

September 17, 2024

Joshua E. Doyle
Executive Director
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: Ty G Roland; RFA No.: 25-2532

Dear Mr. Doyle:

My name is Adam M. Costello. This letter is being written to you in regards to a dismissal of a Florida Bar Complaint by Bar Counsel Richard Coombs. ***See attached original Complaint and Response by Bar Counsel.*** After you read the aforementioned, it will become clear why I chose to contact you.

Bar Counsel Richard Coombs was able to “determine” in a matter of days, that such fraudulent conduct by an attorney does not constitute behavior unbecoming by a member of The Florida Bar. Instead of fulfilling his duty and function to review complaints that focus on the unethical conduct of an attorney, Mr. Coombs decided to shift the attention to a meritless and empty allegation that a Florida Bar complaint is not a substitute for other litigation. Bar Counsel failed to pursue a valid and legally sufficient claim/inquiry regarding the conduct exhibited by an attorney.

Bar Counsel attempts to direct attention away from the complaint (of which it is Bar Counsel’s sole function and responsibility to review and investigate) to a speculative conclusion after Bar Counsel’s “careful consideration” of the allegations in the complaint, about insurance fraud committed by Ty Roland.

In *Fla. Bar V. Winn*, 208 So. 2d 809, 393 U.S. 914, 89 S. Ct. 236, 21 L. Ed. 2d 199 (1968), it was recognized that “disciplinary proceedings are not designed to redress private grievances.”

Also, of note, *Fla. Bar V. Neale*, 384 So. 2d 1264 (Fla. 1986), held that “disciplinary actions cannot be used as a substitute for what should be addressed in private civil actions against attorneys.” And, “They (complaints) are not intended as forums for litigating claims between attorneys and third parties.”

Bar Counsel speculates erroneously that I intend for this complaint to be a “procedural weapon” or a “substitute” for civil proceedings and remedies.

Bar Counsel’s assertions fail because I cannot gain anything in submitting my complaint about the misconduct of Ty Roland. I am well aware of the many civil causes of action that may be brought under Civil Procedure. However, this complaint is solely about the conduct and decisions made deliberately by Ty Roland. Bar Counsel’s speculative conception about my supposed intent cannot defeat factual allegations supported by the record concerning Ty Roland’s conduct that constitutes insurance fraud of \$250,000. This is a serious allegation and should be treated as such, not just flippantly dismissed without factually delineated reasons.

Therefore, this letter is to inform you, the executive director, that Bar Counsel Richard Coombs is not fulfilling his duty as Bar Counsel to investigate completely the claim that I have demonstrated factually.

If Bar Counsel states that after "careful consideration" he can come to a conclusion that the conduct alleged does not violate the Rules of Professional Conduct and Rules Regulating The Florida Bar, then Bar Counsel is indeed clearly fabricating his findings and his conclusion is not supported by competent, substantial evidence, and in fact, the documents attached as exhibits prove and demonstrate otherwise.

It is obvious that Bar Counsel's finding and conclusion are erroneous and completely lacking in evidentiary support. See *Fla. Bar V. MacMillan*, 600 So. 2d 457, 459 (Fla. 1992). The party contending that the findings and conclusions are erroneous, carry the burden of demonstrating that the record clearly contradicts the conclusions. See *Fla. Bar V. Miele*, 605 So. 2d 866, 868 (Fla. 1992).

Pursuant to Rules Regulating the Florida Bar 3-7.3(b), "Bar Counsel may open a disciplinary file and investigate **WHEN BAR COUNSEL POSSESSES INFORMATION THAT INDICATES A BAR MEMBER MAY HAVE VIOLATED THE RULES REGULATING THE FLORIDA BAR.**"

Here, the complaint was laid out and conveyed easily and authority was cited (by statute, rule, or case law) about each of the violations that Ty Roland engaged in, and how each was connected with rule of law.

The practice of law is a privilege which carries with it responsibilities as well as rights. However, professional ethics cannot be "checked at the door" nor can unethical and unprofessional conduct by a member of The Florida Bar be tolerated.

The complaint process is intended to keep attorneys accountable for their behavior in a professional realm when power and money can influence attorneys to abuse their status. Further, attorneys are (or should be) held to a higher standard considering their knowledge of the law and legal process. Therefore, I am requesting that you review my complaint, any other correspondence appropriate, and the evidence attached as exhibits, re-open the file, actually investigate the claim, and remove Bar Counsel Coombs from his position where he is clearly not functioning in his remedial position to review complaints based on merit.

Thank you in advance for your assistance and consideration regarding this important and ethical issue.

Respectfully Submitted,

Adam Costello – DC#: B16188

Cc: Safeco Legal Department