

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, NO. 98-198

Supreme Court Case No.:

_____/

AMENDED 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. This amendment is made pursuant to Rule 1.190, Florida Rules of Civil Procedure, and Rule 12, Rules of the Florida Judicial Qualifications Commission, as revised.

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, which you thereafter have not been willing to, or have been unable to, follow. Despite being confronted with these facts and warned about this behavior by a senior member of the Commission and its special counsel, you continued this behavior. More particularly, 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.

The acts described above, if they occurred as alleged, were in violation of Canons 1, 2 and 3, of the Code of Judicial Conduct. Further, these acts, if they occurred as alleged, would impair the confidence of the citizens of this state in the integrity of the judicial system and in you as a judge, would constitute conduct unbecoming a member of the judiciary, could demonstrate your present unfitness to hold the office of judge, and could warrant discipline, including removal from office, and discipline as an attorney.

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. The original of your response and all subsequent pleadings must be filed with Clerk of the Supreme Court of Florida, and you must also comply with the requirements of the Supreme Court requiring simultaneous filing of a DOS formatted three and one-half diskette in Word Perfect 5.1 (or higher) format. Copies of your response should similarly be served on the undersigned and all persons (other than your counsel) listed in the certificate of service below.

Dated this _____ day of July, 2001.

INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By:

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And

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Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended 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 July, 2001.

Attorney