STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JEFFREY ALAN NORKIN,

Petitioner,

vs. Case No. 16-1996

DEPARTMENT OF FINANCIAL SERVICES,

Respondent.
_____/

RECOMMENDED ORDER

Pursuant to notice, a formal administrative hearing was conducted before Administrative Law Judge Mary Li Creasy in Fort Lauderdale, Florida, on June 21, 2016.

APPEARANCES

For Petitioner: Jeffrey A. Norkin, pro se
Apartment 311
1617 South Federal Highway
Pompano Beach, Florida 33062

For Respondent: Matthew R. Daley, Esquire
Maribeth Bohanan, Esquire
Department of Financial Services
200 East Gaines Street
Tallahassee, Florida 32399

STATEMENT OF THE ISSUE

Whether Petitioner's application for licensure should be denied based upon his prior disciplinary history by the Florida Bar and failure to provide proof of satisfaction of resulting

cost judgments against him, as indicated in the Notice of Denial issued by Respondent on February 12, 2016.

PRELIMINARY STATEMENT

Petitioner, a former attorney, applied for a license as a life, including variable annuity and health, insurance agent. On February 12, 2016, the Department of Financial Services ("DFS") issued a Notice of Denial with respect to Petitioner's application based upon Petitioner's disciplinary history with the Florida Bar and his failure to pay amounts assessed in his suspension and disbarment proceedings.

DFS relies on section 626.611(1)(g), Florida Statutes ("[d]emonstrated lack of fitness or trustworthiness to engage in the business of insurance"), and on Florida Administrative Code Rule 69B-215.210, which declares the business of life insurance as a "public trust," to deny licensure.

Petitioner elected to challenge the denial of licensure and requested a section 120.57(1), Florida Statutes, hearing. On April 21, 2016, the matter was referred to the Division of Administrative Hearings ("DOAH") for assignment of an Administrative Law Judge.

The final hearing was conducted as scheduled on June 21, 2016. Petitioner testified on his own behalf. Petitioner's Exhibits 1 through 16, 18, and 20 through 22 were admitted. Respondent offered the testimony of Matt Tamplin, DFS Bureau

Chief of Licensing, and Ray Wenger, DFS Bureau Chief of Investigation. DFS' Exhibits 1 through 8 and 10 through 15 were admitted.

The Transcript of the final hearing was filed with DOAH on July 25, 2016. Both parties filed proposed recommended orders, which have been considered in the preparation of this Recommended Order.[1/] References to statutes and rules are to the 2016 versions, unless otherwise indicated.

FINDINGS OF FACT

1. DFS is the state agency responsible for licensing and regulation of insurance in Florida pursuant to chapter 626, Florida Statutes.

2. On September 4, 2015, Petitioner, Jeffrey A. Norkin, applied for licensure as a life, including health and variable annuity, insurance agent. On February 12, 2016, DFS issued a Notice of Denial with respect to Petitioner's application based upon Petitioner's disciplinary history with the Florida Bar ("Bar") and his failure to pay amounts assessed in his suspension and disbarment proceedings.

Petitioner's Background

3. Petitioner graduated from the University of Miami Law School in 1992 and was admitted to the Florida Bar in 1993.

4. Prior to attending law school, Petitioner worked for several months as a life insurance agent and for a commodities broker.

5. Until his suspension from the practice of law on October 31, 2013, Petitioner maintained a successful general litigation practice in Broward County, Florida, handling commercial disputes and civil rights matters, including the representation of victims in police brutality cases.

Petitioner's Disciplinary History as an Attorney

A. Petitioner's 2003 Reprimand

6. On April 20, 1999, in the case of Greenberg v. Hunter, U.S. District Court, Northern District of Florida, Case No. 4:99cv45 WS, Judge William Stafford issued a Contempt Order against Petitioner for, among other things, falsely accusing opposing counsel of improperly interrupting a deposition to coach his client.

7. Judge Stafford noted:

> I have observed . . . [Petitioner] is constantly accusatory in tone and by choice of words. He has been consistently disrespectful to the court, to the lawyers, to the parties, to the witnesses. He has accused counsel of spoliation of the evidence, of illegal conduct, of unprofessional behavior, of lying. He has demeaned the justice system, law enforcement, and his own profession, and my profession. He has refused to accept the court's rulings. He has constantly argued about rulings once I've made them. . . . He has called not just

> one attorney incompetent, but almost every attorney that has appeared here either as a witness or as counsel of record, and even his own client's prior counsel . . . . He has berated the court. . . .

The Fla. Bar v. Norkin, 132 So. 3d 77, 88 (Fla. 2013).

8. Judge Stafford banned Petitioner from practicing in the Northern District for a year.

9. As a result, the U.S. District Court for the Southern District of Florida instituted a disciplinary action pursuant to the Rules Governing Attorney Discipline, Local Rules for the Southern District of Florida, Rule V(B). The matter was ultimately referred to the Bar for prosecution and on September 24, 2003, the Florida Supreme Court in SC02-854,[2/] in its capacity as the Bar Disciplinary Board, disciplined Petitioner for "disrespectful, accusatory, argumentative, and rude behavior," by issuing a public reprimand, entering judgment for the recovery of costs against Petitioner in the amount of $930.00, and instructed him to attend 30 hours of continuing legal education. The Fla. Bar v. Norkin, 132 So. 3rd at 87 (citing The Fla. Bar v. Norkin, 858 So. 2d 332 (Fla. 2003)(unpublished table decision).

B. Petitioner's 2013 Suspension

10. Petitioner represented David Beem in a commercial litigation dispute, Gary Ferguson, individually, and derivatively on behalf of Floors to Doors, Inc. v. David Beem and Floors to

Doors, Inc., Circuit Court Case Number: 07-34790 CA 20, in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County ("Ferguson v. Beem"), which began in 2007. The litigation was very contentious and opposing counsel representing Ferguson, Gary Brooks, initiated a grievance against Petitioner, which resulted in the Bar complaint filed against Petitioner in July 2011.

11. On October 31, 2013, in The Florida Bar v. Norkin, supra, the Florida Supreme Court, again in its capacity as the Bar Disciplinary Board, suspended Petitioner's license to practice law for 24 months, issued him a public reprimand, placed him on probation for 18 months upon reinstatement of his license, assessed costs against him in the amount of $7,970.53, and assessed administrative fees against him in the amount of $1,250.00 for engaging in unprofessional conduct in the Ferguson v. Beem litigation.

12. Petitioner was cited for violating the Rules Regulating the Florida Bar 4-3.5(c), 4-8.2(a), 4-8.4(a), and 4-8.4(d),[3/] for disrupting several court hearings by yelling at judges and exhibiting disrespectful conduct, falsely accusing a senior judge of criminal conduct to berate him into withdrawing his request for a fee, and engaging in "relentless unethical and unprofessional" efforts to denigrate and humiliate opposing counsel.

13. The court adopted the referee's findings of fact and recommendations as to guilt, because they were supported by competent, substantial evidence, including witness testimony, exhibits, and transcripts from the Ferguson v. Beem litigation. However, the court disapproved the referee's recommended sanction of a 90-day suspension and, instead, imposed a two-year suspension. The Court held:

> Competent, zealous representation is required when working on a case for a client. There are proper types of behavior and methods to utilize when aggressively representing a client. Screaming at judges and opposing counsel, and personally attacking opposing counsel by disparaging him and attempting to humiliate him, are not among the types of acceptable conduct but are entirely unacceptable. One can be professional and aggressive without being obnoxious. Attorneys should focus on the substance of their cases, treating judges and opposing counsel with civility, rather than trying to prevail by being insolent toward judges and purposefully offensive toward opposing counsel. This Court has been discussing professionalism and civility for years. We do not tolerate unprofessional and discourteous behavior. We do not take any pleasure in sanctioning Norkin, but if we are to have an honored and respected profession, we are required to hold ourselves to a higher standard. Norkin has conducted himself in a manner that is the antithesis of what this Court expects from attorneys. By his unprofessional behavior, he has denigrated lawyers in the eyes of the public. Norkin's violations of the Bar rules and unprofessional behavior merit a two-year suspension and a public reprimand. We direct Norkin to appear personally before this Court to receive the public reprimand. His

> unprofessional conduct is an embarrassment to all members of The Florida Bar.

Id. at 93.

14. Petitioner's conduct was considered so outrageous that the court, in footnote 5 stated, "Members of The Florida Bar, law professors, and law students should study the instant case as a glaring example of unprofessional behavior." Id.

C. Petitioner's 2015 Disbarment

15. The Court's opinion required Petitioner to fully comply with Rule Regulating the Florida Bar 3-5.1(h), which requires a suspended attorney to give notice of the suspension to all clients, opposing counsel or co-counsel, and all courts, tribunals, or adjudicative agencies before which the attorney is counsel of record by furnishing them with a copy of the suspension order. The rule also requires the suspended attorney, within 30 days of service of the order, to furnish Bar counsel with a sworn affidavit listing the names and addresses of all persons and entities to which notice was given.

16. On December 31, 2013, the Bar filed a petition for contempt and order to show cause against Petitioner in case number SC13-2480 alleging that despite several notifications of his noncompliance, he had failed to submit the required affidavit to Bar counsel. On January 13, 2014, the Bar filed an amended

petition also alleging that Petitioner had engaged in the practice of law after the effective date of the suspension.

17. Petitioner admits ghostwriting numerous pleadings for Mr. Beem after his suspension, both in the Ferguson v. Beem litigation and in In Re: Gary Ferguson, Debtor, United States Bankruptcy Court Case Number 12-22368, in and for the Southern District of Florida ("Ferguson bankruptcy").

18. In the meantime, the Bar filed, in case number SC11-1356, a motion for sanctions against Petitioner. The motion alleged that after having been suspended and publicly reprimanded by the Court, Petitioner sent Bar counsel three offensive and threatening e-mails evidencing "complete disregard for the contents of the Court's opinion, as well as the reprimand administered by Justice Polston." The motion also pointed out that Petitioner, through his countenance and physical conduct while the public reprimand was being administered in case number SC11-1356, showed his contempt for the court. The motion urged the court to disbar Petitioner. This motion was referred to the referee in case number SC13-2480 for a hearing and recommendation.

19. On September 3, 2014, the referee filed a report and recommendation on the Bar's petition for contempt and the motion for sanctions. The referee found that based upon Petitioner's own response to the motion for summary judgment and testimony at

the hearing, there were no genuine issues of material fact with respect to the allegations concerning Petitioner's failure to comply with Rule Regulating the Florida Bar 3-5.1(h). Similarly, based on Petitioner's response and his own testimony at the hearing, the referee found that there was no genuine issue of fact concerning whether he engaged in the practice of law after the effective date of his suspension.

20. The referee also found that with regard to the Bar's motion for sanctions, Petitioner knowingly or through callous indifference disparaged, threatened, and humiliated Bar counsel, in violation of Rule Regulating the Florida Bar 4-8.4(d). Based on these findings, the referee recommended that Petitioner be found in contempt of the court's suspension order in SC11-1356, and that he be disbarred.

21. The Florida Supreme Court unanimously approved the recommendation, permanently disbarred Petitioner from the practice of law, and entered a judgment against Petitioner for costs in the amount of $3,034.19. See The Fla. Bar v. Norkin, 183 So. 3rd 1018 (Fla. 2015).

22. In support of its decision, the court reasoned:

> Moreover, given Norkin's continuation of his egregious behavior following his suspension and during the administration of the public reprimand, we conclude that he will not change his pattern of misconduct. Indeed, his filings in the instant case continue to demonstrate his disregard for this Court, his

> unrepentant attitude, and his intent to continue his defiant and contemptuous conduct that is demeaning to this Court, the Court's processes, and the profession of attorneys as a whole. Such misconduct cannot and will not be tolerated as it sullies the dignity of judicial proceedings and debases the constitutional republic we serve. We conclude that Norkin is not amenable to rehabilitation, and as argued by the Bar, is deserving of permanent disbarment.

Id. at 1023.

The Application

23. On September 4, 2015, Petitioner began his application for licensure as a resident life, including variable annuity and health, insurance agent. On November 5, 2015, DFS sent Petitioner a deficiency letter asking for, among other things, proof that he "paid all outstanding monies due the Florida Bar for recovery of costs ($7,970.53) and administrative fees ($1,250.00), with reference to . . . Florida Supreme Court Case 11-1356."

24. On November 17, 2015, DFS received a letter from Petitioner indicating that he had not paid the costs or fees assessed against him in the 2013 Action. Petitioner stated "[m]ost of them are nothing more than fabricated costs, invented, and unsupported in any way by the Florida Bar as a revenue producer and as an additional means of harassing me." This submission completed his application.

25. Petitioner admits that to date, the assessments from the suspension and disbarment have not been paid, and he has no intention of paying them.

26. On February 12, 2016, DFS informed Petitioner of its intent to deny his application based on the Bar proceedings against him. DFS did not interview anyone, including Petitioner, prior to denying the application.

27. Matt Tamplin, DFS Bureau Chief of Licensing, made the decision to deny Petitioner's application for lack of fitness based on Petitioner's suspension, disbarment, and failure to pay the costs or fees the Bar assessed against him.

28. The position for which Petitioner seeks licensure is one of public trust. Tamplin's rational for the application denial was that "Florida is a very diverse and vulnerable population" and that Petitioner's disciplinary history resulted in "very serious concerns about Mr. Norkin's failure to follow rules under a regulatory authority."

Petitioner's Position

29. Petitioner does not dispute his disciplinary record or the fact that the fees assessed are not paid. However, he takes no responsibility for his actions, which resulted in his suspension and disbarment. He claims that every negative allegation against him "has been a total lie."

30. For example, although Petitioner admits that he yelled about Judge Stafford and his rulings in a crowded public restaurant on a lunch break during trial, he speculates that he was disciplined by the federal court for the Northern District of Florida and the Bar in 2003, because he and his client were Jewish, he was "too handsome," "too young," "too loud," or "from New York."

31. Regarding the 2013 suspension, Petitioner contends that he did nothing wrong, he apologized to the judges when he raised his voice, and that his actions towards his opposing counsel were justified because the litigation was "destroying" his client's life. Petitioner asserts he was not fully advised of the charges against him and that he was not under an obligation to disseminate the Florida Supreme Court's order of suspension to all of his opposing counsel and judges before whom he had cases pending because "the decision did not require me to send them the outrageous, false, and defamatory decision."

32. Petitioner fully admits ghostwriting pleadings for Mr. Beem in both the Ferguson v. Beem civil litigation and Ferguson bankruptcy proceedings after his suspension. Petitioner, who was not a party to either litigation, contends this was not the unlicensed practice of law, because he was working to protect his "vested interest" in attorney's fees earned and "to protect my client from having the court be used as

a weapon to steal money from him." Petitioner argues he was "the only lawyer in the world" who would help Mr. Beem and that he was not practicing law because he was not collecting fees from Mr. Beem.

33. Petitioner also admits "staring down" each Florida Supreme Court Justice during his public reprimand, but justifies it as his attempt to humanize himself in their eyes. He also believes it was constitutionally protected non-verbal speech and that he did not receive due process because the justices did not ask him to stop staring or recuse themselves.

34. Petitioner explains his threatening communication to Bar counsel:

> And I wrote an email to my bar counsel who destroyed my life telling her that she did something, I can't remember what it was, and telling her that she was the most despicable lawyer and that's the--and that I'm going to file a lawsuit against her and to keep an eye out for it.

35. To date, Petitioner has not paid the assessments of the Bar and has no intention of doing so. He claims an inability to pay because of his disbarment and alleges that the imposition of the costs "along with all the other punishment was unconstitutional, and completely unjustified."

36. Petitioner argues there is no correlation between his disciplinary history as a lawyer and his ability to sell life insurance.

CONCLUSIONS OF LAW

37. DOAH has jurisdiction over the subject matter and the parties to this action in accordance with sections 120.569 and 120.57(1), Florida Statutes.

38. Petitioner is the person seeking licensure in this proceeding. He bears the ultimate burden of proving entitlement to a license and that he meets all of the relevant statutory criteria for obtaining a license. Dep't of Banking & Fin. v. Osborne Stern and Co., 670 So. 2d 932, 934 (Fla. 1996).

39. The Notice of Denial cites Petitioner's lack of fitness or trustworthiness to transact insurance as the basis for denial. At all times material to the instant case, the relevant provisions of section 626.611 provide:

> (1) The department **shall deny an application for**, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent, and it shall suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following grounds exist:
>
> * * *
>
> (g) Demonstrated lack of fitness or trustworthiness to engage in the business of insurance.

40. Chapter 626 does not define the term "fit." When terms are not defined in a statute, the "plain and ordinary meaning of

those terms applies." Nat'l Fed'n of Retired Persons v. Dep't of Ins., 553 So. 2d 1289, 1290 (Fla. 1st DCA 1989). Webster's Dictionary provides the following definitions of "fit" as used in this context: "proper or acceptable," "morally or socially correct," and "suitable for a specified purpose." "Fit." Merriam-Webster Dictionary, 2016. http://www.merriam-webster.com/dictionary/fit (2 Aug. 2016).

41. DFS concluded Petitioner was unfit to transact insurance based on his disciplinary history, unlicensed practice of law, and failure to pay costs and fees assessed against him in the 2013 suspension and 2015 disbarment.

42. Certainly one who no longer has the confidence of the tribunal or regulatory body before which they appear is "untrustworthy." As discussed in DeBock v. State, 512 So. 2d 164 (1987):

> An attorney as an officer of the Court and a member of the third branch of government occupies a unique position in our society. Because attorneys are in position where members of the public must place their trust, property and liberty, and even their lives, in a member of the bar, society rightfully demands that an attorney must possess a fidelity to truth and honesty that is beyond reproach. When an attorney breaches this duty, the public is harmed. . . . For these reasons, the vast weight of judicial authority recognizes that bar discipline exists to protect the public, and not to punish the lawyer.

Id. at 166-167.

43. The findings of the Florida Supreme Court in the disciplinary proceedings against Petitioner constitute hearsay and cannot be the sole basis for a finding in the instant matter unless corroborated by evidence that is not hearsay or by evidence subject to a hearsay exception.

§ 120.57(1)(c), Fla. Stat. (2015).

44. However, Petitioner's own admissions are subject to a hearsay exception. § 90.803, Fla. Stat. (2015). The findings of the Florida Supreme Court are therefore admissible and may be relied upon for findings of fact in the instant matter because they are corroborated by Petitioner's own statements.

Unlicensed Practice of Law

45. DFS submitted Respondent's Exhibits 11, 12, and 13 as examples of legal documents Petitioner drafted while unlicensed on behalf of Mr. Beem. DFS also submitted Respondent's Exhibit 14 as evidence of additional documents Petitioner drafted while unlicensed. Petitioner testified that he did, in fact, draft each of these documents after his suspension.

46. Petitioner's argument, that this was not the unlicensed practice of law because he was not paid by Mr. Beem, is not persuasive. There is no evidence that Petitioner charged Mr. Beem by the document prior to his suspension. Petitioner pursued his interest in a percentage-based monetary award both before and after the suspension. Any distinction based upon the

manner in which Petitioner "charged" for his services is meaningless.

47. Even if Petitioner drafted the documents at no cost for Mr. Beem, his actions still constitute the practice of law. This scenario is squarely addressed by The Florida Bar v. Greene, 589 So. 2d 281 (Fla. 1991), which provides, "[w]e accept the referee's findings that Greene engaged in the practice of law while under suspension. The fact that Greene did not charge a fee for his services and was a personal friend of those for whom he performed the services does not make a difference." Id. at 282, citing The Fla. Bar v. Keehley, 190 So. 2d 173 (Fla. 1966), (Non-attorney who prepared company charters engaged in the unlicensed practice of law even though he performed the services free of charge for family and friends.).

Failure to Pay Assessments

48. Petitioner has not paid the costs or fees assessed against him by the Bar. This fact is not in dispute and is confirmed by Petitioner's testimony. While Petitioner may currently have the inability to pay the fines, there was no evidence of any intention to pay, regardless of ability. To the contrary, Petitioner only spoke with utter disdain and a lack of respect of the regulatory authority governing his former profession.

49. In Department of Financial Services. v. Cephas, Case No. 03-0798PL, 2003 WL 21510765 (Fla. DOAH June 1, 2003; DFS July 25, 2003), the Administrative Law Judge found that "disregard for the regulatory authority . . . and for basic ethical principles" definitively indicated a lack of fitness and trustworthiness. Id. ¶ 45.

Lack of Professionalism in Dealings with Colleagues and Competitors

50. In the 2013 suspension order, the court referred to the referee's finding that, "Norkin is devoid of insight as to the lack of professionalism he exhibits." The Fla. Bar v. Norkin, 132 So. 3d at 88. Petitioner's disciplinary history and his presentation in the instant action fully corroborates this finding. During this proceeding alone, Petitioner demeaned and disparaged the State Attorney's Office, the Miami Police Department, his former brokerage employer, his opposing counsel Brooks, the Fergusons, the Supreme Court Justices, Bar counsel, many of the judges before whom he appeared, DFS, and the other attorneys who attempted to represent Mr. Beem.

51. Rule 69B-215.210 states:

> The Business of Life Insurance is hereby declared to be a public trust in which service all agents of all companies have a common obligation to work together in serving the best interests of the insuring public, by understanding and observing the laws governing Life Insurance in letter and in spirit by presenting accurately and

> completely every fact essential to a client's decision, and by being fair in all relations with colleagues and competitors always placing the policyholder's interests first.

52. The evidence presented is overwhelming that Petitioner lacks the ability to be fair in his relations with colleagues and competitors. For example, Petitioner disregarded this tribunal's June 2, 2016, Order on Pending Motions, which advised Petitioner that he was not to discuss the merits of Ferguson v. Beem. At the administrative hearing, despite repeated concerns expressed by the undersigned regarding relevance, Petitioner testified at length to the merits of Ferguson v. Beem. Further, Petitioner ignored the explicit instructions of the undersigned regarding the need to monitor the docket and timely file his proposed recommended order, in order to try to gain an unfair advantage over DFS by reviewing its proposed recommended order before submitting his own.

53. Petitioner contends he is entitled to a license, because he has never caused harm to a client, and is, therefore, not a risk to the insurance-buying public. In the small sample of cases pertinent to this proceeding, however, Petitioner's assertion is disproved. In the Ferguson bankruptcy proceedings, Petitioner's disregard of the ramifications of his unlicensed practice resulted in the court sanctioning Mr. Beem. Not only did the court repeatedly warn Petitioner to stop drafting

documents for Mr. Beem, it also found that several of the documents had no basis in law or fact, and that the documents attempted to re-litigate matters already resolved by the court. In the Ferguson v. Beem litigation, Petitioner's actions resulted in an attorney's fees award against both Petitioner and his client. Petitioner has not demonstrated, by a preponderance of the evidence, that he is not a risk to the insurance-buying public.

54. The manner in which Petitioner conducted himself at this final hearing corroborates the findings of the Florida Supreme Court's 2013 suspension order. As described by Judge Stafford in the 1999 action and referenced in the suspension order, Petitioner was "constantly accusatory in tone and by choice of words." Petitioner had to be reminded by the undersigned that, "casting aspersions on others who are not a part of this proceeding really are not effective and I'd ask that you calm down a little bit and focus on explaining to me why you believe you're qualified."

55. During the final hearing, Petitioner became very agitated, loud, and laughed inappropriately during his own presentation. While Petitioner maintains he is naturally loud, like the Bar's referee, the undersigned finds this suggestion specious at best. Petitioner spoke barely above a whisper when

he was on cross-examination and having to answer questions he clearly did not like.

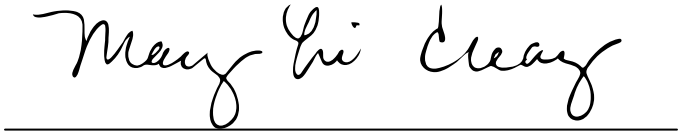
56. Petitioner is correct that the findings of the Florida Supreme Court in his disciplinary proceedings are not res judicata for this administrative hearing. Nor does Petitioner's suspension and disbarment automatically disqualify him from the business of selling insurance. However, there is a plethora of corroborating evidence of Petitioner's lack of fitness or trustworthiness for the business of life insurance sales.

57. Accordingly, Petitioner failed to meet his ultimate burden of proving entitlement to a life, including variable annuity and health, insurance license.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that DFS enter a final order denying Petitioner’s application for licensure as a life, including variable annuity and health, insurance agent in Florida.

DONE AND ENTERED this 30th day of August, 2016, in Tallahassee, Leon County, Florida.



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Filed with the Clerk of the
Division of Administrative Hearings
this 30th day of August, 2016.

ENDNOTES

[1/] The Transcript of the proceedings was filed on July 25, 2016, and the proposed recommended orders were due August 4, 2016. Respondent's Proposed Written Report and Recommended Order were timely filed on that date. Petitioner filed a Notice of Filing Petitioner's Proposed Final Order and Motion for Leave to File Out of Time on August 8, 2016. Petitioner's Motion failed to indicate that he conferred with opposing counsel or DFS' opposition to the Motion. Although Petitioner's excuses for late filing were not "good cause" for the delay, the Motion was granted on August 9, 2016, because Petitioner is appearing pro se, and he has indicated his belief that selling insurance is his only viable work option. The undersigned wanted to provide Petitioner with a full and fair opportunity to prove his case.

On August 16, 2016, Respondent filed a Response to Petitioner's Notice of Filing, and Petitioner also filed a Response to Respondent's response, neither of which were considered in the drafting of this Recommended Order.

[2/] Neither party filed a copy of the referee's recommendation or the Supreme Court's opinion in the The Florida Bar v. Norkin, 858 So. 2d 332 (Fla. 2003). The information regarding the nature of Judge Stafford's Contempt Order came from The Florida Bar v.

Norkin, 132 So. 3d at 88, Petitioner's testimony at final hearing in this matter and his "Response to Order to Show Cause," attached as Exhibit B to Petitioner's Petition for Administrative Hearing.

[3/] Rule 4-3.5(c) provides that "[a] lawyer shall not engage in conduct intended to disrupt a tribunal." Rule 4-8.2(a) states that a lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, or public legal officer. Rule 4-8.4(a) provides that a lawyer shall not violate or attempt to violate the Rules of Professional Conduct. Rule 4-8.4(d) prohibits an attorney from engaging in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage or humiliate other lawyers on any basis.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.