

Dealer shackled, jailed when lawyer failed to turn over pricing records to state

Jim Daskal appears to leave a trail of broken promises and dashed hopes wherever he goes.

But there's still no sign that the Annapolis, Md.-based dealer attorney is giving up on his latest plan to represent retailers before the U.S. Supreme Court in an anti-trust case against Shell (OE 08/01/05).

A search of court records by Oil Express shows that in the last four years, Daskal has forged signatures in Florida, misappropriated money in New Jersey, been disbarred in Maryland, and arrested in California.

Even so, says Sunoco dealer Bob Graves, all that is nothing compared to what Daskal did to him.

"I ended up in an orange jump suit, shackled at the waist and ankles, and sharing a cell with a murderer because of him," says the 56-year-old Florida retailer. "It cost me more than \$22,000 in fines and fees. I tell you, if I'd seen Daskal on the day they let me out of jail, you'd still be picking up the pieces."

Graves was arrested by Palm Beach County sheriffs in 2003 for contempt of court after Daskal repeatedly failed to turn over to the state records being sought as part of a price-gouging probe.

"I'd only got one set of register tape records and I turned them over to Daskal," recalls Graves. "He kept telling me that he was sorting it out with the state's attorney and I trusted him. The state called me and wrote to me about the records but Daskal said he had given them the papers, and not to worry. But he hadn't."

When the state told Graves that a court hearing was scheduled, Graves says Daskal told him he didn't need to attend. When he didn't show up, an arrest warrant was issued. When Graves went to the sheriff's office to sort it out, he was handcuffed, photographed, fingerprinted and told to don an orange jump suit.

"They put me in a cell with another guy. He asked why I was in there and I told him it was because I hadn't given the state some papers. When I asked why he was in there, he said, 'I murdered my girlfriend.'"

But Graves was lucky, in a way. The state had wanted him jailed for six months, but he spent only two days and one night in a cell before being freed on his own recognizance after his wife found another lawyer.

As for the price-gouging claim, Graves later received a letter from the Florida Dept. of Agriculture. "I have reviewed your documents and determined that no predatory or below cost selling had occurred during the period for which documents were available," wrote attorney Dana Plummer on June 12, 2003.

Daskal "regrets the mistakes" he made while representing Graves, but says he did win him the chance to own his station at a great price. He also says he takes "full responsibility" for everything that has occurred and hopes to "make things right" when he recovers from mental illness.

"Nothing changes the fact that I'm still the person who got the Petroleum Marketing Practices Act amended, won victories for dealers in the highest courts of the country, negotiated the biggest and best deals. I was a supremely effective advocate for the dealer community, which is why I lasted as long as I did."

Graves had hired Daskal to represent him in a dispute with Chevron over his West Palm Beach, Fla., station. The case was settled out of court, but Daskal then persuaded Graves to file a second suit against individual Chevron executives.

Graves says Daskal repeatedly told him that the case was proceeding on schedule. Only after he was released from jail did Graves check for himself. He found no record of the case in Florida. Daskal said that was because Chevron had moved it to California. But there was no sign of it there, either. The suit was never filed, Graves says.

Graves estimates that Daskal's legal work cost him about \$100,000. But he sees no point in

trying to recoup anything, given that dealer Robert Passmore has yet to recover \$439,000 he was awarded as compensation for Daskal's "willful and malicious conduct" (OE 08/01).

There's only one thing Graves wants now. "I'd like to see him banned from practicing law in every state in the U.S.," he says.

"The trouble with Jimmy..."

Daskal gained prominence when he became general counsel to the Service Station Dealers of America in the 1980s. But few knew that he was later fired from that job. He would repeatedly