

**Mediator Qualifications Board
Southern Division**

In Re: Jacinto Luis Puentes

Case No. MQB 2012-001

Panel: The Honorable Angelica Zayas, Chair
 Oscar Franco
 Rodney Romano
 Sonia Caplan
 Andrea Reid

**ORDER ACCEPTING ADMISSION TO CHARGES,
AND IMPOSITION OF SANCTIONS**

The Mediator Qualifications Board, Southern Division, by its duly designated five-member panel, met by electronic means and considered the attached Admission to Charges and Stipulation to Imposition of Sanctions, and finds the sanctions set forth in the attached agreement are appropriate. Therefore, the panel enters its order in this matter pursuant to Rule 10.820(b), Florida Rules for Certified and Court-Appointed Mediators, as follows:

1. Upon concurrence of all five members of the panel, the Board accepts the Respondent's admission to the charges enumerated and imposes the sanctions set forth in the agreement. The Respondent is ordered to comply with all the sanctions imposed.
2. Respondent is decertified as a Florida Supreme Court Certified Mediator and may not apply for any certification as a mediator until five years after the restoration of his civil rights.
3. Each party shall bear its own attorney's fees and costs.
4. Pursuant to Rule 10.830, Florida Rules for Certified and Court-Appointed Mediators, the Florida Dispute Resolution Center shall post on the Florida Court's DRC

In Re: Jacinto Luis Puentes

Case No. MQB 2012-001

website and publish the name of the Respondent and a short summary of the circumstances of the case, and shall notify the circuits of the decertification of the Respondent.

Dated this 9 day of April, 2015.



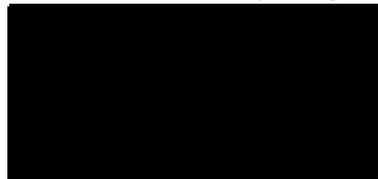
The Honorable Angélica D. Zayas, Hearing Panel Chair



Copies to:
Irv J. Lamel, Prosecutor



Jacinto Puentes, Respondent



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

Mediator Qualifications Board
Southern Division

In Re: Jacinto Luis Puentes

Case No. MQB 2012-001

ADMISSION TO CHARGES, AND STIPULATION TO IMPOSITION OF SANCTIONS

Respondent, Jacinto Luis Puentes hereby admits and stipulates as follows:

A. The Mediator fails to possess good moral character as required by Rule 10.110, Florida Rules for Certified and Court-Appointed Mediators, for continued certification by the Florida Supreme Court as a circuit court mediator by virtue of his conviction for conspiracy to commit mail fraud in U.S. v. Jacinto Puentes, Case Number 9:12-80030-CR-MARRA, in the United States District Court for the Southern District of Florida. This finding is based on the following allegations of fact:

1. The Mediator pled guilty on July 5, 2012, and was adjudicated guilty on November 19, 2012, of one count of conspiracy to commit mail fraud, a violation of 18 U.S.C. § 1349 (2002), and was committed to the custody of the U.S. Bureau of Prisons for 60 months. See attached Judgment in U.S. v. Jacinto Puentes, Case Number 9:12-80030-CR-MARRA.

B. The Mediator violated Rule 10.130(b), Florida Rules for Certified and Court-Appointed Mediators, by failing to report his conviction for conspiracy to commit mail fraud to the Dispute Resolution Center (DRC) within 30 days of the date of the conviction, November 19, 2012. This finding is based on the following allegations of fact:

1. The Mediator did not report the conviction to the DRC within 30 days of November 19, 2012.



C. Respondent stipulates to the imposition of the following sanctions:

1. Respondent is decertified as a Florida Supreme Court Certified Mediator and may not apply for any certification as a mediator until five years after the restoration of his civil rights.
1. Until respondent obtains certification as a Florida Supreme Court Certified Mediator he is barred from conducting mediation in the State of Florida.
2. Upon the acceptance of this admission and stipulation, Respondent 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.
4. The Dispute Resolution Center and Respondent agree that upon acceptance by the Hearing Panel of the Mediator Qualifications Board of this admission and stipulation, each party shall bear its own attorney's fees and costs.
5. Respondent authorizes the Hearing Panel of the Mediator Qualifications Board to review and examine all investigative files and materials concerning Respondent in connection with the consideration of this admission and stipulation. Respondent agrees that consideration of this admission and stipulation and other related materials by the Hearing Panel of 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 of the Mediator Qualifications Board.
6. Respondent understands that pursuant to the Rule 10.830, Florida Rules



for Certified and Court-Appointed Mediators, the Dispute Resolution Center will both post on the Florida Court's DRC website and publish the name of the respondent and a short summary of the circumstances of this case, and will notify all circuits of the decertification.

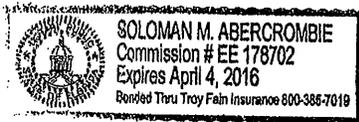
Dated this 29 day of January ~~2014~~ ^{BY 2015}

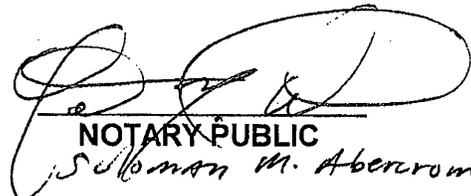

JACINTO LUIS PUENTES

STATE OF FLORIDA
COUNTY OF Escambia

Before me, personally appeared JACINTO LUIS PUENTES, whose identity is known to me by State ID (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 29th day of JAN ~~2014~~ ^{BY 2015}




NOTARY PUBLIC
Soloman M. Abercrombie

My Commission Expires: April 4, 2016

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


IRV J. LAMEL
Prosecutor



United States District Court
Southern District of Florida
WEST PALM BEACH DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number - 9:12-80030-CR-MARRA-1

JACINTO PUENTES

USM Number: 99132-004

Counsel For Defendant: Jeffrey Harris, Esq.
Counsel For The United States: Kerry Barón, AUSA
Court Reporter: Stephen Franklin

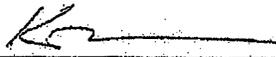
The defendant pleaded guilty to Count One of the Information on July 5, 2012. The defendant is adjudicated guilty of the following offense:

<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. § 1349	Conspiracy to commit mail fraud	November 18, 2007	One

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

Date of Imposition of Sentence:
11/16/12



KENNETH A. MARRA
United States District Judge

November 19, 2012

DEFENDANT: JACINTO PUENTES
CASE NUMBER: 9:12-80030-CR-MARRA-1

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months as to Count One of the Information.

The Court makes the following recommendations to the Bureau of Prisons:

The defendant enter the Bureau of Prisons 500 Hour Drug Treatment Program and that he be designated to the federal camp in Miami, Florida.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

DEFENDANT: JACINTO PUENTES
CASE NUMBER: 9:12-80030-CR-MARRA-1

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of Three (3) years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment;
7. The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JACINTO PUENTES
CASE NUMBER: 9:12-80030-CR-MARRA-1

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

Association Restriction - With the exception of Elinor Puentes, the defendant is prohibited from associating with the codefendants in the instant offense while on supervised release.

Financial Disclosure Requirement - The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

Permissible Search - The defendant shall submit to a search of his/her person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

Related Concern Restriction - The defendant shall not own, operate, act as a consultant, be employed in, or participate in any manner, in any related concern during the period of supervision.

Substance Abuse Treatment - The defendant shall participate in an approved treatment program for drug and/or alcohol abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

DEFENDANT: JACINTO PUENTES
CASE NUMBER: 9:12-80030-CR-MARRA-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on the Schedule of Payments sheet.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$100.00	\$	To be determined

The determination of restitution is deferred until January 18, 2013. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such a determination.

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JACINTO PUENTES
CASE NUMBER: 9:12-80030-CR-MARRA-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A. Lump sum payment of \$100.00 due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

**Mediator Qualifications Board
Southern Division**

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AMENDED FORMAL CHARGES

Having examined the Complaint of Tyrone Bourdony and the results of an investigation to determine whether the Mediator has violated the Florida Rules for Certified and Court-Appointed Mediators, the Mediation Qualifications Board Grievance Complaint Committee finds there is probable cause to believe:

COUNT I

The Mediator fails to possess good moral character as required by Rule 10.110, Florida Rules for Certified and Court-Appointed Mediators, for continued certification by the Florida Supreme Court as a circuit court mediator by virtue of his conviction for conspiracy to commit mail fraud in U.S. v. Jacinto Puentes, Case Number 9:12-80030-CR-MARRA, in the United States District Court for the Southern District of Florida. This finding is based on the following allegations of fact:

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COUNT II

The Mediator violated Rule 10.130(b), Florida Rules for Certified and Court-Appointed Mediators, by failing to report his conviction for conspiracy to commit mail fraud to the Dispute Resolution Center (DRC) within 30 days of the date of the conviction,

November 19, 2012. This finding is based on the following allegations of fact:

1. The Mediator did not report the conviction to the DRC within 30 days of November 19, 2012.

This matter is hereby forwarded for assignment to a Hearing Panel pursuant to Rule 10.800(a)(3), Florida Rules for Certified and Court Appointed Mediators.


MICHAEL KAMEN
Chair

7/25/13
Date