

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2022-70,212 (11G)

v.

ALBERT E. MOON,

Respondent.

_____ /

**GRIEVANCE COMMITTEE'S FINDING OF
NON-COMPLIANCE, FAILURE TO COMPLY WITH A
SUBPOENA DUCES TECUM, AND CONTEMPT**

On November 30, 2023, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, the Eleventh Judicial Circuit Grievance Committee G considered whether to issue a Finding of Non-Compliance, Failure to Comply with a Subpoena Duces Tecum, and Finding of Contempt and made the following findings:

1. On August 18, 2022, respondent was served with a subpoena duces tecum and instructed to provide the responsive documents by September 7, 2022.

2. After three requests for extensions of time, respondent provided a partial production on October 21, 2022.

EXHIBIT

1

3. The bar's Staff Auditor attempted to use the information provided to conduct his review of the trust account. However, from the minimal records provided the auditor was unable to determine if the funds were properly disbursed in complainant's matter, and/or whether complainant is the beneficial owner of any of the funds remaining in the account, from which additional disbursements for complainant's benefit are still pending. A copy of the Staff Auditor's Affidavit, with exhibits, is attached hereto as Exhibit "A."

4. On May 12, 2023, respondent was given notice that the Eleventh Judicial Circuit would hold a hearing on the issue of non-compliance with a trust account subpoena. A copy of the letter dated May 12, 2023, without enclosures, is attached hereto as Exhibit "B."

5. On May 30, 2023, respondent mailed a supplemental production. However, the supplemental production still lacked the required records necessary for the Staff Auditor to determine the beneficial owners of the funds remaining in the trust account.

6. On June 8, 2023, the Staff Auditor emailed specific instructions to respondent concerning the records necessary to complete his review, and provided sufficient time for respondent to re-create the records if necessary. The deadline for respondent to submit the missing

documentation was June 28, 2023, subsequently extended to July 5, 2023.

A copy of the Staff Auditor's Email is attached hereto as Exhibit "C."

7. On July 8, 2023, respondent emailed the Staff Auditor to explain that he could not meet the July 5, 2023, deadline because his computer containing the requested records was inoperable and under repair. Respondent submitted some additional hand written records, and promised the requested records would be forthcoming pending the repair.

8. On August 25, 2023, when the promised records were still not received, the Staff Auditor sent an email reminding respondent of his obligation to submit the missing documentation. The Staff Auditor's Email is attached hereto as Exhibit "D."

9. Having received no additional responsive documentation from respondent, the Staff Auditor notified bar counsel on November 3, 2023 that respondent remained non-compliant with the subpoena duces tecum that was originally served on August 18, 2022.

10. On November 14, 2023, the Bar served respondent with Notice that the Eleventh Judicial Circuit Grievance Committee G would hold a hearing to determine whether Good Cause existed for respondent's non-compliance with a trust account subpoena. A copy of the letter dated November 14, 2023, without enclosures, is attached hereto as Exhibit "E."

11. On November 20, 2023, respondent submitted a response to the grievance committee, which still lacked the complete trust accounting records required by Rule 5-1.2 of the Rules Regulating Trust Accounts, and which was not a complete response to the subpoena duces tecum.

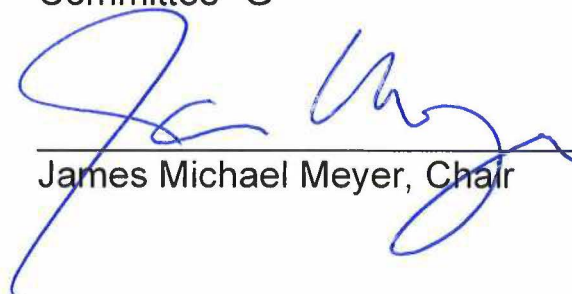
12. As of the date of this notice, Respondent has failed to fully respond to the subpoena duces tecum served on August 18, 2022.

13. On November 30, 2023, The Grievance Committee found that respondent failed to establish good cause for failing to respond to the subpoena duces tecum, and that the non-compliance was willful.

14. The Grievance Committee found respondent to be in contempt and requested The Florida Bar to file a Petition for Contempt and Order to Show Cause with the Supreme Court.

Dated this 6th day of December, 2023.

Eleventh Judicial Circuit Grievance
Committee "G"



James Michael Meyer, Chair

CERTIFICATE OF SERVICE

I certify that this document has been furnished to Albert E. Moon, Respondent, via email to aemoon@mail.com; and to Jordan Alexander Dresnick, Designated Reviewer, via email to jordandresnick@gmail.com, and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, via email to psavitz@floridabar.org, this 12th day of December, 2023.

A handwritten signature in cursive script, reading "S. Manglitz", with a long horizontal flourish extending to the right.

Sharla Manglitz, Bar Counsel

AFFIDAVIT
OF
PATRICK M. DOUGHERTY

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Patrick M. Dougherty says:

1. Affiant is a Senior Auditor for the Lawyer Regulation of The Florida Bar, and is a Certified Public Accountant licensed and in good standing in the State of Florida.
2. This affidavit is based on my personal knowledge and review, and is in reference to the Respondent, Albert E. Moon and Florida Bar File 2022-70,212(11G).
3. For purposes of rendering my opinion as to the Respondent's compliance with The Florida Bar's inquiries and to produce all subpoenaed trust account records, I have considered and reviewed Florida Bar Rule 5-1.2, The Florida Bar's subpoena and inquiries to the Respondent, and the Respondent's responses to the subpoena and inquiries.
4. The Bar's investigation ensued pursuant to a complaint made by Dr. Robert Frankl. The Complainant alleged that the Respondent was disbursing settlement funds that he received on behalf of the Complainant without his authorization and without a signed closing statement. **See Composite Exhibit 1.**

5. After reviewing several documents provided by the Respondent and the Complainant, the Bar issued two subpoenas for trust account information.
6. One was issued to First Horizon Bank requesting copies of the following documents for the Respondent's trust account ending in 0852 and the cost account ending in 9537 for the period August 1, 2019, through July 31, 2022. **See Exhibit 2.**
 - a. Copies of all bank statements.
 - b. Copies of all cancelled checks.
 - c. Copies of all deposit slips.
 - d. Copies of all deposited items.
 - e. Copies of all supporting documentation for all incoming and outgoing wire transfers.
 - f. Copies of all supporting documentation for any inter-account transfers.
7. First Horizon Bank fully responded to the subpoena that was issued.
8. The second was issued to the Respondent requesting the following documents for the trust account ending in 0852 for the period August 1, 2019, through July 31, 2022. **See Exhibit 3.**
 - a. List of the bank, name on the account and account number for all bank accounts.

- b. Original or clearly legible copies of deposit slips if the copies include all data on the original and, in the case of currency and coin, an additional cash receipts book, clearly identifying the date and source of all trust funds received and the client or matter for which the funds were received.
- c. Cancelled checks for all trust accounts, all of which must be numbered consecutively, include all endorsements and all other data and tracking information and clearly identify the client or case by number or name in the memo area of the check.
- d. Other documentary support for all disbursements and transfers from all trust accounts including records of all electronic transfers from client trust accounts, including the name of the person authorizing the transfer, the name of the recipient, confirmation from the banking institution confirming the number of the trust account from which the money is withdrawn and the date and time the transfer was completed.
- e. Original or clearly legible digital copies of all record regarding wire transfers into or out of the trust account, which at a minimum must include the receiving and sending institution's ABA routing numbers and names, and the receiving and sending account holder's name, address and account number. If the receiving financial institution process through a correspondent or intermediary bank, then the records must include the ABA routing number

and name for the intermediary bank. The wire transfer information must also include the name of the client or matter for which the funds were transferred or received, and the purpose of the wire transfer, (eg., “payment on invoice 1234” or John Doe closing”).

- f. Journal of disbursements and receipts for all trust accounts, including columns for receipts, disbursements, transfers and the account balance. The journal should at least contain the identification of the client or matter for which the funds were received, disbursed, or transferred, the check number for all disbursements and the reason for which all trust funds were received, disbursed, or transferred.
- g. A separate file or ledger with an individual card or page for each client matter, showing all individual receipts, disbursements, transfers and any unexpended balance. The file or ledger should contain the identification of the client or matter for which the trust funds were received, disbursed, or transferred, the date on which all trust funds were received, disbursed, or transferred, the check number for all disbursements and the reason for which all trust funds were received, disbursed, or transferred.
- h. Monthly bank or savings and loan association statements for all months for all trust accounts.

- i. Monthly bank reconciliations for all monthly bank or savings and loan association account statements, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal.
 - j. Comparison between the total of the reconciled balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any differences between the two total and the reasons for these differences.
9. The second subpoena also requested the following documents for the cost account ending in 9537 for the period August 1, 2019, through July 31, 2022.
- a. Copies of all bank statements.
 - b. Copies of all cancelled checks.
10. The documents requested in the subpoena to the Respondent were due on September 7, 2022.
11. On August 30, 2022, the Respondent requested a 30-day extension to respond to the subpoena. Respondent provided a partial response with exhibits on September 7, 2022, and an extension was granted to provide the remaining information by October 7, 2022. **See Exhibit 4.**
12. On October 7, 2022, the Respondent requested an additional 7-day extension to respond to the subpoena, which was granted. **See Exhibit 5.**


13. On October 14, 2022, the Respondent requested another 7-day extension to respond to the subpoena, which was also granted. **See Exhibit 6.**
14. After reviewing all of the documents provided by the Respondent in response to the subpoena as well as documents that were previously provided, I found that the Respondent has not complied with the Florida Bar's subpoena, in that the Respondent has still failed to provide the following information for the trust account ending in 0852.
- a. The Respondent did not provide all of the requested deposit slips. Some deposit receipts were provided but not for all of the deposits that were made during the requested period.
 - b. The Respondent did not provide a receipts and disbursements journal that was requested.
 - c. The Respondent only provided two client ledgers. One of the ledgers was a ledger for the Complainant. **See Composite Exhibit 7.**
 - d. The Respondent only provided two of the monthly bank reconciliations that were requested.
 - e. The Respondent did not provide any of the monthly comparisons that were requested.
15. When the Respondent provided his response to the subpoena on October 21, 2022, he stated that he had requested additional materials from his former

assistant in North Carolina and they would be forwarded on receipt. **See Exhibit 8.**

16. On December 28, 2022, I emailed the Respondent to ask if he received any additional information from his assistant. The Respondent never replied to that email. **See Exhibit 9.**

17. I attempted to use the information provided to compile trust account records to determine if the Complainant's funds were still in the trust account but was unable to do so with the information provided.

FURTHER AFFIANT SAYETH NAUGHT



Patrick M. Dougherty, MBA, CPA
Senior Auditor, The Florida Bar


STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 10th day of May, 2023 by Patrick M Dougherty.

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced

FL DL

 James Crandall
Notary Public
State of Florida
My Commission Expires 04/14/2024
Commission No. GG 976796
Bonded through CNA Surety

The Florida Bar Inquiry/Complaint Form

The Florida Bar RECEIVED

NOV 16 2021

PART ONE (See Page 1, PART ONE – Complainant Information.):

**LEGAL DIVISION
TALLAHASSEE, FLORIDA**

Your Name: ROBERT SHELDON FRANKL

Organization: _____

Address: 12671 COUNTRYSIDE TERRACE.City, State, Zip Code: COOPER CITY, FLORIDA 33330Phone: 305-754-0004Email: franklr@bellsouth.netACAP Reference No.: 22-5046

RECEIVED

NOV 16 2021

**THE FLORIDA BAR - ACAP
TALLAHASSEE, FLORIDA**

Does this complaint pertain to a matter currently in litigation? Yes _____ No x**PART TWO (See Page 1, PART TWO – Attorney Information.):**Attorney's Name: ALBERT E. MOON

Florida Bar No. _____

Address: 19 WEST FLAGLER STREET, SUITE 705City, State, Zip Code : MIAMI, FLORIDA 33130Telephone: 305-379-7362 cell 305 775 6262**PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheet).****PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: (attach additional sheet).****PART FIVE (See Page 1, PART FIVE – Signature.): Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.**

ROBERT FRANKL

Print Name

Robert Frankl

Signature

NOVEMBER 5/2021

Date

- 1... MAJOR CONCERN: MISAPPROPRIATION OF TRUST FUNDS
- 2... REQUESTING A FULL AUDIT OF MR. MOON'S TRUST ACCOUNT

From: Robert franklr@bellsouth.net
Subject: Frankl vs Matthew's/Geico
Date: Jun 29, 2021 at 2:16:34 PM
To: Albert Moon AEMOON610@msn.com

Last week approx Mid June 2021, I called your office and your answering service who took my call advised me they would relate to you my call. You did not call me back nor communicate with me by phone, fax or e mail with an update. In fact I did not have an update on my case from you in the last six months. I have concerns since you have the settlement funds of over \$300,000.00 which I did not authorize for almost two years, you avoid my communication, you move out of your Flagler office, do not provide me with a new address which I asked for previously, move out of town some where etc. As you know I did not sign a release for the insurance company but you somehow got the funds nor did I sign a closing statement nor other release documents which you sent after you collected additional funds without my authority. In fact you don't respond to my requests. I think it is about time you respond to me immediately in writing hopefully to clear up all above issues.

Respectfully

Robert Frankl

Sent from my iPhone

From: Robert franklr@bellsouth.net
Subject: Fwd: Frankl vs Matthew's/Geico
Date: Jul 1, 2021 at 8:40:48 PM
To: Steve cell sfrankl@fklegal.com

Moon finally surfaced and deficiently and inadequately responded. It appears he does not read any of my e mails over the years. I don't know who he is representing but it does not appear to be me.

Sent from my iPhone

Begin forwarded message:

From: Albert Moon <AEMOON610@msn.com>
Date: July 1, 2021 at 2:41:24 PM EDT
To: Robert <franklr@bellsouth.net>
Subject: Re: Frankl vs Matthew's/Geico

Dear Dr Frankl,

I am in receipt of your e-mail and apologize for not contacting you sooner. Unfortunately I have been without a secretary for four weeks as her nephew has been in Jackson in a coma and she went to Miami from her home in NC.

In any case your case status is as follows:

PART THREE:

MISAPPROPRIATION OF TRUST FUNDS

COMPLAINT #1 OF ALBERT MOON ESQ. TAKING FUNDS WITHOUT MY AUTHORIZATION AND DEPOSITING.

Albert Moon represented me in a law suit and accident of March 2/12 which I settled on August 15/2019. I gave specific instructions to Mr. Moon not to deposit the check from Geico until I sign the check (endorse) and review the closing statement for accuracy (EXHIBIT 1) which was emailed to Mr. Moon. Further I did not sign the RELEASE for Geico for creating the check. Mr. Moon managed to get the check from Geico without my release and deposited it in his trust account contrary to my instructions to him. No release was signed by me as I expected the check to remain with Geico until I am satisfied with the reductions all providers will give me. Mr. Moon received my email on August 19/19. The case settled on August 15/2019 being a friday. (EXHIBIT 1)

COMPLAINT #2 OF ALBERT MOON ESQ. TAKING FUNDS FROM TRUST ACCOUNT WITHOUT MY AUTHORIZATION

Mr. Moon is already spending settlement trust account funds without my authorization or closing statement. He seems to think the settlement trust account is his operating account or he is treating it the same. Mr. Moon in error sends me a check for \$576.00 with a cover letter hand written made out to Florida Mediation Group. I return the check to Mr. Moon on Nov 13/2020. Trust account funds must not be used as an operating account or money spent without a court order or authorization by the client and closing statement. EXHIBIT # 2,3,4,5.

COMPLAINT #3 OF ALBERT MOON ESQ.

I did not authorize Mr. Moon to settle an attorney fee lien with the prior attorney Mr. Rodman. Mr. Moon accepted a \$6,000.00 payment from Mr. Rodman which came from a trust account of Mr. Rodman which I did not authorize nor sign a closing statement for Mr. Rodman Esq. to release those funds and Mr. Moon was aware of that. Mr. Moon enclosed a closing statement for attorney Rodman for me to sign. I did not sign the closing statement after the fact funds had been taken from the trust account and received by Mr. Moon. I do not agree with that closing statement and for Mr. Moon to receive those funds from the Rodman trust account which I did not authorize to be released. EXHIBITS: 6,7.

COMPLAINT # 4. cont..

COMPLAINT #4 OF ALBERT MOON ESQ. Failure to provide a closing statement for Robert Frankl. It has been two ~~and quarter~~ years since settlement of my case and my attorney ignores me for months to keep me informed about the disbursement of funds, closing statement, the status of the case but assures me he has the funds in his trust account which I did not even authorize. When I spoke to Mr. Moon today by phone he advised me his secretary had been out working remotely and will be working on the closing statement. This explanation I heard from him previously months ago with no end to it. As of Nov 1/2021 He related to me that he sent to Mr. Rodman the first attorney \$6,000.00 or he received \$6,000.00 from Mr. Rodman he is not sure; however, Mr. Rodman is waiving his costs. based on an email he received from attorney Rodman. I asked him to email a copy of that email from Mr. Ronald Rodman. He advised me he would send it over. I received nothing.

COMPLAINT #5 OF ALBERT MOON FAILURE TO RESPOND TO HUMANA REGARDING SUBROGATION CLAIM. A letter from Albert Moon advising me on Dec 30/2020 he is trying to resolve all medical liens and will do a final closing statement. (EXHIBIT 6). On October 16/2021 I receive a letter from HUMANA advising me they sent Mr. Moon written requests for information on several occasions regarding their subrogation claim but they receive no response from Mr. Moon. Humana asks me to keep them current on the case. I spoke to Humana and advised them to provide me with all copies of the CMS 1500 claim forms from providers to divide what is accident related and what is not. Is this not Mr. Moon's job? (EXHIBIT 8)

COMPLAINT #6 OF ALBERT MOON

AT trial Judge Carlos Rodriguez directs Mr. Albert Moon not to mention anything about the defendant Alan Matthews passing away about two weeks ago as it would be prejudicial. Mr. Moon advises the jury that Alan Matthews did not even bother coming to court. Mr. Kasen the lawyer for Geico wants a mistrial. The judge simply wants to rule on this at the end of the trial. I feel this is creating more problems for me should the judge grant a mistrial or Geico appeals the case if not pleased with the outcome. Due to error by Mr. Moon I may take the full financial responsibility of a new trial, unless I settle the case prior to verdict.

COMPLAINT OF ALBERT MOON#7

In the hallway outside the courtroom Mr. Moon pressures me to settle the case giving me all the advantages of settling the case and not having an excess verdict as I would have to hire an appeals lawyer at my expense and the case would end when I would be eighty-five years old (8 years later). Previously Mr. Moon advises me he would take 30% of the settlement not 40% as an incentive. He then tells me the Providers will now take 50% to 75% off their fees but does not give me any dollar figures. He does not even give me any dollar amount of what their fees are.

As Mr. Moon is a legal provider he is now willing to take off his fee 50% at least. So going from 40% of the settlement amount he will take 20% of the settlement amount or jury verdict. At this point he does not even give me the actual amount owing the health care providers or their reductions specifically. In the meantime Mr. Moon has all the money and has no idea when he will release any funds to me. This is never ending.

COMPLAINT OF ALBERT MOON #8 FAILURE TO REPRESENT ME AT THE HEARING OF FEB 2/2020.

On March 20/2017 Mr. Ronald Rodman files motion to withdraw and requests fees and costs Exhibit 9, Judge Carlos Rodriguez order granting motion to withdraw and retain a lien in this matter for costs incurred up to the date of the order. (DID NOT ALLOW FEES). (EXHIBIT 10) The date of this ORDER was March 20/2017.

Knowing that I am not responsible for FEES to Mr. Ronald Rodman I agree to settle the law suit on August 15/2019 upon signing a release, at a later date.

Ronald Rodman and his law office Friedman, Rodman and Frank files a motion for FEES AND COSTS. The prior order on March 20/2017 only allowed COSTS NOT FEES.

Albert Moon at the current hearing of Feb 4/2020 failed to say anything about the prior order by Judge Rodrigueus only allowing costs. As a matter of fact Mr. Moon said absolutely nothing at that Feb. 4/2020 hearing. He only appeared physically with me giving me no representation at all. I could not believe that a lawyer could appear for a client at a hearing and say nothing. The judge ruled for Attorney Lien (Fees) and costs. The prior order of March 20/2017 is still a standing court order which had not been amended nor vacated. EXHIBIT 11. Mr. Moon also failed to take the deposition of Mr. Rodman nor set down an evidentiary hearing prior to the hearing of Feb 4, 2020 dealing with fees and costs.

- A COMPLAINT OF ALBERT MOON #9
- B FAILURE TO RETURN MY PHONE CALLS.
- C FAILURE TO KEEP ME UPDATED ABOUT MY CASE AS TIME PASSES SINCE THE TRIAL AND SETTLEMENT.
- D FAILURE TO PROVIDE ME WITH A CLOSING STATEMENT.
- E FAILURE TO PROVIDE ME WITH HIS NEW ADDRESS AFTER CLOSING HIS OFFICE AND MOVING OUT OF TOWN.
- F I HAVE CONCERNS HE HAS MISAPPROPRIATED TRUST FUNDS AND WOULD LIKE TO HAVE AN AUDIT OF HIS TRUST ACCOUNT. TWO AND ONE QUARTER YEARS PASSED SINCE MR. MOON COLLECTED OVER \$300,000.000 A settlement funds and providing only excuses to me for delays.
- G. I called Mr. Moon on his cell phone APPROX NOV. 3/21 and he answered it. HE GIVES ME AN EXCUSE WHY HE CANNOT PROVIDE ME WITH A CLOSING STATEMENT. HIS SECRETARY IS SICK OR A FAMILY MEMBER IS SICK WHICH IS WHAT HE USUALLY SAYS. HE TELLS ME HE SENT PRIOR ATTORNEY \$ 4,000.00 or he got \$4,000.00 from prior attorney Rodman. HE THEN SAYS HE IS NOT SURE. MR. MOON SEEMS TO BE CONFUSED, BUT HE IS NOT CONFUSED BY NOT PROVIDING A CLOSING STATEMENT AND KEEPING ALL THE FUNDS OVER \$300,000.00.

EXHIBIT 1

From: Robert

Sent: Monday, August 19, 2019 1:06 PM

To: Albert Moon

Subject: 1. Please provide me the Proposed Closing Statement by tomorrow along with the original paid receipts as it relates to all costs.

- * 2. Do not deposit the Geico check until I sign the check and review the closing statement for accuracy. *
- 3. At trial you mentioned that Mr. Rodman's cost is \$10,000.00 and your cost is \$20,000.00 or less.
- 4. At trial you offered me your attorney fee reduction from 40% to 30% for your services.
- 5. I have concerns Mr. Rodman may have improperly accepted the Allstate check and create an appealable issue and concerns he may have mal practiced; therefore, I have concerns he may not be entitled to fees of the \$10,000.00.

Sent from Mail for Windows 10

EXHIBIT 2

3168

17-065
THE FLORIDA BAR FOUNDATION, INC.
ALBERT E. MOON, PA
IOTA TRUST ACCOUNT
19 W. Flagler St., Suite 705
Miami, Florida 33130

DATE 10-21-20 84-7041/2652

PAY
TO THE
ORDER OF

Florida Mediation Group
Five hundred Seventy Six and 00/100
\$ 576.00
DOLLARS

IBERIABANK

FOR

1-0082065/Handel
⑈003168⑈ ⑆265270413⑆

Albert E. Moran PA
19 W Flagler St
Suite 705
Miami FL 33130

Robert Frankl^{ter}
12671 Countrydale ~~Blvd~~
Coconut City, Florida 33330-2711



33330-274171

17-065

EXHIBIT 3

Frank
Florida Mediation Group

Dear Sir:

Please find herein our most recent check-
2168 in the amount of \$576.00 in payment of
Florida Mediation's services.

EXHIBIT 5

ROBERT FRANKL
12671 COUNTRYSIDE TERRACE
COOPER CITY, FL 33330

NOV 13/20

ALBERT MOON P.A.
19 WEST FLAGLER ST.
SUITE 705,
MIAMI, FL 33130

TO ALBERT MOON,

THE ENCLOSED CHECK 3168 HAD BEEN SENT TO MY ADDRESS IN ERROR. IT IS MADE
PAYABLE TO ANOTHER PARTY.

RESPECTFULLY,

ROBERT FRANKL

EXHIBIT 6

LAW OFFICE OF
ALBERT E. MOON
PROFESSIONAL ASSOCIATION
SUITE 705 BISCAYNE BUILDING
19 WEST FLAGLER STREET
MIAMI, FLORIDA 33130



TELEPHONE (305) 379-7362
FAX (305) 379-7365
E-MAIL AEMOON610@MSN.COM

December 30, 2020

Via Email
Dr. Robert Frankl, Esquire

RE: Robert Frankl v. Alan Matthews and GEICO General Insurance Company
Case No. CACE 14-009667
Our File No. 17-065

Dear Dr. Frankl:

We settled the attorney fee lien when Rodman accepted what had been suggested by the mediator. No hearing is now needed.

He has sent me a check for \$6,000 representing the net to you after his fee was taken from the \$10,000 Allstate Matthews settlement.

I am now trying to resolve all the medical liens and will do a final closing statement.

In the meantime, I enclose a closing statement for the Rodman portion of the case. Please sign same and return to me. Please call if you have any questions.

Very truly yours,

/s/ Albert E. Moon
ALBERT E. MOON, ESQUIRE

AEM:ao

Encls.

EXHIBIT T

CLOSING STATEMENT
CLIENT: ROBERT FRANKL V. MATTHEWS
DATE OF ACCIDENT: 3-2-2012

SETTLEMENT AMOUNT \$ 10,000.00

ATTORNEY'S FEE- 40% \$ 4,000.00

COSTS:

ITEMIZED COSTS PAID

TOTAL FEES AND COSTS: \$ 4,000.00

PROCEEDS TO CLIENT: \$ 6,000.00

I HEREBY CERTIFY THAT THE ABOVE IS TRUE AND CORRECT.

It is the client's understanding that he/she solely shall be fully responsible for any additional outstanding liens, assignments, debts and monies owed for medical, doctor and/or hospital bills incurred by ROBERT FRANKL, which are not listed above. The client further agrees to release his/her attorney FRIEDMAN, RODMAN, & FRANK, P.A., from the payment of any medical, doctor, and/or hospital bills incurred as a result of this accident. The client confirms that there are no other health care providers who rendered treatment to the client other than those listed above.

The client understands that there may be additional medical bills other than the ones listed above which they attorneys are not aware of and have not been supplied to the attorneys. Therefore, the client understands that no money is being withheld for payment of these medical bills. If, in the future, any money is owed to any medical provider (other than the ones for which the attorneys have withheld settlement funds), the client understands that he/she is solely responsible for the payment of any bills and hereby releases her attorneys from any obligation to make any payment.

In the event there are any outstanding liens, the client agrees that he/she shall be fully responsible for the payment of said liens and further agrees to reimburse said lien holder. The client further agrees to release his/her attorneys, FRIEDMAN, RODMAN, & FRANK, P.A. from the payment of any such liens.

At the conclusion of this matter, we will retain your legal files for a period of 3 years after we close our file. At the expiration of the 3-year period, we will destroy these files unless you notify us in writing that you wish to take possession of them. We reserve the right to charge administrative fees and costs associated with researching, retrieving, copying and delivering such files.

BY: _____
ROBERT FRANKL

DATED: THIS _____ DAY OF _____, 2020

FRIEDMAN RODMAN
FRANK & ESTRADA
ATTORNEYS AT LAW



Please return mail to:
111 Ryan Court, Suite 200
Pittsburgh, PA 15205

October 16, 2021

Robert Frankl
12671 COUNTRYSIDE TER
COOPER CITY, FL 33330

Re: Member: Frankl, Robert
ID No.: 500452881
Injury Date: March 02, 2012
Legal Entity: Humana Medical Plan, Inc.

Dear Robert Frankl:

Please be advised that Humana has chosen SCIO Health Analytics to assist in the review of medical and/or pharmacy claims.

As you may or may not be aware, Humana is investigating the above-referenced subrogation case with regard to Humana's contractual and equitable subrogation claim.

Humana has sent written requests for information to Albert E Moon, who may or may not be your legal counsel with regard to this matter, on several occasions, but we have received no response. Thus, pursuant to the terms and conditions of Humana's Contract, we shall expect you to include Humana's benefit payments in your claim against the responsible third party and to secure reimbursement to Humana of the contractual subrogation claim when the case is settled. Prior to settlement, we shall expect you to request an updated Humana Record of Claim Payments.

Finally, please bring us current as to the status of this case by indicating the appropriate response(s) below.

Very truly yours,
SCIO Health Analytics

Glenn Mathew
Claims Recovery Specialist

_____ Member has retained new legal counsel. Member's current legal counsel's name, address and telephone number is _____

_____ Settlement completed. SCIO Health Analytics can expect reimbursement by _____, 20____. Please issue draft made payable to SCIO Health Analytics..

_____ Member is currently receiving medical treatments.

_____ Member shall require further medical treatments.

_____ Other _____.

cc: Atty. Albert Moon

E-mail: subromail@sciohealthanalytics.com
Phone: (855) 278 - 5875

Website: www.sciohealthanalytics.com
Fax: (877) 636 - 2685

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CIVIL DIVISION
CASE NO.: CACE14-009667

ROBERT FRANKL,
Plaintiff,

v.

ALAN MATTHEWS and GEICO
GENERAL INSURANCE
COMPANY,
Defendants.

MOTION TO WITHDRAW AS COUNSEL

COME NOW, the firm, FRIEDMAN, RODMAN & FRANK, P.A. and moves this Honorable Court to grant its Motion to Withdraw as Counsels for the Plaintiff, ROBERT FRANKL, on the following grounds:

1. That FRIEDMAN, RODMAN & FRANK, P.A., as attorneys in this matter, are not able to continue to represent the Plaintiff due to a confidential conflict of interest.
2. That FRIEDMAN, RODMAN & FRANK, P.A. has advised Plaintiff of the conflict of interest and the issues related to this Motion to Withdraw. Plaintiff, however, refuses to sign a consent to the withdrawal.
3. That FRIEDMAN, RODMAN & FRANK, P.A. hereby maintains a charging lien for fees and costs expended to date.
4. No undue prejudice or material adverse effect on the interests of the client will result from FRIEDMAN, RODMAN & FRANK, P.A.'s withdrawal.
5. FRIEDMAN, RODMAN & FRANK, P.A. requests this Court permit Plaintiff sixty (60) days to obtain new counsel.

6. All future pleadings for Plaintiff shall be served upon Plaintiff, ROBERT FRANKL, 12671 Countryside Terrace, Cooper City, FL 33330; Phone Number: (305) 754-0004; Email: franklr@bellsouth.net.
7. A proposed order is attached as Exhibit A.
8. The undersigned counsel has conferred with counsel for Defendant, GEICO GENERAL INSURANCE COMPANY, as to whether Defendant has any objections to this Motion. Defense counsel has stated that Defendant defers to the Court's determination of Plaintiff's Motion to Withdraw.

WHEREFORE, these and other reasons to be argued ore tenus, the firm, FRIEDMAN, RODMAN & FRANK, P.A. does pray this Court enter an Order allowing the firm of Friedman, Rodman & Frank, P.A. to withdraw and be relieved from further responsibility in this matter and granting Plaintiff sixty (60) days to obtain new counsel.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by e-mail to: Tobi Perl, Esq. (ftlgeico@geico.com) 8151 Peters Road, Suite 3300, Plantation, FL 33324; Plaintiff, Robert Frankl, (franklr@bellsouth.net), 12671 Countryside Terrace, Cooper City, FL 33330; on this 27th day of February, 2017.

FRIEDMAN, RODMAN & FRANK, P.A.
Attorneys for Plaintiff
3636 West Flagler Street
Miami, FL 33135
T. 305-448-8585
F. 305-448-9818

BY: s/Raquel Y. Reyes-Lao
RAQUEL Y. REYES-LAO, ESQ.
Florida Bar No. 51002
RONALD D. RODMAN, ESQ.
Florida Bar No. 664332
Designated Emails: ronrod.frfr@gmail.com
frtlawservice@gmail.com

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CIVIL DIVISION
CASE NO.: CACE14-009667

ROBERT FRANKL,

Plaintiff,

v.

ALAN MATTHEWS and GEICO
GENERAL INSURANCE
COMPANY,

Defendants.

ORDER GRANTING MOTION TO WITHDRAW

THIS CAUSE HAVING come before this Court on Friedman, Rodman & Frank, P.A.'s Motion to Withdraw as Counsel for Plaintiff, ROBERT FRANKL, and appropriate notice having been given, it is hereby,

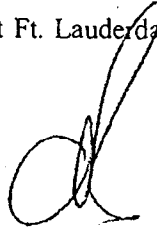
ORDERED AND ADJUDGED:

1. The Motion to Withdraw is **GRANTED**.
2. Friedman, Rodman & Frank, P.A. is hereby permitted to withdraw as attorneys for Plaintiff and shall not have any further duties as attorneys for Plaintiff in this action.
3. Friedman, Rodman & Frank, P.A. retains a lien in this matter for costs incurred up to the date of this Order.
4. Within ^{forty-five (45)} ~~sixty (60)~~ days of the date of this Order, the Plaintiff shall either:
 - a. Retain a new attorney and have that attorney file a written appearance;
 - or
 - b. File a written notification with the clerk advising the court that the party wishes to represent herself. (Note: This option is not

available to corporations. Corporations may only appear through counsel.)

5. All further pleadings and correspondence are to be mailed directly to Plaintiff, Robert Frankl, 12671 Countryside Terrace, Cooper City, FL 33330; Phone Number: (305) 754-0004; Email: franklr@bellsouth.net.

DONE AND ORDERED in Chambers, at Ft. Lauderdale, Broward County, Florida this
20 day of march, 2017.



CIRCUIT COURT JUDGE

CARLOS A. RODRIGUEZ

Copies furnished to:
Ronald D. Rodman, Esquire
Tobi Perl, Esquire
Robert Frankl, 12671 Countryside Terrace, Cooper City, FL 33330

**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 3/4/2020 4:30:00 PM.****

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA
ROBERT FRANKL
Plaintiff,

CASE NO.: CACE 14-9667(14)

vs.
GEICO
Defendant.

Filed in Open Court,
CLERK OF THE CIRCUIT COURT
ON 3-4-2020
BY D. Alfonso

ORDER ON

FRIEDMAN, RODMAN AND FRANK ATTORNEY'S LIEN AND COSTS

THIS CAUSE was considered by the Court on the following Motion(s) FRIEDMAN, RODMAN
AND FRANK PA - ATTORNEY'S LIEN AND COSTS ENTITLEMENT

HEARING was held on 2-4-20

THE COURT having considered the grounds for the Motion, taken testimony, heard argument and considered the applicable law, it is hereby ORDERED as follows:

1. GRANTED, AND
2. THE PARTIES ARE DIRECTED TO MEDIATE THIS CASE
WITHIN 45 DAYS, AND
3. THE COURT APPOINTS CARY FISCHER AS MEDIATOR
UNLESS THE PARTIES AGREE TO ANOTHER MEDIATOR
WITHIN TEN (10) DAYS OF THIS ORDER.

DONE AND ORDERED on MARCH 4, 2020 in Fort Lauderdale,
Broward County, Florida.

Copies furnished: ☒ In Open Court
☐ By Mail
☐ By E-mail/Efiling Portal


CIRCUIT JUDGE
CARLOS A. RODRIGUEZ



Mr. Robert Frankl
12671 Countryside Ter.
Cooper City, FL 33330



1020



32399

U.S. POSTAGE PAID
FCM LG ENV
DAVIE, FL
33328
NOV 05, 21
AMOUNT

\$1.70

R2305E126064-07

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

SUBPOENA DUCES TECUM
(APPEARANCE NOT REQUIRED)

Proceeding by The Florida Bar)
Under the Rules of Discipline)

The Florida Bar File No.
2022-70,212(11G)

TO: First Horizon Bank
FKA Iberia Bank
1515 Sunset Drive, Suite 12
Coral Gables, FL 33143

YOU ARE HEREBY COMMANDED to provide the following documents to Matthew Herdeker, Branch Auditor, at The Florida Bar, Suite M-100, Rivergate Plaza, 444 Brickell Avenue, Miami, Florida 33131:

- 1. Copies of all Bank Statements;**
- 2. Copies of all Cancelled Checks;**
- 3. Copies of all Deposit Slips;**
- 4. Copies of all Deposited Items;**
- 5. Copies of all Supporting Documentation for all Incoming and Outgoing Wire Transfers; and**
- 6. Copies of all Supporting Documentation for any Inter-account Transfers.**

for the for the trust account ending in 0852 and the cost account ending in 9537 maintained at Iberia Bank for the period August 1, 2019, through July 31, 2022.

Please provide the requested materials electronically-via email, Dropbox or similar means to Patrick Dougherty, Branch Auditor at pdougherty@floridabar.org, on or before Tuesday, September 7, 2022.

If you have any questions regarding this subpoena or the method of providing a response, please contact Mr. Dougherty at pdougherty@floridabar.org or telephonically at (813) 870-1182.

Please be advised that The Florida Bar is an arm of the Supreme Court of Florida and, therefore, is entitled to receive state government charges for photocopying and research time. Any questions regarding these charges should be directed to The Florida Bar.

For failure to comply as herein required, you may be deemed to be in contempt of the Supreme Court of Florida.

DATED this 17th day of August, 2022.

RETURN OF SERVICE

I CERTIFY that the foregoing
subpoena was served this _____
day of August, 2022 by _____

(method of service)

Signature and Title of Person
Making Service

GRIEVANCE COMMITTEE 11"G"



JAMES M. MEYER, CHAIR

[IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING A SPECIAL ACCOMMODATION SHOULD CONTACT **JENNIFER R. FALCONE, BAR COUNSEL**, AT THE FLORIDA BAR, 305/377-4445, NOT LATER THAN SEVEN (7) DAYS PRIOR TO THE PROCEEDING].

**IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)**

In Re: Confidential Proceeding by The Florida Bar
under the Rules of Discipline

**SUBPOENA DUCES TECUM
(APPEARANCE NOT REQUIRED)**

TO: Albert Moon, Esq.
19 West Flagler Street, Suite 810
Miami, Florida 33130
Email: aemoon@mail.com

The Florida Bar File
No. 2022-70,212(11G)

YOU ARE HEREBY COMMANDED to provide the following documents to Patrick M. Dougherty, Branch Auditor, at The Florida Bar, Suite M-100, Rivergate Plaza, 444 Brickell Avenue, Miami, Florida 33131, **on or before Tuesday, September 7, 2022:**

The following documents for the trust account ending in 0852 for the period August 1, 2019, through July 31, 2022:

1. List of the bank, name on the account and account number for all bank accounts;
2. Original or clearly legible copies of deposit slips if the copies include all data on the original and, in the case of currency and coin, an additional cash receipts book, clearly identifying the date and source of all trust funds received and the client or matter for which the funds were received;
3. Cancelled checks for all trust accounts, all of which must be numbered consecutively, include all endorsements and all other data and tracking information and clearly identify the client or case by number or name in the memo area of the check;
4. Other documentary support for all disbursements and transfers from all trust account including records of all electronic transfers from client trust accounts, including the name of the person authorizing the transfer, the name of the recipient, confirmation from the banking institution confirming the number of the trust account from which the money is withdrawn and the date and time the transfer was completed;
5. Original or clearly legible digital copies of all records regarding all wire transfers into or out of the trust account, which at a minimum must include the receiving and sending financial institutions' ABA routing numbers and names, and the receiving and sending account holder's name, address and account number. If the receiving financial institution processes through a correspondent or intermediary bank, then the records must include the ABA routing number and name for the intermediary bank. The wire transfer information must also include the name of the client or matter for which the funds were transferred or received, and the purpose of the wire transfer, (e.g., "payment on invoice 1234" or "John Doe closing");
6. Journal of receipts and disbursements for all trust accounts, including columns for receipts, disbursements, transfers, and the account balance. The journal should at least contain the identification of the client or matter for which the funds were received, disbursed or transferred, the date on which all trust funds were received, disbursed, or transferred, the check number for all disbursements and the reason for which all trust funds were received, disbursed, or transferred;

7. A separate file or ledger with an individual card or page for each client or matter, showing all individual receipts, disbursements, transfers and any unexpended balance. The file or ledger should contain the identification of the client or matter for which the trust funds were received, disbursed, or transferred, the date on which all trust funds were received, disbursed, or transferred, the check number for all disbursements and the reason for which all trust funds were received, disbursed, or transferred;
8. Monthly bank or savings and loan association statements for all months for all trust accounts. Bank statements were previously received for the period January 1, 2020, through February 21, 2022. The remaining bank statements need to be provided;
9. Monthly bank reconciliations for all monthly bank or savings and loan association accounts statements, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal;
10. Comparison between the total of the reconciled balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any differences between the 2 totals and reasons for these differences.

The following documents for the cost account ending in 9537 for the period August 1, 2019, through July 31, 2022:

1. Copies of all Bank Statements;
2. Copies of all Cancelled Checks.

The records can be delivered via overnight mail or via email at pdougherty@floridabar.org in lieu of personal appearance. If you have any questions regarding this subpoena or the method of providing a response, please contact Mr. Dougherty via email or telephonically at (813) 870-1182.

For failure to comply as herein required, you may be deemed to be in contempt of the Supreme Court of Florida.

DATED this 17th day of August, 2022.

RETURN OF SERVICE

I CERTIFY that the foregoing subpoena was served this _____ day of August, 2022 by _____

(method of service)

Signature and Title of Person
Making Service

GRIEVANCE COMMITTEE 11"G"



JAMES M. MEYER, CHAIR

[IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING A SPECIAL ACCOMMODATION SHOULD CONTACT **JENNIFER R. FALCONE, BAR COUNSEL**, AT THE FLORIDA BAR, 305/377-4445, NOT LATER THAN SEVEN (7) DAYS PRIOR TO THE PROCEEDING].

Dougherty, Patrick

From: Dougherty, Patrick
Sent: Tuesday, August 30, 2022 10:43 AM
To: 'aemoon@mail.com'
Cc: Falcone, Jennifer R; Fronckowiak, Nancy
Subject: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

I spoke with Jennifer Falcone, Bar Counsel this morning and she agrees to a 30 day extension to provide the requested information. Please provide the requested information by October 7, 2022. As we discussed this morning please provide any information that you do have by September 7, 2022.

Please contact me if you have any additional questions.

Thank you,

Patrick M. Dougherty, MBA, CPA
Auditor
The Florida Bar
2002 N. Lois Ave.
Suite 300
Tampa, FL 33607
813-875-9821 Ext 4303
813-870-1182 Direct Line
813-872-6953 Fax
pdougherty@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

Dougherty, Patrick

From: Dougherty, Patrick
Sent: Friday, October 7, 2022 12:45 PM
To: Albert Moon
Cc: Falcone, Jennifer R; Fronckowiak, Nancy
Subject: RE: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

An extension until October 14, 2022, is granted.

Thank you

Patrick M. Dougherty, MBA, CPA
Auditor
The Florida Bar
2002 N. Lois Ave.
Suite 300
Tampa, FL 33607
813-875-9821 Ext 4303
813-870-1182 Direct Line
813-872-6953 Fax
pdougherty@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Albert Moon <aemoon@mail.com>
Sent: Friday, October 7, 2022 11:19 AM
To: Dougherty, Patrick <PDougherty@floridabar.org>
Subject: Re: Moon, Albert TFB 2022-70,212(11G)

Dear Mr Dougherty,

Today is the last day of the extension to respond to the subpoena. Unfortunately, because I am closing my office, I have had a difficult time locating all of the requested documents to respond to the subpoena.

I have now been informed by my former assistant that she has some of the documents and will forward them by mail from her home in Charlotte, NC. I expect she will mail them today and I should have them next week. Without them I cannot completely respond to the subpoena.

Accordingly I am requesting a further extension to 10/14/22 to respond to the subpoena.

Albert E. Moon

Sent: Tuesday, August 30, 2022 at 10:42 AM
From: "Dougherty, Patrick" <PDougherty@floridabar.org>
To: "aemoon@mail.com" <aemoon@mail.com>

Cc: "Falcone, Jennifer R" <JFalcone@floridabar.org>, "Fronckowiak, Nancy" <NFronckowiak@floridabar.org>
Subject: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

I spoke with Jennifer Falcone, Bar Counsel this morning and she agrees to a 30 day extension to provide the requested information. Please provide the requested information by October 7, 2022. As we discussed this morning please provide any information that you do have by September 7, 2022.

Please contact me if you have any additional questions.

Thank you,

Patrick M. Dougherty, MBA, CPA

Auditor

The Florida Bar

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pdougherty@floridabar.org

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Dougherty, Patrick

From: Dougherty, Patrick
Sent: Monday, October 17, 2022 11:17 AM
To: Albert Moon
Cc: Falcone, Jennifer R
Subject: RE: RE: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

I have been in contact with Ms. Falcone and she agrees to an extension until October 21, 2022, to provide the requested documents.

Thank you,

Patrick M. Dougherty, MBA, CPA
Auditor
The Florida Bar
2002 N. Lois Ave.
Suite 300
Tampa, FL 33607
813-875-9821 Ext 4303
813-870-1182 Direct Line
813-872-6953 Fax
pdougherty@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Albert Moon <aemoon@mail.com>
Sent: Friday, October 14, 2022 6:13 PM
To: Dougherty, Patrick <PDougherty@floridabar.org>
Cc: Falcone, Jennifer R <JFalcone@floridabar.org>
Subject: Re: RE: Moon, Albert TFB 2022-70,212(11G)

Dear Mr Daugherty,

I am once again asking for an additional extension to respond in full to the subpoena. My former assitant in Charlotte, NC promised she would mail the records last week but unfortunately did not mail them to me until this week and I just received them today.

I would request an additional 7 days to make sure I have all the needed records and to do the review required in #10 of the Subpoena and respond.

Sent: Friday, October 07, 2022 at 12:44 PM
From: "Dougherty, Patrick" <PDougherty@floridabar.org>
To: "Albert Moon" <aemoon@mail.com>
Cc: "Falcone, Jennifer R" <JFalcone@floridabar.org>, "Fronckowiak, Nancy" <NFronckowiak@floridabar.org>
Subject: RE: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

An extension until October 14, 2022, is granted.

Thank you

Patrick M. Dougherty, MBA, CPA

Auditor

The Florida Bar

2002 N. Lois Ave.

Suite 300

Tampa, FL 33607

813-875-9821 Ext 4303

813-870-1182 Direct Line

813-872-6953 Fax

pdougherty@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Albert Moon <aemoon@mail.com>
Sent: Friday, October 7, 2022 11:19 AM
To: Dougherty, Patrick <PDougherty@floridabar.org>
Subject: Re: Moon, Albert TFB 2022-70,212(11G)

Dear Mr Dougherty,

Today is the last day of the extension to respond to the subpoena. Unfortunately, because I am closing my office, I have had a difficult time locating

all of the requested documents to respond to the subpoena.

I have now been informed by my former assistant that she has some of the documents and will forward them by mail from her home in Charlotte, NC. I expect she will mail them today and I should have them next week. Without them I cannot completely respond to the subpoena.

Accordingly I am requesting a further extension to 10/14/22 to respond to the subpoena.

Albert E. Moon

Sent: Tuesday, August 30, 2022 at 10:42 AM
From: "Dougherty, Patrick" <PDougherty@floridabar.org>
To: "aemoon@mail.com" <aemoon@mail.com>
Cc: "Falcone, Jennifer R" <JFalcone@floridabar.org>, "Fronckowiak, Nancy" <NFronckowiak@floridabar.org>
Subject: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

I spoke with Jennifer Falcone, Bar Counsel this morning and she agrees to a 30 day extension to provide the requested information. Please provide the requested information by October 7, 2022. As we discussed this morning please provide any information that you do have by September 7, 2022.

Please contact me if you have any additional questions.

Thank you,

Patrick M. Dougherty, MBA, CPA

Auditor

The Florida Bar

2002 N. Lois Ave.

Suite 300

Tampa, FL 33607

813-875-9821 Ext 4303

813-870-1182 Direct Line

813-872-6953 Fax

pdougherty@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

Date: 02/02/21
Time: 11:20 AM

ALBERT E. MOON, P.A.
Trust Detail Report (Selected)
Activity Selected from Beginning Thru 2/2/2021
Account Number : 105 UNITED NATIONAL-TRUST

Composite Exhibit 7
Page: 1
Report 661

Matter Number	Title of Matter	Transact Date	Check Number	Trust Received	Trust Disbursed	Trust Transferred	Trust Balance	Batch Number	Seq Num
13 GENERAL									
15017	Valerie C. Francis-Lee v. Walmart								
	White Mountain INSPECT urance	8/24/2016	345296	67,500.00				16757	1
	COMPUTE pany								
	Valerie Francis Lee: Partial Settlement	8/31/2016	2760		-10,000.00			16758	1
	Proceeds								
	Albert E. Moon, P.A.: Costs	9/16/2016	2761		-4,677.65			16758	2
	Albert E. Moon, P.A.:	1/20/2017	2791		-8,437.50			16758	3
	Fees/Co-Counsel								
	Peter A. Cohen, P.A.:	1/20/2017	2792		-8,437.50			16758	4
	Fees/Co-Counsel								
	Albert E. Moon, P.A.: Costs	3/7/2017	2806		-2,282.45			16758	5
	Albert E. Moon, P.A.: Costs	4/24/2017	2807		-367.50			16758	6
	Granada INSPECT urance	8/3/2020	027272	15,304.42				16760	1
	COMPUTE pany								
	Granada INSPECT urance	9/15/2020	027730	3,400.00				16759	1
	COMPUTE pany								
	Settlement Funds	9/15/2020	027730	3,400.00				16804	1
	Batch No. 027730: Batch No. 027730	9/15/2020	9152020		-3,400.00			16844	1
	posted twice								
	Albert E. Moon, P.A.: Costs	9/24/2020	3160		-910.25			16806	3
	Open MRI: Medical Bill	11/17/2020	3169		-1,000.00			16846	1
	Granada INSPECT . COMPUTE pany	11/20/2020	028390	16,732.78				16845	1
	Albert E. Moon, P.A.: Fees	11/30/2020	3174		-2,091.60			16846	6
	Peter A. Cohen, P.A.: Fees	11/30/2020	3175		-2,091.60			16846	7
	AVMED: Settlement of Subrogation	12/8/2020	3178		-2,849.00			16847	1
	lien								
	Metropolitan: Subrogation Settlement	1/13/2021	3184		-3,249.68			16849	1
	Franklin J. Siegel: Taxable Costs	2/2/2021	3187		-18,570.00			16849	2
	Matter Totals:			106,337.20	-68,364.73	0.00	37,972.47		

Date: 11/10/21
Time: 10:00 PM

ALBERT E. MOON, P.A.
Trust Detail Report (Selected)
Activity Selected from Beginning Thru 11/10/2021
Account Number : 105 UNITED NATIONAL-TRUST

Pa
Report

Matter Number	Title of Matter	Transact Date	Check Number	Trust Received	Trust Disbursed	Trust Transferred	Trust Balance	Batch Number
13	GENERAL							
17065	Ocean Health v. Mathews & GEIC							
	Geico General INSPECT urance.	8/20/2019	N8971808	300,000.00				16706
	COMPUTE pany							
	Albert E. Moon, P.A.: Fees	8/23/2019	3072		-30,000.00			16833
	Albert E. Moon, P.A.: Costs	11/13/2019	3102		-13,547.77			16840
	Albert E. Moon, P.A.: Fees	3/19/2020	3120		-10,000.00			16778
	Albert E. Moon, P.A.: Fees	4/20/2020	3121		-5,000.00			16785
	Albert E. Moon, P.A.: Fees	5/8/2020	3132		-5,000.00			16783
	Albert E. Moon, P.A.: Fees	6/8/2020	3134		-2,500.00			16791
	Florida Mediation Group: Invoice No. 1-0082065	10/21/2020	3168		-576.00			16807
	Friedman Rodman, et al.: Fees on Mathews	12/21/2020	3179		-31,000.00			16847
	Friedman, Rodman & Frank	12/21/2020	32964	6,000.00				16855
	Albert E. Moon, P.A.: Fees	12/31/2020	3180		-6,500.00			16847
	Matter Totals:			306,000.00	-104,123.77	0.00	201,876.23	

ALBERT E. MOON, P.A.

19 West Flagler Street, Suite 810
Miami, Florida 33130
Telephone No. 305-775-6262
Email: albertemoonpa@bellsouth.net
aemoon@mail.com

10-21-22



PATRICK M. DOUGHERTY
THE FLORIDA BAR, SUITE M-100
RIVERGATE PLAZA
444 BRICKELL AVE
MIAMI, FLA 33130

RE FLORIDA BAR FILE 2022-70,212 (119)

DEAR MR DOUGHERTY,

PLEASE FIND ATTACHED AN ADDITIONAL RESPONSE TO THE
BAL SUBPOENA.

THERE ARE PROBABLY ADDITIONAL MATERIALS RESPONSIVE
TO ITEMS 7 AND 10 WHICH I HAVE REQUESTED FROM MY
FORMER ASSISTANT AND WHICH HAVE NOT BEEN RECEIVED
AND WILL BE FORWARDED UPON RECEIPT FROM NORTH CAROLINA.

VERY TRULY YOURS

Albert E. Moon

Dougherty, Patrick

From: Dougherty, Patrick
Sent: Wednesday, December 28, 2022 10:51 AM
To: Albert Moon
Cc: Falcone, Jennifer R; Fronckowiak, Nancy
Subject: RE: RE: RE: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

I am following up to see if you received any additional information from your assistant?

Thank you,

Patrick M. Dougherty, MBA, CPA
Auditor
The Florida Bar
2002 N. Lois Ave.
Suite 300
Tampa, FL 33607
813-875-9821 Ext 4303
813-870-1182 Direct Line
813-872-6953 Fax
pdougherty@floridabar.org

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Albert Moon <aemoon@mail.com>
Sent: Friday, October 21, 2022 4:00 PM
To: Dougherty, Patrick <PDougherty@floridabar.org>
Subject: Fw: RE: RE: Moon, Albert TFB 2022-70,212(11G)

Dear Mr Dougherty,

Thank you for the extension. However, I just mailed the documents today and they are expected to be delivered on Monday

In addition my former assistant has informed me she has computer records and will try send them to me, ASAP. These would include closing statements and

a computer listing of each case and amounts spent from the trust account

Sent: Monday, October 17, 2022 at 11:17 AM
From: "Dougherty, Patrick" <PDougherty@floridabar.org>
To: "Albert Moon" <aemoon@mail.com>
Cc: "Falcone, Jennifer R" <JFalcone@floridabar.org>
Subject: RE: RE: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

I have been in contact with Ms. Falcone and she agrees to an extension until October 21, 2022, to provide the requested documents.

Thank you,

Patrick M. Dougherty, MBA, CPA

Auditor

The Florida Bar

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From: Albert Moon <aemoon@mail.com>
Sent: Friday, October 14, 2022 6:13 PM
To: Dougherty, Patrick <PDougherty@floridabar.org>
Cc: Falcone, Jennifer R <JFalcone@floridabar.org>
Subject: Re: RE: Moon, Albert TFB 2022-70,212(11G)

Dear Mr Daugherty,

I am once again asking for an additional extension to respond in full to the subpoena. My former assitant in Charlotte, NC promised she would mail the records last week but

unfortunately did not mail them to me until this week and I just received them today.

I would request an additional 7 days to make sure I have all the needed records and to do the review required in #10 of the Subpoena and respond.

Sent: Friday, October 07, 2022 at 12:44 PM
From: "Dougherty, Patrick" <PDougherty@floridabar.org>
To: "Albert Moon" <aemoon@mail.com>
Cc: "Falcone, Jennifer R" <JFalcone@floridabar.org>, "Fronckowiak, Nancy" <NFronckowiak@floridabar.org>
Subject: RE: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

An extension until October 14, 2022, is granted.

Thank you

Patrick M. Dougherty, MBA, CPA

Auditor

The Florida Bar

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From: Albert Moon <aemoon@mail.com>
Sent: Friday, October 7, 2022 11:19 AM
To: Dougherty, Patrick <PDougherty@floridabar.org>
Subject: Re: Moon, Albert TFB 2022-70,212(11G)

Dear Mr Dougherty,

Today is the last day of the extension to respond to the subpoena. Unfortunately, because I am closing my office, I have had a difficult time locating

all of the requested documents to respond to the subpoena.

I have now been informed by my former assistant that she has some of the documents and will forward them by mail from her home in Charlotte, NC. I expect she will mail them today and I should have them next week. Without them I cannot completely respond to the subpoena.

Accordingly I am requesting a further extension to 10/14/22 to respond to the subpoena.

Albert E. Moon

Sent: Tuesday, August 30, 2022 at 10:42 AM
From: "Dougherty, Patrick" <PDougherty@floridabar.org>
To: "aemoon@mail.com" <aemoon@mail.com>
Cc: "Falcone, Jennifer R" <JFalcone@floridabar.org>, "Fronckowiak, Nancy" <NFronckowiak@floridabar.org>
Subject: Moon, Albert TFB 2022-70,212(11G)

Mr. Moon,

I spoke with Jennifer Falcone, Bar Counsel this morning and she agrees to a 30 day extension to provide the requested information. Please provide the requested information by October 7, 2022. As we discussed this morning please provide any information that you do have by September 7, 2022.

Please contact me if you have any additional questions.

Thank you,

Patrick M. Dougherty, MBA, CPA

Auditor

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Suite 300

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The Florida Bar

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444 Brickell Avenue
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Miami, Florida 33131-2404
(305) 377-4445

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

May 12, 2023

Via Email to aemoon@mail.com

Albert E. Moon, Esq.
19 West Flagler Street, Suite 810
Miami, FL 33130-4430

***Re: Complaint by Robert Frankl against Albert E. Moon
The Florida Bar File No. 2022-70,212 (11G)***

Dear Mr. Moon:

Please be advised that pursuant to Rule 3-7.4 and 3-7.11 of the Rules of Discipline, and Rule 5-1.2(i) of the Rules Regulating Trust Accounts, the Eleventh Judicial Circuit Grievance Committee "G" will consider whether good cause exists for your failure to comply with the subpoena served on you on August 18, 2022, in *The Florida Bar File No. 2022-70,212(11G)*. In accordance with Rule 3-7.11, the grievance committee shall hear the issue of non-compliance and issue findings thereon.

Pursuant to the requirements of Rule 3-7.4(a), Rules of Discipline, attached is a list of the members of the Grievance Committee 11"G". There will be no appearances by either party or witnesses in this case.

An index reflecting materials which will be considered by the Grievance Committee, along with copies of said materials, is enclosed herewith. Should you wish to present a written statement to the grievance committee pursuant to Rule 3-7.4(h) of the Rules of Discipline, please provide same to me no later than **May 26, 2023**.

Sincerely,

Jennifer R. Falcone
Bar Counsel

Enclosures

EXHIBIT
B

THE FLORIDA BAR

cc: James Michael Meyer, Chair
Jordan Alexander Dresnick, Designated Reviewer

List of Members of Grievance Committee 11“G”.
(Pursuant to the requirements of Rule 3-7.4(a), the following is a list of the
members of the Grievance Committee considering this matter)

James Michael Meyer, Esq., Chair
Martha Mora, Esq., Vice-Chair
Dolly Hernandez, Esq.
Paula Phillips, Esq.
Robert Zarco, Esq.
Natalie Rico, Esq.
Antony Page (NL)
Lydia Sanchez (NL)
Matthew Ross (NL)

Index of Materials to be Reviewed

- A. Affidavit of Branch Auditor Patrick Dougherty dated May 10, 2023, with exhibits 1-9
- B. Emails to/from Respondent and Bar counsel’s secretary sent between January 26-27, 2023

Received Thu 06/08/2023 9:52AM
From Dougherty, Patrick
Subject Moon, Albert TFB 2022-70,212(11G)
To Albert Moon
cc Falcone, Jennifer R; Fronckowiak, Nancy
bcc

Trust Account Activity.xlsx

Mr. Moon,

I have reviewed all of the trust account documents that you have provided including the documents that you provided on or around May 12, 2023. Utilizing all of this information I attempted to compile compliant trust account records in QuickBooks. Because of the lack of information I have not been able to do so.

I have attached a list of all of the transactions that occurred in the trust account from August 1, 2019, through July 31, 2022. On August 1, 2019, the trust account had a balance of \$180,147.83. \$86.00 of this balance was check 3020 that was disbursed for client 18-042 on March 18, 2019, but had not cleared the bank as of August 1, 2019. Please provide a list of the clients and balances that make up the remaining \$180,061.83 in the trust account on August 1, 2019.

On the attached spreadsheet there is a column labeled client. Using the information provided I have attempted to add the client for each of the transactions that occurred during the period that was reviewed. Please review the client entries that I made to verify that they are correct. If any are incorrect please change them to the correct client. In the column for all of the entries where I could not identify the client I have entered unknown. Please fill in the client for all of the transactions labeled as unknown.

After this is done please return the spreadsheet to me by June 28, 2023. Please contact me via email or at my direct line listed below if you have any questions.

Thank you,

Patrick M. Dougherty, MBA, CPA
Senior Auditor
The Florida Bar
PO Box 270729
Tampa, FL 33688
813-875-9821 Ext 4303
813-870-1182 Direct Line
813-872-6953 Fax
pdougherty@floridabar.org

Please note the change in the Tampa Branch mailing address. There is no change to the bar's phone number or email addresses, and email correspondence is preferred to regular mail.

EXHIBIT

C

Received Fri 08/25/2023 2:56PM
From Dougherty, Patrick
Subject Moon, Albert TFB 2022-70,212(11G)
To Albert Moon
cc Falcone, Jennifer R; Fronckowiak, Nancy
bcc

Mr. Moon,

In your July 8, 2023 response you stated that your computer ad died and that it was being repaired. You also stated that you were going to confirm the figures that you provided after you got your computer and that you were going to obtain closing statements and cost printouts from your former secretary if she was able to assist. Could you please provide an update on the status of these records.

Thank you,

Patrick M. Dougherty, MBA, CPA
Senior Auditor
The Florida Bar
PO Box 270729
Tampa, FL 33688
813-875-9821 Ext 4303
813-870-1182 Direct Line
813-872-6953 Fax
pdougherty@floridabar.org

Please note the change in the Tampa Branch mailing address. There is no change to the bar's phone number or email addresses, and email correspondence is preferred to regular mail.

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EXHIBIT
D



The Florida Bar

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Miami, Florida 33131-2404
(305) 377-4445

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

November 14, 2023

Via Email to aemoon@mail.com

Albert E. Moon, Esq.
19 West Flagler Street, Suite 810
Miami, FL 33130-4430

**Re: Complaint by Robert Frankl against Albert E. Moon
The Florida Bar File No. 2022-70,212 (11G)**

Dear Mr. Moon:

Please be advised that pursuant to Rule 3-7.4 and 3-7.11 of the Rules of Discipline, and Rule 5-1.2(i) of the Rules Regulating Trust Accounts, Grievance Committee "G" of the Eleventh Judicial Circuit will consider whether good cause exists for your failure to comply with the subpoena served on you on August 18, 2022. In accordance with Rule 3-7.11, the grievance committee shall hear the issue of non-compliance and issue findings thereon.

Pursuant to the requirements of Rule 3-7.4(a), Rules of Discipline, attached is a list of the members of the Grievance Committee 11"G". There will be no appearances by either party or witnesses in this case.

An index reflecting materials which will be considered by the Grievance Committee, along with copies of said materials, is enclosed herewith. Should you wish to present a written statement to the grievance committee pursuant to Rule 3-7.4(h) of the Rules of Discipline, please provide same to me no later than **November 28, 2023**.

Sincerely,

Sharla Manglitz
Bar Counsel

Enclosures

cc: James Michael Meyer, Chair

EXHIBIT
E

THE FLORIDA BAR

**List of Members of Grievance Committee 11“G”.
(Pursuant to the requirements of Rule 3-7.4(a), the following is a list of the
members of the Grievance Committee considering this matter)**

James Michael Meyer, Esq., Chair
Martha Mora, Esq., Vice-Chair
Dolly Hernandez, Esq.
Paula Phillips, Esq.
Robert Zarco, Esq.
Natalie Rico, Esq.
Miriam Sosa-Silva (NL)
Tawia B. Ansah (NL)

Index of Materials to be Reviewed

- A. Affidavit of Branch Auditor Patrick Dougherty dated May 10, 2023, with exhibits 1-9
- B. Emails to/from Respondent and Bar counsel’s secretary sent between January 27, 2023
- C. Email update from Branch auditor sent to Bar counsel on November 3, 2023, without attachments