

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, NO. 98-198

Supreme Court Case No.:

_____/

NOTICE OF FORMAL CHARGES

TO: The Honorable Scott A. Kenney
Circuit Judge
Nineteenth Judicial Circuit
Post Office Box 2-C
Ft. Pierce, Florida 34954-0002

YOU ARE HEREBY NOTIFIED THAT the Investigative Panel of The Florida Judicial Qualifications Commission, by a vote of at least five members at its meeting held in Miami, Florida on June 8, 2001 has determined, pursuant to Rule 6 of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, Section 12(b) of the Constitution of Florida, that probable cause exists for formal proceedings to be instituted against you.

Formal proceedings accordingly are hereby instituted to inquire into the following charges:

Count 1

1. Prior to April of 1999, you (1) frequented bars at times when they were frequented by legal and court personnel, and at such time imbibed alcoholic beverages to an excess; (2) were under the influence of alcohol in the courthouse during regular business hours; and (3) behaved at a hearing so that a party in a lawsuit before you concluded you were intoxicated, and counsel in the case concluded that your demeanor was unusual.
2. Despite being confronted with these facts and warned about this behavior in April, 1999, by a senior member of the Commission and its special counsel, and after

attending an alcohol treatment program at the request of the Commission, you continued this behavior. More specifically, since the first of 2000, three judges, the Hon. Paul B. Kanarek, the Hon. David C. Morgan, and the Hon. Joe Wilde, at three different times, have smelled alcohol on your breath in the Vero Beach courthouse during regular business hours.

Count II

3. Prior to April of 1999, you (1) frequented bars at times when they were frequented by legal and court personnel, and at such time imbibed alcoholic beverages to an excess; (2) were under the influence of alcohol in the courthouse during regular business hours; and (3) behaved at a hearing in a case before you so that a party in that lawsuit concluded you were intoxicated, and counsel in the case concluded that your demeanor was unusual.
4. In late April, 1999, acting on this advice and warning, you voluntarily entered an alcoholic treatment center in a condition that required that you be treated for alcohol withdrawal symptoms. By early May, 1999, the treatment center had diagnosed you as being chemically dependent. Before your discharge, the staff at the treatment center prescribed a course of treatment that you have not been willing to, or have been unable to, follow.
5. Despite being confronted with these facts and warned about this behavior in April, 1999, by a senior member of the Commission and its special counsel, you continued this behavior. More specifically, in the chambers and presence of your Chief Judge, and after attending an alcohol treatment program at the request of the Commission, since the first of 2000, three judges, the Hon. Paul B. Kanarek, the Hon. David C.

Morgan, and the Hon. Joe A. Wild, at three different times, have smelled alcohol on you in the Vero Beach courthouse during regular business hours.

PLEASE TAKE NOTICE in accordance with the provisions of the Rules of the Florida Judicial Qualifications Commission, as revised, that you have twenty (20) days following service of this notice to file a written answer to these charges.

Dated this _____ day of June, 2001.

INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By:

Thomas C. MacDonald, Jr.
Florida Bar No. 049318
100 N. Tampa Street, #2100
Tampa, FL 33602
(813) 221-2500
General Counsel for the Florida
Judicial Qualifications Commission

And

John R. Lawson, Jr., Special Counsel
Florida Bar No. 0045790
Johnson, Blakely, et al.
P.O. Box 1100
Tampa, FL 33601-110
(813) 225-2500

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Proceedings has been furnished by **certified mail #**_____, **return receipt requested**, to the Honorable Scott A. Kenney, Circuit Judge, Nineteenth Judicial Circuit, Post Office Box 2-C, Ft. Pierce, Florida 34954-0002 and via Facsimile to Joseph J. Reiter, Esq., Northridge Center, 10th Floor, 515 N. Flagler Drive, West Palm Beach, FL 33401 on this _____ day of June, 2001.

Attorney