

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

THE FLORIDA BAR,
Complainant,

The Florida Bar File
Nos. 2023-30,668 (18B);
2024-30,183 (18B)

v.

ANDREA POVILAITIS,
Respondent.

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

On January 22, 2023, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, the Eighteenth Judicial Circuit Grievance Committee "B" 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. In The Florida Bar File Number 2023-30,668 (18B), Bar Staff Investigator Steve Diaz interviewed respondent on Microsoft Teams on September 27, 2023. Investigator Diaz requested that respondent provide to him several documents related to her representation of a client. Respondent promised to provide the documents to Investigator Diaz. Between October 3 and October 5, 2023, Investigator Diaz repeatedly called respondent's record bar phone number and emailed respondent's record bar email address, without any contact with respondent or response

by respondent. After September 27, 2023, respondent never communicated with Investigator Diaz, nor did she provide the requested documents. A copy of Investigator Diaz's affidavit is attached as "Exhibit A."

2. On October 6, 2023, the bar served a letter on respondent at her record bar email address, advising her to provide the bar with specific unredacted documents relating to her representation of a client. The bar directed respondent to respond and provide the documents no later than October 16, 2023. A copy of the letter is attached hereto as "Exhibit B."

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

4. In The Florida Bar File Number 2024-30,183 (18B), the bar served respondent with a letter at her record bar email address on September 28, 2023, directing her to make a written response by October 13, 2023. A copy of the letter is attached hereto as "Exhibit C."

5. Respondent failed to respond to The Florida Bar as requested in the letter of September 28, 2023.

6. The bar served a second letter by email at respondent's record bar email address on October 19, 2023, directing her to make a written response by October 30, 2023. A copy of the letter is attached hereto as "Exhibit D."

7. Respondent failed to respond to The Florida Bar as requested in the letter of October 19, 2023.

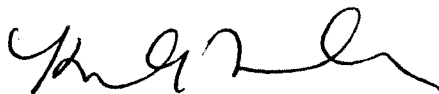
8. On Friday, December 1, 2023, and Saturday, December 2, 2023, Bar Staff Investigator Angel Taylor travelled to Brevard County and attempted to personally contact respondent. Investigator Taylor drove to respondent's office located at her record bar mailing address, but the investigator did not find respondent and her office building was locked and inaccessible. Investigator Taylor drove to two potential residential addresses for respondent, but respondent was not found there. A copy of Investigator Taylor's affidavit is attached as "Exhibit E."

9. 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.

10. 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 25th day of January, 2024.

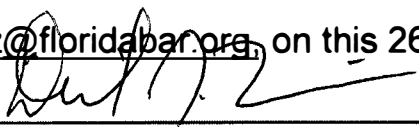
Eighteenth Judicial Circuit Grievance
Committee "B"



Kerri Fowler, Vice Chair

CERTIFICATE OF SERVICE

I certify this document has been furnished by Certified U.S. Mail, Regular U.S. Mail and email to respondent Andrea Povilaitis, 5505 North Atlantic Avenue, Suite 207, Cocoa Beach, Florida 32931-5116 and Carver's Cove RV Park 14 Carver Drive North Lot 14 Cape Canaveral, FL 32920-3713 and andi@andislaw.com; to Kerri Fowler, Vice Chair, Office of the State Attorney, 2725 Judge Fran Jamieson Way, Building D, Viera, Florida 32940 via email only at kfowler@sa18.org; to Valia Rich, Investigating Member, 2509 Island Crossing Way, Merritt Island, Florida 32952-5419 via email only at vrich@valley.com; to James Gabriel Vickaryous, Designated Reviewer, 1515 International Parkway, Suite 2031, Lake Mary, Florida 327467635, via email only at jim@vickaryous.com; and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300 via email only at psavitz@floridabar.org, on this 26th day of January, 2024.



Daniel James Quinn, Bar Counsel

STATE OF FLORIDA
COUNTY OF ORANGE

AFFIDAVIT

I, Steve Diaz, after being duly sworn, say:

1. I am employed as a Staff Investigator by The Florida Bar.
2. In or around September 2023, I was tasked with contacting and interviewing Andrea Povilaitis.
3. On September 27, 2023, I conducted a Teams Meeting interview with Andrea Povilaitis where I asked her a series of questions regarding her representation of Timothy Ray Betsinger in a wrongful arrest civil case.
4. I asked Povilaitis whether there was a settlement agreement that was entered into with the Cocoa Beach Police Department and/or any party.
5. Povilaitis told me that there was a release, and that she had given Betsinger the settlement funds.
6. When I asked Povilaitis for the name of the individual with whom she negotiated the settlement, she merely stated that it was with "an insurance." Povilaitis did not provide me with the name of an insurance company or the name of any individuals with whom she negotiated the settlement.

7. I told Povilaitis that the bar needed to know the identity of the person, office, or entity with whom she had spoken in the process of obtaining the settlement for Betsinger and that likely there was a record or records of those negotiations. Povilaitis replied "Yes." I advised Povilaitis that she needed to provide to the bar her records related to these negotiations.

8. I asked Povilaitis whether there was a closing statement. Povilaitis stated that she did not prepare a closing statement because she had decided to handle the matter *pro bono*.

9. Povilaitis told me that she deposited the settlement funds into a trust account. I advised her to provide to the bar the necessary trust account documents showing the deposit of the funds and the disbursement of the funds. Povilaitis agreed to provide the necessary documents to the bar.

10. I told Povilaitis that I had a copy of the \$15,000.00 check that she gave to Betsinger. I asked her if the check was drawn from a personal or trust account. Povilaitis stated that she needed to see the check because it was her paralegal who handled issuing the check.

11. I advised Povilaitis that she was required to provide the bar with the related bank account information so the bar could corroborate the transaction.

12. Povilaitis advised me that she would call her bank and request the relevant records and copies of the checks.

13. I also advised Povilaitis that the bar required her to provide copies of documentation or records regarding the settlement negotiations between the agreeing parties who entered into the settlement agreement.

14. On October 3, 2023, I placed several telephone calls to Povilaitis at (321) 355-7900, her record bar phone number, which went unanswered. I then sent her an email at andi@andislaw.com, her record bar email address, asking her on what date the bar could expect her to provide the documents I had requested.

15. On October 4, 2023, I made several calls to Povilaitis at (321) 355-7900, which went unanswered.

16. On October 5, 2023, I placed several calls to Povilaitis at (321) 355-7900, all of which went straight to her voicemail.

17. As of this date, Povilaitis has not responded to me or answered my email of October 3, 2023, nor has she provided to the bar the documents I requested on September 27, 2023.

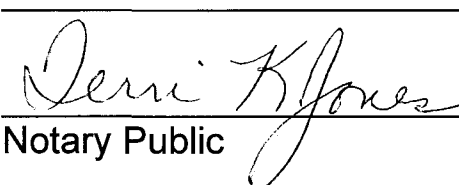
FURTHER AFFIANT SAYETH NOT.



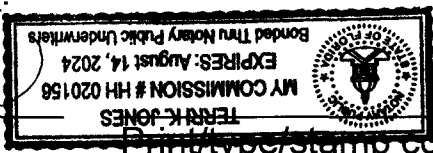
Steve Diaz

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to and subscribed before me, by means of ☒ physical presence or
☐ online notarization, this 4th day of January, 2024, by Steve Diaz,
who ☒ is personally known to me or ☐ produced



Notary Public



Print type/stamp commission name of
notary



The Florida Bar

Orlando Branch Office
The Gateway Center
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424

Joshua E. Doyle
Executive Director

850/561-5600
WWW.FLORIDABAR.org

October 6, 2023

VIA E-Mail to andi@andislaw.com

Andrea Povilaitis
5505 N. Atlantic Ave. Suite 207
Cocoa Beach, FL 32931-5116

Re: Complaint of Timothy Ray Betsinger against Andrea Povilaitis
The Florida Bar File No. 2023-30,668 (18B)

Dear Ms. Povilaitis:

The bar needs some documents from you for its investigation. Please provide the following unredacted documents related to the settlement you obtained for Mr. Betsinger:

1. The monthly bank statement for your attorney trust account from the month in which the settlement check from the Cocoa Beach Police Department (or its insurance company or whichever entity provided the check) was deposited into your trust account.
2. A copy of the settlement check from the Cocoa Beach Police Department (or its insurance company or whichever entity provided the check) that was deposited into your attorney trust account, and a copy of the deposit slip for that check.
3. The monthly bank statement for your attorney trust account from the month in which your \$15,000.00 settlement check to Mr. Betsinger was negotiated by Mr. Betsinger.
4. The ledger card for the Betsinger civil matter. See Rule Regulating The Florida Bar 5-1.2(b)(7).

THE FLORIDA BAR

5. All documents and emails between you and any party negotiating the settlement of the Betsinger civil matter.

Please provide the requested information on or before **October 16, 2023**, or this matter may be referred to a grievance committee. See also Rule 4-8.4(g).

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Quinn", with a stylized flourish at the end.

Daniel J. Quinn
Bar Counsel

cc: Timothy Ray Betsinger, Complainant (via email) betsinger65@gmail.com



The Florida Bar

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Executive Director

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September 28, 2023

VIA E-Mail to andi@andislaw.com

Andrea Povilaitis
5505 N. Atlantic Ave. Suite 207
Cocoa Beach, FL 32931-5116

Re: Complaint of The Florida Bar against Andrea Povilaitis
The Florida Bar File No. 2024-30,183 (18B)

Dear Ms. Povilaitis:

Please explain the events and circumstances which resulted in your arrest on 11/21/2021 for DUI Alcohol or Drugs. Your response to this inquiry is required under the provisions of Rule 4-8.4(g) of the Rules Regulating The Florida Bar, and is due in our office by **October 13, 2023**.

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

Thank you for your cooperation.

Sincerely,

Daniel J Quinn
Bar Counsel

Enclosure

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the appropriate disclosure paragraph below and return the form to my attention. The rule provides that the nature of the charges be stated in the notice to your firm; however, we suggest that you 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/or 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. 2024-30,183 (18B).

Andrea Povilaitis

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. 2024-30,183 (18B).

Andrea Povilaitis

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. 2024-30,183 (18B).

Andrea Povilaitis

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. 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

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October 19, 2023

VIA E-Mail to andi@andislaw.com

Andrea Povilaitis
5505 N. Atlantic Ave. Suite 207
Cocoa Beach, FL 32931-5116

Re: Complaint of The Florida Bar against Andrea Povilaitis
The Florida Bar File No. 2024-30,183 (18B)

Dear Ms. Povilaitis:

Enclosed you will find correspondence dated September 28, 2023 , requiring a response. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar, and a response has not been received.

Have response received by **October 30, 2023**.

Sincerely,

Daniel J Quinn
Bar Counsel

Enclosure

STATE OF FLORIDA
COUNTY OF ORANGE

AFFIDAVIT

I, Angel Taylor, after being duly sworn, say:

1. I am employed as a Staff Investigator by The Florida Bar.
2. In or around November 2023, I was tasked by Bar Counsel with making personal service of two subpoenas on Andrea Povilaitis in connection with the bar's investigation of two grievances filed against her.
3. My review of the Florida Driver's license information and vehicle registration for Povilaitis indicated that her most recent address was 14 N. Carver Drive, Cape Canaveral, Florida 32920-3713.
4. On Friday, December 1st, 2023, I drove to the location of Povilaitis' record Bar address, 5505 N. Atlantic Avenue, Cocoa Beach, Florida. This address was a two-story building that appeared to be undergoing renovation. The first floor had a few offices in operation. The second floor had four access points, two of which were boarded up, one of which had a glass door that was locked, and one of which was a double glass door that also was locked. Through the glass doors, I observed a lobby with a marquee stating Andi Law was located in room 207E.
5. In the parking lot I did not observe either the Volkswagen van or the motorcycle registered to Povilaitis.

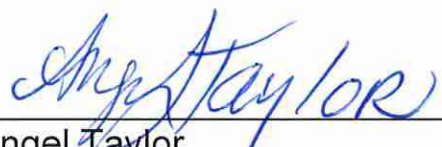
6. Thereafter, I traveled to Povilaitis' residence located in an RV park at the N. Carver Drive address and located her camping trailer. Povilaitis' van was not present, but her motorcycle and a small scooter were parked beneath the overhang of the camping trailer with covers over them.

7. On Saturday, December 2nd, 2023, I returned to Povilaitis' residential address in the morning and found it unchanged from the preceding day. I knocked on the door of the camping trailer several times but received no response and could not hear any movement inside the trailer.

8. I also went to the marital residence Povilaitis had shared with her husband, a condominium located at 7028 Sevilla Court, Unit 203, Cape Canaveral, Florida.

9. I determined that Povilaitis and her husband are not the owners of the condominium unit, and the condominium owners live at a different address, suggesting that Povilaitis and her husband had been leasing the unit.

10. I was unable to locate Povilaitis at the condominium unit.
FURTHER AFFIANT SAYETH NOT.



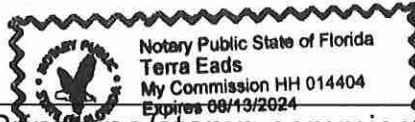
Angel Taylor

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to and subscribed before me, by means of ☒ physical presence or
____ online notarization, this 4th day of January, 2024, by Angel Taylor,
who ☒ is personally known to me or ____ produced

Terra Eads

Notary Public



Print type/stamp commission name of
notary

