

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

DAWN M. AUFENANGER,

Respondent.

_____/

Supreme Court Case No.
SC

The Florida Bar File Nos.

2022-50,129(17B)

2023-50,284(17B)

2023-50,663(17B)

2023-50,150(17B)

2023-50,268(17B)

2023-50,676(17B)

2023-50,711(17B)

2025-50,524(17B)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

The undersigned respondent, Dawn M. Aufenanger, files this
Conditional Guilty Plea for Consent Judgment under R. Regulating Fla. Bar
3-7.9.

1. Respondent is, and at all times relevant to this matter was, a
member of The Florida Bar, subject to the jurisdiction of the Supreme Court
of Florida and the Rules Regulating The Florida Bar.

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.

Composite Exhibit A

3. As to Florida Bar File Nos. 2022-50,129(17B); 2023-50,284(17B); and 2023-50,663(17B), there has been a finding of probable cause by the grievance committee.

4. As to Florida Bar File Nos. 2023-50,150(17B); 2023-50,268(17B); 2023-50,676(17B); 2023-50,711(17B); and 2025-50,524(17B), respondent waives the right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause in reference to these matters.

5. The disciplinary measures to be imposed on respondent are:

a. Suspension from the practice of law for six months, effective 30 days from the date of the Supreme Court of Florida's order approving the consent judgment so that respondent can close out respondent's practice and protect the interests of existing clients.

i. On entry of the Court's order, respondent must immediately:

1. accept no new clients from the date of the order;
2. initiate no litigation on behalf of clients from the date of the order;
3. provide a copy of the suspension order to all courts, tribunals, or adjudicative agencies before which respondent is counsel of record; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel, as required by Rule 3-5.1(h);

4. provide a copy of the suspension order to all banks and financial institutions where respondent maintains any account holding funds of clients or third parties in respondent's possession in connection with representation; and
 5. comply with, and provide all documents and testimony responsive to, a subpoena from the bar for trust account records and any related documents necessary for the bar to conduct a trust account audit.
- ii. Within 30 days from the date of the Court's order, respondent must:
1. cease all practice of law in Florida;
 2. cease holding respondent out as a Florida Bar member or lawyer and eliminate all indicia of respondent's status as a Florida Bar member or lawyer on websites, social media, telephone listings, stationery, checks, business cards, office signs, email address, and any other indicia of respondent's status as a Florida Bar member or lawyer;
 3. withdraw from representation of all clients;
 4. wind down all pending matters;
 5. cease withdrawing or disbursing any money from any trust account or other financial institution account holding funds of clients or third parties in respondent's possession in connection with legal representation;
 6. not transfer any ownership of any real or personal property purchased in whole or in part with funds of

clients or third parties in connection with legal representation;

7. provide the bar's headquarters office in Tallahassee with an affidavit listing all of the following that respondent notified of the suspension order: all courts, tribunals, or adjudicative agencies of which respondent is a member; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; all opposing counsel; and each bank or financial institution in which respondent maintains any account holding funds of clients or third parties in respondent's possession in connection with representation; and
 8. provide the bar's headquarters office in Tallahassee with a listing of the receipt and location of any fees or other sums received in connection with the practice of law received by respondent after issuance of the suspension order.
- b. Respondent must fully comply with Rule Regulating The Florida Bar 3-5.1(h).
 - c. Respondent also must fully comply with Rule Regulating The Florida Bar 3-6.1, if applicable.
 - d. Respondent must participate in The Florida Bar's Fee Arbitration Program with Lydia Norris, the complaining witness in The Florida Bar File No. 2022-50,129(17B), by signing a fee arbitration agreement and providing the signed fee arbitration agreement to the bar's headquarters office within 30 days of the date of the Supreme Court of Florida's order approving this consent judgment. Lydia Norris may elect not to participate in fee arbitration. Respondent will be bound by the decision of the arbitrator and make payment in full within 30 days of the award becoming final if an award is made to Lydia Norris. Failure to abide by the decision

of the arbitrator is in direct violation of the Court's order and will result in respondent becoming delinquent and ineligible to practice law.

- e. Respondent must participate in The Florida Bar's Fee Arbitration Program with Marilu Sanchez, the complaining witness in The Florida Bar File No. 2023-50,663(17B), by signing a fee arbitration agreement and providing the signed fee arbitration agreement to the bar's headquarters office within 30 days of the date of the Supreme Court of Florida's order approving this consent judgment. Marilu Sanchez may elect not to participate in fee arbitration. Respondent will be bound by the decision of the arbitrator and make payment in full within 30 days of the award becoming final if an award is made to Marilu Sanchez. Failure to abide by the decision of the arbitrator is in direct violation of the Court's order and will result in respondent becoming delinquent and ineligible to practice law.
- f. Respondent must participate in The Florida Bar's Fee Arbitration Program with Tim Monaco, the complaining witness in The Florida Bar File No. 2023-50,150(17B), by signing a fee arbitration agreement and providing the signed fee arbitration agreement to the bar's headquarters office within 30 days of the date of the Supreme Court of Florida's order approving this consent judgment. Tim Monaco may elect not to participate in fee arbitration. Respondent will be bound by the decision of the arbitrator and make payment in full within 30 days of the award becoming final if an award is made to Tim Monaco. Failure to abide by the decision of the arbitrator is in direct violation of the Court's order and will result in respondent becoming delinquent and ineligible to practice law.
- g. Respondent must participate in The Florida Bar's Fee Arbitration Program with Mayvelin Riveron, the complaining witness in The Florida Bar File No. 2023-50,268(17B), by signing a fee arbitration agreement and providing the signed fee arbitration agreement to the bar's headquarters office within 30 days of the date of the

Supreme Court of Florida's order approving this consent judgment. Mayvelin Riveron may elect not to participate in fee arbitration. Respondent will be bound by the decision of the arbitrator and make payment in full within 30 days of the award becoming final if an award is made to Mayvelin Riveron. Failure to abide by the decision of the arbitrator is in direct violation of the Court's order and will result in respondent becoming delinquent and ineligible to practice law

- h. Respondent must participate in The Florida Bar's Fee Arbitration Program with Ambar Villafuerte, the complaining witness in The Florida Bar File No. 2023-50,676(17B), by signing a fee arbitration agreement and providing the signed fee arbitration agreement to the bar's headquarters office within 30 days of the date of the Supreme Court of Florida's order approving this consent judgment. Ambar Villafuerte may elect not to participate in fee arbitration. Respondent will be bound by the decision of the arbitrator and make payment in full within 30 days of the award becoming final if an award is made to Ambar Villafuerte. Failure to abide by the decision of the arbitrator is in direct violation of the Court's order and will result in respondent becoming delinquent and ineligible to practice law.
- i. Respondent must participate in The Florida Bar's Fee Arbitration Program with Johanne Besselle, the complaining witness in The Florida Bar File No. 2023-50,711(17B), by signing a fee arbitration agreement and providing the signed fee arbitration agreement to the bar's headquarters office within 30 days of the date of the Supreme Court of Florida's order approving this consent judgment. Johanne Besselle may elect not to participate in fee arbitration. Respondent will be bound by the decision of the arbitrator and make payment in full within 30 days of the award becoming final if an award is made to Johanne Besselle. Failure to abide by the decision of the arbitrator is in direct violation of the Court's order and will result in respondent becoming delinquent and ineligible to practice law.

- j. Respondent must participate in The Florida Bar's Fee Arbitration Program with Christine Dittrich, the complaining witness in The Florida Bar File No. 2025-50,524(17B), by signing a fee arbitration agreement and providing the signed fee arbitration agreement to the bar's headquarters office within 30 days of the date of the Supreme Court of Florida's order approving this consent judgment. Christine Dittrich may elect not to participate in fee arbitration. Respondent will be bound by the decision of the arbitrator and make payment in full within 30 days of the award becoming final if an award is made to Christine Dittrich. Failure to abide by the decision of the arbitrator is in direct violation of the Court's order and will result in respondent becoming delinquent and ineligible to practice law.
 - k. Within 90 days of the entry of the order of the Supreme Court of Florida approving this conditional guilty plea for consent judgment, respondent will pay restitution for legal fees to Cynthia Martin, the complaining witness in The Florida Bar File No.2023-50,284(17B), in the amount of \$1800.00. The partial refunds respondent paid to Cynthia Martin, \$100.00 on June 13, 2025, and \$100.00 on August 6, 2025, respectively, shall not be used to reduce the \$1,800.00 restitution amount. Respondent must provide verifiable proof of payment to the Headquarters office of the bar no later than 90 days following the entry of the Court's order approving this consent judgment. Verifiable proof of payment shall consist of a copy (front and back) of the negotiated check or a copy of the check and certified return receipt. Failure to timely provide verifiable proof of payment to the bar will result in respondent being deemed a delinquent member of The Florida Bar under R. Regulating Fla. Bar 1-3.6(d).
 - l. Payment of the bar's discipline costs
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) As to The Florida Bar File No. 2022-50,129(17B):
Respondent was hired to provide legal representation for Lydia Norris in a dissolution of marriage matter. The client paid respondent \$2,500.00. Respondent prepared and presented several documents to the client for review, including a petition for dissolution of marriage. Respondent informed the client that the petition was electronically filed with the clerk of courts, but she failed to ensure that the petition had in fact been docketed by the clerk of courts. Respondent belatedly disclosed to the client that she had made a filing error, and the petition had not been accepted for filing by the clerk of courts. Respondent failed to complete the legal services that she was hired to perform, and she failed to timely respond to the client's requests for status updates. The client hired new counsel, and the new counsel filed the client's petition for dissolution of marriage. Subsequently, respondent refunded the \$500.00 cost retainer to the client. By reason of the foregoing, respondent has violated R. Regulating Fla. Bar: 4-1.3 (diligence); 4-1.4(a) (communication); 4-1.16(a)(2) (declining or terminating representation); and 4-1.16(d) (protection of client's interest).
- (b) As to The Florida Bar File No. 2023-50,284(17B):
Respondent was hired to provide legal representation for Cynthia Martin in a guardianship matter. The client's objective was to be appointed as the legal guardian of her daughter, who has special needs. The client paid respondent \$3,000.00. Respondent failed to progress the client's legal matter, she failed to file a guardianship petition on behalf of the client, and she did not timely respond to the client's requests for status updates about her legal matter. The client hired new counsel, and the court granted her petition for guardianship. Thereafter, the client filed a civil action against respondent, seeking a

refund of the attorney's fees paid, and the court entered a default judgment against respondent for the principal sum of \$2,000.00 plus costs. Subsequently, respondent made two partial refund payments to Cynthia Martin, \$100.00 on June 13, 2025 and \$100.00 on August 6, 2025. By reason of the foregoing, respondent has violated R. Regulating Fla. Bar: 4-1.3 (diligence); 4-1.4(a) (communication); 4-1.16(a)(2) (declining or terminating representation); and 4-1.16(d) (protection of client's interest).

- (c) As to The Florida Bar File No. 2023-50,663(17B):
Respondent was hired to provide legal representation for Marilu Sanchez in a guardianship matter. The client's objective was to be appointed as the legal guardian of her son, who has special needs. The client paid respondent \$3,200.00. Respondent sent the client some documents, including a power of attorney; health care surrogate documents; and a copy of the Health Insurance Portability and Accountability Act (HIPAA) policy. Respondent failed to progress the client's legal matter, she failed to file a guardianship petition on behalf of the client, and she did not timely respond to the client's requests for status updates about her legal matter. Thereafter, respondent sent the client a partial refund of \$500.00. By reason of the foregoing, respondent has violated R. Regulating Fla. Bar: 4-1.3 (diligence); 4-1.4(a) (communication); and 4-1.16(a)(2) (declining or terminating representation).
- (d) As to The Florida Bar File No. 2023-50,150(17B):
Respondent was hired to provide legal representation in a probate matter. The decedent's son-in-law, Tim Monaco, paid respondent \$2,500.00. Respondent was also made aware that one of the objectives of the legal representation was to initiate the legal procedures that would allow for the quick sell of the decedent's home. Respondent failed to file any pleadings with the clerk of courts in the probate matter. Respondent failed to

complete the legal services that she was hired to performed. Thereafter, the decedent's family hired new counsel, and the probate court entered an order of summary administration. By reason of the foregoing, respondent has violated R. Regulating Fla. Bar: 4-1.3 (diligence).

- (e) As to The Florida Bar File No. 2023-50,268(17B):
Respondent was hired to provide legal representation for Mayvelin Riveron in a guardianship matter. The client's objective was to be appointed as the legal guardian of her son, who has special needs. The client paid respondent \$3,000.00. Respondent failed to progress the client's legal matter, she failed to file a guardianship petition on behalf of the client, and she did not timely respond to the client's requests for status updates about her legal matter. The client hired new counsel, and the court granted her petition for guardianship. By reason of the foregoing, respondent has violated R. Regulating Fla. Bar: 4-1.3 (diligence) and 4-1.4(a) (communication).
- (f) As to The Florida Bar File No. 2023-50,676(17B):
Respondent was hired to provide legal representation for Ambar Villafuerte and Hugo Villafuerte in a guardianship matter. The clients' objective was to be appointed as the legal guardian of their daughter, who has special needs. Respondent was paid \$5,000.00 for the legal representation. Respondent sent the clients some documents, including a power of attorney; health care surrogate documents; and a copy of the Health Insurance Portability and Accountability Act (HIPAA) policy. Respondent failed to progress the clients' legal matter, respondent did not file any pleadings on behalf of the clients, and she did not timely respond to the clients' requests for status updates about their legal matter. Thereafter, the clients hired new counsel, and the court granted the petition for guardianship. By reason of the

foregoing, respondent has violated R. Regulating Fla. Bar: 4-1.3 (diligence) and 4-1.4(a) (communication).

- (g) As to The Florida Bar File No. 2023-50,711(17B):
Respondent was hired to provide legal representation in a paternity action. A third party, Johanne Besselle, paid respondent's \$1,500.00 legal representation fee for the benefit of the client. Respondent did not file any pleadings in the paternity action on behalf of the client. Thereafter, respondent refunded \$150.00 to Ms. Besselle. By reason of the foregoing, respondent has violated R. Regulating Fla. Bar: 4-1.5(a) (excessive fees).
- (h) As to The Florida Bar File No. 2025-50,524(17B):
Respondent was hired to provide legal representation for Christine Dittrich, the personal representative of an estate in matters related to a real estate transaction. The client's objective was for a legal action to be filed to facilitate the return of the client's \$25,000.00 escrow deposit. The client paid respondent \$6,000.00. Respondent engaged in settlement negotiations with the opposing party, but those negotiations were not officially concluded before the client hired new counsel. There is no record of respondent filing a civil suit on behalf of the client. Respondent failed to progress the client's legal matter, and she did not timely respond to the client's requests for status updates about her legal matter. By reason of the foregoing, respondent has violated R. Regulating Fla. Bar: 4-1.3 (diligence) and 4-1.4(a) (communication).

7. In mitigation, respondent under Florida's Standards for Imposing Lawyer Sanctions respondent asserts: 3.3(b)(1) absence of prior disciplinary history; 3.3(b)(2) absence of dishonest or selfish motive; 3.3(b)(3) personal problems: During the time period when the misconduct

occurred, respondent experienced significant personal and family issues, including personal medical challenges and she was caring for a child with medical needs; 3.3(b)(5) full and free disclosure to the bar or cooperative attitude toward the proceedings; and 3.3(b)(12) remorse: Respondent has thus far given partial refunds to several clients whose files are addressed in this consent judgment and respondent must participate in the bar's fee arbitration program under the terms of this consent judgment.

8. In aggravation, under Florida's Standards for Imposing Lawyer Sanctions, respondent has 3.2(b)(9) substantial experience in the practice of law.

9. The Florida Bar has approved this proposed plea as required by R. Regulating Fla. Bar 3-7.9.

10. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it has no effect and may not be used by the parties in any way.

11. If this plea is approved, respondent agrees to pay all reasonable costs associated with this case under Rule 3-7.6(q) in the amount of \$1,250.00. 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 will pay interest on any unpaid

costs at the statutory rate. Respondent further agrees these disciplinary costs are not dischargeable in any future proceedings, including, but not limited to, a petition for bankruptcy. Respondent will be delinquent and ineligible to practice law if respondent does not satisfy the cost judgment within 30 days of this order, unless The Florida Bar Board of Governors defers payment under R. Regulating Fla. Bar 1-3.6.

12. 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 evidence of good faith and fiscal responsibility.

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

Dated this 30th day of August, 2025.

Dawn M. Aufenanger
Dawn M. Aufenanger
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(561) 722-2613
Florida Bar No. 656011
daufenanger@gmail.com

Dated this 2nd day of September, 2025.



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Filed with the Supreme Court of Florida via the Florida Courts E-Filing Portal with copies served via the Portal to:

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Patricia Ann Toro Savitz, Staff Counsel, psavitz@floridabar.org

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_____/

STIPULATION TO ENTRY OF AGREED ORDER

The Florida Bar and Dawn M. Aufenanger, stipulate to the entry of the attached order in this case, subject to the approval of the Supreme Court of Florida and state:

Respondent is and, at all times relevant to this matter was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

Respondent is simultaneously tendering a conditional guilty plea under an agreement with The Florida Bar for a consent judgment.

If the conditional guilty plea is approved, respondent agrees to the terms and conditions in the agreed consent judgment and attached order.

It is therefore stipulated by The Florida Bar and respondent that the attached order should be entered on approval of the Supreme Court of Florida.

Dated this 2nd day of September, 2025.

Dawn M. Aufenanger

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Approved by:

Dated this 2nd day of September, 2025.

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