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Vanished: Boca lawyer's troubling tale

Attorney disappeared after financial struggles, bar complaint

April 27, 2013 | By Jon Burstein and Brett Clarkson, Sun Sentinel

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She got a late afternoon email with a simple subject line: "Love." The message came from her husband's account.

"You never knew what I was doing, but after the bank took our properties I made a series of very bad business decisions," the email read. "I made people millions and none for us. I am trying to rectify it. If I cannot then I am going to set my affairs in order and finish a few things I started ... I will love you forever."

Boca Raton attorney Timothy McCabe's wife hasn't seen him since she received that email almost four weeks ago. The 55-year-old father of three young girls is gone. So is more than \$3 million that should have been in his law firm's trust account and his title company's escrow account, according to the Florida Bar.

The FBI and Boca Raton police are investigating his April 2 disappearance. Auditors are trying to figure out how much money is missing, when funds were misappropriated and where they went. Former clients and investors are left struggling with how McCabe could have seemingly betrayed them.

"If you ever met Tim you would never, ever think he was the type of person who would do that," said Vickie Meyer, a Realtor who has known him for two decades and has clients who are missing money. "He was a devoted family man, a typical Irish-Catholic good boy."

While some are missing money from real estate transactions handled by McCabe, others had invested money with McCabe, believing he was buying properties in short sales and reselling them, according to attorneys now representing them. Many of the investors had some personal tie to him or knew him through his daughters' school, North Broward Preparatory School.

"They are devastated because he was their lawyer, and in many cases, he was their friend," said Jeffrey Sonn, an attorney representing at least six of McCabe's former investors. "They trusted him."

His disappearance came a day after the first public crack in his image. The Florida Bar filed a complaint with the Florida Supreme Court on April 1 accusing him of unethical legal conduct in his attempt to stave off the foreclosure of one of his investment properties.

Interviews, as well as documents obtained by the Sun Sentinel, show that while McCabe projected an air of stability, his professional life the past few years had become a juggling act including:

- McCabe took control of Ringstar, a Boynton Beach company selling patented shoes for karate and kickboxing competitions. The company's founder said McCabe bought him out three years ago — shortly after the founder asked about what was happening with money that had been put into the business.
- McCabe was the face of a company that promised to help clients get their mortgages modified to avoid foreclosure. Eight complaints have been filed with state authorities by people who allege the company failed to follow through on its promises.
- While McCabe apparently was pitching investment opportunities in real estate, foreclosure lawsuits were filed against at least five properties he co-owned, including the Lake Worth cottage housing his law firm, McCabe & Samiljan. While he stopped making payments on those properties, records show he paid off a \$386,000 mortgage on his Boca Raton home in December. He deeded the \$445,000 home to his wife just days before his disappearance.
- Marie Pupke, a longtime friend who reported to authorities that she had \$1 million in McCabe's escrow account, said he recently had mentioned he hoped to make big money with something to do with the currency of Iraq. Pupke said the last few times she saw McCabe he seemed troubled, once mentioning that he hated his life.

A man who loaned McCabe \$200,000 seven years ago said the attorney had indicated even back then that

he was stretched thin by his business interests.

"He was all over the lot with different investments," said 82-year-old Howard Ginsberg, of suburban [Boynton Beach](#).

Shoes

One of those investments was Ringstar.

Started in 1999 by five-time world kickboxing champion Steve Shepherd, Ringstar developed karate and kickboxing footwear designed to replace conventional footpads. McCabe became involved in the business in about 2007 when he bought out Shepherd's original business partner, Shepherd said.

Shepherd said it wasn't long before he was butting heads with McCabe. Shepherd said he wanted to focus on the niche market of karate and kickboxing shoes while McCabe wanted to make sneakers and sandals.

McCabe also brought in another partner, claiming that partner was sinking more than \$3 million into the company, Shepherd said. When McCabe and Shepherd got together for a 2010 meeting at a Lake Worth coffee shop, Shepherd said he asked where that money was going.

"He looked at me and he got mad and he said, 'Don't ever ask me that question again,'" Shepherd said. "He said that in a fit of anger."

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Shortly after that, Shepherd said McCabe bought him out of Ringstar for \$1 million, giving him a down payment and paying \$1,000 a week. Shepherd said McCabe refused to record the agreement in writing, but had been making the payments until he disappeared.

Court records show Ringstar settled a lawsuit in December filed by Clearwater-based CMS Sports, a company contracted to produce nearly 6,400 pairs of shoes at its factory in China. CMS Sports alleged Ringstar refused to pay for the shoes.

Both Ginsberg and Pupke said McCabe had talked to them about making Ringstar a public company. Ginsberg said McCabe even promised to pay off the full \$200,000 loan once that happened.

A news release issued in December 2011 by a now-defunct public relations firm touted that 1.5 million shares of Ringstar were available for \$1 apiece. No one on Ringstar's phone directory returned phone calls from the Sun Sentinel.

Loan modifications

State records offer a window into a different McCabe business entity launched in 2010 — Timothy McCabe P.A. The business offered to help people modify their home mortgages to avoid foreclosure.

The Florida Attorney General's Office began receiving complaints about Timothy McCabe in August 2011 with people alleging they weren't seeing any results for the money they gave the company. The eight complaints mirror each other.

Richard and Lisa Grabowski, of Little Egg Harbor, N.J., said they sought out McCabe to help them save their home of 13 years. With the hopes of a mortgage modification, they paid an initial fee and monthly payments totaling \$3,870, they said.

"He basically collected money from us and did no work for the modification," Lisa Grabowski said.

Cheree Brantley, of Arlington, Texas, said she contacted the firm for help in July 2011 and told the company to check with her before taking the initial payment of \$500 out of her bank account. The company took out the money without calling her, leaving her family with no money in the account.

She said she demanded the money back, but never got it.

The Grabowskis and Brantley said they never actually spoke to McCabe, dealing with company representatives.

Properties

Court records show McCabe had stakes in two apartment complexes in West Palm Beach, a four-unit apartment building in Lake Worth and an undeveloped 17-acre property in Bronson, a town in northwest Florida.

The banks began filing foreclosure lawsuits against the four properties in June 2010. It would be McCabe's struggle to hold onto the Lake Worth building that led to the Florida Bar asking the Florida Supreme Court to sanction him.

The Bar is accusing McCabe of intentionally withholding critical information from a Palm Beach County judge in an attempt to block foreclosure of the Lake Worth property.

Where is he?

Those who worked with McCabe have said they realized money was missing only after he sent an April 2

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email apologizing for what he had done.

"I can just tell you that a lot of money is missing and a lot of clients are hurt," said McCabe's law partner, Steve Samiljan, earlier this month. He declined to comment last week when approached at his law firm's office. Florida Bar records show he is cooperating with authorities.

The last person to hear from McCabe was his friend David Rorabeck on April 5, Florida Bar records show. Rorabeck reported to Boca Raton police that McCabe was depressed about his financial situation and potentially suicidal, according to a Florida Bar investigator. The phone call was traced to South Carolina.

Rorabeck did not return phone calls from the Sun Sentinel.

McCabe's wife, Donna, said she saw her husband packing his suitcase the morning of April 2, but thought he was going on an overnight trip to Tampa for a court hearing, according to Florida Bar records.

When she came back from dropping off their daughters at school, she discovered he had left behind a piece of religious jewelry he always wore, yet the rosary given to him by his late mother was gone, records show.

Donna McCabe did not return phone calls from the Sun Sentinel.

FBI spokesman Michael Leverock declined to discuss McCabe's disappearance, but asked that anyone with information about his whereabouts call their local FBI office.

For now, those who knew McCabe have been left speculating. Some say they believe he will find a way to make things right. Others wonder if he had planning to run for a while.

"He seemed like 100 percent legit," Ginsberg said. "Who the hell figured he was going to disappear? With three kids and a wife, it didn't even occur to me."

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