May 23, 2019, respondent was advised by the presiding immigration judge that an application for cancellation of removal for lawful permanent residence was due on or before June 24, 2019. The presiding immigration judge also advised respondent that should an application of cancellation of removal not be filed by June 24, 2019, the application would be deemed abandoned. On the due date, respondent did not file an application, but, rather, a Motion for Cancellation of Permanent Removal.

On August 16, 2019, there was a hearing on the removal and respondent appeared, along with his client, for the hearing. No application was filed as of the August 16, 2019 hearing. At the hearing, the presiding

judge found the motion respondent had filed to be improper and since no application had been filed on behalf of the client, the judge declared the application abandoned. The court ordered the client's removal and an appeal was reserved. On or about May 7, 2020, the appellate court remanded the case and respondent filed a motion to withdraw which was granted on May 19, 2020. The client remained in detention throughout the appeal process.

7. Respondent admits that as a result of his conduct described above, he is guilty of violating the following Rules Regulating The Florida Bar: **3-4.3** (Misconduct and Minor Misconduct); **4-1.1** (Competence); and **4-1.3** (Diligence).

8. Respondent consents to the following disciplinary measures to be imposed:

A. Respondent shall receive a 60-day suspension; and

B. Respondent shall complete Diversion/Disciplinary Consulting Services program; and

C. Respondent shall pay the bar's costs in this disciplinary proceeding.

9. Respondent agrees that failure to adhere to the terms contained within this consent judgment shall constitute a violation of the terms of this agreement and may subject him to further discipline.

10. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

11. Florida Standards for Imposing Lawyer Sanctions, Standard 3.3 Mitigation

(b) Mitigating Factors.

(2) absence of a dishonest or selfish motive; and

Respondent had no selfish intentions or dishonest motive in his representation of his client in the immigration matter.

Respondent did not receive high monetary gain or other compensation for the representation.

(5) full and free disclosure to the bar or cooperative attitude toward the proceedings.

Respondent has fully cooperated with the bar to resolve this issue as efficiently as possible.

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

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

14. Respondent agrees to eliminate all indicia of respondent's status as an attorney on social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever. Respondent will no longer hold himself out as a licensed attorney.

15. 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. 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.

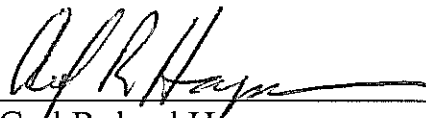
16. Respondent acknowledges the obligation to pay the costs of this proceeding (and any agreed restitution) and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also

evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding or restitution will reflect adversely on any other bar disciplinary matter in which respondent is involved.

17. 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.

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

Dated this 22nd day of March, 2021.



Carl Roland Hayes
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Dated this ____ day of March, 2021.

Lindsey Margaret Guinand, Bar Counsel

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