

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

NEIL WAYNE PLATOCK,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2016-50,280(15G)OSC

PETITION FOR CONTEMPT AND ORDER TO SHOW CAUSE

COMES NOW, The Florida Bar, Complainant, in the above-referenced matter, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, and files this Petition for Contempt and Order to Show Cause, and states the following:

1. A copy of the Grievance Committee Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Contempt is attached to this Petition as "**Exhibit 1**".

2. As of the date of the service of this Petition, Respondent has failed to respond to an official Bar inquiry.

3. The other members of The Florida Bar should not have to pay for respondent's failure to respond to an official bar inquiry and the initiation of the instant proceeding. Therefore, the Bar is requesting administrative costs of \$1,250.00 against respondent.

WHEREFORE, The Florida Bar requests that this Court suspend the Respondent pursuant to Rule 3-7.11(f), until such time as he fully responds in writing to the official Bar inquiry contained in “**Exhibit 1**” and until further order of this Court.

Respectfully submitted,



Navin A. Ramnath, 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. 41979
nramnath@flabar.org

CERTIFICATE OF SERVICE

I certify that this document has been E-Filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-Filing Portal and that a copy has been furnished by United States Mail via Certified Mail No. 7012 2920 0001 7912 3091, return receipt requested to Neil Wayne Platock, 186 SW Hidden Cove Way, Port St. Lucie, FL 34986-2080 and via E-Mail to nplatock@platocklaw.com; with a copy to Staff Counsel of The Florida Bar via E-mail to aquintel@flabar.org on this 3rd day of November, 2015.



Navin A. Ramnath, Bar Counsel

CERTIFICATE OF TYPE, SIZE AND STYLE

I HEREBY CERTIFY that the Petition for Contempt and Order to Show Cause of The Florida Bar is submitted in 14 point proportionately spaced Times New Roman font in Microsoft Word format.

A handwritten signature in black ink, appearing to read "N. Ramnath". The signature is stylized with a large, sweeping flourish at the end.

Navin A. Ramnath, Bar Counsel

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

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2015-50,280(15G)

v.

NEIL WAYNE PLATOCK,

Respondent.

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

On October 21, 2015, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, Fifteenth Judicial Circuit Grievance Committee "G" 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 April 24, 2015, Respondent was sent an email from Staff Investigator Edward J. Deutsch providing a grievance committee subpoena duces tecum for certain bank records. A copy of the email was attached to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt as "Exhibit A".
2. Also on April 24, 2015, Respondent was sent a letter by Certified U.S. mail enclosing the grievance committee subpoena duces tecum referenced in Exhibit A. Said letter was sent to Respondent's record Bar address requesting a

response by May 19, 2015. A copy of the letter and the enclosed grievance committee subpoena duces tecum were attached to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt as Composite Exhibit B.

3. The Certified letter was delivered and signed for as evidenced by the signed return receipt card. A copy of the card was attached to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt as Exhibit C.

4. Respondent failed to respond to The Florida Bar as requested in the letter of April 24, 2015.

5. Respondent was given notice that on September 16, 2015, Fifteenth Judicial Circuit Grievance Committee "G" would hold a hearing on the Request for Issuance of Notice of Non-Compliance and Finding of Contempt. A copy of the Notice of Hearing and the Request for Issuance of Notice of Non-Compliance and Finding of Contempt are attached hereto as "Composite Exhibit 1".

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

7. 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 April 24, 2015 and August 18, 2015.

8. 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.

9. 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 21st day of October, 2015.

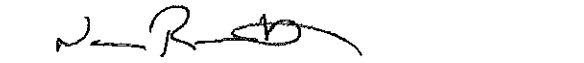
Fifteenth Judicial Circuit Grievance
Committee "G"



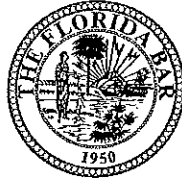
Michael Joseph Napoleone, Chair

CERTIFICATE OF SERVICE

I certify that the original hereof has been furnished by regular U.S. Mail to, Neil Wayne Platoek, 186 SW Hidden Cove Way, Port St. Lucie, FL 34986-2080 and via e-mail to nplatoek@platoeklaw.com; Michelle Renee Suskauer, Designated Reviewer, The Suskauer Law Firm PA, 1601 Forum Place, Ste. 610, West Palm Beach, FL 33401-8106, and to Staff Counsel, The Florida Bar via e-mail at aquintel@flabar.org, this 21st day of October, 2015.



Navin A. Ramnath, Bar Counsel



The Florida Bar

Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323

John F. Harkness, Jr.
Executive Director

(954) 835-0233
www.FLORIDABAR.org

August 18, 2015

Neil Wayne Platock, Esq.
186 SW Hidden Cove Way
Port St Lucie, FL 34986-2080

Re: Complaint by The Florida Bar against Neil Wayne Platock
The Florida Bar File No. 2015-50,280(15G)

Dear Mr. Platock:

This letter is to advise you that Fifteenth Judicial Circuit Grievance Committee "G" will consider the above-referenced case on September 16, 2015, 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.**


There will be no appearances in the case. However, you may make a written statement, sworn or unsworn, explaining, refuting, or admitting the alleged misconduct. If you wish to make a written statement, it must be received by The Florida Bar, at least five (5) working days in advance of the date noted in paragraph one.

The Committee has discretion to schedule a live hearing prior to making a decision about this proceeding. In this case, the Committee has determined that a live hearing would not be of assistance in its consideration of the matter. **No live hearing has been scheduled nor is expected.** If you believe that a live hearing would be useful to the Committee's deliberations, you may request that the Committee revisit its decision. You may do so by sending a written request for a live hearing to the Chair of the Committee, with a copy to the Bar counsel. Your request should include an explanation of why a live hearing is needed to supplement the written record, including a description of the evidence and issues you would expect to be presented at such a hearing. Your request should be received by the Chair at least five (5) business days prior to the scheduled summary proceeding.

Neil Wayne Platock, Esq.
August 18, 2015
Page Two

If the Committee decides to schedule a live hearing, you will be notified of that fact. The decision whether to hold a live hearing is left to the absolute discretion of the Committee; there is no right to appeal or review this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Ramnath". The signature is stylized with a large, sweeping flourish at the end.

Navin Ramnath
Bar Counsel

NAR/aak

cc: Michael Joseph Napoleone, Esq., Chair
Michelle Renee Suskauer, Designated Reviewer

Enclosure: Grievance Committee Roster

FIFTEENTH JUDICIAL CIRCUIT GRIEVANCE COMMITTEE “G”

Michael Joseph Napoleone, Esq., *Richman Greer, P.A.*

Carl Tucker Williams, Esq.

Gregor J. Schwinghammer, Jr., *Gunster, Yoakley & Stewart, P.A.*

Ellen Steingesser Malasky, Attorney

Kimberly Rutger Tendrich, Attorney

James D. Sallah, Esq., *Sallah, Astarita & Cox, LLC*

Pamela Triolo, (N/L)

Vincent Cuomo (NL)

Sheri Resnick (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 chairperson.

Updated 8/1/15

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

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2015-50,280 (15G)

v.

NEIL WAYNE PLATOCK,

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 hereby requests that on September 16, 2015, Fifteenth Judicial Circuit Grievance Committee "G", hear the issue of whether Respondent has willfully failed to respond to an official Bar inquiry without good cause and whether Respondent has good cause to excuse Respondent's failure to respond to an official Bar inquiry and whether Respondent should be held in contempt for failure to respond to an official Bar inquiry as set forth below:

1. On April 24, 2015, Respondent was sent an email from Staff Investigator Edward J. Deutsch providing a grievance committee subpoena duces tecum certain bank records. A copy of the email is attached hereto as Exhibit A.
2. Also on April 24, 2015, Respondent was sent a letter by Certified U.S.

mail enclosing the grievance committee subpoena duces tecum referenced in Exhibit A. Said letter was sent to letter Respondent's record Bar address requesting a response by May 19, 2015. A copy of the letter and the enclosed grievance committee subpoena duces tecum are attached hereto as Composite Exhibit B.

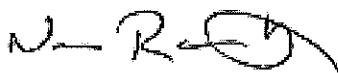
3. The Certified letter was delivered and signed for as evidenced by the signed return receipt card. A copy of the card is attached hereto as Exhibit C.

4. Respondent failed to respond to The Florida Bar as requested in the letter of April 24, 2015.

5. 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 an official Bar inquiry 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 an official Bar inquiry and whether Respondent should be held in contempt for failure to respond to an official Bar inquiry.

Respectfully submitted,




Navin A. Ramnath, Bar Counsel
The Florida Bar
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233

Florida Bar No.: 41979
nramnath@flabar.org
akline@flabar.org

CERTIFICATE OF SERVICE

I certify the original hereof has been furnished by regular U.S. Mail to Michael Joseph Napoleone, Chair at Richman Greer, P.A., 250 S. Australian Ave., Ste. 1504, West Palm Beach, FL 33401-5016; with copies to Respondent, Neil Wayne Platock, 186 SW Hidden Cove Way, Port St Lucie, FL 34986-2080; and via E-mail to nplatock@platocklaw.com; Michelle Renee Suskauer, Designated Reviewer, at The Suskauer Law Firm PA, 1601 Forum Place, Ste. 610, West Palm Beach, FL 33401-8106, and via E-mail to Staff Counsel, The Florida Bar at aquintel@flabar.org, all this 18th day of August, 2015.



Navin A. Ramnath, Bar Counsel



Subpoena

Edward J Deutsch to: nplatoch
Cc: Navin Ramnath, Allyson Kline, Carl Totaro

04/24/2015 09:40 AM

Mr. Platoch: Since I have not heard back from my email and your cell phone mailbox is full, I am attaching a Subpoena Duces Tecum. A hard copy will also be sent to your official bar address. Should you require personal service, please let me know. If you have any questions concerning compliance with the subpoena, please contact Carl Totaro, Branch Auditor, at 954-835-0233 ext. 4138. Thank you.



20150424090650481.pdf

Eddie Deutsch

Edward J. Deutsch
Staff Investigator
The Florida Bar, Ft. Lauderdale Branch
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
954-835-0233 ext. 4141
Direct Line 954-835-2829
Fax 954-835-0133
edeutsch@flabar.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

John F. Harkness, Jr.
Executive Director

(954) 835-0233
www.FLORIDABAR.org

April 24, 2015

Via Certified Mail No. 7012 2920 0001 7912 4234, RRR

Neil Wayne Platock
186 SW Hidden Cove Way
Port St Lucie, FL 34986-2080

Re: Complaint by The Florida Bar against Neil Wayne Platock;
The Florida Bar File No. 2015-50,280 (15G)

Dear Mr. Platock:

Pursuant to email of this date from Staff Investigator Edward J. Deutsch (copy enclosed for your ready reference), enclosed please find a hard copy of a subpoena mandating your production of certain trust account records. This information is returnable on or before May 19, 2015.

Your attention is called to R. Regulating Fla. Bar 3-7.11(d)(7) as it applies to contempt. Please guide yourself accordingly.

Sincerely,

Navin Ramnath
Bar Counsel

NAR/aak

Enclosure

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Witness Subpoena Duces Tecum
[To Testify and Produce Evidence]

IN RE: CONFIDENTIAL PROCEEDING BY
THE FLORIDA BAR UNDER THE RULES OF
DISCIPLINE.

The Florida Bar File No.
2015-50,280(15G)

TO: Neil Wayne Platock
186 SW Hidden Cove Way
Port St. Lucie, FL 34986-2080

YOU ARE HEREBY COMMANDED to appear before Carl Totaro, Branch Auditor, at The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323* on May 19, 2015 10:00 a.m. and have with you the following hard copies of documents:

Unredacted copies of bank statements, check stubs, canceled checks (front and back), detailed wire transfers (incoming & outgoing) in addition to basic wire information captured on bank statements, detailed fund transfers (incoming & outgoing), cashier's checks issued with supporting documentation, bank deposit slips, cash receipts and disbursements journal, client ledgers (active and closed)**, monthly bank reconciliations, monthly comparisons(***) and annual detailed listing of trust liabilities for your trust accounts, executed HUD-1 statements with settlement statement balance sheets for all real estate transactions, closing statements from any type of case, fee agreements, and any documentary evidence supporting all trust disbursements, transfers and receipts for any trust account in which you have a signatory capacity as well as all supporting documentation for any other account in which the funds pertaining to clients were placed.

This request applies for documentation maintained for the period beginning January 1, 2013 through March 31, 2015.

* In lieu of appearance you may submit the requested materials by mail to Carl Totaro, CPA, Branch Auditor, prior to May 19, 2015. If you have any questions regarding this matter, please contact The Florida Bar at (954) 835-0233, extension 4138.

**Active and closed ledgers must also include ledgers equaling the beginning trust account bank balance as of the beginning of the period requested.

***The monthly comparison is an important trust account record. It lists a comparison between the total of all client liabilities held in trust as of each month end per your client ledgers, which is agreed to the reconciled bank balance (from the monthly bank reconciliations), together with specific descriptions and reasons of any differences between the 2 totals.

Dated this 14th day of April, 2015.

RETURN OF SERVICE

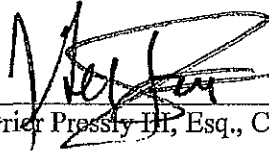
THE FLORIDA BAR
Grievance Committee 15G

I CERTIFY that the foregoing
subpoena was served this 24th
day of April, 2015, by

e-mail/attach. (read & discussed 4/28/15).

(method of service)

Edward Dentel Staff Investigator
(Signature and Title of Person Making Service)



James Grier Pressly III, Esq., Chair

Please note that if any entrusted monies have been deposited in any non-trust account (such as operating or personal) during this period of time, you are hereby compelled to produce the documents itemized above for that account(s) as well.

Rule 3-7.4(h) Rights and Responsibilities of the Respondent. The respondent may be required to testify and to produce evidence as any other witness unless the respondent claims a privilege or right properly available to the respondent under applicable federal or state law. The respondent may be accompanied by counsel. At a reasonable time before any finding of probable cause or minor misconduct is made, the respondent shall be advised of the conduct which is being investigated and the rules that may have been violated. The respondent shall be provided with all materials considered by the committee and shall be given an opportunity to make a written statement, sworn or unsworn, explaining, refuting, or admitting the alleged misconduct.

Rule 3-7.4(i) Right of the Complaining Witness. The complaining witness is not a party to the disciplinary proceeding. Unless found to be impractical by the chair of the grievance committee due to unreasonable delay or other good cause, the complainant shall be granted the right to be present at any grievance committee hearing when the respondent is present before the committee. Neither unwillingness nor neglect of the complaining witness to cooperate, nor settlement, compromise, or restitution will excuse the completion of an investigation. The complaining witness shall have no right to appeal.

Rule 3-7.11(d)(7) Contempt. Any persons who without adequate excuse fail to obey such a subpoena served upon them may be cited for contempt of this court in the manner provided by this rule.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT BAR COUNSEL AT 954-835-0233 NOT LATER THAN 7 DAYS PRIOR TO THE PROCEEDING.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>THE FLORIDA BAR</i> C. Date of Delivery <i>5/4/15</i></p>
<p>1. Article Addressed to:</p> <p>Neil Wayne Placock, Esq. 186 SW Hidden Cove Way Port St. Lucie, FL 34986-2080</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (transfer from service label)</p>	<p>7012 2920 0001 7912 4234</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

United States Postal Service

FL 33323
04 MAY 15



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

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

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

RECEIVED
MAY 06 2015
The Florida Bar
Ft. Lauderdale Office

2015-50,280(15G)

AAK

