

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

THE FLORIDA BAR,
Complainant,

The Florida Bar File
No. 2023-50,323(17E)

v.

TODD J HERMAN,
Respondent.

_____/

**GRIEVANCE COMMITTEE FINDING OF NON-COMPLIANCE AND
FAILURE TO RESPOND TO OFFICIAL BAR INQUIRY AND
CONTEMPT**

On June 29, 2023, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, the Seventeenth Judicial Circuit Grievance Committee "E" considered whether to issue a Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Finding of Contempt and made the following findings:

1. On December 29, 2022, The Florida Bar sent respondent a letter dated December 29, 2022 by regular U.S. Mail to respondent's record bar mailing address 1 E. Broward Blvd., Suite 700, Fort Lauderdale, FL 33301-1876, to advise respondent of the complaint that was filed against him by José Daniel Fernández. in The Florida Bar File No. 2023-50,323(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by January 13, 2023. A copy of the December 29, 2022 letter is attached hereto as "Composite Exhibit A".

2. Respondent failed to respond to bar as requested in the letter of December 29, 2022.

3. On January 20, 2023, the bar sent respondent a letter dated January 20, 2023 by regular U.S. Mail to respondent's record bar mailing address, advising respondent of the complaint that was filed against him in The Florida Bar File No. 2023-50,323(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by January 30, 2023. A copy of the January 20, 2023 letter is attached hereto as "Exhibit B".

4. Respondent failed to respond to bar as requested in the letter of January 20, 2023.

5. On February 15, 2023, the bar sent respondent a letter dated February 15, 2023, to his record bar email address therman@todddhermanlaw.com and by regular U.S. Mail and certified U.S. Mail and to respondent's record bar mailing address, advising respondent of the complaint that was filed against him in The Florida Bar File No. 2023-50,323(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by February 27, 2023. A copy of the February 13, 2023 letter and email is attached hereto as "Composite Exhibit C".

6. Respondent failed to respond to the bar as requested in the February 15, 2023 letter.

7. On April 12, 2023, the bar sent respondent a letter dated April 12, 2023, his record bar email address therman@toddhermanlaw.com, by U.S. Mail to respondent's record bar mailing address, and by U.S. Mail to respondent's residence advising respondent of the complaint that was filed against him in The Florida Bar File No. 2023-50,323(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by April 24, 2023. A copy of the April 12, 2023 letter and email is attached hereto as "Composite Exhibit E".

8. Respondent failed to respond to the bar as requested in the letter of April 12, 2023.

9. On May 22, 2023, the bar sent notice to respondent's record bar mailing address by regular U.S. Mail and by certified mail, to his residential address and to his record bar email address to inform respondent that on June 29, 2023, the Seventeenth Judicial Circuit Grievance Committee "E" would hold a hearing on the bar's Request for Issuance of Notice of Non-Compliance and Finding of Contempt in The Florida Bar File No. 2023-50,323(17E). A copy of the Notice of Hearing is attached hereto as "Exhibit H" and the Request for Issuance of

Notice of Non-Compliance and Finding of Contempt are attached hereto as "Exhibit I".

10. Respondent made no response to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt.

11. As of the date of this Request for Issuance of Notice of Non-Compliance and Finding of Contempt, Respondent has failed to respond to the official Bar inquiries dated December 29, 2022, January 20, 2023, February 15, 2023 and April 12, 2023.

12. The Grievance Committee found that respondent failed to show good cause for failing to respond to the official bar inquiries and that the non-compliance was willful.

13. 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 7th day of July, 2023.

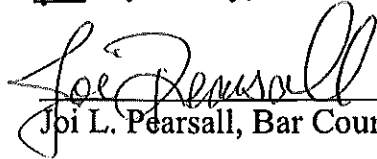
Seventeenth Judicial Circuit Grievance Committee "E"



Daniel Tordella, Chair

CERTIFICATE OF SERVICE

I certify that a copy of this Grievance Committee Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Contempt has been furnished by regular U.S. Mail and by Certified Return Receipt 7018 0040 0001 1070 7291 to Todd J. Herman, 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876 and via e-mail to therman@toddhermanlaw.com; Hilary A. Creary, Designated Reviewer, via email to hilarycreary@hcplegal.com, and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, via e-mail at psavitz@floridabar.org, this 10 day of July, 2023.



Joe L. Pearsall, Bar Counsel



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

May 22, 2023

Via E-Mail to therman@toddhermanlaw.com

Via U.S. Mail and Certified U.S. Mail

Todd J. Herman
1 E Broward Blvd, Ste 700
Fort Lauderdale, FL 33301-1876

Via U.S. Mail and Certified U.S. Mail

Todd J. Herman
2450 SW 81st Avenue, Bldg. 6, Apt. 408
Davie, FL 33324-5765

Re: Complaint by José Daniel Fernández against Todd J. Herman
The Florida Bar File No. 2023-50,323 (17E)

Dear Todd J. Herman:

This letter is to advise you that the Seventeenth Judicial Circuit Grievance Committee "E" will consider the above-referenced case on **June 29, 2023**, pursuant to Rule 3-7.4, Rules Regulating The Florida Bar. The matter to be heard is the **Request For Issuance of Notice of Non-Compliance and Finding of Contempt**.

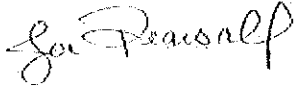
You have the opportunity to make a written statement, sworn or unsworn, explaining, refuting or admitting the alleged misconduct. This statement must be received by me no later than **June 22, 2023**, and may be submitted email to jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Pursuant to Rules Regulating The Florida Bar 3-7.4, the respondent has no right to personally appear before the committee. You may request permission to appear before the committee by submitting a written detailed explanation of the need for a hearing which must include a summary of the information anticipated to be developed through personal appearance.

Exhibit H

THE FLORIDA BAR

The rules do not allow for any right of appeal of the committee's decision allowing or disallowing a personal appearance.

Sincerely,

A handwritten signature in cursive script that reads "Joi Pearsall".

Joi L. Pearsall
Bar Counsel

Enclosure: Grievance Committee Roster

cc: Hanit Simon, Chair
Hilary A. Creary, Designated Reviewer

THE FLORIDA BAR

SEVENTEENTH JUDICIAL CIRCUIT GRIEVANCE COMMITTEE "E"

Hanit L. Simon, Esq., Chair

Maisha Champagne, Esq., Vice Chair

Daniel Francis Tordella, Esq.

Yolanda P. Strader, Esq.

Carlos Davis (NL)

Steve Higgins (NL)

Stanley Zamor (NL)

NOTE:

The above list of grievance committee members is furnished in accordance with Rules Regulating The Florida Bar, chapter 3, Rule 3-7.4, solely for the purpose of determining whether a basis for recusal may exist with respect to any particular member or members of the grievance committee who may hear the matter under consideration. Rule 3-3.4(c) precludes a member of a grievance committee from performing a grievance committee function when that member: (1) is related by blood or marriage to the complainant or respondent; (2) has a financial, business, property or personal interest in the matter under consideration, or with the complainant or respondent; (3) has a personal interest which could be affected by the outcome of the proceedings or which could affect the outcome; or (4) is prejudiced or biased toward either the complainant or the respondent. The individual members of the grievance committee, other than the investigating member, should not be contacted concerning the merits of the matter under consideration. If you determine that a member of the grievance committee should recuse himself or herself from hearing the matter under consideration, you should contact the staff attorney with The Florida Bar who is assigned your file and the grievance committee chair.

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

THE FLORIDA BAR,
Complainant,

The Florida Bar File
No. 2023-50,323(17E)

v.

TODD J. HERMAN,
Respondent.

**REQUEST FOR ISSUANCE OF NOTICE OF NON-COMPLIANCE
AND FINDING OF CONTEMPT**

Pursuant to Rule 3-7.11(f)(2), Rules Regulating The Florida Bar, the undersigned Bar Counsel requests that on **June 29, 2023**, the Seventeenth Judicial Circuit Grievance Committee “E”, hear the issue of whether respondent shall be found in contempt for failure to respond to an official Bar inquiry without good cause shown and states the following:

1. On December 29, 2022, The Florida Bar sent respondent a letter dated December 29, 2022 by regular U.S. Mail to respondent's record Bar address, 1 E. Broward Blvd., Suite 700, Fort Lauderdale, FL 33301-1876. In the December 29, 2022 letter, the bar advised respondent that José Daniel Fernández had filed a complaint against him, that respondent's written response to the bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, and respondent

was requested to respond to the bar by January 13, 2023. A copy of the December 29, 2022 letter is attached hereto as "Composite Exhibit A".

2. Respondent failed to respond to The Florida Bar as requested in the letter of December 29, 2022.

3. On January 20, 2023, The Florida Bar sent a letter dated January 20, 2023, by regular U.S. mail to respondent's record bar address again advising respondent that José Daniel Fernández had filed a complaint against him, that his written response to that bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, that the bar had not received his written response to the bar complaint, and that respondent was requested to respond to the bar by January 30, 2023. A copy of the January 20, 2023 letter is attached hereto as "Exhibit B".

4. Respondent failed to respond to The Florida Bar as requested in the letter of January 20, 2023.

5. On February 15, 2023, the bar sent a letter dated the February 15, 2023, to respondent at his record bar email address therman@toddhermanlaw.com, and by regular U.S. Mail and certified U.S. mail to respondent's record bar address 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876. The February 15, 2023, letter advised respondent that José Daniel Fernández had filed a complaint against him, that his written response to that bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, that the bar had not received his written response to the bar's letters of December 29, 2022 and January 20, 2023,

and that respondent was requested to respond to the bar by February 27, 2023. A copy of the February 15, 2023 letter and email is attached hereto as "Composite Exhibit C".

6. On February 21, 2023, the bar received the certified mail return receipt which showed that the bar's February 15, 2023 letter was delivered to respondent's record bar address on February 17, 2023. A copy of the certified mail return receipt is attached hereto as "Exhibit D".

7. Respondent failed to respond to the bar as requested in the February 15, 2023 letter.

8. On February 24, 2023 and February 27, 2023, respectively, John Berrena, a staff investigator for The Florida Bar, made telephone calls to respondent's office telephone number 954-334-1097 and respondent's cellular telephone number 954-552-7664, and left voicemail messages at each telephone number requesting that respondent contact the bar. No response was received from respondent.

9. On April 12, 2023, the bar sent a letter dated April 12, 2023, to respondent at his record bar email address therman@toddhermanlaw.com, by U.S. Mail to respondent's record bar address 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876, and by U.S. Mail to respondent's residence. The April 12, 2023, letter also advised respondent that José Daniel Fernández had filed a complaint against him, that his written response to that bar complaint was

required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, that the bar had not received his written response to the bar's letters of December 29, 2022, January 20, 2023, and February 15, 2023, and that respondent was requested to respond to the bar by April 24, 2023. A copy of the April 12, 2023 letter and email is attached hereto as "Composite Exhibit E".

10. On April 13, 2023, the bar received a notification that the April 12, 2023 letter that the bar sent by email to respondent's record bar email address was undeliverable. A copy of the April 13, 2023 undeliverable email notification is attached hereto as "Exhibit F". A copy of respondent's member profile from the Floridabar.org website is attached hereto as "Exhibit G".

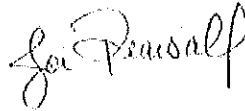
11. Respondent failed to respond to The Florida Bar as requested in the letter of April 12, 2023.

12. On May 10, 2023, staff investigator, John Berrena attempted to contact respondent at his record bar address, 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876. Berrena went to the suite number indicated in respondent's record bar address. Berrena was informed by the receptionist that respondent was not present in the office at that time. Berrena left his business card with the receptionist and asked the receptionist to give the business card to respondent and let respondent know that Berrena would like respondent to call him. Respondent did not contact staff investigator Berrena.

13. As of the date of this Request for Issuance of Notice of Non-Compliance and Finding of Contempt, the respondent has willfully failed to respond to official bar inquiries without good cause.

WHEREFORE, the undersigned bar counsel respectfully requests that this Grievance Committee issue its findings as to whether respondent has willfully failed to respond to official bar inquiries and whether respondent should be held in contempt for failure to respond to official bar inquiries.

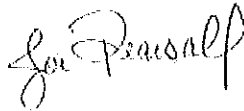
Respectfully submitted,



Joi L. Pearsall, Bar Counsel
The Florida Bar
Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233
Florida Bar No.: 182427
jpearsall@floridabar.org

CERTIFICATE OF SERVICE

I certify this Request for Issuance of Notice of Non-Compliance and Finding of Contempt has been furnished by regular U.S. Mail and Certified U.S. Mail to Respondent, Todd J. Herman, 1 E. Broward Blvd., Ste 700, Fort Lauderdale, FL 33301-1876, and by email to therman@toddhermanlaw.com; by regular U.S. Mail and Certified U.S. Mail #7017 1000 0000 1067 9049; by regular U.S. Mail and Certified U.S. Mail #7017 1000 0000 1067 9056 to Respondent, Todd J. Herman, 2450 SW 81st Avenue, Bldg. 6, Apt. 408, Davie, FL 33324-5765; via email to Hanit Simon, Chair at hs@kblglaw.com; via email to Hilary A. Creary, Designated Reviewer, at hilarycreary@hcpalegal.com; and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 via email at psavitz@floridabar.org, dated this 22 day of May, 2023.



Joi L. Pearsall, Bar Counsel



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

December 29, 2022

Mr. Todd J Herman
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Re: Complaint by José Daniel Fernández against Todd J Herman
The Florida Bar File No. 2023-50,323 (17E)

Dear Mr. Herman:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by **January 13, 2023**. **Responses should not exceed 25 pages** and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). **You are further required to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.**

Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form.

Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. José Daniel Fernández

Composite Exhibit A

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and, if different, to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,323 (17E).

Todd J Herman

CERTIFICATE OF DISCLOSURE
(Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,323 (17E).

Todd J Herman

CERTIFICATE OF NON-LAW FIRM AFFILIATION
(Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 20____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,323 (17E).

Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).
2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.
4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.
5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

December 29, 2022

Mr. José Daniel Fernández
135 West 32nd Street
Hialeah, FL 33012

Re: Todd J Herman; The Florida Bar File No. 2023-50,323 (17E)

Dear Mr. Fernández:

Enclosed is a copy of our letter to Mr. Herman which requires a response to your complaint.

Once you receive Mr. Herman's response, you have 10 days to file a rebuttal if you so desire. **If you decide to file a rebuttal, you must send a copy to Mr. Herman.** Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me.

It is important that you keep The Florida Bar informed of any changes to your contact information.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4 8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4 8.4(g). You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

January 20, 2023

Mr. Todd J. Herman
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Re: Complaint by José Daniel Fernández against Todd J Herman
The Florida Bar File No. 2023-50,323(17E)

Dear Mr. Herman:

As of this date, I have not received a copy of your response to the above complaint. Please be advised that you are obligated to provide a written response pursuant to Rule 4-8.4(g).

Please provide the requested information by **January 30, 2023**. Please note that failure to timely provide this information may be considered a violation of Rule 4-8.4(g).

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

cc: Mr. José Daniel Fernández



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

February 15, 2023

VIA E-Mail to therman@todddhermanlaw.com

VIA U.S. MAIL & CERTIFIED MAIL RETURN RECEIPT
REQUESTED #7017 1000 0000 1067 9827

Mr. Todd J. Herman
1 E Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

Re: Complaint of José Daniel Fernández against Todd J. Herman
The Florida Bar File No. 2023-50,323 (17E)

Dear Mr. Herman:

A bar complaint was filed against you by José Daniel Fernández. On December 29, 2022 and January 20, 2023, The Florida Bar sent letters of inquiry to your record bar mailing address requesting that you submit a written response to the complaint that was filed by Mr. Fernández. To date, the bar has not received your response. Enclosed you will find copies of the bar's December 29, 2022 and January 20, 2023 letters and another copy of the bar complaint. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar.

If a response is not received by **February 27, 2023**, this matter will be forwarded to the grievance committee for further investigation. Please send your response by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please send a copy of your response to the complainant.

Sincerely,

Joi L. Pearsall
Bar Counsel

JP/es

Enclosure

cc: Mr. José Daniel Fernández, Complainant

Composite Exhibit C

Received Wed 02/15/2023 11:19AM
From Emily Sanchez
Subject Fernández v. Herman, TFB File # 2023-50,323
To therman@toddhermanlaw.com
cc j.d.fernandez2216@gmail.com
hec

10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf	Object_CB83426_0.PDF	Object_CB92036_0.DOC.pdf	Object_CC3120A_0.DOC.pdf
---	----------------------	--------------------------	--------------------------

Good morning,

Please see attached documents from Bar Counsel. Your response is due February 27, 2023. Thank you.

10 Day Letter to Respondent - No Response to Complaint Received

(See attached file: 10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf)

Initial Complaint

(See attached file: Object_CB83426_0.PDF)

Respondent Ltr - 15 Day Letter

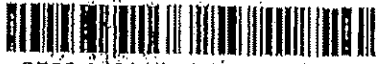
(See attached file: Object_CB92036_0.DOC.pdf)


Respondent Ltr - No Response to 15 Day Ltr Received

(See attached file: Object_CC3120A_0.DOC.pdf)

Emily Sanchez
Legal Assistant
The Florida Bar
Lawyer Regulation – Fort Lauderdale
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, FL 33323
Ph. (954) 835-0233 Ext. 4124
ESanchez@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.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>X Laura Yildiz</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Laura Yildiz</i> C. Date of Delivery <i>2/7/22</i></p>																
<p>1. Article Addressed to:</p> <p><i>Todd J. Herman 1 E. Broward Blvd, Ste. 700 Fort Lauderdale, FL 33301-1876</i></p>  <p>9590 9402 7568 2098 1948 10</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Mail Restricted Delivery		<input type="checkbox"/> Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Collect on Delivery Restricted Delivery																	
<input type="checkbox"/> Mail Restricted Delivery																	
<input type="checkbox"/> Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from cover sheet)</p> <p><i>7017 1000 0000 1067 9827</i></p>																	
<p>PS Form 3811, July 2020 PSN 7530-02-000-8053 Domestic Return Receipt</p>																	

USPS TRACKING#

9590 9408 7568 8098 1948 10

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

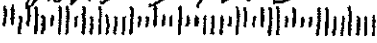
United States Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

RECEIVED

FEB 21 2023

The Florida Bar
Lake Shore Plaza II, Suite 130
1300 Concord Terrace
Sunrise, Florida 33323

THE FLORIDA BAR *2023-50,323*
Fort Lauderdale Office 



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
WWW.FLORIDABAR.org

April 12, 2023

Via E-Mail to therman@toddhermanlaw.com

Via U.S. Mail to:

Todd J. Herman
1 E. Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

Via U.S. Mail to:

Todd J. Herman
2450 SW 81st Avenue, Bldg. 6, Apt. 408
Davie, FL 33324-5765

Re: Complaint of José Daniel Fernández against Todd J Herman
The Florida Bar File No. 2023-50,323 (17E)

Dear Mr. Herman:

On December 29, 2022, January 20, 2023 and February 15, 2023, The Florida Bar sent letters of inquiry to your record bar address requesting that you submit a response to the bar complaint that was filed against you by José Daniel Fernández. Enclosed you will find another copy of the bar's December 29, 2022, January 20, 2023 and February 15, 2023 letters and another copy of the bar complaint. To date, the bar has not received your written response.

Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Additionally, Rule 1-3.3 of the R. Regulating Fla. Bar provides that each member of the bar must designate an official bar name, mailing address, business telephone number and business e-mail address.

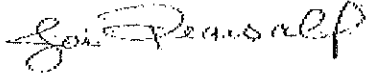
Please send your response by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please

Composite Exhibit E

THE FLORIDA BAR

send a copy of your response to the complainant. If a response is not received by April 24, 2023, this matter will be forwarded to the grievance committee for further investigation.

Sincerely,



Joi L. Pearsall
Bar Counsel

JP/es

Enclosure

cc: José Daniel Fernández, Complainant

Received Wed 04/12/2023 2:50PM
From Joi Pearsall
Subject Fernández v. Herman, The Florida Bar File # 202350323
To therman@toddhermanlaw.com
cc Sanchez, Emily
bcc

10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf

Object_CF2F596_0.PDF

RE: The Florida Bar File No. 2023-50,323(17E)
Complaint of Jose Daniel Fernandez against Todd J. Herman

Todd J. Herman

Attached please find the following correspondence from The Florida Bar to Todd J. Herman regarding The Florida Bar File No. 2023-50,323(17E), requesting a response by April 24, 2023; Letter from The Florida Bar to Todd J. Herman dated April 12, 2023 with enclosures and a copy of the bar complaint filed by Jose Daniel Fernandez against Todd J. Herman.

10 Day Letter to Respondent dated April 12, 2023 - No Response to Complaint Received
(See attached file: *10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf*)

Letter to Respondent with Enclosures April 12, 2023
(See attached file: *Object_CF2F596_0.PDF*)

Joi Pearsall
The Florida Bar
Fl. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, FL 33323

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.

Received Thu 04/13/2023 2:51PM
From Microsoft Outlook
Subject Undeliverable: Fernández v. Herman, The Florida Bar File # 202350323
To therman@toddhermanlaw.com
cc
bcc

RE: The Florida Bar File No. 2023-50,323(17E)
Complaint of Jose Daniel Fernandez against Todd J. Herman

Todd J. Herman

Attached please find the following correspondence from The Florida Bar to Todd J. Herman regarding The Florida Bar File No. 2023-50,323(17E), requesting a response by April 24, 2023: Letter from The Florida Bar to Todd J. Herman dated April 12, 2023 with enclosures and a copy of the bar complaint filed by Jose Daniel Fernandez against Todd J. Herman.

10 Day Letter to Respondent dated April 12, 2023 - No Response to Complaint Received

Letter to Respondent with Enclosures April 12, 2023

Joi Pearsall
The Florida Bar
Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, FL 33323

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.

MEMBER PROFILE

Todd J Herman

Delinquent - CLEP

Not Eligible to Practice Law in Florida



Bar Number:

87252

Mail Address:

Todd J. Herman, P.A.
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Office: 954-334-1097

Cell: 954-552-7664

Fax: 305-436-3811

Physical Address:

1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Office: 954-334-1097

Cell: 954-552-7664

Fax: 305-436-3811

Email:

therman@toddhermanlaw.com

Personal Bar URL:

<https://www.floridabar.org/mybarprofile/87252>

vCard:



County:

Broward

Circuit:

17

Admitted:

12/17/2010

10-Year Discipline History:

None

Law School:

Nova Southeastern University - Shepard Broad College of Law

Federal Courts:

U.S. District Court, Southern District of Florida

State Courts:

Florida

Firm:

Todd J. Herman, P.A.

Firm Size:

2-5

Firm Position:

Managing Partner

Firm Website:

<http://www.toddhermanlaw.com>

The Find a Lawyer directory is provided as a public service. The Florida Bar maintains limited basic information about lawyers licensed to practice in the state (e.g., name, address, year of birth, gender, law schools attended, admission year). However, The Florida Bar allows individual attorneys the opportunity to add

5/11/23, 11:46 AM

Member Profile -- Todd J Herman -- The Florida Bar

personal and professional information to the directory. The lawyer is solely responsible for reviewing and updating any additional information in the directory. The lawyer's added information is not reviewed by The Bar for accuracy and The Bar makes no warranty of any kind, express or implied. The Florida Bar, its Board of Governors, employees, and agents are not responsible for the accuracy of that additional information. Publication of lawyers' contact information in this listing does not mean the lawyers have agreed to receive unsolicited communications in any form. Unauthorized use of this data may result in civil or criminal penalties. The Find a Lawyer directory is not a lawyer referral service.

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

THE FLORIDA BAR,
Complainant,

The Florida Bar File
No. 2023-50,384(17E)

v.

TODD J. HERMAN,
Respondent.

**GRIEVANCE COMMITTEE FINDING OF NON-COMPLIANCE AND
FAILURE TO RESPOND TO OFFICIAL BAR INQUIRY AND
CONTEMPT**

On June 29, 2023, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, the Seventeenth Judicial Circuit Grievance Committee "E" considered whether to issue a Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Finding of Contempt and made the following findings:

1. On January 24, 2023, The Florida Bar sent respondent a letter dated January 24, 2023 by regular U.S. Mail to respondent's record bar mailing address, 1 E. Broward Blvd., Suite 700, Fort Lauderdale, FL 33301-1876, to advise respondent of the complaint that was filed against him by Rebecca Liland. in The Florida Bar File No. 2023-50,384(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by February 8, 2023. A copy of the January 24, 2023 letter is attached hereto as "Composite Exhibit A".

2. Respondent failed to respond to bar as requested in the letter of January 24, 2023.

3. On March 17, 2023, the bar sent respondent a letter dated March 17, 2023 to respondent's record bar email address therman@toddhermanlaw.com, advising respondent of the complaint that was filed against him in The Florida Bar File No. 2023-50,384(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by March 30, 2023. A copy of the March 17, 2023 letter and email attached hereto as "Composite Exhibit B".

4. Respondent failed to respond to bar as requested in the letter of March 17, 2023.

5. On April 12, 2023, the bar sent respondent a letter dated April 12, 2023, to respondent's record bar email address therman@toddhermanlaw.com, by U.S. Mail to respondent's record bar mailing address, and by U.S. Mail to respondent's residence, advising respondent of the complaint that was filed against him in The Florida Bar File No. 2023-50,384(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by April 24, 2023. A copy of the April 12, 2023 letter and email is attached hereto as "Composite Exhibit C".

6. Respondent failed to respond to the bar as requested in the April 12, 2023 letter.

7. On May 19, 2023, the bar sent notice to respondent's record bar mailing address by regular U.S. Mail and by certified mail, to his residential address and to his record bar email address to inform respondent that on June 29, 2023, the Seventeenth Judicial Circuit Grievance Committee "E" would hold a hearing on the bar's Request for Issuance of Notice of Non-Compliance and Finding of Contempt in The Florida Bar File No. 2023-50,384(17E). A copy of the Notice of Hearing is attached hereto as "Exhibit F" and the Request for Issuance of Notice of Non-Compliance and Finding of Contempt are attached hereto as "Exhibit G".

8. Respondent made no response to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt.


9. As of the date of this Request for Issuance of Notice of Non-Compliance and Finding of Contempt, Respondent has failed to respond to the official Bar inquiries dated January 24, 2023, March 17, 2023 and April 12, 2023.

10. The Grievance Committee found that respondent failed to show good cause for failing to respond to the official bar inquiries and that the non-compliance was willful.

11. 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 July, 2023.

Seventeenth Judicial Circuit Grievance
Committee "E"


Daniel Tordella, Chair

CERTIFICATE OF SERVICE

I certify that a copy of this Grievance Committee Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Contempt has been furnished by regular U.S. Mail and by Certified Return Receipt 7017 1000 0000 1067 8783 to, Todd J. Herman, 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876 and via e-mail to therman@toddhermanlaw.com; Hilary A. Creary, Designated Reviewer, via email to hilarycreary@hcplegal.com, and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, via e-mail at psavitz@floridabar.org, this 10 day of July, 2023.


Joy L. Pearsall, Bar Counsel



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

May 19, 2023

Via E-Mail to therman@toddhermanlaw.com,

Via U.S. Mail and Certified U.S. Mail

Todd J. Herman
1 E Broward Blvd, Ste 700
Fort Lauderdale, FL 33301-1876

Via U.S. Mail and Certified U.S. Mail

Todd J. Herman
2450 SW 81st Avenue, Bldg. 6, Apt. 408
Davie, FL 33324-5765

Re: Complaint by Rebecca Liland against Todd J Herman
The Florida Bar File No. 2023-50,384 (17E);

Dear Todd J. Herman:

This letter is to advise you that the Seventeenth Judicial Circuit Grievance Committee "E" will consider the above-referenced case on **June 29, 2023**, pursuant to Rule 3-7.4, Rules Regulating The Florida Bar. The matter to be heard is the **Request For Issuance of Notice of Non-Compliance and Finding of Contempt**.

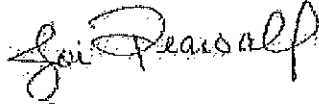
You have the opportunity to make a written statement, sworn or unsworn, explaining, refuting or admitting the alleged misconduct. This statement must be received by me no later than **June 22, 2023**, and may be submitted email to jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Pursuant to Rules Regulating The Florida Bar 3-7.4, the respondent has no right to personally appear before the committee. You may request permission to appear before the committee by submitting a written detailed explanation of the need for a hearing which must include a summary of the information anticipated to be developed through personal appearance.

Exhibit F

THE FLORIDA BAR

The rules do not allow for any right of appeal of the committee's decision allowing or disallowing a personal appearance.

Sincerely,

A handwritten signature in cursive script that reads "Joi Pearsall".

Joi L. Pearsall
Bar Counsel

Enclosure: Grievance Committee Roster

cc: Hanit Lyla Simon, Chair
Hilary A. Creary, Designated Reviewer

THE FLORIDA BAR

SEVENTEENTH JUDICIAL CIRCUIT GRIEVANCE COMMITTEE "E"

Hanit L. Simon, Esq., Chair

Maisha Champagne, Esq., Vice Chair

Daniel Francis Tordella, Esq.

Yolanda P. Strader, Esq.

Carlos Davis (NL)

Steve Higgins (NL)

Stanley Zamor (NL)

NOTE:

The above list of grievance committee members is furnished in accordance with Rules Regulating The Florida Bar, chapter 3, Rule 3-7.4, solely for the purpose of determining whether a basis for recusal may exist with respect to any particular member or members of the grievance committee who may hear the matter under consideration. Rule 3-3.4(c) precludes a member of a grievance committee from performing a grievance committee function when that member: (1) is related by blood or marriage to the complainant or respondent; (2) has a financial, business, property or personal interest in the matter under consideration, or with the complainant or respondent; (3) has a personal interest which could be affected by the outcome of the proceedings or which could affect the outcome; or (4) is prejudiced or biased toward either the complainant or the respondent. The individual members of the grievance committee, other than the investigating member, should not be contacted concerning the merits of the matter under consideration. If you determine that a member of the grievance committee should recuse himself or herself from hearing the matter under consideration, you should contact the staff attorney with The Florida Bar who is assigned your file and the grievance committee chair.

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

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2023-50,384(17E)

v.

TODD J. HERMAN,

Respondent.

**REQUEST FOR ISSUANCE OF NOTICE OF NON-COMPLIANCE
AND FINDING OF CONTEMPT**

Pursuant to Rule 3-7.11(f)(2), Rules Regulating The Florida Bar, the undersigned Bar Counsel requests that on **June 29, 2023**, the Seventeenth Judicial Circuit Grievance Committee "E", hear the issue of whether respondent shall be found in contempt for failure to respond to an official Bar inquiry without good cause shown and states the following:

1. On January 24, 2023, The Florida Bar sent respondent a letter dated January 24, 2023 by regular U.S. Mail to respondent's record Bar address, 1 E. Broward Blvd., Ste 700, Fort Lauderdale, FL 33301-1876. In the January 24, 2023 letter, the bar advised respondent that Rebecca Liland had filed a complaint against him, that his written response to that bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, and respondent was requested to respond to the bar by February 8, 2023. A copy of the January 24, 2023 letter is attached hereto as "Composite Exhibit A".

Exhibit G

2. Respondent failed to respond to The Florida Bar as requested in the letter of January 24, 2023.

3. On March 17, 2023, The Florida Bar sent a letter dated March 17, 2023, to respondent's record bar email address therman@toddhermanlaw.com; again advising respondent that Rebecca Liland had filed a complaint against him, that his written response to that bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, that the bar had not received his response to the bar's January 24, 2023 letter, and respondent was requested to respond to the bar by March 30, 2023. A copy of the March 17, 2023 letter and email is attached hereto as "Composite Exhibit B".

4. Respondent failed to respond to The Florida Bar as requested in the letter of March 17, 2023.

5. On April 12, 2023, The Florida Bar sent a letter dated April 12, 2023, to respondent's record bar email address therman@toddhermanlaw.com, by U.S. Mail to respondent's record bar address 1 E. Broward Blvd., Ste 700, Fort Lauderdale, FL 33301-1876, and by U.S. Mail to respondent's residence. The April 12, 2023 letter also advised respondent that Rebecca Liland had filed a complaint against him, that his written response to that bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, that the bar had not received his written response, and respondent was requested to respond to the bar by April 24, 2023. A copy of the April 12, 2023 letter and the email is attached hereto as "Composite Exhibit C".

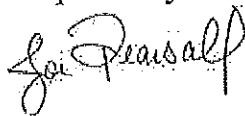
6. On April 13, 2023, the bar received a notification that the April 12, 2023 letter that the bar sent by email to respondent's record bar email address was undeliverable. A copy of the April 13, 2023 undeliverable email notification¹ is attached hereto as "Exhibit D". A copy of respondent's member profile from the Floridabar.org website is attached as "Exhibit E".

7. Respondent failed to respond to The Florida Bar as requested in the letter of April 12, 2023.

8. As of the date of this Request for Issuance of Notice of Non-Compliance and Finding of Contempt, the respondent has willfully failed to respond to official bar inquiries without good cause.

WHEREFORE, the undersigned Bar Counsel respectfully requests that this Grievance Committee issue its findings as to whether respondent has willfully failed to respond to official bar inquiries and whether respondent should be held in contempt for failure to respond to official bar inquiries.

Respectfully submitted,



Joi L. Pearsall, Bar Counsel
The Florida Bar
Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233
Florida Bar No.: 182427
jpearsall@floridabar.org

¹ pp. 1-2 of (redacted) undeliverable email notification.

CERTIFICATE OF SERVICE

I certify this Request for Issuance of Notice of Non-Compliance and Finding of Contempt has been furnished by regular U.S. Mail and certified U.S. mail 7017 1000 0000 1067 9025 to Respondent, Todd J. Herman, 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876, and by email to therman@toddhermanlaw.com; by regular U.S. Mail and certified U.S. Mail 7017 1000 0000 1067 9032 to Respondent, Todd J. Herman, 2450 SW 81st Avenue, Bldg. 6, Apt. 408, Davie, FL 33324-5765; and via email to Hanit Lyla Simon, Chair at hs@kblglaw.com; via email to Hilary A. Creary, Designated Reviewer at hilarycreary@hcpalegal.com; and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 via email at psavitz@floridabar.org, dated this 19 day of May, 2023.



Joi L. Pearsall, Bar Counsel



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

January 24, 2023

Mr. Todd J Herman
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Re: Complaint by Rebecca Liland against Todd J Herman
The Florida Bar File No. 2023-50,384 (17E)

Dear Mr. Herman:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by **February 8, 2023**. **Responses should not exceed 25 pages** and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). **You are further required to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.**

Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form.

Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Ms. Rebecca Liland

Composite Exhibit A

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and, if different, to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

CERTIFICATE OF DISCLOSURE
(Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

CERTIFICATE OF NON-LAW FIRM AFFILIATION
(Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 20____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).
2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.
4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.
5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

January 24, 2023

Ms. Rebecca Liland
313 Fletcher Street
Morganton, NC 28655

Re: Todd J Herman; The Florida Bar File No. 2023-50,384 (17E)

Dear Ms. Liland:

Enclosed is a copy of our letter to Mr. Herman which requires a response to your complaint.

Once you receive Mr. Herman's response, you have 10 days to file a rebuttal if you so desire. **If you decide to file a rebuttal, you must send a copy to Mr. Herman.** Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me.

It is important that you keep The Florida Bar informed of any changes to your contact information.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4 8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4 8.4(g). You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9.

The Florida Bar
Inquiry/Complaint Form

PART THREE:

I have an open suit with Mr. Todd J. Herman as my attorney. Settlement funds are currently in trust, and have been for several consecutive months. The last time I spoke with Mr. Herman was August 10, 2022. Since that date I have been unable to reach him.

I have tried by phone, text, and email to contact Mr. Herman each week. In response to my (multiple) weekly calls to his office, I have been told for over three months that none of his associates have heard from him or seen him since around the same date in August. At this point in time, the number which was formerly his office number is re-routed to his cellular device, which rings straight to voicemail.

I contacted ACAP on October 12, 2022 to receive help locating him, and they have received no response to their inquiries of his whereabouts as well.



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
WWW.FLORIDABAR.org

March 17, 2023

VIA E-Mail to therman@toddhermanlaw.com

Mr. Todd J. Herman
1 E Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

Re: Complaint of Rebecca Liland against Todd J. Herman
The Florida Bar File No. 2023-50,384 (17E)

Dear Mr. Herman:

A bar complaint was filed against you by Rebecca Liland. On January 24, 2023, The Florida Bar sent a letter of inquiry to your record bar mailing address requesting that you submit a written response to the complaint that was filed by Ms. Liland. To date, the bar has not received your response. Enclosed you will find another copy of the bar's January 24, 2023 letter, requiring a response. Enclosed you will find another copy of the complaint of Rebecca Liland. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar.

If a response is not received by **March 30, 2023**, this matter may be forwarded to the grievance committee for further investigation. Please send your response, include the above file number, by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please send a copy of your response to the complainant. Also, please ensure that you have **updated** your official bar mailing address, e-mail address and telephone number with membership records of The Florida Bar.

Sincerely,

Joi L. Pearsall
Bar Counsel

Enclosure

cc: Ms. Rebecca Liland, Complainant

Composite Exhibit B

Received Fri 03/17/2023 9:15AM
From Emily Sanchez
Subject Liland v. Herman, TFB File # 2023-50,384
To therman@toddhermanlaw.com
cc rilanddd@gmail.com
bcc

10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf	Object_CC4C166_0.DOC.pdf	Object_CE54C96_0.PDF	Object_CE54C9A_0.PDF
---	--------------------------	----------------------	----------------------

Good morning,

Please see the attached correspondence from The Florida Bar to Todd J. Herman, requesting a response by March 30, 2023.

10 Day Letter to Respondent - No Response to Complaint Received
(See attached file: *10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf*)

Respondent Ltr - 15 Day Letter
(See attached file: *Object_CC4C166_0.DOC.pdf*)

Inquiry Complaint Form of R. Liland
(See attached file: *Object_CE54C96_0.PDF*)

Inquiry Complaint Form (Part 3) of R. Liland
(See attached file: *Object_CE54C9A_0.PDF*)

Emily Sanchez
Legal Assistant
The Florida Bar
Lawyer Regulation – Fort Lauderdale
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, FL 33323
Ph. (954) 835-0233 Ext. 4124
ESanchez@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.



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
WWW.FLORIDABAR.org

March 17, 2023

VIA E-Mail to therman@toddhermanlaw.com

Mr. Todd J. Herman
1 E Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

Re: Complaint of Rebecca Liland against Todd J. Herman
The Florida Bar File No. 2023-50,384 (17E)

Dear Mr. Herman:

A bar complaint was filed against you by Rebecca Liland. On January 24, 2023, The Florida Bar sent a letter of inquiry to your record bar mailing address requesting that you submit a written response to the complaint that was filed by Ms. Liland. To date, the bar has not received your response. Enclosed you will find another copy of the bar's January 24, 2023 letter, requiring a response. Enclosed you will find another copy of the complaint of Rebecca Liland. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar.

If a response is not received by **March 30, 2023**, this matter may be forwarded to the grievance committee for further investigation. Please send your response, include the above file number, by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please send a copy of your response to the complainant. Also, please ensure that you have **updated** your official bar mailing address, e-mail address and telephone number with membership records of The Florida Bar.

Sincerely,

Joi L. Pearsall
Bar Counsel

Enclosure

cc: Ms. Rebecca Liland, Complainant



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

January 24, 2023

Mr. Todd J Herman
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Re: Complaint by Rebecca Liland against Todd J Herman
The Florida Bar File No. 2023-50,384 (17E)

Dear Mr. Herman:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by **February 8, 2023**. **Responses should not exceed 25 pages** and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). You are **further required to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.**

Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form.

Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Ms. Rebecca Liland

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and, if different, to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

CERTIFICATE OF DISCLOSURE (Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

CERTIFICATE OF NON-LAW FIRM AFFILIATION (Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 20____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).

2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.

3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.

4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.

5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

January 24, 2023

Ms. Rebecca Liland
313 Fletcher Street
Morganton, NC 28655

Re: Todd J Herman; The Florida Bar File No. 2023-50,384 (17E)

Dear Ms. Liland:

Enclosed is a copy of our letter to Mr. Herman which requires a response to your complaint.

Once you receive Mr. Herman's response, you have 10 days to file a rebuttal if you so desire. **If you decide to file a rebuttal, you must send a copy to Mr. Herman.** Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me.

It is important that you keep The Florida Bar informed of any changes to your contact information.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4 8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4 8.4(g). You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9.

Florida Bar
Complaint Form

PART ONE (See Page 1, PART ONE - Introduction)

Your Name: Rebecca Libral

Organization: _____

Address: 313 Fletcher Street

City, State, Zip Code: Morristown, NJ 07960

This complaint pertains to a matter currently pending before the

PART TWO (See Page 1, PART TWO - Attorney Information)

Attorney Name: David W. Herman, P.A.

Address: 1000 Blvd. Ste. 700

City, State, Zip Code: Springfield, FL 32702

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 - Acknowledge Oath and Signature.):



YOU MUST PLACE YOUR MARK IN THE BOX ACKNOWLEDGING THE OATH AND YOU MUST SIGN YOUR FULL NAME BELOW.

Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

Rebecca Libral

Print Name

Signature

Date

From: Rebecca Liland <rebeccaliland@gmail.com>
Sent: Saturday, January 21, 2023 4:04 PM
To: ACAPIntake
Subject: Re:

PART ONE (See P

Received Thu 01/12/2023 12:19PM
From Rebecca Liland
Subject
To ACAPIntake
cc
bcc

The Florida Bar.docx

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.



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
WWW.FLORIDABAR.ORG

April 12, 2023

VIA E-Mail to therman@toddhermanlaw.com

VIA U.S. Mail to:

Todd J. Herman
1 E. Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

VIA U.S. Mail to:

Todd J. Herman
2450 SW 81st Avenue, Bldg. 6, Apt. 408
Davie, FL 33324-5765

Re: Complaint of Rebecca Liland against Todd J Herman
The Florida Bar File No. 2023-50,384 (17E)

Dear Mr. Herman:

On January 24, 2023 and March 17, 2023, The Florida Bar sent letters of inquiry to your record bar address requesting that you submit a response to the bar complaint that was filed against you by Rebecca Liland. Enclosed you will find another copy of the bar's January 24, 2023 and March 17, 2023 letters and another copy of the bar complaint. To date, the bar has not received your written response.

Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Additionally, Rule 1-3.3 of the R. Regulating Fla. Bar provides that each member of the bar must designate an official bar name, mailing address, business telephone number and business e-mail address.

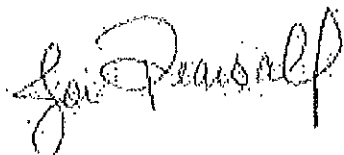
Please send your response by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please

Composite Exhibit C

THE FLORIDA BAR

send a copy of your response to the complainant. If a response is not received by April 24, 2023, this matter will be forwarded to the grievance committee for further investigation.

Sincerely,

A handwritten signature in cursive script that reads "Joi Pearsall".

Joi L. Pearsall
Bar Counsel

JP/es

Enclosure

cc: Rebecca Liland, Complainant

Received Wed 04/12/2023 3:28PM
From Joi Pearsall
Subject Liland v. Herman, TFB File # 202350384
To therman@toddhermanlaw.com
cc Sanchez, Emily
bcc

10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf

Object_CF2F6A2_0.PDF

RE: The Florida Bar File No. 2023-50,384(17E)
Complaint of Rebecca Liland against Todd J. Herman

Todd J. Herman

Attached please find the following correspondence from The Florida Bar to Todd J. Herman regarding The Florida Bar File No. 2023-50,384(17E), requesting a response by April 24, 2023: Letter from The Florida Bar to Todd J. Herman dated April 12, 2023 with enclosures and a copy of the bar complaint filed by Rebecca Liland against Todd J. Herman.

10 Day Letter to Respondent April 12 2023 - No Response to Complaint Received
(See attached file: *10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf*)

Letter to Respondent with Enclosures April 12 2023
(See attached file: *Object_CF2F6A2_0.PDF*)

Joi Pearsall
The Florida Bar
Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, FL 33323

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.



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
WWW.FLORIDABAR.ORG

April 12, 2023

VIA E-Mail to therman@todddhermanlaw.com

VIA U.S. Mail to:
Todd J. Herman
1 E. Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

VIA U.S. Mail to:
Todd J. Herman
2450 SW 81st Avenue, Bldg. 6, Apt. 408
Davie, FL 33324-5765

Re: Complaint of Rebecca Liland against Todd J Herman
The Florida Bar File No. 2023-50,384 (17E)

Dear Mr. Herman:

On January 24, 2023 and March 17, 2023, The Florida Bar sent letters of inquiry to your record bar address requesting that you submit a response to the bar complaint that was filed against you by Rebecca Liland. Enclosed you will find another copy of the bar's January 24, 2023 and March 17, 2023 letters and another copy of the bar complaint. To date, the bar has not received your written response.

Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Additionally, Rule 1-3.3 of the R. Regulating Fla. Bar provides that each member of the bar must designate an official bar name, mailing address, business telephone number and business e-mail address.

Please send your response by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please

THE FLORIDA BAR

send a copy of your response to the complainant. If a response is not received by April 24, 2023, this matter will be forwarded to the grievance committee for further investigation.

Sincerely,

A handwritten signature in cursive script that reads "Joi Pearsall". The signature is written in black ink and is positioned above the typed name.

Joi L. Pearsall
Bar Counsel

JP/es

Enclosure

cc: Rebecca Liland, Complainant



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

January 24, 2023

Mr. Todd J Herman
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Re: Complaint by Rebecca Lland against Todd J Herman
The Florida Bar File No. 2023-50,384 (17E)

Dear Mr. Herman:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by February 8, 2023. Responses should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). You are further required to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.

Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form,

Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Ms. Rebecca Lland

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and, if different, to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

CERTIFICATE OF DISCLOSURE
(Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

CERTIFICATE OF NON-LAW FIRM AFFILIATION
(Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 20____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,384 (17E).

Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).
2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.
4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.
5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

January 24, 2023

Ms. Rebecca Liland
313 Fletcher Street
Morganton, NC 28655

Re: Todd J Herman; The Florida Bar File No. 2023-50,384 (17E)

Dear Ms. Liland:

Enclosed is a copy of our letter to Mr. Herman which requires a response to your complaint.

Once you receive Mr. Herman's response, you have 10 days to file a rebuttal if you so desire. If you decide to file a rebuttal, you must send a copy to Mr. Herman. Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me.

It is important that you keep The Florida Bar informed of any changes to your contact information.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

Carlos A. Leon, Bar Counsel
Attorney/Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4 8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4 8.4(g). You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9.



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 838-0233

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

March 17, 2023

VIA E-Mail to therman@toddermanlaw.com

Mr. Todd J. Herman
1 E Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

Re: Complaint of Rebecca Liland against Todd J. Herman
The Florida Bar File No. 2023-50,384 (17E)

Dear Mr. Herman:

A bar complaint was filed against you by Rebecca Liland. On January 24, 2023, The Florida Bar sent a letter of inquiry to your record bar mailing address requesting that you submit a written response to the complaint that was filed by Ms. Liland. To date, the bar has not received your response. Enclosed you will find another copy of the bar's January 24, 2023 letter, requiring a response. Enclosed you will find another copy of the complaint of Rebecca Liland. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar.

If a response is not received by March 30, 2023, this matter may be forwarded to the grievance committee for further investigation. Please send your response, include the above file number, by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please send a copy of your response to the complainant. Also, please ensure that you have updated your official bar mailing address, e-mail address and telephone number with membership records of The Florida Bar.

Sincerely,

Joi L. Pearsall
Bar Counsel

Enclosure

cc: Ms. Rebecca Liland, Complainant

Florida Bar
Complaint Form

PART ONE (See Page 1, PART ONE - Introduction)

Your Name: Rebecca Ellard

Organization: _____

Address: 313 Fletcher Street

City, State, Zip Code: Morristown, NJ 07960

This complaint pertains to a matter currently pending before the _____

PART TWO (See Page 1, PART TWO - Attorney Information)

Attorney Name: David Herman, D.A.

Address: Howard Blvd. Ste. 700

City, State, Zip Code: Rockledge, FL 32955

(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 - Acknowledge Oath and Signature.):



YOU MUST PLACE YOUR MARK IN THE BOX ACKNOWLEDGING THE OATH AND YOU MUST SIGN YOUR FULL NAME BELOW.

Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

Rebecca Ellard
Print Name

[Signature]
Signature

12/22/20
Date

From: Rebecca Liland <rebeccaliland@gmail.com>
Sent: Saturday, January 21, 2023 4:04 PM
To: ACAP/itake
Subject: Re:

PART ONE (See P

Received Thu 01/12/2023 12:19PM
From Rebecca Liland
Subject
To ACAPIntake
cc
bcc

The Florida Bar.docx

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.

The Florida Bar
Inquiry/Complaint Form

PART THREE:

I have an open suit with Mr. Todd J. Herman as my attorney. Settlement funds are currently in trust, and have been for several consecutive months. The last time I spoke with Mr. Herman was August 10, 2022. Since that date I have been unable to reach him.

I have tried by phone, text, and email to contact Mr. Herman each week. In response to my (multiple) weekly calls to his office, I have been told for over three months that none of his associates have heard from him or seen him since around the same date in August. At this point in time, the number which was formerly his office number is re-routed to his cellular device, which rings straight to voicemail.

I contacted ACAP on October 12, 2022 to receive help locating him, and they have received no response to their inquiries of his whereabouts as well.

Pearsall, Joel

From: Microsoft Outlook
To: therman@toddhermanlaw.com
Sent: Thursday, April 13, 2023 3:29 PM
Subject: Undeliverable: Lland v. Herman, TFB File # 202350384

Delivery has failed to these recipients or groups:

therman@toddhermanlaw.com

Your message couldn't be delivered. Despite repeated attempts to contact the recipient's email system it didn't respond.

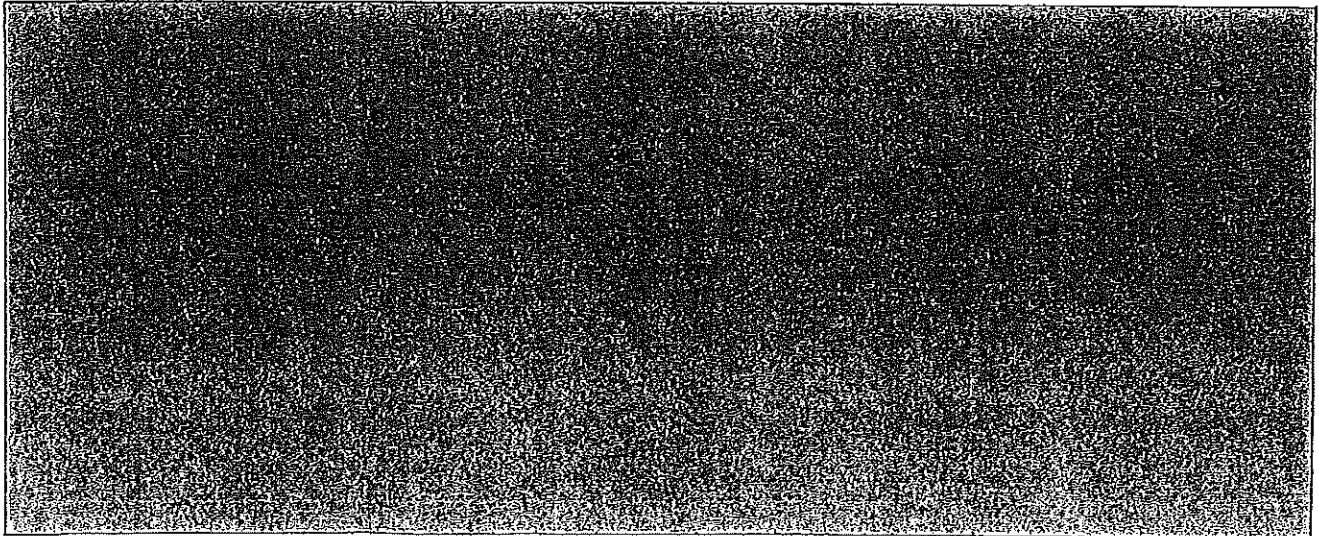
Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin that it appears that their email system isn't accepting connection requests from your email system. Give them the error details shown below. It's likely that the recipient's email admin is the only one who can fix this problem.

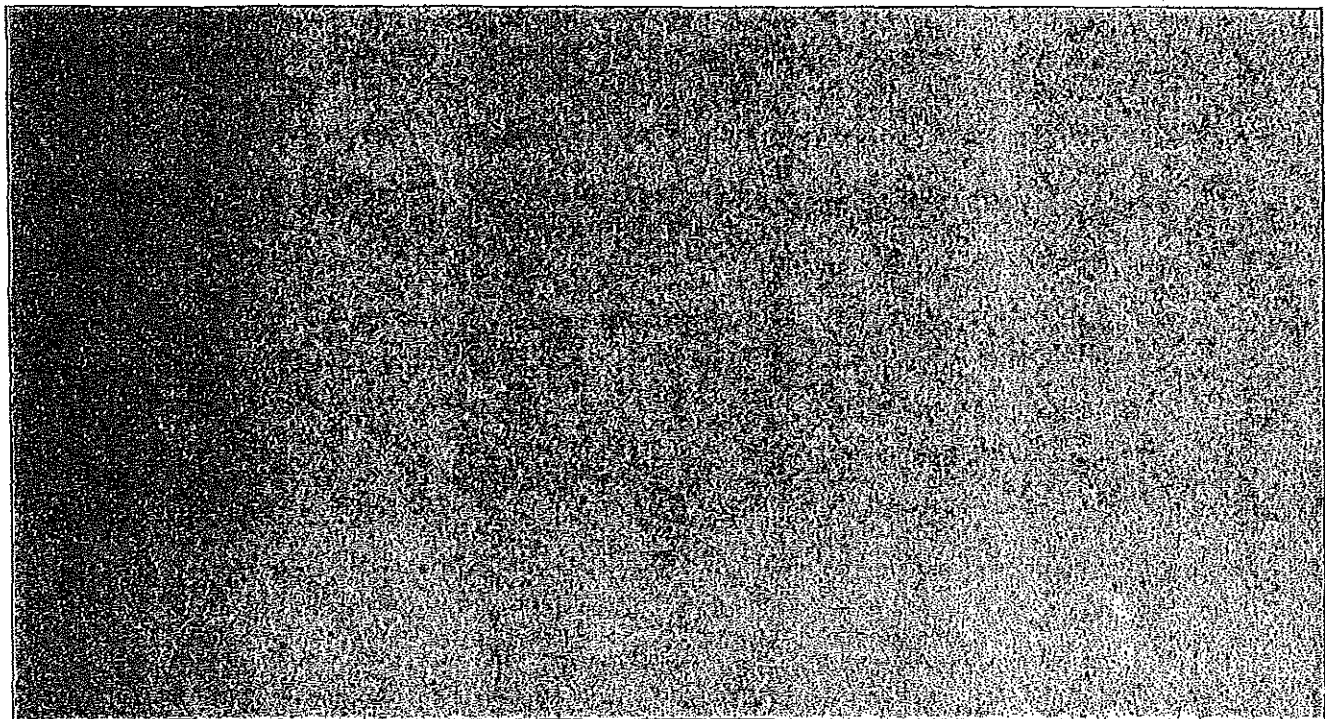
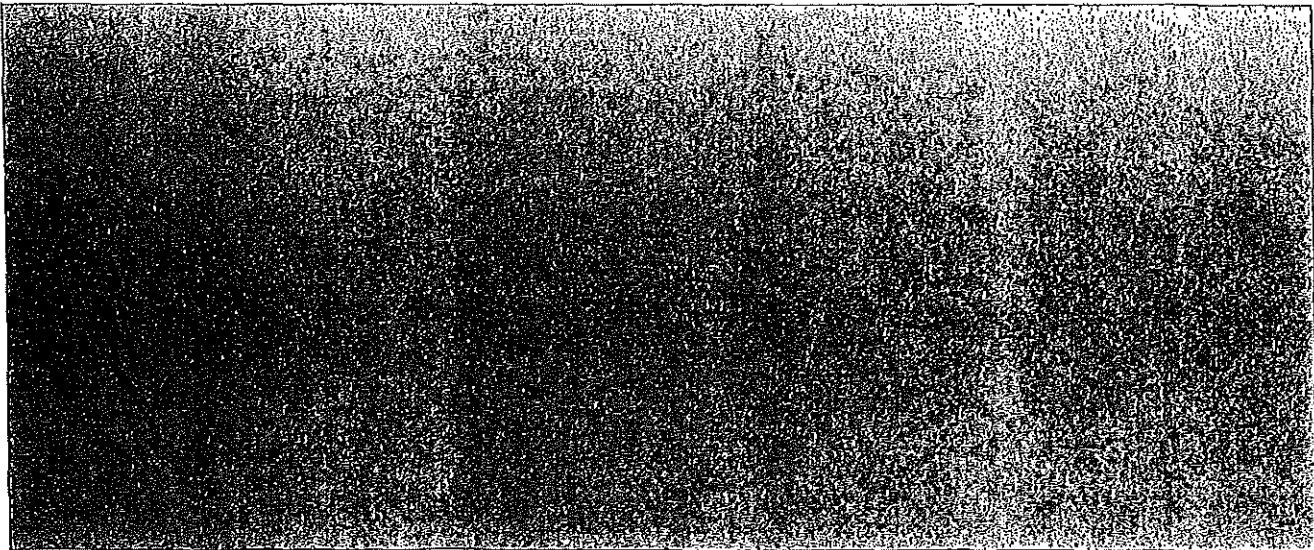
For more information and tips to fix this issue see this article:
<https://go.microsoft.com/fwlink/?LinkId=389361>.

Diagnostic information for administrators:

Generating server: 
Total retry attempts: 14

therman@toddhermanlaw.com





for therman@toddhermanlaw.com;
Wed, 12 Apr 2023 15:29:22 -0400

Importance: High
MIME-Version: 1.0
To: therman@toddhermanlaw.com
CC: esanchez@floridabar.org
Subject: Liland v. Herman, TFB File # 202350384



From: Joi Pearsall <JPearsall@floridabar.org>
Date: Wed, 12 Apr 2023 15:27:04 -0400



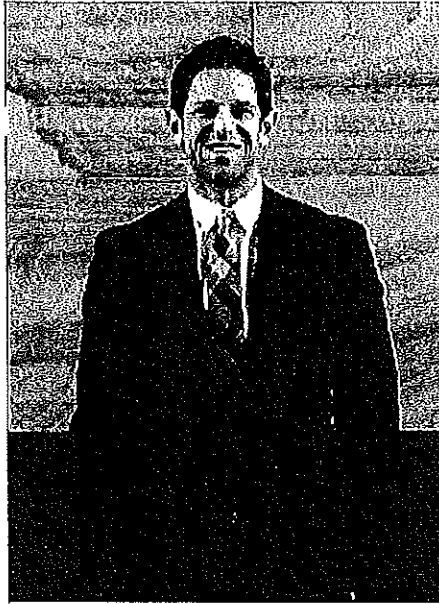
Disposition-Notification-To: JPearsall@floridabar.org

MEMBER PROFILE

Todd J Herman

Delinquent - CLER

Not Eligible to Practice Law In Florida



Bar Number:

87252

Mail Address:

Todd J. Herman, P.A.
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Office: 954-334-1097

Cell: 954-552-7664

Fax: 305-436-3811

Physical Address:

1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Office: 954-334-1097

Cell: 954-552-7664

Fax: 305-436-3811

Email:

therman@toddhermanlaw.com

Personal Bar URL:

<https://www.floridabar.org/mybarprofile/87252>

vCard:



County:

Broward

Circuit:

17

Admitted:

12/17/2010

10-Year Discipline History:

None

Law School:

Nova Southeastern University - Shepard Broad College of Law

Federal Courts:

U.S. District Court, Southern District of Florida

State Courts:

Florida

Firm:

Todd J. Herman, P.A.

Firm Size:

2-5

Firm Position:

Managing Partner

Firm Website:

<http://www.toddhermanlaw.com>

The Find a Lawyer directory is provided as a public service. The Florida Bar maintains limited basic information about lawyers licensed to practice in the state (e.g., name, address, year of birth, gender, law schools attended, admission year). However, The Florida Bar allows individual attorneys the opportunity to add

personal and professional information to the directory. The lawyer is solely responsible for reviewing and updating any additional information in the directory. The lawyer's added information is not reviewed by The Bar for accuracy and The Bar makes no warranty of any kind, express or implied. The Florida Bar, its Board of Governors, employees, and agents are not responsible for the accuracy of that additional information. Publication of lawyers' contact information in this listing does not mean the lawyers have agreed to receive unsolicited communications in any form. Unauthorized use of this data may result in civil or criminal penalties. The Find a Lawyer directory is not a lawyer referral service.

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

THE FLORIDA BAR,
Complainant,

The Florida Bar File
No. 2023-50,456(17E)

v.

TODD J. HERMAN,
Respondent.

**GRIEVANCE COMMITTEE FINDING OF NON-COMPLIANCE AND
FAILURE TO RESPOND TO OFFICIAL BAR INQUIRY AND
CONTEMPT**

On June 29, 2023, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, the Seventeenth Judicial Circuit Grievance Committee "E" considered whether to issue a Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Finding of Contempt and made the following findings:

1. On February 16, 2023, The Florida Bar sent respondent a letter dated February 16, 2023 by regular U.S. Mail to respondent's record bar mailing address, 1 E. Broward Blvd., Suite 700, Fort Lauderdale, FL 33301-1876, to advise respondent of the complaint that was filed against him by Jennifer McGonigal. in The Florida Bar File No. 2023-50,456(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by March 3, 2023. A copy of the February 16, 2023 letter is attached hereto as "Composite Exhibit A".

2. Respondent failed to respond to bar as requested in the letter of February 16, 2023.

3. On March 17, 2023, the bar sent respondent a letter dated March 17, 2023 to respondent's record bar email address therman@toddhermanlaw.com, advising respondent of the complaint that was filed against him in The Florida Bar File No. 2023-50,456(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by March 30, 2023. A copy of the March 17, 2023 letter and email attached hereto as "Composite Exhibit B".

4. Respondent failed to respond to bar as requested in the letter of March 17, 2023.

5. On April 12, 2023, the bar sent respondent a letter dated April 12, 2023, to respondent's record bar email address therman@toddhermanlaw.com, by U.S. Mail to respondent's record bar mailing address, and by U.S. Mail to respondent's residence, advising respondent of the complaint that was filed against him in The Florida Bar File No. 2023-50,456(17E), that his written response was required pursuant to R. Regulating Fla. Bar 4-8.4(g), and he was requested to respond to the bar by April 24, 2023. A copy of the April 12, 2023 letter and email is attached hereto as "Composite Exhibit C".

6. Respondent failed to respond to the bar as requested in the April 12, 2023 letter.

7. On May 23, 2023, the bar sent notice to respondent's record bar mailing address by regular U.S. Mail and by certified mail, to his residential address and to his record bar email address to inform respondent that on June 29, 2023, the Seventeenth Judicial Circuit Grievance Committee "E" would hold a hearing on the bar's Request for Issuance of Notice of Non-Compliance and Finding of Contempt in The Florida Bar File No. 2023-50,456(17E). A copy of the Notice of Hearing is attached hereto as "Exhibit E" and the Request for Issuance of Notice of Non-Compliance and Finding of Contempt are attached hereto as "Exhibit F".

8. Respondent made no response to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt.

9. As of the date of this Request for Issuance of Notice of Non-Compliance and Finding of Contempt, Respondent has failed to respond to the official Bar inquiries dated February 16, 2023, March 17, 2023 and April 12, 2023.

10. The Grievance Committee found that respondent failed to show good cause for failing to respond to the official bar inquiries and that the non-compliance was willful.

11. 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 July, 2023.

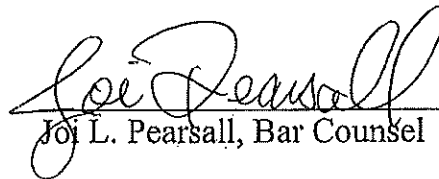
Seventeenth Judicial Circuit Grievance
Committee "E"



Daniel Tordella, Chair

CERTIFICATE OF SERVICE

I certify that a copy of this Grievance Committee Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Contempt has been furnished by regular U.S. Mail and by Certified Return Receipt 7017 1000 0000 1067 8806 to, Todd J. Herman, 1 E Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876 and via e-mail to tberman@toddhermanlaw.com; Hilary A. Creary, Designated Reviewer, via email to hilarycreary@hcplegal.com, and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, via e-mail at psavitz@floridabar.org, this 10 day of July, 2023.



Joi L. Pearsall, Bar Counsel



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

May 23, 2023

VIA E-Mail to therman@toddhermanlaw.com

Via U.S. Mail and Certified U.S. Mail

Todd J. Herman
1 E Broward Blvd, Ste 700
Fort Lauderdale, FL 33301-1876

Via U.S. Mail and Certified U.S. Mail

Todd J. Herman
2450 SW 81st Avenue, Bldg. 6, Apt. 408
Davie, FL 33324-5765

Re: Complaint by Jennifer McGonigal against Todd J Herman
The Florida Bar File No. 2023-50,456 (17E)

Dear Todd J. Herman:

This letter is to advise you that the Seventeenth Judicial Circuit Grievance Committee "E" will consider the above-referenced case on **June 29, 2023**, pursuant to Rule 3-7.4, Rules Regulating The Florida Bar. The matter to be heard is the **Request For Issuance of Notice of Non-Compliance and Finding of Contempt**.

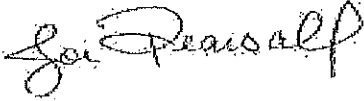
You have the opportunity to make a written statement, sworn or unsworn, explaining, refuting or admitting the alleged misconduct. This statement must be received by me no later than **June 22, 2023**, and may be submitted email to jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Pursuant to Rules Regulating The Florida Bar 3-7.4, the respondent has no right to personally appear before the committee. You may request permission to appear before the committee by submitting a written detailed explanation of the need for a hearing which must include a summary of the information anticipated to be developed through personal appearance.

Exhibit E

THE FLORIDA BAR

The rules do not allow for any right of appeal of the committee's decision allowing or disallowing a personal appearance.

Sincerely,

A handwritten signature in cursive script that reads "Joi Pearsall".

Joi L. Pearsall
Bar Counsel

Enclosure: Grievance Committee Roster

cc: Hanit Lyla Simon, Chair
Hilary A. Creary, Designated Reviewer

THE FLORIDA BAR

SEVENTEENTH JUDICIAL CIRCUIT GRIEVANCE COMMITTEE "E"

Hanit L. Simon, Esq., Chair

Maisha Champagne, Esq., Vice Chair

Daniel Francis Tordella, Esq.

Yolanda P. Strader, Esq.

Carlos Davis (NL)

Steve Higgins (NL)

Stanley Zamor (NL)

NOTE:

The above list of grievance committee members is furnished in accordance with Rules Regulating The Florida Bar, chapter 3, Rule 3-7.4, solely for the purpose of determining whether a basis for recusal may exist with respect to any particular member or members of the grievance committee who may hear the matter under consideration. Rule 3-3.4(c) precludes a member of a grievance committee from performing a grievance committee function when that member: (1) is related by blood or marriage to the complainant or respondent; (2) has a financial, business, property or personal interest in the matter under consideration, or with the complainant or respondent; (3) has a personal interest which could be affected by the outcome of the proceedings or which could affect the outcome; or (4) is prejudiced or biased toward either the complainant or the respondent. The individual members of the grievance committee, other than the investigating member, should not be contacted concerning the merits of the matter under consideration. If you determine that a member of the grievance committee should recuse himself or herself from hearing the matter under consideration, you should contact the staff attorney with The Florida Bar who is assigned your file and the grievance committee chair.

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

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2023-50,456(17E)

v.

TODD J. HERMAN,

Respondent.

**REQUEST FOR ISSUANCE OF NOTICE OF NON-COMPLIANCE
AND FINDING OF CONTEMPT**

Pursuant to Rule 3-7.11(f)(2), Rules Regulating The Florida Bar, the undersigned Bar Counsel requests that on **June 29, 2023**, the Seventeenth Judicial Circuit Grievance Committee “E”, hear the issue of whether respondent shall be found in contempt for failure to respond to an official bar inquiry without good cause shown and states the following:

1. On February 16, 2023, The Florida Bar sent respondent a letter dated February 16, 2023 by regular U.S. Mail to respondent's record Bar address, 1 E. Broward Blvd., Suite 700, Fort Lauderdale, FL 33301-1876. In the February 16, 2023 letter, the bar advised respondent that Jennifer McGonigal had filed a complaint against him, that respondent's written response to the bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, and respondent

was requested to respond to the bar by March 3, 2023. A copy of the February 16, 2023 letter is attached hereto as "Composite Exhibit A".

2. Respondent failed to respond to The Florida Bar as requested in the letter of February 16, 2023.

3. On March 17, 2023, the bar sent a letter dated March 17, 2023, to respondent at his record bar email address therman@toddhermanlaw.com. The March 17, 2023, letter advised respondent that Jennifer McGonigal had filed a complaint against him, that his written response to that bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, that the bar had not received his written response to the bar's letter of February 16, 2023, and that respondent was requested to respond to the bar by March 30, 2023. A copy of the March 17, 2023 letter and email is attached hereto as "Composite Exhibit B".

4. Respondent failed to respond to The Florida Bar as requested in the letter of March 17, 2023.

5. On April 12, 2023, the bar sent a letter dated April 12, 2023, to respondent at his record bar email address therman@toddhermanlaw.com, by U.S. Mail to respondent's record bar address 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876, and by U.S. Mail to respondent's residence. The April 12, 2023, letter also advised respondent that Jennifer McGonigal had filed a complaint against him, that his written response to that bar complaint was required pursuant to Rule 4-8.4(g) of the R. Regulating Fla. Bar, that the bar had not

received his written response to the bar's letters of February 16, 2023 and March 17, 2023, and that respondent was requested to respond to the bar by April 24, 2023. A copy of the April 12, 2023 letter and email is attached hereto as "Composite Exhibit C".

6. Respondent failed to respond to The Florida Bar as requested in the letter of April 12, 2023.

7. A copy of respondent's member profile from the Floridabar.org website is attached hereto as "Exhibit D".

8. On May 10, 2023, John Berrena, a staff investigator for The Florida Bar attempted to contact respondent at his record bar address, 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876. Berrena went to the suite number indicated in respondent's record bar address. Berrena was informed by the receptionist that respondent was not present in the office at that time. Berrena left his business card with the receptionist and asked the receptionist to give the business card to respondent and let respondent know that Berrena would like respondent to call him. Respondent did not contact staff investigator Berrena.

9. As of the date of this Request for Issuance of Notice of Non-Compliance and Finding of Contempt, the respondent has willfully failed to respond to official bar inquiries without good cause.

WHEREFORE, the undersigned bar counsel respectfully requests that this Grievance Committee issue its findings as to whether respondent has willfully failed to respond to official bar inquiries and whether respondent should be held in contempt for failure to respond to official bar inquiries.

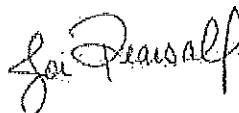
Respectfully submitted,



Joi L. Pearsall, Bar Counsel
The Florida Bar
Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233
Florida Bar No.: 182427
jpearsall@floridabar.org

CERTIFICATE OF SERVICE

I certify this Request for Issuance of Notice of Non-Compliance and Finding of Contempt has been furnished to Respondent, Todd J. Herman, by regular U.S Mail and Certified U.S. Mail #7017 1000 0000 1067 8721 to 1 E. Broward Blvd., Ste. 700, Fort Lauderdale, FL 33301-1876, by email to therman@toddhermanlaw.com; by regular U.S Mail and Certified U.S. Mail #7017 1000 0000 1067 8752 to Respondent, Todd J. Herman, 2450 SW 81st Avenue, Bldg. 6, Apt. 408, Davie, FL 33324-5765; via email to Hanit Simon, Chair at hs@kblglaw.com; via email to Hilary A. Creary, Designated Reviewer, at hilarycreary@hcpalegal.com; and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 via email at psavitz@floridabar.org, dated this 23 day of May, 2023.



Joi L. Pearsall, Bar Counsel



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

February 16, 2023

Mr. Todd J Herman
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Re: Complaint by Jennifer McGonigal against Todd J Herman
The Florida Bar File No. 2023-50,456 (17E)

Dear Mr. Herman:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by **March 3, 2023**. **Responses should not exceed 25 pages** and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). **You are further required to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.**

Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form.

Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

Teresa Goodson, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Ms. Jennifer McGonigal

Composite Exhibit A

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and, if different, to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,456 (17E).

Todd J Herman

CERTIFICATE OF DISCLOSURE
(Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 20____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,456 (17E).

Todd J Herman

CERTIFICATE OF NON-LAW FIRM AFFILIATION
(Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 20____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2023-50,456 (17E).

Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).
2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.
4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.
5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

February 16, 2023

Ms. Jennifer McGonigal
6952 West 17th Ct.
Hialeah, FL 33014

Re: Todd J Herman; The Florida Bar File No. 2023-50,456 (17E)

Dear Ms. McGonigal:

Enclosed is a copy of our letter to Mr. Herman which requires a response to your complaint.

Once you receive Mr. Herman's response, you have 10 days to file a rebuttal if you so desire. **If you decide to file a rebuttal, you must send a copy to Mr. Herman.** Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me.

It is important that you keep The Florida Bar informed of any changes to your contact information.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

Teresa Goodson, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. Todd J Herman

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4 8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4 8.4(g). You may respond by US Mail or email to acapintake@floridabar.org. Please attach your response to the email and reference the file number in the subject line. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9.



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
WWW.FLORIDABAR.org

March 17, 2023

VIA E-Mail to therman@toddhermanlaw.com

Mr. Todd J. Herman
1 E Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

Re: Complaint of Jennifer McGonigal against Todd J. Herman
The Florida Bar File No. 2023-50,456 (17E)

Dear Mr. Herman:

A bar complaint was filed against you by Jennifer McGonigal. On February 16, 2023, The Florida Bar sent a letter of inquiry to your record bar mailing address requesting that you submit a written response to the complaint that was filed by Ms. McGonigal. To date, the bar has not received your response. Enclosed you will find another copy of the bar's February 16, 2023 letter, requiring a response. Enclosed you will find another copy of the complaint of Jennifer McGonigal. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar.

If a response is not received by **March 30, 2023**, this matter may be forwarded to the grievance committee for further investigation. Please send your response, include the above file number, by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please send a copy of your response to the complainant. Also, please ensure that you have updated your official bar mailing address, e-mail address and telephone number with membership records of The Florida Bar.

Sincerely,

Joi L. Pearsall
Bar Counsel

JP/jp

Enclosure

cc: Ms. Jennifer McGonigal, Complainant

Composite Exhibit B

Received Fri 03/17/2023 9:39AM
From Emily Sanchez
Subject McGonigal v. Herman, TFB File # 2023-50,456
To therman@toddhermanlaw.com
cc jenmcg1984@gmail.com
bcc

10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf	Object_CD3A422_0.PDF	Object_CD3C6CA_0.DOC.pdf
---	----------------------	--------------------------

Good morning,

Please see the attached correspondence from bar counsel to Todd J. Herman, requesting a response by March 30, 2023.

10 Day Letter to Respondent - No Response to Complaint Received

(See attached file: 10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf)

Emailed Initial Complaint

(See attached file: Object_CD3A422_0.PDF)

Respondent Ltr - 15 Day Letter

(See attached file: Object_CD3C6CA_0.DOC.pdf)

Emily Sanchez
Legal Assistant
The Florida Bar
Lawyer Regulation – Fort Lauderdale
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, FL 33323
Ph. (954) 835-0233 Ext. 4124
ESanchez@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.



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

April 12, 2023

VIA E-Mail to tberman@toddhermanlaw.com

VIA U.S. Mail to:

Todd J. Herman
1 E. Broward Blvd., Ste. 700
Fort Lauderdale, FL 33301-1876

VIA U.S. Mail to:

Todd J. Herman
2450 SW 81st Avenue, Bldg. 6, Apt. 408
Davie, FL 33324-5765

Re: Complaint of Jennifer McGonigal against Todd J. Herman
The Florida Bar File No. 2023-50,456 (17E)

Dear Mr. Herman:

On February 16, 2023 and March 17, 2023, The Florida Bar sent letters of inquiry to your record bar address requesting that you submit a response to the bar complaint that was filed against you by Jennifer McGonigal. Enclosed you will find another copy of the bar's February 16, 2023 and March 17, 2023 letters and another copy of the bar complaint. To date, the bar has not received your written response.

Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Additionally, Rule 1-3.3 of the R. Regulating Fla. Bar provides that each member of the bar must designate an official bar name, mailing address, business telephone number and business e-mail address.

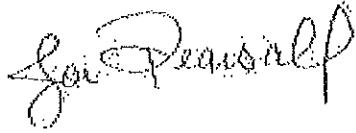
Please send your response by email to the attention of the undersigned at jpearsall@floridabar.org (copy to my assistant esanchez@floridabar.org) or by mail to The Florida Bar, Lakeshore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323. Please

Composite Exhibit C

THE FLORIDA BAR

send a copy of your response to the complainant. If a response is not received by April 24, 2023, this matter will be forwarded to the grievance committee for further investigation.

Sincerely,

A handwritten signature in cursive script that reads "Joi Pearsall".

Joi L. Pearsall
Bar Counsel

JP/es

Enclosure

cc: Jennifer McGonigal, Complainant

Received Wed 04/12/2023 4:04PM
From Joi Pearsall
Subject McGonigal v. Herman, TFB File # 202350456
To therman@todddhermanlaw.com
cc Sanchez, Emily
bcc

10 Day Letter to Respondent - No Response to Complaint Received.doc(1).pdf	Object CF33F62_0.PDF
--	----------------------

Re: The Florida Bar File No. 2023-50,456(17E)
Complaint of J. McGonigal against Todd J. Herman

Mr. Todd J. Herman

Attached please find the following correspondence from The Florida Bar to Todd J. Herman regarding The Florida Bar File No. 2023-50,456(17E), requesting a response by April 24, 2023: Letter from The Florida Bar to Todd J. Herman dated April 12, 2023 with enclosures and a copy of the bar complaint filed by Jennifer McGonigal against Todd J. Herman.

10 Day Letter to Respondent April 12 2023 - No Response to Complaint Received

(See attached file: 10 Day Letter to Respondent - No Response to Complaint Received.doc.pdf)

Letter to Respondent with enclosures April 12 2023

(See attached file: Object_CF33F62_0.PDF)

Joi Pearsall
The Florida Bar
Fl. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, FL 33323

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.

MEMBER PROFILE

Todd J Herman

Delinquent - GLER

Not Eligible to Practice Law in Florida



Bar Number:

87252

Mail Address:

Todd J. Herman, P.A.
1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Office: 954-334-1097

Cell: 954-552-7664

Fax: 305-436-3811

Physical Address:

1 E Broward Blvd Ste 700
Fort Lauderdale, FL 33301-1876

Office: 954-334-1097

Cell: 954-552-7664

Fax: 305-436-3811

Email:

therman@toddhermanlaw.com

Personal Bar URL:

<https://www.floridabar.org/mybarprofile/87252>

vCard:



County:

Broward

Circuit:

17

Admitted:

12/17/2010

10-Year Discipline History:

None

Law School:

Nova Southeastern University - Shepard Broad College of Law

Federal Courts:

U.S. District Court, Southern District of Florida

State Courts:

Florida

Firm:

Todd J. Herman, P.A.

Firm Size:

2-5

Firm Position:

Managing Partner

Firm Website:

<http://www.toddhermanlaw.com>

The Find a Lawyer directory is provided as a public service. The Florida Bar maintains limited basic information about lawyers licensed to practice in the state (e.g., name, address, year of birth, gender, law schools attended, admission year). However, The Florida Bar allows individual attorneys the opportunity to add

personal and professional information to the directory. The lawyer is solely responsible for reviewing and updating any additional information in the directory. The lawyer's added information is not reviewed by The Bar for accuracy and The Bar makes no warranty of any kind, express or implied. The Florida Bar, its Board of Governors, employees, and agents are not responsible for the accuracy of that additional information. Publication of lawyers' contact information in this listing does not mean the lawyers have agreed to receive unsolicited communications in any form. Unauthorized use of this data may result in civil or criminal penalties. The Florida Lawyer directory is not a lawyer referral service.