

COPY

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC07-2182

v.

The Florida Bar File
No. 2008-50,327(17A)

KENNETH CLARENCE JENNE, II,
Respondent.

_____ /

NOTICE OF JUDGMENT OF GUILT

The Florida Bar, Complainant, by and through undersigned counsel and pursuant to Rule 3-7.2 of the Rules Regulating The Florida Bar hereby files its Notice of Judgment of Guilt against Kenneth Lawrence Jenne, II, and states as follows:

1. Respondent is, and at all times hereinafter mentioned was, a member of The Florida Bar subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. On or about August 31, 2007, in the case styled United States of America v. Kenneth C. Jenne, In the United States District Court for the Southern District of Florida, Case No. 07-60209-CR-Dimitrouleas, respondent entered into a plea agreement in which he plead guilty to one count of conspiracy to commit mail fraud, in violation of Title 18, United States code, Section 371 and three counts of filing a false tax return, in violation of Title 26, United state code, Section 7206(1).

CLARENCE JENNE, II
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CLARENCE JENNE, II
2008-50,327(17A)

A copy of the plea agreement is attached hereto and made a part hereof as **Exhibit A**.

3. Both conspiracy to commit mail fraud, in violation of Title 18, United States code, Section 371 and filing a false tax return, in violation of Title 26, United state code, Section 7206(1) are felonies under federal law.

4. On or about November 16, 2007, respondent was sentenced to 1 year and 1 day imprisonment in a federal prison camp. Further, respondent was placed on probation for a period of 1 year. A certified copy of the Judgment in a Criminal Case is attached hereto and made a part hereof as **Exhibit B**.

WHEREFORE, The Florida Bar respectfully asks this court to suspend Kenneth Clarence Jenne, II from the practice of law in Florida, on the eleventh day following the filing of this notice with the Clerk of the Supreme Court of Florida, pursuant to Rule 3-7.2, Rules Regulating The Florida Bar.

Respectfully submitted,



 LORRAINE CHRISTINE HOFFMANN
Attorney Bar No. 612669
Bar Counsel
The Florida Bar
5900 N. Andrews Ave., Suite 900
Ft. Lauderdale, FL 33309
(954) 772-2245

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that the original of the foregoing Notice of Judgment of Guilt has been furnished by regular U.S. mail to **The Honorable Thomas D. Hall**, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1925; true and correct copies were sent by regular U.S. mail to **J. David Bogenschutz**, counsel for respondent, 600 South Andrews Avenue, Suite 500, Fort Lauderdale, FL 33301 and to **Staff Counsel**, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, on this 20th day of November, 2007.



LORRAINE CHRISTINE HOFFMANN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

07-60209 CR-DIMITROULEAS
CASE NO.

MAGISTRATE JUDGE
SELTZER

UNITED STATES OF AMERICA

v.

KENNETH C. JENNE,

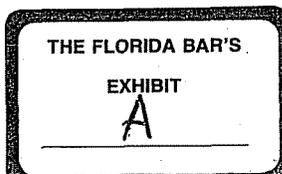
Defendant.

PLEA AGREEMENT

The United States of America, by and through the undersigned Assistant United States Attorneys, and Kenneth C. Jenne (hereinafter referred to as the "defendant"), enter into the following agreement:

1. The defendant agrees to plead guilty to the four-count Information, which charges the defendant with one count of conspiracy to commit mail fraud, in violation of Title 18, United States Code, Section 371, and three counts of filing a false tax return, in violation of Title 26, United States Code, Section 7206(1).

2. The defendant is aware that the sentence for these offenses will be imposed by the court considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the court relying in part on the results of a Pre-Sentence Investigation by the court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the



Sentencing Guidelines. The defendant is further aware and understands that the court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the court is permitted to tailor the ultimate sentence in light of other statutory concerns and such sentence may be either more severe or less severe than the Sentencing Guidelines advisory sentence. Knowing these facts, the defendant understands and acknowledges that the court has the authority to impose any sentence within and up to the combined statutory maximums authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

3. The defendant also understands and acknowledges that, on the conspiracy to commit mail fraud count, the court may impose a term of imprisonment of up to five years, followed by a term of supervised release of up to three years. On each of the false tax return counts, the court may impose a term of imprisonment of up to three years, followed by a term of supervised release of up to one year. On each of the four counts, in addition to the terms of imprisonment and supervised release, the court may impose a fine of up to \$250,000.

4. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph two of this agreement, a special assessment in the amount of \$400 will be imposed on the defendant. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing.

5. The Office of the United States Attorney for the Southern District of Florida, (hereinafter "Office"), reserves the right to inform the court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement,

this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

6. The United States agrees that it will recommend at sentencing that the court reduce by three (3) levels the sentencing guideline level applicable to the defendant's offense, pursuant to Section 3B1.1(b) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. The United States, however, will not be required to make this recommendation if the defendant: (1) fails or refuses to make a full, accurate and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct; (2) is found to have misrepresented facts to the government prior to entering this plea agreement; or (3) commits any misconduct after entering into this plea agreement, including but not limited to committing a state or federal offense, violating any term of release, or making false statements or misrepresentations to any governmental entity or official.

The United States and the defendant agree that, although not binding on the probation office or the court, they will jointly recommend that the court make the following findings and conclusions as to the sentence to be imposed:

a. Grouping: That, under § 3D1.2, the three false tax return counts are grouped together and the conspiracy to commit mail fraud count is grouped separately.

b. Advisory sentencing range on the false tax return counts: That the applicable guideline to be used in calculating the defendant's advisory sentencing range on the false tax return counts is U.S.S.G. § 2T1.1; that under § 2T1.1(a)(1), the Base Offense Level is 14, because the tax loss was between \$30,000 and \$80,000; that under § 2T1.1(b)(1), two levels are added because the defendant failed to report income exceeding \$10,000 in any year from criminal activity; and that

under § 3E1.1(b), three levels are subtracted for acceptance of responsibility (contingent on the satisfaction of the conditions enumerated above in paragraph 6); all resulting in a total offense level of 13.

c. Advisory sentencing range on the conspiracy to commit mail fraud count: That, pursuant to U.S.S.G. § 2X1.1, the applicable guideline to be used in calculating the defendant's advisory sentencing range on the conspiracy to commit mail fraud count is § 2B1.1; that under § 2B1.1(a)(1), the Base Offense Level is 7; that under § 2B1.1(b)(1)(C), four levels are added because the loss was between \$10,000 and \$30,000; that under § 3B1.3, two levels are added because of the defendant's abuse of his position of public trust; and that under § 3E1.1(b), two levels are subtracted for acceptance of responsibility (contingent on the satisfaction of the conditions enumerated above in paragraph 6); all resulting in a total offense level of 11.

d. Combined offense level: That, under § 3D1.4, the combined offense level is 15. Assuming that the defendant is determined to have a criminal history category of I, a total offense level of 15 results in an applicable advisory guideline range for the defendant of 18 to 24 months.

e. Ability to seek variance from advisory guideline range: That the defendant retains his right to seek a downward variance from the applicable advisory guideline range and understands and acknowledges that the government retains its right to seek an upward variance from the applicable advisory guideline range.

8. The defendant is aware that the sentence has not yet been determined by the court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise and is not binding on the government, the

probation office or the court. The defendant understands further that any recommendation that the government makes to the court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the court and the court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 2 above, that the defendant may not withdraw his plea based upon the court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

9. The defendant agrees that he will truthfully and accurately prepare and file any amended and/or delinquent personal federal income tax returns that are required by law for the calendar years 1998 through and including 2006. The defendant understands that he will be liable for any and all taxes, interests and penalties, determined to be due and owing, and he agrees to make all reasonable efforts to pay these taxes, interest and penalties as soon as is reasonably possible. In addition, the defendant agrees to meet with the Internal Revenue Service as soon as is practicable after entry of his guilty plea, and to cooperate with the Internal Revenue Service in determining the tax due and owing for the calendar years 1998 through 2006. The defendant understands and agrees that this cooperation shall include providing to the Internal Revenue Service any and all documentation within the defendant's possession or control which is needed by the Internal Revenue Service to make these determinations. This Office and the defendant further agree and understand that this plea agreement is not intended to limit the means by which the Internal Revenue Service determines the taxes, interest and penalties due from the defendant.

10. The defendant confirms that he is guilty of the offenses to which he is pleading guilty; that his decision to plead guilty is the decision that he has made; and that nobody has forced,

threatened, or coerced him into pleading guilty. The defendant affirms that he has discussed this matter thoroughly with his attorneys. The defendant further affirms that his discussions with his attorneys have included discussion of possible defenses that he may raise if the case were to go to trial, as well as possible issues and arguments that he may raise at sentencing. The defendant additionally affirms that he is satisfied with the representation provided by his attorneys. The defendant accordingly affirms that he is entering into this agreement knowingly, voluntarily, and intelligently, and with the benefit of full, complete, and effective assistance by his attorneys.

11. The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure and/or a variance from the guideline range that the court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney. The defendant further agrees, together with the United States, to request that the district court enter a specific finding that the defendant's waiver of his/her right to appeal the sentence to be imposed in this case was knowing and voluntary.

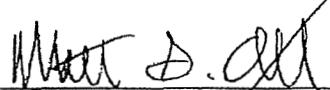
12. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: 9/3/07

By: 
MICHAEL PATRICK SULLIVAN
ASSISTANT UNITED STATES ATTORNEY

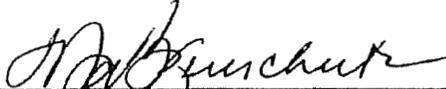
Date: 9/3/07

By: 
MATTHEW S. AXELROD
ASSISTANT UNITED STATES ATTORNEY

Date: 8/1/07

By: 
J. DAVID BOGENSCHUTZ
ATTORNEY FOR DEFENDANT

Date: 8/31/07

By: 
THOMAS E. SCOTT
ATTORNEY FOR DEFENDANT

Date: 8/31/07

By: 
KENNETH C. JENNE
DEFENDANT

United States District Court
Southern District of Florida
FT. LAUDERDALE DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number: 07-60209-CR-DIMITROULEAS

KENNETH C. JENNE

USM Number: 77434-004

Counsel For Defendant: David Bogenschutz, Esq.
Counsel For The United States: M. Patrick Sullivan, Matthew Axelrod
Court Reporter: Robert Ryckoff

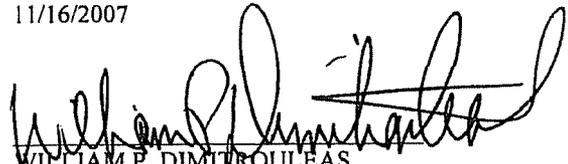
The defendant pleaded guilty to Count(s) 1-4 of the Information.
The defendant is adjudicated guilty of the following offense(s):

<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 USC 371	Conspiracy to Commit Mail Fraud	July 2005	1
26 USC 7206(1)	Filing False Tax Return	April 2005	2-4

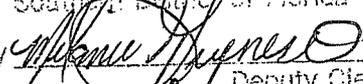
The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

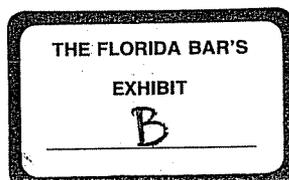
It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

Date of Imposition of Sentence:
11/16/2007


WILLIAM P. DIMITROULEAS
United States District Judge

November 16, 2007

Certified to be a true and correct copy of the document on file
Clarence Madrox, Clerk,
U.S. District Court
Southern District of Florida
By 
Deputy Clerk
Date 11/19/07



DEFENDANT: KENNETH C. JENNE
CASE NUMBER: 07-60209-CR-DIMITROULEAS

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **One (1) Year and One (1) Day**.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be designated to FCI Miami.

The defendant is remanded to the custody of the United States Marshal.

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

DEFENDANT: KENNETH C. JENNE
CASE NUMBER: 07-60209-CR-DIMITROULEAS

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **1 year** on each Count to run concurrent.

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.

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 defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

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 as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
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 ten (10) days prior** to any change in residence or employment;
7. The defendant shall refrain from the 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 by the probation officer;
11. The defendant shall notify the probation officer within **seventy-two (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;
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.

DEFENDANT: KENNETH C. JENNE
CASE NUMBER: 07-60209-CR-DIMITROULEAS

SPECIAL CONDITIONS OF SUPERVISION

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

The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

The defendant shall maintain full-time, legitimate employment and not be unemployed for a term of more than 30 days unless excused for schooling, training or other acceptable reasons. Further, the defendant shall provide documentation including, but not limited to pay stubs, contractual agreements, W-2 Wage and Earnings Statements, and other documentation requested by the U.S. Probation Officer.

The defendant shall cooperate fully with the Internal Revenue Service in determining and paying any tax liabilities. The defendant shall provide to the Internal Revenue Service all requested documents and information for purposes of any civil audits, examinations, collections, or other proceedings. It is further ordered that the defendant file accurate income tax returns and pay all taxes, interest, and penalties due and owing by him/her to the Internal Revenue Service.

DEFENDANT: KENNETH C. JENNE
CASE NUMBER: 07-60209-CR-DIMITROULEAS

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$400.00	\$3,000.00	\$

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: KENNETH C. JENNE
CASE NUMBER: 07-60209-CR-DIMITROULEAS

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

During the term of supervised release.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The assessment/fine/restitution is payable to the **CLERK, UNITED STATES COURTS** and is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
301 N. MIAMI AVENUE, ROOM 150
MIAMI, FLORIDA 33128**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

SC07-2182



THE FLORIDA BAR

CYPRESS FINANCIAL CENTER, SUITE 900
5900 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

954/772-2245
WWW.FLABAR.ORG

November 20, 2007

The Honorable Thomas D. Hall
Clerk of the Supreme Court
Supreme Court Building
500 S. Duval Street
Tallahassee, FL 32399-1927

RECEIVED
CLERK OF THE SUPREME COURT
2007 NOV 26 P 1:12

RE: **The Florida Bar v. Kenneth Clarence Jenne, II**
The Florida Bar File No. 2008-50,327(17A)

Dear Mr. Hall:

Enclosed for filing please find the original Notice of Judgment of Guilt pertaining to the above-referenced case.

Sincerely,

Lorraine Christine Hoffmann
Bar Counsel

LCH/dm

Enclosure

cc: J. David Bogenschutz, Counsel for Respondent
Staff Counsel