

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ANDREW DAVID HODES,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2018-50,410(15G)

COMPLAINT

The Florida Bar, complainant, files this Complaint against Andrew David Hodes, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar admitted on September 21, 2011 and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent resided and practiced law in Palm Beach County, Florida, at all times material.
3. Fifteenth Judicial Circuit Grievance Committee “G” found probable cause to file this Complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this Complaint has been approved by the presiding member of that committee.
4. On or about December 14, 2007, Anita M. Rufus died intestate.

5. On or about October 14, 2014, respondent emailed Lenard Johnson (hereinafter referred to as “L. Johnson”) an engagement letter regarding the “Summary Probate Administration for Anita M. Rufus (and Deed).”

6. In the engagement letter, respondent stated that,

I am writing to confirm that you would like to engage this law firm as legal counsel in connection with the Probate of Anita M. Rufus’ Estate as well as preparation of deed to transfer the above Lauderhill property to Anita’s brother, Bobby Johnson. This Probate is being opened to procure an Order of Summary Administration to then enable the transfer of the property via a warranty deed (from Corey [sic] Rufus to Bobby Johnson).

7. On or about October 22, 2014, L. Johnson signed the engagement letter acknowledging that, “I state that I have read the above engagement letter of Andrew D. Hodes, P.A., and I agree to all of the terms and conditions stated therein.”

8. Respondent served as the attorney for petitioner (L. Johnson) in the summary administration of Ms. Rufus’s estate in the case styled In Re: Estate of Anita M. Rufus, Broward County Circuit Court, Probate Division, File No. 14-4776.

9. The only asset of the estate of Anita M. Rufus was real property located at 1751 NW 51st Avenue, Lauderhill, FL 33313. This is the same property as the referenced “Lauderhill property” in the engagement letter.

10. On or about November 4, 2014, the probate court entered Orders of Summary Administration (intestate) and Determining Homestead Status of Real

Property. By entry of these orders, the ownership of the Lauderhill property was transferred from the decedent to her son, Cory Rufus (“C. Rufus”).

11. As stated in the engagement letter, respondent was also engaged by L. Johnson to transfer the Lauderhill property from C. Rufus to Bobby Johnson (“B. Johnson”), L. Johnson’s father.

12. Respondent prepared a quit claim deed to transfer the Lauderhill property from grantor, C. Rufus, to grantee, L. Johnson, rather than B. Johnson.

13. Subsequently, C. Rufus signed the deed and had same notarized.

14. After respondent received the signed and notarized quit claim deed, respondent altered both the date on the deed and the grantee from L. Johnson to B. Johnson without authorization to do so.

15. Subsequently, respondent recorded the altered deed (The altered deed reflects a recording date of December 10, 2014).

16. Civil litigation was initiated as a result of the altered deed in the case styled Bobby Johnson v. Lenard T. Johnson, et al., 17th Judicial Circuit Court Case No. CACE 17005453 (13).

17. On or about July 16, 2018, the trial commenced and upon conclusion, the court found that, “[T]he attorney Hodes and his former client, Defendant Lenard T. Johnson, committed acts of fraud, misrepresentation, forgeries and/or material alterations regarding the subject property and title to same.”

18. By the conduct set forth above, respondent violated R. Regulating Fla. Bar 3-4.2 [Violation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline.]; 3-4.3 [The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.]; 4-1.1 [A lawyer must provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.]; 4-8.4(c) [A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule.]; 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law

that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic].

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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CERTIFICATE OF SERVICE

I certify that this document has been efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to William Martin, Respondent's Counsel, at bill.martin@petersonbernard.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 1070 0000 4774 2913, return receipt requested to Respondent's Counsel, whose record bar address is 707 SE 3rd Ave., Ste. 500, Fort Lauderdale, FL 33316-1142 and via email to Navin A. Ramnath, Bar Counsel, nramnath@flabar.org, on this 7th day of August, 2020.



PATRICIA ANN TORO SAVITZ
Staff Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Navin A. Ramnath, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Ft. Lauderdale Branch Office, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, (954) 835-0233 and nramnath@floridabar.org; and akline@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, FL 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.