

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

FRANK J. BANKOWITZ, III,

Respondent.

Supreme Court Case
No. SC

The Florida Bar File
Nos. 2014-31,176 (13A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned Respondent, Frank J. Bankowitz, III, and files this Conditional Guilty Plea pursuant to Rule 3-7.9(a) 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 disciplinary proceedings, which have been assigned to The Florida Bar File No 2014-31,176 (13A).
3. Respondent is acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is not represented by counsel in this matter.
4. The disciplinary measures to be imposed upon respondent are as follows:

A. Public reprimand to be administered by publication in the Southern Reporter; and

B. Payment of the Bar's disciplinary costs.

5. The following allegations provide the basis for Respondent's guilty plea in this matter:

Respondent failed to comply with his professional obligation to the Internal Revenue Service ("IRS") by failing to remit to the IRS funds he withheld from his employees' wages for unemployment, Social Security, Medicare, and income taxes from 2011 to 2013. As of April 24, 2014, Respondent owed the IRS a total of \$29,448.93. On or about February 9, 2015, Respondent remitted payment in full to the IRS to satisfy his unpaid taxes.

6. The following Rules Regulating The Florida Bar provide the basis for the discipline to be imposed in this matter:

Rule 3-4.3 (Misconduct).

7. In mitigation, Respondent does not have a prior disciplinary record and lacked a selfish motive [9.32(a), (b)]. Respondent has cooperated with the Bar in these proceedings by providing requested information and documentation [9.32(e)]. Respondent's tax issues arose when he underwent hip replacement surgery and developed a severe infection, which caused him to be out of the office

and not working for several months [9.32(c)]. Respondent has also satisfied his federal tax lien by remitting the full amount of unpaid taxes to the IRS [9.32(d)].

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

9. 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.

10. 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 \$1,360.00. 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.


11. 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.

12. 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.

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

Dated this 12 day of July, 2015.


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PAY TO THE ORDER OF CAR LEONARD BARR

DATE 5/12/11

63-993-631

ONE THOUSAND THREE HUNDRED SEVENTY & 1/2

\$ 1360.00

DOLLARS

☐ Security Features
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FIFTH THIRD BANK

FOR \$ 2011-31, 175 (1134)

[REDACTED]

[Signature]

MP