

MEDIATOR QUALIFICATIONS BOARD

Central Division

In Re: Thomas Dandar, Mediator
(Renewal Applicant)

Case Number: QCC 2014-039

Mediator Certification Number: 4399R

Panel Chair: The Honorable William Stone

Panel Member: Edward L. Birk, Esq.

Panel Member: Risetete Posey

Panel Member: Marie Cameron Joy

Panel Member: Bonnie Marmor

APPEARANCES

Prosecutor: Avery Chapman, Esq.

Mediator/Applicant: Thomas J. Dandar, Esq.

Complainant: Florida Dispute Resolution Center (“DRC”)

Also Present: Janice M. Fleischer, Esq.-Director, DRC

Susan Marvin, Esq.-Staff Attorney, DRC

Timothy Dandar, Esq.

FINAL PANEL DECISION

The Mediator Qualifications Board, Central Division, by its duly designated five-member Panel, held a Formal Hearing in this matter on January 14, 2016 in Clearwater, Florida pursuant to Rule 10.820, Florida Rules for Certified & Court-Appointed Mediators. By a unanimous decision, the Panel concludes that a preponderance of the evidence adduced at the Final Hearing established that Thomas Dandar (“mediator”) presently lacks good moral character for mediator recertification pursuant to Rule 10.110 of the Florida Rules for Certified & Court-Appointed Mediators based upon the findings and conclusions which follow.

FINDING

Based upon the credible evidence presented at the Formal Hearing and after consideration of the relevant factors contained in Rule 10.110(4) of the Florida Rules for Certified & Court-Appointed Mediators, the Panel makes the following findings:

1. The mediator has been licensed as an attorney by the Florida State Bar since October 22, 1984.
2. The mediator has also been a Florida Supreme Court Certified Circuit mediator since 1999.

3. On or about May 20, 2008, the mediator entered into a Conditional Guilty Plea for Consent Judgment and discipline pursuant to a Florida Bar Grievance Complaint SC07-783.
4. As part of his Consent Judgment with the Florida Bar, the mediator admitted that he violated Rule 4-1.5(f)(A) of the Rules Regulating The Florida Bar by failing to prepare a closing statement for signature by a client prior to collecting his attorney's fee and costs from the settlement funds.
5. The mediator then consented to the imposition of the following discipline plus costs:
 - a. Admonishment for Minor Misconduct to be administered before the Grievance Committee; and
 - b. Ethics School. Respondent shall be required to schedule The Florida Bar's Ethics School program within six (6) months of the date of the Order approving the Conditional Guilty Plea for Consent Judgment. The fee for Ethics School is \$750.00.
6. On or about February 11, 2010 and January 31, 2012, the mediator submitted sworn renewal applications for mediator certification to the DRC wherein he failed to disclose the existence of his Florida Bar Conditional Pleas and discipline. Specifically, the mediator answered "No" in response to the following question on both applications for renewal: "*Have you been*

sanctioned for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group since submitting your original or most recent renewal application for mediator certification? If so, provide particulars.”

7. The mediator’s responses of “No” to this question on his 2010 and 2012 sworn renewal applications for mediator certification were false. The Florida Bar Disciplinary Rules, of which the mediator/attorney is charged with knowledge, specifically include an Admonishment in the definition as a sanction.
8. The Panel notes that by 2014, the DRC had amended its renewal application to include, among other things, the following questions: “*b. Have you ever been sanctioned by a breach of ethics or unprofessional conduct by any court, administrative agency, bar association or other professional group?*” and “*d. At any time in your past, were you reprimanded, sanctioned or in any other way investigated subject to disciplinary procedures of any type in any jurisdiction?*” The mediator answered “No” to b. and “Yes” to d. The mediator’s answer of “No” to b. was also false.

CONCLUSIONS

9. The mediator was charged herein with the lack of good moral character as required for mediator certification by Rule 10.110 of the Florida Rules for Certified & Court-Appointed Mediators based upon his failure to disclose the Admonishment sanction imposed against him in 2008 by the Florida Bar on his sworn 2010 and 2012 renewal mediator applications.

10. The Panel unanimously concludes that the mediator's failure to disclose his 2008 Admonishment sanction on his 2010 and 2012 sworn renewal applications evidences a lack of candor and good moral character.

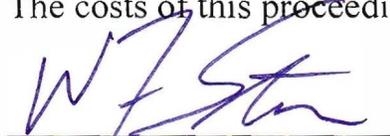
11. As a Florida Bar attorney, the mediator knew or should have known that his 2008 Admonishment was deemed a sanction by the Florida Bar pursuant to the Florida Bar Disciplinary Rules. Further, having attended Ethics School as prescribed in his 2008 disciplinary proceeding, the mediator should have particularly known that his untrue statements on his 2010 and 2012 sworn mediator renewal applications constituted both a lack of candor and good moral character required of Florida Supreme Court certified mediators.

DISPOSITION

Accordingly, based upon the foregoing findings and conclusions, the Panel imposes the following sanctions against the mediator:

- a. Any pending application(s) for mediator certification and/or renewal by the mediator shall be denied pending proof of his successful completion, within ninety (90) days of this decision, of six (6) hours of Continuing Mediation Education (“CME”) courses preapproved by the DRC.
- b. These six (6) prescribed CME courses shall not be counted towards the sixteen (16) hours needed for any other CME mediator certification by the mediator.
- c. The DRC shall publish the imposition of these sanctions against the mediator pursuant to Rule 10.830(e) of the Florida Rules for Certified & Court-Appointed Mediators.

The costs of this proceeding shall not be imposed against the mediator.



Hon. William Stone
Hearing Panel Chairperson



Date