

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

TRACY N. DAVIS,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File Nos.
2021-30,316(19A); and
2022-30,165(19A)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Tracy N. Davis, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

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

2. Respondent is currently the subject of two Florida Bar disciplinary matters which have been assigned The Florida Bar File Nos. 2021-30,316(19A) and 2022-30,165(19A). There have been findings of probable cause by the grievance committee.

3. Respondent is acting freely and voluntarily in this matter and tenders this plea without fear or threat of coercion. Respondent is not represented in this matter.

4. The disciplinary measures to be imposed upon respondent are as follows:

A. Ninety-one-day suspension from the practice of law requiring proof of rehabilitation before reinstatement.

B. Payment of the bar's disciplinary costs.

5. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

6. The following allegations provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

Count I – TFB File No. 2021-30,316(19A)

A. Mr. Lenderman communicated with respondent by telephone regarding possible representation in his family law matter. Mr.

Lenderman met with respondent at a local café and explained his child custody issue.

B. During the meeting, respondent had Mr. Lenderman sign a blank page with the exception of a signature block whereby signing Mr. Lenderman affirmed under oath the truthfulness of the claims made in the petition.

C. Respondent then went home to her office and drafted, improperly notarized, and filed with the court the Emergency Petition for Temporary Custody attaching the page Mr. Lenderman had signed. Mr. Lenderman did not review the contents of the Emergency Petition for Temporary Custody prior to the document being filed with the court.

D. Respondent also had Mr. Lenderman input some basic information into the Uniform Child Custody Jurisdiction and Enforcement Act Affidavit and then sign it affirming under oath to the truthfulness to the claims made in the affidavit. However, respondent completed the rest of the remaining information required in the form at her home office after it had been signed by Mr. Lenderman. Respondent then improperly notarized the document and filed it with the court.

E. Lastly, Mr. Lenderman inputted some information in the Verified Motion for Temporary Injunction to Prevent Removal of Minor

Child(ren) and/or Denial of Passport Services and signed the form affirming under oath to the truthfulness of the claims in the motion. After respondent returned to her office, respondent added additional information to the form that had previously been signed by Mr. Lenderman and then improperly notarized the document and filed it with the court.

F. After respondent filed the documents on Mr. Lenderman's behalf, several matters were set for a hearing. Respondent failed to advise Mr. Lenderman of the court hearing and failed to attend the court hearing resulting in the court granting custody to the mother.

G. Respondent then filed a motion for rehearing without properly communicating with Mr. Lenderman regarding his legal remedies. Respondent also forwarded a video provided by Mr. Lenderman to the judicial assistant and opposing counsel without Mr. Lenderman's permission.

H. Respondent admitted that she missed the court hearing but stated that the notice of hearing went to her email junk folder. Respondent provided Mr. Lenderman with a refund of the legal fees he paid. Respondent disclosed that she was distracted during this time period due to a personal matter regarding her daughter.

Count II – TFB File No. 2022-30,165(19A)

I. On April 20, 2021, a hearing was held in a paternity action for the purpose of obtaining additional information which was missing so that the Court could enter a Final Judgment of Paternity. Respondent was present with her client, the father, and the mother was present representing herself.

J. The mother reported to the court that she felt like she was forced to sign the Parenting Plan and the terms were not what she intended. During the discussions at the hearing, respondent stated that the mother, in fact, was involved in the revisions of the Parenting Plan, and then signed the agreement and had it notarized before sending it back to respondent.

K. Upon review of the document, it was determined that respondent was the one who notarized the mother's signature. Respondent stated that she did, in fact, notarize the mother's signature, but that the mother sent her the signed copy and a text authorizing her to notarize the mother's signature. Respondent's notarization violated Florida Statutes § 117.107(9) which specifically prohibits a notary public from notarizing a signature on a document if the person whose signature is being notarized does not appear before the notary public either by means

of physical presence or by means of audio-video communication technology as authorized pursuant to the statute.

7. The following Rules Regulating The Florida Bar provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. As to The Florida Bar File No. 2021-30,316(19A): 3-4.3 Misconduct and Minor Misconduct; 4-1.3 Diligence; 4-1.6(a) Consent Required to Reveal Information; 4-8.4(c) Misconduct – conduct involving dishonesty, fraud, deceit, or misrepresentation; and 4-8.4(d) Misconduct – conduct in connection with the practice of law that is prejudicial to the administration of justice.

B. As to The Florida Bar File No. 2022-30,165(19A): 3-4.3 Misconduct and Minor Misconduct; 4-8.4(c) Misconduct – conduct involving dishonesty, fraud, deceit, or misrepresentation; and 4-8.4(d) Misconduct – conduct in connection with the practice of law that is prejudicial to the administration of justice.

8. The following aggravation is applicable in this matter: a pattern of misconduct [Standard 3.2(b)(3)]; multiple offenses [Standard 3.2(b)(4)]; and substantial experience in the practice of law [Standard 3.2(b)(9)].

9. The following mitigation is applicable in this matter: absence of a prior disciplinary record [Standard 3.3(b)(1)]; timely good faith effort to make restitution or to rectify the consequences of the misconduct [Standard 3.3(b)(4)]; full and free disclosure to the bar or cooperative attitude toward the proceedings [Standard 3.3(b)(5)]; and remorse [Standard 3.3(b)(12)].

10. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

11. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

12. Respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever.

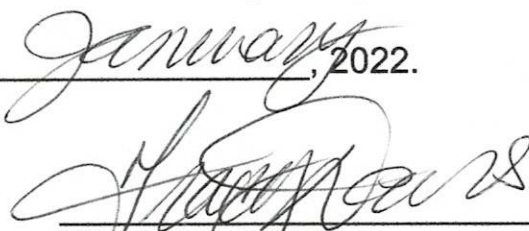
13. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$2,558.80. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to

attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

14. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding or restitution will reflect adversely on any other bar disciplinary matter in which respondent is involved.

15. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 6 day of January, 2022.



TRACY N. DAVIS
Respondent
3601 S.W. Foremost Drive
Port St. Lucie, Florida 34953-5259
(772) 834-6355
Florida Bar ID No. 134510
lawfirmtracy@aol.com

Dated this 6th day of January, 2022.

A handwritten signature in black ink that reads "Carrie C. Lee". The signature is written in a cursive style with a large, stylized "C" at the beginning.

CARRIE CONSTANCE LEE
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 515-3224
Florida Bar ID No. 552011
clee@floridabar.org