



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: FRANK ALFRED BAKER, BPR #31931
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

July 27, 2016

FLORIDA LAWYER SUSPENDED

On July 25, 2016, the Tennessee Supreme Court suspended Frank Alfred Baker from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Baker was suspended based upon his conviction of serious crimes; i.e., conspiracy to commit wire fraud, making a false statement to the FDIC and making a false claim against the United States, four counts of wire fraud, two counts of false statement to the FDIC, and false claim against the United States.

The Supreme Court ordered the Board to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of Mr. Baker's guilty plea.

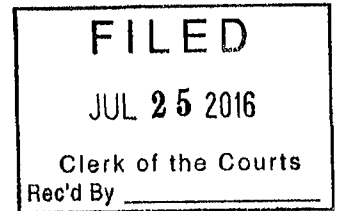
Mr. Baker must comply with Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities suspended attorneys.

Baker 2609-0 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: FRANK ALFRED BAKER, BPR #31931
An Attorney Licensed to Practice Law in Tennessee
(Marianna, Florida)

No. M2016-01474-SC-BAR-BP
BOPR No. 2016-2609-0-WM(22.3)



ORDER OF ENFORCEMENT

This matter is before the Court pursuant to Tenn. Sup. Ct. R. 9, § 22.3, upon a Notice of Submission filed by Disciplinary Counsel for the Board of Professional Responsibility consisting of a certified copy of the Judgment in a Criminal Case in the United States District Court for the Northern District of Florida, Panama City Division, in the matter of *United States of America v. Frank Alfred Baker* (attached as Exhibit A) demonstrating that Frank Alfred Baker, a Tennessee attorney, has been convicted of serious crimes, i.e., conspiracy to commit wire fraud, making a false statement to the FDIC and making a false claim against the United States, in violation of 18 U.S.C. §§ 1343, 1349, 287, 1014 and 371; four counts of wire fraud in violation of 18 U.S.C. §§ 1343 and 2; two counts of false statement to the FDIC in violation of 18 U.S.C. §§ 1014 and 2; and false claim against the United States in violation of 18 U.S.C. §§ 287 and 2.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

1. Frank Alfred Baker is suspended from the practice of law on this date pending further orders of this Court, pursuant to Tenn. Sup. Ct. R. 9, § 22.3;
2. This matter shall be referred to the Board of Professional Responsibility for the institution of a formal proceeding in which the sole issue to be determined shall be the extent of the final discipline;
3. Frank Alfred Baker shall fully comply with the provisions of Tenn. Sup. Ct. R. 9, § 28, concerning suspended attorneys; and
4. The Board of Professional Responsibility shall cause notice of this suspension to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM

FLND Form 245B (rev 12/2003) Judgment in a Criminal Case
 5:13-cr-00026-RS-EMT-3 - FRANK ALFRED BAKER

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF FLORIDA
 PANAMA CITY DIVISION

UNITED STATES OF AMERICA

Case # 5:13-cr-00026-RS-EMT-3

-vs-

USM # 22601-017

FRANK ALFRED BAKER

James Judkins (Retained)
 1102 N. Gadsden St.
 Tallahassee, FL 32303

Larry Simpson (Retained)
 1102 N. Gadsden St.
 Tallahassee, FL 32303

CERTIFIED A TRUE COPY
 Jessica J. Lyublanovits

By: J. Lyublanovits
 Deputy Clerk

JUDGMENT IN A CRIMINAL CASE

The defendant was found guilty on Counts 1, 3, 4, 7, 8, 9, 11 and 12 of the Superseding Indictment on May 7, 2014. Accordingly, **IT IS ORDERED** that the defendant is adjudged guilty of such count(s) which involve(s) the following offense(s):

<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>DATE OFFENSE CONCLUDED</u>	<u>COUNT</u>
18 U.S.C. §§ 1343, 1349, 287, 1014 and 371	Conspiracy to Commit Wire Fraud, Make a False Statement to the FDIC and Make a False Claim Against the United States	August 13, 2010	One
18 U.S.C. §§ 1343 and 2	Wire Fraud	December 31, 2008	Three
18 U.S.C. §§ 1343 and 2	Wire Fraud	December 31, 2008	Four
18 U.S.C. §§ 1343 and 2	Wire Fraud	June 12, 2009	Seven
18 U.S.C. §§ 1343 and 2	Wire Fraud	August 13, 2010	Eight
18 U.S.C. §§ 1014 and 2	False Statement to the FDIC	December 4, 2008	Nine
18 U.S.C. §§ 1014 and 2	False Statement to the FDIC	June 3, 2009	Eleven
18 U.S.C. §§ 287 and 2	False Claim Against the United States	August 7, 2010	Twelve

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, including amendments effective subsequent to 1984, and the Sentencing Guidelines promulgated by the U.S. Sentencing Commission.

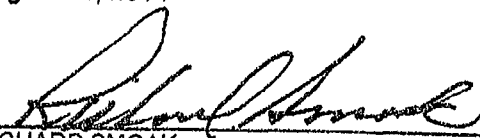
The defendant has been found not guilty on count(s) 2, 5, 6 and 10.

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IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid.

Date of Imposition of Sentence:
August 21, 2014


RICHARD SMOAK
UNITED STATES DISTRICT JUDGE

September 21, 2014

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **48 months**. **This term consists of terms of 48 months as to each of counts 1, 3, 4, 7, 8, 9, 11 and 12, all counts to run concurrently.**

The Court recommends to the Bureau of Prisons: that the defendant be designated to Federal Prison Camp in Pensacola, Florida, if practical.

The Defendant shall surrender to the United States Marshal for this district or to the designated institution on **October 1, 2014 by 12:00 Noon CT.**

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **Three (3) years. This term consists of terms of Three (3) years as to each of counts 1, 3, 4, 7, 8, 9, 11 and 12, to run concurrently.**

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime and shall not possess a firearm, destructive device, or any other dangerous weapon.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the following standard conditions that have been adopted by this court.

1. the defendant shall not leave the judicial district without the permission of the court or probation officer;
2. the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. the defendant shall support his or her dependents and meet other family responsibilities;
5. the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
7. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9. the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. the defendant shall notify the probation officer within **72 hours** of being arrested or questioned by a law enforcement officer;
12. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
14. If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervision that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

The defendant shall also comply with the following additional conditions of supervised release:

15. The defendant shall not own or possess, either directly or constructively, a firearm, ammunition, dangerous weapon, or destructive device.
16. Any unpaid restitution shall be paid in monthly installments of not less than \$500 per month, to commence three months after his release from imprisonment.
17. The defendant shall provide his probation officer all requested business and personal financial information.
18. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless he has first satisfied his restitution obligation.
19. The defendant shall not transfer or dispose of any asset, or his interest in any asset, without the prior approval of the probation officer, unless he has first satisfied his restitution obligation.

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Upon a finding of a violation of probation or supervised release, I understand the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

CRIMINAL MONETARY PENALTIES

All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the Clerk, U.S. District Court, unless otherwise directed by the Court. Payments shall be made payable to the Clerk, U.S. District Court, and mailed to 111 N. Adams St., Suite 322, Tallahassee, FL 32301-7717. Payments can be made in the form of cash if paid in person.

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments. The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

SUMMARY

<u>Special Monetary Assessment</u>	<u>Fine</u>	<u>Restitution</u>
\$800	Waived	\$4,537,399.09

SPECIAL MONETARY ASSESSMENT

A special monetary assessment of **\$800** is imposed, and is due immediately.
 No fine imposed.

RESTITUTION

Restitution in the amount of **\$4,537,399.09** is imposed, and is due immediately.

The defendant shall make restitution to the following victims in the amounts listed below.

<u>Name of Payee</u>	<u>Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Federal Deposit Insurance Corporation P.O. Box 71366 Philadelphia, PA 19176-1366 Reference: Case #5:13CR26/RS	\$4,537,399.09	\$4,537,399.09

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise. If nominal payments are made by the defendant the court authorizes those payments to be made to the victims on a rotating basis.

The amount of loss and the amount of restitution ordered will be the same unless, pursuant to 18 U.S.C. § 3664(f)(3)(B), the court orders nominal payments and this is reflected in the Statement of Reasons page.

Restitution in the amount of \$4,537,399.09 is hereby ordered jointly and severally with: co-defendants Donald Terry Dubose and Elwood Ladon West.

The Court has determined that the defendant does not have the ability to pay interest. It is **ORDERED** that: In the interest of justice, interest on restitution is hereby waived.

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) special monetary assessment; (2) non-federal victim restitution; (3) federal victim restitution; (4) fine principal; (5) costs; (6) interest; (7) penalties. All fines are due in full immediately.

The defendant must notify the court of any material changes in the defendant's economic circumstances, in accordance with 18 U.S.C. §§ 3572(d), 3664(k) and 3664(n). Upon notice of a change in the defendant's economic condition, the Court may adjust the installment payment schedule as the interests of justice require.

Special instructions regarding the payment of criminal monetary penalties pursuant to 18 U.S.C. § 3664(f)(3)(A):

Unless the court has expressly ordered otherwise above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. In the event the entire amount of monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due. The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.