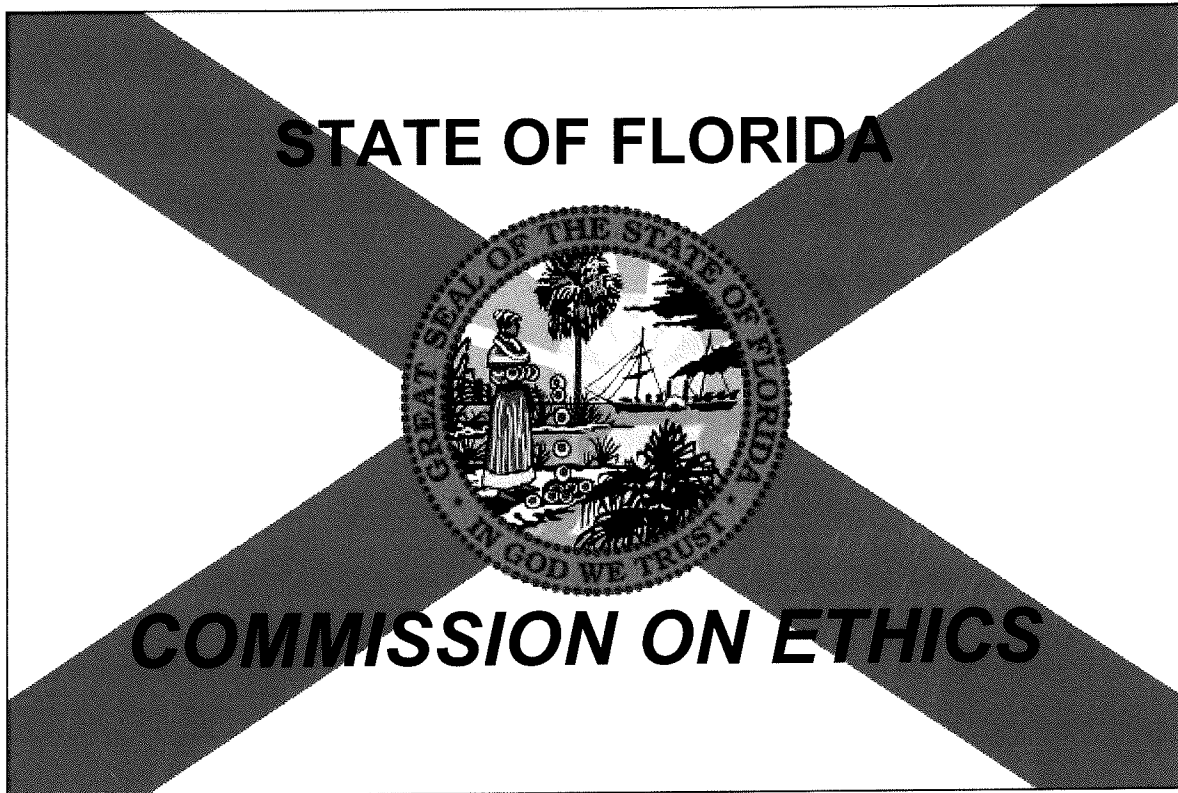


REPORT OF INVESTIGATION



Complaint Number 22-079

NOTICE CONCERNING CONFIDENTIALITY

This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter. *See Section 112.3215, Florida Statutes, regarding executive branch lobbying matters and confidentiality.

STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

REPORT OF INVESTIGATION

TITLE: RANDALL FINE
Florida House Representative
Melbourne Beach, Florida

COMPLAINT NO.: 22-079
Exhibits A through E

INVESTIGATED BY: *John D. Cizmadia*
John D. Cizmadia

Distribution: Commission on Ethics
Respondent
Advocate
File

Releasing Authority: *Kerrie J. Stillman*
Kerrie J. Stillman
Executive Director
March 6, 2023
Date

* * * *

**REPORT OF INVESTIGATION
COMPLAINT NO 22-079**

(1) The complaint in the matter was filed by Jennifer Jenkins of Satellite Beach, Florida, who alleges that Florida House Representative Randall Fine violated the Code of Ethics for Public Officers and Employees.

(2) The complaint alleges that the Respondent "encouraged" a City Councilmember for the City of West Melbourne to write a social media post critical of both the Complainant—a member of the School Board for Brevard County—and her participation in a City-sponsored fundraiser for the Special Olympics. The complaint indicates the Respondent may have implied to the City Councilmember, prior to and/or immediately following the posting, that legislative funding for City projects could be affected by the Complainant's participation in the event. The complaint also alleges the Respondent left comments concerning the Complainant on the Councilmember's social media post that were disparaging and false, including a link to a website containing false allegations about the Complainant. The complaint indicates that the Respondent may have informed the City Councilmember, as well as the Mayor of West Melbourne that he would act to veto or reduce legislative funding for a City project and/or the Special Olympics due to the Complainant's participation in the City fundraiser. The complaint next alleges the Respondent failed to respond to a public records request asking for communications between himself and the City Councilmember, as well as for communications between himself and the Mayor of Melbourne. The complaint claims responsive records existed, as the City of West Melbourne turned over records in response to a similar request that had been separately made. The complaint also alleges, regarding the request to the City of West Melbourne, that the Respondent told a City Councilmember not to take the City Attorney's advice to release the records and indicated the City Attorney should be fired for providing such advice. Lastly, the complaint alleges that the Respondent hired a private investigator to surveil the Complainant and the Respondent then posted false information from the investigator's findings to a website.

(3) The Executive Director of the Commission on Ethics noted that, based upon the information provided in the complaint, the above-referenced allegations were sufficient to warrant a preliminary investigation to determine whether the Respondent's actions violated Article II, Section 8(h)(2), Florida Constitution (Disproportionate Benefit), and Section 112.313(6), Florida Statutes (Misuse of Public Position).

Background

(4) On April 5, 2022, the Complainant, a Brevard County Public School Board Member representing District Three, received an invitation from the West Melbourne Police Department requesting her attendance and participation at their annual fundraiser, Cops on the Coop. The West Melbourne-sponsored event was held on April 22, 2022. All proceeds from the event were donated to the Florida Special Olympics (Exhibit A).

(5) On April 13, 2022, the Complainant accepted the invitation through her official Brevard County Public School Board email. Each of the participants was expected to remain on the roof of a local Chick-fil-A restaurant until sufficient "bail money" donations were collected. The Complainant explained that all of the participants were asked to take a "mug shot" photograph, wear a mock jail uniform, and be encouraged to raise funds for their "bail" (Exhibit B).

(6) On April 15, 2022, the Complainant said, she posted her "mug shot" photograph on her official Brevard County Public School Board Facebook page with a link for donations (page 5 of the complaint). Shortly after she made known her decision to participate, the Complainant said, West Melbourne City Council Member John Dittmore became outraged about the Complainant participating in the event and commented on his personal Facebook page by posting an apology to the Respondent, Florida House Representative Randall Fine, and to Florida Attorney General Ashley Moody (page 6 of the complaint).

(7) The Complainant reported she believed the Respondent encouraged Councilmember Dittmore to initiate the written response that he posted on Facebook following a conversation that they had about her participation in the event. The Complainant, believing Councilmember Dittmore communicated with the Respondent, said she submitted a public records request for Councilmember Dittmore's cellular telephone call log for the date range of April 14, 2022, through April 18, 2022, but Councilmember Dittmore declined to provide the requested information. According to the Complainant, Councilmember Dittmore admitted, through email communication with then-West Melbourne City Attorney Morris Richardson, and with local media, that he communicated by telephone with the Respondent regarding the event, and he acknowledged deleting his call log for the dates that she requested (page 7 of the complaint).

(8) The Complainant said she believes Councilmember Dittmore allowed the Respondent to post slanderous comments on Councilmember Dittmore's personal Facebook page. In particular, she claims the Respondent wrote on the page, "Remember, she [Complainant] is having an affair with Robert Burns, a well-documented rapist. She's clearly not all there." The Complainant said the Respondent's accusations were false and related to information published on the "brevardburns.com" website, a website she suspects was facilitated by the Respondent and the City of Melbourne Mayor Paul Alfrey (pages 8 and 9 of the complaint). According to the Complainant, Councilmember Dittmore admitted to then-West Melbourne City Attorney Richardson that he knew of the slanderous website, and the accusations, and that the Respondent and Mayor Alfrey hired Private Investigator Nicholas Sandberg to follow her (Complainant) and her friend, Mr. Robert Burns. The Complainant said Councilmember Dittmore ultimately froze the comments on the subject's Facebook post, but still allowed the comments, including the Respondent's, to remain and be viewed.

(9) On April 18, 2022, the Complainant said she spoke with then-City Attorney Richardson, who informed her that Councilmember Dittmore had contacted him with concerns about state funding for the West Melbourne Westbrooke Storm Water Reduction Project as well as concerns about the Respondent's displeasure with her involvement in the charity event. After their telephone conversation ended, the Complainant said, she submitted

the aforementioned public records request to the City of West Melbourne, requesting all of Councilmember Dittmore's communications, including Facebook Messenger communications, text messages, cellular phone logs, and emails to and from the Respondent between the dates of April 14, 2022, and April 18, 2022.

(10) On April 22, 2022, the Complainant reported the City of West Melbourne sent her the text message communications between Councilmember Dittmore and the Respondent responsive to her request. The Complainant said the exchange of text messages occurred on April 16, 2022, the day after Councilmember Dittmore apologized on his personal Facebook page for the Complainant's participation in the event (pages 10 and 11 of the complaint). According to the text messages provided to the Complainant, on April 16, 2022, at 10:29 am, the Respondent messaged Councilmember Dittmore, "Thanks for taking care of it. Jenkins just put your project and Special Olympics funding on the veto list." The Complainant said that, prior to her receiving the text messages from the City of West Melbourne, she recalled then-City Attorney Richardson telling her that personal phone logs were not subject to a public records request and that there were no text messages prior to the aforementioned text message from the Respondent dated April 16, 2022. The Complainant said Mr. Richardson told her that Councilmember Dittmore had stated he (Dittmore) wrote the Facebook apology unprompted and that the Respondent's first comment in the text message exchange was the aforementioned text thanking him for the post. However, the day after the Facebook post, Councilmember Dittmore asked the Respondent in a text exchange, "Were you able to review the social media . . . Facebook . . . just want to make sure you have seen it. Mine . . . and hers." Although there is a limited exchange of text communications between Councilmember Dittmore and the Respondent, the Complainant said she believes this exchange shows the earlier text from April 16 referred to a separate correspondence, meaning Councilmember Dittmore, and, by extension, the Respondent, withheld public records and misled City Attorney Richardson.

(11) Throughout the text communications between Councilmember Dittmore and the Respondent, the Complainant said the Respondent referred to the City's storm-water project being subject to "veto" due to her participation in the fundraiser. Further, the Complainant said, Councilmember Dittmore offered to remove her from the event and donate the amount of money she would have earned, \$500, to Special Olympics. According to the Complainant, Councilmember Dittmore's text message to the Respondent read "If she doesn't voluntarily step away, I will bring it up Tuesday at our council meeting." (page 10 of the complaint) Councilmember Dittmore then asked the Respondent for data to support her removal, and he invited the Respondent to attend the fundraiser. It was at that point, the Complainant maintains, that the Respondent threatened the Special Olympics fundraiser and the storm-water funding by replying to Councilmember Dittmore that the "problem is their funding is now at risk too." (page 11 of the complaint) The Complainant said the Respondent encouraged Councilmember Dittmore to "cancel [the fundraiser] with an apology for wading into politics" (page 11 of the complaint) and Councilmember Dittmore blamed the West Melbourne Police Department for inviting the Complainant, calling the organizer a "low-level police supervisor." The Respondent, she stated, said, "I'm not going to jack shit [where] that whore is at." (page 11 of the complaint) The Complainant maintains the Respondent was referring to her. The Complainant said Councilmember Dittmore continued to bargain with

the Respondent because of his (Fine's) threats to cut City funding. According to the Complainant, as seen on page 12 of the complaint, Councilmember Dittmore encouraged the Respondent to attend "conditional that she is not there" and that he (Dittmore) would also invite other political allies to attend the event. The Complainant said, at that point, the Respondent stated, "Yes. I'm not doing anything involving that whore. You guys will need to raise a lot of money given that's who you want to honor, not the person who got you the money in the budget." (page 12 of the complaint)

(12) The Complainant maintains Councilmember Dittmore subsequently informed the Respondent of her public records request, and that then-City Attorney Richardson recommended that he (Dittmore) provide the text messages in response to the request. According to the Complainant, Councilmember Dittmore advised Mr. Richardson, and multiple media agencies, that the Respondent told him not to release the records and to terminate City Attorney Richardson for his advice. The Complainant said this was also reported in a local newspaper article (Exhibit C).

The Allegation that the Respondent "Encouraged" a City Councilmember to Write a Facebook Post that was Critical of the Complainant and that the Respondent may have Implied to the City Councilmember, Prior to and/or Immediately Following the Posting, that Legislative Funding for City Projects Could be Affected by the Complainant's Participation in a Fundraiser Event

(13) The Complainant acknowledged that she, and all of the Brevard County Public School Board members, received an invitation to participate in the Cops on the Coop Special Olympics fundraiser. The Complainant said she accepted the invitation and made a public announcement regarding her participation on Facebook in which she also sought donations. According to the Complainant, Councilmember Dittmore was outraged by her participation and he responded on his personal Facebook page with an apology for her involvement. The Complainant said she was not familiar with Councilmember Dittmore at that time, and she was not aware of the Facebook post until later when it was brought to her attention. At first, the Complainant said, she did not understand why Councilmember Dittmore posted an apology to the Respondent and Attorney General Ashley Moody. (page 6 of the complaint) She said it later became clear to her that she (Complainant) was being targeted for her political views and was being singled out for planning to participate in the event. According to the Complainant, her social media posts generate many comments and she does not have time to read them all. Some of the comments, those that she considers "gross stuff," she "hides" from the public because they are "offensive and obscene." The Complainant said her Facebook followers commented on her announcement to participate in the event and acknowledged some mocked the Respondent. According to the Complainant, she accepted the invitation to participate in the fundraiser intentionally due to prior mocking and harassment that she has endured from the Respondent.

(14) The Complainant said she "knowingly" agreed to participate in the fundraiser with the intent to raise money for Special Olympics due to her political differences and prior dealings with the Respondent. In particular, the Complainant stated she decided to participate because it would allow her to be viewed in a mug shot photograph wearing a jail uniform. The

Complainant said she believed that since the Respondent made public statements saying "Jail Jenkins," she believed it would be "hilarious" to use the opportunity to mock the Respondent, and, in doing so, to also raise funds for the Special Olympics. Within 48 hours of announcing her participation, the Complainant noted, she raised approximately \$2,000. The Complainant stated "It [her participation] was not illegal. It was not unethical and I don't really care. It was kinda taking the bait and switch for the terrible things he's [Fine] done to me, and, using it for the good." The Complainant speculated that the Respondent was angry about her involvement and suspected that he (the Respondent) "called his buddy" (Councilmember Dittmore) and "encouraged" him to write the Facebook post (page 6 of the complaint). However, the Complainant acknowledged she has no evidence to support her suspicions that the Respondent encouraged Councilmember Dittmore to initiate the Facebook apology that Councilmember Dittmore posted on his personal Facebook page, and also noted she has never been harassed by Councilmember Dittmore.

(15) Shortly after posting about her participation in the fundraiser on Facebook, the Complainant said, she received a telephone call from then-West Melbourne City Attorney Richardson. According to the Complainant, Mr. Richardson encouraged her to reconsider participating in the fundraiser because it could possibly jeopardize funding for the City from the State. In order to try to control the Respondent and Councilmember Dittmore's behavior, the Complainant said, she believed Mr. Richardson was asking her not to participate in the event and basically telling her to "turn it down and tone it down." The Complainant confirmed she ultimately participated in the event, the fundraiser was successful, and the Respondent was not present. The Complainant also noted Councilmember Dittmore was present and there were no conversations or issues between them.

(16) Councilmember Dittmore stated that approximately one week prior to the fundraiser, he observed a Facebook post indicating the West Melbourne Police Department had invited the Complainant to participate in the fundraiser, and that she had accepted their invitation. Councilmember Dittmore said he questioned himself why the Complainant was invited, since she did not represent the School District in the West Melbourne area, and she and the Respondent, whose legislative district does cover the area, are political adversaries. Thereafter, Councilmember Dittmore said he contacted then-City Attorney Richardson about the Complainant's participation, and Mr. Richardson advised him that the event was open to all public officials, including members of the West Melbourne City Council and the Brevard County Public School Board.

(17) Councilmember Dittmore said that once the Complainant publicized the event on Facebook, her supporters used the forum to mock the Respondent. According to Councilmember Dittmore, the Respondent has been instrumental in supporting the City and City projects, and, with the Complainant's participation in the event, he was concerned it could jeopardize pending State funding for the Westbrooke Community Storm Water Reduction Project. Councilmember Dittmore, anticipating such issues, acknowledged he authored a Facebook post on his private Facebook page apologizing to the Respondent. The following day, Councilmember Dittmore said he received a text message from the Respondent who wrote, "Thanks for taking care of it. Jenkins just put your project and Special Olympics funding on the veto list." (page 10 of the complaint) According to Councilmember Dittmore,

the Respondent was upset, and comments posted by others to his (Dittmore's) Facebook post became increasingly more political and focused on personal attacks rather than the fundraiser itself.

(18) Councilmember Dittmore, who explained he was not aware of the mechanics required to delete a Facebook post at that time, said he attempted to stop any further public comments to his post (Exhibit D). According to Councilmember Dittmore, in the past, he had never deleted a Facebook post. However, later, after learning how to delete a post, he deleted the apology, but not before he printed a copy of the entire post and all of the public comments. Councilmember Dittmore provided a copy of his Facebook post, along with all the public comments, which have been retained in the investigative file. The post and relevant comments were appended as pages 9 and 10 of the complaint.

(19) Councilmember Dittmore maintains he was not "encouraged" by anyone, including the Respondent, to write the apology he posted on Facebook, and also said he never deleted any telephone text messages that he exchanged with the Respondent. Councilmember Dittmore denied ever communicating with the Respondent prior to or during the time that he posted the apology on Facebook about this matter. He maintains he never made any slanderous statements about the Complainant or directed any political attacks toward her. Councilmember Dittmore confirmed he received emails from the Complainant concerning the event, but said he never responded to them. Councilmember Dittmore acknowledged that both he and the Complainant attended the event without incident.

(20) Former West Melbourne City Attorney Morris Richardson, now serving as Brevard County Attorney, confirmed Councilmember Dittmore called him a few weeks prior to the Special Olympics fundraiser with concerns about the Complainant participating in the event. Mr. Richardson said he was aware of the event, which was open to all public officials, including all West Melbourne Council Members and all Brevard County Public School Board Members. Mr. Richardson said Councilmember Dittmore voiced his concern that the Complainant and the Respondent were political adversaries. Councilmember Dittmore, he said, also believed the Complainant's participation could jeopardize the City's funding from the State for the Westbrooke Community Storm Water Reduction Project.

(21) According to Mr. Richardson, Councilmember Dittmore told him that the Respondent is "vindictive," and that he (Dittmore) intended to clarify the situation so the Respondent would not think the City was promoting the Complainant. Mr. Richardson said Councilmember Dittmore called him that same weekend with further concerns because the Respondent, through social media comments on the apology, indicated his displeasure that the Complainant was planning to participate in the fundraiser. According to Mr. Richardson, Councilmember Dittmore shared with him other social media comments, some of which were supportive of the Complainant, and some that displayed a tone mocking the Respondent. Around the time of the fundraiser, Mr. Richardson confirmed, there was a political slogan appearing on social media saying "Jail Jenkins," due to her support of a COVID masking policy and/or issues involving a special needs child. The Complainant's conduct had been investigated by law enforcement, he said, and no charges were filed against her.

(22) Mr. Richardson explained he has never met the Respondent or spoken with him about this matter, but said he did speak with the Complainant when the negative comments on social media began to escalate. Mr. Richardson said he and Councilmember Dittmore both feared losing State funding and, unilaterally, he (Richardson) decided to contact the Complainant. Mr. Richardson acknowledged he discussed her attendance at the fundraiser and her participation in the event, and the Complainant voiced concerns about the Respondent to him. Mr. Richardson said he never discouraged the Complainant from attending the event. However, Mr. Richardson acknowledged he asked the Complainant if she would reconsider her participation because her attendance could possibly jeopardize State funding, thereby impacting many residents. Ultimately, Mr. Richardson said, the Complainant decided to participate in the event. There was, he said, no controversy during the fundraiser, and the City of West Melbourne received all of its anticipated State funding.

(23) The Respondent, interviewed in the presence of his attorney, Mr. Richard Coates, advised he represents House District 33 in the Florida House of Representatives. His district includes Brevard County. He advised that he and his family were vacationing when this matter first surfaced. The Respondent said that, at that time, he was unaware of the City-sponsored event in his district, "Cops on the Coop," nor does he recall receiving an invitation to participate in the fundraiser. The Respondent said he believes it was the following day when he discovered Councilmember Dittmore's Facebook post apologizing to him (Respondent) and Attorney General Ashley Moody for the Complainant's participation in the event. The Respondent maintained he did not "encourage" Councilmember Dittmore to write the Facebook post, and added he believes the Complainant only accepted the invitation to politicize the event. The Respondent confirmed all of his communications with Councilmember Dittmore concerning the Facebook post were in the text messages provided to the Complainant by Councilmember Dittmore and included in the complaint.

(24) The Respondent acknowledged he used disparaging comments directed toward the Complainant in his text communications with Councilmember Dittmore. He said the Complainant politicizes everything, including him (the Respondent) and Governor Ron DeSantis. The Respondent said he viewed the Complainant's participation in the event as having a very "high risk" of antagonizing the Governor and opined it could have led to the Governor vetoing funds for the Westbrooke Community Storm Water Reduction Project. The Respondent said he could not fathom why the West Melbourne Police Department invited the Complainant to participate while understanding she has a track record of "politically attacking everyone." He said he was concerned that the Complainant would turn the event into a "political mess." The Respondent noted he does not have the authority to veto any legislative matter, and he has always been supportive of the City and its projects.

(25) In September of 2022, five months after the fundraiser, the investigation determined, the Respondent and Senator Debbie Mayfield presented the City of West Melbourne with a check for \$460,000 from the State of Florida for the Westbrooke Community Storm Water Reduction Project (Exhibit E). This amount represented the full amount the City expected to receive.

The Allegation that the Respondent Left Comments Concerning the Complainant on a Melbourne City Councilmember's Facebook Post that were Disparaging and False, including a Link to a Website Containing False Allegations about the Complainant

(26) The Complainant stated that the Respondent publicly humiliated her on Facebook when he (Respondent) made reference to a defamatory website, "brevardburns.com." (page 8 of the complaint) The website was allegedly created to expose "Lies, Deceit, and Fraud in Brevard County, Florida." The Complainant said she believes the Respondent was instrumental in creating the website. According to the Complainant, the Respondent posted comments on Councilmember Dittmore's Facebook page, which could be viewed by the public. She opined that "he [Respondent] was just doing some public humiliation." (page 8 of the complaint) Also, she said the Respondent commented that she was "having an affair with Robert Burns, a well-documented rapist," and that, "she's clearly not all there." (page 9 of the complaint)

(27) According to the Complainant, the allegations that she was having an "affair," and that she is "clearly not all there," were false and disparaging. The Complainant noted the Respondent also referred to her as a "whore" when texting with Councilmember Dittmore regarding her participation in the City-sponsored fundraiser.

(28) The Respondent acknowledged he made disparaging comments about the Complainant on Facebook and in text messages. The Respondent stated, "It was not a great decision on my part. But, Mrs. Jenkins [Complainant] is a married woman, who was having an affair with an unmarried man, Robert Burns. She was seen going in and out of his [Burns'] house several times. . . . I'm not a big fan."

The Allegation that the Respondent may have Informed a West Melbourne City Councilmember, as well as the Mayor of West Melbourne, that He Would Act to Veto or Reduce Legislative Funding for a City Project and/or the Special Olympics due to the Complainant's Participation in the City Fundraiser

(29) Although the Complainant suggests in her complaint that Councilmember Dittmore may have made statements to public officials indicating he (Dittmore) would take measures against her (Complainant) to ensure no legislative funding was lost for the City of West Melbourne, the Complainant acknowledged she is unaware of any actual evidence to suggest the Respondent sought to take any such actions.

(30) As was previously reported in paragraphs 23 and 24, the Respondent denied ever having indicated he would veto any funding for the City of West Melbourne based on the Complainant's participation in the Special Olympics fundraiser. Rather, he said, he suggested the Complainant's participation could possibly have drawn the ire of the Governor, which could have led to the Governor vetoing anticipated funding for the City. The Respondent said the comments he made in reference to City funding on Facebook and in text messages with Councilmember Dittmore, were made in jest and were not meant to be considered a serious threat.

Note: As was previously noted in paragraph 25, the full funding expected by the City was received from the State in September 2022.

**The Allegation that the Respondent Failed to Respond to a Public Records Request
Regarding Whether He Communicated with a West Melbourne City Councilmember
Prior to the Councilmember's Social Media Post**

(31) The Complainant stated that following her public records request made to Councilmember Dittmore on April 18, 2022, she submitted a public records request to the Respondent and his Legislative Aide, Anna Budko, in a May 4, 2022 email. The Complainant said she requested all communications, including Facebook messenger, text messages, phone logs, and emails between the Respondent and Councilmember Dittmore, from September 1, 2021 through May 4, 2022. The Complainant provided a copy of the email addressed to the Respondent and his Legislative Aide, Anna Budko which has been retained in the investigative file. The Complainant said she suspected that the information requested would show that the Respondent communicated with Councilmember Dittmore, before, during, and after Councilmember Dittmore's subject Facebook post.

(32) Councilmember Dittmore confirmed the Complainant, through proper channels, requested public records related to his contacts with public officials. Councilmember Dittmore said he has a cellular phone which he uses for City, private, and personal business. Councilmember Dittmore acknowledged he associates and communicates with many public officials, including the Respondent, Melbourne Mayor Paul Alfrey, West Melbourne Mayor Hal Rose and Brevard County Public School Board Member Matt Susin. He said he provided text messages responsive to the Complainant's request but said the Complainant suspected there were additional communications he failed to provide. However, he said, he provided her all records responsive to her request and there were no additional calls to any of the public officials mentioned in her request.

(33) The Respondent said he has no recollection of receiving any public records request from the Complainant. However, he said, if one was submitted to his office, a member of his staff would have been responsible for complying with the request.

(34) The Respondent's Legislative Aide, Ms. Budko, acknowledged by email that she received the email dated May 4, 2022, from the Complainant requesting records from the Respondent. The Respondent's House email was included as a recipient of the request. According to Ms. Budko, she forwarded the request to the House Open Records office who responded on May 6, 2022, to both her and the Respondent, advising that they would search House servers for any information responsive to the request. The House Open Records office noted in its response that it would be the Respondent's responsibility to provide any response information contained on any personal electronic devices. Ms. Budko advised that there is no indication that any records were ever found or provided to Ms. Jenkins that were responsive to the request.

(35) The Respondent's District Aide, Nancy Bernier' stated by telephone that she never received a records request from the Complainant, and that, if she had, she would have forwarded that request to the House Internet Technology Office.

(36) The Respondent advised through his attorney that he never instructed any of his staff not to respond to the Complainant's public records request. He said he presumes he checked his own personal devices for any information responsive to the Complainant's request but he has no specific recollection at this time of having done so. At the time, he said, he was aware through media reports that Mr. Dittmore had turned over records to the Complainant, such as election results that were not a public record. He commented that what is considered a public record for Mr. Dittmore may not be considered a public record for him (Fine).

The Allegation that the Respondent Told a West Melbourne City Councilmember not to Take the City Attorney's Advice to Release Records to the Complainant, and Indicated the City Attorney Should be fired for Providing Such Advice

(37) Councilmember Dittmore acknowledged he had a conversation with the Respondent, prior to releasing his telephone text communications to the Complainant, wherein he (Fine) suggested that he (Dittmore) not release any public records to the Complainant. Also, he said, the Respondent suggested that then-City Attorney Richardson should be terminated for providing advice to release information requested by the Complainant. Councilmember Dittmore maintains he followed the advice of then-City Attorney Richardson.

(38) Councilmember Dittmore recalled that, during his conversations with the Respondent, he (Fine) stated "I wasn't serious about taking your funding away. But, if you don't fire your City Attorney, I will take away your funding." Councilmember Dittmore said he was concerned because his interests lie with the citizens of West Melbourne, and he took the Respondent's statement as a "threat" which he believed to be credible. According to Councilmember Dittmore, he relayed that information to Mr. Richardson because the Governor had not yet signed the State bill funding the City's storm-water reduction project.

(39) Mr. Richardson acknowledged that Councilmember Dittmore called him with concerns about his (Dittmore's) text communications with the Respondent. According to Mr. Richardson, Councilmember Dittmore described the content of the text message communications and said the Respondent did not wish to participate in the fundraiser because of the Complainant's participation. Mr. Richardson said Councilmember Dittmore also voiced concerns of a possible "veto" of State funding for the City's storm-water project based on the Complainant's participation in the fundraiser. Mr. Richardson said he explained to Councilmember Dittmore that any and all messages relating to City business, even those on a personal device, were considered public records. As for the Respondent's comments allegedly directed towards him, Mr. Richardson said it is difficult to discern the intent of someone's words or if they are meant to be taken literally. Mr. Richardson said Councilmember Dittmore ultimately accepted his legal advice and complied with the law by releasing his text messages to the Complainant. Shortly thereafter, he said, he met Councilmember Dittmore at City Hall and Councilmember Dittmore voluntarily presented his personal cell phone, which showed all of the responsive text communications. Mr. Richardson said he (Richardson)

reviewed the text message communications and he (Richardson), redacted any personal information from the content to be released to the Complainant pursuant to her public records request. Mr. Richardson said Councilmember Dittmore mentioned that the Respondent had advised him (Dittmore) not to release any public records. Mr. Richardson said he had no way to tell if the Respondent was "laughing, joking, or making loose talk," but noted he (Richardson) was never terminated from his position. As City Attorney, Mr. Richardson said, he had no legal authority to take Councilmember Dittmore's personal cell phone. However, he noted Councilmember Dittmore voluntarily supplied his phone for inspection and relinquished all of the information requested. Mr. Richardson stated he is not a technology expert, but, from what he could tell, it did not appear Councilmember Dittmore tampered with or deleted any text communications involving the Respondent, Melbourne Mayor Paul Alfrey, or Brevard County School Board Member Matt Susin. Mr. Richardson said he reviewed all of the text communications on Councilmember Dittmore's phone and redacted anything that was clearly personal. Mr. Richardson recalled that Councilmember Dittmore was embarrassed by the coarse language used by the Respondent during their communications. Mr. Richardson said Councilmember Dittmore took screenshots of the text messages involving City business and that information was provided to the Complainant, satisfying her records request.

(40) The Respondent acknowledged he communicated with Councilmember Dittmore regarding the Complainant's public records request made to him (Dittmore) and the release of the requested information. The Respondent maintains the text messages that he exchanged with Councilmember Dittmore were not subject to public disclosure, and that multiple text messages ultimately released actually pertained to other unrelated matters. He opined the Complainant does not understand the difference between public records and personal communications. According to the Respondent, the Complainant requested from Councilmember Dittmore all communications between Dittmore and himself, and it is his understanding Councilmember Dittmore provided the Complainant with text messages responsive to her request. He opined that the Complainant refused to understand that she was not entitled to personal communications, only public records.

(41) The Respondent acknowledged he recommended to Councilmember Dittmore that the City of West Melbourne terminate Mr. Richardson from its employ because he (Richardson) did not understand the requirements for disclosing public records information. The Respondent said his comment to Councilmember Dittmore was a result of his (Fine's) displeasure with Mr. Richardson's legal advice, which he (Fine) believed to be inaccurate because some information released to the Complainant was purely personal in nature.

The Allegation that the Respondent Hired a Private Investigator to Surveil the Complainant and then Post false Information From the Investigator's Findings to a Website

(42) The Complainant stated she suspects the Respondent, as well as Councilmember Dittmore, communicated with Melbourne Mayor Alfrey about hiring a private investigator, Nicolas Sandberg, to surveil her. The Complainant said that, for some time, Mayor Alfrey was a "political ally" of the Respondent, and it is known that Mayor Alfrey used Mr. Sandberg's services against his "political opponents and things of that nature." The

Complainant maintains the Respondent and Mayor Alfrey had Mr. Sandberg surveil her, and she believes it continues to this day. The Complainant acknowledged she is aware of no evidence supporting her allegation that the Respondent and others were involved in hiring Mr. Sandberg or that the Respondent was involved in creating the "brevardburns.com" website, which indicates it is devoted to exposing "Lies, Deceit, and Fraud" involving Robert Burns, the Editor of The Space Coast Rocket website, a separate Internet news source.

(43) Mayor Paul Alfrey stated he, and not the Respondent or Councilmember Dittmore, hired private investigator Nicolas Sandberg to collect information on Robert Burns (the Complainant's friend), against whom he had filed a fraud complaint with the Brevard County Sheriff's Office. Mayor Alfrey said that while Mr. Sandberg was conducting surveillance of Mr. Burns' residence, the Complainant was observed exiting a home with Mr. Burns. Mayor Alfrey said Mr. Sandberg was not hired to follow the Complainant, nor did he (Alfrey) care why she was at the residence with Mr. Burns. Mayor Alfrey reiterated he only hired Mr. Sandberg to collect information on Mr. Burns. According to Mayor Alfrey, the Florida Department of Agricultural and Consumer Services (FDACS) subsequently received a complaint from the Complainant, claiming Mr. Sandberg was following her.

(44) Mr. Alfrey said the Complainant's allegations made to FDACS were not true and the investigation was closed by the FDACS as unfounded. Mayor Alfrey denied creating the "brevardburns.com" website and denied that he, the Respondent, or Councilmember Dittmore had any involvement in publishing information on the website.

(45) Private Investigator Nicolas Sandberg stated he was hired by Mayor Alfrey, and not by the Respondent or Councilmember Dittmore. Mr. Sandberg said he was contacted by Mayor Alfrey on September 17, 2021, and tasked with collecting data and public records information on Mr. Robert Burns, the editor of "The Space Coast Rocket" website. Mr. Sandberg said Mayor Alfrey claimed to have received information indicating Mr. Burns was involved in an escalating dispute with neighbors and that there was a suspicious vehicle parked in his (Burns) driveway. While conducting surveillance, Mr. Sandberg said, he observed an unknown female (later identified as the Complainant) exit Mr. Burns' residence. Mr. Sandberg said he was presented with the opportunity to take a picture, so he did so. Mr. Sandberg said he later provided the picture to Mayor Alfrey. According to Mr. Sandberg, Mayor Alfrey only hired him this one time to surveil Mr. Burns at his (Burns') residence, and he was never tasked with surveilling the Complainant.

(46) FDACS Investigator Ronald Salvaggio stated by telephone that he investigated the Complainant's misconduct allegation filed against Mr. Sandberg, as well as an allegation by the Complainant that Mr. Sandberg actually created the "brevardburns.com" website. According to Investigator Salvaggio, Mr. Sandberg, under oath, provided a sworn statement that he was not contracted to or involved in surveilling or following the Complainant. Investigator Salvaggio said Mr. Sandberg provided cellular records and vehicle GPS documentation confirming his whereabouts at all times. Investigator Salvaggio acknowledged that the client who hired Mr. Sandberg was identified as Mayor Alfrey, who accompanied Mr. Sandberg to the FDACS office in Orlando, Florida when Mr. Sandberg was interviewed. Investigator Salvaggio said Mayor Alfrey, under oath, confirmed that he alone hired Mr.

Sandberg, and it was not the Respondent or Councilmember Dittmore who did so. Investigator Salvaggio said a further investigation determined that the website in question is registered through multiple server companies, therefore investigators were unable to confirm who created it. Investigator Salvaggio said the matter was closed with no further action taken (FDACS Report of Investigation 3013646 has been retained in the investigative file).

(47) Councilmember Dittmore denied any involvement in hiring Mr. Sandberg and said he never asked Mr. Sandburg to follow or surveil the Complainant. Councilmember Dittmore also denied any involvement in the "brevardburns.com" website.

(48) The Respondent stated he had no involvement in hiring Mr. Sandberg, and said he never asked him to follow or surveil the Complainant. The Respondent also denied any involvement in the "brevardburns.com" website.

END OF REPORT OF PRELIMINARY INVESTIGATION

EXHIBIT A

EXHIBIT A



CHICK-FIL-A
POLICE BULLETIN
BONDS BEING ISSUED!




It's that time again! On Friday, April 22nd, the West Melbourne Police and our community partners will host the 3rd Annual Cops on the Coop event to raise money for Special Olympics Florida.


Each year a select group of community leaders are re-manded to the roof of the Chick-Fil-A building located at 835 Palm Bay Road and are given \$500.00 bonds.

They don't come down until it's paid!

This year, from 6PM-8PM there will be music, giveaways, the Chick-Fil-A Cow, vehicle displays and much more.

Please stay tuned in the coming week to see who will be chosen to participate this year!


 **West Melbourne Police Department**
April 7 · 🌐

...


Mark your calendars!

 22

1 Comment 10 Shares

 Like

 Comment

 Share

Most relevant 

 **Diana Adams for West Melbourne City Council**
Awesome!

23w

See more of West Melbourne Police Department on Facebook

Log In

or

Create new account

AI

EXHIBIT B

EXHIBIT B



West Melbourne Police Department

April 21

TOMORROW IS THE DAY!!

For over 40 years, law enforcement agencies from across the country participate in the Law Enforcement Torch Run to recognize and raise money for the Special Olympics. This Friday, (Tomorrow) from 6PM to 8PM we will be hosting our 3rd Annual Cops On The Coop Fundraiser for Special Olympics Florida at Chick-fil-A Palm Bay Road. There will be music, vehicle displays, give-aways and much more. Come out and support this worthy event. A Special THANK YOU to those below who have agreed to find themselves on the roof of Chick-Fil-A in order to raise money.

Sea Park Elementary Palm Bay Police Department Meadowlane Intermediate Elementary School Meadowlane Primary Elementary School Lockmar Elementary School Riviera Elementary School Stone Magnet Middle School Jennifer Jenkins Brevard School Board District 3 Educational Horizons Charter School Central Middle School Pineapple Cove Classical Academy at West Melbourne Imagine Schools at West Melbourne Brevard Public Schools (official)

42

32 Shares

CHICK-FIL-A POLICE BULLETIN BONDS BEING ISSUED!

Cops On The Coop

Special Olympics Florida

LAW ENFORCEMENT TORCH RUN® FOR SPECIAL OLYMPICS FLORIDA

B1

EXHIBIT C

EXHIBIT C

florida today

POLITICS

Florida Rep. Randy Fine threatened Special Olympics funding over school board member feud, texts show



Eric Rogers

Florida Today

Published 2:51 p.m. ET April 23, 2022 | Updated 6:20 p.m. ET April 23, 2022

Florida Rep. Randy Fine threatened to interfere with state funding for the Special Olympics and the city of West Melbourne last week over a personal feud with Brevard County School Board member Jennifer Jenkins, according to a series of text messages obtained by FLORIDA TODAY.

A city leader said Fine later tried to block the release of the text messages through a public records request and wanted a city attorney who was overseeing the request to be fired.

Fine denied he threatened to get the funding pulled or that he ever spoke about firing the city attorney.

Fine vs. Jenkins: State Attorney declines to press charges against Rep. Randy Fine over Jenkins feud

Restraining order denied: Brevard judge dismisses Jennifer Jenkins' 'cyberstalking' case against Rep. Randy Fine

Who is Randy Fine? Republican lawmaker's fight with Disney is only his latest battle in culture wars

In the text messages between Fine and West Melbourne City Councilman John Dittmore, obtained late Friday through a public records request, Fine told Dittmore that funding requests for the charity and the city in a state budget recently submitted for approval to Gov. Ron DeSantis would be on the governor's chopping block.

The reason: city police officials had invited Jenkins to participate in a Special Olympics fundraising event by the West Melbourne Police Department, but had neglected to invite

Fine.

"Jenkins just put your project and special Olympics funding on the veto list," Fine wrote.

As Dittmore tried to intervene, the text messages show, Fine again said the Special Olympics funding was "at risk," calling the move to invite Jenkins a "huge (expletive) by the bureaucrats."

"Smart move is to cancel with apology for wading into politics," he wrote.

Fine rejected Dittmore's subsequent invitation to attend the event, which took place Friday at a Chick-Fil-A restaurant on Palm Bay Road, calling Jenkins a "whore."

"I'm not going to jack (expletive) where that whore is at," he wrote. "You guys will have to raise a lot of money given that's who you want to honor, not the person who got you money in the budget."

The \$112.1 billion state budget, passed by the Florida Legislature and sent to the governor's desk last month, included \$1 million in various appropriations for the Special Olympics and a \$460,000 flood risk reduction project affecting about 500 homes in West Melbourne's Westbrooke neighborhood.

Dittmore told FLORIDA TODAY that, in a follow-up phone conversation with Fine, the State House representative objected when he found out the texts would be released by West Melbourne city attorney Morris Richardson as part of a public records request filed by Jenkins, and suggested Richardson should be fired.

"He was very displeased and frustrated with the fact that our city attorney made the decision that some of this stuff was going to be public," Dittmore said. "He made references to the fact that we should consider terminating his employment."

Read the entire exchange between Fine and Dittmore below. CONTENT WARNING: The following contains strong language. If you can't read the texts, click here.

Fine denied Saturday that conversation ever took place and said he never threatened to ask DeSantis to veto the items. He said the "veto list" comment was a remark about the "negative attention" brought to the event by Jenkins, who attempted to "politicize" it when she posted about the event on social media.

"When you have someone like Jennifer Jenkins come and politicize charity events, it creates problems," Fine told FLORIDA TODAY. "If you want to be in a charity event, fine. But when *C2*

you go on Facebook and you politicize it, you put it at risk."

Fine did not answer further questions pressing him on the nature of the "risk" he referenced.

A review of Jenkins's Facebook account in the lead-up to the event shows several posts in which Jenkins touted the fundraiser with pictures of her in a mock jail uniform, holding a placard reading "#BailJenkins," a riff on Fine's "#JailJenkins" slogan he has often used in his own Facebook posts.

The fundraiser event was billed as participants "bailing out" various community leaders, who were "jailed" on the roof of Chick-Fil-A, according to ads posted by the West Melbourne Police Department.

While Fine said he did have the ability to ask DeSantis to veto line items in the state budget, he denied asking DeSantis to do so.

"If I (had the intention to do that), I would have. I haven't. Never planned to. Didn't do it," he said.

Messages seeking comment to DeSantis's press office were not immediately returned Saturday. FLORIDA TODAY has reached out to Special Olympics Florida.

Richardson said the city never intended to be caught in the crossfire of the fight between Jenkins and Fine. The invitation to attend the fundraiser was sent to the entire school board and to Brevard Superintendent Mark Mullins, he said. Only Jenkins responded that she would attend.

"In organizing this fundraiser for the Special Olympics, the City of West Melbourne certainly did not intend to become involved in an unrelated political dispute," Richardson said in an email. "I trust that better angels will prevail, and that our leaders will not allow this to impact worthy projects and causes."

Dittmore said a since-deleted Facebook post he made late last week attempting to apologize to Fine for Jenkins' involvement in the event was an attempt to "smooth over" the situation before it "got out of hand." He said he deleted the post when supporters of Fine and Jenkins began to argue in the comment section.

Dittmore said he was just looking out for city residents, who badly need the flood risk protection funding.

"My whole goal was not to let this politicization affect the City of West Melbourne," he said. *CS*

Why is Fine feuding with Brevard School Board member Jennifer Jenkins?

"I'm not surprised by it," Jenkins said of the incident Saturday, adding that she felt Fine had tried pulling similar attacks against her in the past.

"It's typical for someone to attack a woman with sexual innuendos when they are threatened by their strength," she said of Fine's "whore" comment. "I'm no stranger to these attacks from him. He has constantly gotten a pass for his defamation and libel, and he's just been emboldened by those who are supposed to be holding him accountable."

Fine and Jenkins have been embroiled in a public and increasingly rancorous feud in recent months, stemming from Fine's anger with Jenkins over her support last year of a mask mandate for Brevard Public Schools. The mandate, which was later revoked, bucked a state order from DeSantis banning such mandates.

That feud reached a climax in October when Jenkins filed for a restraining order against Fine, asking a Brevard County judge to prohibit Fine from posting about her on social media.

The case was tossed after the court agreed with Fine's attorneys that the Facebook posts — in which Fine called Jenkins "mentally ill" and a "child abuser" for her support of the mask mandate, and repeatedly suggested she had cheated on her husband — was protected political speech.

Criminal complaints made last year containing a host of allegations against Fine by Jenkins and Robert Burns, a Brevard County political consultant with whom Fine has also had a long-standing feud, were dismissed by the State Attorney's Office.

An investigation by the Florida Department of Law Enforcement found the complaints — which included allegations of corruption of a public servant by threat, cyberintimidation and stalking — arising from Fine's frequent Facebook posts about Jenkins and Burns either did not rise to the level of a crime or were permitted under Florida law.

Fine made national headlines this week with a bill he filed in the recent special legislative session that stripped the Walt Disney Co. of special self-governing rights it was granted over a 25,000-acre parcel in Central Florida that serves as home to its Florida theme parks.

The bill was approved by both the Florida House and Senate and signed Friday by DeSantis.

Ethics expert: This is what you would see in a dictatorship

The legality of Fine's threats was not clear Saturday. An expert in political ethics who spoke to FLORIDA TODAY said she wasn't sure if Fine had broken any laws.

However, Beth Rosenson, an associate professor in political science at the University of Florida, said it was certainly unethical.

"To threaten the city, that if they don't disinvite her and apologize that he's going to work to get the project vetoed, that's an ethical violation of what he's supposed to be doing in his job," said Rosenson, author of "The Shadowlands of Conduct: Ethics and State Politics."

"It sounds like a pretty egregious, sort of petty way to behave," she said. "That's not why people elect somebody."

Fine's efforts reminded her of the "personalized politics" often displayed by dictators, she said, where those seeking political favors are required to "bow down" and show fealty to leaders' demands.

"It's not how democracy is supposed to operate," she said. "So I think there's some pretty deep, profound implications of what he's doing."

Eric Rogers is a watchdog reporter for FLORIDA TODAY. Contact Rogers at 321-242-3717 or esrogers@floridatoday.com. Follow him on Twitter @EricRogersFT.

EXHIBIT D

EXHIBIT D



John Dittmore West Melbourne City Council

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3 of 8

I want to make an apology to State Representative Randy Fine and Attorney General Ashley Moody. Apparently our West Melbourne Police Dept invited School Board Member Jennifer Jenkins to the upcoming Cops on the Coop for a very important fundraiser. Unfortunately Ms. Jenkins posted this event to her political page and along with her followers are now using the Special Olympics fundraising platform to attack Rep. Fine and Attorney General Ashley Moody. For those who do not know, Rep Fine has been instrumental with assisting the City of West Melbourne with funding for many projects, and we in the city, appreciate his efforts. I will demand that she be uninvited from this event as she does not represent our community on the school board. Ms. Jenkins has historically used her political position to attack our Governor, State Senators as well as local officials. This will not be tolerated in the City of West Melbourne. I will also be attending this fundraiser and will coordinate with staff on who else is invited to attend.

<p>3:28</p> <p>Jennifer Jenkins Brevard S...</p> <p>ts About Photos ▾ Me</p> <p>Jennifer Jenkins Brevard Scho Board District 3</p> <p>43m · 🌐</p> <p>AKING! JENNIFER JENKINS FINAL ED!</p> <p>\$1500 by Friday April 22nd</p> <p>://gofund.me/c03193bb</p> <p>n on the positivity as I participate Melbourne Police Department 3r al Cops on the Coop to raise mon pecial Olympics Florida.</p>	<p>3:29</p> <p>Jennifer Jenkins Brevard Sch...</p> <p>Join Like Reply</p> <p>Author</p> <p>Jennifer Jenkins Brevard Sch... Board District 3 Sheena Wallace One's from m mom and one's from my dad Make sure you donate!</p> <p>15m Like Reply</p> <p>Write a reply...</p> <p>Anthony Sposaro And here comes Randy Fine sending this to the national med school board member arrested f raising money for schools...votin for her constituents...and with t</p>	<p>3:28</p> <p>Jennif...</p> <p>7 5 1</p> <p>Vicki Ulrich Impoco 14 mutual friends</p> <p>Liz Suarez-Hazelgrove 1 mutual friend</p> <p>Stephanie Fausset</p> <p>Hannah Mathews</p> <p>Beth Matsoukis 2 mutual friends</p>
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EXHIBIT E

EXHIBIT E



The Sun Newsletter

City of West Melbourne's Community Publication

November/December 2022

Reuse Schedule

Due to increased production and efforts of residents to adhere to scheduled watering times, the City was able to increase the irrigation system schedule for all reuse neighborhoods. See below a list of updated information on location and neighborhoods.

Mon/Thurs 5am to 12 noon	North Westbrooke & Saddlebrooke
Mon/Thurs 2pm to 7pm	South Westbrooke/Coventry <i>Even Addresses ending with 0, 2, 4, 6 or 8</i>
Mon/Thurs 7pm to 12am	South Westbrooke/Coventry <i>Odd Addresses ending with 1, 3, 5, 7 or 9</i>
Tues/Fri 2am to 7am	Oak Grove <i>Even Addresses ending with 0, 2, 4, 6 or 8</i>
Tues/Fri 7am to 12noon	Oak Grove <i>Odd Addresses ending with 1, 3, 5, 7 or 9</i>
Tues/Fri 5am to 12noon	Timber Ridge
Tues/Fri 2pm to 7pm	Woodfield & Brookshire (H. Oaks) <i>Even Addresses ending with 0, 2, 4, 6 or 8</i>
Tues/Fri 7pm to 12am	Woodfield & Brookshire (H. Oaks) <i>Odd Addresses ending with 1, 3, 5, 7 or 9</i>
Wed/Sat 4am to 11am	Stratford Pointe
Wed/Sat 3pm to 10pm	Hammock Lakes West and East

For information on the special maintenance schedule for irrigation companies call 321-984-0485, or visit the City's website at www.westmelbourne.gov.

It is important that you please continue to respect your neighbor by following the schedule. Warning notices will continue to be issued to those not following the schedule with fines and shut off possible for repeat violations. Again, thank you for your cooperation.



West Melbourne Officials Thank Legislators

At the City Council meetings of September 7, and September 21, Council conveyed appreciation to Representative Randy Fine and Senator Debbie Mayfield for their support of an appropriation to provide flood risk reduction in Westbrooke subdivision.



City Council with Representative Randy Fine who presented the City with a check for \$460,000 for a flood risk reduction project in Westbrooke Subdivision.



City Council with Senator Debbie Mayfield who presented the City with a check for \$460,000 for a flood risk reduction project in Westbrooke Subdivision.

Christmas Tree Lighting

The annual Christmas Tree Lighting will be held at the West Melbourne Community Park on Friday, December 2 at 6:00 pm. The Central Middle School Band will perform at the amphitheater. Santa Claus is expected to make an appearance and the City will provide treats.

Stay tuned for more information or contact the Recreation Department at 321-837-7779.

