

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case No. ____

Petitioner,

The Florida Bar File No.

v.

2019-10,620(13B)(OSC)

JEFFREY ROBERT THIBAUT

Respondent.

_____/

PETITION FOR CONTEMPT AND ORDER TO SHOW CAUSE

The Florida Bar, petitioner, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, files this Petition for Contempt and Order to Show Cause, and states:

1. A copy of the Grievance Committee Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Contempt is attached to this Petition as "**Exhibit 1**".

2. As of the date of the service of this Petition, Respondent has failed to respond to an official Bar inquiry.

3. The other members of The Florida Bar should not have to pay for Respondent's failure to respond to an official Bar inquiry and the initiation of the instant proceeding. Therefore, the Bar is requesting administrative costs of \$1,250.00 against Respondent.

WHEREFORE, The Florida Bar requests that this Court suspend Respondent pursuant to Rule 3-7.11(f), until such time as Respondent fully responds in writing to the official Bar inquiry contained in “**Exhibit 1**” and until further order of this Court.

Respectfully submitted,



Lindsey Margaret Guinand, Bar Counsel
The Florida Bar, Tampa Branch Office
2002 N. Lois Avenue, Suite 300
Tampa, Florida 33607
(813) 875-9821
Florida Bar No.: 100030
lguinand@floridabar.org - Primary
tampaoffice@floridabar.org – Secondary

CERTIFICATE OF SERVICE

I certify that this Petition for Contempt and Order to Show Cause has been E-Filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the E-Filing Portal; with copies to Jeffrey Robert Thibault, PO Box 341434, Tampa, FL 33694-1434, via regular U.S. Mail and Certified U.S. Mail No.7017 0530 0000 0085 1829, Return Receipt Requested, and via email at jeff@thibaultlawfirm.com; and a copy has been furnished to Adria E. Quintela, Staff Counsel, The Florida Bar, at aquintel@floridabar.org, this 10th day of April, 2019.



Lindsey Margaret Guinand, Bar Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Lindsey Margaret Guinand, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tampa Branch, 2002 N. Lois Avenue, Suite 300, Tampa, FL 33607, 813-875-9821, lguinand@floridabar.org and tampaoffice@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, Lakeshore Plaza II, Suite 130, 1300 Concord Terrace, Sunrise, Florida 33323, aquintel@floridabar.org.

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2019-10,252 (13B)

v.

JEFFREY ROBERT THIBAUT,

Respondent.

**GRIEVANCE COMMITTEE FINDING OF NON-COMPLIANCE AND
FAILURE TO RESPOND TO OFFICIAL BAR INQUIRY AND
CONTEMPT**

On April 5, 2019, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, the Thirteenth Judicial Circuit Grievance Committee B considered whether to issue a Finding of Non-Compliance and Failure to Respond to Official Bar Inquiry and Finding of Contempt and made the following findings:

1. On October 19, 2018, respondent was sent a letter by regular U.S. Mail to respondent's record Bar address advising of a complaint in this case and was requested to respond by November 5, 2018. A copy of the letter is attached hereto as "**Exhibit A**".

2. Respondent failed to respond to The Florida Bar as requested in the letter dated October 19, 2018.

3. On December 27, 2018, Respondent was sent another letter to respondent's record Bar address, advising of a complaint in this case and was

requested to respond to the letter by January 7, 2019. A copy of the letter is attached hereto as "**Exhibit B**".

4. Respondent failed to respond to The Florida Bar as requested in the letter dated December 27, 2018.

5. On January 16, 2019, Respondent was sent a third letter, via his official bar email address, advising the complaint had been transferred to the Tampa Office and requested a response by January 28, 2019. A copy of the letter is attached hereto as "**Exhibit C**".

6. Respondent finally responded, untimely, on January 29, 2019, after receiving notice that the Grievance Committee was considering a Request for Non-Compliance.

7. On February 21, 2019, Respondent was sent a letter via his official bar email address, requesting additional information, due February 28, 2019. A copy of the letter is attached hereto as "**Exhibit D**".

8. Respondent failed to respond to The Florida Bar as requested in the letter dated February 21, 2019.

9. Respondent was given notice that on April 5, 2019, the Thirteenth Judicial Circuit Grievance Committee B would hold a hearing on the Request for Issuance of Notice of Non-Compliance and Finding of Contempt. A copy of the Notice of Hearing and the Request for Issuance of Notice of Non-Compliance and

Finding of Contempt are attached hereto as “**Exhibit E**”.

10. Respondent made no response to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt.

11. The Grievance Committee found that Respondent failed to show good cause for failing to respond to the official Bar inquiries and that the non-compliance was willful.

12. The Grievance Committee found Respondent to be in contempt and requested The Florida Bar to file a Petition for Contempt and Order to Show Cause with the Supreme Court.

Dated this 9th day of April, 2019.

Thirteenth Judicial Circuit Grievance
Committee "B"

A handwritten signature in black ink, appearing to read 'Brandon Paul Faulkner', is written over a horizontal line.

Brandon Paul Faulkner, Chair

CERTIFICATE OF SERVICE

I certify this document has been furnished by regular U.S. Mail and E-mail to Respondent, Jeffrey Robert Thibault, PO Box 341434, Tampa, FL 33694-1434; jeff@thibaultlawfirm.com; a copy has been forwarded via email to Brandon Paul Faulkner, Chair, 100 N Tampa St., Suite 4100, Tampa, FL 33602-3642, at brandon.faulkner@hklaw.com; a copy has been furnished via email to Darrell Dean Dirks, Investigating Member, State Attorney's Office, 419 N Pierce St., Tampa, FL 33602- 4022, at dirks_d@sao13th.com; a copy has been furnished to Thomas Roe Bopp, Designated Reviewer, at Banker Lopez Gassler . P.A., 501 E Kennedy Blvd., Suite 1700, Tampa, FL 33602-5239, at tbopp@bankerlopez.com; and a copy has been furnished to Staff Counsel, The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace Suite 130, Sunrise, FL 33323, at aquintel@floridabar.org on this 10th day of April, 2019



Lindsey Margaret Guinand, Bar Counsel



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

October 19, 2018

Mr. Jeffrey Robert Thibault
PO Box 341434
Tampa, FL 33694-1434

Re: Complaint by James O'Connor against Jeffrey Robert Thibault
The Florida Bar File No. 2019-10,252 (13B)

Dear Mr. Thibault:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by **November 5, 2018**. **Responses should not exceed 25 pages** and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). Please note that any correspondence must be sent through the U.S. mail; we cannot accept faxed material. **You are further required to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.**

Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form.

Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. James O'Connor

Exhibit A

Pursuant to Rule 3-7.1(f), Rules of Discipline, you must execute the appropriate disclosure paragraph below and return the form to this office by **November 5, 2018**. The rule provides that the nature of the charges be stated in the notice to your firm; however, we suggest that you attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 201____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and, if different, to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-10,252 (13B).

Jeffrey Robert Thibault

CERTIFICATE OF DISCLOSURE (Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 201____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-10,252 (13B).

Jeffrey Robert Thibault

CERTIFICATE OF NON-LAW FIRM AFFILIATION (Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 201____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-10,252 (13B).

Jeffrey Robert Thibault

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).
2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.
4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.
5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

October 19, 2018

Mr. James O'Connor
1982 Castille Drive
Dunedin, FL 34698

Re: Jeffrey Robert Thibault; The Florida Bar File No. 2019-10,252 (13B)

Dear Mr. O'Connor:

Enclosed is a copy of our letter to Mr. Thibault which requires a response to your complaint.

Once you receive Mr. Thibault's response, you have 10 days to file a rebuttal if you so desire. **If you decide to file a rebuttal, you must send a copy to Mr. Thibault.** Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me. Please note that any correspondence must be sent through the U.S. mail; we cannot accept faxed material.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. Jeffrey Robert Thibault

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4 8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4 8.4(g). If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9.

PERSONAL - URGENT - REPLY REQUIRED

Mr. Jeffrey Robert Thibault
PO Box 341434
Tampa, FL 33694-1434

Mr. James O'Connor
1982 Castille Drive
Dunedin, FL 34698



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

December 27, 2018

Mr. Jeffrey Robert Thibault
Jeffrey R. Thibault, P.A.
PO Box 341434
Tampa, FL 33694-1434

Re: Complaint by James O'Connor against Jeffrey Robert Thibault
The Florida Bar File No. 2019-10,252 (13B)

Dear Mr. Thibault:

As of this date, I have not received a copy of your response to the above complaint. Please be advised that you are obligated to provide a written response pursuant to Rule 4-8.4(g).

If you do not respond by **January 7, 2019**, the matter may be forwarded to the grievance committee for further investigation.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

cc: Mr. James O'Connor

Exhibit B

PERSONAL-URGENT-REPLY REQUIRED

Mr. Jeffrey Robert Thibault
Jeffrey R. Thibault, P.A.
PO Box 341434
Tampa, FL 33694-1434

Mr. James O'Connor
1982 Castille Drive
Dunedin, FL 34698



The Florida Bar

Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
(813) 875-9821

Joshua E. Doyle
Executive Director

850/561-5600
www.floridabar.org

January 16, 2019

VIA E-Mail to jeff@thibaultlawfirm.com

Mr. Jeffrey Robert Thibault
PO Box 341434
Tampa, FL 33694-1434

Re: Complaint of James O'Connor against Jeffrey Robert Thibault
The Florida Bar File No. 2019-10,252 (13B)

Dear Mr. Thibault:

Please be advised that this case was recently transferred to the Tampa Branch Office of The Florida Bar. Please send all correspondence in this matter, referencing the above case number to the attention of the undersigned, preferably by electronic mail, at the following address:

Lindsey Margaret Guinand
The Florida Bar
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
LGuinand@floridabar.org

Enclosed you will find correspondence to you dated October 19 **and** December 27, 2018, requiring a response. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar, and a response has not been received. If a response is not received by **January 28, 2019**, this matter will be forwarded to the Grievance Committee for further investigation.

Further, both the complainant and the respondent are directed to notify this office, in writing, of any pending civil, criminal, or administrative litigation which pertains to this grievance. Please note that this is a continuing obligation should new litigation develop during the pendency of this matter. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Lindsey Margaret Guinand, Bar Counsel

cc: Mr. James O'Connor, Complainant



The Florida Bar

Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
(813) 875-9821

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

February 21, 2019

VIA E-Mail to jeff@thibaultlawfirm.com

Mr. Jeffrey Robert Thibault
PO Box 341434
Tampa, FL 336941434

Re: Complaint of James O'Connor against Jeffrey Robert Thibault
The Florida Bar File No. 2019-10,252 (13B)

Dear Mr. Thibault:

The 13B Grievance Committee is currently investigating the matter listed above. After review of the file and related documentation, it has been determined that additional information is needed. Please accept this as an official request for the following items or information:

1. Copy of entire O'Connor client file;
2. What specific work has been done on the O'Connor case since the date of the Bar Complaint?
3. Copy of any agreements reached with the O'Connor's (other than the previously provided letter dated February 7, 2019) since the date of the Bar Complaint;
4. Was the \$1,000.00 refunded to the O'Connor's?
 - a. If not, please provide a copy of all billing showing the work done for the \$1,000.00.
5. In your untimely response to the Bar, you explained the reasons for which you had failed to properly communicate and work diligently on the O'Connor case. Please explain why you failed to respond to the Bar's numerous requests for responses;
6. Are there any other clients that were affected during the time period in which you were suffering from depression?

Exhibit D

THE FLORIDA BAR

- a. If so, please list the clients/cases and explain what has been done to address those cases since that time;
7. What specific improvements have been made in your office, insofar as the “processes and office management” you addressed in your response to the Bar.

Please provide the requested information on or before **February 28, 2019**. Your response and the requested documentation can be emailed to Bar Counsel and/or mailed. If emailed, please copy the Investigating Member of the Grievance Committee, Darrell Dirks.

Sincerely,



Lindsey Margaret Guinand
Bar Counsel

cc: Darrell Dirks, Investigating Member



The Florida Bar

Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
(813) 875-9821

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

March 5, 2019

VIA E-Mail to jeff@thibaultlawfirm.com

Mr. Jeffrey Robert Thibault
PO Box 341434
Tampa, FL 33694-1434

Re: Complaint by James O'Connor against Jeffrey Robert Thibault
The Florida Bar File No. 2019-10,252 (13B)

Dear Mr. Thibault:

This letter is to advise you that the Thirteenth Judicial Circuit Grievance Committee "B" will consider the above-referenced case on April 5, 2019, pursuant to Rule 3-7.4, Rules Regulating The Florida Bar. The matter to be heard is the **Request For Issuance of Notice of Non-Compliance and Finding of Contempt.**

You have the opportunity to make a written statement, sworn or unsworn, explaining, refuting or admitting the alleged misconduct. This statement must be received by me no later than 5 days prior to the scheduled meeting date. Pursuant to Rules Regulating The Florida Bar 3-7.4, the respondent has no right to personally appear before the committee. You may request permission to appear before the committee by submitting a written detailed explanation of the need for a hearing which must include a summary of the information anticipated to be developed through personal appearance. The rules do not allow for any right of appeal of the committee's decision allowing or disallowing a personal appearance.

Sincerely,

Lindsey Margaret Guinand, Bar Counsel

Enclosure: Grievance Committee Roster

cc: Mr. James O'Connor, Complainant
Mr. Brandon Paul Faulkner, Chair
Mr. Darrell Dean Dirks, Investigating Member
Mr. Thomas Roe Bopp, Designated Reviewer

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

THE FLORIDA BAR,

Complainant,

The Florida Bar File
No. 2019-10,252 (13B)

v.

JEFFREY ROBERT THIBAUT,

Respondent.

**REQUEST FOR ISSUANCE OF NOTICE OF NON-COMPLIANCE
AND FINDING OF CONTEMPT**

Pursuant to Rule 3-7.11(f)(2), Rules Regulating The Florida Bar, the undersigned Bar Counsel requests that on April 5, 2019, the Thirteenth Judicial Circuit Grievance Committee B, hear the issue of whether Respondent shall be found in contempt for failure to respond to an official Bar inquiry without good cause shown and states the following:

1. On October 19, 2018, respondent was sent a letter by regular U.S. Mail to respondent's record Bar address advising of a complaint in this case and was requested to respond by November 5, 2018. A copy of the letter is attached hereto as "Exhibit A".

2. Respondent failed to respond to The Florida Bar as requested in the letter of October 19, 2018.

3. On December 27, 2018, Respondent was sent another letter to respondent's record Bar address, advising of a complaint in this case and was requested to respond to the letter by January 7, 2019. A copy of the letter is attached hereto as "Exhibit B".

4. Respondent failed to respond to The Florida Bar as requested in the letter of December 27, 2018.

5. On January 16, 2019, Respondent was sent a third letter, via his official bar email address, advising the complaint had been transferred to the Tampa Office and requested a response by January 28, 2019. A copy of the letter is attached hereto as "Exhibit C".

6. Respondent finally responded, untimely, on January 29, 2019, after receiving notice that the Grievance Committee was considering a Request for Non-Compliance.

7. On February 21, 2019, Respondent was sent a letter via his official bar email address, requesting additional information, due February 28, 2019. A copy of the letter is attached hereto as "Exhibit D".

8. As of the date of this Request for Issuance of Notice of Non-Compliance and Finding of Contempt, the Respondent has willfully failed to respond, again, to an official Bar inquiry without good cause.

WHEREFORE, the undersigned Bar Counsel respectfully requests that this Grievance Committee issue its findings as to whether respondent has willfully

failed to respond to an official Bar inquiry and whether respondent should be held in contempt for failure to respond to an official Bar inquiry.

Respectfully submitted,



Ms. Lindsey Margaret Guinand, Bar Counsel
The Florida Bar, Tampa Branch Office
2002 N. Lois Ave., Suite 300
Tampa, Florida 33607-2386
(813) 875-9821
Florida Bar No.: 100030
lguinand@floridabar.org

CERTIFICATE OF SERVICE

I certify this document has been furnished by regular U.S. Mail and E-mail to respondent, Jeffrey Robert Thibault, PO Box 341434, Tampa, FL 33694-1434; jeff@thibaultlawfirm.com; a copy has been forwarded via E-mail to Brandon Paul Faulkner, Chair at 100 N Tampa St., Suite 4100, Tampa, FL 33602-3642, at brandon.faulkner@hklaw.com; a copy has been furnished via E-mail to Darrell Dean Dirks, Investigating Member, State Attorney's Office, 419 N Pierce St., Tampa, FL 33602- 4022, at dirks_d@sao13th.com; a copy has been furnished to Thomas Roe Bopp, Designated Reviewer, at Banker Lopez Gassler . P.A., 501 E Kennedy Blvd., Suite 1700, Tampa, FL 33602-5239, at tbopp@bankerlopez.com; and to Staff Counsel, The Florida Bar, 1300 Concord Terrace, Suite 130, Sunrise, FL 33323, at aquintel@flabar.org dated this 5th day of March, 2019.



Lindsey Margaret Guinand, Bar Counsel