



Office of the State Courts Administrator

Janice M. Fleischer, J.D., Director
Florida Dispute Resolution Center
(850) 921-2910 • 922-9290 (fax)
fleischerj@flcourts.org

October 23, 2015

By Certified Mail, Return Receipt Requested and by Regular Mail

Frank Kaney

Re: MQB 2015-008

Dear Mr. Kaney,

The Mediator Qualifications Board Grievance Complaint Committee (GCC) assigned to your case met on October 16, 2015 pursuant to rule 10.810, Florida Rules for Certified and Court-Appointed Mediators. At that time, the GCC considered the complaint, the letter from your attorney and your response. As a result of their review, including the flat denial by your attorney; his statement admitting you, in fact, did question the language capacity of the complainant after having been told the complainant could speak no English, that her attorney would be interpreting for her combined with your statements which were not responsive to the complaints made against you, the GCC has asked me to inform you that they are prepared to make a finding of probable cause and thereafter issue formal charges of your having violated the following Rules of the Florida Rules for Certified and Court Appointed Mediators:

- 10.300 Mediator's Responsibility to the Parties
- 10.330 Impartiality
- 10.350 Demeanor
- 10.620 Integrity and Impartiality

However, prior to drafting formal charges, the GCC is prepared to offer you sanctions as detailed below.

The mediator agrees to the following:

- 1) Completing four (4) hours of additional Continuing Mediator Credits (CME):
 - a) You shall complete an additional four (4) hours of CME credits specifically on the subjects

of demeanor (2 hours) and diversity (2 hours).

- b) These additional hours may not be counted toward the required 16 hours of CME for maintaining your mediator certification. These additional hours must consist of at least two (2) separate lectures on the subjects designated.
 - c) All CME must be pre-approved by the Dispute Resolution Center Director. In order to obtain approval, you must write the Director providing a list of the courses you intend to attend/listen to/watch. The Director will respond to this request with approval or denial of the courses. Any course not pre-approved will not count toward your four hours.
- 2) Rules and Mediator Ethics Advisory Committee (MEAC) Opinions

You will read and review all the rules listed above; you will then find all the MEAC Opinions in which those rules are listed and read and review them for further guidance.

- 3) Reflective Statement

After the completion of the above requirements, you will submit a reflective report of no less than three full pages in length on what you learned from the educational materials utilized; what you learned about your current practices by reading the MEAC opinions; and how you intend to change your current practices and procedures in the future.

- 4) Completion date:

You are to accomplish the sanctions set forth above within six months of your signing this agreement. You will provide documentation to the Dispute Resolution Center of your completion of the sanctions in writing, sworn and notarized, with appropriate additional information. The notice providing documentation shall be sent by Certified Mail, Return Receipt Requested to the Dispute Resolution Center, attention: Director.

- 5) Mediating

- a) During the time you are completing these sanctions, you may continue to mediate; however, you shall not mediate any cases unless all parties speak fluent English and no language comprehension assistance is required.
- b) Any default of this agreement will result in the GCC submitting formal charges against you to a Hearing Panel.

If you choose to accept the sanctions, your acceptance must be indicated by your

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signature and sworn statement below within 15 days of receipt of this letter to: Dispute Resolution Center, Florida Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399-1900 by certified mail/return receipt requested.

If we do not hear from you or you decide not to accept the sanctions within the same time frame of acceptance and in the same mailing method (certified), the GCC will draft formal charges and forward this matter to the Dispute Resolution Center for assignment to a Hearing Panel pursuant to Rule 10.810(m).

If the GCC does not receive your response within fifteen (15) days, the GCC will treat your failure to respond as a rejection of the offer and proceed accordingly. Please be advised that by accepting these Sanctions, you waive your right to attorney's fees and costs from the complainant or the DRC in this matter.

If you need procedural assistance, please contact our office at 850-921-2910.

On behalf of the MQB GCC,

Janice M. Fleischer
Janice M. Fleischer, Director

CONSENT TO SANCTIONS

By my sworn signature and notarization below, I, FRANK KANEY, (FRANK KANEY), indicate my acceptance of the Sanctions offered and will begin immediately to complete the requirements outlined above.

Frank Kaney
Signature of Mediator

State of Florida
County of Osceola

Sworn to and subscribed before me this 27th day of October, 2015

Sarah Diane Barnes
(Signature of Notary Public)

(Stamp or Seal of Commissioned Notary Public)



SARAH DIANE BARNES
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE866812
Expires 2/18/2017

Personally known or Produced ID Type of ID