

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

FRANK RAY KEASLER JR.,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2021-00,303(4C) OSC

PETITION FOR CONTEMPT AND ORDER TO SHOW CAUSE

COMES NOW, The Florida Bar, petitioner, pursuant to Rule 3-7.7(g), and 3-7.11(f) of the Rules of Discipline, and petitions the Supreme Court of Florida to enter an order to show cause why respondent should not be held in contempt of this Court's order entered in Supreme Court Case Number SC14-1769, dated November 14, 2014, in which respondent was disbarred from the practice of law, and why respondent should not be incarcerated for indirect criminal contempt. In support of its petition, The Florida Bar submits Exhibits "A" through "H," and The Florida Bar states the following:

1. On November 14, 2014, respondent received a disciplinary revocation, which is considered tantamount to disbarment by this Court, from the practice of law in Supreme Court Case Number SC14-1769. This order followed an uncontested petition for disciplinary revocation filed by

respondent in accordance with Rule Regulating The Florida Bar 3-7.12, dated September 10, 2014. (Please see the Florida Supreme Court order disbarring respondent attached hereto as “Exhibit A.”)

2. Disciplinary Revocation is tantamount to disbarment. The Florida Bar v. Hale, 762 So. 2d 515 (2000).

3. Inasmuch as respondent's disciplinary revocation petition was submitted without leave to seek readmission, and respondent filed the petition knowingly and voluntarily with full knowledge of its effect, the revocation was deemed by the Court to be *permanent*. (Please see the Respondent's Petition for Disciplinary Revocation attached hereto as “Exhibit B.”)

4. On May 15, 2015, The Florida Bar filed a Notice to the Supreme Court of respondent's noncompliance with the Court's order requiring respondent to submit an affidavit in compliance with Rule 3-5.1(h), Rules Regulating The Florida Bar, within 30 days of his disbarment, to wit: December 15, 2014. (Please see The Florida Bar's Notice to the Florida Supreme Court of respondent's noncompliance with Rule 3-5.1(h) attached hereto as “Exhibit C.”)

5. At the time of respondent's petition for disciplinary revocation, respondent was serving a three-year suspension from the practice of law

as a result of the Supreme Court's order, dated January 8, 2014, in Case Number SC11-683. This matter was based on two separate, but interrelated complaints against respondent concerning improper representation and conflicts of interest. In addition to being suspended at the time, respondent was also ordered to pay restitution in the amount of \$32,500.00 to one of the parties under the terms and conditions set forth in the Court's order. (Please see the Florida Supreme Court order suspending respondent attached hereto as "Exhibit D.")

6. In addition to the suspension order described in paragraph four above, respondent was also facing pending rule violations in Florida Bar File No. 2013-00,606(4D) in which the grievance committee had found probable cause that respondent had engaged in a conflict of interest during his representation of a close corporation and some of its shareholders. (Please see Grievance Committee's Report finding Probable Cause attached hereto as "Exhibit E.")

7. Respondent's disciplinary history also included two prior admonishments from The Florida Bar in 1991 and 2001. (Please see Respondent's Admonishments attached hereto as "Exhibits F and G.")

8. This current petition is based on an email complaint from Florida Bar Member, Alan S. Wachs, to The Florida Bar, dated December

22, 2020. Mr. Wachs provided substantial information that respondent has continued to practice law and has disregarded this Court's order. (Please see Email Complaint attached hereto as "Exhibit H.").

9. Mr. Scully of FOI Properties, LLC., a property management company, received legal representation and services from respondent.

10. Under the guise of a "business consultant" respondent drafted and executed multiple documents on behalf of FOI Properties, LLC. He also provided legal advice to Mr. Scully on behalf of FOI Properties, LLC.

11. While engaging in a landlord-tenant dispute on behalf of FOI Properties, LLC., respondent drafted a default on favor of FOI Properties, LLC., in December 2020.

12. Respondent also provided legal advice to FOI Properties, LLC., directing it to change the locks on the property and lock the tenant out. This resulted in confrontations between FOI Properties, LLC., and their tenant and resulted in the intervention of law enforcement.

13. In addition, respondent drafted another lease for FOI Properties, LLC., to use with a different tenant.

14. Respondent billed FOI Properties for these services.

15. At the time respondent drafted the legal documents and provided the legal advice, he was permanently disbarred based on the

Court's approval of his Disciplinary Revocation Petition Without Leave to Seek Readmission.

16. Although Mr. Scully had some knowledge that respondent had some past licensure problems, respondent failed to advise his client, Mr. Scully, that he was disbarred at the time he rendered the legal advice to Mr. Scully.

17. After the events surrounding the changing of the locks, FOI Properties, LLC., hired legal counsel to untangle the result of respondent's impermissible and careless legal advice to FOI Properties, LLC., to attempt to resolve the matter with the tenant.

18. After replacement counsel was hired, FOI Properties, LLC., become aware that respondent was disbarred and was ineligible to practice law.

19. Respondent's conduct has caused embarrassment to the Court and obstructs the administration of justice, and thereby lessens the Court's authority and dignity. Accordingly, punishment through criminal contempt proceedings for the violation of the Court's order is warranted to vindicate the authority of the Court.

20. Pursuant to Rule 3-7.11(f), when a disciplinary agency, as defined elsewhere in these rules, finds that a person is in contempt under these rules, the person may be cited for contempt in the following manner:

(1)(A) Petition for Contempt and Order to Show Cause. When a person is found in contempt by a disciplinary agency, bar counsel must file a petition for contempt and order to show cause with the Supreme Court of Florida.

21. Pursuant to Rule 3-5.1(f), disbarment terminates the attorney's status as a member of The Florida Bar. Clearly undeterred by his own extensive history and this Court's repeated pronouncements and sanctions, respondent inexorably continues to willfully disregard this Court's order of disbarment and is engaging in the unlicensed practice of law while calling it "business consulting". As a result, respondent is in indirect criminal contempt of this honorable Court's authority. The Florida Bar v. Palmer, 149 So.3d 1118 (Fla. 2013); and The Florida Bar v. Daley, Jr., SC15-2012 (2016) (Unpublished).

22. The other members of The Florida Bar should not have to pay for respondent's noncompliance with this Court's order and the instant proceeding. Therefore, the bar is requesting administrative costs of \$1,250.00 against respondent.

WHEREFORE, The Florida Bar respectfully requests this Court enter an order compelling respondent to show cause why he should not be held in contempt of this Court's order and:

A. Issue an Order of Arrest, pursuant to Rule 3.840(c), Florida Rules of Criminal Procedure (in lieu of a summons or notice to appear), with an appropriate bond amount, and a further condition of release on that bond that respondent comply with this Court's prior orders. This request is based upon respondent's repeated and flagrant disregard for the Court's previous order of disbarment.

B. Issue an Order Appointing a Referee for purposes of Arraignment and Final Hearing of Contempt of The Florida Supreme Court Order cited above, in compliance with Rule 3-7.11, Proceedings for Indirect Criminal Contempt;

C. Issue an Order Sentencing respondent to serve a term in jail of no less than sixty (60) days for indirect criminal contempt of this Court for indirect criminal contempt of this Court; and,

D. Issue an Order Assessing the Costs of this proceeding against respondent.

Respectfully submitted,

The signature is written in a cursive, handwritten style. It reads "James K. Fisher". The first letter of "James" is a large, stylized capital "J". The "K" is also stylized, and "Fisher" is written in a fluid, connected script.

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/s/

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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, at Frank@FrankKeasler.com; with a copy by United States Mail via certified mail No. 7020 0090 0000 6804 8446, return receipt requested to respondent, at 7810 Hollyridge Road, Jacksonville, Florida 32256 and to Bar Counsel, James Keith Fisher, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, via email at, jfisher@floridabar.org on this 2nd day of November, 2021.



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 James Keith Fisher, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, (850) 561-5845 and jfisher@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.