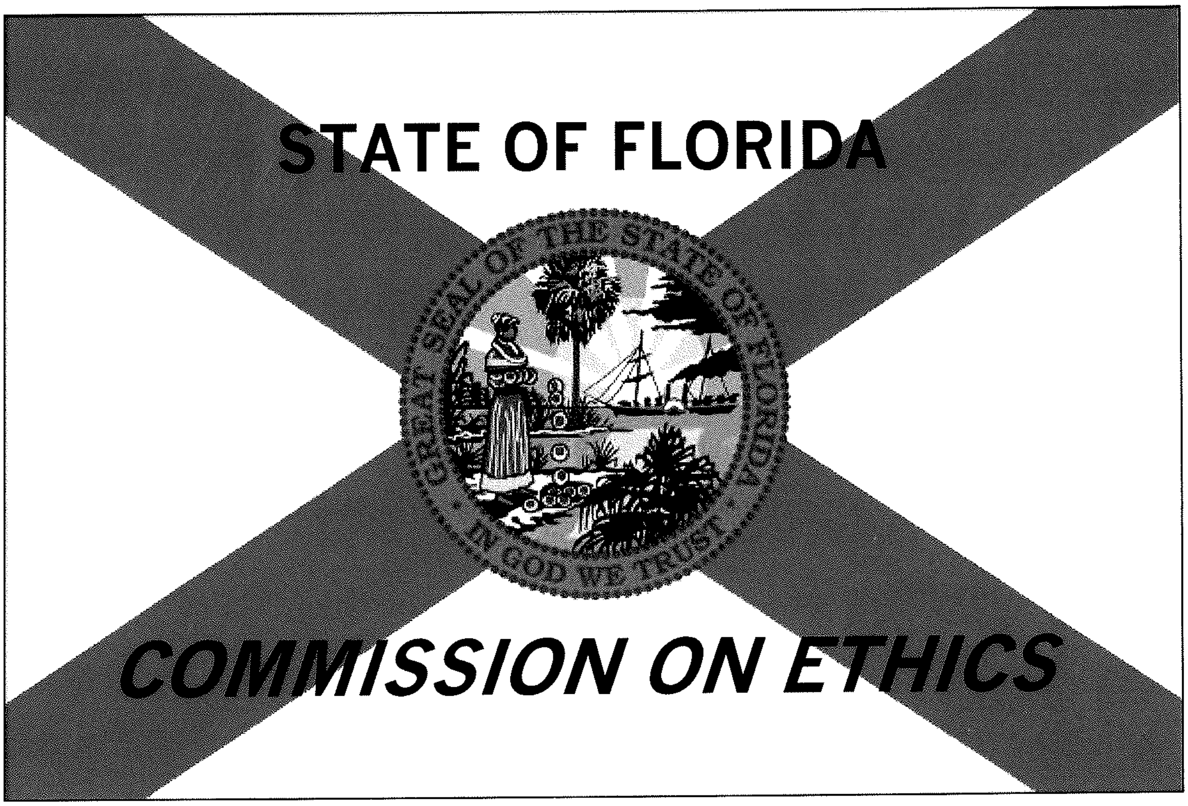
REPORT
OF
INVESTIGATION



Complaint Numbers 24-037, 24-134, and 24-135
(consolidated)

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 Former State Representative Melbourne Beach, Florida
COMPLAINT NOs:	24-037, 24-134, and 24-135 (consolidated)
INVESTIGATED BY:	Ronald D. Moalli
Distribution:	Commission on Ethics Respondent Advocate File
Releasing Authority:	Kerrie J. Stillman Executive Director December 19, 2024 Date

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REPORT OF INVESTIGATION
COMPLAINT NOs. 24-037, 24-134, and 24-135
(consolidated)

(1) The complaints in this matter were filed by Jennifer Jenkins (24-037), and Robert Burns (24-134 and 24-135), alleging that Randall Fine, while serving as a State Representative violated the Code of Ethics for Public Officers and Employees.[1]

(2) Ms. Jenkins alleges that a political committee, of which then-Representative Fine is Chair, paid a law firm $10,000, for his private legal expenses. Mr. Burns alleges that the same political committee, on a different occasion, paid the same law firm $10,000 for the Respondent's private legal expenses. Both Complainants contend that these expenditures, because they were not related to campaign activities as directed by Chapter 106, Florida Statutes (Campaign Financing), should have been disclosed with the Commission on Ethics as gifts, and were not. Mr. Burns also alleges that the Respondent improperly disclosed Jayvid Holdings. LLC as an asset, and a primary source of income, on his 2023 CE Form 6 (Full and Public Disclosure of Financial Interests). Mr. Burns claims that the filing was improper because Jayvid Holdings, LLC, was administratively dissolved in 2017.

(3) The Executive Director of the Commission on Ethics noted that based upon the information provided in the complaints, the allegations were sufficient to warrant a preliminary investigation to determine whether the Respondent's actions violated Article II, Section 8, Florida Constitution, Section 112.3144, Florida Statutes (Full and Public Disclosure of Financial Interests), Section 112.3148(4), Florida Statutes (Reporting and Prohibited Receipt of Gifts), and Section 112.31485(2), Florida Statutes (Prohibition on Gifts Involving Political Committees).

Gift Disclosure Allegation

(4) Brevard County Clerk of Court records reflect, that in March 2023, Ms. Jenkins filed a lawsuit in Brevard County against the Brevard County School Board. Ms. Jenkins reported that her attorney served numerous subpoenas to the Respondent to appear for a deposition as a third-party witness in the lawsuit. As reflected on pages nine and ten of Complaint Number 24-037, on November 29, 2023, attorney Alan Landman filed a "Limited Notice of Appearance," and an "Emergency Motion for Protective Order" on the Respondent's behalf in this matter.

(5) Ms. Jenkins alleges that the Respondent used funds from his "Political Committee" to pay the $10,000 fee to hire Mr. Landman to represent his private legal interests. As evidence of this allegation, Ms. Jenkins provided as pages ten through thirteen of the complaint, documents related to the Respondent's Political Committee. Page 11 of the complaint contains a description of the Political Committee from the Florida Department of State, Division of Elections "Committee Tracking System." This document reflects the Political Committee as "Friends of Randy Fine," and identifies "Randy Fine" as the Committee's

[1] The Respondent served in the Florida House of Representatives from 2016 through 2024 and was elected to the Florida Senate in November 2024.

"Chairperson." Page 12 of the complaint provides a copy of a document titled, "Statement of Organization of Political Committee." Section 3 of this document is titled, "Area, Scope, and Jurisdiction of the Committee." Section 3 describes the entity as a "State political committee to support or oppose candidates for statewide, multi-county, legislative, county and municipal office and other activities not prohibited by Chapter 106 F.S." Section 4 of the document is titled, "Nature of Organization or Organization's Special interest (e.g., medical, legal, education, etc.)." The nature of the organization is listed as "Political."

(6) Ms. Jenkins included as page 14 of the complaint, a copy of the Political Committee's 2023 fourth quarter campaign expenditures, which are available through the Florida Department of State, Division of Elections website. The document reflects that on November 28, 2023, $10,000 from the Committee was paid to, the "Law Firm of Alan Landman," which is located in Melbourne Florida, for "Legal Services." She also included as pages nine and ten of the complaint, a "Limited Notice of Appearance and Designation of Email Address," and the "Emergency Motion for Protective Order" that was filed by attorney Alan Landman the following day, November 29, 2023. Ms. Jenkins contends that the 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.

(7) Mr. Burns stated in his complaint (24-134) the same November 28, 2023, Political Committee expenditure to the Law Firm of Alan Landman. He further reported that on January 8, 2024, the Friends of Randy Fine Political Committee expenditure reports reflect another $10,000 payment to the Law Firm of Alan Landman, also for "Legal Services." According to a court document that Mr. Burns included as pages 13 and 14 of the complaint, on November 8, 2023, his attorney, Jessica Travis, filed an "Amended Notice of Taking Audio-Visually Recorded Deposition" with the Circuit Court of the Eighteenth Judicial Circuit, Brevard County, notifying the Respondent to appear for a deposition on December 20, 2023, at the Veira Courthouse, located in Melbourne, Florida. This subpoena is related to a criminal matter that is a separate legal matter than the civil litigation at issue in Ms. Jenkin's case. Mr. Burns also provided on pages 16 through 18 of the complaint, a copy of Mr. Landman's "Limited Notice of Appearance and Designation of Email Address" that he filed with the court on December 13, 2023, and a copy of Mr. Landman's "Emergency Motion for Protective Order" that Mr. Landman filed on the same date on behalf of the Respondent. Mr. Burns included as pages four and five of the complaint, Friends of Randy Fine campaign expenditure reports that reflect the November 28, 2023, and the January 8, 2024, payments to the Law Firm of Alan Landman. Mr. Burns contends that both of these $10,000 payments to the Law Firm of Alan Landman were the personal responsibility of the Respondent and were not related to campaign matters as dictated by Chapter 106, Florida Statutes (Campaign Finance). He maintains that because these expenditures were not campaign related, they should have been disclosed as gifts on his annual disclosure filings.

(8) A review of the Friends of Randy Fine campaign expenditures from July 2022 through October 2024, found that the Political Committee expended funds for three other law firms for either "Compliance Services," "Legal Services," "Legal Fees," or "Consulting Fees,"

and that the Political Committee hired the Law Firm of Alan Landman twice on the dates previously mentioned by the Complainants.

(9) A review of Commission on Ethics records confirmed that the Respondent did not disclose these payments to the Law Firm of Alan Landman as gifts.

(10) Mr. Landman confirmed by telephone that the two $10,000 payments he received from the Respondent were related to the motions and notifications he filed on behalf of the Respondent in the Jennifer Jenkins and Robert Burns matters. He added that his only representation of the Respondent as an attorney was related to the Jennifer Jenkins and Robert Burns matters.

(11) Chapter 106, Florida Statutes addresses campaign financing. Specifically, Section 106.011(16)(a) defines a political committee. According to Section 106.11(16)(a)1, political committee means:

> A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of $500 during a single calendar year:
>
> a. Accepts contributions for the purpose of making contributions to any candidate, political committee, affiliated party committee, or political party;
> b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or passage or defeat of an issue;
> c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue;
> d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidates, political committee, affiliated party committee, or political party.

(12) Section 106.11(5) defines "Contribution" as:

> A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.

(13) Section 106.11(10)(a) defines "Expenditure" in part as:

> Expenditure means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. .
>
> . . .

(14) Section 112.31485 is titled, "Prohibition on gifts involving political committees," and states in Section 112.31485(1)(a):

> For purposes of this section, the term "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.

(15) Section 112.31485 (2)(b) states:

> A political committee is prohibited from giving, directly or indirectly, any gift to a reporting individual or procurement employee or a member of his or her immediate family.

(16) Section 112.3148(4) states in part:

> 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 vendor doing business with the reporting individual's or procurement employee's agency, a political committee as defined in s. 106.11 . . . . .

Financial Disclosure Allegation

(17) Mr. Burns alleges in Complaint No. 24-135 that the Respondent improperly disclosed his interest in a corporation, Jayvid Holdings, LLC, as an asset and a primary source of income on his 2023 CE Form 6, "Full and Public Disclosure of Financial Interests." He claims that the disclosures were improper because Jayvid Holdings. LLC was administratively dissolved by the Florida Department of State, Division of Corporations, in 2017. Mr. Burns included as page five of the complaint, a copy of the Florida Department of State, Department of Corporations, record reflecting that Jayvid Holdings, LLC was administratively dissolved in September 2017 for failure to submit an annual report. Mr. Burns also included as pages 9 through 15 of the complaint a copy of the Respondent's 2023 CE Form 6. The form confirms that the Respondent disclosed Jayvid Holdings, LLC as an asset valued at $21,212,079 (page 14 of the complaint), and as a primary source of income in the amount of $329,707 (page 11 of the complaint). The Respondent reported on the form that his method of valuation for reporting the value of Jayvid Holdings, LLC was based on an estimate of the corporation's fair market value, noting that he owns 100 percent of the company.

(18) The 2023 CE Form 6 instructions inform the filer that when reporting an asset, they must "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 the asset in the aggregate value of your household goods." 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."

(19) Section 617.1420(1)(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." Section 617.1421, "Procedure for and Effect of Administrative Dissolution" directs the Department of State how to conduct a corporation's administrative dissolution. 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."

(20) The 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. Because 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.

(21) The Commission on Ethics was notified by attorney Richard Coates that he was representing the Respondent in this matter. Numerous contacts with Mr. Coates were made via telephone and email in an attempt to schedule an interview with the Respondent. However, Mr. Coates never scheduled an interview for Mr. Fine to discuss the allegations in the complaints.

END OF REPORT OF PRELIMINARY INVESTIGATION