

MEDIATOR QUALIFICATION BOARD

CENTRAL DIVISION

In Re: Zachariah M. Kilgus

Case No.: QCC2015-013

Panel: Honorable Elijah Smiley (Chair)

Stephanie Murphy

Eric Dunlap

Paul McGuire

Stevie Buck

**ORDER ACCEPTING ADMISSION TO FORMAL CHARGES AND
IMPOSING SANCTIONS**

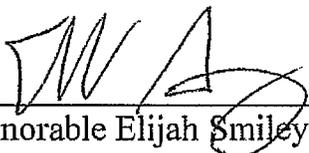
The Mediator Qualification Board by its duly designated five-member panel, upon considering the attached *Admission and Stipulation*, enters its ORDER in this matter pursuant to Rule 10.820(b), Florida Rules for Certified and Court Appointed Mediators, as follows:

1. The Panel accepts Respondent/Zachariah M. Kilgus's *Admission and Stipulation* filed in this cause and adopts all of its terms and conditions, which is fully incorporated herein by reference and made a part hereof as Appendix A. Accordingly, the Panel hereby imposes and adopts all sanctions and conditions as enumerated within the *Admission and Stipulation*.

2. Each party shall bear its own attorneys' fees and costs.

3. Pursuant to Rule 10.830(f) and (g), Florida Rules of Certified and Court Appointed Mediators, the Florida Dispute Resolution Center shall post on its website and publish the respondents name and a short case summary of the circumstances of this case, this ORDER and shall notify the Judicial Circuits of the Respondents sanctions and denial.

DONE AND ORDERED this the 10th day of April, 2015.



Honorable Elijah Smiley (Chair)

Copies to All Parties.

MEDIATOR QUALIFICATIONS BOARD

In Re: Zachariah M. Kilgus

Case No.: QCC2015-013

ADMISSION AND STIPULATION

WHEREAS, the Qualifications Complaint Committee of the Mediator Qualifications Board has found probable cause and brought formal charges against the above-referenced Applicant alleging violations of Rules 10.110, 10.110(c)(4)(A, C, D, G, H and F) of the Florida Rules for Certified and Court-Appointed Mediators; and

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

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

NOW, THEREFORE, the parties agree as follows:

1. The Applicant admits to all of the allegations set forth in the Formal Charges and the exhibits attached thereto, filed and fully incorporated herein by reference and attached hereto as Admission and Stipulation Exhibit A.
2. The Applicant accepts the imposition of the following Sanctions:
 - a) The Applicant's application to be certified as a County Court mediator by the Dispute Resolution Center is DENIED.
 - b) The Applicant is barred and estopped from applying to be a certified mediator in the State of Florida, by and through the Dispute Resolution Center, or its successors, under any certification areas, for a period of eighteen months (18) months from the date of the ratification of this Admission and Stipulation. Should the Applicant apply again before the eighteen months have passed, the application will be summarily denied and the provisions of Paragraph 3 will be applicable. Should the applicant re-apply in 18 months, having satisfied the provisions herein, and have engaged in no additional violations or violations

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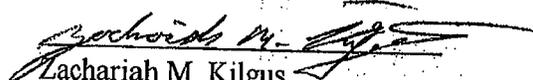
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Case No. QCC2015-013
Dispute Resolution Center

of law, the DRC will waive the need for re-training due to the time lapse of the initial training completed on July 11, 2014.

- c) The applicant will be required to successfully complete ethics Continuing Mediation Education (CME) courses, on advertising, for a total of six hours (three of those hours must be live courses). The courses must be pre-approved in writing by the Director of the DRC or her designee. None of this CME will count towards CME required for certification.
 - d) Furthermore, the applicant will be required, should he seek to reapply after the 18 month period, to affix an affidavit to his application indicating he has read and understood all the Mediator Ethics Advisory Committee Opinions (MEAC) opinions issued on the subject of advertising/solicitation.
 - e) The applicant shall write and submit a reflective statement of not more than 3 pages on what he learned from CME courses and MEAC opinions and how he will change past activity as relating to advertising, in light of what he has learnt. The Director shall determine whether the reflective statement is or is not satisfactory.
 - f) The applicant shall not engage in advertising or mediation until certified.
3. Any default of this agreement by the Applicant will result in this matter returning to an assigned Hearing Panel for further disciplinary action. The Applicant understands and agrees that jurisdiction is reserved to ensure the compliance by the applicant to the admission and sanctions set forth in this document.
 4. Upon the acceptance of this Admission and Stipulation by the assigned Hearing Panel, the Applicant 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. The applicant waives these rights knowingly and voluntarily and understanding the waiver is complete and binding.
 5. If requested, the Applicant 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 Applicant 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. Furthermore, the Applicant understands that the final ORDER in this cause will be entered by the Hearing Panel and/or MQB and that ORDER is binding on the parties. The Applicant understands the DRC shall follow all of its normal practices and procedures regarding disclosure of an Admission and Sanction and corresponding ORDER from the Hearing Panel and/or MQB and shall abide by any and all ORDER by the Hearing Panel and/or MQB. The DRC and the applicant agree that upon acceptance by the Hearing Panel of the Mediator Qualifications Board of this admission and stipulation, each party shall bear its own attorneys' fees and costs.


Zachariah M. Kilgus

STATE OF FLORIDA)
COUNTY OF St. Johns)

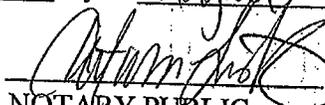
Before me, personally appeared Zachariah M. Kilgus whose identity is known to me by the production of the following identification VA DL and who, under oath, sworn and subscribed, acknowledges that he executed this document freely (3 pages), knowingly and voluntarily and for the purposes herein expressed.

Sworn and subscribed before me this the 26 day of August, 2015.

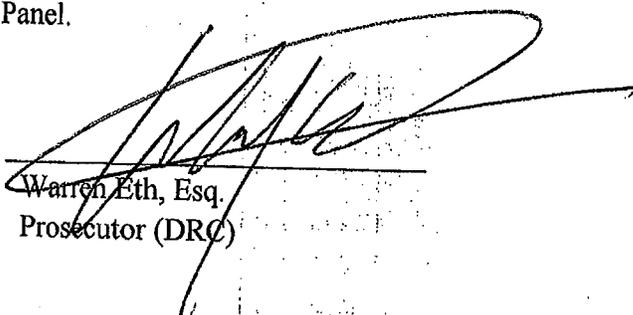
[SEAL]



AUTUMN RAE LISK
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF073822
Expires 12/2/2017


NOTARY PUBLIC

Agreed, pending approval of the Hearing Panel.


Warren Eth, Esq.
Prosecutor (DRC)

MEDIATOR QUALIFICATIONS BOARD

Qualifications Complaint Committee

In Re: Zachariah M. Kilgus

Case No. QCC 2015-013

FORMAL CHARGES

The Mediator Qualifications Board (MQB) Qualifications Complaint Committee (QCC) duly constituted pursuant to the Florida Rules for Certified and Court Appointed Mediators, having examined the Application for Certification as a County Court Mediator by Zachariah M. Kilgus, hereinafter the Applicant, the attachments thereto, the information submitted by the Applicant and, thereafter, having reviewed the Response to the Complaint by the QCC tendered by the Applicant and facts as set forth herein, to determine whether the Applicant meets the good moral character requirement as set forth in the Rules, the QCC finds probable cause that:

The Applicant fails to possess good moral character as required by Rule 10.110, Florida Rules for Certified and Court Appointed Mediators, for any mediator certification by the Florida Supreme Court.

This finding is based on the following findings of fact, averred as follows:

- A. The Applicant filed, with the Florida Dispute Resolution Center (hereinafter the DRC), an Application for Mediator Certification, whereby the Applicant certified, under oath, on December 17, 2014, that, among other things, he has "read, understand and agree to abide by Chapter 44, Florida Statutes; the most recent Supreme Court Administrative Order(s) on mediator certification; the Florida Rules for Certified and Court Appointed Mediators; the Florida Rules of Civil Procedure 1.700-1.750; Florida Small Claims Rule 7.090", See Section V of Application of Mediator Certification, attached hereto as Formal Charges Exhibit A and incorporated by reference in full herein. The Applicants file was received by the DRC for processing on December 23, 2014.
- B. The Applicant, subsequent to his application to the DRC and after certifying he has read the aforementioned materials, orders and Rules, has committed, in a direct marketing mailing, numerous false and misleading marking practice(s) violation(s), contrary to Rule 10.610(a),(e) and (f), of the Florida Rules for Certified and Court Appointed Mediators, by the use of a solicitation letter, attached hereto as Formal Charges Exhibit B and incorporated by reference in full herein, and said letter was sent to at least one defendant in a small claims action in the 12th Judicial Circuit, in and for Sarasota County, FL, docketed at *Discover Bank v. James E. Bell*, 2015 SC 000018:
 - 1) That on or about Monday, January 12, 2015, the Applicant caused to be sent, mailed or otherwise forwarded to a one James E. Bell, a marketing mailing,

averring the following: *"We save you the time of the exhausting drawn out court process while also protecting you from a monetary judgment you would receive which would become public knowledge ... If you want to keep this quiet and avoid all the hassles I talked about above, please give us a call. ... If you use our services, you won't have to go to court or meet anyone in person"*, See Formal Charges Exhibit A, attached hereto and incorporated herein by reference.

- 2) That the applicant did so as an agent of Mediation USA, LLC, a Florida Limited Liability Company listing the applicant in the role of manager in the Department of State business filings, and that the applicant did so in a marketing effort to solicit business.
- 3) That the phraseology utilized and referenced to above **violates Rule 10.610(a)**, which states as follows, "False or Misleading Marketing Practices – a mediator shall not engage in any marketing practice, including advertising, which contains false or misleading information. A mediator shall ensure that any marketing of the mediator's qualifications, services to be rendered, or the mediation process is accurate and honest".
- 4) That the phraseology utilized and referenced to above **violates Rule 10.610(e)**, which states as follows, "Prohibited Claims or Promises – a mediator shall not make claims of achieving specific outcomes or promises implying favoritism for the purpose of obtaining business".
- 5) That the phraseology utilized and referenced to above **violates Rule 10.610(f)**, which states as follows, "Additional Prohibited Marketing Practices – a mediator shall not engage in any marketing practice that diminishes the importance of a party's right to self-determination or the impartiality of the mediator, or that demeans the dignity of the mediation process or the judicial system".
- 6) That the violation of 10.610(a) is evident by the statements made in the letter that are likely to mislead a party into thinking that merely attending mediation will prevent them from having to attend and participate in the court process, and furthermore, are likely to mislead a party into thinking that mediation will mean that there is no public record of anything in the case. These advertising solicitations are misleading and in violation of the Rule—as the attendance in Court may not be able to be

obviated completely and the case, at the point of the existence of a docket number, has already been filed, docketed and is a public record.

- 7) That the letter the applicant caused to be sent, mailed or otherwise forwarded to a one James E. Bell, does not provide complete information regarding the legal process. The statements made in the letter are highly misleading and arguably false, because if no settlement agreement is reached at mediation, the party will indeed need to attend court hearings and participate in the court process. Furthermore, the letter fails to state that, in the event a settlement is reached, the plaintiff may voluntarily dismiss the action without a court order according to Rule 7.110(a) of the Florida Small Claims Court Rules and a written agreement is not required to be entered as an order of court as set forth in Rule 7.090(g), *Id.*
- 8) That the violation of 10.610(e) is evident as the letter of the Applicant makes a claim of achieving the specific outcome of a settlement and implies favoritism for the purpose of obtaining business. This is further supported by the statement that merely attending mediation will result in “protecting *you* from monetary judgment” (emphasis added). This statement is made notwithstanding the fact that there is and can be no guarantee that a settlement will be reached at mediation.
- 9) That the violation of 10.610(f) is evident as the letter of the Applicant makes a claim that the mediation firm will protect the party from “monetary judgment” as it conveys the impression that the mediator will take on the role of protecting one of the parties, the solicited, instead of maintaining a balanced process and impartiality.
- 10) That the phraseology utilized and referenced to above **violates Rule 10.330(a)**, which requires the maintenance of impartiality, as evidenced by the applicant stating in the solicitation letter, “We save *you* the time of the exhausting drawn out court process while also protecting *you* from monetary judgment” and “We handle *your* entire case” (emphasis added).
- 11) That Rule 10.330(a), concerning impartiality, states, “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”.

- 12) That while the applicant attempts to assuage the tone and tenor of the solicitation by identifying as a “non-advocate”, a plain reading of the solicitation and the directed tone to the defendant, the applicant describes commitments to assist only the defendant rather than all parties, by protecting the defendant, “you” from monetary judgment and handling the entire case for the defendant (“We handle your entire case”).
- 13) That the phraseology utilized and referenced creates a conflict of interest and **violates of Rule 10.340(d)**, by offering to “handle your entire case”, so much so by averring, *“Before the court creates a negative mark on your record permanently, you need to call us. If you use our services, you won’t have to go to court or meet anyone in person. You can even take your family on vacation! We handle your entire case.”*
- 14) That Rule 10.340(d), states, “a mediator shall not create a conflict of interest during the mediation. During a mediation, a mediator shall not provide any services that are not directly related to the mediation process”.
- 15) That the violation of 10.340(d) is evident as the language of the letter of the Applicant would lead a reasonable person to conclude that the applicant can appear in court on their behalf and further, that they will “handle the entire case”. This would be reasonable to believe, and is acutely misleading, as a case may not resolve by mediation.
- 16) That the applicant did respond to the Complaint, *See Formal Charges Exhibit C*, attached hereto and incorporated herein by reference, and admitted that he “showed the letter to certified and trained mediators on our staff and they also pointed out many issues with the document and stated we must not put such a document in the mail as mediators”. The applicant then indicated that the subject of the complaints were “removed and N/A”. The subject did not admit to the complaint or explain how the marketing letter, in clear violation of the Rules, was generated and sent notwithstanding his certification, under oath, that he had read the Rules and would abide by them. Further, the changes made by the subject subsequent to the receipt of the complaint did not remedy the violations alleged.

AND NOW these factual allegations of the Rule violations, committed after the applicant applied and after he read, understood and agreed to abide by the governing Rules, when evaluated pursuant to the criteria set forth in Rule 10.110(c)(4), demonstrate that the applicant does not presently possess the good moral character necessary for Certification by the Florida Supreme Court, in any certification area:

1. The conduct of the Applicant demonstrates an inability and/or unwillingness to comply with the applicable Rules of the Supreme Court of Florida reference mediators. Such conduct would necessarily interfere with and call into question the mediator's duties and responsibilities, pertinent to the lack of good moral character as considered under Rule 10.110(c)(4)(A).
2. The Applicant's conduct was negligent and in reckless disregard of the Rules and to further a business end. The applicants conduct presents serious issues under Rule 10.110(c)(4)(C, G and H).
3. The Applicants age and education (BS in Business and a Certificate in Mediation from Mediation Training Group, Inc.) were insufficient to dissuade and prevent his actions despite being of age to know better and having, or at least certifying that he had read the Rules, weeks before the mailing, and would abide by them, under Rule 10.110(c)(4)(D).
4. That the information relied upon is extremely reliable (the mailing being in the possession of the DRC) and admitted as true by the Applicant, Rule 10.110(c)(4)(F).

BASED ON THE FOREGOING, with probable cause found, the matter is hereby forwarded for assignment to a hearing panel pursuant to Rule 10.800(a)(3).


Michael Kamen, QCC Chair

7/20/15
Date

Copies, at this time, to:

Florida Dispute Resolution Center

Applicant: Zachariah M. Kilgus

Copies shall have the same force and effect as originals.

Exhibits "A" through "C" attached, having been incorporated herein by reference within the body of the Formal Charging document.

Exhibit A

(F) 2-17-15
 (N) Complete
 (Q)

\$60 #223

Application for Mediator Certification

Florida Dispute Resolution Center
 Supreme Court Building - 500 S. Duval Street
 Tallahassee, Florida 32399
 (850) 921-2910 ♦ DRCmail@flcourts.org

BO

Rec'd	QCC
Cert I	2015-013
Renew	
Cert II	

This application will be considered pursuant to certification criteria established in Chapter 44, Fla. Statutes; Rules 10.100 and 10.105, Florida Rules for Certified and Court-Appointed Mediators and Administrative Orders. Please type or print legibly.

SECTION I. GENERAL INFORMATION

1. Personal Information

Last Name	First Name	Middle/Initial
Kilgus	Zachariah	M
Have you ever been known by any other name(s)? If so, please provide name(s):		
Zach		
Date of Birth (mm/dd/yy)	Social Security Number	
[Redacted]	[Redacted]	
Primary Mailing Address - will be listed on the Mediator Search web page unless you check this box <input type="checkbox"/>		
Street: [Redacted]		
City, State, Zip: [Redacted]		
Primary Phone	Fax	Email
[Redacted]	[Redacted]	[Redacted]
Secondary Address - one of the two addresses MUST be a physical address, no PO Box numbers		County
Street: [Redacted]		St. Johns
City, State, Zip: [Redacted]		

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 Supreme Court of Florida
 Dispute Resolution Center

2. Application Information

Category of certification(s) you are applying for:

County Mediator Family Mediator Circuit Mediator Dependency Mediator Appellate Mediator

3. Educational Information

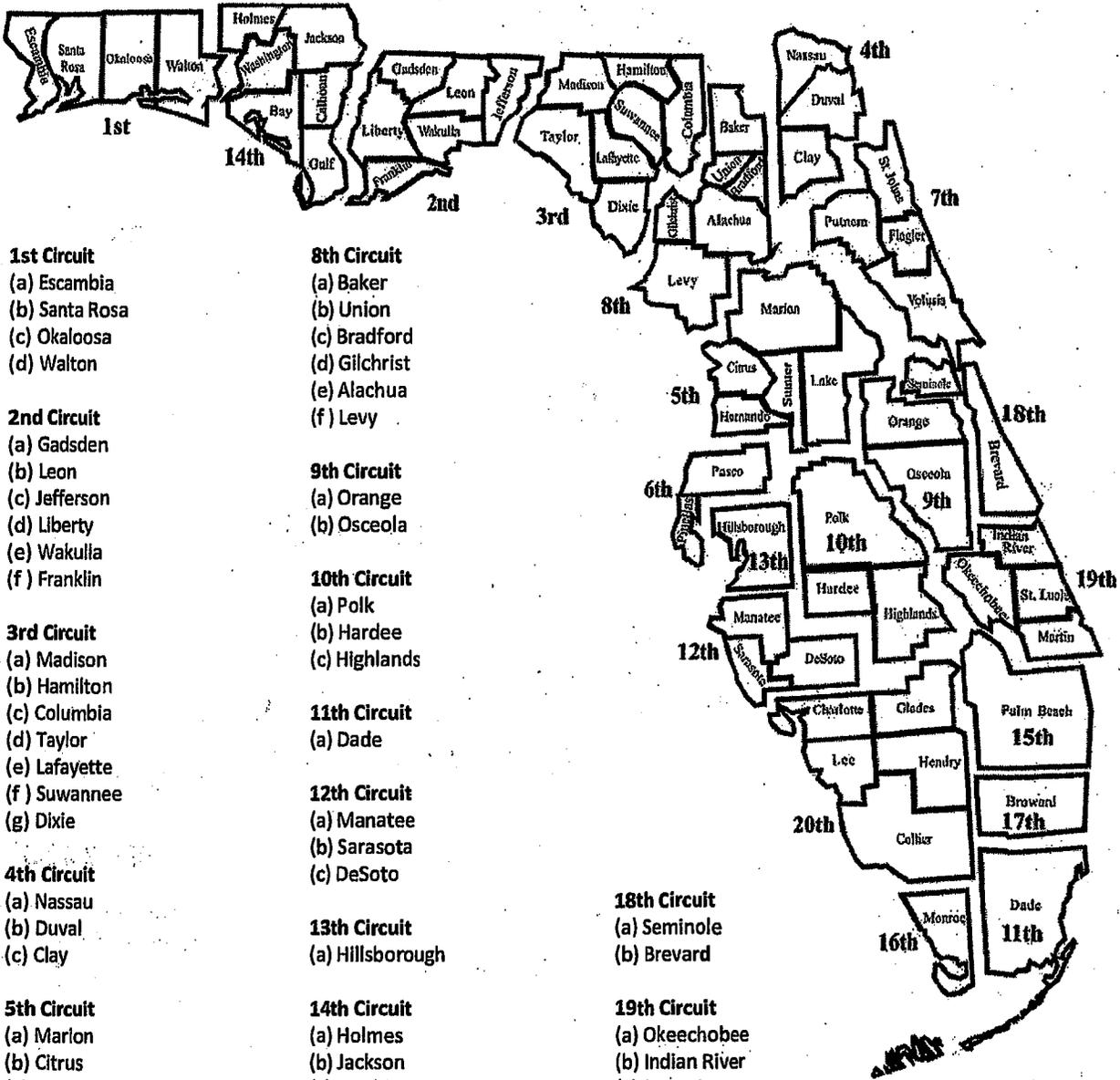
Applicants must submit evidence of the highest degree earned in the form of a transcript* mailed directly from the Institution AND a copy of the diploma conferred. For high school diplomas, a copy of the diploma OR a sworn affidavit is required. *Florida Bar members see AOSC12-48. Not required for Appellate applicants.

School	City/State	Degree/Major	Graduation Date
Everest University	Jacksonville, FL	Business Administration	117
			July 18, 2011

2.5.3.4

03/11

4. Circle the circuits in which you wish to be placed on the rotation list to serve as a mediator.



1st Circuit

- (a) Escambia
- (b) Santa Rosa
- (c) Okaloosa
- (d) Walton

2nd Circuit

- (a) Gadsden
- (b) Leon
- (c) Jefferson
- (d) Liberty
- (e) Wakulla
- (f) Franklin

3rd Circuit

- (a) Madison
- (b) Hamilton
- (c) Columbia
- (d) Taylor
- (e) Lafayette
- (f) Suwannee
- (g) Dixie

4th Circuit

- (a) Nassau
- (b) Duval
- (c) Clay

5th Circuit

- (a) Marion
- (b) Citrus
- (c) Sumter
- (d) Hernando
- (e) Lake

6th Circuit

- (a) Pasco
- (b) Pinellas

7th Circuit

- (a) St. Johns
- (b) Putnam
- (c) Flagler
- (d) Volusia

8th Circuit

- (a) Baker
- (b) Union
- (c) Bradford
- (d) Gilchrist
- (e) Alachua
- (f) Levy

9th Circuit

- (a) Orange
- (b) Osceola

10th Circuit

- (a) Polk
- (b) Hardee
- (c) Highlands

11th Circuit

- (a) Dade

12th Circuit

- (a) Manatee
- (b) Sarasota
- (c) DeSoto

13th Circuit

- (a) Hillsborough

14th Circuit

- (a) Holmes
- (b) Jackson
- (c) Washington
- (d) Bay
- (e) Calhoun
- (f) Gulf

15th Circuit

- (a) Palm Beach

16th Circuit

- (a) Monroe

17th Circuit

- (a) Broward

18th Circuit

- (a) Seminole
- (b) Brevard

19th Circuit

- (a) Okeechobee
- (b) Indian River
- (c) St. Lucie
- (d) Martin

20th Circuit

- (a) Charlotte
- (b) Glades
- (c) Lee
- (d) Hendry
- (e) Collier

ALL JUDICIAL CIRCUITS

NO JUDICIAL CIRCUITS

SECTION II. GOOD MORAL CHARACTER / BACKGROUND CHECK

5. All applications will be the subject of a background check. Please answer each question below.		Yes	No
a. Have you ever been convicted of, pled guilty, or pled no contest, regardless of whether adjudication of guilt or imposition of sentence was suspended, deferred, or withheld in relation to any of the following:			X
(1)	a felony, misdemeanor of the first degree, or a misdemeanor of the second degree involving dishonesty or false statement;		
(2)	a conviction of a similar offense described in subdivision (1) that includes a conviction by a federal, military, or tribal tribunal, including courts-martial conducted by the Armed Forces of the United States;		
(3)	a conviction of a similar offense described in subdivision (1) that includes a conviction or entry of a plea of guilty or no contest resulting in a sanction in any jurisdiction of the United States or any foreign jurisdiction. A sanction includes, but is not limited to, a fine, incarceration in a state prison, federal prison, private correctional facility, or local detention facility; or		
(4)	a conviction of a similar offense described in subdivision (1) of a municipal or county ordinance in this or any other state.		
b. Have you ever been sanctioned for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association or other professional group?			X
c. Have you ever been demoted, disciplined, suspended, terminated or formally reprimanded by an employer because of immoral conduct, substance abuse, sexual impropriety or abusive behavior? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, the background and resolution of such action and relevant documentation.			X
d. At any time in your past, were you reprimanded, sanctioned or subject to disciplinary procedures of any type in any jurisdiction? (Note: If no probable cause was found, there is no need to report).			X
e. Have you ever applied for certification or licensure in any state as a member of a recognized profession and been denied?			X
f. Have you ever had a final judgment for protection against domestic violence, dating violence or stalking entered against you?			X
g. Are there any other items or incidents you wish to make known in connection with this application?			X
h. Has the incident(s) noted above been previously reported on a mediator certification application or renewal? If so, please provide the date of the application or renewal and the DRC case number. You do not need to provide any documentation previously submitted.			X
Date of Application or Renewal:		DRC Case Number:	

SECTION V. SWORN STATEMENT

7. Please sign and notarize your application below

I, Gardner M. [Signature], swear/affirm that the information supplied on this application is correct, and that to the best of my knowledge, I qualify for the certification(s) for which I have applied. I further certify that I will notify the Dispute Resolution Center (DRC), in writing, of any material change in circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of certification. I will notify the DRC, in writing, of any address changes, including email address, and will notify the DRC of any disciplinary activity in connection with the professional licenses I hold. I understand that any omissions, falsifications, misstatements or misrepresentations of the information provided in this application, or information required to be subsequently provided, may disqualify me for certification consideration and, if I am certified, may be grounds for decertification at a later date. I understand that the Application Fee is non-refundable and that my Certification Fee will be refunded if I am deemed ineligible to be certified. I further certify that I have read, understand and agree to abide by Chapter 44, Florida Statutes; the most recent Supreme Court Administrative Order(s) on mediator certification; the Florida Rules for Certified and Court-Appointed Mediators; the Florida Rules of Civil Procedure 1.700-1.750; Florida Small Claims Rule 7.090; the Florida Family Law Rules of Procedure 12.740-12.741 (for family mediators); and 8.290 Florida Rules of Juvenile Procedure (for dependency mediators); and Appellate Rules of Procedure 9.700-9.740 (for appellate mediators).

State of Florida

County of St. Johns

[Signature]
Signature of Applicant

The above signing individual swears to the truth of the information contained in this application and any attachments hereto on this 1st day of December, 2014.

[Signature]
Signature of Notary Public



AUTUMN RAE LISK
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF073822
Expires 12/20/17

Autumn Lisk
Print, type or stamp commissioned name of Notary Public

Personally known _____ or Produced ID Type of ID Virginia DL

Updated: 12.02.2014

SECTION VI. DEMOGRAPHICS

This section is optional and will not be considered during the application review process. The information assists the Supreme Court of Florida in establishing training priorities.

Demographic Information	
Male	✓
Female	
What is your racial/ethnic background? (Check one that applies)	
White/Caucasian (non-Hispanic origin) – Persons having origins in any of the original peoples of Europe, North Africa or the Middle East.	✓
Black/African American (non-Hispanic origin) – Persons having origins in any of the black racial groups of Africa.	
Hispanic – Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture of origin, regardless of race.	
Asian or Pacific Islander – Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. This area includes: China, Japan, Korea and the Phillippine Islands.	
American Indian or Alaskan Native – Persons having origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition.	
Other (please specify)	
Before becoming a mediator, what is/was your primary occupation? (Check one that applies)	
Accountant	Attorney
Judge	Teacher/Professor
Military	Physician/Dentist
Business	Government Employee/Administrator
Mental Health Professional	Other (please specify)
What is your current employment status? (Check one that applies)	
Retired from your primary occupation	
Employed full-time in your primary occupation	
Employed full-time as a mediator	
Employed part-time in your primary occupation	
Other (please specify)	✓

Self-employed



ATTACHMENT A1 – MENTORSHIP FORMS – MEDIATION OBSERVATIONS

MEDIATION OBSERVATIONS (5 points each)	
Print name of applicant	Zachariah M. Kilgus

OBSERVATION	Case Number	Case Type	Case Date
	SP14-935	RENT	10/21/14

I hereby attest that the above named applicant observed a mediation conference which I conducted.

Print name of mentor	WILLIAM C. NAPPEL	Mediator No.	0255 22232
Signature of mentor	<i>William C. Nappel</i>	Date Signed	10/21/14

OBSERVATION	Case Number	Case Type	Case Date
	SP14-1323	RENT	10/21/14

I hereby attest that the above named applicant observed a mediation conference which I conducted.

Print name of mentor	WILLIAM C. NAPPEL	Mediator No.	0255 22232
Signature of mentor	<i>William C. Nappel</i>	Date Signed	10/21/14

OBSERVATION	Case Number	Case Type	Case Date
	2014-30535-COC1	A.	11/6/14

I hereby attest that the above named applicant observed a mediation conference which I conducted.

Print name of mentor	CAROL LYNN BARI	Mediator No.	194650
Signature of mentor	<i>Carol Lynn Bari</i>	Date Signed	11/6/14

OBSERVATION	Case Number	Case Type	Case Date
	SP14-1498	Rent	11/25/14

I hereby attest that the above named applicant observed a mediation conference which I conducted.

Print name of mentor	WILLIAM C. NAPPEL	Mediator No.	0255 22232
Signature of mentor	<i>William C. Nappel</i>	Date Signed	11/25/14

Observation	case number SP14-1388	case type D-66/employee pay	case date 11/25/14
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I hereby attest that the above named applicant observed a mediation conference which print name of mentor William NAPPEL Mediator No. 2223 22232 I conducted.

Signature of mentor *William C. Nappel* Date signed 11/25/14

ATTACHMENT A2 – MENTORSHIP FORMS – SUPERVISED MEDIATIONS

SUPERVISED MEDIATIONS (10 points each)	
Print name of applicant <u>Zachariah Kyles</u>	

SUPERVISED CO-MEDIATION	Case Number	Case Type	Case Date
	<u>2014-SC-001623</u>	<u>SC</u>	<u>12/9/14</u>

I hereby attest that the above named applicant co-mediated/mediated under my observation a complete mediation conference and obtained feedback from me on the assistance provided.

Print name of mentor <u>Joseph M. Kelly</u>	Mediator No. <u>31500 C</u>
Signature of mentor <u>Jm Kelly</u>	Date Signed <u>Dec 9 2014</u>

SUPERVISED CO-MEDIATION	Case Number	Case Type	Case Date
	<u>2014-SC-11540</u>	<u>SC</u>	<u>12-09-2014</u>

I hereby attest that the above named applicant co-mediated/mediated under my observation a complete mediation conference and obtained feedback from me on the assistance provided.

Print name of mentor <u>Nancy T. Rohr</u>	Mediator No. <u>14606 CR</u>
Signature of mentor <u>Nancy T Rohr</u>	Date Signed <u>12-09-2014</u>

SUPERVISED CO-MEDIATION	Case Number	Case Type	Case Date
	<u>SP14-1458</u>	<u>SC</u>	<u>12/16/2014</u>

I hereby attest that the above named applicant co-mediated/mediated under my observation a complete mediation conference and obtained feedback from me on the assistance provided.

Print name of mentor <u>ERIC S. DOTEN</u>	Mediator No. <u>19453C</u>
Signature of mentor <u>[Signature]</u>	Date Signed <u>12/16/14</u>

SUPERVISED CO-MEDIATION	Case Number	Case Type	Case Date

I hereby attest that the above named applicant co-mediated/mediated under my observation a complete mediation conference and obtained feedback from me on the assistance provided.

Print name of mentor	Mediator No.
Signature of mentor	Date Signed

Application for Mediator Certification
Attachment A1 – Mediation Observation Mentorship Form

Print Name of Applicant: Zachariah Kilgus

Mediation Observation (5 points each)			
	Case Number	Case Type	Case Date
	SP14-1419 1/14	School Tennis	2/10/15
<i>I hereby attest that the above named applicant observed a mediation conference which I conducted.</i>			
Print name of mentor WILLIAM C. NAPPER			Mediator No. 02225 22232
Signature of mentor <i>William C. Napper</i>			Date Signed 2/10/15

Mediation Observation (5 points each)			
	Case Number	Case Type	Case Date
<i>I hereby attest that the above named applicant observed a mediation conference which I conducted.</i>			
Print name of mentor			Mediator No.
Signature of mentor			Date Signed

Mediation Observation (5 points each)			
	Case Number	Case Type	Case Date
<i>I hereby attest that the above named applicant observed a mediation conference which I conducted.</i>			
Print name of mentor			Mediator No.
Signature of mentor			Date Signed

Mediation Observation (5 points each)			
	Case Number	Case Type	Case Date
<i>I hereby attest that the above named applicant observed a mediation conference which I conducted.</i>			
Print name of mentor			Mediator No.
Signature of mentor			Date Signed

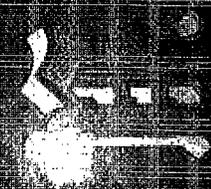
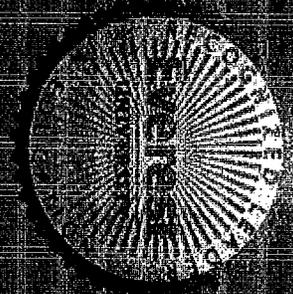
RECEIVED

FEB 17 2015

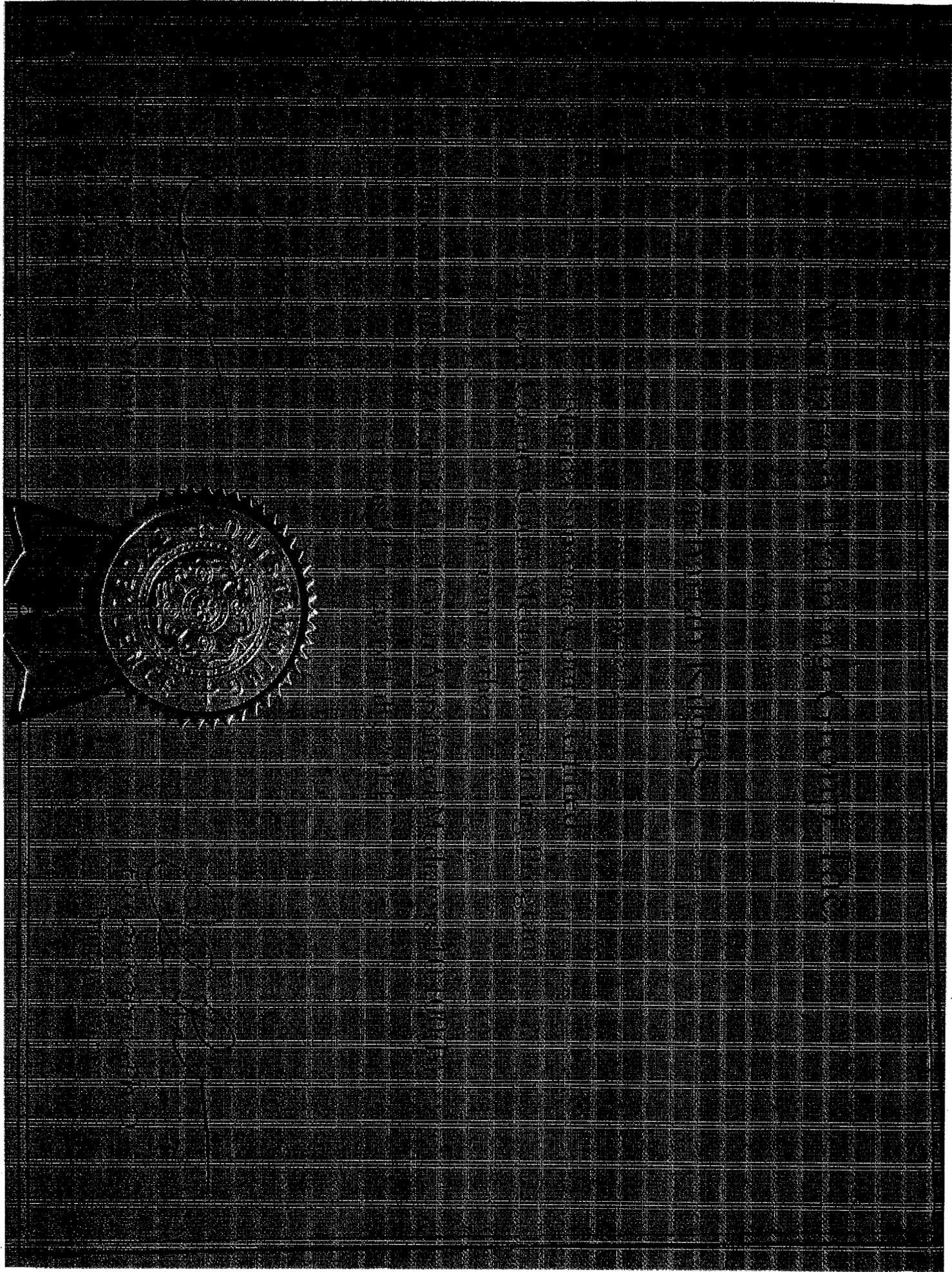
Supreme Court of Florida
 Dispute Resolution Center

THE

AMERICAN



BOOKS



Official Transcript

Everest University
 8226 Phillips Hwy.
 Jacksonville, FL 32256
 (904) 731-4949

RECEIVED
 JAN 20 2015
 Supreme Court of Florida
 Degree Resolution Center

rpt_cadTranscript.rpt
 January 15, 2015
 Name: Kiyus, Zaehariah
 Student: [REDACTED]

Course Code	Course Description	Credits Required	Credits Attempted	Credits Earned	Grade
Honors Awarded					
Degrees Awarded					
Degree: Bachelor of Science					
Date Conferred: 7/10/2011					
Program: Business BS					
Academic Program History					
Program: 07/14-2008 Business BS					
Status: Graduate					
LDA	07/09/2011	192.00	208.00	192.00	
Total Credits					

Course Code	Course Description	Credits Required	Credits Attempted	Credits Earned	Grade
MAN2101	Business Ethics	4.00	4.00	4.00	T
MAR1011	Introduction To	4.00	4.00	4.00	T
MAT1033	College Algebra	4.00	4.00	4.00	T
OST12335	Business Commun	4.00	4.00	4.00	T
PSY2012	General Psychol	4.00	4.00	4.00	T
SLST105	Strategies For	4.00	4.00	4.00	T
SLST505	Basic Critical	2.00	2.00	2.00	T
SPG2016	Oral Communicat	4.00	4.00	4.00	T
SKG2060	Principles of S	4.00	4.00	4.00	T
T10004	Transfer Credit	4.00	4.00	4.00	T
T10004	Transfer Credit	4.00	4.00	4.00	T
T10004	Transfer Credit	4.00	4.00	4.00	T
T10004	Transfer Credit	4.00	4.00	4.00	T
Term GPA		0.00	Cum GPA: 0.00		
Term: 2008 Summer					
7/14/2008 - 10/4/2008					
APP2161	Intro Cost Manag Acctg	4.00	4.00	4.00	A
MAR2305	Customer Relations & Serv	4.00	4.00	4.00	A
MAR3400	Salesmanship	4.00	4.00	4.00	A
Term GPA		4.00	Cum GPA: 4.00		
Term Honors: President's List					
Term Honors:			12.00	12.00	

+ This course is also counted in another program version on this transcript.
 ~ This course has corresponding courses with a different number, contact your unit value elsewhere on this transcript.

* Indicates Related Course
 R Indicates Related Grade

Not official unless signed by Registrar

TRANSCRIPT KEY TO THE GRADING SCALE

Grade	Point Value	Meaning	Percentage Scale
A	4.0	Excellent	100-90
B	3.0	Very Good	89-80
C*	2.0	Good	79-70
D**	1.0	Poor	69-60
F***	0.0	Failing	59-0
Fail	Not Calculated	Fail (for externship/internship)	
Pass	Not Calculated	Pass (for externship/internship)	
IP****	Not Calculated	In Progress (for linear externship/internship/modular clinic courses or thesis courses only)	
L	Not Calculated	Leave of Absence (allowed in modular programs only)	
EL	Not Calculated	Experiential Learning	
PE	Not Calculated	Proficiency Exam	
PF	Not Calculated	Preparatory Fail	
PP	Not Calculated	Preparatory Pass	
W	Not Calculated	Withdrawal	
WZ	Not Calculated	Withdrawal for those students called to immediate active military duty. This grade indicates that the course will not be calculated for purposes of determining rate of progress	
TR	Not Calculated	Transfer Credit	

*The Dental Board requires a score of 75% to pass with a C.
 **Not used in Allied Health Programs.
 ***For Dental Assistant program, F (Failing) is below 75%. For all other Allied Health Programs, F (Failing) is 69-0%.
 ****If the required linear externship/internship hours are not completed within one term, the student will receive an IP (In Progress) grade and a zero credit Externship/Internship Extension course will be scheduled in the following term. Once the required hours are completed, the student's grade will be entered in both courses.

Notice Concerning Re-Disclosure

The records that have been provided to you by CCI contain information that may not be disclosed to other persons unless you have identified those persons to CCI and received approval from CCI to do so. If you disclose the records or the information contained therein to other persons without authorization from the student whose academic history is detailed on this transcript, you will not be permitted to obtain student records from CCI for at least five (5) years. You may also be subject to legal action by the student and by the U.S. Department of Education for violating the student's privacy rights.

Everest University (formerly known as Florida Metropolitan University) participates in the State of Florida Statewide Course Numbering System. Courses with numbers ending in "P" are pending approval from the state of Florida. Courses without a "P" designation have been approved by the state.

Note regarding the Master's degree in Business Administration: Course codes less than 5000-level, and ACG5027, ECO5010, and/or QMB5305 are prerequisite courses and do not count towards the base 56 credits required for program completion.

Accredited by the Accrediting Council for Independent Colleges and Schools (ACICS), www.acics.org.

Official Transcript

Everest University
 8226 Phillips Hwy.
 Jacksonville, FL 32256
 (904) 731-4949

ipl_ad1Transcript.rpt
 January 15, 2015
 Name: Khigus, Zachariah
 Student ID: [REDACTED]

Course Code	Course Description	Credits Required	Credits Attempted	Credits Earned	Grade
Term: 2008 Fall					
10/13/2008 - 1/6/2009					
ECO3028	Microeconomics	4.00	4.00	4.00	A
FIN1103	Introduction To Finance	4.00	4.00	4.00	A
		8.00	8.00	8.00	
Term GPA		4.00			
Cum GPA		4.00			
Term: 2009 Winter					
1/12/2009 - 4/5/2009					
BUL2101	Applied Business Law	4.00	4.00	4.00	A
SBM2000	Small Business Management	4.00	4.00	4.00	A
		8.00	8.00	8.00	
Term GPA		4.00			
Cum GPA		4.00			
Term: 2009 Spring					
4/13/2009 - 7/5/2009					
APA2121	Principles Of Acctg II	4.00	4.00	4.00	A
MAN3554	Prin Of Supervision	4.00	4.00	4.00	A
		8.00	8.00	8.00	
Term GPA		4.00			
Cum GPA		4.00			
Term: 2009 Summer					
7/13/2009 - 10/4/2009					
GEB361	Management Of Int Bus	4.00	4.00	4.00	A
MAN3554	Workplace Community	4.00	4.00	0.00	F
		8.00	8.00	4.00	**
Term GPA		2.00			
Cum GPA		3.64			
Term: 2010 Fall					
10/12/2009 - 1/10/2010					
WAR3330	Public Relations	4.00	4.00	4.00	A
SOP4005	Social Psychology	4.00	4.00	4.00	D
		8.00	8.00	8.00	
Term GPA		2.50			
Cum GPA		3.46			
Term: 2010 Winter					
1/11/2010 - 4/4/2010					
FIN3501	Investments	4.00	4.00	4.00	D
WLN3554	Workplace Community	4.00	4.00	4.00	C
		8.00	8.00	8.00	
Term GPA		1.50			
Cum GPA		3.43			

+ This course is also counted in another program version on this transcript
 ~ This course has a corresponding course with a different number, name and unit value elsewhere on this transcript.
 * Indicates Retaken Course
 R Indicates Retaken Grade
 Not official unless signed by Registrar

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A	4.0	Excellent	100-90
B	3.0	Very Good	89-80
C*	2.0	Good	79-70
D**	1.0	Poor	69-60
F***	0.0	Failing	59-0
Fail	Not Calculated	Fail (for externship/internship)	
Pass	Not Calculated	Pass (for externship/internship)	
IP****	Not Calculated	In Progress (for linear externship/internship/modular clinic courses or thesis courses only)	
L	Not Calculated	Leave of Absence (allowed in modular programs only)	
EL	Not Calculated	Experiential Learning	
PE	Not Calculated	Proficiency Exam	
PF	Not Calculated	Preparatory Fail	
PP	Not Calculated	Preparatory Pass	
W	Not Calculated	Withdrawal	
WZ	Not Calculated	Withdrawal for those students called to immediate active military duty. This grade indicates that the course will not be calculated for purposes of determining rate of progress	
TR	Not Calculated	Transfer Credit	

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**Not used in Allied Health Programs.

***For Dental Assistant program, F (Failing) is below 75%. For all other Allied Health Programs, F (Failing) is 69-0%.

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Accredited by the Accrediting Council for Independent Colleges and Schools (ACICS), www.acics.org.

Official Transcript

Everest University
 8226 Phillips Hwy.
 Jacksonville, FL 32256
 (904) 731-4949

apl_adtranscript.rpt

January 15, 2015

Name: Kigus, Zachariah

Student ID: [REDACTED]

Page 6 of 3

Course Code	Course Description	Credits Required	Credits Attempted	Credits Earned	Grade
Term: 2010 Spring					
4/12/2010 - 7/19/2010					
ECO3007	Macroeconomics	4.00	4.00	0.00	F
SISP3130	Principles and Applications of Adult Learning	4.00	4.00	4.00	B
Term GPA		1.50	Cum GPA: 3.19		
7/12/2010 - 10/6/2010		Term: 2010 Summer			
ECO3007 Macroeconomics					
MAN4764 Business Policy and Strategy					
Term GPA		0.00	Cum GPA: 3.99		
Term: 2010 Fall					
10/11/2010 - 1/9/2011					
CCJ1029	Introduction to Criminal Justice	4.00	4.00	4.00	B
ECO3007	Macroeconomics	4.00	4.00	4.00	B
Term GPA		2.00	Cum GPA: 3.06		

Course Code	Course Description	Credits Required	Credits Attempted	Credits Earned	Grade
Term: 2011 Winter					
1/18/2011 - 4/10/2011					
MAN4764	Contemporary Management Business Policy and Strategy	4.00	4.00	4.00	C
Term GPA		1.50	Cum GPA: 3.05		
Term: 2011 Spring					
4/18/2011 - 7/10/2011					
FIN3005	Principles of Finance	4.00	4.00	4.00	C
MAN4501	Applied Management: Senior Capstone Experience	4.00	4.00	4.00	C
LIS2004	Introduction to Internet Research	2.00	2.00	2.00	B
Term GPA		2.20	Cum GPA: 2.95		
Business BS					
Total Credits:		192.00	GPA: 2.95		
		208.90	192.00		

Authorized Signature: 

Date: 1/15/15

+ This course is also counted in another program version on this transcript.
 ~ This course has a corresponding course with a different number, name and unit value elsewhere on this transcript.
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 P* Indicates Retaken Quarter
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Certification Point Worksheet

Applying for County Certification

Please complete the table below. If you are applying for more than one type of certification, make additional copies and label each sheet clearly with the type of certification to which it applies. Each certification requires 100 points. The distribution of points varies by certification (refer to the Minimum Point Requirements Table). For more detailed information, refer to Rule 10.105, Florida Rules for Certified and Court-Appointed Mediators. You must provide documentation for all points claimed.

Table of Minimum Point Requirements				
	County	Family	Circuit	Dependency
Training	30	30	30	30
Education/Experience	10	25	25	25
Mentorship	60	30	30	40
Miscellaneous	0	0	0	0

Note: The columns for family, circuit and dependency do not add up to 100. The remaining points can be earned via (1) educational/mediation experience; (2) additional mentorship; and/or (3) miscellaneous activities.

Continued Mediation Training (approved by Florida Supreme Court)	Required Points	Points Earned
List Name of Provider: <u>Mediation Training Group, Inc</u>	30	<u>30</u>
Date Training Completed: <u>July 11th, 2014</u>	TOTAL	(30)

Education/Mediation Experience	Possible Points	Points Earned
Select ONLY the highest level attained:		
High School Diploma or GED	10	
Associate's Degree	15	
Bachelor's Degree	20	<u>20</u>
Master's Degree	25	
Master's in Conflict Resolution	30	
Doctorate (J.D., M.D., Ph.D., Ed.D., LL.M)	30	
Ph.D. from accredited Conflict Resolution Program	40	
Additional Points:		
Graduate Certificate in Conflict Resolution	5	
FL Mediator: # yrs (minimum 15 mediations)	1 x ___ yrs =	
Mediator w/minimum of 100 mediations	5	
TOTAL		<u>20</u> (20)

Mentorship	Possible Points	Points Earned
Note: Must be completed with at least two (2) different mediators.		
Observations (5 points each)	5 x <u>25</u> = <u>25</u>	<u>25</u> 30
Supervised/Co-Mediations (10 points each)	10 x <u>3</u> = <u>30</u>	<u>30</u>
TOTAL		<u>55</u> (60)

Miscellaneous	Possible Points	Points Earned
Note: Refer to Rule 10.105, Florida Rules for Certified and Court-Appointed Mediators for specifics.		
Licenses	5	
Florida Certified Mediator	5	
Foreign language conversational ability	5	
Additional mediation training	5	
TOTAL		
GRAND TOTAL		<u>105</u> (110)

Exhibit B

Mediation USA
303B Anastasia Blvd #130
St Augustine, FL 32287
Phone: **904-770-4101** Fax: 904-425-9335

Monday, January 12, 2015

James E Bell
4070 Kincoord Lane
North Port, FL 34287

Reference: Civil Suit No. **2015 SC 000018 SC** Filing Date: 1/5/2015 County: Sarasota

Discover Bank vs James E Bell

Dear James,

My name is Zachariah Kilgus – Operations Director. My firm, Mediation USA, serves the public interest as a non-advocate. We research the public records in Northern and Central Florida to intercept lawsuits before they get too far down the court time-line. We save you the time of the exhausting drawn out court process while also protecting you from a monetary judgment you would receive which would become public knowledge. We are an **alternative** to going to court.

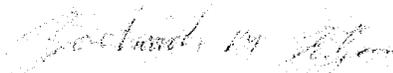
We are mediators. **We are NOT attorneys.** Mediation USA is **not** associated with the people who are suing you. If you want to keep this quiet and avoid all the hassles I talked about above, please give us a call. We will gladly spend some time with you on the phone to explain what we do and let you know if mediation is right for you.

If not already, you will be served with a **court summons**. This is a good thing which will be explained when you contact us. If you are not aware of any lawsuit, I advise you to Google search your county - clerk of court office and use the case number above.

Before the court creates a **negative** mark on your record permanently, you need to call us. If you use our services, you won't have to go to court or meet anyone in person. You can even take your family on vacation! We handle your entire case. We will be happy to answer any questions you may have.

You can reach me or an associate at **904-770-4101** from 9am – 6pm weekdays. If unavailable, please leave a message and your call will be returned promptly.

Sincerely,



Zachariah M Kilgus
Operations Director
Mediation USA
www.mediationusa.net

Note: We do **not** give out legal advice. If you want to fight your case or seek advice, please call an attorney's office and ignore this letter. You can search FL Bar Referral for a list.

Exhibit C

From the Desk of:

Zachariah M. Kilgus



Janice M. Fleischer J.D., Director
Florida Dispute Resolution Center
Qualifications Complaint Committee

May 15, 2015

Dear Ms. Fleischer,

I am in receipt of the complaint by Ms. Susan C. Marvin dated April 13, 2015 and would like to respond.

January 12, 2015 was one of the first letters I generated from our company to market to defendants. Very soon after that day, I showed the letter to certified and trained mediators on our staff and they also pointed out many issues with the document and stated we must not put such a document in the mail as mediators.

After much consultation and many reiterations, the following complaints became obsolete:

Complaint 1: Removed and N/A

Complaint 2: Removed and N/A

Complaint 3: Removed and N/A

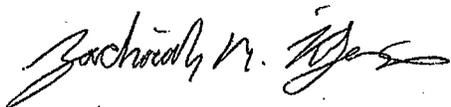
Mediation USA is producing marketing materials today that show we are true non-advocates in helping both the attorney firms and the defendants bring a solution to their cases. Please see attached our latest material being sent out on a weekly basis.

Mediation USA helps the attorney firm resolve cases efficiently that flood in every week. We help the defendant realize a solution could be made before their court date. We help the courts to reduce their caseloads.

RECEIVED
MAY 21 2015
Supreme Court of Florida
Dispute Resolution Center

I have lived a life of integrity with strong moral character. I should never have produced the initial marketing material without first consulting with our certified staff. I have corrected my firm's advertising and accept the chastisement of the complaint as a true learning experience. I hope this complaint will not get in the way of my serving as a certified mediator in my local court system. Serving and helping would be an honor to me.

Sincerely,



Zachariah M. Kilgus

Notary

State of Florida

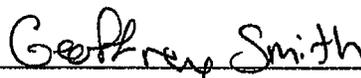
County of Duval

Sworn to and subscribed before me on this 15th

Day of May, 2015.

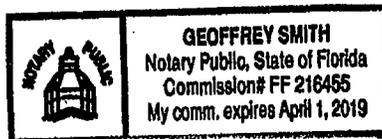


Signature of Notary



Seal or Stamp of Commissioned Notary Public

Produced identification Drivers license



Mediation USA
303B Anastasia Blvd #130
St Augustine, FL 32080
Phone: 904-770-4101 Fax: 904-425-9335
www.mediationusa.net

Friday, May 15, 2015

James E Bell
[REDACTED]

Reference: Civil Suit No. [REDACTED] Filing Date: [REDACTED] County: [REDACTED]

Discover Bank vs James E Bell

Dear James,

My name is Zachariah Kilgus – Operations Director. We are the **alternative** to going to court. My firm, Mediation USA, serves the public interest as a non-advocate. We research the public records in Northern and Central Florida to intercept lawsuits before they get too far down the court time-line. We save you the time of the exhausting drawn out court process by bringing both parties together and working out the best possible solution to your case.

Mediation USA is **not** associated with the people who are suing you. We will gladly spend some time with you on the phone to explain what we do and let you know if mediation is right for you. We have Florida Supreme Court **certified and trained mediators** on staff. We are **NOT attorneys**.

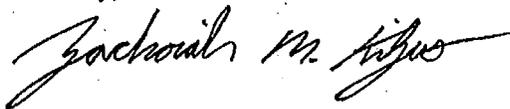
If not already, you will be served with a court summons. If you are not aware of any lawsuit, I recommend to Google search your county - clerk of court office and use the case number above.

Before the court creates a negative mark on your record, you need to act. We can help you understand the court process and what could be accomplished before your court date.

We will be happy to answer any questions you may have. For more information, please visit our website. It is important to have a **certified professional** handle your case.

You can reach me or an associate at **904-770-4101** from 9am – 6pm weekdays. If unavailable, please leave a message and your call will be returned promptly.

Sincerely,



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Operations Director

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