

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

BURT ALVAREZ,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
Nos. 2013-10,426 (13E)
2014-10,035 (13E)

COMPLAINT

The Florida Bar files this Complaint against Respondent, Burt Alvarez, pursuant to the Rules Regulating The Florida Bar, and alleges:

1. Respondent was admitted to The Florida Bar on April 25, 1988, and is subject to the jurisdiction of the Supreme Court of Florida.
2. The Thirteenth Judicial Circuit Grievance Committee E found probable cause to file this Complaint pursuant to Rule 3-7.4, Rules Regulating The Florida Bar, and this Complaint has been approved by the presiding member of that committee.
3. In or around April 2007, Respondent accepted the representation of Elizabeth Hernandez for personal injury claims related to a slip-and-fall incident.
4. In or around May 2011, Hernandez's case settled for a sum of \$30,000.

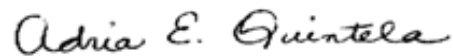
5. The proceeds of the settlement were potentially subject to liens from Medicare and/or Medicaid.
6. Respondent failed to take action to determine and/or resolve the potential liens.
7. Respondent failed to act diligently pay medical providers from the settlement funds.
8. Respondent failed to pay any portion of the proceeds to Hernandez.
9. During the period from April 2011 through October 2013, Respondent failed to perform monthly trust account reconciliations.
10. During the period from April 2011 through October 2013, Respondent failed to maintain a cash receipts and disbursements journal.
11. During the period from April 2011 through October 2013, Respondent failed to maintain individual client and matter ledger cards.
12. During the period from April 2011 through October 2013, Respondent failed to retain copies of all cancelled checks and all deposits.
13. On several occasions, Respondent wrote checks on funds which had not yet been deposited.
14. On or about July 12, 2013, The Florida Bar sent correspondence to Respondent, enclosing a grievance filed by Hernandez, requiring a response within 15 days.

15. Respondent failed to respond to the July 12, 2013, letter.
16. On or about August 2, 2013, The Florida Bar again sent correspondence to Respondent, enclosing the Hernandez grievance, and requiring a response within 10 days.
17. Respondent failed to respond to the August 2, 2013, letter.
18. As a result of the conduct described above, Respondent has violated the following Rules Regulating The Florida Bar:
 - a. Rule 4-1.3 (lack of diligence);
 - b. Rule 4-1.15 (failure to abide by trust account rules);
 - c. Rule 4-8.4(g) (failure to respond to Bar inquiry);
 - d. Rule 5-1.1 (improper handling of property held in trust); and,
 - e. Rule 5-1.2 (failure to maintain requested trust account records).

WHEREFORE, The Florida Bar prays that Respondent be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar.



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CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Complaint has been electronically filed with the Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-Filing Portal; and that true and correct copies have been furnished via certified U.S. mail, certified mail no. 7013 1090 0001 9119 2143, return receipt requested, to Burt Alvarez, Respondent, to his record Bar address of Burt Alvarez, P.A., 16924 Melissa Ann Drive, Lutz, Florida 33558-8049, and by electronic mail to his record Bar e-mail address of burtalvarez@hotmail.com; via electronic mail to Troy Matthew Lovell, Bar Counsel, to his primary designated e-mail address of tlovell@flabar.org; and via electronic mail to Margaret Diane Mathews, Designated Reviewer, to her record Bar e-mail address of margaret.mathews@akerman.com, on this 8th day of January, 2015.

Adria E. Quintela

Adria E. Quintela, Staff Counsel

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

PLEASE TAKE NOTICE that the trial counsel in this matter is Troy Matthew Lovell, Bar Counsel, whose address, telephone number, and primary and secondary e-mail address are The Florida Bar, 4200 George J. Bean Parkway, Suite 2580, Tampa, Florida 33607-1496; (813) 875-9821; and tlovell@flabar.org; csullivan@flabar.org, and tampaoffice@flabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Adria E. Quintela, Staff Counsel, The Florida Bar, Lakeshore Plaza II, Suite 130, 1300 Concord Terrace, Sunrise, Florida 33323, aquintel@flabar.org.

MANDATORY ANSWER NOTICE

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