

MEDIATOR QUALIFICATIONS BOARD

Central Division

In Re: William Todd Lax

Case Number: MQB 2013-005

Panel: The Honorable Dee Ann Farnell
 Stephanie Buck
 Julie Hilton
 Raymond McNeal
 Stephanie Murphy

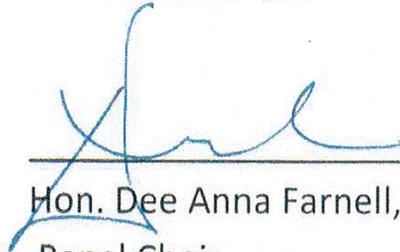
Order Accepting Admission to Formal Charges and Imposing Sanction

The Mediator Qualifications Board, Central Division, by its duly designated five-member Panel, upon considering the attached *Admission and Stipulation*, enters its order in this matter pursuant to Rule 10.820(b), Florida Rules for Certified and Court-Appointed Mediators as follows:

1. By a unanimous decision, the Panel accepts Respondent/William Todd Lax's admissions to the Formal Charges filed in this cause and adopts all terms and conditions contained in the *Admission and Stipulation*, which is fully incorporated herein by reference and made a part thereof. Accordingly, the Panel hereby imposes and adopts all sanctions and conditions enumerated in the attached *Admission and Stipulation*.

2. The Dispute Resolution Center is directed to notify all relevant parties and publish this Order with the attached *Admission and Stipulation* pursuant to Rule 10.830, Florida Rules for Certified and Court-Appointed Mediators.

Accordingly, this matter is hereby concluded.



Hon. Dee Anna Farnell,
Panel Chair

14250 49th Street, Chamber 9
Clearwater, Florida 33762

10-17-2014

Date

Copies furnished to:

William Todd Lax, Esq.
2502 Sunset Drive
Tampa, FL 33629

Melvia B. Green, Esq., Prosecutor
Post Office Box 1055
Odessa, FL 33556

Janice Fleischer, Director
Florida Dispute Resolution Center
500 South Duval Street
Tallahassee, FL 32399

MEDIATOR QUALIFICATIONS BOARD

In Re: William Todd Lax

Case No.: MQB 2013-005

ADMISSION AND STIPULATION

WHEREAS, a Grievance Complaint Committee of the Mediator Qualifications Board has found probable cause and brought formal charges against the above-referenced Mediator alleging violations of Rules 10.310(b); 10.330(a); 10.610(a),(e), (f); and 10.620 of the Florida Rules for Certified & Court-Appointed Mediators; and

WHEREAS, a hearing on the formal charges against the Mediator has not yet been scheduled; and

WHEREAS, the Mediator wishes to admit to the formal charges and agree to the imposition of sanctions without the necessity of a hearing;

NOW, THEREFORE, the parties agree as follows:

1. The Mediator admits to all of the allegations set forth in the Formal Charges filed and fully incorporated herein by reference.

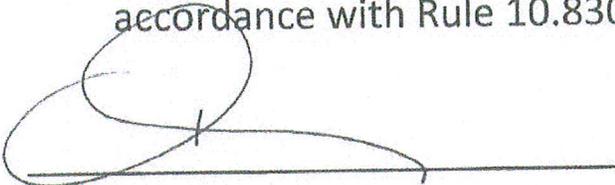
2. The Mediator accepts the imposition of the following Sanctions:

- a. A one (1) year suspension of his mediator certification. For the duration of this suspension period and until his mediator certification has been reinstated by the Dispute Resolution Center (“DRC”), the mediator shall not serve as a mediator.
- b. During the one (1) year suspension period, the mediator shall: (1) complete at least eight (8) hours of Continuing Mediation Education (“CME”) ethics courses, which shall not otherwise count towards the fulfillment of any other required CME courses to maintain his mediator certification; (2) read all MEAC opinions relevant to the Formal Charges herein; (3) and write a Reflective Statement to the DRC regarding his understanding of the ethical violations which gave rise to this grievance complaint. Upon the completion of these requirements and expiration of the one (1) year suspension period, the mediator shall be eligible to reapply for certification as mediator with the DRC.

- c. The mediator shall immediately and permanently cease and desist, either personally or through any other entity, from sending any solicitation letters to homeowners for mediation services.
3. Any default of or failure to comply with the terms of this agreement by the Mediator shall result in this matter returning to an assigned Hearing Panel for further disciplinary action pursuant to Rule 10.830(c).
4. Upon the acceptance of this Admission and Stipulation by the assigned Hearing Panel, the Mediator waives all rights to a Final Hearing; to seek review under the Florida Rules for Certified and Court-Appointed Mediators; or to otherwise challenge or contest the validity of this Admission and Stipulation and/or any final order to be entered by the Hearing Panel.
5. If requested, the Mediator authorizes the Hearing Panel and/or MQB to review and examine all investigative file materials concerning the Mediator in connection with the consideration of this Admission and Stipulation. The Mediator agrees that consideration of this Admission and Stipulation and other related materials by the Hearing Panel and/or the MQB shall not prejudice or preclude the

Hearing Panel, the MQB, or any of their members from further participation, consideration, or resolution of this proceeding if the terms and conditions of this Admission and Stipulation are not deemed acceptable by the Hearing Panel.

6. The Mediator understands and agrees that the DRC shall publish the foregoing sanctions and suspension in accordance with Rule 10.830(f) and (g).



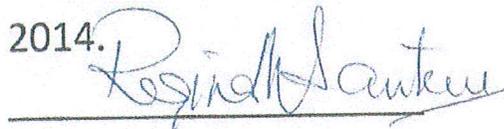
William Todd Lax, Mediator

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

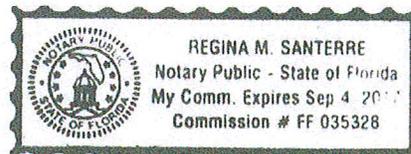
Before me, personally appeared William Todd Lax whose identity is known to me by FDL/Personal (type of identification) and who, under oath, acknowledges that he executed this document voluntarily and for the purposes therein expressed.

Sworn and subscribed before me this 22nd day of September, 2014.

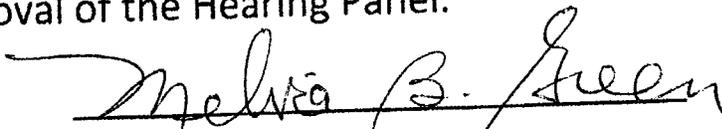


NOTARY PUBLIC

My Commission Expires:



Agreed, pending approval of the Hearing Panel.


Melvia B. Green, Esq., Prosecutor

In Re: William Todd Lax

Case Number: MQB 2013-005

FORMAL CHARGES

Having examined the Grievance Complaint and other information provided by the complainant, Dispute Resolution Center (“DRC”) and William Todd Lax (“mediator”) to determine whether the mediator has violated any of the Florida Rules for Certified and Court-Appointed Mediators, the Mediation Qualifications Board Complaint Committee finds that there is probable cause to believe that:

1. The mediator has violated Rule 10.310(b) of the Florida Rules for Certified & Court-Appointed Mediators. This Rule provides that: “Coercion Prohibited. A mediator shall not coerce or improperly influence any party to make a decision or unwillingly participate in a mediation.”

This probable cause finding that the mediator has violated Rule 10.310(b) is based upon the following allegations of fact:

- (a) The mediator authored and prepared solicitation letters for use by his corporation, Oasis Alliance Corporation (“Oasis”) to residential homeowners who were parties to mortgage foreclosure proceedings which stated, among other things, as follows:
“Although Florida law provides you with the right to request mediation, you must take immediate action to exercise this right. If you are interested in attempting to settle this foreclosure with your lender, you must send a written request to your Judge asking for your case to be sent to court-ordered mediation.” (Emphasis added)
- (b) The solicitation letters containing the foregoing language were generally accompanied by form “Requests for Mediation” for execution by the homeowners and “Orders of Referral of Mediation” for execution by the presiding judge. These form “Requests for Mediation” and “Orders of

Oasis and routinely contained provisions designating Oasis to serve as the mediation administrator.

- (c) The solicitation letters authored by the mediator for use by Oasis were coercive as they impermissibly suggested to residential homeowners that their rights to request mediation might be lost unless the homeowners immediately executed the enclosed "Request for Mediation" designating Oasis to be the mediation administrator.
- (d) The language contained in these solicitation letters authored by the mediator further impermissibly suggested to the residential homeowners that they could not otherwise select other mediation administrators and/or mediators at another time.

2. The mediator has violated Rules 10.330(a); 10.610(e); and 10.620 of the Florida Rules for Certified & Court-Appointed Mediators. Rule 10.330(a) provides that: "Generally. A mediator shall maintain impartiality throughout the mediation process. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual." Rule 10.610(e) provides that: "Prohibited Claims or Promises. A mediator shall not make claims of achieving specific outcomes or promises implying favoritism for the purpose of obtaining business." Finally, Rule 10.620 provides that: "[A] mediator shall not accept any engagement, provide any service, or perform any act that would compromise the mediator's integrity or impartiality."

The probable cause finding that the mediator has violated Rules 10.330(a); Ruled 10.610 (e); and 10.620 for the purpose of obtaining business for his company, Oasis, is based upon the following allegations of fact:

- (a) The mediator authored and authorized the use of the language contained in Oasis' standard solicitation letters and informational sheet

the standard solicitation letters prepared by the mediator and utilized by Oasis, the mediator represented that **“Oasis has conducted thousands of foreclosure mediations and we have helped countless homeowners reach resolution of their foreclosure cases.”** (Emphasis added) Further, the mediator wrote in Oasis’ informational sheet as follows: **“...our firm has scheduled and conducted over two thousand foreclosure mediations throughout the state of Florida, positively impacting the lives of countless Florida homeowners.”** (Emphasis added)

(b) These advertised representations drafted by the mediator for use by Oasis, impermissibly suggests bias or favoritism on the part of Oasis and/or its mediators to assist the homeowners as opposed to both parties during the course of mortgage foreclosure mediation conferences.

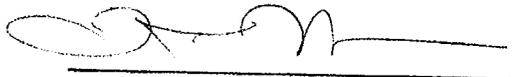
(c) The mediator was selected by Oasis’ administrators to serve as a mediator in these mediation conferences and thus, benefitted from Oasis’ advertised representations.

3. The mediator has violated Rules 10.610(a), (e), and (f) of the Florida Rules for Certified & Court-Appointed Mediators. These Rules respectively provide, in relevant part, as follows: “(a) False or Misleading Marketing Practices. A mediator shall not engage in any marketing practice, including advertising, which contains false or misleading information...; (e) Prohibited Claims or Promises. A mediator shall not make claims of achieving specific outcomes or promises implying favoritism for the purposes of obtaining business; and (f) Additional Prohibited Marketing Practices. A mediator shall not engage in any marketing practice that diminishes the importance of a party’s right of self-determination or the impartiality of the mediator, or that demeans the dignity of the mediation process or the judicial system.

(e), and (f) is based upon the following allegations of fact:

- (a) The mediator continued to allow and/or authorize the use of solicitation letters which represented to homeowners that Oasis serves as a Program Manager of the Residential Mortgage Foreclosure Mediation Program ("RMFM") for the courts of Florida after the termination of the statewide RMFM Program and Oasis' termination as the Program Manager for the Fifth and Eleventh Judicial Circuits.
- (b) The mediator authored and authorized the usage of solicitation letters to residential homeowners that their right to request mediation might be lost unless they acted immediately to execute Oasis' form "Request for Mediation" designating Oasis as the mediation administrator.

This matter is hereby forwarded for assignment to a Hearing Panel pursuant to Rule 10.810(m), Florida Rules for Certified and Court-Appointed Mediators.



Kimberly Mann, Panel Chair

6/20/14
Date