

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case

No. SC-

Complainant,

The Florida Bar File

No. 2014-30,428(7A)

v.

NANCYE ROGERS JONES,

Respondent.

\_\_\_\_\_ /

**CONDITIONAL AGREEMENT FOR DIVERSION TO A  
PRACTICE AND PROFESSIONALISM ENHANCEMENT PROGRAM**

Pursuant to rule 3-5.3 the undersigned parties submit this conditional agreement for diversion to a practice and professionalism enhancement program

**I. RECOMMENDATION OF DIVERSION:** Pursuant to Rule 3-5.3 of The Rules Regulating The Florida Bar, the undersigned parties agree, subject to approval by the Supreme Court of Florida, to diversion of this matter to a practice and professionalism enhancement program under the terms and conditions stated herein. This conditional agreement for diversion shall be void and of no effect if rejected by the Supreme Court of Florida.

**The following programs are recommended: Ethics School and Professionalism Workshop.**

**NARRATIVE SUMMARY:** In 2012, while respondent was employed as a county attorney with the Volusia County Attorney's Office she represented the

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county in an employment disciplinary action against the complainant. The county issued a Notice of Intent to terminate complainant's employment as a Captain of the Volusia County Beach Patrol. However, the complainant's employment was ultimately reinstated by the personnel board.

The complainant filed a Motion for Temporary and Permanent Injunction against Volusia County and the Director of the Department of Public Protection. During the hearing on the motion, respondent represented to the judge she would not object if the complainant's attorney wanted to raise his allegations of a violation of his client's Police Officer Bill of Rights during his hearing before the personnel board. However, when complainant's attorney attempted to raise these allegations before the board, the respondent initially objected.

The respondent was less than clear with the judge during the hearing regarding her intentions to object if the complainant raised his bill of rights arguments before the personnel board. However, there is no evidence of an intentional misrepresentation by the respondent.

In addition, the original internal affairs investigator, who was a critical witness for the complainant's case, did not appear at the personnel board hearing despite being served with a subpoena. The respondent met with the internal affairs investigator prior to the hearing and advised the investigator she did not intend to call her as a witness. The respondent did not properly advise the investigator of her

obligation under the subpoena to still attend the hearing, even though the respondent did not plan to call the investigator as a witness.

**II. FEES:** The respondent shall pay the fees for this matter which are:

Ethics School and Professional Workshop Fee	\$1,000.00
TOTAL	\$1,000.00

**Fees shall be due The Florida Bar within 30 days from acceptance of this diversion recommendation.**

**III. COSTS:** The respondent shall pay the costs of this matter which are:

Administrative Fee	\$1,250.00
Investigative Costs	\$1,504.20
Court Reporters' Fees	\$2,423.85
Bar Counsel Travel Expenses	\$17.37
TOTAL	\$5,195.42

**Costs shall be due The Florida Bar within 30 days from acceptance of this diversion recommendation.**

**IV. EFFECT OF DIVERSION:** Diversion to a practice and professionalism enhancement program shall close this disciplinary file without imposition of a disciplinary sanction and diversion shall not constitute a record of professional misconduct. If respondent successfully completes the diversion recommended hereunder, this disciplinary file shall remain closed.

**V. EFFECT OF FAILURE TO COMPLY WITH DIVERSION**

**RECOMMENDATION:** If respondent fails to fully comply with all requirements of this diversion, the bar may reopen its disciplinary file and conduct further proceedings under rule 3-5.3(k). Failure to complete the practice and professionalism enhancement program shall be considered a matter of aggravation when imposing a disciplinary sanction. If respondent does not pay the costs assessed against her within 30 days of acceptance of this diversion recommendation, respondent will be declared a delinquent member pursuant to rule 1-3.6 and she will become ineligible to practice law in Florida.

DATED this 29<sup>th</sup> day of April, 2016.



NANCYE ROGERS JONES  
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DATED this 29<sup>th</sup> day of April, 2016.



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DATED this 2 day of May, 2016.

  
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