



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900
5900 NORTH ANDREWS AVENUE
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JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

954/772-2245
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February 2, 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:

We have received your letter expressing dissatisfaction with the review of the investigation against the above respondent. As you were informed, our policy allows us to seek further review from an appropriate grievance committee. Please be advised your concerns have been noted and you will be notified of the outcome of the review.

I must correct several of your misconceptions. First, you were told you could not petition the court because The Florida Bar was the only place for such complaints, not that I alone was the final arbiter. I further explained to you that any request for further review would be directed back to me as this is the only office that will handle your complaint, which why you were instructed to write once again to me rather than anyone in Tallahassee. The records cannot be returned to you as we must maintain them pursuant to the public records requirement. I am enclosing a copy of the notice you received when your complaint was initially filed.

When someone is assigned to review this matter, you will hear directly from them. We cannot direct them to follow your directives in regards to how you want the review conducted. Thank you for your patience while this matter is reviewed.

Sincerely yours,

Eric Montel Turner
Chief Branch Discipline Counsel

EMT/es

TO COMPLAINANT

The Florida Bar Lawyer Regulation Department investigates complaints to determine whether the attorney in question violated Florida Bar rules governing attorney conduct. An attorney who is found to have violated Florida Bar rules may be subject to disciplinary sanctions (admonishment, reprimand, suspension, etc.). During our process, the attorney complained about is referred to as the respondent.

If you have filed an inquiry/complaint, we will presume that you attempted unsuccessfully to resolve your issue(s) with the respondent, that you were unwilling to do so, or that other factors prevented a mutually agreeable resolution. Although our primary function is to investigate and prosecute rule violations, if your main goal is to achieve a resolution of your issue(s) with the respondent, please let us know immediately in writing, because this may affect how we proceed with the investigation.

Our grievance system should not be viewed as an alternative to a malpractice action or any other legal or equitable claim you may be entitled to pursue. If you believe you have a claim for damages against the attorney, you should seek legal advice. The Florida Bar cannot appoint you an attorney, and Florida Bar staff attorneys cannot furnish legal advice or assistance. Nor do we pursue investigations solely because the client is seeking a refund or restitution. If you need the name of another attorney, you may wish to contact the Florida Bar Lawyer Referral Service by telephone at 1-800-342-8011 or in writing at The Florida Bar, Lawyer Referral Service, 650 Apalachee Parkway, Tallahassee, Florida 32399.

The complaints we investigate must be provable by clear and convincing evidence. If determination of the primary issues in the case depends on accepting one person's word over another's, and the relevant documentation does not resolve disputed facts, it is likely that the case cannot be proven by clear and convincing evidence. Our closing of a file does not mean that we have taken the side of the respondent, that we do not believe your allegations, or that we endorse or approve of the respondent's conduct in the situation described. We may decide not to pursue an investigation where the evidence appears insufficient, if for any other reason the allegations do not appear capable of being proven, or because discipline does not appear to be appropriate under the totality of the circumstances.

~~Our policy is to retain files for one year after the date the file is closed. After that time, our file may be destroyed. You should maintain a complete set of all of the papers you provide and receive in relation to this matter, in case you need them at some point after our file has been destroyed.~~

Due to the large volume of cases we handle, it is difficult for us to take telephone calls. If you wish to supplement your complaint or to ask questions, please help us by doing so in writing, with a copy to the respondent.

Thank you for your cooperation and patience during our investigative process.