

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE,
THE HONORABLE SCOTT DUPONT,
No. 16-377

SC16-____

_____ /

NOTICE OF FORMAL CHARGES

TO: Hon. Scott DuPont
Circuit Judge, 7th Judicial Circuit
410 St. Johns Avenue
Palatka, Florida 32177

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting of October 28, 2016, 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 for the following formal charges:

1. While engaged in a contested election to retain judicial office, you had a campaign website created and maintained to assist in your election. On the homepage of that website you had a tab devoted to your opponent entitled, "About Judge DuPont's Opponent."

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If a viewer clicked on that tab, it took the viewer to a page where you posted the results of a search you obtained through an internet website, “Instant Checkmate.”

Before a search can be conducted on the “Instant Checkmate” website, a caution notice appeared. That notice stated in part, “Please BE CAREFUL when conducting a search....” At the bottom of this website’s initial page the disclaimer stated, **“The information available on our website may not be 100% accurate, complete or up to date, so do not use it as a substitute for your own due diligence, especially if you have concerns about a person’s criminal history.”**

In spite of those warnings, and instead of taking any steps to verify the scandalous information about your opponent found on the website, you recklessly posted the results of the search under the heading **“Do You Trust Your Opponent to be your Circuit Judge?”** Those unsubstantiated and unverified entries included:

- a. A suggestion that your opponent employed aliases, when in fact you had no information that he did so.

- b. A suggestion that there existed “Imposter Information” about your opponent, which implied he had posed as an imposter. You did this with no information that would justify the inclusion of the listing for any other purpose than to impugn your opponent.

- c. Your posting of the entries stated that your opponent had received three parking tickets for parking in a handicapped zone, yet you never verified whether your opponent personally received the tickets or if it was a third party using his vehicle. In response to the 6(b) Notice of Investigation in this inquiry, you only produced two such tickets. To compound the inappropriate imputation, the heading of the entries listed “booking dates” that suggested there was an arrest associated with those entries, which was not accurate.

- d. You posted information that stated that your opponent’s wife had been arrested 3 times, and his daughter had been arrested 21 times. You did nothing to verify the accuracy of those statements and you posted this information in spite of not even knowing the identities of your opponent’s wife or children.

2. Your website implied that your opponent's legal name change was an attempt to hide his past by stating that he was managing member of HideYourPast.com in 2013, and then stating that he changed his legal name. Your opponent's name change was legally completed in 1990, but nowhere did you provide that information.

3. At a televised candidate forum, you asserted facts about your opponent's driving record that were not accurate, and you did nothing to verify the information. Rather, you relied on an e-mail from a person working on your campaign that suggested your opponent received a ticket for passing a school bus while it was loading or unloading children. In response to the 6(b) Notice of Investigation in this inquiry, you were unable to provide any documentation to substantiate your assertions.

4. During that same forum, you declared that your opponent had cheated during a straw poll administered by the Volusia County Bar Association, which was misleading in that you had no information your opponent had any personal involvement or knowledge of the alleged wrongdoing.

5. During the same forum, you announced your position that it is not the role of a circuit court judge to determine whether a given statute is

unconstitutional, because that would be “legislating from the bench.” You further stated that you have refused to find statutes unconstitutional and that “[i]f they don’t like the decision, they can appeal it.” In doing so you announced your position that you would not find any statute to be unconstitutional. Previously upon assuming your judicial office, you had sworn under oath to uphold the Constitution of the United States and the Florida Constitution.

The foregoing conduct, if proved as alleged, also constitutes inappropriate conduct and violates Canons 1, 2, 3, 5 and 7, of the Code of Judicial Conduct, and Article V, Section 13 of the Florida Constitution.

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 Counsel for the Judicial Qualifications Commission, and the General Counsel of the Commission.

Dated this 22nd day of November, 2016

BEDELL, DITTMAR, DeVAULT, PILLANS & COXE
Professional Association

By: /s/ Henry M. Coxe, III

Henry M. Coxe, III
E-mail: hmc@bedellfirm.com
Brian T. Coughlin
Florida Bar No. 0713732
E-mail: btc@bedellfirm.com
Ashley W. Greene
Florida Bar No. 010973
E-mail: awg@bedellfirm.com
101 East Adams Street
Jacksonville, Florida 32202
Telephone: (904) 353-0211
Facsimile: (904) 353-9307

Michael L. Schneider
General Counsel
Florida Bar No. 525049
mschneider@floridajqc.com
Judicial Qualifications Commission
P.O. Box 14106
Tallahassee, Florida 32317
Telephone: (850) 488-1582

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Investigation has been furnished by e-mail to Rutledge R. Liles, Esq., Liles Gavin, P.A. 301 W. Bay Street, Jacksonville, Florida 32202, rliles@lilesgavin.com counsel for The Honorable Scott DuPont, this 22nd day of November, 2016.

/s/ Henry M. Coxe, II

Attorney