

**FILED**

SID J. WHITE

APR 14 1994

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

CLERK, SUPREME COURT

By \_\_\_\_\_  
CNS Deputy Clerk

INQUIRY CONCERNING A

SUPREME COURT NO. 82,887

JUDGE, NO. 93-155  
\_\_\_\_\_ /

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND RECOMMENDATION**

Pursuant to Article V, Section 12 of the Constitution of the State of Florida and the Rules of the Florida Judicial Qualifications Commission, the Florida Judicial Qualifications Commission ("the Commission") files these Findings of Fact, Conclusions of Law and Recommendation with the Supreme Court of Florida in the matter of the Honorable Edward A. Miller, County Court Judge for Okeechobee County, Florida.

**Proceedings**

On December 14, 1993, the Commission filed formal charges against the Honorable Edward A. Miller, County Court Judge in Okeechobee County, charging him with violations of Canons 1, 2A, 2B, 3A(1) and 3A(4) of the Florida Code of Judicial Conduct.

The first charge alleges that Judge Miller inappropriately wrote a letter to the *Okeechobee News* on March 31, 1993 regarding a sexual battery case involving a minor child where he was the presiding judge. The defendant in that case was found guilty of familial sexual battery (rape) and lewd and lascivious acts in the presence of a minor child. Judge Miller sentenced this defendant

to forty-five years in jail, exceeding the Florida Sentencing Guidelines which mandated a twelve-year sentence. The defendant appealed to the Fourth District Court of Appeal and the case was remanded for resentencing, with the dissenting opinion holding that the defendant should have been given a new trial. Judge Miller resentenced the defendant to twelve years in prison, and wrote about his displeasure in a letter to the editor published in the *Okeechobee News* on March 31, 1993 regarding his resentencing and stating, among other things, that he would have preferred that this man be castrated and hung by the neck.

The second charge against Judge Miller alleges that he wrote a letter to the *Okeechobee News* on September 14, 1993 inappropriately stating, among other things, that our criminal justice system no longer works.

The third charge against Judge Miller alleges that he wrote a third letter to the editor of the *Okeechobee News* on October 8, 1993 inappropriately stating, among other things, that the criminal justice system was run in a "crack-brained fashion".

The fourth charge against Judge Miller involves his handling of a child custody dispute in the Circuit Court of the Nineteenth Judicial Circuit. Judge Miller did not have jurisdiction to hear Petitions for Modification of Final Judgments for Dissolution of Marriage. This charge alleges that he held a hearing without jurisdiction, entered a permanent change of custody order without jurisdiction, and subsequently entered another order without jurisdiction and without any notice to the mother in the case.

The hearing on the four charges was held before the Commission in Okeechobee, Florida on March 1 and 2, 1994.

The Vice-Chairman, Honorable Frank N. Kaney, presided over the hearing. The twelve Commission members who were present throughout the hearing and deliberations were: Judge Frank N. Kaney, Judge Richard H. Frank, Judge Gilbert S. Goshorn, Jr., Judge Miette K. Burnstein, Judge Thomas B. Freeman, Judge Marvin H. Gillman, Rutledge R. Liles, Esq., Sam Daniels, Esq., sitting as *ad hoc* replacement for recused member Joseph J. Reiter, Esq., Nancy N. Mahon, Stanley G. Tate, Garth C. Reeves and John Robert Middlemas.

The Commission was represented by attorneys David W. Spicer and Paul M. Adams. The respondent was represented by attorney Robert Lee Dennis.

#### Findings of Fact

The Findings of Fact on the charges will be discussed in inverse order.

1. Edward A. Miller is a County Court Judge for Okeechobee County in the State of Florida. Judge Miller has served in that capacity since January, 1989. (TR 202)

2. Count IV of the Formal Charges relates to Judge Miller's conduct in a proceeding in the Okeechobee Circuit Court seeking permanent change of custody of a young girl. In this case, Judge William L. Hendry had entered a Final Judgment of Dissolution of Marriage which stated, among other things, "[j]urisdiction is retained to enforce or modify this Judgment upon proper application". The mother was given primary physical residence of

the minor daughter and the father was given visitation rights.

3. On March 22, 1989 at 9:25 a.m., the father's attorney filed a Petition for Modification of Final Judgment of Dissolution of Marriage and a Notice of Hearing in this case. (Commission Exh. 13) The petition requested a change of custody of the minor child of the parties from the mother to the father. This matter was noticed to be heard five minutes later before Judge Miller at 9:30 a.m. on March 22, 1989.

4. Judge Miller is the County Court Judge for Okeechobee County, Florida. Chief Judge Dwight L. Geiger had entered an order on December 30, 1988 which granted Judge Miller jurisdiction to hear "temporary child support and temporary child custody cases." (TR 153-155) (Commission Exh. 14)

5. The mother was served with the Petition for Modification and Notice of Hearing at 9:40 a.m. on March 22, 1989 by Deputy Lourie Schultz at her place of employment, the Country Cooler. (Commission Exh. 13) She was told by the Deputy to go straight to the courthouse because she was already late for the hearing. The mother was so upset when she received the Notice of Hearing and Petition that she called a friend who drove her to the courthouse because the mother was in a near hysterical state.

6. A hearing on March 22, 1989 was held after Judge Miller's Small Claims Court which started at 9:30 a.m. (TR 167) The individuals present at the hearing on March 22, 1989 included Judge Miller, the minor child's father, the father's lawyer, the father's mother and father, the mother and a bailiff. (TR 170) Also, the

Deputy of the Okeechobee County Sheriff's Department, who served the mother, was present although she was not subpoenaed for the hearing or called as a witness. (TR 213 & 215)

7. The mother was hysterical when she was brought to the courtroom. (TR 328) She didn't know why she was being brought to court. Judge Miller did not explain her rights to her and she never told Judge Miller she was voluntarily waiving her right to get a lawyer and have time to respond to the Petition. (TR 329) Judge Miller told the mother she was to represent herself as her attorney and he failed to advise her that she had a right by Circuit Court order to have a court reporter at the hearing. (TR 330)

8. After the hearing, Judge Miller announced he was going to order the custody of the minor child changed from the mother to the father. After this announcement, the mother told the judge he should not give custody of the child to its father and that if he was going to take the child away from her, he should give the child to the paternal grandparents. (TR 331) In his order Judge Miller awarded permanent custody of the minor child to the paternal grandparents. (Commission Exh. 13)

9. At the time Judge Miller heard the case on March 22, 1989, he had no jurisdiction to hear permanent change of custody cases under the terms of the order entered by Chief Judge Geiger. Judge Geiger's order provided that Judge Miller only had jurisdiction of temporary custody change cases. (Commission Exh. 14) Further, no explanation was offered as to why County Judge Miller sat on a

change of custody case where the final judgment of custody had been entered by Circuit Judge Hendry. Judge Henry testified he was available on that date because his trial scheduled for that week had been settled by plea and he was in his office doing "paperwork". (TR 309)

10. The basis asserted at the hearing for entering the change of custody was that an emergency existed because the mother's boyfriend was being violent with her and the minor child was in danger. However, the uncontradicted evidence showed the boyfriend had never been violent with the child. Further, the child had been staying with the paternal grandparents during the week preceding the hearing. (TR 324, 325)

11. The paternal grandmother of the minor child is a lieutenant with the Okeechobee County Sheriff's Department and runs the jail. (TR 170) Judge Miller sees her at the Okeechobee County Jail on a regular basis when she works the morning shift where first appearances are held. (TR 171)

12. The paternal grandmother denied testifying at the hearing on March 22, 1989 and stated she had no knowledge that the mother's former boyfriend had ever threatened or harmed the child nor any knowledge that he ever used a firearm to threaten the mother. (TR 268)

13. The paternal grandmother admitted that the mother was intentionally kept in the dark for at least a month before the March 22, 1989 hearing until she was served on the morning of the hearing. (TR 273 & 274) The paternal grandmother was unaware of

any facts or documented evidence that constituted an emergency which required Judge Miller to change custody of the child to her on March 22, 1989. (TR 274)

14. The mother was previously married to the father. (TR 322) The paternal grandmother took the mother to register to vote and further told the mother to vote for Judge Miller. (TR 322) The mother testified that her boyfriend never threatened, harmed or acted violently toward the child and that the child had been staying with the paternal grandparents for the week of March 22, 1989. (TR 324 & 325) The mother testified that nothing occurred on March 22, 1989 that would have placed the child in any immediate danger. (TR 326)

15. Judge Miller entered an Order on March 22, 1989 which did not state this matter came before him on a Petition for Temporary Modification or Temporary Motion and the Order did not state any emergency situation existed. (TR 179 & 180) Judge Miller testified that there was not a "scrap" of documentary evidence submitted during the hearing that the child was in any immediate danger. (TR 173) At the conclusion of the hearing, Judge Miller entered an Order changing the primary physical residence of the child to the paternal grandparents. Judge Miller did not have jurisdiction to hear permanent physical custody matters or to enter an order permanently changing primary physical residence of a minor, but only had jurisdiction to hear temporary custody matters. (Commission Exh. 13)

16. Judge Miller testified that there was no written Motion

for Temporary Relief in the file. (TR 183) Judge Miller did not know whether or not the father's lawyer made an *ore tenus* motion at the hearing on the Petition for Modification. (TR 182-183) Judge Miller made hand-written notes during the hearing on March 22, 1989. (TR 187) Judge Miller's notes neither reflect any *ore tenus* motion for temporary relief nor any emergency that occurred within one or two days of the hearing. (TR 197-198)

17. Approximately one month after the hearing on March 22, 1989, Circuit Court Judge Hendry's judicial assistant called Judge Miller's judicial assistant, Martha Hayes, and asked her why Judge Miller had held the hearing on March 22, 1989 in that he did not have jurisdiction. Martha Hayes was unaware that this hearing had been held. (TR 255-257)

18. On April 21, 1989, Judge Miller entered an Amended Order titled "Amended Order Granting Temporary Relief" in the case. (Commission Exh. 13) The order reads, in part, "THIS CAUSE having come before the Court on the **former husband's motion for temporary relief** on the Petition for Modification of Final Judgment of Dissolution of Marriage, **and the Court having heard argument of same** and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED". (Emphasis added.) The father's lawyer brought Judge Miller the Amended Order and Judge Miller entered the Order without the mother being present or having any notice that the original Order was being amended. (TR 181 & 182)

19. Judge Hendry testified, and the Commission finds, that he was assigned to hear all family relations cases, except that Judge



Miller could hear matters for temporary relief. (TR 309) Judge Hendry had previously entered an order which required all contested family relations matters to have a court report present so there would be a record on appeal. (TR 311) Judge Hendry would not hear a Petition for Modification which was filed at 9:25 a.m. and set for a hearing at 9:30 a.m. unless there was a drastic emergency. (TR 316 & 317) The week of March 20-24, 1989, Judge Hendry scheduled a criminal case which had been settled and he was available to hear the Petition for Modification. (TR 318) When supplemental proceedings occur in a divorce case, normally the attorney of record would be served with a Petition for Modification. (TR 319)

20. In retrospect, Judge Miller felt he could have handled the case "a whole lot better", but still felt he had not done anything wrong by hearing the matter. (TR 374) The hearing on March 22, 1989 was not Judge Miller's first domestic relations case. (TR 380)

21. Judge Miller testified that in criminal matters over which he presides, he will discuss the case with individuals who are involved, and in those situations the State Attorney is neither present nor given notice regarding the meeting. (TR 440) Judge Miller did not feel any impropriety in holding these meetings. (TR 438)

22. On October 6, 1993, Judge Miller wrote a letter to Katrina Elsken at the *Okeechobee News* which was published on October 8, 1993. (TR 78) (Commission Exh. 4) In that letter Judge Miller

said, "in a recent letter to the editor, I stated that our criminal justice system no longer works and is in desperate need of a major overhaul." (TR 79) Judge Miller feels there is a growing disrespect for the criminal justice system which is deserved. (TR 80)

23. Judge Miller previously wrote a letter to the *Okeechobee News* on September 14, 1993. (TR 74) (Commission Exh. 3) His letter was a cry to change the laws and he further believes that if more judges speak out and inform the public of what is wrong with the laws, our state would have a sensible change in the laws which would stop the crime problem. (TR 74 & 76)

24. Judge Miller presided over a case in which the defendant was convicted of familial sexual battery upon his daughter and lewd and lascivious acts in the presence of a minor. Judge Miller sentenced the defendant to forty-five years in prison and the defendant appealed. (TR 32) The Fourth District Court of Appeal reversed the forty-five-year sentence and remanded the case to Judge Miller for sentencing in accordance with the sentencing guidelines. The criticism of a dissenting opinion was that Judge Miller did not allow the defendant an opportunity to put on a meaningful defense because of rulings excluding evidence and the allowance of hearsay evidence.

25. On remand, Judge Miller sentenced the defendant to twelve years in prison. (TR 33)

26. Judge Miller wrote a letter dated March 25, 1993 to the *Okeechobee News* editor, Katrina Elsen. (Commission Exh. 2) (TR 34)

Judge Miller wrote his March 25, 1993 letter primarily because he was upset and angry when the Fourth District Court of Appeal reversed his forty-five-year sentence. (TR 33 and 38)

27. Judge Miller's letter was written on court stationery and he signed it as County Judge. (TR 34) Judge Miller identified the defendant twelve times in his March 25th letter and Judge Miller did not give any thought to what might happen to the defendant or his daughter by identifying them by name in the newspaper. (TR 36 & 37) Judge Miller was not concerned that when the defendant went to prison someone may have read the letter in the newspaper and thought it placed a stamp of approval on the mutilating and killing of the defendant in prison. (TR 42) Judge Miller could wash his hands if the defendant was castrated and killed in prison. (TR 42)

28. Judge Miller's letter of March 25, 1993 was published in the *Okeechobee News* on March 31, 1993 with the only change being that the name of the defendant was removed at the editor's request to protect the identity of the minor child. (TR 34) The letter stated, among other things, "And so the reason for my feelings of shame and embarrassment. Yesterday, March 24, 1993, I resentenced this man to a total of 12 years in prison, when I felt, in truth and fact, that he should more properly be castrated and hung by the neck. He will serve about two thirds of that sentence, so perhaps eight years for his crimes and probably not that. I obeyed the laws, as I am bound to do. But I left the Constitution and the Bill of Rights lying in tatters on the floor of my courtroom. I am not ashamed to say that I wept when I sentenced this man." (TR 39-

40) Judge Miller believes this was a very, very strong letter. (TR 53) Judge Miller testified that in retrospect, he may have gone too far in writing that paragraph. (TR 40)

29. Judge Miller wrote his letter knowing that the citizens of Okeechobee County would give his letter more credence because he was a judge. (TR 51) He knew when he forwarded his March letter to the editor that it would be published. (TR 52-53) Judge Miller believes our laws have become an object of disrespect and he was ashamed and embarrassed by having to enforce the sentencing guidelines. (TR 54 & 117)

30. Judge Miller neither wrote any legislative committee nor any legislator regarding changing the sentencing guidelines prior to writing his March, 1993 letter. (TR 56) He testified that the legislative process does not work unless enough people write their legislators for change, and further felt he could not change the sentencing guidelines by himself. (TR 59)

31. Judge Miller does not believe his March 25 letter generated disrespect for the judiciary but in fact he testified it enhanced the reputation of the judiciary. (TR 70) He did not concede that his letter regarding the defendant invited any Motions for Recusal in subsequent criminal cases involving rape. (TR 71)

32. Judge Miller believes that Canon 4A of the Florida Code of Judicial Conduct authorized him to write the March 25, September 14 and October 8, 1993 letters. (TR 92) Judge Miller did not involve himself in either The Florida Bar or the Judicial Conference of County Court Judges in attempting to change the laws

because he has found them not to be very successful. (TR 101)

33. Judge Miller knew before he sent them that his letters to the editor would be published. (TR 52, 53)

#### CONCLUSIONS OF LAW

Canon 1 of the Code of Judicial Conduct provides:

##### Canon 1

#### **A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY**

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

##### Canon 2

#### **A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES**

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow his personal relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interests of others; nor should he convey or authorize others to convey the impression that they are in a special position to influence him. He should not testify as a character witness.

##### Canon 3

#### **A JUDGE SHOULD PERFORM THE DUTIES OF HIS OFFICE IMPARTIALLY AND DILIGENTLY**

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties,

the following standards apply:

**A. Adjudicative Responsibilities**

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding. A judge, however, may obtain the advice of a disinterested expert on the law applicable to a proceeding before him if he gives notice to the parties of the person consulted and the substance of the advice, and affords to parties reasonable opportunity to respond.

Canon 4

**A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW,  
THE LEGAL SYSTEM, AND THE ADMINISTRATION  
OF JUSTICE**

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach and participate in other activities concerning the law, the legal system, and the administration of justice.

The Florida Constitution  
Article V, Section 12

(f) Upon recommendation of two-thirds of the members of the judicial qualifications Commission, the supreme court may order that a justice or judge be disciplined by appropriate reprimand, or be removed from office with termination of compensation for willful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of his duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the commission, the supreme court may suspend

the justice or judge from office, with or without compensation, pending final determination of the inquiry.

A Judge should observe the high standards of conduct in order to maintain the integrity and independence of the judiciary. The court must consider the act or wrong itself when determining whether a judge has conducted himself in a manner which erodes public confidence in the judiciary. In re LaMotte, 341 So.2d 513, 518 (Fla.1977). The degree of proof required to discipline a judge is "clear and convincing" proof. Id. at 516.

It is of utmost importance to the integrity and independence of the judiciary that a judge act impartially and avoid any appearance of impropriety. In re Gridley, 417 So.2d 950, 954 (Fla. 1982). In the appropriate forum a judge can express his criticisms of the present law so long as he does not appear to substitute his concept of what the law ought to be for what the law actually is, and provided the judge's expressions promote public confidence in his integrity and impartiality. Id. at 954. In In re Kelly, 238 So.2d 565, 569 (Fla.1970), the Court stated:

There are many authorized methods of protest, dissent and criticism within the framework of the judiciary, such as the preparation of the dissenting opinions, petitions to the Supreme Court for changes in the rules of procedure, submission of suggested changes to various committees of The Florida Bar, participating in the various legal seminars conducted by the Committee on Legal Education, or taking an active part in the state and local conferences of judges.

However, the Florida Supreme Court in In re Gridley held that "we caution judges against indiscriminately voicing their objections to the law least they be misunderstood by the public as being unwilling to enforce the law as written, thereby undermining

public confidence in the integrity and impartiality of the judiciary". Id. at 954.

"A judge should accord every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law, and except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding." Code of Judicial Conduct Canon 3A(4) (1993). This Canon implements a fundamental requirement for all judicial proceedings under our form of government. In re Clayton, 504 So.2d 394, 395 (Fla. 1987). The clear intent of Canon 3A(4) was to exclude all ex parte communications except when they are expressly authorized by statute. Id. at 395. When a judge continuously acts in a manner to undermine the public's confidence in the dignity, integrity and impartiality of the judiciary, drastic remedial action, including removal from the bench, is required. In re Trettis, 577 So.2d 1312 (Fla.1991).

The Commission finds Judge Miller not guilty of violating the Canons of the Code of Judicial Conduct alleged in Count II of the Formal Charges. The Commission finds by an affirmative vote of not less than nine members that Judge Miller violated the Canons of the Code of Judicial Conduct alleged in Counts I and III of the Formal Charges in writing the letters referred to in those charges to the *Okeechobee News*. These two letters to the editor reasonably called into question the impartiality of Judge Miller to try criminal cases. If writing these letters were the only charges against Judge Miller, the Commission would recommend a public reprimand,



but his conduct in the change of custody matter is clear and convincing evidence of Judge Miller's present unfitness to hold judicial office.

In the change of custody case, clear and convincing evidence shows, and the Commission finds by an affirmative vote of not less than nine members, that the mother was not given adequate notice or an opportunity to be heard. She was forced to a hearing in a near hysterical state and was denied the opportunity to obtain a lawyer. She was likewise given no notice or opportunity to be heard on the amended order which was entered more than 30 days after the first order. Even if Judge Miller had had jurisdiction in the first instance, he would not have had jurisdiction more than 30 days later to enter the second order amending the first final judgment. In acting as he did in this case, the Commission finds, by an affirmative vote of not less than nine members, and by clear and convincing evidence, that Judge Miller violated Canons 1, 2 and 3 of the Code of Judicial Conduct.

The Commission finds, by an affirmative vote of not less than nine members, that by his conduct in the change of custody matter, Judge Miller has demonstrated a present unfitness to hold office. The handling of these proceedings involved the total denial of procedural due process rights to the mother and her minor child. For reasons unknown, County Judge Miller assumed Circuit Court jurisdiction which he did not have and set a hearing on the petition for change of custody within five minutes after the petition was filed. No reasonable notice or opportunity to be

heard was given to the mother. She was not afforded the opportunity to secure an attorney, her attorney of record in the original dissolution proceedings was not served, and the mother was forced to go to a hearing on a petition for modification without counsel and in a near hysterical state.

County Judge Miller had no jurisdiction to enter a permanent custody change because of an emergency. After the March 22 order was entered, Judge Hendry's judicial assistant called Judge Miller's judicial assistant and inquired as to Judge Miller's authority to enter the order in question. On April 24, 1989, Judge Miller then had the father's lawyer prepare an amended order entitled "Amended Order Granting Temporary Relief". This order was entered without a hearing and without prior notice to anyone other than the lawyer who prepared it. Like the March 22 order, this amended order was served on the mother with no copy to her counsel of record in the 1987 dissolution proceedings. As a result of Judge Miller's wrongful actions, the mother did not get her daughter back for over one year.

#### RECOMMENDATION

By an affirmative vote of not less than nine members, the Florida Judicial Qualifications Commission recommends that the Supreme Court of Florida remove Edward A. Miller from his position as County Judge for Okeechobee County for his conduct and enter its order and judgment in accordance with the foregoing recommendation as herein above found to have occurred.

Dated this 8<sup>th</sup> day of April, 1994.

Respectfully submitted,

FLORIDA JUDICIAL QUALIFICATIONS  
COMMISSION

by: Frank N. Kaney

Frank N. Kaney, Vice-Chairman  
Florida Judicial Qualifications  
Commission  
Room 102 The Historic Capitol  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by Overnight Mail to Robert Lee Dennis, Esq., Counsel to the Respondent, 2224 S.W. 19th Lane, Okeechobee, FL 34974, and to David W. Spicer, Esq., Special Counsel to the Florida Judicial Qualifications Commission, Bobo, Spicer, Ciotoli, Fulford, Bocchino, DeBevoise & LeClainche, P.A., Esperante, Sixth Floor, 222 Lakeview Avenue, West Palm Beach, FL 33401, this 14<sup>th</sup> day of April, 1994.

Ford L. Thompson

Ford L. Thompson, General Counsel