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April 8, 2025

Mr. Luis Fuste, Chairman
Florida Commission on Ethics
325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

RE: Complaints 24-037, 24-134 and 24-135 (consolidated)

Dear Commissioners:

This firm represents Congressman Randy Fine. I have previously filed a notice of appearance. This letter is Congressman Fine's response to the Advocate's Recommendation in the above referenced cases filed by Robert Burns.

Congressman Fine agrees with the Advocate's Recommendation concerning the allegations contained in the Form 6 allegations. Such allegations should be dismissed.

For the following reasons, the allegations concerning the use of the political committee funds to pay lawful legal invoices for then-Representative Fine should be found legally insufficient. The complaints should be dismissed. Congressman Fine's responses are made upon a review of available public records, and are not a waiver of any attorney/client privilege.

Primarily, the Advocate's Recommendation wrongly and summarily states that the lawful legal fees were paid to defend Congressman Fine in his individual capacity. Such characterization is wrong. The fees at issue concerned two ongoing cases in Brevard County. Congressman Fine was not a party to either proceeding, and in both, he was subpoenaed in his official capacity as a member of the Florida House of Representatives.

The Jenkins Public Records Case

The first case, filed by now former School Board Member Jennifer Jenkins, sought to depose non-party then-Representative Fine, and then-Senator Fine in a case centered on a public records claim involving official correspondence between Jenkins, fellow Board Member, Matt Susin, and a series of additional elected officials, including Fine, the Brevard County Sheriff and a Brevard County Commissioner. Attached is a sample pleading denoting that the case involved public records. Each defendant in the case was and is represented by a local government employee-attorney. Additionally, two other elected officials subpoenaed like Congressman Fine were represented by in-house taxpayer-funded attorneys.

The subpoena sought public records from then-Representative Fine in his capacity as a then-member of the Florida House of Representatives. Of note, during the course of the litigation the General Counsel for the Florida House of Representatives filed a pleading on behalf of then-Representative Fine.

Subsequently, an attorney in private practice continued the representation of then-Representative Fine in the litigation. The payment of the subsequent legal fees by the political committee was to provide representation as Fine was deposed regarding his official interactions with School Board Member Susin and was lawful and in furtherance of the political mission. Such payment was not a gift to then-Representative Fine in his individual capacity. Were his official interactions not at issue, he would not have been involved in the case. A review of the deposition would show that many, if not most, of the questions were political in nature, and the video captured at the deposition was used by Ms. Jenkins to create attack ads used against then-Representative Fine as he ran for the Senate.

As then-Representative Fine was the Chairman of the political committee, defending him in a politically charged proceeding was within the scope of the political committee. Indeed, concerning this exact issue, the Florida Elections Commission, the agency charged with the enforcement of campaign finance, found an identical complaint to be *Legally Insufficient*. The Commission on Ethics should concur and dismiss the complaints.

The Burns Criminal Case

The second case involved criminal charges against Robert Burns, a close friend of Jennifer Jenkins, filed by the Brevard County State Attorney, alleging Mr. Burns assaulted an Avis Car Rental employee at an Avis office. Congressman Fine was not present at the incident nor aware of the incident until afterwards.

Interestingly, Mr. Burns is the complainant herein. After being charged after the incident, Mr. Burns claimed – without evidence – that then-Representative Fine acted in his *official capacity* to have charges filed against Mr. Burns. Given the wide latitude afforded criminal defendants, he was allowed to depose then-Representative Fine in his case, after which it was clear that his claims were unfounded. Now, after speciously dragging him into a case he had nothing to do with, given Burns' claims that he acted officially, Burns now disingenuously claims that then-Representative Fine received a gift in his individual capacity. During the deposition, the bulk of the questions were political in nature and the content of the deposition, both transcript and video, was used by Burns and Jenkins to create political attack ads used against Fine during his run for the Senate.

During such criminal proceeding and discovery of then-Representative Fine regarding his official actions, no evidence of any official involvement was uncovered. Mr. Burns ultimately pled guilty in the case.

Subsequently, Mr. Burns also pled guilty to a federal felony involving PPP fraud. Additionally, Mr. Burns has been found guilty of 50 counts of election fraud and been fined \$24,500 for election law violations of Chapter 106, Florida Statutes.

Given the political nature of the allegations and the intertwined relation between Mr. Burns and Ms. Jenkins, the use of video depositions of Fine by Jenkins and Burns to develop attack political ads used against Randy Fine in his State Senate campaign, the political committee lawfully sought to defend its Chairman, Randy Fine, from the specious political attacks being levied against him.

Again, a complaint on this same matter was filed with the Florida Elections Commission. And, again, such complaint was found to be *Legally Insufficient*.

In sum, the attorney's fees at issue were not a prohibited gift to former Representative Fine in his individual capacity. Rather, the fees were proper expenditures by the political committee in furtherance of the political activities as authorized by Chapter 106, Florida Statutes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Coates", written in a cursive style.

Richard E. Coates

EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

JENNIFER JENKINS,

Plaintiff,

v.

CASE NO. 05-2023-CA-018437-XXXX-XX

BREVARD COUNTY SCHOOL
BOARD; and
MATTHEW SUSIN,
in his official and individual
capacity,

Defendants.

_____ /

SECOND AMENDED COMPLAINT
PURSUANT TO SECTION 119.11, FLORIDA STATUTES

(Amended from original complaint to indicate that suit is brought against
SUSIN in both his official and individual capacity, adding Count II,
and adding facts and allegations pursuant to court order.)

COMES NOW Plaintiff JENNIFER JENKINS, by and through undersigned
counsel, and hereby sues the BREVARD COUNTY SCHOOL BOARD and
MATTHEW SUSIN, in his individual capacity, as custodians of records, and says:

- 1) This is an action pursuant to Article I, Section 24, Florida Constitution,
and Chapter 119, Florida Statutes, for declaratory judgment relief allowing
JENNIFER JENKINS (JENKINS) access to certain public records as
specified herein pertaining to phone and other communication records of
the BREVARD COUNTY SCHOOL BOARD ("BOARD") and/ or MATTHEW
SUSIN ("SUSIN").