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12-28-2012
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STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION
DIVISION OF FINANCIAL INSTITUTIONS

IN RE:

DANIELLE P. ROGERS Administrative Proceeding No. 0964-FI-12/12

_____/

EMERGENCY ORDER OF SUSPENSION AND PROHIBITION
WITH NOTICE OF RIGHTS

The State of Florida, Office of Financial Regulation (hereinafter "Office"), gives notice that it, having determined that DANIELLE P. ROGERS (hereinafter "ROGERS"), a financial institution-affiliated party, has been charged with two counts of a felony violation involving fraud, theft, or moral turpitude, files this Emergency Order of Suspension and Prohibition with Notice of Rights (hereinafter "Emergency Order"), pursuant to the provisions of Sections 655.012 and 655.037(6)(b), Florida Statutes (2012), against ROGERS, immediately suspending ROGERS from serving as a financial institution-affiliated party of Vystar Credit Union and any other state financial institution, subsidiary, or service corporation, and immediately prohibiting ROGERS from participation in any manner in the affairs of Vystar Credit Union and any other state financial institution, subsidiary, or service corporation.

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Vystar Credit Union ("Vystar") is a Florida state-chartered credit union, charter number 670, with its principal place of business at 4949 Blanding Boulevard, Jacksonville, Florida 32210, and thus a financial institution, as that term is defined in Section 655.005(1)(i), Florida Statutes.

2. From April 13, 2012 to June 8, 2012, ROGERS was an employee of Vystar.

Thus, ROGERS is a financial institution-affiliated party, as that term is defined in Section 655.005(1)(j), Florida Statutes.

3. On April 13 and April 17, 2012, while employed with Vystar, ROGERS allegedly participated in a scheme involving the negotiation of fraudulent U.S. Treasury income tax refund checks.

4. On June 8, 2012, ROGERS resigned her employment with Vystar.

5. On December 5, 2012, an Information was filed against ROGERS in the Circuit Court of the Fourth Judicial Circuit, in and for Duval County, Florida, in the case styled State of Florida v. DANIELLE P. ROGERS, Case No. 12-CF-9552. The Information charged ROGERS with two felony count violations of Section 655.0322(6), Florida Statutes, for defrauding a financial institution by schemes, false or fraudulent pretenses, promises, or representations. The Information, which is attached as Exhibit 1, is hereby incorporated by reference as if set forth in its entirety.

6. A violation of Section 655.0322(6), Florida Statutes, is a second degree felony punishable by a fine of up to $10,000, imprisonment for up to 15 years, or both.

7. A violation of Section 655.0322(6), Florida Statutes, involves fraud, theft or moral turpitude and is a prohibited act or practice per Section 655.037(1)(b), Florida Statutes.

8. The Office is the agency of the State of Florida responsible for the enforcement of the laws governing financial institutions authorized or chartered by the State of Florida, including credit unions, and financial institution-affiliated parties associated with such institutions, their subsidiaries, and service corporations, including officers and employees. See Chapters 655 and 657, Florida Statutes, and Chapter 69U,

Florida Administrative Code.

9. ROGERS' resignation, termination of employment or participation, or separation from Vystar does not affect the jurisdiction and authority of the Office to issue any notice and to proceed against ROGERS as Section 655.037(8), Florida Statutes, specifically states:

> The resignation, termination of employment or participation, or separation from a state financial institution, subsidiary, or service corporation of the financial institution-affiliated party does not affect the jurisdiction and authority of the office to issue any notice and proceed under this section against such financial institution-affiliated party, if such notice is served before the end of the 6-year period beginning on the date such person ceases to be such a financial institution-affiliated party with respect to such state financial institution, subsidiary, or service corporation.

10. Section 655.037(6)(b), Florida Statutes, states, in pertinent part:

> Whenever any financial institution-affiliated party is charged with a felony in a state or federal court, or in the courts of any foreign country with which the United States maintains diplomatic relations, and such charge alleges violation of any law involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude and the charge under such foreign law is equivalent to a felony charge under state or federal law, the office may enter an emergency order suspending such financial institution-affiliated party or restricting or prohibiting participation by such financial institution-affiliated party in the affairs of that particular state financial institution, subsidiary, or service corporation or any other financial institution, subsidiary, or service corporation, upon service of the order upon the state financial institution, subsidiary, or service corporation and the financial institution-affiliated party so charged.

11. The possibility of ROGERS again gaining employment as a financial institution-affiliated party of a state financial institution, subsidiary or service corporation poses a threat to the interests of the state financial institution and the interests of the state financial institution's depositors, members, or stockholders. Furthermore, ROGERS again gaining employment as a financial institution-affiliated party of a state financial institution,

subsidiary, or service corporation would impair public confidence in the financial institutions of this state, and the state financial institution system in general.

12. Although it is unnecessary to find or demonstrate that the reasons for concluding that the procedures employed herein are fair under the circumstances, since this action is in the context of an emergency suspension and prohibition pursuant to the provisions of Sections 655.031 and 655.037(6)(b), Florida Statutes, the Office nevertheless finds that the procedures used are fair, since the Office has merely used the procedures contained within the provisions of Sections 655.031 and 655.037(6)(b), Florida Statutes.

13. The Office concludes that this Emergency Order is appropriate and authorized pursuant to Section 655.037(6)(b), Florida Statutes, because ROGERS has been charged with committing two counts of a felony involving defrauding a financial institution while she was a financial institution-affiliated party.

14. The Office further concludes, pursuant to Section 655.0321, Florida Statutes, that this Emergency Order shall be a public document, and should ROGERS request a post-suspension hearing or appeal this Emergency Order, said hearings and proceedings shall be conducted as public proceedings, and that all documents related to such hearing be public documents unless subject to a protective order or made confidential pursuant to federal or Florida law.

AGENCY ACTION

Based on the foregoing Statement of Facts and Conclusions of Law, it is ORDERED that:

a. ROGERS is hereby IMMEDIATELY suspended from any and all positions she holds at any state financial institution, subsidiary, or service corporation.

b. ROGERS is hereby IMMEDIATELY suspended from serving in the capacity of a financial institution-affiliated party, as the term is defined in Section 655.005(1)(j), Florida Statutes, for any state financial institution, subsidiary, or service corporation.

c. ROGERS is hereby IMMEDIATELY prohibited from serving in the capacity of a financial institution-affiliated party, as the term is defined in Section 655.005(1)(j), Florida Statutes, for any state financial institution, subsidiary, or service corporation.

d. ROGERS is hereby IMMEDIATELY prohibited from participation in any manner in the affairs of any state financial institution, subsidiary, or service corporation. This prohibition includes, but is not limited to, matters of corporate governance and the following prohibitions regarding stock ownership, transfer, and voting:

(1) ROGERS shall not vote any stock she owns or controls in any state financial institution, subsidiary, or service corporation, without the prior written permission of the Office.

(2) ROGERS shall not solicit, procure, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any state financial institution, subsidiary, or service corporation.

(3) ROGERS shall not solicit or procure any additional stock in any other state financial institution, subsidiary, or service corporation.

(4) ROGERS shall not transfer or attempt to transfer: a) any stock she owns or controls in any state financial institution, subsidiary, or service corporation, without the prior written permission of the Office; or b) any proxy, consent, or authorization with respect to any voting rights in any state financial institution, subsidiary, or service corporation, without the prior written permission of the Office.

e. ROGERS is hereby IMMEDIATELY suspended from serving as a consultant or independent contractor for any state financial institution, subsidiary, or service corporation.

f. ROGERS is hereby IMMEDIATELY prohibited from serving as a consultant or independent contractor, or other similar position, for any state financial institution, subsidiary, or service corporation, unless, prior to accepting appointment with, and prior to providing any services to, any state financial institution, subsidiary or service corporation as a consultant or independent contractor, or other similar position:

(1) ROGERS provides a copy of this Emergency Order to the chief executive officer of the state financial institution, subsidiary, or service corporation, with which ROGERS seeks to serve as a consultant or independent contractor, or other similar position; and

(2) ROGERS, and the chief executive officer and the chairman of the board of directors of the state financial institution, subsidiary, or service corporation, with which ROGERS seeks to serve as a consultant or independent contractor, or other similar position, provides written notification to the Office describing in detail the duties and responsibilities of the services ROGERS desires to provide to the state financial institution, subsidiary, or service corporation; and

(3) the Office, in its sole discretion, authorizes ROGERS to accept appointment with the state financial institution, subsidiary, or service corporation, as a consultant or independent contractor, or other similar position.

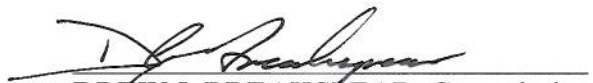
g. The Office will only rescind or otherwise modify this Emergency Order upon the issuance of an Office order finding that ROGERS has demonstrated through a post suspension hearing that her service to or participation in the affairs of any state financial

institution, subsidiary, or service corporation does not pose a threat to the interests of the state financial institution's depositors, members, or stockholders, or threaten to impair public confidence in the state financial institution or the financial institution system.

h. This Emergency Order will remain in effect, unless otherwise rescinded or modified by Office order.

i. This Emergency Order will dissolve in the event of an acquittal, or the final, unappealed dismissal of all charges against ROGERS. However, such dissolution does not prohibit the Office from instituting proceedings under Section 655.037(1), Florida Statutes.

DONE AND ORDERED in Tallahassee, Florida, this 28th day of December, 2012.



DREW J. BREAKSPEAR, Commissioner
Office of Financial Regulation

NOTICE OF RIGHTS

NOTICE IS HEREBY PROVIDED THAT THE FOREGOING EMERGENCY ORDER IS ENTERED PURSUANT TO SECTION 655.037(6)(b), FLORIDA STATUTES, AND IS ACCORDINGLY EFFECTIVE IMMEDIATELY. ROGERS IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK FOR THE OFFICE OF FINANCIAL REGULATION AS FOLLOWS:

By Mail or Facsimile
Agency Clerk
Office of Financial Regulation
P.O. Box 8050
Tallahassee, Florida 32314-8050

By Hand Delivery
Agency Clerk
Office of Financial Regulation
General Counsel's Office
The Fletcher Building, Suite 526

Phone: (850) 410-9880
Fax: (850) 410-9548

Tallahassee, Florida 32399-0379
Phone: (850) 410-9889

A COPY OF THE NOTICE OF APPEAL, ACCOMPANIED BY THE FILING FEES AS REQUIRED BY LAW, MUST ALSO BE FILED WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. **THE NOTICE OF APPEAL MUST BE FILED WITH BOTH THE AGENCY CLERK FOR THE OFFICE OF FINANCIAL REGULATION AND THE DISTRICT COURT OF APPEAL WITHIN 30 DAYS OF THE RENDITION OF THE ORDER TO DE REVIEWED.**

ROGERS MAY ALSO REQUEST A POST-SUSPENSION HEARING TO BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 120.569 and 120.57, FLORIDA STATUTES. REQUESTS FOR SUCH A POST-SUSPENSION HEARING MUST COMPLY WITH THE PROVISIONS OF RULES 28-106.104(2) AND RULE 28-106.2015(5), FLORIDA ADMINISTRATIVE CODE, AND MUST BE FILED WITH:

By Mail or Facsimile
Agency Clerk
Office of Financial Regulation
P.O. Box 8050
Tallahassee, Florida 32314-8050
Phone: (850) 410-9880
Fax: (850) 410-9548

By Hand Delivery
Agency Clerk
Office of Financial Regulation
General Counsel's Office
The Fletcher Building, Suite 526
Tallahassee, Florida 32399-0379
Phone: (850) 410-9889

WITHIN TWENTY -ONE (21) DAYS AFTER ROGERS, OR HER AGENT OR REPRESENTATIVE, RECEIVES THIS ORDER. SHOULD ROGERS REQUEST A POSTSUSPENSION HEARING, SHE WILL HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE; TO OFFER TESTIMONY, EITHER WRITTEN OR ORAL; TO CALL AND CROSS EXAMINE WITNESSES; AND TO HAVE SUBPOENAS AND SUBPOENAS DUCES TECUM ISSUED ON HER BEHALF. FAILURE TO RESPOND WITHIN TWENTY ONE (21) DAYS OF RECEIPT OF THIS EMERGENCY ORDER SHALL BE DEEMED

A WAIVER OF ALL RIGHTS TO A POSTSUSPENSION HEARING AND THIS EMERGENCY ORDER SHALL, WITHOUT FURTHER NOTICE REMAIN IN EFFECT.

NOTE THAT THE ACQUITTAL OF THE FINANCIAL INSTITUTION-AFFILIATED PARTY CHARGED, OR THE FINAL UNAPPEALED DISMISSAL OF ALL CHARGES AGAINST SUCH PERSON, WILL DISSOLVE THE EMERGENCY ORDER, BUT WILL NOT PROHIBIT THE OFFICE FROM INSTITUTING PROCEEDINGS UNDER SECTION 655.037(1). FLORIDA STATUTES.

PURSUANT TO SECTION 120.73, FLORIDA STATUTES, ROGERS IS ADVISED THAT MEDIATION IS NOT AVAILABLE.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Order of Suspension and Prohibition with Notice of Rights has been furnished via certified U.S. Mail, return receipt requested, delivery to addressee only, to DANIELLE P. ROGERS, 3500 University Boulevard North, Apt. 1907, Jacksonville, Florida 32277, and by U.S. Mail to Terry West, President and Chief Executive Officer, Vystar Credit Union, 4949 Blanding Boulevard, Jacksonville, Florida 32210 on this 28th of December, 2012.

Jenny K. Bauer, Fla. Bar No. 010488
Assistant General Counsel
Office of Financial Regulation
The Fletcher Building
200 East Gaines Street, Suite 624
Tallahassee, Florida 32399-0371
Tel: (850) 410-9800
Fax: (850) 410-9548

cc: National Credit Union Administration

S.A. CASE NO.: 12CF061231AD

STATE OF FLORIDA

vs.

DANIELLE P. ROGERS

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT IN AND FOR DUVAL COUNTY, FLORIDA

Fall Term, in the year two thousand twelve

CLERK NO.: 162012CF009552AXXXMA

DIVISION: CRA

INFORMATION FOR:

1) DEFRAUD FINANCIAL INSTITUTION BY SCHEMES/FALSE/FRAUDULENT PRETENSES/PROMISES/REPRESENTATION
2) DEFRAUD FINANCIAL INSTITUTION BY SCHEMES/FALSE/FRAUDULENT PRETENSES/PROMISES/REPRESENTATION

IN THE NAME OF AND BY AUTHORITY OF THE STATE OF FLORIDA, ANGELA B. COREY, State Attorney for the Fourth Judicial Circuit of the State of Florida, in and for Duval County, charges that:

COUNT 1

DANIELLE P. ROGERS on April 13, 2012, in the County of Duval and the State of Florida, did execute or attempt to execute, a scheme or artifice to defraud a financial institution, subsidiary, or service corporation, to-wit: Vystar Credit Union, authorized by law to extend credit, or to obtain any of the monies, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, subsidiary, service corporation, or any other entity authorized by law to extend credit, by means of false or fraudulent pretenses, representations, or promises, contrary to the provisions of Section 655.0322(6), Florida Statutes.

COUNT 2

DANIELLE P. ROGERS on April 17, 2012, in the County of Duval and the State of Florida, did execute or attempt to execute, a scheme or artifice to defraud a financial institution, subsidiary, or service corporation, to-wit: Vystar Credit Union, authorized by law to extend credit, or to obtain any of the monies, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, subsidiary, service corporation, or any other entity authorized by law to extend credit, by means of false or fraudulent pretenses, representations, or promises, contrary to the provisions of Section 655.0322(6), Florida Statutes.

ANGELA B. COREY, STATE ATTORNEY
FOURTH JUDICIAL CIRCUIT

By: _____
Assistant State Attorney
Fourth Judicial Circuit of Florida, in and for Duval County

STATE OF FLORIDA)
COUNTY OF DUVAL)

Personally appeared before me, DANIEL E. SKINNER, BAR NO. 0108324, Assistant State Attorney, for the Fourth Judicial Circuit of the State of Florida, in and for Duval County, who is personally known to me, and who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged, and that this prosecution is instituted in good faith, and hereby certifies that testimony under oath has been received from the material witness(es) for the offense.

Sworn to and subscribed before me this 5TH day of November 2012.

CHRIS M. COOPER
Commission # EE 131983
Expires November 16, 2015
Bonded Thru Troy Fain Insurance 800-385-7019

By: Chris M. Cooper

JIM FULLER, Clerk of the Circuit Court, Fourth Judicial Circuit of Florida, In and For Duval County, and Clerk of the County Court, In and For Duval County, Florida.

FILED THIS DEC 05 2012

BY DEPUTY CLERK: Rose Devae

EXHIBIT 1

JRL