

**APPLICATION FOR NOMINATION TO THE FIFTH DISTRICT COURT OF APPEALS  
COURT**

(Please attach additional pages as needed to respond fully to questions.)

**DATE:** August 26, 2019 Florida Bar No.: 0130567

**GENERAL:** Social Security No.: \_\_\_\_\_

1. Name Dennis Craig E-mail: \_\_\_\_\_

Date Admitted to Practice in Florida: December 18, 1997

Date Admitted to Practice in other States: November 6, 1986

2. State current employer and title, including professional position and any public or judicial office.

State of Florida, Circuit Judge, 7<sup>th</sup> Judicial Circuit

3. Business address: 251 N. Ridgewood Avenue

City Daytona Beach County Volusia State FL ZIP 32114

Telephone (386) 239-7792 FAX ( ) -

4. Residential address: \_\_\_\_\_

City \_\_\_\_\_ County Volusia State FL ZIP \_\_\_\_\_

Since November 1, 1998 Telephone ( ) -

5. Place of birth: Pittsburgh, PA

Date of birth: December 10, 1960 Age: 58

6a. Length of residence in State of Florida: 21 years

6b. Are you a registered voter?  Yes  No

If so, in what county are you registered? Volusia

7. Marital status: Married

If married: Spouse's name Theresa Craig

Date of marriage November 20, 1992

Spouse's occupation Teacher, most current position ESE K-3

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

N/A

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
Victoria K. Craig	2	Deceased January 1, 1997	
Natasha A. Craig	16	Deceased November 10, 2010 Student, Stetson University; Volusia County Beach	68 Seawinds Circle, Ponce Inlet, FL 32127
Ashton V. Craig	21	Lifeguard Student, Embry Riddle University	68 Seawinds Circle, Ponce Inlet, FL 32127
Ayden P. Craig	20		68 Seawinds Circle, Ponce Inlet, FL 32127
Summer V. Craig	10	Fifth grade	68 Seawinds Circle, Ponce Inlet, FL 32127

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
N/A			
Rank at time of discharge _____		Type of discharge _____	
Awards or citations _____			
<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
Rank at time of discharge _____		Type of discharge _____	
Awards or citations _____			

**HEALTH:**

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s).

No

11a. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism?

Yes  No

If your answer is yes, please direct each such professional, hospital and other facility to

furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.]

Please describe such treatment or diagnosis.

11b. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner?

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite
- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes  No

If yes, please explain.

12a. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

Yes  No

12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes  No

Describe such problem and any treatment or program of monitoring or counseling.

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If

yes, give full details as to court, date and circumstances.

No

14. During the last ten years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

No

15. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

16. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.

No

17. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No

#### EDUCATION:

- 18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
South Park High School	6 <sup>th</sup> overall	1975 through 1979	High School Diploma
Duquesne University	3.47 G.P.A.	1979 through 1983	Bachelor of Science in Music Education
University of Pittsburgh School of Law	B Average, Rank and G.P.A. not available	1983 through 1986	Juris Doctor



Saint Vincent  
College, Latrobe, PA      A Average                      1996 and 1997                      N/A

- 18b. List and describe academic scholarships earned, honor societies or other awards.  
Duquesne University Scholarships: Scholars Award (started at \$1,000.00 and increased to \$2,000.00 per year) Music Award (started at \$1,000.00 and increased to \$2,000.00 per year); Cross Country scholarship (\$500.00 my senior year)

South Park High School Honor Society

Commonwealth of Pennsylvania Primary and Secondary Teaching Certificate in Music Education

Duquesne University Cross Country letterman

Pennsylvania Governor School for the Arts

**NON-LEGAL EMPLOYMENT:**

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
none			

**PROFESSIONAL ADMISSIONS:**

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

Courts and Administrative Bodies	Date of Admission
Pennsylvania Bar	November 6, 1986 (retired status)
Commonwealth of Pennsylvania Supreme, Superior, Commonwealth, and Common Pleas Courts	November 6, 1986
United States District Court for the Western District of Pennsylvania	November 26, 1986
United States Bankruptcy Court for the Western District of Pennsylvania	November 26, 1986

United States Tax Court	December 31, 1992
United States Third Circuit Court of Appeals	April 5, 1995
Florida Bar (Florida Courts)	December 18, 1997
West Virginia Pro Hac Vice appearances	

**LAW PRACTICE:** (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Assistant State Attorney, Supervising ASA from November, 1998	State Attorney's Office for the 7th Judicial Circuit, John Tanner and R.J. Larizza	251 N. Ridgewood Avenue, Daytona Beach, FL 32114	February 2, 1998 to January 3, 2011
Attorney (Partner)	Craig & Loy (General Partnership)	5208 Library Road Bethel Park, PA 15102	June, 1988 to October, 1992
Attorney	Humphreys & Nubani, P.C.	600 Grant Street, Pittsburgh, PA 15219	November, 1986 to June, 1988
Law Clerk	Humphreys & Nubani, P.C.	same	March, 1985 to November, 1986

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

Prior to becoming a Circuit Judge, I was an Assistant State Attorney for almost 13 years. The last docket assignment was before the Honorable J. David Walsh. Positions I held at the State Attorney's Office include: Trial attorney, intake attorney, supervising attorney for a satellite office in New Smyrna Beach, supervisor, and training attorney for misdemeanor attorneys. I had responsibilities for Governor assignment cases in Brevard, Seminole, and Orange Counties. I also litigated appeals from the county court to the circuit court.

Prior to my work at the State Attorneys Office, I engaged in the general practice of law in Pennsylvania for 11 years. I appeared and litigated in the following Courts:

Common Pleas Court of Pennsylvania for the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Mercer, Washington, and Westmoreland (Pennsylvania trial level courts)(county of primary practice was Allegheny). Divisions of the Courts in

which I practiced included Criminal, Civil, Family, and Orphans' Court (probate and estates).

United States District Court for the Western District of Pennsylvania (Civil and Criminal)

United States Bankruptcy Court

United States Tax Court

I engaged in Appellate work in the following Courts:

Superior Court of Pennsylvania

Commonwealth Court of Pennsylvania

Supreme Court of Pennsylvania

United States Third Circuit Court of Appeals

My practice also included matters before the Pennsylvania Attorney General, numerous District Attorneys, District Justices, United States Department of Labor, EEOC, Internal Revenue Service, Pennsylvania Insurance Department, Unemployment Compensation Board, Pennsylvania Department of Revenue, Bureau of Consumer Protection, and the United States Department of Justice.

Clients in my practice had a broad spectrum of problems for which they sought my services. I litigated in the areas of state and federal criminal defense, state and federal civil (primarily plaintiff), personal injury, tort, wrongful death and survival actions, business, contract, commercial litigation, tax, family law, criminal juvenile defense, bankruptcy, insurance, probate and estates, property, and corporate.

In my practice, I had full responsibility for trial preparation, trial work, appellate work, legal research, motion practice, brief writing, and preparation of documents including but not limited to estate inventory and accountings, state and federal estate tax returns, family court inventories, and incorporations.

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court		Area of Practice	
Federal Appellate	_____ %	Civil	_____ %
Federal Trial	_____ %	Criminal	_____ 100 %
Federal Other	_____ %	Family	_____ %
State Appellate	_____ %	Probate	_____ %
January 2006 - January 2011			
State Trial	_____ 100 %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
	_____ %		
TOTAL	_____ 100 %	TOTAL	_____ 100 %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury?	_____ 100 + _____	Non-jury?	_____ 40 _____
Arbitration?	_____ 40 _____	Administrative Bodies?	_____ 10 _____

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No

**(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)**

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

1. State of Florida v. Thomas D. Cosby, 2008-033723CFAES, In the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida

Defense Attorney: Michael Lambert (386) 255-0464

ASA Second Chair: Allison Thero

Trial Judge: J. David Walsh

Jury Trial dated July 7 and 8, 2010

Charges: Aggravated Battery Evidencing Prejudice and Battery Evidencing Prejudice

Verdict: Guilty as charged

2. State of Florida v. Herbert H. Heron, 2008-CF-000723, In the Circuit Court of the Seventh Judicial Circuit, in and for Flagler County, Florida

Defense Attorney: Raymond Warren (386) 214-7323

Trial Judge: Richard O. Watson

Jury Trial dated June 17, 18, 21 and 22, 2010

Charges: First Degree Grand Theft, Misapplication of Construction Funds, False Representation as a Contractor, and Contracting Without a Qualifying Agent

Verdict: Guilty as charged

3. State of Florida v. Scott Henry Wheeler, 2009-033791CFAES, In the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida

Defense Attorney: Michael Lambert (386) 255-0464

ASA Second Chair: Serena Baldacchino (386) 235-4459

Trial Judge: J. David Walsh

Jury Trial dated June 15 and 16, 2010

Charges: DUI Manslaughter

Verdict: Guilty as charged

4. State of Florida v. John R. Harper, 2009-035154CFAES, In the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida

Defense Attorney: Katherine Littell, Office of Criminal Conflict (386) 238-4959

Trial Judge: J. David Walsh

Jury Trial dated June 1-3, 2010

Charge: Attempted First Degree Murder

Verdict: Guilty of the lesser included offense Attempted Voluntary Manslaughter

5. State of Florida v. Isaac Morris, 2009-032805CFAES, In the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida

Defense Attorney: Mitchell G. Wrenn (386) 253-0165

Trial Judge: J. David Walsh

Jury Trial dated April 22 and 23, 2010

Charge: Robbery with a Firearm

Verdict: Guilty as charged

6. State of Florida v. Patrick Burton Romines, 2009-032609CFAES, In the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida

Defense Attorney: Mitchell G. Wrenn (386) 253-0165

ASA Second Chair: Allison Thero

Trial Judge: J. David Walsh

Jury Trial dated February 5, 2010

Charges: Grand Theft and Possession of Drug Paraphernalia

Verdict: Guilty as charged

27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

N/A

27c. During the last five years, how frequently have you appeared at administrative hearings?

N/A average times per month

27d. During the last five years, how frequently have you appeared in Court?

N/A average times per month

27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? N/A% Defendants?  
\_\_\_\_\_ %

28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

N/A

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

N/A

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

1. Ingeborg Fitzpatrick v. Shorall & Jones, Allegheny County Court of Common Pleas (Pennsylvania) Case No. GD86-1226

I represented the Plaintiff.

Defense Attorney: Edward Urbanik

Trial Judge: James Mclean

Jury Trial dated September 28, 1988

Verdict: Plaintiff in the amount of \$6,500.00

I was sole counsel at trial and had complete responsibility for trial preparation and trial. The significance of the case was this was my first jury trial as sole attorney against a law firm in a civil action for malicious prosecution.

2. Commonwealth of Pennsylvania v. Allen Clyde Cochran, Indiana County Court of Common Pleas Case No. 404 Criminal 1991

I was Mr. Cochran's sole criminal defense lawyer.

Prosecutor: District Attorney Michael Handler

Trial Judge: William Martin

Jury Trial dated February 11, 1992

Charges: Forgery, Theft, and Receiving Stolen Property

Verdict: Not Guilty of all charges

The case was significant based on the almost insurmountable evidence against Mr. Cochran. Mr. Cochran was a client I represented in at least 12 criminal matters. Mr. Cochran was convicted in a different case and most other matters were resolved either with concurrent time or settled with the victims. The above listed case was a criminal prosecution for Forgery Theft, and Receiving Stolen Property involving the alleged theft of truck tires. The prosecution introduced receipts for the allegedly stolen truck tires, which were found pursuant to a search warrant of Mr. Cochran's residence. There were two store employees who indentified Mr. Cochran as the individual who had forged a check to purchase the tires. Despite this evidence, Mr. Cochran was acquitted of all charges.

3. United States of America v. Ronald C. Bachner, In the United States District Court for the Western District of Pennsylvania, Criminal No. 89-83



I was Mr. Bachner's sole criminal defense lawyer.

Prosecutor: United States Assistant Attorney Timothy Lewis

Trial Judge: Gustave Diamond

Five day jury trial ending on November 17, 1989

Charges: Tax related charges including four counts of filing false, fictitious or fraudulent claims and one count of tax evasion

Verdict: Not Guilty of all charges

This was a complex case. The US Attorney's Office had a formidable conviction rate involving cases investigated and prepared by the Internal Revenue Service. The defense strategy relied upon the issue of whether the government had to prove two specific elements or just prove one. During pre-trial proceedings, and throughout the trial, the judge ruled the government needed only prove one of the two elements; however, the defense persevered and was able to convince the judge to reverse his ruling during the charge conference. This was critical in paving the way for the ultimate outcome, which was an acquittal on all five counts.

4. Ronald C. Bachner v. Commissioner of Internal Revenue Service, United States Tax Court Docket No. 27019-92

This was the civil companion case to Mr. Bachner's aforementioned criminal case. I represented Mr. Bachner against the IRS.

Trial Judge: Robert P. Ruwe

Non-jury trial dated November 28, 1994

Judge Ruwe ruled in favor of the IRS regarding liability for two tax years.

I appealed the decision on behalf of Mr. Bachner at:

Ronald C. Bachner v. Commissioner of Internal Revenue Service, United States Court of Appeals for the Third Circuit, No. 95-7121.

Judges Sloviter, Chief Judge; Cowen and Garth, Circuit Judges.

Department of Justice Attorney, Kenneth W. Rosenberg, Tax Division

Reversed in part and affirmed in part. One tax year was reversed in Mr. Bachner's favor and one tax year was affirmed.

This case was significant because Mr. Bachner had a legitimate statute of limitations defense to one of the two contested tax years. I appealed the case on Mr. Bachner's behalf to the United States Court of Appeals for the Third Circuit. Oral argument was held in Philadelphia, Pennsylvania. On April 17, 1996, the Court entered judgment affirming as to one tax year and reversing as to the other. This case also demonstrated the versatility of my practice in a complex field (Tax Court), and my ability to successfully litigate in an Appellate Practice.

5. Estate of Susan L. Parkin v. William G. Lynch, Jr. and South Fayette Township Firemen's Association, Allegheny County Court of Common Pleas at No. GD 92-14487

I represented the Plaintiff in this wrongful death and survival action.



Trial Judge Livingstone M. Johnson

Primary attorney for South Fayette Township Firemen's Association: Gina M. Campisano

Mr. Lynch became intoxicated at a Volunteer Fire Company facility and upon leaving crashed his vehicle killing his passenger Susan Parkin. The case settled against Mr. Lynch for his policy limits. The theory of the claim against the volunteer fire company sounded as a Dram Shop Act cause of action. On the date of trial, Judge Johnson dismissed my client's case finding that the volunteer fire company enjoyed governmental immunity, a complete defense in Pennsylvania.

I appealed the decision to the Commonwealth Court of Pennsylvania at 1560 C.D. 1994. The Commonwealth Court reversed and remanded the case for an evidentiary hearing. The hearing was held over four different dates in 1997. Judge Johnson again ruled in favor of the fire company. A second appeal to the Commonwealth Court was denied at No. 3494 C.D. 1997, and a Petition for Allowance of Appeal to the Pennsylvania Supreme Court at No. 0644 W.D. Allocatur Docket 1998 was denied.

This case was important, because the Plaintiffs were attempting to make a positive change to existing caselaw by carving out an exception to the defense of governmental immunity in Pennsylvania. Positive results were obtained in the first successful appeal to the Commonwealth Court, but the Commonwealth Court did not follow its initial ruling in denying the subsequent appeal. Despite having a negative result in regard to the fire company, this case was worth the time and effort expended on behalf of my clients. This case involved deserving clients, including three surviving minor children, and I devoted a large amount of time and effort into the case.

6. State of Florida v. Mary Deborah Dasilva, 05-2003-CF-35959, In the Circuit Court of the 18<sup>th</sup> Judicial Circuit, in and for Brevard County, Florida

I was the Assistant State Attorney trying the case.

Trial Judge: Lawrence Johnston

Defense Attorney: Kenneth Rhoden

Five day Jury Trial September 19-23, 2005

Charges: Fraudulent Use of Personal Identification Information (1<sup>st</sup> degree felony), Fraudulent Use of Personal Identification Information (3<sup>rd</sup> degree felony), and Grand Theft (3<sup>rd</sup> degree felony)

Result: On the fifth day of trial, the Defendant accepted an offer of five years prison followed by five years probation.

This was a governor's assignment case which culminated in a five-day jury trial and involved twenty-one victims of identity theft and two victims of grand theft. The State called twenty-three witnesses, identified 127 exhibits, and introduced 84 exhibits into evidence. This case had some interesting developments: Documents certified by a qualified records custodian were not permitted into evidence because the witness was not the person who had originally produced the documents. As the trial continued, the witness flew to Ohio to print another copy of the documents from the corporate computer, returned to the stand, and was successful in introducing the new copies into evidence (they were identical to the original copies). The next day, the Defendant fell to

the floor in the courthouse and had what appeared to be a seizure. It turned out she stopped taking her seizure medication just prior to the commencement of the trial. The day after that, the electricity went out in the courthouse. The trial continued and the State proceeded with three witnesses in the dark using only a flashlight to read exhibits. On the last day of trial, defense counsel made an offer to plead as charged with a factual stipulation that a three-year minimum mandatory sentence apply rather than the ten-year mandatory minimum. I held a conference with all the victims during a break and discussed a counter-proposal of five years prison (mandatory minimum) followed by five years probation. The victims unanimously agreed to this proposal, which the Defendant accepted.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

The attached writing is the opinion rendered in an appeal from county court. I was assigned the case along with Circuit Judge Randall Rowe who was the lead judge on the appeal. I wrote the opinion to which Judge Rowe added a few edits.

**PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:**

- 32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

In 2010, I successfully ran for a circuit judge seat in Florida's Seventh Judicial Circuit, and on January 4, 2011, I took the bench. I currently hold this position.

- 32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
N/A		

Types of issues heard:

- 32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

No

- 32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

Kevon Miller (Assistant State Attorney) (386) 239-7710

Bryan Hyer (Assistant Public Defender) (386) 239-7730

Michael Hines (904) 794-7898

Cassie Rex (Assistant Public Defender) (386) 822-5770

Timothy Pribisco (386) 222-6677

Mitch Novas (Assistant Public Defender) (386) 239-7730

- (ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

Trials or Final Hearings:

50+ Criminal Jury Trials

30+ Civil Jury Trials (including 4 tobacco cases)

200+ Non-jury family law final hearings

1 Dependency Final Hearing

10+ Non-jury trials (2 Criminal)

Hundreds of Foreclosures (Hundreds more on Motions for Summary Judgment)

Hundreds of Injunctions (DV, Repeat violence, Stalking, and Dating)

Total Number of Cases:

Thousands of Criminal Cases

1,000+ Family Law Cases

Hundreds of Civil Cases

Dozens of Juvenile Cases

50+ Drug Court cases

10 Appeals from County Court

Dozens of Marchman Acts

- (iii) List citations of any opinions which have been published.

None

- (iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

1. Sherry Smith, et al. v. RJ Reynolds Tobacco Company, 2015-30548 CICI, In the Circuit Court for the Seventh Judicial Circuit in and for Volusia County, Florida

Plaintiff's Attorneys: William Wichman and Andrew Jacobson

Defense Attorneys: Harold Gordon and Emily Baker

Jury Trial dates: September 12, 2016 through September 26, 2016

This case was an Engle progeny tobacco case. The case involved complex civil

litigation. The tobacco cases required intensive judicial time in pre-trial and required two to three weeks of trial time. This was one of four tobacco jury trials that I tried to verdict.

2. Terry Mone and Diane Mone v. Sawgrass Mutual Insurance Company, 2011-31585 CICI, In the Circuit Court for the Seventh Judicial Circuit in and for Volusia County, Florida

Plaintiff's Attorney: Mark Nation

Defense Attorney: Jonathan Hall

Jury Trial dates: January 26, 2015 through January 30, 2015

This trial involved an insurance claim arising from damage from an alleged sinkhole to the Plaintiff's home. There was significant expert testimony relative to sinkholes. The case also involved a contested motion for attorney's fees where Plaintiff's were requesting a multiplier, which was granted. The decision granting the multiplier was reversed by the Fifth District Court of Appeal. The Fifth's decision was reversed by the Florida Supreme Court and the multiplier was reinstated.

3. State of Florida v. Wesley Brown, In the Circuit Court for the Seventh Judicial Circuit in and for Flagler County, Florida

Assistant State Attorney: Timothy Pribisco

Defense Attorney: Philip Bonamo

Jury Trial dates: January 23, 2016 through January 26, 2016

This case involved 31 counts of thefts, securities fraud, and related charges involving numerous victims. The significance of the case was the complexity of the subject matter and the volume of testimony and evidence.

4. Allen, Jr. v. Allen, 2012 DR 842, In the Circuit Court for the Seventh Judicial Circuit in and for Flagler County, Florida

Petitioner's Attorney: Dawn Nichols (currently a Circuit Judge for the Seventh Judicial Circuit)

Respondent's Attorney: Raven Sword

Date of Hearing: September 10, 2013

This was a family law case. I listed this case as an example of the family matters I

presided over. I selected this case based upon the high quality of the attorneys involved.

5. State of Florida v. George Hatzimouratides, 2016 303608 CFDB, In the Circuit Court for the Seventh Judicial Circuit in and for Volusia County, Florida

Assistant State Attorney: Kevin Sullivan

Defense Attorneys: Zachary Stoumbos and Stuart Hyman

Jury Trial Dates: January 14, 2019 through January 18, 2019

Charges: Two counts of Vehicular Homicide

This case was selected as an example of a more recent criminal trial that involved attorneys who litigate at a high level of professionalism and competence.

(v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

None known.

(vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

No

(vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

N/A

#### **BUSINESS INVOLVEMENT:**

33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

N/A

33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

N/A

33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

None

**POSSIBLE BIAS OR PREJUDICE:**

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

As a Circuit Judge, I have recused myself in several cases. Most were as a result of having worked at the State Attorney's Office. I have recused myself upon motion on all cases where currently suspended attorney Brett Hartley has entered an appearance.

**MISCELLANEOUS:**

35a. Have you ever been convicted of a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No  If "Yes" what charges? \_\_\_\_\_

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No  If "Yes" what charges? \_\_\_\_\_

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No  If "Yes" what charges? \_\_\_\_\_

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.

No

36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?

No

36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.

No

37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?

No



37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.

No

38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

Dennis Craig and Terry Craig v. Anthony Girolami, 2004 31621 CICI, In the Circuit Court for the Seventh Judicial Circuit in and for Volusia County, Florida

This was a personal injury lawsuit arising from a bicycle accident in which my hip was broken. I was a Plaintiff in the case. The case was disposed by settlement.

My attorney was Eric Latinsky.

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

No

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

No

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

No

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No

43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes  No  If no, please explain. \_\_\_\_\_

43b. Have you ever paid a tax penalty?

Yes  No  If yes, please explain what and why. \_\_\_\_\_

43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?  
No

**HONORS AND PUBLICATIONS:**

44. If you have published any books or articles, list them, giving citations and dates.

None

45. List any honors, prizes or awards you have received. Give dates.

None

46. List and describe any speeches or lectures you have given.

None

47. Do you have a Martindale-Hubbell rating? Yes  If so, what is it? \_\_\_ No

**PROFESSIONAL AND OTHER ACTIVITIES:**

48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

Pennsylvania Bar Association (1986) current status; retired

Florida Bar Association (1997)

48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Daytona Beach Track Club

YMCA of Port Orange

SPARC, Inc. (Special Population Activities and Recreational Council) SPARC's purpose is to allow for social interaction among the mentally and physically challenged and their families. I was a member of the board of directors, but resigned when I became a circuit judge.

Volusia County Law Library, member of Board of Directors

48c. List your hobbies or other vocational interests.

I enjoy running as my main activity outside of work or family. My children are swimmers so I try to swim (I swim like a runner). Family activities include outdoor activities such as kayaking.



48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

No

48e. Describe any pro bono legal work you have done. Give dates.

As a judge and as an Assistant State Attorney, I have engaged in community service activities.

I have been a race director for several running races for the Daytona Beach Track Club. I helped with fundraising activities for SPARC. My wife and I were co-race directors of a race we called Run for SPARC, which was held in Ponce Inlet for seven consecutive years.

As a judge, I volunteered for the Flagler County Teen Court. This included helping and training students for mock trial competitions with other counties. We met every Thursday evening for two hours to practice and train students for the competition over a three to four month period of time. I was involved in that program for five years.

I was a volunteer judge for the Stetson University's Floyd M. Riddick United States Model Senate for two years.

I volunteered for hurricane clean-up in the Panama City area in the wake of Hurricane Michael at the urging of my colleague Judge Steven Henderson. We spent two weekends in the fall of 2018, working and camping out on an airport tarmac.

#### **SUPPLEMENTAL INFORMATION:**

49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

I have attended four of the last five Circuit Judges' Conferences. I also attended Advanced Judicial college for the Handling Capital Cases course.

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

No

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

No

51. Explain the particular potential contribution you believe your selection would bring to this position.

In my thirty-three years as a lawyer, I have acquired a broad range of experience. In my first eleven years practicing in Pennsylvania, I tried criminal and civil cases in state and federal courts. I practiced before the federal tax and bankruptcy courts, numerous state and federal agencies or administrative bodies. I practiced in ten different counties in Pennsylvania. I also practiced in Pennsylvania's three appellate courts and before the

United States Third Circuit Court of Appeals.

My experience as a lawyer in Florida was with the State Attorney's Office in the Seventh Judicial Circuit. At different times, I was a trial attorney, an intake attorney, a supervising attorney, and a training attorney. I tried jury trials in all four counties in the Seventh Circuit and had trials outside of the Seventh Circuit on Governor assignment cases. I was also responsible for several appeals from county court to circuit court. I have tried jury trials in Florida before three dozen different judges and against more than forty defense attorneys.

As a circuit judge over the last eight plus years, I have presided on a family law/civil docket, a civil docket, and two different criminal divisions in two counties. I have also had responsibility for a juvenile division, injunctions, Marchmen Acts, and Drug Court. I have also had responsibility for numerous appeals from county court. On a volunteer basis, I spent a significant amount of time for Teen Court in Flagler County.

I have enjoyed a long and successful legal career over a broad spectrum of different fields of law including many complex issues. I have also been fortunate to work with and against many fine lawyers and judges throughout my career. I believe my knowledge and experience would complement the Fifth District Court of Appeals.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

On five occasions from 2006 to 2010, I applied to the Seventh Circuit JNC. In four out of the five applications, I was nominated by the JNC. I was not appointed to any of the positions.

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

In addition to my legal experience, I have a broad range of personal experience. My wife and I have had five children. Of particular note, one of our children was a special needs child with significant health issues. Like so many other parents with special needs children, I understand special needs children require an additional level of parental responsibility. Our daughter ultimately became our superceding purpose in our lives. The amount of experience with medical issues, hospitals, doctors, surgeries, and other personal needs provided a unique perspective on life. I would bring this unique insight to the Court.

#### **REFERENCES:**

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

1. J. Michael Traynor, 11 Lagare Street, Palm Coast, FL 32137,  
(904) 825-8560
2. Thomas Bexley, 1769 E. Moody Boulevard, Bld. 1, Bunnell, FL 32110,  
(386) 313-4400
3. Larry Edwards, 251 N. Ridgewood Avenue, Daytona Beach, FL 32114,

(386) 566-7100

4. Wade Kirby, 2537 Glenhaven Street, New Smyrna Beach, FL 32168, (386) 314-6459
5. Edwin Velazquez, 70 Wedgewood Lane, Palm Coast, FL 32164  
(386) 446-3900
6. Rick Blaine, 1769 E. Moody Boulevard, Bldg. 1, Bunnell, FL 32110,  
(386) 283-3345
7. Tammy Holder, 251 N. Ridgewood Avenue, Daytona Beach, FL 32114,  
(386) 239- 7792
8. Chaz Jefferies, 711 N. Clara Avenue, Deland, FL 32720,  
(386) 299-2765
9. Robert Sparling, 48 Folsom Lane, Palm Coast, FL 32137,  
(973) 219-0104
10. Leonard and Karen Guida, 54 Cypress Pond Road, Port Orange, FL 32128  
(386) 767-1335

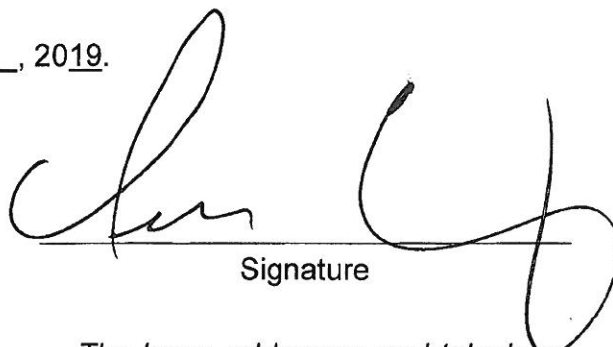
**CERTIFICATE**

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 21<sup>st</sup> day of August, 2019.

Dennis Craig  
Printed Name

  
Signature

*(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.*

## FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current year to date	93,734.69		
	160,688.04	149,731.98	146,079.96
List Last 3 years	(2018)	(2017)	(2016)

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

	Approximately the same year to date as the latest year which has the		
Current year to date	same salary		
	152,311.64	144,744.58	136,670.92
List Last 3 years	(W-2 wages)	(W-2 wages)	(W-2 wages)

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current year to date	N/A		
List Last 3 years	N/A	N/A	N/A

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

	Approximately the same year to date as the average of		
Current year to date	the last 3 years		

List Last 3 years

(16,935.58)

(20,287.73)

(11,917.14)



\*\*\*\*\*AUTO\*\*ALL FOR AADC 328 T2 P1 15 72

Hon Dennis Craig  
Circuit Judge  
Judicial Circuit (7Th)  
Elected Constitutional Officer  
Rm 294 Justice Center  
251 N Ridgewood Ave  
Daytona Beach, FL 32114-3275



ID Code

ID No. 35827

Conf. Code

Craig, Dennis

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2018 or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of December 31, 2018 was \$ 440,030.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is \$ 60,000.00

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
House, 68 Seawinds Circle Ponce Inlet, FL (fmv)	573,827.00
House, 33 Forsythe Lane, Palm Coast, FL (fmv)	249,701.00
Wells Fargo Checking and Savings Accounts	35,913.00
Roth IRA, Fidelity Inc.	4,530.00

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Wells Fargo Home Mortgage, P.O. Box 660455, Dallas TX 75266	256,261.00
" " " " " "	208,174.00
Vehicle Loan, S.C.C.O., P.O. Box 419001, Melbourne FL 32941	8,594.00
" " G.M. Financial, P.O. Box 183834, Arlington TX 76096	10,912.00

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

**PART D -- INCOME**

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2018 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2018 federal income tax return and all W2's, schedules, and attachments.  
 [If you check this box and attach a copy of your 2018 tax return, you need not complete the remainder of Part D.]

**PRIMARY SOURCES OF INCOME (See instructions on page 5):**

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
W2 wages State of Florida	200 E. Gaines St. Tallahassee, FL 32399	152,311.64
Rental, Real Estate	home address	(16,935.58)

**SECONDARY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5):**

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

**PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]**

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	N/A		
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

**PART F - TRAINING**

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

**OATH**

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

STATE OF FLORIDA  
 COUNTY OF Volusia

Sworn to (or affirmed) and subscribed before me this 17 day of

June, 2019, by Dennis Craig  
Carol Tiler  
 (Signature of Notary Public--State of Florida)

**CAROL TILER**  
 (Print, Type or Stencil Name of Notary Public)  
 Expires August 24, 2022

Personally Known  Produced Identification   
 Type of Identification Produced FLDL

[Signature]  
 SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, \_\_\_\_\_, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature

Date

**Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.**

**IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE**



FOR OFFICE USE ONLY:

*orig  
mailed  
5-27-18*

\*\*\*\*\*AUTO\*\*ALL FOR AADC 328 T2 P1 146

Hon Dennis Craig  
Circuit Judge  
Judicial Circuit (7th)  
Elected Constitutional Officer  
Kim C. Hammond Justice Center  
1769 E Moody Blvd Bldg 4 Bldg 1  
Bunnell, FL 32110-5991



ID Code  
ID No. 35827



Conf. Code  
Craig, Dennis

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2017 or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of December 31, 2017 was \$ 389,254.48.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is \$ 60,000.00

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
House, 68 Seawinds Circle, Ponce Inlet, FL (fmv)	534,499.00
House 33 Forsythe Lane, Palm Coast, FL (fmv)	252,512.00
Wells Fargo Checking and Savings Accounts	46,533.68
Both IRA, Fidelity, Inc.	4,680.64

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Wells Fargo Home Mortgage, P.O. Box 660455, Dallas, TX 75266	265,182.92
" " " " " " " " " " " "	213,719.84
Vehicle Loan, S.C.C.U. P.O. Box 419001, Melbourne, FL 32941	12,884.29
Vehicle Loan, G.M. Financial, P.O. Box 183834, Arlington TX 76096	17,183.79

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

**PART D -- INCOME**

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2017 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2017 federal income tax return and all W2's, schedules, and attachments.  
 [If you check this box and attach a copy of your 2017 tax return, you need not complete the remainder of Part D.]

**PRIMARY SOURCES OF INCOME (See Instructions on page 5):**

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
W2 wages State of Florida	200 E. Gaines St. Tallahassee FL 32399	144,744.58
Rental, Real Estate	68 Seawinds Circle, Ponce Inlet	(20,287.73)

**SECONDARY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5):**

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

**PART E -- INTERESTS IN SPECIFIED BUSINESSES (Instructions on page 6)**

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	N/A		
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

**PART F - TRAINING**

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

**OATH**

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

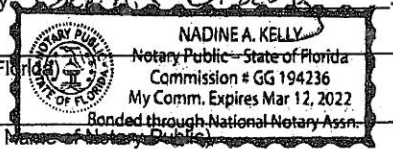
*[Handwritten Signature]*  
 SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

STATE OF FLORIDA  
 COUNTY OF Flagler

Sworn to (or affirmed) and subscribed before me this 22<sup>d</sup> day of May, 2018 by Dennis Craig

*[Handwritten Signature]*  
 (Signature of Notary Public--State of Florida)

Nadine A. Kelly  
 (Print, Type, or Stamp Commissioned Name of Notary Public)



Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, \_\_\_\_\_, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

\_\_\_\_\_  
 Signature Date

**Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.**

**IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE**



OF FINANCIAL INTERESTS

FOR OFFICE USE ONLY:

Please print or type your name, mailing address, agency name, and position below:

LAST NAME — FIRST NAME — MIDDLE NAME:

Craig, Dennis P

MAILING ADDRESS:

1769 E. Moody Blvd., Building 1

CITY:

ZIP:

COUNTY:

Bunnell, FL 32110 Flagler

NAME OF AGENCY:

Circuit Judge, 7th Judicial Circuit

NAME OF OFFICE OR POSITION HELD OR SOUGHT:

Circuit Judge, 7th Circuit, Group 5

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2016 or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of December 31, 2016 was \$ 343,282.42

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is \$ 55,000.00

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)

VALUE OF ASSET

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
House, 68 Seawinds Circle, Ponce Inlet, FL (Fmv)	570,284.00
House, 33 Forsythe Lane, Palm Coast, FL (Fmv)	231,049.00
Wells Fargo Checking and Savings Accounts	35,074.90
Roth IRA, Fidelity, Inc.	3,378.22

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Wells Fargo Home Mortgage, P.O. Box 660455, Dallas, TX 75266	272,563.01
Nationstar Mortgage LLC, 8950 Cypress Waters Blvd., Coppell, TX 75019	218,642.42
Vehicle Loan, S.C.C.O. P.O. Box 419001, Melbourne, FL 32941	17,043.22
Vehicle Loan, GM Financial, P.O. Box 183834, Arlington TX 76016	23,255.05

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

**PART D -- INCOME**

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2016 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2016 federal income tax return and all W2's, schedules, and attachments.  
 [If you check this box and attach a copy of your 2016 tax return, you need not complete the remainder of Part D.]

**PRIMARY SOURCES OF INCOME (See Instructions on page 5):**

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
W2 Wages State of Florida	200 E. Gaines St, Tallahassee FL 32399	136,670.92
Rental, Real Estate	68 Seawind's Circle, Ponce Inlet, FL	(11,917.14)

**SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:**

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

**PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]**

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	N/A		
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

**PART F - TRAINING**

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

**OATH**

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

*[Handwritten Signature]*  
 SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

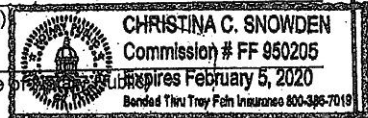
STATE OF FLORIDA  
 COUNTY OF Flagler

Sworn to (or affirmed) and subscribed before me this 14th day of

June, 2017 by Dennis Craig

*[Handwritten Signature]*  
 (Signature of Notary Public--State of Florida)

*[Handwritten Name]*  
 (Print, Type, or Stamp Commissioned Name)



Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, \_\_\_\_\_, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature

Date

**Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.**

**IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE**

# MANDATE

From

CIRCUIT COURT OF APPEAL OF VOLUSIA COUNTY, FLORIDA

## SEVENTH JUDICIAL CIRCUIT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY  
APPEAL, AND AFTER DUE CONSIDERATION THE COURT HAVING ISSUED  
ITS OPINION; AFFIRMED

YOU ARE HEREBY COMMANDED THAT SUCH FURTHER  
PROCEEDINGS BE HAD IN SAID CAUSE IN ACCORDANCE WITH THE  
OPINION OF THIS COURT ATTACHED HERETO AND INCORPORATED AS  
PART OF THIS ORDER, AND WITH THE RULES OF PROCEDURE AND  
LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE JUDGE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA AND THE SEAL OF SAID  
COURT AT DELAND, FLORIDA ON THIS 16 April 2019.



LAURA E. ROTH  
CLERK OF THE CIRCUIT COURT

By: \_\_\_\_\_

*F. Hardy*  
F. Hardy  
Deputy Clerk

2019 APR 16 PM 12:33  
CLERK OF THE CIRCUIT  
CITY COURT VOLUSIA CITY, FL  
CC 43

FILED

Style: GEICO Indemnity Company vs Accident & Injury Clinic, INC. a/a/o Frank Irizarry

Appeal Docket No.: 2018-10031 APCC

Lower Case No. : 2017-31735 COCI

c: Rebecca O'Dell Townsend, Esquire, Douglas H. Stein, Esquire, Lower Court

CL-0147-1701

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FLORIDA

GEICO INDEMNITY COMPANY,

CASE NO.: 2018-10031-APCC

Appellant,

v.

ACCIDENT & INJURY CLINIC, INC.  
a/a/o Frank Irizarry,

Appellee.

---

Appeal from the County Court  
Volusia County, Florida

Rebecca O'Dell Townsend, Esq., Tampa, Florida  
Louis Schulman, Esq., Tampa, Florida  
Counsel for Appellant

Douglas H. Stein, Esq., Miami, Florida  
Counsel for Appellee

FILED  
2019 MAR 14 PM 2:46  
CLERK OF THE CIRCUIT  
& COUNTY COURT  
VOLUSIA COUNTY, FL  
CC #28

**OPINION OF THE COURT**

This matter came before this Court in its appellate capacity for review of an "Order Granting Plaintiff's Motion for Summary Disposition and Final Judgment in Favor of Plaintiff" entered on June 7, 2018, by the County Court. The Court has considered the briefs filed, reviewed the record on appeal, and heard oral argument presented by counsel.

This action began as a claim for Personal Injury Protection (PIP) benefits filed in the lower court. Frank Irizarry was involved in a motor vehicle accident on September 6, 2015. The plaintiff below, Accident & Injury Clinic, Inc. (hereinafter "AIC"), provided medical services to Irizarry as a result of the accident. Irizarry was insured for PIP benefits by the defendant below,

Geico Indemnity Company (hereinafter "GEICO"). Irizarry assigned his benefits under the GEICO policy to AIC.

AIC's charges submitted to GEICO included items which were in an amount allowed by the fee schedule and items which were an amount charged below the fee schedule. (Items charged below the fee schedule amount will be referred to as the "billed amount" or "BA.") GEICO reimbursed AIC at a rate of 80% for fee schedule amount items and BA items. There is no dispute over the 80% reimbursement rate for fee schedule amount items where Irizarry is responsible for a copay of 20%. AIC claims that GEICO's policy requires GEICO to reimburse BA items at 100%. GEICO argues that the policy provides that the reimbursement rate of BA items is 80% with Irizarry responsible for a copay of 20%. BA charges submitted by AIC totaled \$3,131.00. GEICO paid 80% of BA charges or \$2,504.80. The lower court found in favor of AIC for the difference (\$626.20) plus interest and entered judgment in the amount of \$702.23. GEICO's appeal of that Final Judgment is now before this Court.

The root of this exhaustively litigated issue (referred to as the BA issue) is the following sentence in GEICO's policy:

"A charge submitted by a provider, for an amount less than the allowed amount above, shall be paid in the amount of the charge submitted."

GEICO argues that this sentence does not reflect who is to pay the provider, and it refers to other parts of the policy to show that GEICO is responsible to pay 80% and the insured to copay 20%. AIC accurately points out that the "PAYMENTS WE WILL MAKE" portion of the policy limits GEICO payments to 80% of fee schedule payments and does not specifically refer to BA payments. The policy makes no specific reference as to who pays BA charges. GEICO points to a document entitled "IMPORTANT NOTICE," which in pertinent part states, "The Company

will limit reimbursement of medical expenses to 80 percent of a properly billed reasonable charge...” There is a dispute as to whether this “IMPORTANT NOTICE” is a part of the policy.

The lower court found that the language in the policy was clear and unambiguous on its face and required GEICO to pay 100% of BA charges. This Court agrees with the result of the lower court but disagrees with the finding that the policy unambiguously required GEICO to pay 100% of BA charges.

The BA issue was extensively analyzed in the recent federal class action case of A & M Gerber Chiropractic LLC v. GEICO General Insurance Company, 291 F.Supp.3d 1318 (S.D. Fla. 2017). The court in A & M Gerber accurately stated that the policy provision (“A charge submitted by a provider, for an amount less than the allowed amount above, shall be paid in the amount of the charge submitted.”) “...does not identify who will pay...” Id. at 1342. That court goes on to contrast the disputed provision with the language from the PIP statute:

“If a provider submits a charge for an amount less than the amount allowed under subparagraph 1., the insurer may pay the amount of the charge submitted.”  
Florida Statutes, Section 627.736(5)(a) 5.

That statute provides that “the insurer may pay,” thereby identifying the insurer as the party who will pay the charge. A & M Gerber, at 1342. Contrary to the statutory language, the policy provision has removed the designation of the insurer as payor: “A charge submitted by a provider..., shall be paid in the amount of the charge submitted.” The policy language changes the sentence in the statute from “the insurer may pay” to “a provider...shall be paid.” The statute provides who will pay and the policy provides what the provider will be reimbursed.

Based upon the language of the policy and the specific disputed policy provision, it cannot be said that the provision unambiguously provides that GEICO will pay 100% of BA charges. As previously stated, the disputed “IMPORTANT NOTICE” in pertinent part reads as



follows: "The Company will limit reimbursement of medical expenses to 80 percent of a properly billed reasonable charge..." If this notice is a part of the policy, then the policy would unambiguously provide that GEICO would be responsible to pay for only 80% of the BA charges. However, if the "IMPORTANT NOTICE" is not considered a part of the policy, then the policy is silent as to who pays the BA charges.

The court in A & M Gerber found, and this Court agrees, that the "IMPORTANT NOTICE" is not part of the policy. Id. at 1338-1340. That court ultimately determined that the disputed policy provision was ambiguous, construed the provision against GEICO, and found that the provision required GEICO to pay 100% of the BA charges. Id. at 1344. The A & M Gerber court did note that the PIP statute specified that the insurer would pay BA charges, but it declined to use the statutory language to interpret the policy. Id. at 1342.

The reason this Court declines to interpret the policy as providing for GEICO to pay 100% of BA charges is simply that there is no support in the policy that justifies reading an agreement to pay 100% of BA charges into the policy. This Court does not wish to read a term into the policy which is not there. If anything, the evidence would indicate that GEICO's intent in drafting the policy was to apply the 80% rate not just to BA charges but across the board. This is evidenced by GEICO distinguishing the language of the statute from the "insurer may pay" to the "provider...shall be paid." GEICO also provided the "IMPORTANT NOTICE" which stated reimbursement would be limited to 80% by GEICO effectively across the board. There are no other provisions or language in the policy where GEICO reimburses a provider 100%. In addition, GEICO's intent was evidenced by the fact that it has consistently reimbursed BA charges at 80%.

Nevertheless, this Court agrees that the policy must be construed to provide that GEICO pays 100% of the BA charges, but only by applying the PIP statutory language to the policy. Both AIC and GEICO agree that the policy must conform to PIP statutory limitations and requirements. As previously stated, the controlling PIP provision specifically provides that if elected the insurer would pay BA charges:

“If a provider submits a charge for an amount less than the amount allowed under subparagraph 1., the insurer may pay the amount of the charge submitted.”  
Florida Statutes, Section 627.736(5)(a) 5.

There is nothing in this statutory language which allows an insurer to limit the BA payment to 80%. GEICO argues if the statute is read to require an insurer to pay 100% of BA charges, it would net an absurd result. The alleged absurd result occurs when GEICO is required to pay a higher amount at 100% of the BA than at 80% of the maximum rate permitted. Indeed it would cost GEICO more money, but it is not an absurd result if the legislature intended that the benefit of the lower BA payment was meant to be enjoyed by the insured as opposed to the insurer.

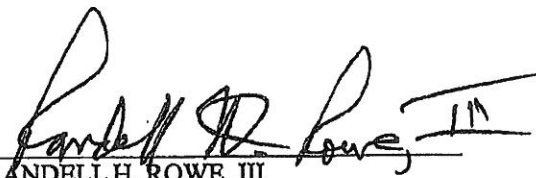
The statutory language identifying the insurer as the party designated to pay the BA charges must be applied to the policy language. Further, as the PIP statute does not provide for insurers to limit payment of BA charges to 80%, if the insurer elects BA payments, then the insurer pays 100% of the BA charge. The Court notes that this result still would be reached if the “IMPORTANT NOTICE” was or becomes part of the policy. Policy language limiting GEICO’s payments to 80% of BA charges would conflict with the PIP statute that designates that the insurer may elect to pay the BA amount rather than the maximum payment permitted under the fee schedule amount.

In this case GEICO elected the "amount of the charge submitted" (or BA) by AIC. GEICO paid 80% of the BA instead of 100% as required. Therefore, the lower court's ruling should be upheld.

For the foregoing reasons, the lower court's Final Judgment is hereby

**AFFIRMED.**

**DONE AND ORDERED** in DeLand, Volusia County, Florida this 13<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
RANDELL H. ROWE, III  
CIRCUIT JUDGE

DENNIS CRAIG, Circuit Judge, concurs.

Copy to:

Rebecca O'Dell Townsend, Esq.  
Louis Schulman, Esq.  
Douglas H. Stein, Esq.  
Kimberly P. Simoes, Esq.  
Hon. David A. Cromartie, County Judge

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FLORIDA

GEICO INDEMNITY COMPANY,

CASE NO.: 2018-10031-APCC

Appellant,

v.

ACCIDENT & INJURY CLINIC, INC.

a/a/o Frank Irizarry,

Appellee.

CLERK OF THE CIRCUIT  
COURT REPORT VOLUSIA COUNTY FL  
PC 408

2019 APR 16 AM 11:43

FILED

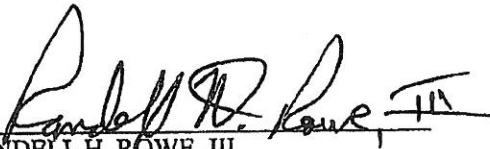
**ORDER DENYING APPELLANT'S MOTION FOR REHEARING, REHEARING *EN BANC*, AND CERTIFICATION OF A QUESTION OF GREAT PUBLIC IMPORTANCE**

This matter came before the Court for review of the "Appellant's Motion for Rehearing, Rehearing *En Banc*, and Certification of a Question of Great Public Importance." The Court having carefully considered the motion along with the Appellee's response thereto, it is hereby

**ORDERED AND ADJUDGED:**

That the motion is denied.

**DONE AND ORDERED** in DeLand, Volusia County, Florida this 15<sup>th</sup> day of  
April, 2019.

  
\_\_\_\_\_  
RANDELL H. ROWE, III  
CIRCUIT JUDGE

Copy to:

Michael A. Rosenberg, Esq.  
Rebecca O'Dell Townsend, Esq.  
Douglas H. Stein, Esq.

## JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: August 20, 2019

JNC Submitting To: 5<sup>th</sup> District Court of Appeal

Name (please print): Dennis Craig

Current Occupation: Circuit Judge, 7<sup>th</sup> Judicial Circuit

Telephone Number: (386) 239-7792 Attorney No.: 0130567

Gender (check one):  Male  Female

Ethnic Origin (check one):  White, non Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Volusia

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE  
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

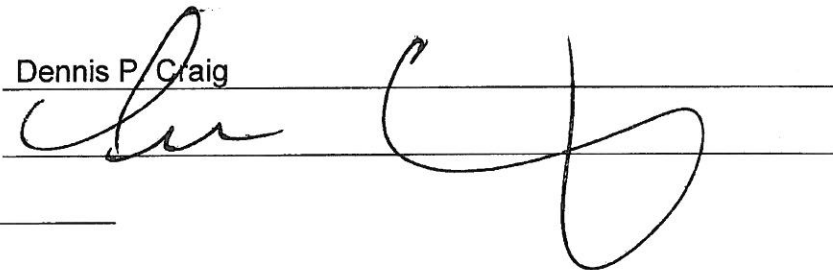
CONSUMER'S AUTHORIZATION FOR FDLE  
TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of  
Applicant:

Dennis P. Craig

Signature of Applicant:

A handwritten signature in black ink, appearing to read "Dennis P. Craig", is written over a horizontal line. The signature is cursive and somewhat stylized.

Date: August 20, 2019