

Mediator Qualifications Board
Southern Division

In Re: Allan J. Weltman

Case Number: MQB2012-005

Panel: The Honorable Angelica Zayas, Chair
 Regina Zelonker
 Andrea Reid
 Valerie Kiffin-Lewis
 Marva Carter

RECEIVED

JUN 17 2013

Supreme Court of Florida
Dispute Resolution Center

Order Accepting Admission to Formal Charges and Imposing Sanctions

The Mediator Qualifications Board, Southern Division, by its duly designated five-member Panel meeting by telephone on June 7, 2013, 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.

1. Upon a vote of a majority of the panel, the Panel accepts the Respondent's admission to the formal charges enumerated and imposes sanctions as enumerated in the attached *Admission and Stipulation* (attached hereto and made a part hereof).

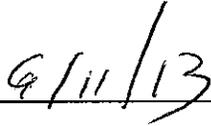
2. The Dispute Resolution Center is directed to notify all relevant parties and publish this Order with attached Stipulation pursuant to Florida Rules for Certified and Court Appointed Mediators, Rule 10.830.

The hearing scheduled for Tuesday, July 2, 2013, is cancelled.

Accordingly, this matter is hereby concluded.



Judge Angelica Zayas, Hearing Panel Chair
Florida Bar No. 822256
3300 NW 27th Avenue
Room 204
Miami, Florida 33142
Tel: 305-638-6873



Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing order was furnished by United States mail or by hand-delivery to the following this 11 day of June 2013:

Andrea Oyola Reid
Denise Rappaport Isaacs, PA
2300 Glades Road, Ste. 203E
Boca Raton, Florida 33431

Regina Zelonker
3001 Ponce de Leon Blvd., Ste. 262
Coral gables, FL 33134

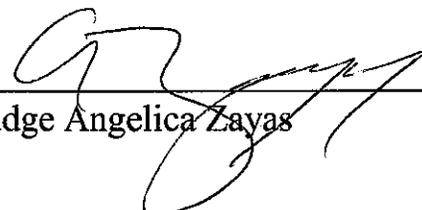
Valerie Kiffin Lewis
401 NW 7th Avenue
Fort Lauderdale, FL 33311

Marva Carter
1802 Windermere Down Place
Windermere, FL 34786-8024

Allan J. Weltman, Mediator
1501 East Atlantic Boulevard
Pompano Beach, Florida 33060

Melvia B. Green, Esquire, Prosecutor
Post Office Box 1055
Odessa, Florida 33556

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



Judge Angelica Zayas

MEDIATOR QUALIFICATIONS BOARD

In Re: Allan J. Weltman

Case No. MQB2012-005

RECEIVED

JUN 03 2013

Supreme Court of Florida
Mediation Center

ADMISSION AND STIPULATION

WHEREAS, a Grievance Complaint Committee of the Mediator Qualifications Board has found probable cause and brought formal charges against the Mediator alleging violations of the Florida Rules for Certified and Court-Appointed Mediators, Rules 10.110(b); 10.300; 10.340(d); 10.380; 10.600; and 10.620; and

WHEREAS, a hearing on the formal charges against the Mediator is scheduled for July 2, 2013; and

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

NOW, THEREFORE, the parties agree as follows:

1. The Applicant admits to the allegations set forth in the Formal Charges.
2. The Applicant accepts the imposition of the following Sanctions:
 - a. Completion of additional Continuing Mediator Education (CME)

Credits:

- i. Complete an additional four (4) hours of CME credits specifically on the subject of ethics pertaining to the subjects of the rules violated.
- ii. 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 two (2) separate lectures on mediator ethics. Two (2) of these hours must be either "in person" or attended/listened to and discussed with at least 2 other certified mediators. The remaining two (2) hours may be obtained by listening to/watching audio/video tapes on your own.
- iii. All CME ethics courses must be pre-approved by the Dispute Resolution Center Director, Janice M. Fleischer, J.D. In order to seek pre-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.

b. Completion of Continuing Legal Education (CLE) Credits:

- i. It is noted that mediator is a paralegal.
- ii. Complete two (2) hours of CLE credits on the issue of the unauthorized practice of law.
- iii. These continuing legal education credits may not be counted toward the required 16 hours of CME for maintaining your mediator certification.

c. Reflective Statements

- i. After the completion of the above credits, submit a reflective report of no less than two pages in length on what you learned from the educational course materials utilized and how you intend to modify your mediation practice due to these lessons.

d. Completion date:

- i. The sanctions set forth above must be completed within six (6) months of the acceptance of this Admission by the Hearing Panel. You will provide documentation to the Dispute Resolution Center 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 Dispute Resolution Center, attention Janice M. Fleischer, Director, for acceptance and approval of completion.

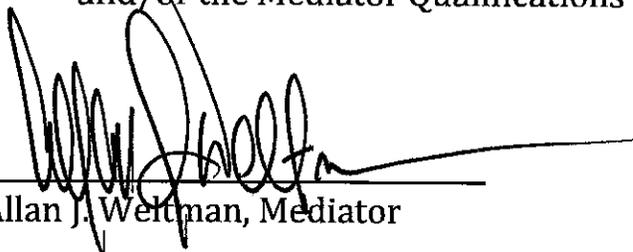
e. Restitution:

i. You will make restitution in the sum of three hundred thirty-five dollars (\$335.00) to the complainant, Michael Snyder, 750 N. Ocean Blvd., #1203, Pompano Beach, FL., 33062 within thirty (30) days hereof and provide proof of the same to the Dispute Resolution Center.

3. During the time these sanctions are being completed, Mediator may continue to mediate; however, any default of this agreement will result in this matter going back to the MQB for further action.
4. Upon the acceptance by the Hearing Panel assigned to this case of this Admission and Stipulation, the Mediator waives all rights 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 of any final order to be entered by the Hearing Panel or Mediator Qualifications Board.

5. If they so request, Mediator authorizes the Hearing Panel and the Mediator Qualifications Board to review and examine all investigative file materials concerning Mediator in connection with the consideration of this Admission and Stipulation. Mediator agrees that consideration of this Admission and Stipulation and other related materials by the Hearing Panel and/or the Mediator Qualifications Board shall not prejudice or preclude the Hearing Panel, the Mediator Qualifications Board, or any of their members from further participation, consideration, or resolution of these proceedings if the terms of this Admission and Stipulation are not accepted by the Hearing Panel and/or the Mediator Qualifications Board.



A handwritten signature in black ink, appearing to read 'Allan J. Weltman', is written over a horizontal line. The signature is stylized and cursive.

Allan J. Weltman, Mediator

STATE OF FLORIDA

COUNTY OF BROWARD

Before me, personally appeared Allan J. Weltman whose identity is known to me by DRIVERS LICENSE (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 24 day of MAY, 2013.

Marcy Fabietti

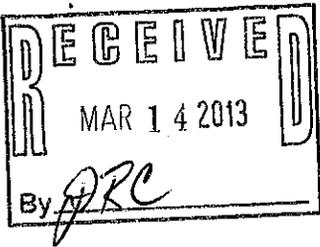
NOTARY PUBLIC

My Commission Expires:



Agreed, pending approval of the Hearing Panel and/or the Mediator Qualifications Board.

Melvia Green
Melvia Green, Esq. Prosecutor



MEDIATION QUALIFICATIONS BOARD
Qualifications Complaint Committee



In Re: Allan J. Weltman

Case Number: **MQB 2012-005**
Supreme Court of Florida
Dispute Resolution Center

FORMAL CHARGES

Having examined the Complaint and other information provided by the complainant, Ramona Eads Snyder; her former spouse, Michael Snyder; and the mediator, Allan J. Weltman to determine whether the mediator has violated the Florida Rules for Certified and Court-Appointed Mediators, the Mediation Qualifications Board Complaint Committee finds that there is probable cause to believe that:

- I. The mediator has singularly and/or collectively violated Rules 10.110(b); 10.300; 10.380(b) (2); 10.600; and 10.620, Florida Rules for Certified and Court-Appointed Mediators. Rule 10.110(b) requires all certified mediators to have and maintain good moral character to “ensure protection of the participants in mediation and the public, as well as to safeguard the justice system.” Rule 10.300 states, among other things, that “[A] mediator’s business practices should reflect fairness, integrity and impartiality.” Rule 10.380(b) (2) states that “Charges for costs shall be for those actually incurred.” Rule 10.600 prescribes, among other things, that “[A] mediator is responsible for maintaining...forthright business practices, fostering good relationships...and generally supporting the advancement of mediation.” Finally, Rule 10.620 states that “[A] mediator shall not accept any engagement, provide any service, or perform any act that would compromise the mediator’s integrity or impartiality.”

This finding is based on the following allegations of fact:

1. Upon being retained by the complainant and her former spouse, the mediator received a prepayment of \$600 for two (2) hours of mediation at \$300 per hour.
2. The mediation between the complainant and her former spouse lasted only one and one-half (1½) hours. Thus, the mediator was entitled only to a total of \$450.00 for the subject mediation.
3. Notwithstanding this fact, the mediator did not refund or credit the claimant and her former spouse for the unused one-half (1/2) hour (i.e. \$150) of payment. Instead, the mediator billed and collected an additional one-half (1/2) hour or \$150 from the complainant and her former spouse. As a result, the mediator was overpaid \$300 for the mediation. The mediator refused to refund the same to the complainant and her former spouse.
4. The mediator also billed and received payment from the complainant and her former spouse the sum of \$35.00 for courier service which was never utilized. The mediator also refused to refund the same to the complainant and her former spouse.
5. Although the mediator was overpaid \$335.00 for his mediation services, the mediator attempted to justify this overpayment and/or intimidate the complainant and her former spouse into not pursuing this overpayment by billing them additionally for a previously unbilled service and after he presented them with a final invoice which he marked as "paid in full."

- II. The mediator has violated Rule 10.330(c), Florida Rules for Certified and Court-Appointed Mediators, by soliciting or otherwise attempting to procure future professional services during the mediation.

This finding is based on the following allegations of fact:

1. In addition to his services as a family mediator, the mediator provides a documentation preparation service for pro se litigants who seek assistance with the preparation of petitions for bankruptcy.
 2. While reviewing the financial information of the complainant and her former spouse during the course of the mediation, the mediator attempted to procure bankruptcy documentation preparation services from the complainant and her former spouse.
- III. The mediator violated Rule 10.340(d), Florida Rules for Certified and Court-Appointed Mediators by providing a service that was not directly related to the mediation process.

This finding is based on the following allegations of fact:

1. During the course of the mediation, the mediator drafted or re-drafted dissolution pleadings for filing with the court by the complainant and her former spouse.
 2. The complainant and her former spouse did utilize and file the dissolution documents prepared by the mediator with the court in their dissolution proceeding.
- IV. The mediator violated Rule 10.380(b), (c) and (d), Florida Rules for Certified and Court-Appointed Mediators by billing and receiving fees and costs for mediation service in excess of the time actually spent on the same; failing to provide the complainant and her former spouse with a prior written explanation of certain fees and/or costs for which he would later bill; and failing to provide an accounting of his billed fees and costs to the complainant upon her request.

This finding is based on the following allegations of fact:

1. The final invoice presented to the complainant and her former spouse by the mediator for payment was not reasonable where the mediator overcharged for mediation services and billed for a cost not incurred by the mediator.
2. The mediator did not initially provide the complainant and her former spouse with a written explanation of certain costs (e.g. postage, envelopes and copies) for which he would later seek reimbursement.
3. The mediator continuously refused to provide the complainant with an accounting or detailed explanation of the basis for his generation of an additional invoice in the amount of \$93.46 after the mediator received payment in the amount of \$1750 for an invoice that he then stamped and signed as "paid in full."

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



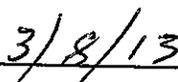
Sonia Caplan



Date



Carmen Stein



Date

Complaint Committee