



Office of the State Courts Administrator

Janice M. Fleischer, Esq., Director
Florida Dispute Resolution Center
(850) 921-2910 ■ 922-9290 (fax)
fleischerj@flcourts.org

November 19, 2014

By Certified Mail, Return Receipt Requested and by Regular Mail

Mariella M. Lopez De Albear



Re: MQB 2014-006

Dear Ms. Lopez De Albear:

RECEIVED

DEC 01 2014

Supreme Court of Florida
Dispute Resolution Center

The Mediator Qualifications Board Grievance Complaint Committee (GCC) assigned to your case has met pursuant to rule 10.810, Florida Rules for Certified and Court-Appointed Mediators. The GCC has reviewed the complaint filed against you arising out of a mediation that took place on or about March 19, 2014, and your response to the complaint along with any supporting documentation. As a result of their review, the GCC has made a determination of probable cause and is prepared to issue formal charges of your having violated the following Florida Rules for Certified and Court-Appointed Mediators:

- 10.220 Mediator's Role
- 10.300 Mediator's Responsibility to the Parties
- 10.310(a) and (c) Self-Determination
- 10.330(a) Impartiality
- 10.410 Balanced Process
- 10.420(c) Conduct of Mediation
- 10.620 Integrity and Impartiality

However, prior to drafting formal charges, the GCC is prepared to offer you sanctions as detailed below.

The mediator agrees to the following:

- 1) Completing eight (8) additional Continuing Mediator Credits (CME):

- a) You shall complete an additional eight (8) hours of CME credits specifically on the subjects relevant to the rules violated as stated above.
- b) These additional hours may not be counted toward the required 16 hours of CME for maintaining your mediator certification. These additional hours must consist of at least three (3) separate lectures on the subjects designated. Three of these hours must be either "in person" or attended/listened to and discussed with at least 2 other certified mediators. (If this option is accepted, the other mediators must sign an affidavit of attendance and discussion with you). The remaining five hours may be obtained by listening to/watching audio/video tapes on your own.
- c) All CME must be pre-approved by the Dispute Resolution Center (DRC) Director, Janice M. Fleischer, Esq. In order to obtain approval, you must write the director providing a list of the courses you intend to attend/listen to/watch. The director will respond to this request with approval or denial of the courses. Any course not pre-approved will not count toward your eight hours.

2) Rules and Mediator Ethics Advisory Committee (MEAC) Opinions

- a) You will read and review all the rules listed above; you will then find all the MEAC Opinions in which those rules are listed and read and review them for further guidance.

3) Reflective Statement

- a) After the completion of the above requirements, you will submit a reflective report of no less than two full pages in length in font no larger than 12 point regarding what you learned from the educational materials utilized; what you learned about your current practices by reading the MEAC opinions; and how you intend to change your current practices and procedures in the future.

4) Completion date:

- a) You are to accomplish the sanctions set forth above within six months of the date you sign this agreement. You will provide documentation to the DRC of your completion of the sanctions in writing, sworn and notarized, with appropriate additional information. The notice providing documentation shall be sent by Certified Mail, Return Receipt Requested to the DRC, attention Director Janice M. Fleischer, Esq.

5) Mediating

- a) Your Florida Supreme Court mediator certification will be suspended for thirty days from the date you sign this agreement. During the thirty days you shall not conduct any type of mediation, court-ordered or otherwise. At the end of the thirty days, your suspension shall be lifted provided no evidence of a violation of this requirement is found.
- b) Any default of this agreement will result in the GCC submitting formal charges against you to a Hearing Panel.
- c) The DRC shall notify all Florida judicial circuits of your suspension.

If you choose to accept the sanctions, your acceptance must be indicated by your signature and sworn statement below within 20 days of receipt of this letter to: Dispute Resolution Center, Florida Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399-1900 by certified mail/return receipt requested.

If we do not hear from you or you decide not to accept the sanctions within the same time frame of acceptance and in the same mailing method (certified), the GCC will draft formal charges and forward this matter to the DRC for assignment to a Hearing Panel pursuant to Rule 10.810(m).

If the GCC does not receive your response within twenty days, the GCC will treat your failure to respond as a rejection of the offer and proceed accordingly. Please be advised that by accepting these sanctions, you waive your right to attorney's fees and costs from the complainant or the DRC in this matter.

If you need procedural assistance, please contact our office at 850-921-2910.

On behalf of the MQB GCC,



Janice M. Fleischer, Director

CONSENT TO SANCTIONS

By my sworn signature and notarization below, I, Marvell Lopez de Albea, (NAME), indicate my acceptance of the Sanctions offered and will begin immediately to complete the requirements outlined above.

[Signature]
Signature of Mediator

State of Florida

County of Dade

Sworn to and subscribed before me this 24 day of November, 2014

[Signature]
(Signature of Notary Public)



(Stamp or Seal of Commissioned Notary Public)

Personally known or Produced ID Type of ID