

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE, :
NO. 04-53, ALAN C. TODD : CASE NO.: SC 04-1655
: _____ :
:

JUDICIAL QUALIFICATIONS COMMISSION'S
SUPPLEMENTAL NOTICE OF RECOMMENDED DISCIPLINE

The Judicial Qualifications Commission ("JQC"), by and through its undersigned counsel, hereby files its Supplemental Notice of Recommended Discipline. As grounds therefor, the JQC states as follows:

1. This matter was tried before the Hearing Panel of the JQC on October 18-19, 2005, at the Orange County Courthouse in Orlando, Florida.
2. As of this date, the Hearing Panel has not yet released its Findings, Conclusions and, if applicable, Recommendation of Discipline.
3. During "closing arguments" of the aforementioned trial, Special Counsel for the JQC recommended that the Hearing Panel impose the following discipline on Judge Todd:
 - a. a public reprimand before the Florida Supreme Court;
 - b. a lengthy suspension without pay; and
 - c. costs of the proceedings.

See Transcript of Testimony and Proceedings at 467-68.¹

1 During closing arguments, Judge Todd's counsel suggested that a "fair resolution" of the proceedings "based on the totality of the circumstances would be a period of probation, a public reprimand, [and] no suspension." See Transcript at

4. On January 3, 2006, Judge Todd submitted his resignation to Governor Jeb Bush, effective immediately. Governor Bush has accepted Judge Todd's resignation.

5. It is settled law that the JQC has continuing jurisdiction to proceed with this matter, notwithstanding Judge Todd's resignation from office. *Inquiry Concerning A Judge (Hapner)*, 718 So. 2d 785, 788 (Fla. 1998).

6. In light of Judge Todd's resignation as a county court judge, the Investigative Panel hereby withdraws its recommendation that he be suspended and, in lieu thereof, requests that a fine of \$10,000.00 be imposed in addition to a public reprimand and an award of costs in favor of the JQC (as previously recommended).

WHEREFORE, the Judicial Qualifications Commission (Investigative Panel), by and through its undersigned counsel, respectfully recommends that in light of Judge Todd's resignation as a County Court judge the following discipline be imposed: i) a public reprimand; ii) a fine of \$10,00.00; and iii) costs of the proceedings.

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483. He also indicated that the imposition of costs against Judge Todd would be "fair," but that, in his opinion, "a fine would be heaping it on." *Id.* at 485-86.

--and--

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **JUDICIAL QUALIFICATIONS COMMISSION'S SUPPLEMENTAL NOTICE OF RECOMMENDED DISCIPLINE** has been furnished by **U.S. Mail** to **CHANDLER R. MULLER, ESQ.**, Muller & Sommerville, P.A., Post Office Box 2128, Winter Park, FL 32790-2128; **BROOKE S. KENNERLY**, Executive Director, Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303; **THOMAS C. MacDONALD, JR., ESQ.**, General Counsel, 1904 Holly Lane, Tampa, FL 33629; **THE HONORABLE THOMAS B. FREEMAN**, Chair, Hearing Panel, 14250 49TH St., N., Clearwater, FL 33762-2800; and **JOHN R. BERANEK, ESQ.**, Counsel, Hearing Panel, Ausley & McMullen, 227 South Calhoun St., P.O. Box 391, Tallahassee, FL 32301 on this _____ day of January, 2006.

Attorney