



Feb. 13, 2018

Board of Disciplinary Appeals

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF §
JULIANN KCENIA KARENKO § **CAUSE NO. 60097**
STATE BAR CARD NO. 24058887 §

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline (hereinafter called “Petitioner”), brings this action against Respondent, Juliann Kcenia Karenko, (hereinafter called “Respondent”), showing as follows:

1. This action is commenced by Petitioner pursuant to Part IX of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of Section 7 of this Board’s Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and is licensed and authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Juliann Kcenia Karenko, 600 Bradford Avenue, Kemah, Texas 77565.

3. On or about May 8, 2017, a Complaint was filed in the Supreme Court of Florida, in a matter styled, *The Florida Bar, Complainant v. Juliann K. Karenko, Respondent*, The Florida Bar File No. 2016-00,635 (8A) (Exhibit 1).

4. On or about September 13, 2017, a Conditional Guilty Plea for Consent Judgment was filed in the Supreme Court of Florida, in a matter styled, *The Florida Bar, Complainant v. Juliann K. Karenko, Respondent*, Supreme Court Case No. SC17-857, The Florida Bar File No. 2016-00,635 (8A) (Exhibit 2).

5. On or about October 26, 2017, the Report of Referee Accepting Consent Judgment was filed in the Supreme Court of Florida, in a matter styled, *The Florida Bar, Complainant v. Juliann K. Karenko, Respondent*, Supreme Court Case No. SC17-857, The Florida Bar File No. 2016-00,635 (8A) (Exhibit 3).

6. On or about November 16, 2017, an Order was entered in the Supreme Court of Florida, in a matter styled, *The Florida Bar, Complainant v. Juliann K. Karenko, Respondent*, Case No. SC17-857, Lower Tribunal No(s): No. 2016-00,635 (8A), that states in pertinent part as follows:

...The uncontested report of the referee is approved and respondent is suspended from the practice of law for ten days...

(Exhibit 4).

7. In the Conditional Guilty Plea for Consent Judgment Respondent acknowledged that the following allegations provided the basis for respondent's guilty plea and for the discipline to be imposed:

Pursuant to the conduct listed below, Respondent has violated the following Rules Regulating The Florida Bar: 4-1.1 Competence; 4-1.3 Diligence; 4-1.4 Communication; 4-3.2 Expediting Litigation; 4-8.1 (a) Knowingly make a false statement of material fact; 4-8.1(b) Fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority; and 4-8.4(g) Fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency.

Robert Munsters ("Munsters") and his mother, Bertha Slagboom ("Slagboom") hired Respondent on December 15, 2014, to represent Slagboom in her divorce. After the initial meeting,

Munsters and Slagboom had problems contacting Respondent, both by phone and email. Respondent had relocated to Texas without notice. After repeatedly calling and attempting to e-mail respondent, Munsters finally received an answer. On July 29, 2015, Respondent emailed Munsters a copy of Slagboom's prenuptial agreement, along with a request for documents. Respondent claimed that opposing counsel was not being cooperative. From the docket sheet, it appears that Respondent failed to file any discovery requests with the court, although Munsters stated that he was provided a copy. In September 2015, Munsters informed Respondent that he could no longer cover the monthly costs for his mother's care and that it was imperative something happen immediately or his mother would be forced to leave her assisted-living facility. In response, Respondent blamed opposing counsel, claiming that her calls and correspondence were not returned. Respondent also enclosed documents which she requested Munsters or his brother fill out. On October 5, 2015, Munsters requested his stepfather's financial assistance with Slagboom. His stepfather refused. Munsters' stepfather, however, agreed to assist with moving the divorce forward and to pass information to his attorney, Jennifer Henson. Ms. Henson replied that there was no correspondence from Respondent, including a September 12, 2015 letter that Respondent claimed she had sent. In October 2015, Munsters informed Respondent that he had received an eviction notice from the assisted living facility, and his mother had 45 days to move. On March 9, 2016, Munsters received a phone call from Respondent, who told him that she thought he and his mother would be better served by a local Florida attorney. On March 11, 2016, Respondent filed Wife's Motion for Temporary Support and other relief with the court. On March 28, 2016, Munsters emailed Respondent, requesting all information on the case. On April 5, 2016, Munsters received a packet of incomplete documents from Respondent. Although Respondent, through her counsel, represented that significant legal work was performed, the record does not support that

claim. After initially being hired in December 2014, Respondent, when contacted by Munsters in June 2015, had done nothing to advance Slagboom's case. In addition, contrary to Respondent's assertions that she provided Munsters with a financial affidavit for his mother at their first meeting, Munsters received nothing until September 2015. The affidavit was then completed and filed with the court by October 2015. Respondent first claimed that Munsters was notified of her move to Texas, then stated that he could have always reached her via email or cell phone. This assertion was not true. In her response to The Florida Bar's inquiries, Respondent asserted that she had ongoing communications with Munsters and had worked on Slagboom's case. From the documents supplied by both Munsters and Respondent, Respondent did not communicate with Slagboom or Munsters for approximately nine (9) months. In her response to The Florida Bar's request for more information, Respondent asserted that she provided Munsters with a copy of her e-mail and phone number. Respondent could not supply documentation supporting this assertion. Most recently, Respondent claimed that her computer crashed and she could no longer gain access to the documents.

8. Copies of the Complaint, Conditional Guilty Plea for Consent Judgment, Report of Referee Accepting Consent Judgment and Supreme Court Order attached hereto as Petitioner's Exhibits 1 through 4, and made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce certified copies of Exhibits 1 through 4 at the time of hearing of this cause.

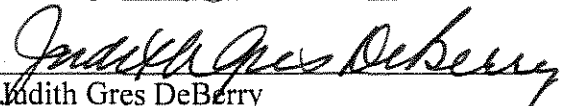
9. Petitioner prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. Petitioner

further prays that upon trial of this matter that this Board enters a judgment imposing discipline identical with that imposed by the Supreme Court of Florida and that Petitioner have such other and further relief to which it may be entitled.

Respectfully submitted,

Linda A. Acevedo
Chief Disciplinary Counsel

Judith Gres DeBerry
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State Bar of Texas
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Judith Gres DeBerry
Bar Card No. 24040780

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that upon receipt of the Order to Show Cause from the Board of Disciplinary Appeals, I will serve a copy of this Petition for Reciprocal Discipline and the Order to Show Cause on Juliann Kcenia Karenko by personal service.

Juliann Kcenia Karenko
609 Bradford Ave., Suite 207
Kemah, Texas 77565


Judith Gres DeBerry

**BODA Internal Procedural Rules
omitted by staff.**

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JULIANN K KARENKO,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2016-00,635 (8A)

_____/

COMPLAINT

The Florida Bar, complainant, files this Complaint against Juliann K Karenko, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and at all times mentioned in the complaint was, a member of The Florida Bar, admitted on April 28, 1998 and is subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent resided and practiced law in Florida and Texas, at all times material.

3. The Eighth Judicial Circuit Grievance Committee A found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

Exhibit

1

4. Robert Munsters (“Munsters”) and his mother, Bertha Slagboom (“Slagboom”) hired respondent on December 15, 2014, to represent Slagboom in her divorce. A Retainer Agreement was executed by Slagboom and respondent was paid a \$7,500 advance fee.

5. After that initial meeting, Munsters and Slagboom began having problems contacting respondent, both by phone and email.

6. Munsters contacted the person who had referred him to respondent and was told that respondent had moved to Texas. Upon further investigation, Munsters found the name of the Texas law firm where respondent was located; however, upon contacting the firm, Munsters was told that respondent had left the firm after two to three days prior and her whereabouts were unknown.

7. No notice of respondent’s relocation, her new address or contact information was provided to Munsters.

8. After repeatedly calling and attempting to e-mail respondent, Munsters finally received an answer from respondent.

9. On July 29, 2015, respondent emailed Munsters a copy of Slagboom’s prenuptial agreement, along with a request for documents. Respondent claimed that opposing counsel was not being cooperative.

10. From the docket sheet, it appears that respondent failed to file any discovery requests with the court, although Munsters stated that he was provided a copy.

11. According to Munsters, this was the first correspondence he had received since hiring respondent.

12. In an email dated September 17, 2015, Munsters informed respondent that he could no longer cover the difference in the monthly costs for his mother's care and that it was imperative something happen immediately or his mother would be forced to leave her assisted-living facility.

13. In response, respondent blamed opposing counsel, claiming that her calls and correspondence were not returned. Respondent also enclosed documents which she requested Munsters or his brother fill out.

14. On October 5, 2015, after speaking with respondent and again being told of problems with opposing counsel, Munsters approached his stepfather, requesting his financial assistance with Slagboom. On advice of counsel, his stepfather refused.

15. Munsters' stepfather, however, agreed to assist with moving the divorce forward and pass information to his attorney, Jennifer Henson.

16. Ms. Henson replied that there was no correspondence from respondent, including a September 12, 2015 letter that respondent claimed she had sent requesting information.

17. Munsters informed respondent via email on October 26, 2015, that he had received an eviction notice from the assisted living facility, Delaney Creek, and his mother had 45 days to move. He further informed respondent that, although he had contacted his stepfather again for assistance, based on advice from his counsel, his stepfather again refused.

18. Further, at this point, Slagboom had fallen, been hospitalized and was headed to a rehabilitation facility for approximately 20 days. Following her stay at the rehabilitation facility, it was unknown where she would be staying, as she could not return to Delaney Creek.

19. On March 9, 2016, Munsters received a phone call from respondent, who told him that she thought he and his mother would be better served by a local Florida attorney.

20. Munsters requested the return of a minimum of \$3,750 (one half) of the initial fee paid respondent, as it had been 15 months and there had been virtually no progress on the case.

21. Respondent agreed to the refund.

22. On March 11, 2016, respondent filed Wife's Motion (and First Amended Motion) for Temporary Support and other relief with the court.

23. On March 28, 2016, Munsters emailed respondent, requesting all information on the case and the agreed upon refund by April 7, 2016.

24. On April 5, 2016, Munsters received a packet of incomplete documents from respondent. Included was a bill for \$6,397.50, which stated that Munsters was eligible for a refund of \$1,102.50.

25. Respondent also stated that in order for Munsters to receive the refund, he had to complete and return a letter releasing her from the case. Munsters refused.

26. According to Munsters, respondent also reversed her position in the letter. She now stated that the prenuptial agreement was binding, a total reversal of her past position.

27. Although respondent, through her counsel, represented that significant legal work was performed, the record does not support that claim. After initially being hired in December 2014, respondent, when contacted by Munsters in June 2015, had done nothing to advance Slagboom's case.

28. In addition, contrary to respondent's assertions that she provided Munsters with a financial affidavit for his mother at their first meeting, Munsters

received nothing until September 2015. The affidavit was then completed and filed with the court by October 2015.

29. Respondent first claimed that Munsters was notified of her move to Texas, then stated that he could have always reached her via email or cell phone. Munsters, in fact, became aware of respondent's whereabouts, not from respondent, but through a third party.

30. In her response to The Florida Bar's inquiries, respondent asserted that she had ongoing communications with Munsters and had worked on Slagbloom's case. From the documents supplied by both Munsters and respondent, respondent did not communicate with Slagboom or Munsters for approximately nine (9) months.

31. In her response to The Florida Bar's request for more information, respondent asserted that she provided Munsters with a copy of her e-mail and phone number. When pressed on this issue respondent could not supply the investigating member or The Florida Bar with documentation supporting this assertion. Most recently, respondent claimed that her computer crashed and she could no longer gain access to the documents.


32. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 4-1.1 Competence; 4-1.3 Diligence; 4-1.4 Communication; 4-3.2 Expediting Litigation; 4-8.1(a) A lawyer in connection

with a disciplinary matter, shall not knowingly make a false statement of material fact; and 4-8.1(b) A lawyer in connection with a bar disciplinary matter, shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter or knowingly fail to respond to a lawful demand for information from a disciplinary authority.

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



James Keith Fisher, Bar Counsel
The Florida Bar
Tallahassee Branch Office
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Tallahassee, Florida 32399-2300
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Florida Bar No. 142158
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ADRIA E. QUINTELA
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(954) 835-0233
Florida Bar No. 897000
aquintel@flabar.org

CERTIFICATE OF SERVICE

I certify that this document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida with a copy provided via email to Respondent's Counsel, at crimlawmarx@aol.com; using the E-filing Portal and that a copy has been furnished by United States Mail via certified mail No. 7017 0190 0000 0892 4989, return receipt requested to Respondent's Counsel, whose record bar address is at 66 West Flagler Street, Suite 1205, Miami, Florida 33130-1809, and via email to James Keith Fisher, Bar Counsel, jfisher@flabar.org, on this 8th day of May, 2017.

Adria E. Quintela

ADRIA E. QUINTELA
Staff Counsel

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

PLEASE TAKE NOTICE that the trial counsel in this matter is James Keith Fisher, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, (850) 561-5845 and jfisher@flabar.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@flabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

JULIANN K KARENKO,

Respondent.

Supreme Court Case
No. SC17-857

The Florida Bar File
No. 2016-00,635 (8A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Juliann K Karenko, 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 acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is not represented in this matter.
3. As to TFB case no. 2016-00,635(8A), there has been a finding of PC by the GC.
4. The disciplinary measures to be imposed upon respondent are as follows:

Exhibit

2

- A. 10-day suspension;
 - B. Complete six hours of CLEs in Ethics within six months of the acceptance of the Report of Referee by the Florida Supreme Court and supply an affidavit to The Florida Bar attesting that they were completed and that they will not be reported to The Florida Bar in her current reporting cycle; and
 - C. Payment of The Florida Bar's costs.
5. 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.
6. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:
- A. Pursuant to the conduct listed below, respondent has violated the following Rules Regulating The Florida Bar: 4-1.1 Competence; 4-1.3 Diligence; 4-1.4 Communication; 4-3.2 Expediting Litigation; 4-8.1(a) Knowingly make a false statement of material fact; 4-8.1(b) Fail to disclose a fact necessary to correct a misapprehension known by the person to have

arisen in the matter or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority; 4-8.4(g) Fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency.

B. Robert Munsters (“Munsters”) and his mother, Bertha Slagboom (“Slagboom”) hired respondent on December 15, 2014, to represent Slagboom in her divorce. A Retainer Agreement was executed by Slagboom and respondent was paid a \$7,500 advance fee.

C. After that initial meeting, Munsters and Slagboom began having problems contacting respondent, both by phone and email.

D. Munsters contacted the person who had referred him to respondent and was told that respondent had moved to Texas. Upon further investigation, Munsters found the name of the Texas law firm where respondent was located; however, upon contacting the firm, Munsters was told that respondent had left the firm after two to three days and her whereabouts were unknown. No notice of respondent’s relocation, her new address or contact information was provided to Munsters.

E. After repeatedly calling and attempting to e-mail respondent, Munsters finally received an answer from respondent.

F. On July 29, 2015, respondent emailed Munsters a copy of Slagboom's prenuptial agreement, along with a request for documents. Respondent claimed that opposing counsel was not being cooperative.

G. From the docket sheet, it appears that respondent failed to file any discovery requests with the court, although Munsters stated that he was provided a copy. According to Munsters, this was the first correspondence he had received since hiring respondent.

H. In an email dated September 17, 2015, Munsters informed respondent that he could no longer cover the monthly costs for his mother's care and that it was imperative something happen immediately or his mother would be forced to leave her assisted-living facility.

I. In response, respondent blamed opposing counsel, claiming that her calls and correspondence were not returned. Respondent also enclosed documents which she requested Munsters or his brother fill out.

J. On October 5, 2015, after speaking with respondent and again being told of problems with opposing counsel, Munsters approached his stepfather, requesting his financial assistance with Slagboom. On advice of counsel, his stepfather refused. Munsters' stepfather, however, agreed to assist with moving the divorce forward and to pass information to his attorney, Jennifer Henson.

K. Ms. Henson replied that there was no correspondence from respondent, including a September 12, 2015 letter that respondent claimed she had sent requesting information.

L. On October 26, 2015, Munsters informed respondent that he had received an eviction notice from the assisted living facility, Delaney Creek, and his mother had 45 days to move. He further informed respondent that, although he had contacted his stepfather again for assistance, based on advice from his counsel, his stepfather again refused.

M. At this point, Slagboom had fallen, been hospitalized and was placed in a rehabilitation facility for approximately 20 days. Following her stay at the rehabilitation facility, it was unknown where she would be staying, as she could not return to Delaney Creek.

N. On March 9, 2016, Munsters received a phone call from respondent, who told him that she thought he and his mother would be better served by a local Florida attorney.

O. Munsters requested the return of a minimum of \$3,750 (one half) of the initial fee paid respondent, as it had been 15 months and there had been virtually no progress on the case. Respondent agreed to the refund.

P. On March 11, 2016, respondent filed Wife's Motion (and First Amended Motion) for Temporary Support and other relief with the court.

Q. On March 28, 2016, Munsters emailed respondent, requesting all information on the case and the agreed upon refund by April 7, 2016.

R. On April 5, 2016, Munsters received a packet of incomplete documents from respondent. Included was a bill for \$6,397.50, which stated that Munsters was eligible for a refund of \$1,102.50. Respondent also stated that in order for Munsters to receive the refund, he had to complete and return a letter releasing her from the case. Munsters refused.

S. Although respondent, through her counsel, represented that significant legal work was performed, the record does not support that claim. After initially being hired in December 2014, respondent, when contacted by Munsters in June 2015, had done nothing to advance Slagboom's case.

T. In addition, contrary to respondent's assertions that she provided Munsters with a financial affidavit for his mother at their first meeting, Munsters received nothing until September 2015. The affidavit was then completed and filed with the court by October 2015.

U. Respondent first claimed that Munsters was notified of her move to Texas, then stated that he could have always reached her via email or cell phone. This assertion was not true because Munsters only became aware of respondent's whereabouts, not from respondent, but through a third party.

V. In her response to The Florida Bar's inquiries, respondent asserted that she had ongoing communications with Munsters and had worked on Slagbloom's case. From the documents supplied by both Munsters and respondent, respondent did not communicate with Slagboom or Munsters for approximately nine (9) months.

W. In her response to The Florida Bar's request for more information, respondent asserted that she provided Munsters with a copy of her e-mail and phone number. When pressed on this issue respondent could not supply the investigating member or The Florida Bar with documentation supporting this assertion. Most recently, respondent claimed that her computer crashed and she could no longer gain access to the documents.

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

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

9. 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 \$1,348.64. 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.

10. Respondent acknowledges the obligation to pay the costs of this proceeding 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 may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

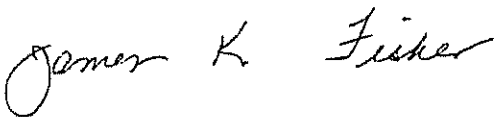
11. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

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

Dated this 13 day of September, 2017.


Juliann K. Karenko
609 Bradford Ave., Ste. 207
Gainesville, FL 32609-2865
(409) 330-6683
Florida Bar ID No.: 139726
www.floridabar.org

Dated this 13th day of September, 2017.


James Keith Fisher, Bar Counsel
The Florida Bar
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IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
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JULIANN K KARENKO,
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Supreme Court Case
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The Florida Bar File
No. 2016-00,635 (8A)

REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On May 8, 2017, The Florida Bar filed its Complaint against Respondent in these proceedings. On May 23, 2017, the undersigned was appointed referee by the Chief Judge. Case Management Conferences were held on June 22, 2017 and July 14, 2017. A Pre-Trial Order was filed on August 16, 2017 and the Final Hearing was set for October 30, 2017. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. **FINDINGS OF FACT**

Exhibit

3

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary of Case.

Robert Munsters ("Munsters") and his mother, Bertha Slagboom ("Slagboom") hired respondent on December 15, 2014, to represent Slagboom in her divorce. A Retainer Agreement was executed by Slagboom and respondent was paid a \$7,500 advance fee.

After that initial meeting, Munsters and Slagboom began having problems contacting respondent, both by phone and email.

Munsters contacted the person who had referred him to respondent and was told that respondent had moved to Texas. Upon further investigation, Munsters found the name of the Texas law firm where respondent was located; however, upon contacting the firm, Munsters was told that respondent had left the firm after two to three days and her whereabouts were unknown. No notice of respondent's relocation, her new address or contact information was provided to Munsters.

After repeatedly calling and attempting to e-mail respondent, Munsters finally received an answer from respondent.

On July 29, 2015, respondent emailed Munsters a copy of Slagboom's prenuptial agreement, along with a request for documents. Respondent claimed that opposing counsel was not being cooperative.

From the docket sheet, it appears that respondent failed to file any discovery requests with the court, although Munsters stated that he was provided a copy. According to Munsters, this was the first correspondence he had received since hiring respondent.

In an email dated September 17, 2015, Munsters informed respondent that he could no longer cover the monthly costs for his mother's care and that it was imperative something happen immediately or his mother would be forced to leave her assisted-living facility.

In response, respondent blamed opposing counsel, claiming that her calls and correspondence were not returned. Respondent also enclosed documents which she requested Munsters or his brother fill out.

On October 5, 2015, after speaking with respondent and again being told of problems with opposing counsel, Munsters approached his stepfather, requesting his financial assistance with Slagboom. On advice of counsel, his stepfather refused. Munsters' stepfather, however, agreed to assist with moving the divorce forward and pass information on to his attorney, Jennifer Henson.

Ms. Henson replied that there was no correspondence from respondent, including a September 12, 2015 letter that respondent claimed she had sent requesting information.

On October 26, 2015, Munsters informed respondent that he had received an eviction notice from the assisted living facility, Delaney Creek, and his mother had 45 days to move. He further informed respondent that, although he had contacted his stepfather again for assistance, based on advice from his counsel, his stepfather again refused.

At this point, Slagboom had fallen, been hospitalized and placed in a rehabilitation facility for approximately 20 days. Following her stay at the rehabilitation facility, it was unknown where she would be staying, as she could not return to Delaney Creek.

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Munsters requested the return of a minimum of \$3,750 (one half) of the initial fee paid respondent, as it had been 15 months and there had been virtually no progress on the case. Respondent agreed to the refund.

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Although respondent, through her counsel, represented that significant legal work was performed, the record does not support that claim. After initially being hired in December, 2014, respondent, when contacted by Munsters in June 2015, had done nothing to advance Slagboom's case.

In addition, contrary to respondent's assertions that she provided Munsters with a financial affidavit for his mother at their first meeting, Munsters received nothing until September 2015. The affidavit was then completed and filed with the court by October 2015.

Respondent first claimed that Munsters was notified of her move to Texas, then stated that he could have always reached her via email or cell phone. This assertion was not true because Munsters only became aware of respondent's whereabouts, not from respondent, but through a third party.

In her response to The Florida Bar's inquiries, respondent asserted that she had ongoing communications with Munsters and had worked on Slagbloom's case. From the documents supplied by both Munsters and respondent, respondent did not communicate with Slagboom or Munsters for approximately nine (9) months.

In her response to The Florida Bar's request for more information, respondent asserted that she provided Munsters with a copy of her e-mail and phone number. When pressed on this issue, respondent could not supply the investigating member or The Florida Bar with documentation supporting this assertion. Most recently, respondent claimed that her computer crashed and she could no longer gain access to the documents.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 4-1.1 Competence; 4-1.3 Diligence; 4-1.4 Communication; 4-3.2 Expediting Litigation; 4-8.1(a) Knowingly make a false statement of material fact; 4-8.1(b) Fail to disclose a fact necessary to correct a misapprehension; 4-8.4(g) Fail to respond, in writing, to any official inquiry by bar counsel or a disciplinary agency.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

4.4 Lack of Diligence

4.42 Suspension is appropriate when:

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

4.5 Lack of Competence

4.52 Suspension is appropriate when a lawyer engages in an area of practice in which the lawyer knowingly lacks competence, and causes injury or potential injury to a client.

4.6 Lack of Candor

4.62 Suspension is appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

6.1 False Statements, Fraud and Misrepresentation

6.12 Suspension is appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action.

7.0 Violations of Other Duties Owed as a Professional

7.2 Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. John Loring Bischof, Case No. SC17-580 – By order dated August 10, 2017, the court approved the report of referee recommending a public reprimand. Respondent neglected two bankruptcy matters, failed to inform his clients that he was closing his practice, and failed to return unearned fees. Respondent has since repaid both clients in full. These two cases slipped through the cracks when respondent closed his practice. All of his other open bankruptcy

cases were successfully transferred to another attorney. Respondent is no longer practicing law.

The Florida Bar v. Carl Roland Hayes, SC16-1370 - By Court order dated May 18, 2017, respondent received a 30-day suspension and attendance at Ethics School. Respondent failed to adequately communicate with his client and ultimately withdrew from the representation after the client filed a motion to remove respondent. Once respondent withdrew from the matter, he failed to timely return the client's files and failed to furnish an itemization of his attorneys' fees. Respondent had a prior public reprimand involving similar misconduct.

The Florida Bar v. Francis Wesley Blankner, Jr., SC16-1971 - By Court order dated February 23, 2017, respondent received a ten-day suspension for neglecting a client's post-conviction relief matter. Respondent ultimately refunded the client's fee. He has previously received an admonishment and a public reprimand for similar misconduct.

The Florida Bar v. Arango, 720 So.2d 248 (Fla. 1998) – attorney received a 30 day suspension for lack of diligence and submission of false evidence during disciplinary process. The attorney had no prior disciplinary history.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that she be disciplined by: A 10-day suspension; and complete six hours of Ethics CLEs within six months of the acceptance of the Report of Referee by the Florida Supreme Court and supply an affidavit to The Florida Bar attesting that the hours have been completed and that they will not be reported during her current reporting cycle; and payment of The Florida Bar's costs.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent, to wit:

Age: 54

Date admitted to the Bar: April 28, 1998

Prior Discipline: None

Aggravating Factors

- (c) a pattern of misconduct;
- (d) multiple offenses;
- (h) vulnerability of victim; and
- (i) substantial experience in the practice of law.

Mitigating Factors

- (a) absence of a prior disciplinary record;
- (c) personal or emotional problems;
- (g) character or reputation; and
- (l) remorse.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED


I find the following costs were reasonably incurred by The Florida Bar:

Administrative Fee	\$1,250.00
Bar Counsel Expenses	<u>\$ 98.64</u>
TOTAL	\$1,348.64

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied

within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 26th day of October 2017.



George Mark Jirotko, Referee
315 Court Street
Clearwater, FL 33756-5165

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927

Conformed Copies to:

Juliann K Karenko, 609 Bradford Ave Ste 207, Kemah, TX 775653087,
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James Keith Fisher, Tallahassee Branch Office, 651 East Jefferson Street,
Tallahassee, Florida 32399-2300, jfisher@flabar.org

Staff Counsel, The Florida Bar, at aquintel@flabar.org

Supreme Court of Florida

THURSDAY, NOVEMBER 16, 2017

CASE NO.: SC17-857

Lower Tribunal No(s):
2016-00,635 (8A)

THE FLORIDA BAR

vs. JULIANN K. KARENKO

Complainant(s)

Respondent(s)

The uncontested report of the referee is approved and respondent is suspended from the practice of law for ten days, effective thirty days from the date of this order so that respondent can close out her practice and protect the interests of existing clients. If respondent notifies this Court in writing that she 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). Respondent is further directed to comply with all other terms and conditions of the report and consent judgment.

Judgment is entered for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, for recovery of costs from Juliann K. Karenko in the amount of \$1,348.64, for which sum let execution issue.

Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date

Exhibit

4

CASE NO.: SC17-857

Page Two

of this suspension.

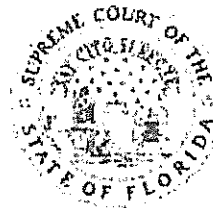
LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON,
and LAWSON, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



dd

Served:

JAMES KEITH FISHER
JULIANN K. KARENKO
ADRIA E. QUINTELA
HON. GEORGE MARK JIROTKA, JUDGE