

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

TODD PATRICK SCHOLL,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2021-30,038(10B)

COMPLAINT

The Florida Bar, complainant, files this Complaint against Todd Patrick Scholl, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar, admitted on August 1, 2019, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent practiced law in Orange County, Florida, at all times material.
3. The Tenth Judicial Circuit Grievance Committee "B" found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint was approved by the presiding member of that committee.

4. On December 20, 2019, approximately four-months after his admission to The Florida Bar, respondent was arrested in Seminole County, Florida and charged with Driving Under the Influence (DUI) and Refusal to Give Breath, Urine, or Blood Test.

5. Respondent indicated to the arresting officer that he had two beers earlier in the evening as well as Robitussin cough drops but did not believe that he was impaired.

6. Respondent failed some of the field sobriety tests and the arresting officer noted the strong smell of alcohol on respondent's breath.

7. After his arrest, respondent refused to take a breath test to measure his blood alcohol content.

8. According to respondent, he chose to enter a plea due to the delays in processing criminal cases caused by the COVID-19 pandemic.

9. On or about July 15, 2020, respondent pled no contest to the DUI charge to conclude the matter.

10. The State declined to prosecute the charge involving respondent's refusal to submit to a breath test.

11. Respondent was sentenced to a one-year period of probation with conditions, fines, and costs.

12. Thereafter, respondent was terminated from his employment at

a law firm and was unemployed for over four months.

13. During his period of unemployment, respondent performed community service and voluntarily began attending Alcoholics Anonymous (AA).

14. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

(a) 3-4.3 Misconduct and Minor Misconduct. The standards of professional conduct to be observed by members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline;

(b) 3-4.4 Criminal Misconduct. Unless modified or stayed by the Supreme Court of Florida as provided elsewhere herein, a

determination or judgment of guilt of a member of The Florida Bar by a court of competent jurisdiction of any crime or offense that is a felony under the laws of such jurisdiction is cause for automatic suspension from the practice of law in Florida. In addition, whether the alleged misconduct constitutes a felony or misdemeanor The Florida Bar may initiate disciplinary action regardless of whether the respondent has been tried, acquitted, or convicted in a court for the alleged criminal offense; however, the board may, in its discretion, withhold prosecution of disciplinary proceedings pending the outcome of criminal proceedings against the respondent. The acquittal of the respondent in a criminal proceeding shall not necessarily be a bar to disciplinary proceedings nor shall the findings, judgment, or decree of any court in civil proceedings necessarily be binding in disciplinary proceedings; and,

(c) 4-8.4(b) Misconduct. A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this document was E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Todd Patrick Scholl, Respondent, at toddpscholl@gmail.com and a copy was furnished by United States Mail, via certified mail No. 7017 1450 0000 7821 0322, return receipt requested, to Todd Patrick Scholl, Respondent, whose record bar address is 2240 Orange Avenue, Washington, D.C. 20001, and via email to Kenneth H. P. Bryk, Bar Counsel, The Florida Bar, 1000 Legion Place, Orlando, Florida 32801, at kbryk@floridabar.org, on this 23rd day of February 2021.



Patricia Ann Toro Savitz
Staff Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Kenneth H. P. Bryk, 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, at kbryk@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, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, at psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.