



**The Florida Bar
Fort Lauderdale Branch Office
UPL Department
Lake Shore Plaza II
1300 Concord Terrace Ste. 130
Sunrise, FL 33323**

August 14, 2024

**Re: Unlicensed Practice of Law Investigation of Kelly
Janssen/Synergy Club, File No. 20241083(15A)**

**Algeisa Vazquez
Branch UPL Counsel**

Dear Ms. Vazquez,

In response to your letter of August 7, 2024 we have reviewed Mr. Janssen's "Answer and Affirmative Defenses" to the United Civic Organization's (UCO) UPL complaint. We have also asked our corporate General Counsel Rod Tennyson Esq (Bar # 0149479) to provide us with case law on the definition of the unauthorized practice of law.

Once again Mr. Janssen has simulated official court pleadings with his "Answer and Responses" and "Affirmative Defenses" filed with the UPL in this cause which he distributed to thousands of residents of Century Village and other members of the public via mass emails and websites. He once again uses a style of the case used by attorneys in official court proceedings and the terms "plaintiff" and "defendant" and "Affirmative Defenses". It is clear that Mr. Janssen is not deterred in his misrepresentation to the public of non-existent official court proceedings and his misrepresentation of his role as the author of these "pleadings" which attempt to give legal advice and direction to the residents of Century Village.



Mr. Janssen alleges that this UPL Complaint is “retaliation” for his political activities at Century Village which UCO strongly denies. Any officer or resident of Century Village is free to assert and broadcast their views on any issue confronting Century Village. But no person has the right to clothe their arguments in deceptive and false simulation of official lawsuits authored by someone who looks like an attorney giving legal advice. **Mr. Janssen’s “pleadings” are intended to deceptively amplify his voice by making him look like a lawyer and thus give him more credibility with the residents of Century Village.** Mr. Janssen needs to reformat his communications to simple narratives without court-like case styles, use of “plaintiff” and “defendant” and other legal terms like “affirmative defenses”. **The basis of the UCO UPL Complaint against Janssen is deception not freedom of speech.**

Mr. Janssen also argues that he has filed several Palm Beach County Small Claims actions pro se and was allowed to do so. Florida law and Court rules allow certain pro se filings by non lawyers but these cases do not misrepresent an official court action and are not distributed to thousands of Century Village residents to deceptively amplify Janssen’s voice to give him more credibility with the residents of Century Village.

In *The Florida Bar v. Sperry*, 140 So. 2d 587, 591 (Fla. 1962), the Court found that setting forth a broad definition of the practice of law was “nigh unto impossible” and instead developed the following test to determine whether an activity is the practice of law:

“ . .if the giving of [the] advice and performance of [the] services affect important rights of a person under the law, and if the reasonable protection of the rights and property of those advised and served requires that the persons giving such advice possess legal skill and a knowledge of the law greater than that possessed by the average citizen, then the giving of such advice and the performance of such services by one for another as a course of conduct constitute the practice of law.”

When applying this test it should be kept in mind that “the single most important concern in the Court's defining and regulating the practice of law is the protection of the public from incompetent, unethical, or irresponsible



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representation.” The Florida Bar v. Moses, 380 So. 2d 412, 417 (Fla. 1980).

It constitutes the unlicensed practice of law for a nonlawyer to hold himself out as an attorney either expressly or impliedly or using any title, which holds the person out as being able to provide legal services (The Florida Bar v. Borges-Caignet, 321 So. 2d 550 (Fla. 1975)).

All of the Janssen “pleadings” are an attempt to give legal advice and direction to the thousands of Century Village residents:

8. Threatening a cause of action (a set of facts sufficient to justify suing to obtain money or property.). This allegation is unknown to the defendants and therefore denied. It sounds like a UCO Executive is suggesting they sue the Board Synergy Club. Mr. Janssen has previously been sued with knowingly false claims since he moved to Century Village less than two years ago. He successfully defended those claims, and he is defending the false claims put on the record April 25th at the UCO Officer’s Meeting.

UCO Exhibit A. page 10

AFFIRMATIVE DEFENSES

Affirmative Defense No. 1. These claims are false.

Affirmative Defense No. 2. The plaintiff failed to allege facts sufficient to support their claims.

Affirmative Defense No. 3. The plaintiff is publicly sharing false claims to hurt the defendant’s chances in the upcoming UCO election.

UCO Exhibit A. page 18

UCO objects to all the Janssen “pleadings” and their widespread distribution to the public and UCO’s members because:

1. The Pleading simulates a formal Court pleading which was drafted and distributed by Janssen. Mr. Janssen is not licensed by the Florida Bar and his “Pleading” is not part of any official Court lawsuit. The drafting of an official looking Court pleading is activity relating to the practice of law. This activity is not authorized by Mr. Janssen who is not a member of the Florida Bar and the activity misrepresents to the public that Mr. Janssen is a licensed attorney and that his Pleading is part of an official lawsuit.



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2. Mr. Janssen is giving legal advice and performance of legal services to the residents of Century Village that affect important rights of UCO and its resident members under the law. UCO is not a "plaintiff" to any formal lawsuit against Janssen and Janssen is not a "defendant" being sued by UCO. Janssen is trying to amplify his voice and influence by sounding like a lawyer while giving deceptive legal advice to the members of UCO and the public which are false and adverse to their interests. This deceptive legal advice denies these UCO members reasonable protection of their rights and property because Janssen does not possess the impartial legal skills and a knowledge of the law greater than that possessed by the average citizen.

3. Janssen continues to engage in this activity and plans more of the same in the future as a course of conduct that constitutes the practice of law. Janssen's activities are contrary to the protection of the public from incompetent, unethical, or irresponsible representation. Janssen's activities hold out to the public or otherwise represent that he is admitted to practice law in Florida in violation of Florida Bar Rule 4-5.5 (2).

Thus UCO asks the Florida Bar to enter a cease and desist order against SYNERGY CLUB and KELLY JANSSEN prohibiting any further unauthorized practice of law.

Respectfully submitted

Fausto Fabbro President
United Civic Organization Inc.

CC: Kelly Janssen



