

CONCURRING AND DISSENTING OPINION

I concur in the result and in the sanction reached by the majority. However, I respectfully dissent from the majority's holding that Judge Anderson violated the Code of Conduct by not disclosing the Cadillac payments on his public disclosure filings.

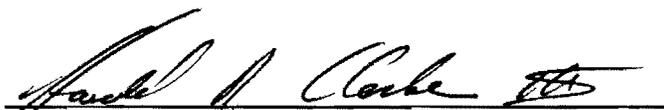
The majority has found the Cadillac payments to be compensation. This finding necessitates a further finding that the payments were not disclosed as compensation in public disclosure filings.

I cannot find, by the requisite proof, that the payments were compensation. While questions exist regarding these payments, the appropriate characterization is that of a gift. Having found these payments to be a gift, I do not find a reporting violation by Judge Anderson in his PDC filings.

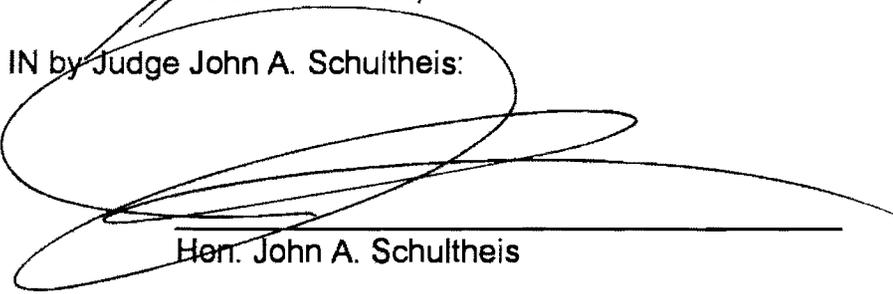
I realize there is some concern over how gifts are to be disclosed on PDC filings. However, the question of the requirements of the Canons as to the reporting of gifts is not before this Commission in this matter. Therefore, I will leave that topic to another day.

Regardless of how the Cadillac payments are characterized, these payments have the appearance of impropriety under the circumstances of this case. Therefore, while I respectfully dissent on the issue of the characterization of the payments, I concur in the order of censure with the recommendation for suspension.

RESPECTFULLY SUBMITTED this 3rd day of April, 1998.


Harold D. Clarke, III

CONCURRED IN by Judge John A. Schultheis:


Hon. John A. Schultheis