

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

JAMES SANTOS WILKIE,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File Nos.
2022-50,596(17C) and
2022-50,634(17C)

_____ /

PETITION FOR EMERGENCY SUSPENSION

This petition of The Florida Bar seeks emergency relief and requires the immediate attention of this Court under Rule 3-5.2 of the Rules Regulating The Florida Bar. The bar seeks the emergency suspension of James Santos Wilkie, Attorney No. 102899, from the practice of law in Florida based on facts that establish clearly and convincingly that respondent, James Santos Wilkie, appears to be causing great public harm as will be shown by the facts supported by the affidavit of Carl Totaro (“Totaro”), Lead Auditor with The Florida Bar (the “Affidavit”), and other information, as follows:

1. The filing of this Petition for Emergency Suspension (the “Petition”) has been authorized by the Executive Director of The Florida Bar.

RECEIVED, 07/14/2022 05:16:29 PM, Clerk, Supreme Court

2. Respondent is and, at all times hereinafter mentioned, a member of The Florida Bar and subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida. The instant Petition arises from two bar disciplinary matters which have been assigned The Florida Bar File Nos. 2022-50,596 (17C) and 2022-50,634(17C).

3. The bar's investigation of this matter indicates respondent has caused great public harm by misappropriating client funds. The Affidavit is used by the bar to support this Petition and is attached hereto as Exhibit A.

4. This investigation began upon receipt of a notice from J.P. Morgan Chase Bank for checks presented against insufficient funds and was assigned The Florida Bar File No. 2022-50,596(17C) (the "Bank Notice"). The Florida Bar subsequently opened a second file due to new information received relating to respondent's eviction matters and that was assigned The Florida Bar File No. 2022-50,634(17C) (the "Eviction Matter"). Respondent was involved in two eviction proceedings pending in Broward County, CONO21024687 SE Oceanside LLC v. Wilkie Law Group LLC (the "Commercial Eviction") and CONO21024275 SE Oceanside LLC v. James Santos Wilkie, et al. (the "Residential Eviction"). On April 19, 2022, respondent appeared at a hearing for the Residential Eviction and admitted to bouncing two checks from his trust account on or about March

22, 2022. Notably, the checks were written from his trust account and deposited into the court registry for his personal residence. Respondent subsequently represented to the court that after the two trust account checks were returned for insufficient funds for payments on the Residential Eviction, he deposited a cashier's check into the court registry for the outstanding amount due in that matter. Despite that representation to the court, a cashier's check was never deposited into the court registry for the outstanding funds in the Residential Eviction. Respondent also submitted two trust account checks into the court registry for funds due in the Commercial Eviction that were also returned for insufficient funds. The four checks that were the subject of the Bank Notice were the same checks that were returned for insufficient funds in the Eviction Matter.

5. On May 2, 2022, subpoenas were served on respondent requiring production of trust account records and other related records for the period from August 1, 2021 through April 30, 2022. See Exhibit A-2. The subpoenaed records were due by June 1, 2022. On or about June 2, 2022, partial records were received from respondent in connection with the subpoena, and respondent requested a 14-day extension to provide copies of the closing statements and fee agreements. See Exhibit A-14. The same day, the bar informed respondent that this matter would be noticed for the

July 11, 2022 grievance committee for non-compliance and that he continued to have the opportunity to produce the subpoenaed documents. The bar further advised that it anticipated receiving the outstanding documents well before the scheduled grievance committee meeting (specifically, on or before June 15, 2022). See Exhibit A-4, p. 9. To-date, the balance of the subpoenaed documents have not been provided by respondent.

6. On May 3, 2022, subpoenas were served on J.P. Morgan Chase Bank requiring the production of respondent's bank account records for the time period of August 1, 2021 through April 30, 2022. See Exhibit A-1.

7. On or about May 20, 2022, respondent provided his response to the Bank Notice. Respondent stated, in pertinent part, the following:

- a. "I have always clearly stated in my correspondence to the bar that 'I am in constant balance with my IOTA and strive to keep my balance at \$0.00...It is paramount to me that I keep my account at \$0.00.'"
- b. "I understand this comes with the territory in being a lawyer; however, *I would never use someone else's money, violate my ethical standards* and infringe on my

own policy of keeping my trust account at \$0.00 (to the best of my ability).”

- c. *In the instant case I am the client. No firm client moneys were misappropriated, co-mingled or spent. Rule 5-1.1(a)(1)(b) states ‘A lawyer may deposit the lawyer’s own funds into trust or replenish a shortage in the trust account...’ **lerred** in not replenishing the account intime [sic] AND not notifying the Bar’s lawyer regulation department immediately of my error. I must stand by my ethics and say YES I did not replenish my own money into the trust account to keep it even (obviously it was immediately rectified per requirement).*

See Exhibit A-7, p. 1. (emphasis in original; additional emphasis added by use of italics).

8. After receiving the documents produced by J.P. Morgan Chase Bank and respondent, Totaro performed a compliance audit on respondent’s trust account records for the account titled, “The Wilkie Law Group LLC IOTA Trust Account” number ending with #8906 (the “Trust Account”).

9. After an examination of the Trust Account and respondent's response to the subpoena, Totaro determined that respondent was not in compliance with the trust accounting rules.

10. Totaro also examined the following bank accounts:

- a. The Wilkie Law Group LLC Business Checking Account number ending with #9323 at J.P. Morgan Chase Bank, for the period of August 1, 2021 through April 29, 2022 (the "Operating Account").
- b. The James S. Wilkie or Mary Rachel Mecca or Crystal Wilkie Checking Account number ending with #6714 at J.P. Morgan Chase Bank, for the period of August 1, 2021 through April 29, 2022 (the "Personal Account").
- c. The James S. Wilkie, Esq. credit card account number ending with #4239 at J.P. Morgan Chase Bank, for the period of July 8, 2021 through April 7, 2022 (the "Credit Card").

MISAPPROPRIATION OF THE BEMILLER SETTLEMENT FUNDS

11. Based on an examination of the banking documents provided by J.P. Morgan Chase Bank, Totaro identified various clients of respondent. One of the identified clients, Marcia Bemiller, was contacted in

an effort to obtain a copy of the closing statement relating to her matter. See Exhibit A, ¶ 17.

12. On or about June 10, 2022, Ms. Bemiller provided a copy of three closing statements related to her matter. The first two closing statements were prepared by Salpeter Gitkin LLP, and the final closing statement reflecting a summary of all three settlements was prepared by respondent. See Exhibit A-15.

- a. The first settlement statement was prepared by James P. Gitkin on February 26, 2020. The gross settlement amount was \$5,000.00. Attorney fees totaled \$1,250.00 (\$687.50 to Salpeter Gitkin and \$562.50 to Wilkie Law Group). The net settlement amount was \$3,750.00 for Ms. Bemiller. See Exhibit A-15, p. 1.
- b. The second settlement statement was prepared by Mr. Gitkin on July 1, 2020. The gross settlement amount was \$100,000.00. Attorney fees totaled \$25,000.00 (\$13,750.00 to Salpeter Gitkin and \$11,250.00 to Wilkie Law Group). Pending medical bills and liens held in trust totaled \$9,134.00. The net settlement amount was \$65,866.00 for Ms. Bemiller. See Exhibit A-15, p. 3.

- c. The final closing statement was prepared by respondent on December 29, 2021. This final closing statement combined the prior settlement amounts and included the \$100,000.00 settlement received by respondent in August 2021. The final closing statement reflected, in pertinent part, the following:
- i. The total amount of settlement was \$210,000.00.
 - ii. Less attorney fees of \$27,500.00.
 - iii. **“NO ATTORNEY’S FEES TAKEN ON SETTLEMENT STATEMENT III (FINAL).”**
 - iv. Less paid to client: February 26, 2020, \$7,500.00.
Note: This was paid by Salpeter Gitkin.
 - v. Less paid to client: July 1, 2020, \$65,866.00. Note:
This was paid by Salpeter Gitkin.
 - vi. Less paid to client: September 15, 2021,
\$30,000.00. Note: This was paid from respondent’s
Trust Account.
 - vii. Less paid to client: December 29, 2021, \$5,000.00.
Note: This was paid from respondent’s Trust
Account.

- viii. Total Medical Bills: \$74,134.00 (consisting of 14 medical providers).

See Exhibit A-15, p. 4. (emphasis in original).

13. After reviewing the documents provided by Ms. Bemiller, the bar contacted Mr. Gitkin to request additional documents and explanations relating to the closing statements. See Exhibit A, ¶ 19.

14. On or about June 13, 2022, Mr. Gitkin provided documents and responses relating to the closing statement transactions (amounts received for settlements, amounts disbursed for attorney fees, and amounts disbursed to client) for the closing statements his law firm prepared for Ms. Bemiller. The documents, in pertinent part, demonstrate the following:

- a. As of September 8, 2021, Mr. Gitkin's firm was still holding \$9,134.00 in trust for Ms. Bemiller's matter. He sent an e-mail to respondent stating "[a]s discussed, you settled the UIM case for \$100,000.00. On this file, SG is willing to take the \$9,134.00 siting [*sic*] in our trust account as a fee (as opposed to the \$13,750.00 we might otherwise be entitled to). *You will deal with resolving the bills and paying the client out of the \$100K settlement.*" See Exhibit A-16, p. 28. (emphasis added).

- b. On May 27, 2022, Mr. Gitkin sent an e-mail to respondent advising that he received a call from one of Ms. Bemiller's medical providers who advised Ms. Bemiller was frantically calling the office. The medical provider advised Mr. Gitkin that the balances were still outstanding. Mr. Gitkin forwarded the invoices to respondent. Mr. Gitkin also wrote "[a]s a reminder, you handled Bemiller's last settlement and agreed to satisfy all bills from your end...."
- See Exhibit A-16, p. 9.

15. Respondent's final closing statement for Ms. Bemiller's matter does not reflect the additional attorney fee in the amount of \$9,134.00 retained by Mr. Gitkin's firm for the final settlement.

16. The bank balance in the Trust Account was \$0.00 as of July 31, 2021. See Exhibit A-10, p. 2.

17. On August 30, 2021, a check from Geico Insurance Company in the amount of \$100,000.00 was deposited into the Trust Account regarding Ms. Bemiller's matter. See Exhibit A-10, pp. 4-5.

18. The bank balance in the Trust Account was \$100,000.00 as of August 31, 2021. See Exhibit A-10, p. 2.

19. During the period of September 1, 2021 through September 27, 2021, six (6) online banking transfers totaling \$37,881.97 were disbursed from the Trust Account and deposited into the Operating Account. No description of the client's name or matter were noted on the bank statements for those transactions. See Exhibit A-10, p. 6.

20. On September 15, 2021, an online banking transfer in the amount of \$1,241.00 was disbursed from the Trust Account and deposited into the Personal Account. No description of the client's name or matter was noted on the bank statement for that transaction. See Exhibit A-10, p. 6.

21. On September 16, 2021, a wire transfer to Marcia A. Bemiller in the amount of \$30,000.00 was disbursed from the Trust Account regarding Ms. Bemiller's matter. See Exhibit A-10, pp. 6-8.

22. The bank balance of the Trust Account was \$30,877.03 as of September 30, 2021. See Exhibit A-10, p. 6.

23. On or about October 1, 2021, check number #1040 in the amount of \$2,166.67 was issued from the Trust Account and was payable to John Dickens with memo note indicated "BI Final." That check was paid by the bank on October 1, 2021. See Exhibit A-10, pp. 9-11. Funds on

deposit in the Trust Account relating to Ms. Bemiller's matter were used to make this disbursement to Mr. Dickens, similar to a Ponzi scheme.

24. During the period from October 4, 2021 through October 25, 2021, seven (7) online banking transfers totaling the amount of \$23,000.01 were disbursed from the Trust Account and deposited into the Operating Account. No description of the client's name or matter were noted on the bank statements for those transactions. See Exhibit A-10, p. 10.

25. The bank balance in the Trust Account was \$5,710.35 as of October 29, 2021. See Exhibit A-10, p. 9.

26. During the period of November 8, 2021 through November 22, 2021, seven (7) online banking transfers totaling the amount of \$5,649.96 were disbursed from the Trust Account and deposited into the Operating Account and the Personal Account. No description of the client's name or matter were noted on the bank statement for those transactions. See Exhibit A-10, pp. 16-17.

27. The bank balance in the Trust Account was \$0.00 as of November 30, 2021. See Exhibit A-10, p. 16.

28. By November 30, 2021, all of the funds relating to Ms. Bemiller were disbursed from the Trust Account. The bar was unable to identify any disbursements from the Trust Account that were paid to any medical

providers, on behalf of Ms. Bemiller, during the period of August 30, 2021 through November 30, 2021. The bar was also unable to identify any disbursements from the Operating Account or Personal Account that were paid to any medical providers, on behalf of Ms. Bemiller, during the period of August 30, 2021 through November 30, 2021.

29. On or about December 29, 2021, check number #1052 was issued in the amount of \$5,000.00 from the Trust Account payable to Ms. Bemiller with a memo note indicating "BI Settlement Final." That check was paid by the bank on December 31, 2021. See Exhibit 10, pp. 22 & 35. A new source of unrelated funds, that were deposited into the Trust Account in December 2021, were used as the source of funds to make the \$5,000.00 disbursement to Ms. Bemiller, similar to a Ponzi scheme.

30. The evidence is clear and convincing that respondent misappropriated at least \$65,000.00 (\$100,000.00 settlement - \$30,000.00 paid to Ms. Bemiller - \$5,000.00 paid to Ms. Bemiller) of the \$74,134.00 client funds payable to medical providers, per the final closing statement dated December 29, 2021.

31. Respondent removed those trust funds and thereafter utilized those funds for his own personal benefit and for a matter unrelated to Ms. Bemiller.

32. Further, respondent has failed to produce any required documentary evidence that authorized the use of those funds for his own personal benefit or for the benefit of others unrelated to Ms. Bemiller.

THE COFFEY SETTLEMENT FUNDS

33. On April 8, 2022, a check from Broadspire in the amount of \$20,000.00 was deposited into the Trust Account regarding a matter involving respondent's client Brian Coffey. See Exhibit A-10, pp. 57, 60-61.

34. During the period of April 11, 2022 through April 25, 2022, nine (9) online banking transfers totaling the amount of \$20,000.00 were disbursed from the Trust Account and deposited into the Operating Account. No description of the client's name or matter were noted on the bank statement for those transactions. See Exhibit A-10, p. 57.

35. The bank balance in the Trust Account was \$0.00 as of April 29, 2022. See Exhibit 10, p. 57. As of April 29, 2022, all the funds relating to Mr. Coffey's matter were disbursed from the Trust Account. No disbursements from the Trust Account were paid to Mr. Coffey or paid to any third parties and/or medical providers on behalf of Mr. Coffey during the period of April 8, 2022 through April 29, 2022.

36. On April 13, 2022, a withdrawal in the amount of \$9,746.76 was made from the Operating Account. See Exhibit A-11, pp. 62, 68. That

withdrawal was used to purchase and fund cashier's check #1418927251 dated April 13, 2022, in the amount of \$9,746.76¹, payable to the Clerk of Courts with a memo note "21-24687-CONO-73." See Exhibit A-11, p. 70.

37. Respondent used the funds from Mr. Coffey's matter, transferred from the Trust Account to the Operating Account in April 2022 to pay his past due rent into the court registry for his Commercial Eviction. As of April 29, 2022, the bank balance in the Operating Account was overdrawn in the amount of \$133.24. See Exhibit A-11, p. 59.

38. On June 16, 2022, Totaro participated in a phone call with respondent wherein respondent advised there was no closing statement for Mr. Coffey and that Mr. Coffey is his best friend.

39. Further, respondent has failed to produce an executed closing statement and other required documentary evidence that documented the amount of attorney fees and costs respondent may have been entitled to receive, the amounts of funds that may have been due to third parties/medical providers, or the amount of settlement proceeds that may have been due to Mr. Coffey.

¹ Exhibit A contains a scrivener's error in paragraph no. 40 of the Affidavit. The dollar amount referenced in the second sentence of said paragraph should accurately read \$9,746.76 rather than \$9,786.76.

TRUST ACCOUNT CHECKS PRESENTED AGAINST INSUFFICIENT FUNDS IN EVICTION MATTER

40. The bank balance in the Trust Account was \$0.00 as of March 1, 2022. See Exhibit A-10, p. 47.

41. No deposits were made into the Trust Account and no disbursements were made from the Trust Account during March 2022. See Exhibit A-10, p. 47.

42. The bank balance in the Trust Account remained at \$0.00 as of March 31, 2022. See Exhibit A-10, p. 47.

43. In March 2022, the following Trust Account checks, all payable to the Clerk of Court for respondent's Commercial Eviction and Residential Eviction, were presented against insufficient funds: check #1065 in the amount of \$3,248.92; check #1064 in the amount of \$3,248.92; check #1067 in the amount of \$4,285.73; and check #1068 in the amount of \$4,285.73 were all returned against insufficient funds on March 24, 2022. See Exhibit A-10, pp. 47-56.

MISREPRESENTATIONS MADE BY RESPONDENT TO THE FLORIDA BAR

44. On or about April 8, 2022, The Florida Bar notified respondent of the Bank Notice and requested that he provide a written response to address same.

45. In his response dated May 20, 2022, even though there were no allegations of misappropriation at that time, respondent stated, in pertinent part, the following:

- a. “[I] would never use someone else’s money....”
- b. “No firm client moneys were misappropriated, co-mingled or spent.”

See Exhibit A-7, p. 1. (emphasis added).

46. Further, despite claiming that he planned to fully comply with the bar’s subpoena for his Trust Account records, respondent failed to do so. See Exhibit A-6, p. 1; Exhibit A-14, pp. 1-2; and Exhibit A-4, p. 9.

47. As discussed *supra*, as of November 30, 2021, respondent misappropriated all of the \$65,000.00 he should have been holding in the Trust Account for Ms. Bemiller.

FAILURE TO PRODUCE AND MAINTAIN THE REQUIRED TRUST ACCOUNTING DOCUMENTS AND OTHER REQUIRED RECORDS

48. Respondent was served with subpoenas on May 2, 2022, requiring the production of trust records for the compliance audit period of August 1, 2021 through April 30, 2022.

49. Respondent failed to provide many of the documents required by the subpoena. Respondent’s June 2, 2022 response to the subpoena included a summarized listing of the subpoena compliance. See Exhibit A-

14. Specifically, respondent summarized his subpoena compliance, in pertinent part, as follows:

- a. Respondent was required to provide copies of Trust Account cancelled checks. Respondent stated, “[n]ot applicable.” See Exhibit A-14, p. 1. Despite this statement, respondent’s Trust Account statements reflect check disbursements during the period requested in the subpoena. Respondent did not provide copies of the cancelled checks for the period requested in the subpoena.
- b. Respondent was required to provide copies of Trust Account deposit slips. Respondent stated, “[a]waiting mailed copies from J.P. Morgan Chase Bank...” See Exhibit A-14, p. 1. Respondent admitted to not maintaining the bank deposit slips during the period requested in the subpoena.
- c. Respondent was required to provide the cash receipts and disbursements journal relating to the Trust Account. Respondent stated, “[n]one.” See Exhibit A-14, p. 1. Respondent admitted to not maintaining a cash receipts

and disbursements journal during the period requested in the subpoena.

- d. Respondent was required to provide the client ledgers relating to the Trust Account. Respondent stated, “[l]edger enclosed in detailed statements.” See Exhibit A-14, p. 1. No client ledgers were provided by respondent.
- e. Respondent was required to provide the monthly bank reconciliations relating to the Trust Account. Respondent stated, “[e]nclosed (See answer to number one (1).” See Exhibit A-14, p. 1. No monthly bank reconciliations were provided by respondent.
- f. Respondent was required to provide the monthly comparisons relating to the Trust Account. Respondent stated, “[e]nclosed. No difference as statements are not redacted and in complete and unredacted form.” See Exhibit A-14, p. 1. No monthly comparisons were provided by respondent.
- g. Respondent was required to provide copies of all closing statements from any case. Respondent stated, “[w]ill be provided. A new server system has been implemented at

this office at or around July 1, 2021. A dedicated member of my staff works daily to organize same. An extension for this request of fourteen (14) days is requested.” See Exhibit A-14, p. 1. (emphasis added). No responsive documents were provided by respondent.

- h. Respondent was required to provide all fee agreements. Respondent stated, “[s]ee answer to question 1 part (L).” See Exhibit A-14, p. 2. No responsive documents were provided by respondent.

50. The **only** documents respondent provided responsive to the subpoena were the following:

- a. Trust Account bank statements for the period of July 31, 2021 through April 29, 2022.
- b. A receipt dated April 13, 2022 from the Clerk of the Court in the amount of \$9,746.76. See Exhibit A-14, p. 3.

51. Respondent failed to produce the following required trust account records in violation of R. Regulating Fla. Bar 5-1.2:

- a. Deposit slips.
- b. Cancelled checks.

- c. Other documentary support for all disbursements and transfers from the Trust Account including records of all electronic transfers from client trust accounts. These records are the source documents supporting the reason why the disbursement or transfer was made to the client, other third party, and/or the respondent. These are records compiled by respondent and cannot be obtained from the bank. For example, respondent did not provide copies of any closing settlement statements and/or the retainer/fee agreements.
- d. Cash receipts and disbursements journal.
- e. Client ledgers.
- f. Monthly bank reconciliations.
- g. Monthly comparisons.

52. By the conduct set forth above, respondent violated R.

Regulating Fla. Bar 3-4.3 (Misconduct and Minor Misconduct); 4-1.5(f)(5) (In the event there is a recovery, on the conclusion of the representation, the lawyer must prepare a closing statement reflecting an itemization of all costs and expenses, together with the amount of fee received by each participating lawyer or law firm.); 4-1.15 (Safekeeping Property); 4-8.1 (An

applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

(a) knowingly make a false statement of material fact; (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority); 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(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.); 4-8.4(c) (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); 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); 5-1.1(a)(1) (A lawyer must hold in trust, separate from the lawyer's own property, funds, and property of clients or third persons that are in a lawyer's possession in connection with a representation.); 5-1.1(b) (Money or other property entrusted to a lawyer for a specific purpose, including advances for fees, costs, and expenses, is held in trust and must be applied only to that

purpose.); 5-1.2(b) (Minimum Trust Accounting Records); and 5-1.2(d) (Minimum Trust Accounting Procedures).

WHEREFORE, based on the aforementioned facts, the bar asserts respondent has caused, or is likely to cause, immediate and serious harm to clients or the public and immediate action must be taken to protect respondent's clients and the public. Therefore, pursuant to Rule 3-5.2, the bar respectfully requests this court to:

- A. Suspend respondent from the practice of law until further order of this court.
- B. Order respondent to accept no new clients from the date of this Court's order and to cease representing any clients after 30 days from the date of this Court's order. Within 30 days from the date of this Court's order, respondent shall wind down all pending matters and shall not initiate any litigation on behalf of clients. Respondent shall withdraw from all representation within 30 days from the date of this Court's order. In addition, respondent shall cease acting as personal representative for any estate, as guardian for any ward, and as trustee for any trust and will withdraw from said representation within thirty days from the date of this Court's order and will immediately

turn over to any successor the complete financial records of any estate, guardianship, or trust upon the successor's appointment.

- C. Order respondent to furnish a copy of the suspension order to all clients, opposing counsel, courts before which James Santos Wilkie is counsel of record, and state, federal, or administrative bars of which respondent is a member, as required by Rule 3-5.1(h), and to furnish Staff Counsel with the requisite affidavit listing all clients, opposing counsel and courts so informed within 30 days after receipt of the Court's order.
- D. Order respondent to refrain from withdrawing or disbursing any money from any trust account related to respondent's law practice until further order of this Court, a judicial referee appointed by this Court or by order of the Circuit Court in an inventory attorney proceeding instituted under Rule 1-3.8, and to deposit any fees, or other sums received in connection with the practice of law or in connection with respondent's employment as a personal representation, guardian or trustee, paid to respondent after issuance of this Court's order of emergency suspension, into a specified trust account from

which withdrawal may only be made in accordance with restrictions imposed by this Court. Further, respondent shall be required to notify bar counsel of The Florida Bar of the receipt and location of said funds within 30 days of this Court's order.

- E. Order Respondent to not withdraw any money from any trust account or other financial institution account related to respondent's law practice or transfer any ownership of any real or personal property purchased in whole or in part with funds properly belonging to clients, probate estates for which respondent served as personal representative, guardianship estates for which respondent served as guardian, and trusts for which respondent served as trustee without approval of this Court, a judicial referee appointed by this Court or by order of the Circuit Court in an inventory attorney proceeding instituted under Rule 1-3.8.
- F. Order respondent to notify, in writing, all banks and financial institutions where the respondent maintains an account related to the practice of law, or related to services rendered as a personal representative of an estate, or related to services rendered as a guardian, or related to services rendered as a

trustee, or where respondent maintains an account that contains funds that originated from a probate estate for which respondent was guardian, or trust for which respondent was trustee, of the provisions of this Court's order and to provide all the aforementioned banks and financial institutions with a copy of this Court's order. Further, respondent shall be required to provide bar counsel with an affidavit listing each bank or financial institution respondent provided with a copy of said order.

- G. Order respondent to immediately comply with and provide all documents and testimony responsive to a subpoena from The Florida Bar for trust account records and any related documents necessary for completion of a trust account audit to be conducted by The Florida Bar.
- H. Authorize any Referee appointed in these proceedings to determine entitlement to funds in any trust account(s) frozen as a result of an Order entered in this matter.

Respectfully submitted,



Allie F. Huston, Bar Counsel
The Florida Bar
Fort Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233
Florida Bar No. 84992
ahuston@floridabar.org
smiles@floridabar.org



PATRICIA ANN TORO SAVITZ
Staff Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5600
Florida Bar No. 559547
psavitz@floridabar.org

/s/ _____

JOSHUA E. DOYLE
Executive Director
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5600
Florida Bar No. 25902
jdoyle@floridabar.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, with a copy provided via email to Respondent, James Santos Wilkie, at jwilkie@wilkielawgroup.com; and that a copy has been provided by United States Mail via certified mail No. 7020 1810 0000 0813 8681, return receipt requested to Respondent, James Santos Wilkie, whose address is 1333 S. Ocean Blvd., Ste. 1323, Pompano Beach, FL 33062-6912 and via email to Allie F. Huston, Bar Counsel, ahuston@floridabar.org and smiles@floridabar.org, on this 14th day of July, 2022.



PATRICIA ANN TORO SAVITZ
Staff Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5600
Florida Bar No. 559547
psavitz@floridabar.org

NOTICE OF DESIGNATION OF PRIMARY EMAIL ADDRESS

Bar counsel in this matter is Allie F. Huston, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Fort Lauderdale Branch Office, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, (954) 835-0233 and ahuston@floridabar.org and smiles@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than bar counsel and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-5.2(a), OF THE RULES REGULATING THE FLORIDA BAR, PROVIDES THAT A RESPONDENT MUST ANSWER A COMPLAINT.