FLORIDA
COMMISSION ON ETHICS

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**BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS**

In re: Randall Fine,

Respondent.

**Complaint Nos.: 24-037, 24-134 & 24-135
(consolidated)**

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ADVOCATE'S RECOMMENDATION

The undersigned Advocate, after reviewing the Complaint and Report of Investigation filed in this matter, submits this Recommendation in accordance with Rule 34-5.006(3), F.A.C.

RESPONDENT/COMPLAINANT

Respondent, Randall Fine, served as a Florida State Representative. Complainants are Robert Burns of Palm Bay, Florida and Jennifer Jenkins of Satellite Beach, Florida.

JURISDICTION

The Executive Director of the Commission on Ethics determined that the Complaint was legally sufficient and ordered a preliminary investigation for a probable cause determination as to whether Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, 112.3148(4) and 112.31485(2), Florida Statutes. The Commission on Ethics has jurisdiction over this matter pursuant to Section 112.322, Florida Statutes.

The Report of Investigation was released on December 19, 2024.

ALLEGATION ONE

Respondent is alleged to have violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to file an accurate 2023 CE Form 6, "Full and Public Disclosure of Financial Interests."

APPLICABLE LAW

Article II, Section 8, Florida Constitution provides:

> (a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.
>
> * * *
>
> (i) Schedule-On the effective date of this amendment and until changed by law:
> (1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of $1,000 and its value together with one of the following:
>
> a. A copy of the person's most recent federal income tax return;
>
> or
>
> b. A sworn statement which identifies each separate source and amount of income which exceeds $1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.
>
> * * *

Section 112.3144(1), Florida Statutes, provides as follows:

> (1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

ANALYSIS

Respondent filed a 2023 CE Form 6, "Full and Public Disclosure of Financial Interests." (ROI 17) On his form, Respondent disclosed Jayvid Holdings, LLC as an asset valued at $21,212,079 and as a primary source of income in the amount of $329,707. (ROI 17, Complaint pgs. 11, 14) Respondent reported on the form that his method of valuation for reporting the value of Jayvid Holdings was based on an estimate of the corporation's fair market value, noting that he owns 100 percent of the company. (ROI 17)

Complainant Burns alleges Respondent improperly disclosed his interest in Jayvid Holdings as an asset and a primary source of income. (ROI 17) Complainant Burns contends that the disclosures were improper because Jayvid Holdings was administratively dissolved by the Florida Department of State, Division of Corporations, in 2017. (ROI 17, Complaint pg. 5)

Section 617.1420(l)(a), Florida Statutes, "Grounds for Administrative Dissolution" states that the Florida Department of State may commence a proceeding to administratively dissolve a corporation under Section 617.1421 if, "The corporation has failed to file its annual report and pay the annual report filing fee by 5 p.m. Eastern Time on the third Friday of September." (ROI 19) Section 617.1421, "Procedure for and Effect of Administrative Dissolution" directs the Department of State how to conduct a corporation's administrative dissolution. (ROI 19) Section 617.1421(3) states, "A corporation administratively dissolved continues its corporate existence but may not conduct any affairs except that necessary to wind up and liquidate its affairs under s. 617.1405 and adopt a plan of distribution of assets pursuant to s. 617.1406." (ROI 19)

The instant investigation found that if a person continues to operate a company/corporation that has been dissolved, the corporate protections no longer exist and the person who operates the dissolved corporation can be sued personally for anything the dissolved company does. (ROI 20)

As such, there is no more separate entity or company, anything done on behalf of the company is as if that person is doing the business personally and can be sued, and their personal assets can be reached if a judgment is entered against them. (ROI 20)

The CE Form 6 instructions for Assets provide, in part:

> Describe, and state the value of, each asset you had on the reporting date you selected for your net worth, if the asset was worth more than $1,000 and if you have not already included that asset in the aggregate value of your household goods and personal effects.
>
> (ROI 18)

The instructions further instruct the filer that when reporting a primary source of income the filer must "List the name of each source of income that provided you with more than $1,000 of income during 2023, the address of that source, and the amount of income received from that source." (ROI 18)

Respondent did not participate in the investigation. (ROI 21)

While Jarvid Holdings was administratively dissolved, there is evidence to reflect that Respondent was still operating the business as he reported its value as an asset and a source of income on his financial disclosure form. As such, there is insufficient evidence to reflect that Respondent's form was inaccurate with the reporting of Jarvid Holdings as an asset and source of income.

Therefore, based upon the evidence before the Commission, I recommend that the Commission find no probable cause to believe that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.

ALLEGATION TWO

Respondent is alleged to have violated Section 112.3148(4), Florida Statutes, by accepting a gift(s) that exceeds a value of $100 from a prohibited donor.

APPLICABLE LAW

Section 112.3148(4), Florida Statutes, provides as follows:

> REPORTING AND PROHIBITED RECEIPT OF GIFTS BY INDIVIDUALS FILING FULL OR LIMITED PUBLIC DISCLOSURE OF FINANCIAL INTERESTS AND BY PROCUREMENT EMPLOYEES. A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of $100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

In order to establish a violation of Section 112.3148(4), Florida Statutes, the following elements must be proved:

1. Respondent must have been a reporting individual or procurement employee.

2. Respondent must have knowingly accepted a gift.

3. The donor of the gift must have been a vendor doing business with Respondent's agency, a political committee, or lobbyist who lobbies the Respondent or his agency.

4. Respondent knew or reasonably believed that the gift had a value of more than $100.

ANALYSIS

Respondent served in the Florida House of Representatives from 2016 through 2024 and was elected to the Florida Senate in November 2024. (ROI 1) Respondent is the Chairperson of "Friends of Randy Fine" which is a political committee. (ROI 5, 11)

In March 2023, Complainant Jenkins filed a lawsuit in Brevard County against the Brevard County School Board. (ROI 4) Respondent was served to appear for a deposition as a third-party witness in the lawsuit. (ROI 4) Attorney Alan Landman filed a "Limited Notice of Appearance," and an "Emergency Motion for Protective Order" on the Respondent's behalf in the matter. (ROI 4)

A review of the "Friends of Randy Fine" (political committee) 2023 fourth quarter campaign expenditures reflects that on November 28, 2023, $10,000 from the political committee was paid to the "Law Firm of Alan Landman," for "Legal Services." (ROI 6, 8) Complainant Jenkins alleges that Respondent used $10,000 in campaign and political committee funds to pay for his personal legal fees to avoid providing testimony in a matter unrelated to issues in which such funds are permitted to be used. (ROI 6)

In addition to November 28, 2023 allegation, Complainant Burns advised that on January 8, 2024, the political committee expenditure reports reflect another $10,000 payment to the Law Firm of Alan Landman, also for "Legal Services." (ROI 7, 8) On November 8, 2023, Complainant Burns' attorney filed an "Amended Notice of Taking Audio-Visually Recorded Deposition" notifying Respondent to appear for a deposition on December 20, 2023. (ROI 7) This request is related to a criminal matter that is a separate legal matter than the civil litigation at issue in Complainant Jenkin's case. (ROI 7) Attorney Landman filed a "Limited Notice of Appearance and Designation of Email Address" with the court on December 13, 2023. (ROI 7) Complainant Bums contends that both of these $10,000 payments to the Law Firm of Alan Landman were the personal responsibility of Respondent and were not related to campaign matters as dictated by Chapter 106, Florida Statutes (Campaign Finance). (ROI 7) He maintains that because these expenditures were not campaign related, they should have been disclosed as gifts on Respondent's annual disclosure filings. (ROI 7)

Landman advised that the two $10,000 payments he received from Respondent were related to the motions and notifications he filed on behalf of Respondent in the lawsuits filed by Complainant Jenkins and Complainant Burns, respectively. (ROI 10) Landman further advised that his only representation of Respondent as an attorney was related to the aforementioned matters with Complainant Jenkins and Complainant Bums. (ROI 10)

The two payments to Landman provided legal services for Respondent in his personal capacity. Respondent did not disclose these payments from the political committee to the Law Firm of Alan Landman as gifts. (ROI 9)

Therefore, based on the evidence before the Commission, I recommend that the Commission find probable cause to believe that Respondent violated Section 112.3148(4), Florida Statutes.

ALLEGATION THREE

Respondent is alleged to have violated Section 112.31485(2), Florida Statutes, by accepting a gift(s) from a political committee.

APPLICABLE LAW

Section 112.31485(2), Florida Statutes, provides as follows:

> (a) PROHIBITION ON GIFTS INVOLVING POLITICAL COMMITTEES. A reporting individual or procurement employee or a member of his or her immediate family is prohibited from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee.

In order to establish a violation of Section 112.31485(2)(a), Florida Statutes, the following elements must be proved:

1. Respondent must have been a reporting individual or procurement employee.

2. Respondent must have solicited or knowingly accepted, directly or indirectly, a gift.

3. The donor of the gift must have been a political committee.

ANALYSIS

The underlying facts and circumstances relating to this allegation are contained above in Allegation Two. Section 112.31485(1)(a), Florida Statutes, provides that "... "gift" means any purchase, payment, distribution, loan, advance, transfer of funds, or disbursement of money or anything of value that is not primarily related to contributions, expenditures, or other political activities authorized pursuant to chapter 106. (ROI 14)

The disbursement of money to Attorney Landman from the political committee for legal services was a gift(s) to Respondent as the matters did not relate to political activities.

Therefore, based upon the evidence before the Commission, I recommend that the Commission find probable cause to believe that Respondent violated Section 112.31485(2), Florida Statutes.

RECOMMENDATION

It is my recommendation that:

1. There is no probable cause to believe that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by failing to file an accurate 2023 CE Form 6, "Full and Public Disclosure of Financial Interests."

2. There is probable cause to believe that Respondent violated Section 112.3148(4), Florida Statutes, by accepting a gift(s) that exceeds a value of $100 from a prohibited donor.

3. There is probable cause to believe that Respondent violated Section 112.31485(2)(a), Florida Statutes, by accepting a gift(s) from a political committee.

Respectfully submitted this 6th day of January, 2025.

Melody Hadley

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