

**IN THE SUPREME COURT OF THE
STATE OF FLORIDA**

INQUIRY CONCERNING A JUDGE,
THE HONORABLE VEGINA T. HAWKINS
JQC NO. 2019-351

SC2019-1193

RESPONSE AND OBJECTION TO RECOMMENDATION OF SUSPENSION

COMES NOW, Judge Vegina T. Hawkins, Respondent herein, and respectfully objects to and responds to the Florida Judicial Qualifications Commission (JQC) Recommendation of Suspension (Filing #92760988) filed herein and would show for cause as follows:

That in the testimony before the JQC on Friday, July 12, 2019, supplementing her letter of June 26, 2019, (JQC Exhibit 2) Judge Hawkins testified, under oath, as to the incident complained of by the initial JQC Inquiry.

Initially, Judge Hawkins was called to the office of Chief Judge Jack Tuter of the 17th Judicial Circuit of Florida, prior to June 26, 2019, to observe a video where she was advised that a Complaint had been made about her actions with a Court Administrator's Office employee. That video purported to show Judge Hawkins and that employee in a conversation in a hallway adjacent to the doors entering both Judge Hawkins and Circuit Judge Tarlika Navarro's courtrooms in a secure area. When first shown that video, Judge Hawkins became upset, and was crying, and watched the video which she described as "grainy," and was unable to determine, in that short time in Judge Tuter's office, and also in the presence of two other circuit judges, whether she, in fact, had "touched" the employee. She did not believe that she did. In discussions with the Chief Judge at that time, it was determined that she should, regardless of her beliefs, self-report these matters to the JQC, which she did in the letter of June 26th.

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Subsequently, Judge Hawkins, in a much more controlled and relaxed atmosphere, reviewed a video multiple times with her counsel and still was unsure of whether she “shook” the employee. Judge Hawkins’ position has always been that she did not believe she touched the employee; however, on questioning before the JQC, conceded that it appeared that she had from the video now shown to her by counsel and the Commission. Moreover, she has always taken the position that whether she touched him or not, her actions were inappropriate.

On June 28, 2019, she was served with a “Notice Of Investigation” in the late afternoon hours from the JQC ordering her to appear on July 12, 2019, for a 6(b) hearing. The time period between June 28th and July 12th afforded her only seven work days (excluding two weekends and court closures on July 4th and 5th), to prepare for, and appear at, the Investigative Panel inquiry. Consequently, she provided only her curriculum vitae and the letter described herein above.

That Rule 8 of the JQC Rules, as amended, sets forth guidelines within which to determine the factors to be considered in an Order of Temporary Suspension, to wit:

1. The seriousness of the allegation of misconduct;
2. The preservation of public confidence in the judicial system;
3. The responsiveness of the judge to the disciplinary process; and
4. Whether the judge has engaged in conduct that demonstrates a present unfitness to hold office.

Serially, then, the “seriousness” issue relates to a 2-3 second confrontation in an area not visible to the general public between a circuit judge and an individual who is a supervisor responsible for delivering to her office, during hearing days, documents necessary to adjudicate specific domestic cases. Apropos and contrary to the allegations that Judge Hawkins was “angry,” is the fact that there is no audio on that video, and in the midst of this “angry confrontation,” the

Judicial Assistant of Judge Navarro, Ms. Lisa Tucker, can be seen coming out of the same door to Navarro's courtroom exited by the employee of the administrator's office, walking between the individuals allegedly having this "angry" confrontation, and proceeding toward the camera and out another door, with no apparent reaction to anything that was occurring. In a separate Exhibit filed by the JQC in this matter as Exhibit 3, the Trial Court Administrator Kathleen Pugh, determined that Ms. Tucker did not see any of the exchange, nor did she even recall seeing them on that date – a date eight days prior – and a confrontation that one would expect, had it been the type of exchange described and assumed by the JQC, would have a lasting effect on another individual in the court system, especially a Judicial Assistant. Lisa Tucker remembered nothing like that.

During her testimony before the JQC, Judge Hawkins advised that the video that she had reviewed with her counsel, and which was shown to her by the JQC Investigative Panel, did not appear to be the same video she thought she saw in Judge Tuter's office. The short passage of time has made it impossible to do anything with that video, or to determine whether another video exists that Judge Tuter was utilizing in his chambers, as opposed to the video which Judge Hawkins saw in counsel's office and at the JQC. Moreover, in her testimony, she indicated that she was "wrong," that she "know(s) I was wrong," (Exhibit 4, Page 53), and as far the "appropriateness" of that activity, she told the Commission "Every move I made was wrong. It was improper. No judge should ever to anything like that. I take full responsibility for it." (Exhibit 4, page 39). Contrary to the suggestion by the Investigative Panel, her entire testimony was a concession that what she did, whether she touched the Court Administrator's employee or not, was inappropriate and wrong and unbecoming of any judge.

Judge Hawkins' "responsiveness" to the allegation began with her actual self-report which resulted, two days later, in the Notice of Investigation. A review of her June 26th letter (Exhibit 2 JQC) is consistent with her testimony, except for her suggestion that she "(did) not believe I ever touched him, but just made the motion in the air." This was after she had viewed the initial video in Judge Tuter's office, knowing that there existed a piece of evidence that purported to show this incident and which, upon viewing it, she did not believe showed a "touching" – nor did she intend or plan to touch him. It was after she was able to view a video, perhaps in a different form and clarity, that she was able to see where it may appear that she did touch him despite her recollection, and she so testified before the Commission.

There has been no suggestion that this Judge did anything that would warrant or merit the draconian response to this several seconds-long incident with a suspension without pay under Rule 8 or under any fair reading of the proceedings to date. She has an unblemished career as a prosecutor and private practitioner, as well as a police officer. She has been a Circuit Court Judge, at the time of this incident, for approximately six months, beginning what, for all intents and purposes, appears to be an outstanding career on the Circuit Court of the 17th Judicial Circuit.

She responded immediately to this initial allegation by self-reporting before any activity by the JQC had commenced, as far as she knew. She appeared before the Commission, and testified under oath, and indicated her disappointment and concession of the wrongful activity which she became a part of, and expressed her embarrassment and shame and apologetic feelings about that conduct. She has had no other issues with the JQC despite her short tenure on the bench. She has never had either a JQC or Bar complaint in her career.

Respectfully, then, the facts and circumstances alluded to by the Investigative Panel do not, nor should they, rise to a level of clear and convincing evidence, or any competent evidence, to

support a suspension, without pay, while this matter proceeds to adjudication by a Trial Panel and subsequent review by this Honorable Court. Thus, it is respectfully urged that the Court reject the Recommendation of Suspension filed this date in JQC #2019-351.

I HEREBY CERTIFY that these documents have been filed on this 18th day of **July 2019**, by filing electronically on the Florida E-filing Portal, and that copies of the same have been e-mailed accordingly to all parties and/or interested persons.

Respectfully submitted,

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/S/ J. David Bogenschutz

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