



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900
5900 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

954/772-2245
WWW.FLABAR.ORG

May 24, 2004

*Received
5/24/04
JH*

PERSONAL/FOR ADDRESSEE ONLY

Eliot I. Bernstein
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, FL 33437

RE: Complaint against Christopher Wheeler
The Florida Bar File No. 2003-51,109(15C)

Dear Mr. Bernstein:

I am in receipt of your telephone message. You are instructed to put your concerns or request in writing so no misunderstanding occurs.

Sincerely yours,

Eric Montel Turner
Chief Branch Discipline Counsel

EMT/es



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900
5900 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

954/772-2245
WWW.FLABAR.ORG

June 1, 2004

PERSONAL/FOR ADDRESSEE ONLY

Eliot I. Bernstein
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, FL 33437

RE: Complaint against Christopher Wheeler
The Florida Bar File No. 2003-51,109(15C)

Dear Mr. Bernstein:

The complaint you filed against Mr. Wheeler is in its final stage. Under the Rules Regulating The Florida Bar, you do not have the right to force The Bar to prosecute an attorney. The Bar may consider your request for further review, however, the Rules you cited are not the mechanism by which the review is accomplished.

Under the Rules, the Board of Governors may direct further review. After a committee or its chair has considered a case, the matter may be referred to the full board, however, it must be requested within 30 days. If such a request is made, you will be notified. Otherwise, the decision of the committee and/or chair is final.

The file will be destroyed pursuant to our policy. You have been previously advised that your request to maintain the file for five years was denied.

Sincerely yours,

Eric Montel Turner
Chief Branch Discipline Counsel

EMT/es



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900
5900 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

954/772-2245
WWW.FLABAR.ORG

June 25, 2004

PERSONAL/FOR ADDRESSEE ONLY

Eliot I. Bernstein
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, FL 33437

RE: Complaint against Christopher Wheeler
The Florida Bar File No. 2003-51,109(15C)

Dear Mr. Bernstein:

Over the past several months, the complaint filed by you against Christopher Wheeler has been reviewed by one of our staff attorneys, then by myself, the committee chair and the board member. Every review has been concluded. The Florida Bar will not prosecute Mr. Wheeler as a result of your complaints

Should the Supreme Court desire any action from The Florida Bar, it will come in the form of an order or directly from the court not through you.

Sincerely yours,

Eric Montel Turner
Chief Branch Discipline Counsel

EMT/es



THE FLORIDA BAR

651 EAST JEFFERSON STREET
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

850/561-5600
WWW.FLABAR.ORG

July 9, 2004

Mr. Eliot Bernstein
IViewIt Holdings, Inc.
10158 Stonehenge Circle
Suite 801
Boynton Beach, FL 33437-3546

Re: Eric Turner et al.

Dear Mr. Bernstein:

I have been regularly communicating with Mr. Marvin concerning your assertions and I have read a series of letters and/or email between you and staff of our Fort Lauderdale office or Mr. Marvin.

Recently you wrote (in one email) Mr. Marvin:

"As mentioned in our last conversation on 7/02/04 we have learned and notified you of a severe conflict of interest in the Wheeler complaint 2003-51 109 15c, whereby Matthew Triggs, with no formal disclosure, acted as Wheeler's counselor within the one-year period after serving as a Grievance Committee Member, thereby a conflict exists which has the additional appearance of impropriety and thus taints the entire Wheeler case, and your Turner decision, if such decision was formal. Due to the conflict and influence peddling at the Bar this may represent, the entire case should now be reviewed by an independent third-party. Triggs served from 4/1/99 to 3/31/02 and as illustrated in the attached letter to the bar, Triggs had already started representing Wheeler on March 21, 2003, clearly within the year prohibition."

Subsequently you wrote (in another email) Mr. Marvin:

"Please provide us with the rules and code that apply to internal review of complaints lodged against officers of the FL Bar and where we can find out how this process is handled. Also, since we have now notified you of the conflict of interest and appearance of impropriety in the Triggs response on behalf of the Wheeler complaint, we would like to add charges of conflict of interest and

appearance of impropriety to Mr. Turner's complaint. Would we need to establish another separate complaint or can you amend the existing "complaint"? We are certain that such charges would constitute a violation of Mr. Turner's professional ethics as regulated by the FL Bar and therefore constitute charges necessitating a formal complaint with formal process. In addition, do we need to file another case on Wheeler and Triggs for the conflict of interest, appearance of impropriety and the abuse of public office or is this something that the FL Bar needs to institute as you are now aware of the abuse of public office caused by Triggs and Wheeler? In light of the recent discoveries regarding such conflict, it seems that the FL Bar should re-open the Wheeler case, strike the tainted response of Triggs and charge Wheeler with all charges contained in his complaint, as if no response was given at all."

This is a form over substance issue. The fact that for a short period of time Mr. Triggs represented Mr. Wheeler without a waiver does not automatically create a conflict. Waiver would have been routinely granted under standing board policy and if the situation had come to our attention all that would have happened was notice to Mr. Triggs to submit a waiver request. Upon the expiration of 12 months from the end of his grievance committee service, the need for a waiver ceased. It is noteworthy that the grievance committee that heard your complaint against Mr. Wheeler is not the same committee on which Mr. Triggs served. Thus there was no actual conflict for the short time that a waiver was an issue.

15.10 Waiver of Disqualification as Attorney for Respondents.

- (a) **Authority for Waiver.** The Rules Regulating The Florida Bar disqualify partners, associates or other firm members of board members, grievance committee members and former staff attorneys from representing a respondent in a disciplinary matter. Further, the rule disqualifies the board members, grievance committee members and former staff attorneys from the same representation and extends all disqualification periods for 1 year after the termination of board, grievance committee or staff service. The rule allows for waiver of the disqualification by the board.

This policy is enacted to identify the instances in which the board will waive the rule.

- (c) **Grievance Committee Members.** No current member of a grievance committee may represent a respondent in a disciplinary matter.

A member of the grievance committee member's law firm may represent a respondent while the grievance committee member is serving on the committee if:

- (1) the representation involves a grievance committee other than the 1 on which the member of the law firm serves; and
- (2) the grievance committee member has no involvement with the representation and is screened from access to the file on the matter; and
- (3) the attorney wishing to represent the respondent provides written notice of the disqualification to the executive director.

Former grievance committee members may represent a respondent in a disciplinary matter if the matter was not pending, before the committee on which the former member served, before the former member's term expired.

Members of the former grievance committee member's law firm may represent a respondent in a disciplinary matter during the 1-year disqualification period if the former member may also do so under the terms of this policy.

- (f) **Executive Director Authority.** The executive director is hereby granted the authority to issue waivers under the terms of this policy. The executive director shall not deviate from this policy and if the executive director is in doubt regarding issuance of a waiver, the request shall be referred to the board of governors for resolution. The executive director shall report to the board listing all waivers granted and all waivers denied.

We treated your complaint against Mr. Turner as an internal matter as you question his job performance. You employ other words and characterizations, but the thrust of what you say is that you do not accept his conclusions. There are no provisions in the Rules Regulating The Florida Bar for handling job performance based complaints and we have no written policies in this regard.

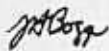
Also your labeling the matter concerning Mr. Turner as a complaint is a creative attempt to fashion a way to preserve the file in your prior complaint when routine record retention schedules require its purging. It is obvious that one of your goals is the preservation of the Wheeler file. It can be argued that this is the central issue of your goals at this time. We cannot use an artifice to avoid routine record keeping requirements.

Your assertions have received careful and repetitive review (bar counsel, chief branch discipline counsel, grievance committee chair, and designated reviewer have all reviewed your complaint against Mr. Wheeler and all agree with closure) and that file shall remain closed. Mr. Marvin and I lack authority to do otherwise.

Your criticism of Mr. Turner's job performance is noted and has been reviewed by Mr. Marvin and me. We respect your right to be critical, but we conclude that Mr. Turner has acted within the scope of his duties and authority. No personnel action will be initiated.

As to the website content issue, we have that matter under review and will act as all of the facts require. This review will be conducted out of our Fort Lauderdale office. By copy hereof I advise Mr. Turner to provide status information to you, Mr. Marvin and me.

Sincerely,



John Anthony Boggs
Director, Legal Division

cc: Kenneth L. Marvin
Eric M. Turner

Supreme Court of Florida

FRIDAY, JULY 23, 2004

CASE NO.: SC04-1078

IVIEWIT HOLDINGS, INC.

vs. THE FLORIDA BAR

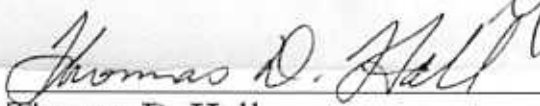
Petitioner

Respondent

The "Affirmed Amended Petition for: Injunctive Relief; Declaratory Relief; Begin Immediate Investigation of Complaint Against Christopher C. Wheeler; and Move Complaints to the Next Highest Level of Review, Void of Conflict of Interest and Appearance of Impropriety," which was filed with this Court on July 7, 2004, is hereby stricken. Petitioner is directed, on or before August 2, 2004, to file an amended petition which is signed by an attorney licensed to practice law in the State of Florida or which is limited to the personal claims of the individual petitioners, Eliot Bernsteins and P. Stephen Lamont.

The failure to file a proper petition with this Court within the time provided could result in the imposition of sanctions, including dismissal of this case. See Fla. R. App. P. 9.410.

A True Copy
Test:


Thomas D. Hall
Clerk, Supreme Court



dy
Served:
ELIOT BERSTEIN
P. STEPHEN LAMONT
JOHN ANTHONY BOGGS

Supreme Court of Florida

THURSDAY, JULY 29, 2004

CASE NO.: SC04-1078

ELIOT I. BERNSTEIN, ET AL. vs. THE FLORIDA BAR

Petitioners

Respondent

The style of the above case has been changed from Iviewit Holdings, Inc. vs. The Florida Bar to Eliot I. Bernstein, et al. vs. The Florida Bar.

A True Copy

Test:

Thomas D. Hall
Thomas D. Hall
Clerk, Supreme Court



dy
Served:
ELIOT BERNSTEIN
P. STEPHEN LAMONT
JOHN ANTHONY BOGGS



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
DEBBIE CAUSSEUX
CHIEF DEPUTY CLERK
PORSCHÉ SHANTZ
STAFF ATTORNEY

PHONE NUMBER (850) 488-0125
www.flcourts.org/clerk.html

October 15, 2004

Mr. Eliot I. Bernstein and Mr. P. Stephen Lamont
10158 Stonehenge Circle, Suite 801
Boynton Beach, Florida 33437

Re: Motion for: Declaratory Relief; Intervene in Third Party Investigations of the Boca Raton Police Department, the Federal Bureau of Investigation, and the Securities and Exchange Commission with the Court's Oversight to Ensure Due Process; and an Emergency Order for the Immediate Protective Custody of Eliot I. Bernstein, Candice M. Bernstein, Joshua E. Bernstein, Jacob N.A. Bernstein, Daniel E.A.O. Bernstein, P. Stephen Lamont and P. Stephen Lamont, II

Dear Mr. Bernstein and Mr. Lamont:

In response to your motion received by this Court on October 7, 2004, please be advised that your correspondence fails to invoke the Court's jurisdiction. You will need to file it in the appropriate circuit court.

Most cordially,

By 
Deputy Clerk
Thomas D. Hall

TDH/dy

cc: John Anthony Boggs, Esquire

Supreme Court of Florida

WEDNESDAY, JANUARY 12, 2005

CASE NO.: SC04-1078

ELIOT I. BERNSTEIN, ET AL. vs. THE FLORIDA BAR

Petitioner(s)

Respondent(s)

Petitioner's Motion for Judgement Non Prosequitur is hereby denied.

A True Copy

Test:

mc

Served:

JOHN ANTHONY BOGGS
ELIOT BERNSTEIN
P. STEPHEN LAMONT
ERIC MONTEL TURNER

Rec'd
1/12/05
[Signature]
Input

Supreme Court of Florida

WEDNESDAY, JANUARY 12, 2005

CASE NO.: SC04-1078

ELIOT I. BERNSTEIN, ET AL. vs. THE FLORIDA BAR

Petitioner(s)

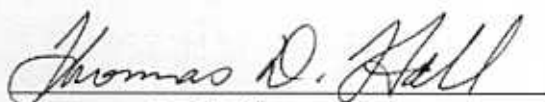
Respondent(s)

The petition filed on July 28, 2004, has been treated as a petition for all writs jurisdiction. The petition is hereby denied. However, in light of respondent's offer to allow petitioners to obtain the file pertaining to the complaint filed by petitioners in TFB File No. 2003-51,109(15c), the file shall be preserved for thirty (30) days from the date of this order to allow petitioners to obtain the file.

WELLS, ANSTEAD, LEWIS, QUINCE and BELL, JJ., concur.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



mc

Served:

JOHN ANTHONY BOGGS
ELIOT BERNSTEIN
P. STEPHEN LAMONT
ERIC MONTEL TURNER

Filed
1/18/05




THE FLORIDA BAR

651 EAST JEFFERSON STREET
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

850/561-5600
WWW.FLABAR.ORG

February 15, 2005

The Honorable Thomas D. Hall, Clerk
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399-1927

Re: SC04-1078

Dear Mr. Hall:

Thank you for forwarding The Florida Bar a copy of the Petitioner's Motion for Clarification, Rehearing and Certification Under Section 9.330.

Please be advised that The Florida does not intend to file a response.

Sincerely,

John Anthony Boggs
Director, Legal Division-Lawyer Regulation

JAB/ras

cc: Mr. Eliot Bernstein
Mr. Eric M. Turner
Mr. Kenneth L. Marvin

JAB
2/18/05
Received



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
DEBBIE CAUSSEAU
CHIEF DEPUTY CLERK
PORSCHIE SHANTZ
STAFF ATTORNEY

PHONE NUMBER (850) 488-0125
www.flcourts.org/clerk.html

October 15, 2004

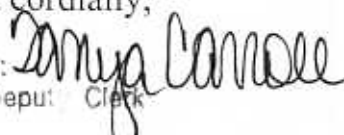
Mr. Eliot I. Bernstein and Mr. P. Stephen Lamont
10158 Stonehenge Circle, Suite 801
Boynton Beach, Florida 33437

Re: Motion for: Declaratory Relief; Intervene in Third Party Investigations of the Boca Raton Police Department, the Federal Bureau of Investigation, and the Securities and Exchange Commission with the Court's Oversight to Ensure Due Process; and an Emergency Order for the Immediate Protective Custody of Eliot I. Bernstein, Candice M. Bernstein, Joshua E. Bernstein, Jacob N.A. Bernstein, Daniel E.A.O. Bernstein, P. Stephen Lamont and P. Stephen Lamont, II

Dear Mr. Bernstein and Mr. Lamont:

In response to your motion received by this Court on October 7, 2004, please be advised that your correspondence fails to invoke the Court's jurisdiction. You will need to file it in the appropriate circuit court.

Most cordially,

By: 
Deputy Clerk

Thomas D. Hall

TDH/dy

cc: John Anthony Boggs, Esquire