

From: TERRY RICHARDS <vetsjustice@yahoo.com>
To: "vetsjustice@yahoo.com" <vetsjustice@yahoo.com>
Sent: Monday, April 9, 2012 6:53 PM
Subject: KORTENHAUS REBUTTAL

April 10, 2012

Shanee' L. Clark, Senior Attorney
Attorney Consumer Assistance Program
The Florida Bar
651 E. Jefferson St.
Tallahassee, FL 32399-2300
ACAP Hotline: (866) 352-0707
sclark@flabar.org

Re: Daniel J. Kortenhaus; The Florida Bar File No. 2012-10,956 (6C).

Re: Terry Richards' **REBUTTAL** to response/answer of Attorney Daniel J. Kortenhaus' dated March 15, 2012 to Complaint of Terry Richards dated February 10, 2012 sent by e-mail to John F. Harkness, Executive Director of the Florida Bar citing MISCONDUCT by Attorney Kortenhaus which included HARASSING, THREATENING, INTIMIDATING, ABUSIVE, and EXTORTIVE LANGUAGE and STATEMENTS made to Complainant Terry Richards by ATTORNEY DANIEL J. KORTENHAUS, and the addendum e-mail to John Harkness dated March 07, 2012 citing all of the above said MISCONDUCT by attorney Daniel J. Kortenhaus and REQUEST FOR DISCIPLINARY ACTION against Attorney Kortenhaus by the Florida Bar/Florida Supreme Court.

Dear Ms. Clark:

The following is the Rebuttal of Pro Se Defendant/Pro Se Plaintiff Terry Richards to said Kortenhaus response/answer:

1. Simply put, anything the Complainant Terry Richards did to Defend his Notice of Termination of Tenancy and Eviction was Legal and Lawful, including but not limited to:

A. Attorney Kortenhaus' response statement about Pro Se Defendant Richards Defending said First Notice of Termination of Tenancy posted on his door on or about November 15, 2012 which Richards claimed was legally insufficient, and The Bar should duly note that at the said time of the said Notice of Termination MALCHUT SHLOMO, LLC and LA VISTA INVESTMENTS, LLC did not exist because Public Records revealed that they were both Administratively Dissolved. This is something the

Bar can check for itself in Florida Public Records. Further more, this matter is not a Defense to Attorney Kortenhaus' said Misconduct and Criminal Misconduct stated herein.

B. Filing a Lawsuit against CARA FL PROPERTIES, LLC and Individually against Property Manager Janet L. Kaspar and Owner Sheldon Perl in Federal Court because there was not any Limited Liability or other Corporation protecting them from personal/Individual Liability as stated above.

C. Removing the Eviction to Federal Court.

D. Writing a story about Attorney Kortenhaus on Richards Blog
www.veteranscorner.wordpress.com

E. Filing two complaints against Attorney Kortenhaus with the Florida Bar.

2. In connection with Attorney Kortenhaus' response statement about Richards the St. Pete Times "PARROT-WEARY MAN article and Lawsuit filed against the St. Pete Beach Police, The Bar should duly note that Richards was the one who contacted the St. Pete Times Newspaper to tell his story about what happened. Furthermore, this matter is not a Defense to Attorney Kortenhaus' above said Misconduct and Criminal Misconduct.

3. Any of the above actions or omissions by Richards **IS NOT A DEFENSE TO Attorney Kortenhaus' said MISCONDUCT and CRIMINAL MISCONDUCT** by sending said Letter to Complainant/Pro Se Defendant Terry Richards in an effort to **HARASS, THREATEN, INTIMIDATE, ABUSE, and EXTORT** the Pro Se Defendant Terry Richards into, among other things, involuntarily dismissing his 3.6 Million Dollar Lawsuit against his Client CARA FL PROPERTIES, LLC (Pinellas County, Florida Case No. 12001037CI) which is in Violation of **RULE 3-4.3 MISCONDUCT AND MINOR MISCONDUCT** which states in pertinent part that:

The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.

MEMORANDUM IN SUPPORT

3 RULES OF DISCIPLINE

3-4 STANDARDS OF CONDUCT

RULE 3-4.3 MISCONDUCT AND MINOR MISCONDUCT

The standards of professional conduct to be observed by members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.

4. Additionally, and in connection with all of the above, Attorney Kortenhaus has also Violated **Florida Criminal Statutes (F.S.) 836.05 Threats; extortion** — Whoever, either verbally or by a written or printed communication, with intent thereby to extort money or any pecuniary advantage whatsoever, or with intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will, shall be guilty of a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), which Violates **Florida Bar RULE 3-4.4 CRIMINAL MISCONDUCT** which states in pertinent part that:

whether the alleged misconduct constitutes a felony or misdemeanor The Florida Bar may initiate disciplinary action regardless of whether the respondent has been tried, acquitted, or convicted in a court for the alleged criminal offense; however, the board may, in its discretion, withhold prosecution of disciplinary proceedings pending the outcome of criminal proceedings against the respondent.

MEMORANDUM IN SUPPORT

RULE 3-4.4 CRIMINAL MISCONDUCT

3 RULES OF DISCIPLINE

3-4 STANDARDS OF CONDUCT

RULE 3-4.4 CRIMINAL MISCONDUCT

Unless modified or stayed by the Supreme Court of Florida as provided elsewhere herein, a determination or judgment of guilt of a member of The Florida Bar by a court of

competent jurisdiction of any crime or offense that is a felony under the laws of such jurisdiction is cause for automatic suspension from the practice of law in Florida. In addition, whether the alleged misconduct constitutes a felony or misdemeanor The Florida Bar may initiate disciplinary action regardless of whether the respondent has been tried, acquitted, or convicted in a court for the alleged criminal offense; however, the board may, in its discretion, withhold prosecution of disciplinary proceedings pending the outcome of criminal proceedings against the respondent. The acquittal of the respondent in a criminal proceeding shall not necessarily be a bar to disciplinary proceedings nor shall the findings, judgment, or decree of any court in civil proceedings necessarily be binding in disciplinary proceedings.

WHEREFORE, The Complainant/Pro Se Defendant Terry Richards respectively recommends to the Florida Bar that Attorney Kortenhaus be Disciplined by suspending his License to Practice Law for at least 6-months and fine him at least \$10,000 in **PUNITIVE FINES** for his said Misconduct and Criminal Misconduct against the Complainant/Pro Se Defendant Terry Richards as a **DETERRENT** to perpetrating similar acts and omissions against the Complainant/Pro Se Defendant Terry Richards, et al, in the future.

Respectfully submitted,

TERRY RICHARDS

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