

**IN THE SUPREME COURT OF THE  
STATE OF FLORIDA**

**FILED**  
THOMAS D. HALL

2010 JUL 28 PM 1:39

CLERK, SUPREME COURT

**INQUIRY CONCERNING A  
JUDGE, YVONNE COLODNY,  
NO. 09-518**

SC10-\_\_\_\_ BY \_\_\_\_\_

**FINDINGS AND RECOMMENDATION OF DISCIPLINE**

The Florida Judicial Qualifications Commission served a Notice of Investigation on Circuit Judge Yvonne Colodny, Eleventh Circuit, pursuant to Rule 6(b) of the Florida Judicial Qualification Commission Rules.

The Investigative Panel of the Commission has now entered into a Stipulation with Judge Colodny. The Investigative Panel finds that her conduct, in failing to disclose the existence of loans made by her parents for the specific purpose of financing her judicial election, was inappropriate and violated Canons 1, 2A, and 6B of the Code of Judicial Conduct.

Judge Colodny has admitted that her conduct in failing to disclose the loans on her initial Form 6 was incorrect. She accepts full responsibility, and acknowledges that such conduct should not have occurred. Judge Colodny now recognizes that this conduct was incorrect and has undertaken steps to correct the oversight.

In regard to the propriety of receiving a loan in excess of the \$500 per person limitation imposed by Section 106.08(1), Florida Statutes, the Investigative Panel concludes that, as in *In re Rodriguez*, 829 So.2d 857 (Fla. 2002) and *In re Pando*, 903 So.2d 902 (Fla. 2005) receiving a non-commercial

loan that was made specifically for the purpose of providing campaign funds in excess of \$500 violates the letter and spirit of the law. The Investigative Panel concludes that the lack of proper initial collateralization, the lack of normal periodic repayment schedule, the satisfaction of the mortgage upon a promise of a contingent partial repayment, and its lack of disclosure on the July 2009 Form 6, all clearly indicate that the transaction was a loan made with the purpose of influencing the results of an election.<sup>1</sup>

Judge Colodny, in responding to this allegation, argues that her acceptance of a loan from her parents in excess of \$500 per person is permissible under the law and is implicit in Section 106.075(1) Florida Statutes, because it recognizes that the source of loans in excess of \$500 must be disclosed. The Investigative Panel asserts that the loan to Judge Colodny by her parents constitutes a contribution since it was made for the specific purpose of providing funds for campaigning and to influence the results of an election, as opposed to an arms-length transaction that, when entered into, was not made by the lender for the purpose of influencing an election.

The Judicial Qualifications Commission has concluded that while the judge's conduct of her campaign financing was improper, it is satisfied that the intentional misrepresentations that were at the heart of *Rodriguez* and *Pando* do not exist in this case.

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<sup>1</sup> Even a commercial loan made for the purpose of influencing an election may be subject to the contribution limitation, but because this case does not involve a commercial lender, the Investigative Panel does not address that issue further.

Accordingly, the Commission therefore finds and recommends that in the interests of justice, the public welfare and sound judicial administration will be well served by a public reprimand and a fine of \$5000.

Dated this 26<sup>th</sup> day of July, 2010.

Respectfully submitted,



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