

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

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THOMAS D. HALL

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CLERK, SUPREME COURT

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

SC10-____

BY _____

NOTICE OF FORMAL CHARGES

TO: The Honorable Yvonne Colodny
Circuit Judge, Eleventh Judicial Circuit
1351 N. W. 12th Street, Room 322
Miami, FL 33125

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting May 28, 2010, by a vote of the majority of its members, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission and Article V, Section 12(b) of the Constitution of the State of Florida, finds that probable cause exists for formal proceedings to be instituted against you. Probable cause exists on the following formal charges:

1. The allegations of violations of the Judicial Canons arise from your 2008 judicial election. You entered a contested judicial race for circuit judge for the 11th Circuit. This campaign required an active campaign in both a primary and a general election.
2. Candidates are required to file a Form 6, "Full and Public Disclosure of Financial Interests". You did so on April 30, 2008.
3. On May 1, 2008, you executed a promissory note for \$150,000 in favor of

Michael and Lou Anne Colodny, your parents. The purpose of this obligation was specifically for your use in campaigning for judicial office and was made for the purpose of influencing the results of the election. This note recited that it was secured by a mortgage on certain real property identified as situated in Miami-Dade County, Florida, and described in a Mortgage and Security Agreement. No mortgage agreement was filed until November 18, 2008. The note requires no periodic payments and interest accrues at the rate of five percent (5%) per annum. The entire unpaid balance matures December 31, 2013.

4. Section 106.08(1), Florida Statutes imposes a \$500 per person limitation on contributions to candidates. Section 106.011(3)(a), Florida Statutes includes loans in the definition of contribution.

5. On August 11, 2008, you received funds from your father in the amount of \$20,000 as a partial disbursement of the loan from your parents. You then wrote a check from your personal account that was made payable to your campaign and was deposited into your campaign account. This transaction was disclosed as a loan from the *candidate* on your quarterly Campaign Treasurer's Report for the period ending August 31, 2008.

6. The primary election was held on August 26, 2008, and you qualified to run in the general election.

7. On September 8, 2008 you received funds from your father in the amount of \$65,000 as a partial disbursement of the loan from your parents and was evidenced by a check from a Fidelity brokerage account to you and was deposited into your campaign account. This transaction was disclosed as a loan from the *candidate* on your quarterly Campaign Treasurer's Report for the period ending October 30, 2008.

8. On October 15, 2008 you received a check in the amount of \$35,000 from your parents, drawn on their personal account, made payable to "Yvonne Colodny Campaign". This was deposited into your campaign account and disclosed as a loan from the *candidate* on your quarterly Campaign Treasurer's Report for the period ending October 30, 2008.

9. On October 29, 2008 you received a check in the amount of \$5,000 from your parents, drawn on their personal account, made payable to "Yvonne Colodny Campaign". This was deposited into your campaign account and disclosed as a loan from the *candidate* on your quarterly Campaign Treasurer's Report for the period ending October 30, 2008.

10. The general election was held on November 4, 2008, and you were the successful candidate.

11. On November 11, 2008, pursuant to Section 106.075(1), Florida Statutes, on forms provided by the Florida Department of State, Division of Elections, you disclosed that you had received the referenced loans in the aggregate amount of \$125,000 and specifically disclosed that each of the loans were from your father, Michael Colodny. The amounts of the loans were: \$20,000, \$65,000, \$35,000, and \$5,000.

12. A Second Mortgage and Security Agreement was executed on November 5, 2008 and recorded on November 18, 2008. The real property that was the subject of the mortgage was your condominium, which was already encumbered by a mortgage executed on January 17, 2003 in the amount of \$162,400.

13. On July 2, 2009 you filed your annual Form 6 "Full and Public Disclosure of Financial Interests" statement. This filing requires disclosure of all financial interests for the 2008 calendar year. You failed to list the loans from your parents in the Form 6 statement.

14. On August 31, 2009, you entered into an agreement with your parents that resulted in the execution of an Amended and Restated Promissory Note Agreement that restated the amount of the promissory note dated May 1, 2008 from \$150,000 to \$125,000. Your parents also agreed to relinquish their lien on your condominium in return for your agreement that 50% of the net proceeds of any sale or refinance of the property would be applied toward accrued interest and principal. Your parents executed a satisfaction of the mortgage that was recorded September 17, 2009. The purpose of this agreement was to facilitate the sale of your condominium, which you had listed for sale ten days earlier on September 7, 2009.

The foregoing conduct, if proven as alleged, would constitute inappropriate conduct and was conduct that violated Canons 1 2A and 6B of the Code of Judicial Conduct.

You are hereby notified of your right to file a written answer to these charges within twenty (20) days of service of this notice upon you. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court's requirements. Copies of your response should be served on the undersigned General Counsel for the Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303.

Dated this 28th day of July, 2010

Florida Judicial Qualifications Commission,

by 

Michael L. Schneider
General Counsel
(850) 488-1581
Judicial Qualifications Commission
Florida Bar No. 525049
1110 Thomasville Road
Tallahassee, Florida 32303

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Investigation has been furnished by US Mail to the Honorable Yvonne Colodny, c/o Edward K. Cheffy, Counsel for Judge Colodny, 821 Fifth Avenue South, Naples Florida 34102 this 28th day of July, 2010.



Michael L. Schneider
General Counsel