

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, NO. 04-47

Supreme Court Case No.:

_____ /

NOTICE OF FORMAL CHARGES

TO: The Honorable Robert F. Diaz
Broward County Courthouse
County Court Judge
201 S.E. 6th Street
Ft. Lauderdale, FL 33301

YOU ARE HEREBY NOTIFIED THAT the Investigative Panel of The Florida Judicial Qualifications Commission, by a vote of not less than two-thirds of those members present at its meeting held in Tampa, Florida on May 14, 2004, has determined, pursuant to Rule 6(f) 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 to inquire into the following charges, *to wit*:

1. On or shortly after January 19, 2004, you sent an anonymous e-mail to fellow County Judge Lee Seidman enclosing a news article concerning a circuit judge who had been criticized for reporting illegal immigrants to the federal authorities when he became aware of their status during hearings. In this e-mail you stated, "Isn't this what you used to do in Hollywood (Florida)? We remember."
2. In this message you had reference to an alleged practice of Judge Seidman of a similar nature, which apparently included a number of defendants of Hispanic

ancestry. You later sent a similar message to the Hispanic Bar Association of Broward County to call its attention to the alleged practices of Judge Seidman.

3. Under the circumstances, the recipient deemed the message to be abusive and to threaten retaliation at the polls from those of Hispanic ancestry.
4. To exacerbate this matter you later sent a similar message to the President of the Hispanic Bar Association of Broward County to call its attention to the alleged practice of Judge Seidman.

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 General Counsel and all persons (other than your counsel) listed in the certificate of service below.

Dated this 14th day of September, 2004.

INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By: /s/ Thomas C. MacDonald, Jr.
Thomas C. MacDonald, Jr.
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Tampa, FL 33629
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General Counsel for the Florida
Judicial Qualifications Commission

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Proceedings has been furnished by **United States Certified Mail #7001 2510 0007 6248 6221, Return Receipt Requested**, to the Honorable Robert F. Diaz, Broward County Courthouse, County Court Judge, 201 S.E. 6th Street, Fort Lauderdale, FL 33301, and by U.S. Mail to James M. Stark, Esq., Counsel to the Respondent, 524 South Andrews Avenue, Suite 304, Fort Lauderdale, FL 33301 on this 22nd day of September , 2004.

/s/ Brooke S. Kennerly _____
Executive Director