

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

DIEGO HANDEL,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2019-30,571 (7A) (OSC)

PETITION FOR CONTEMPT AND ORDER TO SHOW CAUSE

COMES NOW, The Florida Bar, by and through its undersigned attorney, pursuant to Rule 3-7.7(g), and petitions the Supreme Court of Florida to enter an order to show cause why respondent herein should not be held in contempt of this Court's Order entered on December 10, 2018 in Supreme Court Case Number SC18-1662 and why respondent should not be disbarred immediately for continuing to engage in the practice of law in contempt of this Court's order of suspension. In support of its Petition, The Florida Bar would show as follows:

1. Respondent was suspended indefinitely in Case Number SC18-1662 pursuant to an order issued by this Court on December 10, 2018. Respondent's suspension was due to his failure to comply fully with the bar's duly issued subpoena duces tecum for production of his trust records. The effective date of

respondent's suspension was January 9, 2019. A copy of this Court's Order is attached hereto as Exhibit "A."

2. On January 8, 2019, respondent provided partial trust records to the bar. He provided incomplete bank statements, incomplete deposit slips, deposited items, canceled checks, withdrawal slips, and settlement statements.

3. Respondent failed to provide two bank statements, two deposit slips, a receipts and disbursements journal, ledger cards, monthly comparisons, and monthly reconciliations.

4. On January 15, 2019, the bar filed its Notice to The Florida Supreme Court of Respondent's Partial Compliance with this Court's Order dated December 10, 2018 in Florida Supreme Court Case No. SC18-1662.

5. In the order of suspension, respondent was ordered to comply with Rule 3-5.1(h), Rules Regulating The Florida Bar, by notifying his clients, opposing counsel and tribunals of his suspension and providing to The Florida Bar, within 30 days of his suspension, his sworn affidavit listing the names and addresses of all persons and entities that were furnished a copy of the suspension order.

6. The Florida Bar notified respondent of the conditions associated with his suspension by letter dated December 11, 2018, mailed to his record bar address and emailed to his record bar email address. The bar specifically notified respondent of the requirements that he submit his sworn affidavit pursuant to Rule

3-5.1(h), Rules Regulating The Florida Bar, and eliminate all indicia of his attorney status (social media, telephone listings, stationery, checks, business cards, office signs, etc.). See, December 11, 2018, letter and email from The Florida Bar to respondent attached hereto as Exhibit “B.”

7. On January 14, 2019, The Florida Bar notified respondent of his noncompliance with the conditions of the suspension to his record bar address and email, specifically his failure to submit his sworn affidavit pursuant to Rule 3-5.1(h). See, January 14, 2019, letter and email from The Florida Bar to respondent attached hereto as Composite Exhibit “C.”

8. To date, respondent remains suspended due to his failure to fully comply with the bar’s subpoena for his trust account records. Further, respondent has failed to submit an affidavit compliant with Rule 3-5.1(h), Rules Regulating The Florida Bar.

9. On January 16, 2019, The Florida Bar Staff Investigator, Shirley Coleman, traveled to respondent’s record bar address, 49 South Ridgewood Avenue, Suite 220, Daytona Beach Florida, to hand-deliver to respondent this Court’s Order dated December 10, 2018 and The Florida Bar's Notice of Partial Compliance dated January 15, 2019, both entered in case number SC18-1662. See Affidavit of Shirley Coleman attached hereto as Exhibit “D.”

10. Prior to entering the building wherein respondent's law office was located, Ms. Coleman called respondent's record bar telephone phone number, (386) 252-4493, and a female answered with the greeting, "Law office. This is Julie." Ms. Coleman asked to speak with respondent. Julie advised Ms. Coleman that respondent was in a meeting and asked to take a message. Ms. Coleman replied that she only needed to know if respondent was in the office that day. Julie advised Ms. Coleman that respondent was present in the office that day.

11. Immediately thereafter, Ms. Coleman proceeded to respondent's law office suite located on the second floor of the building.

12. Ms. Coleman saw four indicators that demonstrated respondent's law office was open for business. Ms. Coleman observed respondent's name, "Diego Handel, Esq." listed on the lobby directory, a sign stating "D. Handel" in the elevator by the second-floor button and the sign, "Diego Handel, Esq." on the door of Suite 220. Inside the small reception area of respondent's law office, Ms. Coleman observed respondent's attorney-at-law business card displayed in a holder.

13. Respondent did not appear to share office space with anyone else. Ms. Coleman did not observe any business cards for other possible occupants of the office suite.

14. Ms. Coleman gave her business card to the receptionist and asked to speak with respondent.

15. While waiting in the lobby, Ms. Coleman observed a female seated in the lobby waiting area who was engaged in a conversation on her cellular telephone. Ms. Coleman heard the female tell the person with whom she was speaking that she had an appointment with her attorney.

16. Thereafter, respondent arrived in the lobby and escorted Ms. Coleman to an office, at which time she hand-delivered to him the Order dated December 10, 2018 from the Supreme Court of Florida suspending him from the practice of law in case number SC18-1662.

17. Ms. Coleman had personal contact with respondent wherein he acknowledged receipt of the Court's December 10, 2018 Order.

18. Respondent further acknowledged appearing in court after the effective date of his suspension order.

19. On January 15, 2019, Ms. Coleman contacted Judge Belle Schumann's judicial assistant and inquired as to whether respondent had appeared in front of Judge Schumann on this date. The judicial assistant verified with Judge Schumann that respondent appeared in court with his client, the defendant, in State v. Eric Hernandez, case number 018-CT-312756, in Volusia County, Florida.

Respondent asked the court for a continuance in the case which Judge Schumann granted. Judge Schumann was not aware of respondent's suspension.

20. On January 15, 2019, Ms. Coleman contacted Seventh Judicial Circuit Chief Judge Raul A. Zambrano's judicial assistant and provided her with a copy of the order suspending respondent. The judicial assistant advised Ms. Coleman she would forward the suspension order to all judges in the Seventh Judicial Circuit and would request that Ms. Coleman be contacted in the event respondent appeared in court after the January 9, 2019 effective date of his suspension.

21. As a result of this notification, Judge Kathryn Weston contacted Ms. Coleman on January 15, 2019 and advised that respondent appeared in front of her on January 11, 2019 with his client in Mercury Indemnity v. Colima Auto Sales, et al., case number 2017-CI-10189, in Volusia County, Florida. Respondent filed a Motion to Withdraw and set it for a hearing. Judge Weston advised that respondent did not advise her of his suspension. She learned this information from his client, Mr. Ramirez. Judge Weston further advised that after respondent presented his motion to withdraw, Mr. Ramirez stated that respondent was suspended. Judge Weston immediately verified this information by consulting The Florida Bar's membership directory website.

22. On January 15, 2019, Ms. Coleman spoke with respondent's former paralegal, April Morse, who advised that she believed respondent was still practicing law.

23. Ms. Morse stated that she was employed by respondent between June 4, 2013 and July 31, 2018 when her employment was terminated. Despite no longer being his employee, Ms. Morse continued receiving copies of emails sent to respondent from the courts and others involved in respondent's cases. Ms. Morse learned of respondent's suspension when she received a copy of the email from this Court.

24. According to Ms. Morse, because she continues to receive copies of emails from the courts sent to respondent's office email address, she was able to determine that respondent is still setting court dates for his cases. She saw no indication that he notified his clients of his suspension.

25. Ms. Morse advised Ms. Coleman that she called respondent's office on January 14, 2019. The receptionist answered the telephone in her normal manner, indicating the law office was still open and functioning.

26. On January 28, 2019, Ms. Coleman again called respondent's law office telephone number and a female answered with the greeting, "Law office. This is Julie. How can I help you?" Ms. Coleman asked if respondent was in the

office, to which Julie replied in the affirmative, and put Ms. Coleman's call through to respondent.

27. Respondent answered the call by identifying himself. Ms. Coleman identified herself and advised respondent that she was The Florida Bar Staff Investigator who had met with him at his office a few weeks prior. The respondent acknowledged that his law office was still open and said that he was actively working to close the office.

28. Respondent has continued to engage in the practice of law in contempt of this Court's suspension order.

29. The other members of The Florida Bar should not have to pay for respondent's noncompliance with this Court's Order and the instant proceeding. Therefore, the bar is requesting administrative costs of \$1,250.00 against respondent.

WHEREFORE, Petitioner respectfully requests this Court enter an order compelling Diego Handel to show cause why he should not be held in contempt of this Court's Order and immediately disbarred.

Respectfully submitted,



Keshara Davis Cowans
Bar Counsel

The Florida Bar
Orlando Branch Office
The Gateway Center
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar No. 43653
kcowans@floridabar.org
orlandooffice@floridabar.org

CERTIFICATE OF SERVICE

I certify that this Petition for Contempt and Order to Show Cause has been efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida with a copy provided via email to Respondent, Diego Handel, at dhandel@bellsouth.net, with a copy by United States Mail via certified mail No. 7160 3901 9843 2748 5799, return receipt requested to Respondent, Diego Handel, whose record bar address is 149 S. Ridgewood Avenue, Suite 220, Daytona Beach, Florida 32114-4371; and to Staff Counsel, The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace Suite 130, Sunrise, Florida 33323, via email at aquintel@floridabar.org, on this 25th day of February, 2019.



Keshara Davis Cowans, Bar Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Keshara Davis Cowans, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Orlando Branch Office, The Gateway Center, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424 and kcowans@floridabar.org, orlandooffice@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, Lakeshore Plaza II, Suite 130, 1300 Concord Terrace, Sunrise, Florida 33323, aquintel@floridabar.org.

Supreme Court of Florida

MONDAY, DECEMBER 10, 2018

CASE NO.: SC18-1662

Lower Tribunal No(s):
2019-30,205 (7A) (OSC)

THE FLORIDA BAR

vs. DIEGO HANDEL

Complainant(s)

Respondent(s)

This is before the Court on The Florida Bar's Petition for Contempt and Order to Show Cause.

The Court having issued its Order to Show Cause to respondent and respondent having failed to file a response to said Order to Show Cause,

IT IS ORDERED that The Florida Bar's petition is granted and respondent is held in contempt of this Court. As a sanction, respondent is suspended from the practice of law effective thirty days from the date of this order so that respondent can close out his practice and protect the interests of existing clients. Respondent shall remain suspended until he has produced the requested trust account records, and until further order of this Court. If respondent notifies this Court in writing that he is no longer practicing and does not need the thirty days to protect existing clients, this Court will enter an order making the suspension effective immediately. Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(h). In addition, respondent shall accept no new business from the date this order is filed until he is reinstated. Once the suspension takes effect, respondent shall remain suspended until further order of this Court.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Diego Handel in the amount of \$1,250.00 for which sum let execution issue.

The filing of a motion for rehearing shall not alter the effective date of this suspension.

ANY MOTION FOR REHEARING OR CLARIFICATION MUST BE FILED WITHIN SEVEN DAYS. A RESPONSE TO THE MOTION FOR REHEARING/CLARIFICATION MAY BE FILED WITHIN FIVE DAYS AFTER THE FILING OF THE MOTION FOR

CASE NO.: SC18-1662

Page Two

REHEARING/CLARIFICATION. NOT FINAL UNTIL THIS TIME PERIOD EXPIRES TO FILE A REHEARING/CLARIFICATION MOTION AND, IF FILED, DETERMINED.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, POLSTON, LABARGA, and LAWSON, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



ca

Served:

KESHARA DAVIS COWANS
DIEGO HANDEL
ADRIA E. QUINTELA

Received Tue 12/11/2018 2:43PM
From Chason, Lisa
Subject Initial Letter
To dhandel@bellsouth.net
cc
bcc

Initial Letter - Handel.pdf

Mr. Handel,

Attached please find an informational letter regarding the order of the Supreme Court dated December 0, 2018.

Please let me know if you need any further information.

Regards,

Lisa Chason, Compliance Coordinator
Lawyer Regulation
The Florida Bar
651 E Jefferson Street
Tallahassee, FL 32399-2300
Tel: (850) 561-3186
Fax: (850) 561-9403
lchason@floridabar.org

EXHIBIT B



The Florida Bar

651 E Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.floridabar.org

December 11, 2018

VIA US Mail and E-Mail to dhandel@bellsouth.net

Mr. Diego Handel
149 S Ridgewood Avenue, Suite 220
Daytona Beach, FL 32114-4371

Re: The Florida Bar v. Diego Handel; Supreme Court Case No.: SC18-1662
The Florida Bar File No.: 2019-30,205(7A)OSC

Dear Mr. Handel:

Pursuant to the order of the Supreme Court of Florida dated December 10, 2018, you were held in contempt and suspended from the practice of law until you have produced the requested trust account records, and until further order of the Court. The effective date of the suspension is January 9, 2019. The filing of a motion for rehearing does not alter the effective date of the suspension. Should you remain suspended for a period of time greater than 90 days, you may be required to petition for reinstatement after the suspension has ended, if you wish to resume the practice of law in Florida. Rule 3-7.10 outlines the procedure and considerations for reinstatement. Costs were assessed against you in the amount of \$1,250.00. Your costs are due in this office no later than January 24, 2019. A Failure to Pay Notice providing important information relating to cost assessments is enclosed. If you are interested in being on a payment plan, and if you qualify under the Delinquent Costs paragraph in the attached Failure to Pay Notice, please contact our office immediately.

You must follow the provisions of Rule 3-5.1(h). A copy of the order must be immediately provided to clients, opposing counsel, and certain courts, and you must provide an affidavit to us verifying that this has been done. A form affidavit is enclosed. Please note, providing a copy of the order to the clerk's office does not satisfy this rule. You must provide a copy of the order to the presiding judge. The executed affidavit must be provided to this office within 30 days of the court order **to wit**: January 9, 2019. If you had no clients or pending matters at the time the order was served in this case, the affidavit should so state. Should you accept employment with a Florida lawyer or law firm, additional requirements apply. Please see Rule 3-6.1 in this respect. In order to avoid the appearance of being a lawyer in good standing, you must eliminate all indicia of attorney status (social media, telephone listings, stationery, checks, business cards, office signs, etc.).

Mr. Diego Handel
December 11, 2018
Page 2

Melissa Mara, Headquarters Paralegal, will be your contact person at The Florida Bar for issues relating to compliance with the court's order. Ms. Mara may be contacted at (850) 561-5776 should there be any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Lisa Chason". The signature is written in a cursive, slightly slanted style.

Lisa Chason, Compliance Coordinator
Lawyer Regulation Headquarters

Enclosures—Failure to Pay Notice, 3-5.1(h) affidavit

FAILURE TO PAY NOTICE

The Supreme Court of Florida has entered an order assessing costs, fees, imposing fee arbitration and/or restitution obligations. The requirements of this order create certain obligations of which you should be aware.

Making Payment

Please send checks or money orders made payable to "The Florida Bar" to the attention of Lisa F. Chason, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300. Please place The Florida Bar file number on the check so we may extend proper credit for the payment.

Credit card payments are accepted via phone call to Lisa F. Chason at (800) 342-8060, ext. 3186.

Delinquent Costs

Costs are deemed delinquent unless they are paid within 30 days after the recommendation becomes final. The time for payment may be extended by The Board of Governors (hereafter the Board) for good cause shown. In order for the Board to approve an extension of time a payment plan must be requested and certain financial information disclosed. Ordinarily payment plans are not approved unless extreme financial hardship is proven through financial affidavits that include a statement of assets and liabilities.

Delinquent Fee Arbitration Award(s)

Fee arbitration awards are deemed delinquent unless paid within 30 days after the award becomes final.

Delinquent Restitution

Restitution is deemed delinquent unless it is made within the time frame and in the manner provided by the recommendation or the agreement imposing the obligation.

Effect of Delinquency

If costs, restitution or fee arbitration awards become delinquent, you will be deemed a delinquent member of The Florida Bar and as such will not be entitled to practice law in Florida until such time as the delinquency is cured. Cure of the delinquency will include making payment of all required obligations, providing proof of payment, filing a petition for removal of delinquency status and payment of a \$150.00 reinstatement fee. Thereafter the petition will be reviewed and, if appropriate, the delinquency will be removed.

Lapse of Membership Status

Any member who remains delinquent for a period of five years or longer will lose bar membership. A member whose membership has lapsed may return to the practice of law in Florida only through application to the Florida Board of Bar Examiners, which will include taking and passing the bar examination and successful completion of the character and fitness evaluation.

Maintaining Contact

There may be important information that we need to communicate after the recommendation becomes final. For this reason, it is important to maintain an accurate mailing address, telephone number and other contact information. In fact, The Rules Regulating The Florida Bar mandate that all members of The Florida Bar keep current contact information on file.

If you have any questions about these issues please feel free to contact Lisa F. Chason by telephone at (800) 342-8060, ext. 3186.

STATE OF FLORIDA
COUNTY OF _____

AFFIDAVIT

I, Diego Handel, after being duly sworn, say:

This affidavit is submitted pursuant to Rule 3-5.1(h) of the Rules of Discipline in conjunction with the decision in The Florida Bar v. Diego Handel, SC18-1662; The Florida Bar File No. 2019-30,205 (7A).

1. _____ I had no client(s) or matter(s) pending when the court order was served on me.

OR

2a. _____ I have furnished a copy of the court order to all my clients with matters pending when the court order was served on me; and

2b. _____ To all opposing counsel and co-counsel in the matters listed in 2a. above; and

2c. _____ To all courts, tribunals, or adjudicative agencies before which I am counsel of record.

AND

3. _____ I have notified all state (other than The Florida Bar), federal and administrative bars of which I am a member.

4. _____ The names and addresses of all persons and entities that have been furnished with such notification are indicated on the attached list (Exhibit A), and such is a complete listing of all persons and entities notified pursuant to this rule.

FURTHER AFFIANT SAYETH NOT.

Diego Handel

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20__.

Notary Public

Print/type/stamp commission name of notary

Personally known to me or produced the following identification: _____

Return to:
Melissa M. Mara, CP, FRP
Certified Paralegal
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

Received Mon 01/14/2019 12:11PM
From Mara, Melissa M
Subject The Florida Bar File No. 2019-30,205(7A)(OSC)/SC18-1662
To dhandel@bellsouth.net
cc
bcc

Handel 1-14-19.pdf

Dear Mr. Handel:

Attached is a letter regarding your noncompliance with the court's order in the above referenced matter. Your prompt attention is required.

Sincerely,

Melissa M. Mara, CP, FRP
Certified Paralegal
Lawyer Regulation Headquarters
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399
Tel: (850) 561-5776
Fax: (850) 561-9403
mmara@floridabar.org



The Florida Bar

651 E Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.floridabar.org

January 14, 2019

VIA US Mail and E-Mail to dhandel@bellsouth.net

Mr. Diego Handel
149 S Ridgewood Avenue, Suite 220
Daytona Beach, FL 32114-4371

Re: The Florida Bar v. Diego Handel; Supreme Court Case No.: SC18-1662
The Florida Bar File No. 2019-30,205(7A)(OSC)

Dear Mr. Handel:

The Florida Bar has not received your affidavit in compliance with Rule 3-5.1(h) as ordered by The Florida Supreme Court. Therefore, you are not in compliance with the terms and conditions of the above-referenced court order.

You were previously notified of this rule by our Lawyer Regulation - Headquarters office on December 11, 2018. A second form affidavit is enclosed for your convenience in fulfilling the requirements of this rule that should be sent directly to my attention at the above address within ten (10) days from the date of this letter. *If you fail to comply with this request, The Florida Bar will file a Petition for Contempt and Order to Show Cause.*

YOUR PROMPT ATTENTION IS REQUIRED.

Sincerely,

Allison Carden Sackett
Associate Director of Lawyer Regulation

ACS/mmm

Enclosure - 3-5.1(h) Affidavit

STATE OF FLORIDA
COUNTY OF _____

AFFIDAVIT

I, Diego Handel, after being duly sworn, say:

This affidavit is submitted pursuant to Rule 3-5.1(h) of the Rules of Discipline in conjunction with the decision in The Florida Bar v. Diego Handel, SC18-1662; The Florida Bar File No. 2019-30,205(7A)(OSC).

1. _____ I had no client(s) or matter(s) pending when the court order was served on me.

OR

2a. _____ I have furnished a copy of the court order to all my clients with matters pending when the court order was served on me; and

2b. _____ To all opposing counsel and co-counsel in the matters listed in 2a. above; and

2c. _____ To all courts, tribunals, or adjudicative agencies before which I am counsel of record.

AND

3. _____ I have notified all state (other than The Florida Bar), federal and administrative bars of which I am a member.

4. _____ The names and addresses of all persons and entities that have been furnished with such notification are indicated on the attached list (Exhibit A), and such is a complete listing of all persons and entities notified pursuant to this rule.

FURTHER AFFIANT SAYETH NOT.

Diego Handel

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20____.

Notary Public

Print/type/stamp commission name of notary

Personally known to me or produced the following identification: _____

Return to:
Melissa M. Mara, CP, FRP
Certified Paralegal
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

STATE OF FLORIDA
COUNTY OF ORANGE

AFFIDAVIT

I, Shirley Coleman, after being duly sworn, say:

1. I am a staff investigator with The Florida Bar. My work address is The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050.

2. As part of my duties as a staff investigator, I am often asked by the bar attorneys to investigate attorney conduct in connection with bar investigations. In instances where attorneys have been suspended, this may include, contacting judges before whom the attorney has cases pending and traveling to the attorney's office to observe whether all indicia of the practice of law have been removed as required.

3. On January 15, 2019, I contacted Judge Belle Schumann's judicial assistant and inquired as to whether Diego Handel had appeared in front of Judge Schumann on this date. The judicial assistant verified with Judge Schumann that Mr. Handel appeared in court with his client, the defendant, in State v. Eric Hernandez, case number 018-CT-312756, in Volusia County, Florida. Mr. Handel requested a continuance in the case, which Judge Schumann granted. I asked whether Mr. Handel told Judge Schumann that he was suspended. She asked Judge Schumann and I heard Judge Schumann reply that Mr. Handel did not tell her that he was suspended.

4. On January 15, 2019, I contacted Seventh Judicial Circuit Chief Judge Raul A. Zambrano's judicial assistant. I provided her with a copy of the order suspending Mr. Handel and she advised that she would forward it to all judges in the Seventh Judicial Circuit. I requested that I be contacted in the event Mr. Handel appeared in court after the effective date of his suspension, January 9, 2019.

5. On January 15, 2019, I received a telephone call from Seventh Judicial Circuit Judge Kathryn Weston. She told me that she received the notice from Judge Zambrano's judicial assistant regarding Mr. Handel's suspension. She advised me that Mr. Handel appeared in front of her on January 11, 2019 with his client, Mr. Ramirez, in Mercury Indemnity v. Colima Auto Sales, et al., case number 2017-CI-10189, in Volusia County, Florida. Mr. Handel filed a Motion to Withdraw and set it for a hearing. Judge Weston further advised me that Mr. Handel did not advise her of his suspension. She learned this information from his client, Mr. Ramirez. She advised me that, after Mr. Handel presented his motion to withdraw, Mr. Ramirez stated that Mr. Handel was suspended. Judge Weston immediately looked up Mr. Handel's name on The Florida Bar's website and advised Mr. Ramirez that indeed Mr. Handel was suspended.

6. On January 15, 2019, I spoke with Mr. Handel's former paralegal, April Morse, by telephone in response to her previous communication with the bar

regarding Mr. Handel. Ms. Morse advised that she contacted the bar because she knew Mr. Handel was suspended but she believed he was still practicing law.

7. Ms. Morse stated that she was employed by Mr. Handel between June 4, 2013 and July 31, 2018 when her employment was terminated. Despite no longer being his employee, she still receives copies of emails sent to Mr. Handel from the courts and others involved in Mr. Handel's cases. She learned of his suspension when she received a copy of the email from the Florida Supreme Court.

8. According to Ms. Morse, because she is receiving copies of emails from the courts to Mr. Handel's office, she can see that Mr. Handel is still setting court dates for his cases. She saw no indication that he notified his clients of his suspension. She was aware a hearing was set for Mr. Handel's Motion to Withdraw in Mr. Ramirez's case, Mercury Indemnity v. Colima Auto Sales, et al., case number 2017-CI-10189, in Volusia County, Florida, so she contacted Mr. Ramirez and told him about Mr. Handel's suspension. Mr. Ramirez told her that Mr. Handel had recently asked him to pay additional fees for his case. She then forwarded the suspension order to Mr. Ramirez.

9. Ms. Morse advised me that she called Mr. Handel's office on January 14, 2019. The receptionist answered the telephone in her normal manner, indicating the law office was still open and functioning normally.

10. On January 16, 2019 I was asked by bar counsel to hand-deliver to Mr. Handel an order dated December 10, 2018 from the Supreme Court of Florida and The Florida Bar's Notice of Partial Compliance dated January 15, 2019, both entered in case number SC18-1662.

11. I travelled to Mr. Handel's record bar address, 149 South Ridgewood Avenue, Suite 220, Daytona Beach Florida. Prior to entering the building, I called Mr. Handel's record bar telephone phone number, (386) 252-4493, and a female answered saying "Law office. This is Julie." I asked to speak with Mr. Handel. Julie advised me that he was in a meeting and asked to take a message. I replied that I only needed to know if he was in the office that day. Julie told me that Mr. Handel was in the office that day. I did not leave a message.

12. I made my way to Mr. Handel's office on the second floor of the building. I saw four indicators that led me to believe his office was still open. I saw his name, "Diego Handel, Esq." listed on the lobby directory. I saw a sign stating "D. Handel" in the elevator by the second-floor button. I saw the sign, "Diego Handel, Esq." on the door of Suite 220. In the small reception area of his office, I saw Mr. Handel's attorney-at-law business card displayed in a holder.

13. Mr. Handel did not appear to share office space with anyone else. I saw no other business cards for other potential occupants of the office suite.

14. I gave my business card to the receptionist and asked to speak with Mr. Handel.

15. While I waited, I observed a white female seated in the lobby waiting area. She was talking on her cell phone and I heard her tell the person with whom she was speaking that she had an appointment with her attorney.

16. Mr. Handel came to the lobby and escorted me to an office, at which time I hand-delivered to him the order dated December 10, 2018 from the Supreme Court of Florida suspending him from the practice of law in case number SC18 1662.

17. Mr. Handel acknowledged receipt of the Court's December 10, 2018 Order.

18. Mr. Handel further acknowledged appearing in court after the effective date of the suspension order.

19. I then hand-delivered to Mr. Handel The Florida Bar's Notice of Partial Compliance dated January 15, 2019 in case number SC18-1662.

20. On January 28, 2019, I called Mr. Handel's law office telephone number and a female answered the phone, "Law office. This is Julie. How can I help you?" I identified myself and asked if Mr. Handel was in the office. Julie advised me that Mr. Handel was in the office and put my call through to him.

21. Mr. Handel answered the call by identifying himself. I identified myself and advised Mr. Handel that I was The Florida Bar Staff Investigator who had met with him at his office on January 16, 2019. I advised Mr. Handel that the bar had received reports that his office still was open. Mr. Handel acknowledged that his law office was still open and said he was actively working to close it.

FURTHER AFFIANT SAYETH NOT.

Shirley Coleman
Shirley Coleman

SWORN TO AND SUBSCRIBED before me this 22nd day of February, 2019.

Elizabeth Tebo
Notary Public



Elizabeth Tebo
Print, type, or stamp commission name of notary public

X Personally known to me

Produced the following identification

Type of Identification produced: _____