

August 31, 2021

The Honorable Phil Archer
Office of State Attorney
2725 Judge Fran Jamieson Way
Building D
Melbourne, FL 32940

Dear State Attorney Archer,

I hereby request that the State Attorney's Office for the 18th Judicial Circuit investigate State Representative Randy Fine for violating Florida Statute by engaging in political campaigning while acting in his official capacity. In short, I believe Representative Fine may be criminally using his office for political gain.

On August 31, 2021 during a publicly broadcasted Facebook live interview with Space Coast Daily TV from inside his local State Legislative Office in Palm Bay, along with the official Florida House of Representatives Seal behind him, Representative Fine began to shamelessly and brazenly engage in political campaigning, even after acknowledging he should not do so. His own words speak to his willful disregard for the law.

 **State Representative Randy Fine** ✓
4h · ⚙️

Enjoyed being live with [Space Coast Daily](#) this morning!



Space Coast Daily was live — in Palm Bay, Florida.
5h · 🌐

WATCH: Representative Randy Fine provides an update on Covid in Brevard, Brevard Public schools mask mandate and more. www.SpaceCoastDaily.com

During the interview in his tax-payer funded office, conducted by Giles Malone, who has an ownership stake in Space Coast Daily (Maverick Media, LLC), Representative Fine spoke at length about various official business topics, and the upcoming legislative session, and bills he intends to file. Giles Malone then asked him about how his campaign was going. Representative Fine responded with, "Well I normally wouldn't talk about this in my legislative office, but you're a reporter so I guess you can ask me whatever you want."

It is true that a reporter may ask a state employee whatever they want however, that is not a get out of jail free card to then proceed to break whatever law you want. Regardless of what questions Representative Fine is asked, he is still beholden to the laws and the constitution he has sworn to uphold.

Representative Fine then goes on to speak about his most recent fundraising event, and the amount of money he raised from it; more than \$30,000 according to him. He then says "Certainly, if folks would like to help me, I don't want to share how to do that here..." (he then immediately shares "how to do that" by saying) "go to my campaign Facebook page, they can certainly find the link in order to help."

Besides this egregious solicitation of campaign donations from inside his legislative office, after acknowledging he should not do so, he then goes on to speak about his campaign for another 30 seconds during the broadcast. As of the writing of this complaint, the video has over 5,800 views, 5 hours after its production.

Also concerning are the words that Representative Fine used in declaring that these acts are indeed illegal, and he knows that they are. He stated "normally" he doesn't talk about these things in his office. One would think that someone sworn to uphold the law would definitively state that they do not break it. Representative Fine just stated he doesn't normally do so, implying that maybe he just does so on occasion such as today. Representative Fine then shared the interview to what he calls his "campaign Facebook page."

The interview can be watched here with the pertinent part starting at the 23 minute timestamp:

<https://www.facebook.com/SpaceCoastDaily/videos/560461208601798/>

According to his own campaign finance reports, Representative Fine pays Space Coast Daily/Maverick Media for campaign advertising. Space Coast Daily's advertising packages include favorable pay-for-play articles in their publications, and various promotional campaign videos which this appears to be part of by the host directly asking him to speak about his campaign, and Representative Fine explaining to viewers how to support his campaign.

Fla. Stat. Sec. 104.31(2) states that

An employee of the state or any political subdivision may not participate in any political campaign for an elective office while on duty. If found guilty, this is criminal conduct punishable by up to a year in jail and a \$1,000 fine.



Florida Department of State
Division of Elections

Campaign Expenditures

2022 General Election
Randy Fine (REP)
State Representative

This information is being provided as a convenience to the public, has been processed by the Division of Elections and should be cross referenced with the original report on file with the Division of Elections in case of questions.
[About the Campaign Finance Data Base](#)

Rpt Yr	Rpt Type	Date	Amount	Expense Paid To	Address	City State Zip	Purpose
		06/08/2021	1,595.00	MAVERICK MULTIMEDIA	750 AVOCADO DR.	MERRITT ISLAND, FL 32953	MEDIA SERVICE
2021	M	06/08/2021	2,000.00	MOMS FOR LIBERTY	981 E. EAU GALLIE BLVD, STE E BO	MELBOURNE, FL 32937	EVENT SPONSORSHIP
2021	M6	06/30/2021	19.80	ANEDOT	555 HILTON AVE., SUITE 106	BATON ROUGE, LA 70808	PROCESSING FEES
			3,614.80				

3 Expenditure(s) Selected

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)

Fla. Stat. Sec. 106.15(4) states that

No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity.

Any person violating the provisions of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

In July of 2018, Representative Fine filed a similar complaint against Brevard County Commissioner Curt Smith for allegations of the same behavior but to a far lesser extent that alleged that Curt Smith was campaigning by thanking his supporters of his campaign during a official meeting. Space Coast Daily also published an article about this complaint at the time located here.

<https://spacecoastdaily.com/2018/07/rep-randy-fine-calls-for-state-attorney-to-investigate-brevard-commissioner-curt-smith/>

After requesting an investigation by your office into Curt Smith, Representative Fine went on to request then Governor Rick Scott appoint a special prosecutor to investigate the matter further.

Another publication, Florida Politics, that Representative Fine pays for political advertising, published an article about his request to Governor Scott. He is quoted in the article stating "there is an avalanche of corruption at the county level" and "This kind of

blatant misuse of office reinforces the culture of corruption that pervades Brevard County.”

That article is available here:

<https://floridapolitics.com/archives/270233-randy-fine-alleges-local-commissioner-campaigned-from-the-dais/>

Brevard County itself has disciplined rank-and-file employees for engaging in political activities while on duty, and local politicians like Randy Fine must be held to the same standard. Regardless of one’s political views, no taxpayer should be forced to subsidize a political campaign.

Finally, in the beginning minutes of Representative Fine’s campaign video this morning he states, “You don’t get to decide what laws you are and aren’t going to obey...” We the people agree.

As such, I respectfully request that the State Attorney’s Office for the 18th Judicial Circuit open a criminal investigation into the conduct of Randy Fine during the campaign interview he held in his legislative office, during business hours, with the Florida House of Representative’s Seal, shared to his “campaign Facebook page,” and conducted by an advertising agency he pays to politically campaign for him.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert Burns" with a stylized flourish at the end.

Robert Burns