

BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

SC17-362

INQUIRY CONCERNING A JUDGE,
THE HONORABLE DANA MARIE SANTINO
JQC NO. 16-534

RESPONDENT JUDGE SANTINO'S ANSWER
TO NOTICE OF FORMAL CHARGES

COMES NOW the Respondent, the Honorable Dana Marie Santino, by and through undersigned counsel, and hereby files her Answer to the Notice of Formal Charges and states as follows:

1. Denied.
2. Admitted. The email additionally cited Respondent's experience at the Public Defender's Office and running community-based treatment programs for first-time offenders in the Palm Beach County criminal justice system.
 - a. Admitted. This response, however, was part of a more comprehensive interview not fully in context with this quotation.
 - b. Respondent acknowledges her comments were inappropriate and deeply regrets them.
3. Judge Santino possesses no personal knowledge as to the registration of "Taxpayers for Public Integrity," and thus is without sufficient information to admit

or deny when or for what purposes it was registered. She admits that organization subsequently posted a Facebook page susceptible to no other interpretation than to vote against her opponent.

a. Admitted.

b. Respondent admits a Facebook page was created. Respondent admits the statements set forth in 3b were posted on that page as quoted on page four of the Notice, though Respondent denies that she pre-approved of or was aware of that content until after it was initially posted.

c. Admitted that the Facebook page is no longer viewable as Respondent directed it be taken down upon becoming aware of the content described in 3b, *infra*. Though the statements were inappropriate, wrong, and Respondent acknowledges the language used is violative of the Canons, Respondent denies the statements are false.

4. Admitted.

a. Admitted.

b. This paragraph accurately reflects the JCPC's findings.

c. This paragraph accurately reflects the JCPC's findings.

d. Admitted.

e. Respondent does not recall making those statements. Undersigned counsel has conferred with Alexander Williams, Assistant General Counsel, to determine if more specificity as to time and place of these alleged statements can be

provided. Mr. Williams and undersigned counsel agree that the deposition of her opponent in the race may clarify this issue. Pursuant to Rule 16, undersigned counsel respectfully requests the ability to file an amended Answer to Paragraph 4(e) during the discovery period after that deposition is taken.

5. Admitted.

6. Denied, in that Judge Santino acknowledges that she made mistakes, but that those mistakes and the totality of circumstances do not represent a clear and present unfitness for office.

Judge Santino admits that her conduct violated Canons 7A(3)(a) and 7A(3)(b) of the Code of Judicial Conduct and Rule 4-8.2(b) of the Rules Regulating the Florida Bar and is deeply remorseful.

Judge Santino neither admits nor denies she violated Canon 7A(3)(e)(i). She acknowledges that her comments and her campaign's postings about her opponent were inappropriate and therefore violate Canon 7A(3)(a) and (b). Undersigned counsel avers the comments did not constitute a "pledge or promise."

Judge Santino denies that she knowingly violated 7A(3)(e)(ii) or Rule 4-8.2(a) of the Rules Regulating the Florida Bar.

Respectfully submitted,

BOGENSCHUTZ, DUTKO & KROLL, P.A.
Attorneys for the Defendant
600 South Andrews Avenue, Suite 500

Fort Lauderdale, Florida 33301-2845
954-764-2500 // Fax: 954-764-5040
jeremykroll@bdkpa.com

BY: /s/ Jeremy J. Kroll
JEREMY J. KROLL
Florida Bar No. 96466

Certificate of Service

I certify this document has been efiled on the 24th day of March, 2017, with the Clerk of the Supreme Court of Florida using the E-Filing Portal and that a copy has been sent via electronic service to:

Honorable Michelle T. Morley, (Chair)
HEARING PANEL CHAIR
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
Sumter County Courthouse
215 E. McCollum Avenue
Bushnell, FL 33513
mmorley@circuit5.org

Michael Schneider, General Counsel
Alexander J. Williams, Asst. General Counsel
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
P.O. Box 14106
Tallahassee, FL 32317
mschneider@floridajqc.com
awilliams@floridajqc.com

Lauri Waldman Ross, Esquire
COUNSEL TO THE HEARING PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
ROSS & GIRTEN
9130 S. Dadeland Blvd., Suite 1612
Miami, FL 33156
305-670-8010 – Fax: 305-670-2305
Service E-Mail: RossGirten@Laurilaw.com

BY: /s/ Jeremy J. Kroll
JEREMY J. KROLL
Florida Bar No. 96466