

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR,
Complainant,

The Florida Bar File
No. 2019-50,880(17B)

v.

ALIM BABAYEV,
Respondent.

_____ /

REPORT OF MINOR MISCONDUCT

I. COMMITTEE RECOMMENDATION: Pursuant to Rule 3-7.4 of The Rules Regulating The Florida Bar, the committee accepts respondent's tendered admission of minor misconduct and recommends that respondent receive an admonishment. The admonishment should be administered by service of this report.

II. SUMMARY OF MISCONDUCT AND RULE VIOLATIONS FOUND:
In 2019, respondent was arrested in Broward County, FL. Respondent was charged by amended information with one count of driving under the influence (DUI) causing property damage or injury; one count of leaving the scene of a crash involving only damage to an attended vehicle or attended property; and one count of reckless driving causing injury to person or property. In 2020, respondent entered a plea of no contest and was

adjudicated guilty of the misdemeanor charges of reckless driving and leaving the scene of a crash; and the DUI charge was nolle prossed by the prosecuting attorney. For this conduct, respondent was sentenced to 12 months of reporting probation, with special conditions, including 10 days in jail, DUI school level I, random/breath urine analysis and community service hours. In 2021, the criminal trial court entered an order terminating respondent's probation.

Respondent admits to having violated R. Regulating Fla. Bar: Rule 3-4.3 [The standards of professional conduct required of members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration of certain categories of misconduct as constituting grounds for discipline are not all-inclusive nor is the failure to specify any particular act of misconduct be construed as tolerance of the act of misconduct. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.]; and Rule 4-8.4(b) [A lawyer shall not: commit a criminal act that reflects adversely on

the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects].

III. COMMENT ON MITIGATING, AGGRAVATING OR EVIDENTIARY MATTERS:

The committee believes that the following comment on mitigating, aggravating and evidentiary matters will be helpful in considering acceptance of the report. Respondent was admitted to the bar in 2015. Respondent has submitted an admission of minor misconduct in this matter which is attached as Exhibit 'A' to this report. The committee believes that respondent has engaged in conduct that violated Rules Regulating The Florida Bar and that respondent's misconduct must be addressed.

In this instance, respondent entered a plea to two misdemeanor charges, and he was sentenced by the criminal court for this conduct. The respondent was placed under court ordered supervised probation and subject to the terms and conditions of probation. In 2021, the criminal court entered an order terminating respondent's probation. Respondent acknowledged in his written admission that his conduct was unacceptable, and he admitted that he engaged in conduct which violated R. Regulating Fla. Bar 3-4.3 and 4-8.4(b).

In addition, based on the review of this matter, the committee submits the following mitigating factors are present: 3.3(b)(1) absence of prior disciplinary record; 3.3(b)(11) imposition of other penalties or sanctions; and 3.3(b)(12) remorse.

IV. ADMONISHMENT: Alim Babayev, your actions have discredited the legal profession of the State of Florida. The privilege to practice law carries responsibilities and you must be mindful of the ethical duties that you are expected to uphold as a member of the legal profession. Your actions in this case were not in accordance with the high standards expected of a member of the legal profession. Such conduct cannot be tolerated by your fellow lawyers and should not be tolerated by you. Pride in your profession demands that you not violate the Rules of Professional Conduct again. If you do, your present misconduct will be considered in future disciplinary proceedings.

V. COSTS: The cost of these proceedings is assessed against respondent as follows:

Administrative Costs	\$1,250.00
TOTAL	\$1,250.00

Costs are due The Florida Bar within 30 days from acceptance of this minor misconduct recommendation.

Pursuant to Rule 1-3.6(c) of The Rules Regulating The Florida Bar, any person now or hereafter licensed to practice law in Florida shall be deemed a delinquent member if the member fails to pay the costs assessed in diversion or disciplinary cases within 30 days after the disciplinary decision or diversion recommendation becomes final, unless such time is extended by the board of governors for good cause shown. Delinquent members shall not engage in the practice of law in Florida nor be entitled to any privileges and benefits accorded to members of The Florida Bar in good standing.

Dated this 9th day of August, 2021.

Seventeenth Judicial Circuit Grievance
Committee "B"



J. Samantha Vacciana, Chair

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THE FLORIDA BAR,

Complainant,

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v.

ALIM BABAYEV,

Respondent.

ADMISSION OF MINOR MISCONDUCT PURSUANT TO RULE 3-5.1

Respondent Says:

1. Respondent is aware that Rule 3-5.1 reads, in part, as follows:

A respondent may tender a written admission of minor misconduct to bar counsel or to the grievance committee within 15 days after a finding of probable cause by a grievance committee. An admission of minor misconduct may be conditioned on acceptance by the grievance committee, but the respondent may not condition the admission of minor misconduct on the method of administration of the admonishment or on nonpayment of costs incurred in the proceedings. An admission may be tendered after a finding of probable cause (but before the filing of a complaint) only if an admission has not been previously tendered. If the admission is tendered after a finding of probable cause, the grievance committee may consider the admission without further evidentiary hearing and may either reject the admission, affirming its prior action, or accept the admission and issue its report of minor misconduct. If a respondent's admission is accepted by the grievance committee, the respondent may not later reject a report of the committee recommending an admonishment for minor misconduct. If the admission of minor misconduct is rejected, the admission may not be considered or used against the respondent in subsequent proceedings.

2. Pursuant to Rule 3-5.1(b)(5), the respondent tenders this admission of minor misconduct in the above referenced case.
3. If this admission is accepted by the committee and the committee report is approved by The Florida Bar, this admission shall be in full force and effect, and Respondent shall pay any costs incurred in the proceeding.

4. If this admission is not accepted by the committee or an admonishment is not approved, this tendered admission will be null and void, and no part of the admission may be used as evidence bearing upon the complaint.
5. Respondent admits that he has violated the following Rules Regulating The Florida Bar:
 - a. **3-4.3** The standards of professional conduct required of members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration of certain categories of misconduct as constituting grounds for discipline are not all - inclusive nor is the failure to specify any particular act of misconduct be construed as tolerance of the act of misconduct. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.
 - b. **4-8.4(b)** commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.
6. The following statement of particulars sets forth the minor misconduct and the Rule Violations:

On June 11, 2019 the Respondent was involved in a three car collision. Subsequent to the accident the Respondent fled the scene. The Respondent was later apprehended by Florida Highway Patrol and charged with one count of DUI (property damage) and one count of Leaving the Scene of an Accident. On July 10, 2020 the State of Florida amended the charges and the Respondent was adjudicated guilty of one count of Reckless Driving (property damage) and one count of Leaving the Scene of an Accident.

7. The Respondent admits that his conduct, as described above, was unacceptable for a member of the Florida Bar and violated Rules Regulating The Florida Bar 3-4.3 and 4-8.4(b) and that the Respondent brought shame and embarrassment to this noble profession. The Respondent understands that he is held to a higher standard of ethics than a member of the general public.

Dated this 24th Day of June, 2021.



Alim Babayev, Esq.
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Florida Bar Number 117607