

Exhibit D

Proof Analysis

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Proof Analysis

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BASIS OF ANALYSIS

Allegations Categorized

Ronald L. Rubin, Director of the Office of Financial Regulation of the Financial Services Commission (OFR Commissioner), in violation of Department of Financial Services (DFS) Administrative Policies and Procedures (AP&P) 5-24 and 5-26, discriminated and/or harassed staff and non-employee individuals; engaged in conduct unbecoming a public employee; and engaged in conduct inappropriate to the position of agency head.

Summary of Policy Requirements

The Department of Financial Services (DFS) Administrative Policy and Procedure 5-24, *Sexual Harassment and Other Acts of Discrimination* (AP&P 5-24) states that “...each employee is allowed to work in an environment free from any act of Discrimination and other forms of

harassment”, and prohibits conduct that has the effect of creating an intimidating, hostile or offensive working environment. The policy includes in its definition of sexual harassment: “Any... verbal... conduct of a sexual nature from or involving supervisors... when: 3. Such conduct has the purpose or effect of: b. Creating an intimidating, hostile or offensive working environment”.

DFS AP&P 5-26, *Standards and Procedures of Discipline – Career Service Employees* (AP&P 5-26) states that all employees are subject to Part III of Chapter 112, Florida Statutes, governing standards of conduct and that employees shall:

- (1) conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the state; (2) be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers; (3) maintain high standards of honesty, integrity, and impartiality; (4) place the interests of the public ahead of personal interests; (5) not use, or attempt to use, their official position for personal gain or confidential information for personal advantage; (6) protect state property from loss or abuse; and (7) use state property, equipment and personnel only in a manner beneficial to the agency.
- Refrain from conduct which, though not illegal or inappropriate for a state employee generally, is inappropriate for a person in the employee’s particular position.

See [Policy Requirements](#) section below for a more detailed summary of pertinent policy standards.

INITIAL INFORMATION

On May 10, 2019, the OIG received notification of a complaint filed with the DFS alleging sexual harassment against OFR Commissioner Ronald L. Rubin (Commissioner Rubin). In the written complaint, the complainant (Complainant #1)—an alleged victim of sexual harassment¹—claimed that Commissioner Rubin suggested Complainant #1 accompany him to his condo, and upon entering asked Complainant #1 to remove their² shoes to keep the unit clean. The request, to which Complainant #1 complied, created an “uncomfortable situation” for Complainant #1. According to the complaint, Commissioner Rubin later took Complainant #1 to lunch and then stated that one of his siblings had sex only twice, and later learned their spouse was gay two weeks after having their child. Commissioner Rubin allegedly stated that one of his parents told him that both his parents were “very fertile”. Following lunch, Commissioner Rubin brought Complainant #1 back to his condo’s floor to speak to his contractors, before leaving Complainant #1 to attend a meeting.

According to the complaint, on the following day, Commissioner Rubin told Complainant #1 they could attend a Washington DC conference with him. After declining, Commissioner Rubin offered to provide Complainant #1 a key to his apartment. The complainant stated they sought to avoid him for the rest of that day, and requested annual leave on another day to further avoid him. The

¹ Per Section 119.071(2)(n), the OIG is not disclosing the complainant’s identity in this final investigative report.

² In an effort to avoid unnecessarily identifying certain parties of the investigation, the OIG has elected to use the pronouns they and them and possessive pronouns their and theirs in this report.

complainant later inquired about taking a different position in the agency since the “situation had become awkward and uncomfortable as far as professional... relationships typically go.” Complainant #1 stated that after moving to a different position, they felt their job was more difficult to do efficiently. Complainant #1 stated they attempted to avoid contact with the Commissioner to not “recreate any uncomfortable situations”, and that Complainant #1 felt their opportunities to get to know coworkers and people in the agency “have been hindered by inappropriate and uncomfortable circumstances”. The complaint also stated that Commissioner Rubin had previously made Complainant #1 uncomfortable when he instructed Complainant #1 to not listen to anyone regarding his travel.³

On May 13, 2019, the OIG initiated a preliminary inquiry into the matter.

FINDINGS

Interviews, Statements & Supporting Documentation

In each subsection below, the first named party’s statement is aligned left. The subject’s statement is indented once and enclosed with red-colored brackets. Where available and/or relevant, additional witness and complainant testimony is indented twice and enclosed in its own uniquely-colored brackets. The bracket coloring scheme⁴ is as follows:

- █ Subject - Red
- █ Witness #2
- █ E-mail or Text Record
- █ Witness #1
- █ Witness #3
- █ Witness #4
- █ Complainant #3
- █ Complainant #2
- █ Witness #6
- █ Complainant #1
- █ Witness #5
- █ Complainant #7

³ Exhibit A-1

⁴ If printing this report, print in full color for additional clarity and statement delineation. Note: Not all parties are not presented in the indented, colored bracket format.

Complainant #1 with Witness and Subject Statements

The OIG conducted a sworn and recorded interview with Complainant #1 on May 14, 2019.⁵ Unless otherwise noted in quotation, the complainant provided substantially the following:

I authored the DFS Sexual Harassment and Other Acts of Discrimination Complaint Form that was prepared on May 10, 2019; the information contained in the form is true and accurate. No one helped me fill it out. As of May 14, 2019, I had not spoken to anyone at DFS or its office of employee relations.

At some time during the selection process, OFR hiring staff told me that my duties would include

[REDACTED]

[REDACTED] Commissioner Rubin asked me to take my heels off to take a picture with him. An employee intervened and told him not to ask me to take my shoes off; “He went into his office saying he might have a box for him to stand on but he did not.”⁶ I am taller than the Commissioner, so he asked me so I wouldn't be taller than him in the picture. It made me feel “put on the spot and uncomfortable”.⁷

In a sworn and recorded interview on July 12, 2019, Commissioner Rubin told the OIG⁸ he asked a DFS employee to remove their shoes and that they seemed fine with it, because their spouse is shorter than them. He did not recall trying to retrieve box but said he has cowboy boots in office to increase his height.

Commissioner Rubin stated to the OIG, “I have no specific recollection of asking a subordinate employee to remove his or her shoes to have a photo taken with me. However, [a subordinate employee] frequently commented that I do not look good in photos for various reasons, including that I am considerably shorter than people standing next to me, and [they] told me on several occasions that [they] could not use photos [they] had taken of me and people with whom I'd met, for such reasons. Having endured derogatory comments about being short throughout my life, I am somewhat sensitive about my height, and I occasionally attempt to lessen the visible difference in height between me and those standing next to me in photos. If I asked an employee to remove his or her shoes when taking a photo with me, I would have done so for these reasons.”

“I have no specific recollection of asking a subordinate employee to kneel down to have a photo taken with me. As discussed above, the only reason I may have done so would have been to try to lessen the visible difference in height between me and those standing

⁵ Exhibit C-1b.

⁶ Exhibit C-1b, transcript page 25.

⁷ Ibid.

⁸ In the beginning of the interview, Commissioner Rubin notified the OIG that current medication could possibly interfere with his ability to understand questions and/or answer them truthfully. Commissioner Rubin appeared lucid, agreed to proceed with the OIG interview, and did not exhibit any difficulty in answering questions during the interview.

next to me.”

“I have no specific recollection of asking a non-OFR employee to remove his or her shoes to have a photo taken with me. As discussed above, the only reason I may have done so would have been to try to lessen the visible difference in height between me and those standing next to me.”⁹

Under oath, Witness #2 told the OIG that on Complainant #1’s first day on the job, Commissioner Rubin asked Complainant #1 “to like get down, uh, not kneel but bend down, if you will, for a photo with him..., which I thought was disrespectful because [they] should be able to stand if [they want] to stand in the photo. But because [they were] a tall [individual of a particular gender], and he didn’t like to be taking photos with tall [individuals of a particular gender], I guess was his thing, I thought that was, uh, not respectful of [them].”¹⁰

I also remember while at a meeting at FDLE’s Fusion Center Commissioner Rubin asked to take a picture of a woman who had been presenting to us, “and she was a petite woman and so he goes, “Oh, good. I’m glad you’re not tall,” you know, ‘cause he doesn’t like... – that’s just – that interaction plus the one with [Complainant #1]”.¹¹

I heard he also asked a person in the CFO’s office to remove their shoes, but I did not witness it.

An e-mail dated March 13, 2019, 11:17 PM, from Rubin, Ronald Ronald.Rubin@flofr.com to [a non-OFR employee] stated: “Of course I remember you... - not too many women are a foot taller than me.”¹²

On the same day, Commissioner Rubin instructed some coworkers to move a refrigerator from his condominium to the executive office breakroom. This was done on state time using a personal vehicle of one of the employees.

Commissioner Rubin told the OIG, at least five employees were present during the moving of the refrigerator and that he is unaware of any injuries.

Commissioner Rubin stated to the OIG, “I also note that a number of the interrogatories posed inaccurately assume that my condominium unit at [REDACTED] was my “personal residence” during the months of February, March and April 2019. It was not. I was appointed OFR Commissioner on Tuesday, February 26, 2019. I did not relocate to Tallahassee (from Washington, DC) until the weekend of March 2 and 3. From March 3 to April 30, my personal residence was a temporary rental apartment in Tallahassee. I

⁹ Exhibit B-3, statement pages 10-11.

¹⁰ Exhibit C-9, transcript page 29.

¹¹ Exhibit C-9, transcript pages 29-30.

¹² Exhibit B-5.

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purchased my unfinished [REDACTED] condominium unit in April. As described in my Statement, a considerable amount of work, including painting and installing floors, had to be done before the unit became habitable. I did not reside in the unit until May 1, 2019.”¹³

“I did not instruct subordinate employees to move a refrigerator from my residence to the Fletcher Building. I did not “instruct” the OFR employees to move the refrigerator, and (as discussed above) the unit from which it was moved was not my residence at the time. Purchasers of unfinished units in the [REDACTED] may decline the standard new white appliances that come with the units in return for an allowance to purchase their own appliances. I chose the allowance, but the development company left the white appliances in the unit anyway. Recognizing that the small, old refrigerator in the OFR executive suite (in the Fletcher Building) was inadequate and always overstuffed, I asked my staff if they would like me to donate the full-sized white refrigerator to the executive suite. They enthusiastically accepted the offer, and they arranged, without my instruction, to have four or five people move the white refrigerator from my unfinished [REDACTED] unit to the Fletcher Building in the pickup truck owned by [Witness #3]. In addition to [Witness #3], the employees who came to the unfinished unit were [Complainant #7], [Witness #3’s] subordinate [Witness #4] and [Complainant #3]. Before moving the refrigerator, they spent several minutes wandering around looking over the unit and admiring the view from the balcony. (They spent significantly more time looking around the unfinished unit than [Complainant #1] later did on the way to lunch on April 29.)”

“I did not instruct a subordinate employee to use his or her personal vehicle to move a refrigerator from my residence to the Fletcher Building. See response above. The [REDACTED] unit was not my residence at the time, and I did not “instruct” [Witness #3] (or any other subordinate employee) to move the refrigerator; [they] came up with the idea of using [their] pickup truck to move the refrigerator on [their] own.”¹⁴

Under oath, Witness #1 told the OIG, that during working hours four employees and Commissioner Rubin “all came in with this big old refrigerator, like a double-door, huge refrigerator. And he was trying to get it in his office at first, but it wouldn’t fit. And so, you know, everybody came in... and was trying to figure out how to get it in there. They called, um, [the DMS] maintenance guy, trying to take the doors off to try and get it in there. [They] just suggested they put it in the little break room, so -- we had just like a little bitty refrigerator in there. He took that out, put that in his office, and then they moved that big refrigerator in the utility room.”¹⁵

In a sworn statement,¹⁶ Witness #3 stated to the OIG that Commissioner Rubin came to Witness #3’s office to ask if Witness #3 “could assist him with moving his refrigerator” from his condominium unit to the OFR’s office suite #118. Commissioner Rubin asked Witness #3 for the use of his personal vehicle, stating

¹³ Exhibit B-3, statement page 2.

¹⁴ Exhibit B-3, statement pages 11-12.

¹⁵ Exhibit C-8, transcript page 27.

¹⁶ Exhibit C-10a-b.

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to Witness #3 that “one of my co-workers told him I had a large truck. As the Commissioner making this request, I felt pressured to assist him with this move.”¹⁷

On the day before the move, Witness #3 went to the Commissioner’s condominium unit to see how large the refrigerator was with Complainant #3 and Complainant #7. According to Witness #3, moving the Commissioner’s refrigerator was not an official part of his duties. The Commissioner did not ask Witness #3 to remove his shoes.

During the move, Witness #3 was accompanied by four other employees.

In a sworn statement,¹⁸ Witness #4 stated to the OIG that Witness #4 and four other employees went to Commissioner Rubin’s condominium unit to assist with moving a refrigerator to the Fletcher Building.

About a week after I started, the Commissioner asked me what I had done for lunch when walking into the office from the parking garage. I responded that I had taken some clothes to be altered due to recently losing 30 pounds. I told the Commissioner I use an elliptical machine in the morning, but hadn’t done so since working for OFR because I was worried about coming in late. Later in the office, Commissioner Rubin stated, “I’ll make you a deal. If you show me a picture of you 30 pounds [heavier] you can come in a little bit later.”¹⁹ The comment was “uncomfortable and abnormal.”²⁰

Commissioner Rubin told the OIG he imposed no requirements on Complainant #1 to come in late to exercise. He said Complainant #1 voluntarily provided a picture to him that embarrassed him.

In his first statement to the OIG, Commissioner stated that “Several OFR employees told me that the previous commissioner’s and acting commissioner’s unreasonable rigidity regarding working hours had harmed morale, so I allowed my staff significant scheduling flexibility to deal with family and personal matters, and regularly granted permission to arrive at the office late or leave early to tend to family obligations. I informed [Complainant #1] of my approach to such issues. Specifically, shortly after [Complainant #1] joined OFR, [they] said [they] had stopped going to the gym because working out in the morning would cause [them] to arrive at the office at 8:15 am rather than 8:00 am. I gave [them] permission to begin work at 8:15 am, and said [they] should let me know if anyone told [them they] could not do so.”²¹

In his second statement, Commissioner Rubin denied proposing a deal, but recalled a discussion about exercise and weight loss and telling Complainant #1 that their “first 15

¹⁷ Exhibit C-10a, statement pages 2-3.

¹⁸ Exhibit C-11a-b.

¹⁹ Exhibit C-1b, transcript page 22.

²⁰ Exhibit C-1b, transcript page 23.

²¹ Exhibit B-2, statement page 6.

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minutes in the office were not that important to me, and that [Complainant #1] had my permission to come to work at 8:15." Commissioner Rubin stated to the OIG that "A few minutes later, [Complainant #1] came to my office and showed me a composite photo... before and after [the] weight loss. I did not ask [Complainant #1] to do so, nor did I condition [Complainant #1] coming in 15 minutes late on [Complainant #1] showing me the photo."²²

Witness #1 told the OIG that Complainant #1 "told me that [their] schedule changed. [They were] gonna come in like 15 minutes later. And [Complainant #1] said [they] had talked to the Commissioner about it and he said it was okay. And [they] said, um, it was because [they work] out in the morning and so, uh -- wherever [they live] was a ways, so [they] didn't want to be late like every morning. And so [Complainant #1] said that he said it was fine."²³

At some point, at least two other office staff were discussing shirtless firefighter calendars. Commissioner Rubin told me and the employees, "how good he looks without -- his shirt off and it was just weird. It was uncomfortable".²⁴

Witness #1 recalled to the OIG the Commissioner telling a joke about the firefighter's shirtless calendar, he said "We could, you know, have a calendar, you know, like the firefighters do." You know, he was saying, you know, "Cause I work out and I -- you know, I don't look like it in my suits, but, you know, I'm okay and we could have everybody, you know, do like a -- be in a calendar." And he was saying like, "You know, like the firefighters do."²⁵

Witness #4 stated to the OIG Commissioner Rubin showed pictures of his muscles. Witness #4 stated "I thought they were weird but felt he was awkward and liked to brag often."²⁶ In a follow-up to the statement, Witness #4 stated "(it was a series of pictures from his phone including his dad who I believe was in a bathing suit) I saw pictures of him as an adult and as a child... (I believe he was clothed)... I honestly cannot recall what started the conversation, during the conversation at some point he was discussing his healthy life style and working out and not eating."²⁷

At some point, the Commissioner requested I contact Complainant #3 while on leave, to which I asked what about. He said, "I really need someone to clean my apartment this weekend. And so I need [them] to give me suggestions."²⁸

²² Exhibit B-3, statement page 11.

²³ Exhibit C-8, transcript page 53.

²⁴ Exhibit C-1b, transcript page 17.

²⁵ Exhibit C-8, transcript page 52.

²⁶ Exhibit C-11a, statement page 3.

²⁷ Exhibit C-11b, statement follow-up received via e-mail.

²⁸ Exhibit C-1b, transcript page 17.

Commissioner Rubin told the OIG he did not remember asking Complainant #1 to contact Complainant #3 to find cleaning services. He said he only asked staff for ideas, not to research options for cleaning services, and that Complainant #7 went above and beyond in their own search to find cleaning services for him.

Commissioner Rubin stated to the OIG, "I did not ask a subordinate employee to locate cleaning services for my personal residence. I generally clean my personal residences myself, and almost never use cleaning services."

"The floors were installed in my [REDACTED] unit between April 22 and April 25. When I checked on the project on the evening of April 25, I observed that the entire unit was covered in concrete dust that made breathing difficult. I mentioned this fact to [Complainant #7] the following morning (Friday, April 26), and asked if [they] knew a good cleaning person. I did not ask [Complainant #7] to find me a cleaning person. [Complainant #7] said [they] might know someone, and would get back to me. A few hours later, I briefly visited the [REDACTED] building and spotted an independent cleaning woman in the lobby. We went up to my unit, she inspected the concrete dust, and she offered to deep clean the unit that evening. Later that afternoon, I mentioned to [Complainant #7] that I had found someone to remove the concrete dust from my unit."

"[An employee] suggested that I have [their] father-in-law's apartment (which, as described above, I rented from him during March and April) professionally cleaned before I vacated it on May 1, and [they] offered to give me the name of a cleaning person, but I declined the offer. Instead, I spent the April 27-28 weekend cleaning the apartment myself to ensure that I returned the apartment on May 1 cleaner than it had been when I moved in on March 3."²⁹

Under oath, Complainant #7 told the OIG that Commissioner Rubin wanted help to find someone to clean his apartment on a work day while Complainant #3 was on annual leave.³⁰

The Commissioner had a practice of intermingling personal travel with his OFR travel and frequently changing travel plans. This caused confusion among office staff concerning which expenses should be paid for by OFR and which should be paid for by the Commissioner.

For example, for one trip, he discussed switching his travel plans from Miami to West Palm Beach "and said, "Instead I'll visit the West Palm office." Then he wanted to spend the rest of the weekend in West Palm visiting his parents."³¹ He went on to make an argument that he would keep his state-paid rental car for the weekend, but the Chief of Staff intervened and said he should instead pay for the extra days of having the rental car. The two never reached a conclusion.

During another trip, he decided to not travel to Washington, DC from Miami, and instead wanted

²⁹ Exhibit B-3, statement page 17.

³⁰ Exhibit C-7c, transcript pages 79-82.

³¹ Exhibit C-1b, transcript page 29.

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to stay in West Palm Beach to visit his parents. He asked me to tell the airline that a prior weather event had caused him to change his plans, so that a \$200 cancellation fee would be waived. I did so and the fee was waived.

To my knowledge, his travel from Tallahassee to Washington, DC on or about April 20, 2019 was for personal reasons and charged on a state purchasing card.

██
██
I once asked another OFR employee if it was okay to book his personal trips. Commissioner Rubin's parents live in West Palm Beach. "He would always swing by the Miami or the West Palm office and then spend -- want to spend extra time. And so [another OFR employee] explained to me that the -- the optics look bad."³²

Commissioner Rubin stated to the OIG, "I did not request that subordinate employees make personal travel arrangements. On one or two occasions, after [two employees] told me that doing so was proper and permissible under the state's rules, I added a third leg to my airline reservations so I could stop by Washington on the weekend before or after business travel to remote locations. In all such cases, I paid for the additional cost of the ticket resulting from the additional leg, and also had OFR's travel experts confirm that the state paid for only the work-related portion of my travel expenses. Since I am very experienced in booking low-cost flights (and am very capable of, and actually enjoy, making my own personal travel arrangements), I usually reserved my own flights online and then asked [Complainant #1] to confirm that the flights were proper before paying for them. On such occasions, it was impossible for [Complainant #1] to reserve or book the work-related flights without also reserving or booking the personal portion of the reservation."³³

"I traveled by automobile to the March 14, 2019 Palm Beach Alzheimer's fundraiser."

"I did not travel between Tallahassee and West Palm Beach for the March 14th Alzheimer's event. Rather, I traveled from Tallahassee to West Palm Beach on the evening of March 13th to conduct a "town hall" meeting with OFR employees in OFR's West Palm Beach office during business hours on March 14th and then attended the Alzheimer's event that evening. I drove the same rental car to the event that I'd used to travel to OFR's office earlier that day (thereby incurring no additional travel costs)."

"Moreover, based on my role in introducing the governor and my speech to the audience about OFR's and the Cabinet's senior financial fraud prevention initiatives, I believe the Alzheimer's event qualifies as work-related."³⁴

³² Exhibit C-1b, transcript page 32.

³³ Exhibit B-3, statement page 8.

³⁴ Exhibit B-3, statement page 5.

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Witness #1 told the OIG the Commissioner took trips to Washington, DC once or twice a month for personal reasons and on the weekends. Complainant #1 raised issues with “trying to figure out can he mix State and personal. So he was trying to -- you know, they were trying to figure out how to pay for it, where the State could pay for their portion and he could pay for his, for his personal side.”³⁵

“I just saw one time where [Complainant #1 was] physically upset, like, you know, crying after talking to him, but they -- I don't know what it was about.” It was “Maybe two, three weeks ago. It was something about business, 'cause he wanted to talk about travel or something like that. [REDACTED]”

“I just was assuming that it was business-related 'cause he was talking about a travel, and then he was talking about [them] getting his emails correct, like in the right folder, and that [they] had moved one somewhere, so he was trying to find it. He wasn't being nasty or ugly about it. He -- he was like, "I'm not mad. I'm just saying I need to find that, you know, if you can find it or whatever.”³⁷

Witness #4 stated to the OIG “I do not feel the Commissioner was respectful of my guidance when working to prevent travel issues. The Commissioner traveled to the West Palm Beach office which seemed odd for the timing, his conversations were with [other employees] and I had to communicate with [another employee] to figure out his plans for the trip. When inquiring with [Complainant #3] (as we were not allowed to discuss the trip information with the Commissioner), the personal engagement was avoided. During this trip the Commissioner tweeted a picture at an Alzheimer benefit with Governor Desantis [sic]. Once I saw the tweet I requested a meeting with the Commissioner and [Witness #3]. I reviewed all his travel and explained he should reimburse the state for the hotel cost for that evening since it was not state business and he could have returned home. He agreed and later came back with [another employee] who had explained to him it was fine and that reimbursing the state was stupid and anyone who thought that way or would suggest he reimburse the state was stupid. Since the conversation had taken an extremely disrespectful tone and the Commissioner did not address it [sic] I asked [Witness #1] to work with him and [Complainant #3] and walked out.”³⁸

Under oath, Complainant #3 told the OIG, “That was his plan to really live in D.C. on the weekends and to only be in Tallahassee during the week. And he wanted to do that as much as he could, scheduling meetings, even if he didn't need to, in D.C. in order to be able to visit his apartment there.”³⁹

³⁵ Exhibit C-8, statement page 42.

³⁶ Exhibit C-8, transcript page 43.

³⁷ Exhibit C-8, transcript page 44.

³⁸ Exhibit C-11a, statement page 4.

³⁹ Exhibit C-3b, transcript page 4.

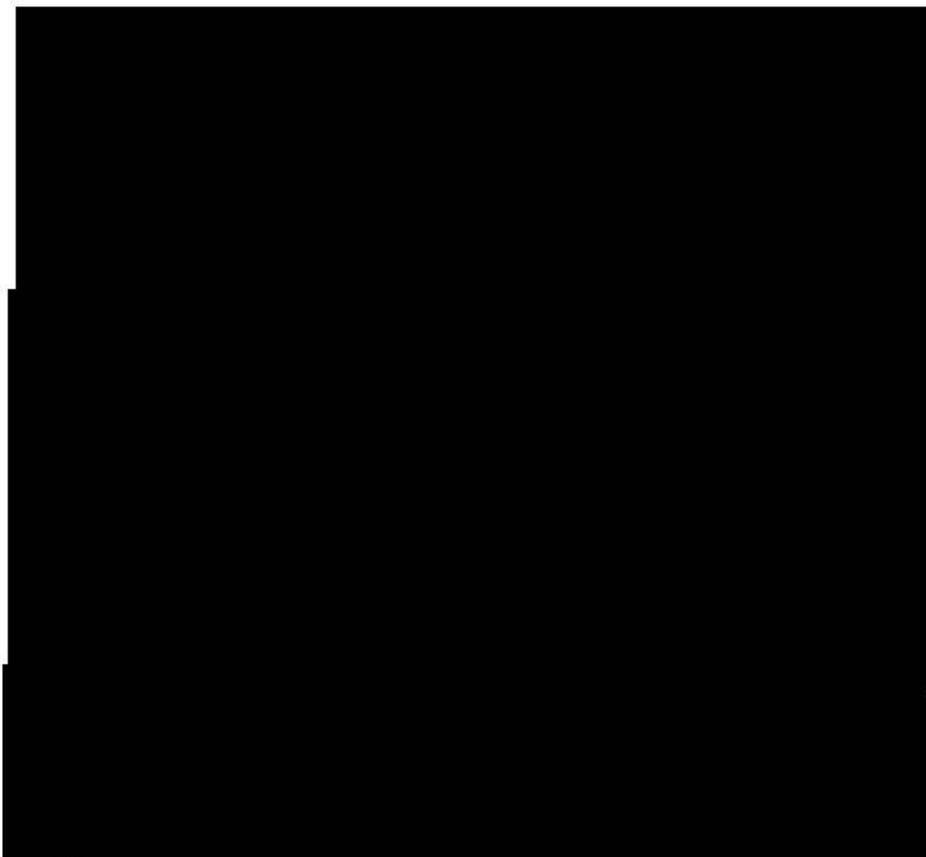


Figure 1: Notes provided to OIG by Complainant #1.⁴⁰

A text message dated April 24, 9:42 AM, from Commissioner Rubin to [Complainant #1] stated:

Commissioner Rubin: “Don't buy the AA tickets to DC that you just put on hold.”

Complainant #1: “I won't. I was hoping to talk to you more tomorrow about what your plans are.”

Commissioner Rubin: “Whenever I fly to DC, generally try to get me on the TLH-DCA direct flight. Normally I would take the Saturday morning flight, but I have to be in DC the following weekend for the NASAA conference, so I don't want to be away from the office that long. Also, I might want to fly directly from DCA to San Antonio for the beginning of the CSBS conference right after the NASAA (if I go, I won't stay until the end).”

⁴⁰ Exhibit B-6.

Complainant #1: “Ok thank you. San Antonio is also on my list of things to ask you about. I put these flights on hold as a starting point but will certainly wait until after we've confirmed your plans to book anything.”

Commissioner Rubin: “Please check on how much it would cost (or save) to change my 5/3 and 5/5 flights (MIA-DCA and DCA-TLH) to just MIA-TLH on 5/5 (or PBI or FLL to TLH on 5/5). Since I spent last weekend in DC and didn't get to see my parents, it makes more sense to just stay in South Florida for the weekend after my Miami work.”

“It should actually be cheaper.”

“There's one seat left on the 5/5 2:45 pm flight from PBI to TLH (1 stop). See if that's doable rather than driving back down to MIA.”

Complainant #1: “Ok I am hold with American Airlines now. I will let you know soon.”

Commissioner Rubin: “While you're talking to them, ask if you can get some credit because one of my flights was cancelled by the storm in this trip, so I only took 2 flights instead of 3.”

“I think I'll make my Friday visit to the Miami office quick, then visit the West Palm Beach office.”

Complainant #1: “The 2:45 PBI to TLH on May 5th would cost \$97.

MIA to TLH nonstop (5:30-7) on May 5th would cost \$65

They will refund you for the leg of the trip you missed due to the weather, but they can't apply it directly to another flight.”

“Also the PBI flight makes a stop in Charlotte before it lands in TLH at 7:30.”

Commissioner Rubin: “Do the PBI flight on 5/5. I might have to take the 5/11 (Saturday) TLH-DCA flight. I have to fly to DC on Tuesday 5/14 anyway, and I'm meeting to a lot of important (to Reg sandbox) people at this conference that I want to sit down with in DC in May. At the very least, I need to take the 7 am TLH-DCA flight on 5/14.”

“Please introduce yourself to Scott Kimpel at Hunton Andrews Kurth (former partner of mine in Hunton DC office) and ask if there's a good time for me to call him to discuss the FinCen enforcement action (he just published an article on it). Thanks.”

Complainant #1: “Still working on it. You have a meeting scheduled with me... in the morning. I will try to have it straight by then.”

Commissioner Rubin: “OK. Have a nice class. 😊”⁴¹

Under oath, Complainant #2 told the OIG, with regard to travel concerns, I believe he wanted to extend trips in West Palm Beach to visit his family and that there were and there were frequent trips to Washington, D.C. and West Palm Beach. It would be inappropriate if the state was paying for personal travel, but he asked an employee to book personal travel that he intermingled with work-related trips, and “it was very, very, very complicated. Because it's almost hard to determine where one ends and the other begins.”⁴²

Governor DeSantis, Alzheimer's Disease: My parents, who live in West Palm Beach, were honored at the Alzheimer's Association's "Evening of Hope" fundraiser that evening for their donations to Alzheimer's disease research. I had asked the Alzheimer's Association to invite Governor DeSantis to speak at the event, and as I was driving to OFR's WPB office, I was thrilled to learn he had added the event to his schedule. In my speech before I had the honor of introducing the governor, I told the audience about the Cabinet's and my plans to tackle Florida's elder fraud epidemic. Governor DeSantis then unveiled his initiative to devote millions of dollars to Alzheimer's research.

Ron



L to R: Walter, Ronald, & Lucille Rubin, Gov. DeSantis, and Audra Afflitto (Alzheimer's Association).

Figure 2: Excerpted from Commissioner Rubin's Weekly Message, March 18, 2019.⁴³

⁴¹ Exhibit B-6.

⁴² Exhibit C-2a, transcript page 47.

⁴³ Exhibit B-5.

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On or about April 25, 2019, the Commissioner called me into his office and closed the door, "He talked about how he was annoyed with the whole travel situation and he didn't want me to listen to [Complainant #2] or anyone else".⁴⁴

The Commissioner has texted me from his personal phone after hours and during the weekend. His messages have been about work and non-work-related subjects, including a request for food recommendations, pictures of the mall food court, and questions about my homework.

Commissioner Rubin stated to the OIG, "I sent a few short, inconsequential non-work-related text messages to [Complainant #1]. For example, on Saturday, April 27, I found myself at the mall Chinese restaurant where [Complainant #1] told me [they] often went for lunch, and I sent [Complainant #1] a photo of the restaurant. Shortly thereafter, I texted [Complainant #1] to ask where I could get a good hamburger nearby."⁴⁵

I understand he has also texted Witness #1, who told me "'Oh, he used to text me all the time," or, "He used to do -- say, you know, crazy stuff to me all the time." [Witness #1] said that he would text and call [Witness #1], like, weird hours."⁴⁶

Witness #1 told the OIG that Commissioner Rubin would text at any time and after hours to confirm whether people were waiting on him for a meeting, for a flight change, to share pictures of him getting a bicycle in Washington, DC, and his parents and the Governor at an Alzheimer's event.

Commissioner Rubin has taken me to lunch twice. During the first time, I rode with him in his car, and none of the interactions were unusual.

Witness # 1 told the OIG, "So, um, you know, they had been out before and [Complainant #1] was like, "Oh, I made it through that, you know, weird lunch or whatever." Just – just because [Complainant #1] didn't know him."⁴⁷

During the second lunch I had with him, we walked out of the Fletcher building and he said something to the effect of "Well, let's go up to my apartment first. I want to show you the renovations."⁴⁸ I do not know why he thought I would be interested in the renovations. I think he thinks everyone in the office is interested because he has taken other employees there. I knew that other people had been up to his apartment to move the refrigerator and to look at paint he said was the wrong color.

Commissioner Rubin told the OIG, "To be honest, I didn't wanna invite anybody out to lunch. I mean, the -- the very first time, uh, [Complainant #3] said, "You need to take [Complainant #1] out to lunch." And it made me so nervous that I said to [Complainant #1]

⁴⁴ Exhibit C-1b, transcript page 33.

⁴⁵ Exhibit B-3, statement page 12.

⁴⁶ Exhibit C-1b, transcript page 108.

⁴⁷ Exhibit C-8, transcript page 10.

⁴⁸ Exhibit C-1b, transcript page 60.

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-- even though it was a goofy thing to say -- I said, "[Complainant #3] says I have to take you out to lunch." Um, when I saw that I missed [REDACTED], I thought oh, God, I have to take [Complainant #1] out to lunch again."⁴⁹

He further explained to the OIG that he dreaded taking Complainant #1 out to lunch because it was expensive and [Complainant #1's] "not somebody I have a lot to talk about with."⁵⁰

Commissioner Rubin said he asked Complainant #1 to go to his condominium unit to check on the progress of a painter and because he thought Complainant #1 was interested in seeing his project.

In Commissioner Rubin's first statement to the OIG, he stated that "During [Complainant #1's] first week..., my [subordinate employee] advised me that I should take [Complainant #1] to lunch, I followed the advice, but to make it clear I had no inappropriate intentions, I invited [Complainant #1] by saying, "[Subordinate employee] says I should take you to lunch." I believe [Complainant #1] appreciated the invitation and enjoyed the lunch."

"... When I returned to the office, I saw flowers on [Complainant #1's] desk and realized that I had forgotten. I apologized to [them] and offered to take [them] to lunch the next week, which is something I would typically do... [They] agreed and chose Harry's Restaurant (I had never been there) for the [following week]."

"On our walk to Harry's, which is just feet from the [REDACTED] I asked [Complainant #1] if it would be alright if I stopped at the [REDACTED] for five minutes to see if my painter had painted the baseboards that morning, as promised. [They] said that would be fine, and I asked if [they] wanted to see the apartment that we had discussed previously, as opposed to waiting in the lobby alone downstairs. Without hesitation, [Complainant #1] said [they] would like to see the apartment. At no time did [they] express or display any discomfort."

"Although no workers were present, the door was propped open and remained that way the entire time [Complainant #1] was there. There was no furniture in the apartment except a recently delivered mattress wrapped in several layers of heavy shipping plastic to protect it during the messy finishing work. I walked through the rooms at a brisk pace, ahead of [Complainant #1]. I opened the sliding door and waited inside while [Complainant #1] went out on the balcony to see the view. I estimate we were inside the unit for no more than three minutes. While there, I called the painter to say that the baseboards still had not been painted, and we proceeded to Harry's. I viewed the stop as innocuous."⁵¹

"I endeavored to set a similar tone in my own executive office. A personal topic I discussed frequently during informal conversations with my staff was my interest in interior design. I

⁴⁹ Exhibit C-15a, transcript page 22.

⁵⁰ Exhibit C-15a, transcript page 23.

⁵¹ Exhibit B-2, statement pages 6-7.

had put considerable thought and effort into painting and furnishing my Washington, DC apartment (the project distracted me during the eight month-long OFR appointment process). I often shared photos of my DC apartment's furniture and design with my staff and others who expressed interest, including the Department of Financial Service's chief of human resources management.”

“After my appointment, I decided to buy a second apartment in Tallahassee. I purchased an unfinished unit in the ██████████ that required painting and installation of floors, baseboards, closet shelving, kitchen appliances, faucets, lighting, and other basic features. I chose to coordinate the various tasks myself. The condo “finishing” project was a periodic topic of conversation with my staff and others, including CFO Patronis. Four members of my staff (including [an administrator]), and later former OFR commissioner Tom Grady (██████████), visited my unfinished apartment during April 2019. I occasionally discussed with [Complainant #1] both the design of my DC apartment and the pre-habitation work being done on my Tallahassee condominium, which appeared to be of interest to [them]. [Complainant #1] had asked to see photos of the DC apartment, and [their] comments indicated knowledge of interior design.”⁵²

In Commissioner Rubin’s second statement, he stated “I accompanied [Complainant #1] through the uninhabited ██████████ unit once, for about three minutes on the way to lunch on [a particular date], before I or anyone else had inhabited the unit, and before it became my personal residence.”⁵³

Witness #1 stated that after receiving Commissioner’s Rubin lunch invitation, Complainant #1 said something to the effect of, ““Oh, goodness, I gotta go to lunch with him.””⁵⁴

I saw someone in the condominium building I knew from the Capitol but cannot remember the name; it was awkward.

His unit is on the ██████████. He said, “You have to take your shoes off. I don’t want the dust in my apartment. They just cleaned it.”⁵⁵ He also took his shoes off inside the door. He showed me every room and the balcony, and then we left to go to Harry’s restaurant. Due to a long wait at Harry’s, we left to go to Andrew’s restaurant and had lunch there.

Commissioner Rubin stated to the OIG that he “explained to [Complainant #1] that the hallway was covered in concrete dust and I did not want to track hallway soot over newly cleaned floors, so asked if [they] would mind removing [their] shoes inside the doorway. [Complainant #1] said [they] did not mind, and [they] exhibited no signs of discomfort. If [they] had, I would have gone into the apartment alone.”⁵⁶

⁵² Exhibit B-2, statement pages 5-6.

⁵³ Exhibit B-3, statement pages 8-9.

⁵⁴ Exhibit C-8, transcript page 10.

⁵⁵ Exhibit C-1b, transcript page 61.

⁵⁶ Exhibit B-2, statement page 6.

On the way to Andrew's, we talked about the fact that I had not made a reservation for the lunch.

Witness #1 told the OIG that Complainant #1, "told me after the fact that once [Complainant #1] got there, he was upset because the – [they] had [not] set up an appointment, like a reservation, so it was like a 25-minute wait or something. He was mad... And [Complainant #1] said, "Well, that's funny that he wants me to set it up and he's the one invited me."⁵⁷

During lunch, he did most of the talking, and mentioned politicians and previous commissioners. He asked and we talked about my family. He told me about his parents' close ties to Mayo Clinic because they have donated money. He told me his sister had been married for several years before getting pregnant and having a child. He told me that two weeks after the child was born, his sister's husband said he was gay. Commissioner Rubin said, "And so supposedly the whole time they'd been married they only had sex twice",⁵⁸ and that she became pregnant from those two times.

Commissioner Rubin said it was possible he told the story to other OFR employees as well, including Witness #2, Complainant #3 and Complainant #7, as he has told many people the story. He did not view it as offensive.

Commissioner Rubin stated to the OIG, "I told [Complainant #1] that my sister and her husband had separated and divorced after being married for eight years and having a child, and after my sister's husband told her he was gay. I did not tell [Complainant #1] (or any other subordinate employee) anything about the sex life of my sister and her husband."⁵⁹

"I do not recall telling a subordinate employee my sister's husband was gay and that he "came out of the closet" after having a child. Except for the fact that the man is now my sister's ex-husband (not her husband), the facts described in the alleged statement are essentially correct."⁶⁰

Complainant #3 told the OIG that during their dinner, Commissioner Rubin "said that his sister had gotten married to a man that she didn't know was gay and that he waited until after -- two weeks after she had had a child with him to come out of the closet. Um, he found this funny."⁶¹

"I was sitting there with my mouth open the whole time he was telling me this because I was kind of in shock. And I don't know if he thought I was in shock at the fact that -- the story or the fact that he was telling me this. I think it was a little bit of both."

⁵⁷ Exhibit C-8, transcript page 11.

⁵⁸ Exhibit C-1b, transcript page 64.

⁵⁹ Exhibit B-3, statement page 13.

⁶⁰ Exhibit B-3, statement page 14.

⁶¹ Exhibit C-3a, transcript page 44.

"I was still trying to get over the fact that we had gone up to his apartment and I had to take my shoes off and I'm sitting here."

"But he was telling me how his dad made the comment, "Well --" and this is how he said it to me, "Well, son, your mother and I are very fertile." And then he kind of laughed and he was like, "Oh, gosh, Dad. Like, there's some things I don't need to know." And I -- that was pretty much all I recall from that whole scenario."⁶²

Commissioner Rubin told the OIG the story was meant to be self-deprecating, and that he has told the story to many people. He did not remember telling Complainant #1 until he read the complaint. It is possible he told other people in the agency the same story. He was not telling a story about his parents' sex life; it was just a "... dad comment. Like "Oh, my God. Like, I can't believe -- I wish I hadn't heard that" kind of a story."⁶³

In his first statement to the OIG, Commissioner Rubin explained that, "During lunch (which wound up being at Andrew's because Harry's could not seat us), [Complainant #1] discussed [their] family... and then asked about my siblings. I said that my sister's son had recently died... In an attempt to lighten the mood, I told a family anecdote, which I have told many people over the years, that ends with my father unexpectedly answering a question, "Your mother and I were very fertile," followed by my quip that it took years of therapy to unhear that answer. My intention was not to make [Complainant #1] uncomfortable but rather to tell a self-deprecating family story after our downbeat discussion of family illnesses. [Complainant #1] gave no indication that this brief anecdote made [them] uncomfortable."⁶⁴

In his second statement, Commissioner Rubin stated that he told Complainant #1 what he "considered to be an amusing "Dad story" that ended with my father unexpectedly answering a question by saying "Your mother and I were very fertile." I then quipped to [Complainant #1], "It took me years of therapy to unhear that answer." I told this story in an effort to lighten the mood..."⁶⁵

The comment from his dad made me uncomfortable; "I didn't really say anything. I tried really hard not to express a whole lot".⁶⁶

Witness #1 told the OIG, "I asked [Complainant #1], uh, "Were you -- why did you not leave? Were you uncomfortable?" [They were] like, "I was just in shock still, like just sitting there, like. First I'm going up to his apartment. Then I'm sitting here listening to him talk about all this." So [they] said [they] barely got a word in 'cause

⁶² Exhibit C-1b, transcript pages 64-65.

⁶³ Exhibit C-15a, transcript page 30.

⁶⁴ Exhibit B-2, statement page 7.

⁶⁵ Exhibit B-3, statement page 13.

⁶⁶ Exhibit C-1b, transcript page 88.

he liked to talk.”⁶⁷

“It was like, you know, just telling me like, “Can you believe that? Like, he said all this.” And I was like -- you know, [Complainant #1] was saying... “What is happening? I can't believe he's like telling -- describing this to me like we're friends.””

“[Complainant #1] didn't like it, but [they were] telling me like, “Don't you think this is bad? Or don't you think this is, you know, inappropriate or whatever?” And I said, “I don't really know. It's up -- it's up to each person how they feel about whatever he said 'cause I wasn't there.””⁶⁸

After lunch, we returned to his condominium unit because he said he needed to go speak with painters. I stayed in the hallway, and called a co-worker about the Commissioner's upcoming meeting. The Commissioner entered his unit, along with the painters, without taking his shoes off.

Commissioner Rubin told the OIG, he did not want to be rude, so he asked Complainant #1 to come up to his condominium floor but not enter, because there was no need for them to come into the unit.

In his first statement to the OIG, Commissioner Rubin stated, “During lunch, the painter sent me a text message saying that the baseboards would be painted by 1:45 pm. When [Complainant #1] and I left Andrew's around 2:00, I asked if [Complainant #1] would mind my stopping by the apartment on the way back to the office to see if the baseboards had been painted. [Complainant #1] said that [they] did not mind, and we rode up the elevator. I asked [them] to wait by the elevator while I walked down the hall and checked the apartment. I neither wanted nor asked [Complainant #1] to go back inside the unit with me -- it was absolutely clear that I would go to the apartment by myself and check the baseboards. The painter arrived at that time, and I spoke with him inside the apartment for a few minutes while [Complainant #1] remained by the elevator. [We] then walked back to OFR; I stopped into a building near OFR for a meeting and [they] returned to OFR.”

“[Complainant #1] never told me and gave me absolutely no indication that anything I said or did that day, or at any time prior or since, was inappropriate or had made [them] in any way uncomfortable. It disturbs me greatly to think that what I viewed as innocent interactions may have caused [them] any amount of distress.”⁶⁹

In his second statement, Commissioner Rubin stated to the OIG, “I am almost certain that I removed my shoes immediately after entering the unit following lunch at Andrew's on April 29, 2019. To the best of my recollection, I asked the painter to remove his shoes after we entered the unit, and he did so.”

⁶⁷ Exhibit C-8, transcript page 12.

⁶⁸ Exhibit C-8, transcript page 14.

⁶⁹ Exhibit B-2, statement page 7.

"I don't recall any other individuals entering the condominium unit with the painter and me. As discussed in my Statement, when I returned to the [REDACTED] of the [REDACTED] I left [Complainant #1] at the elevator and entered my unit to see whether the baseboards had been painted. After seeing that they had not, I walked to the painters working at the other end of the hall. To the best of my recollection, while I was speaking with them, the primary painter (the one I knew) emerged from the elevator and walked past [Complainant #1] to my unit, I walked toward him, and the two of us entered the unit together. I believe the other painters remained at the end of the hall and did not enter the unit with us."⁷⁰

Commissioner Rubin and I later left the building for him to attend a meeting, and he asked me to bring back half of his sandwich to the office. I returned to the office. We were gone for about two hours total.

He did not invite Witness #1; I wish he had and thought he had, as they had been [REDACTED]

Commissioner Rubin told the OIG he invited no one else to lunch. He did not consider Witness #1 to be one of his employees.

In his first statement to the OIG, Commissioner Rubin stated, "When I returned to the office, I saw flowers on [Complainant #1's] desk and realized that I had forgotten. I apologized to [them] and offered to take [them] to lunch the next week, which is something I would typically do."⁷¹

In his second statement, he stated "I have had only one [particular position] assigned exclusively to me during my tenure as OFR commissioner... A temporary [particular position]... everyone in the executive suite during my tenure as OFR commissioner."⁷²

Witness #1 stated they had fulfilled certain duties for about two months before Complainant #1, but was not invited to lunch.

The day after our lunch, he asked me if I had been to Washington, DC. I replied that I had been once but was not able to see or do a lot. He said, "Well, you can go with me to that conference if you want in May."⁷³ I said, "Well, if I'm going to go up there I don't want to spend it sitting in business meetings."⁷⁴

Commissioner Rubin told the OIG he wanted to encourage Complainant #1 to learn more about the agency, so he offered to them a chance to go to the conference. He also said that [Complainant #1's] "not somebody I have a lot to talk about with."⁷⁵ He later added

⁷⁰ Exhibit B-3, statement page 5.

⁷¹ Exhibit B-2, statement page 6.

⁷² Exhibit B-3, statement page 5.

⁷³ Exhibit C-1b, transcript page 44.

⁷⁴ Ibid.

⁷⁵ Exhibit C-15a, transcript page 23.

that he hated “leaving a free hotel room on the table.”⁷⁶ He does not remember asking anyone else to go.

In his first statement to the OIG, Commissioner Rubin stated, “[Complainant #1’s] complaint summarizes a brief conversation we had the following day about potential travel to Washington. I was not aware that this conversation had made [them] uncomfortable until I read [their] complaint, and I am not sure the conversation actually took place [the next day]. I do recall that [Complainant #1] had previously told me [they] would like to visit Washington, DC, and that the conversation took place immediately after... [Witness 1], had informed me that the organizers of a Washington securities conference I was scheduled to attend in mid-May provided a free hotel room, but that [an employee] had not requested one because [they] knew I preferred to stay in my own Washington apartment. Moments later, I passed [Complainant #1] in the hall, and told them I had just learned that my May conference entitled me to a free Washington hotel room that I wasn’t planning to use, and that, if [they] liked, I could check and see if it would be appropriate for [them] to attend the conference and stay in the hotel room while I stayed in my apartment. As noted earlier, I encouraged [Complainant #1] to involve [themselves] in OFR policy matters so [they] could ultimately achieve [their] goal...”⁷⁷

“To help [Complainant #1] achieve these goals, I made a point of explaining substantive OFR issues to [them] whenever possible. [Complainant #1] seemed to appreciate my mentoring.”⁷⁸

In his second statement, he stated that given Complainant #1’s interest in a job where their pending degree could be utilized, he “would try to educate and encourage [Complainant #1] to learn about OFR’s regulated industries, and that there might be opportunities for [Complainant #1] to attend conferences, if [Complainant #1] was interested in doing so.”⁷⁹

Commissioner Rubin also stated he did not invite a subordinate employee to accompany him at a conference in Washington, DC, and that Complainant #1 had previously told him they would like to visit Washington, DC someday. “Shortly after an employee [Witness #1] informed me that the organizers of a Washington securities conference I was scheduled to attend in mid-May had provided a free hotel room but that [an employee] had not requested one for me because [the employee] knew I preferred to stay in my own Washington apartment, I relayed this information to [Complainant #1] and told [them] that, if [Complainant #1] wanted, I could check to see if it would be appropriate for [Complainant #1] to attend the conference and stay in the hotel room while I stayed in my apartment.”⁸⁰

I declined going to the conference because I did not know what I would be doing there, and I am

⁷⁶ Exhibit C-15a, transcript page 33.

⁷⁷ Exhibit B-2, statement page 7.

⁷⁸ Exhibit B-2, statement page 6.

⁷⁹ Exhibit B-3, statement pages 5-6.

⁸⁰ Exhibit B-3, statement page 12.

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██████████ Also, “considering that I had just had to go to his apartment the day before, I didn’t really know what other doors that would open. And, yeah, that just would not be comfortable for me.”⁸¹

He said, “Well, if you ever get to go up there, let me know. I’ll give you the keys to my apartment.”⁸²

“And I didn’t really acknowledge that or know how to -- I don’t really -- I didn’t know what to do so I was just like, “Well, I’m heading to lunch,” just really nice and I walked out.”⁸³

I do not know what his intentions are, “all I know is that I -- it got to a point where it’s -- I can’t -- I feel like I can’t do my job. I’m uncomfortable engaging in him.”⁸⁴

Commissioner Rubin told the OIG it was possible he has invited other OFR employees to stay in his Washington, DC apartment. He said after Complainant #1’s complaint was published, “people... who read this stuff started coming out of the woodwork to me, going “I can testify that you offered the apartment.”⁸⁵ He told the OIG he has offered a key to his apartment to two individuals with the Florida International Bankers Association.

In his first statement to the OIG, Commissioner Rubin stated that “[Complainant #1] said they preferred to visit Washington as a tourist. I replied that in that case, [they were] welcome to borrow my apartment if [they] decided to do so, and I would be happy to lend [them] my keys. It was absolutely clear that I was offering [Complainant #1] the use of my Washington apartment while I was in Florida so [they] would not have to pay for a Washington hotel, and I considered the offer to be one of kindness and generosity. I would have made the same offer to any friend or co-worker I could trust not to damage the apartment. [Complainant #1] neither said nor did anything to indicate that my offer had made [them] uncomfortable.”⁸⁶

Commissioner Rubin stated to the OIG that Complainant #1 told him they wanted to visit Washington, DC as a tourist someday, so he told [Complainant #1] they were welcome to use his “apartment (while I was in Florida) if [Complainant #1] ever decided to do so, and that I would then give [Complainant #1] the key if [Complainant #1] asked for it. I did not offer [Complainant #1] the actual key to my Washington apartment at that time.”⁸⁷

Witness #1 told the OIG, “I can’t remember if it was the next day or something, but -- I was actually sitting there when this happened, but, um, they -- like he came out and he was talking about his -- you know, he asked [Complainant #1] had [they]

⁸¹ Exhibit C-1b, transcript page 98.

⁸² Exhibit C-1b, transcript page 99. Also see pages 44 and 97.

⁸³ Exhibit C-1b, transcript page 44. Also see page 99.

⁸⁴ Exhibit C-1b, transcript page 45.

⁸⁵ Exhibit C-15a, transcript page 34.

⁸⁶ Exhibit B-2, statement pages 7-8.

⁸⁷ Exhibit B-3, page 12.

been to D.C. before. And [they] said, "Yeah, me and my parents went up there for the Trump, uh, inauguration," or something like that. And he said, "Well, what'd you get to do?" And [they] said, "Not much. I didn't really get to see the city 'cause we were just going for that and it was a ton of people." And so he said, "Well, you know, if you're ever up there, you know, need a place to stay, you and your parents need a place to stay, just, you know, let me know. I -- I can give you my key to my apartment. It's a great apartment. I'm never there anymore 'cause I'm always here. So, you know, just let me know."

"So then after the fact, he walked out and [Complainant #1] was like, "Did you hear him say, you know, he offered me the key to his apartment and, you know, all this stuff?" I said, "Yeah. That's just how he is. He's just open and he doesn't think about it." He's like, you know, "If you want to come stay, it's fine." Not -- I mean, to me, he wasn't saying like when I'm there or with me or anything like that, 'cause he said [Complainant #1] and [their] parents can come."⁸⁸

"But [Complainant #1] told me that... "That's weird he even offered that."... [Complainant #1's reaction was] just -- just shocked, I guess, that he would even offer it, 'cause [they] did mention, [they were] like, "I don't know why he thinks we're friends. You know, I don't want to be friends. I'm [a certain age under 40]. I don't want to be friends with a 56-year-old man."⁸⁹

"I'm just thinking like, okay, he probably shouldn't have said that."⁹⁰

That same day, the day after my second lunch with Commissioner Rubin, I spoke with the [REDACTED] and said, "I don't know how to say this but I'm just really uncomfortable at this point."⁹¹ I asked the [REDACTED], "I know that there's a hiring freeze, but is there any way that I can be moved to another position because I don't feel that I can effectively do this. I don't even want to go back down there or look at him or be in the same room. It's just uncomfortable at this point. It's -- it's just -- it's uncomfortable."⁹²

I took leave the next day, and returned to the office when he was gone later in the week.

I was later reassigned to a different location and position.

Witness #1 told the OIG, "[Complainant #1] told me [they], you know, felt uncomfortable. After [they were] moved [Complainant #1] said [they] felt uncomfortable. [They] just wanted to just avoid him if possible."⁹³

⁸⁸ Exhibit C-8, transcript page 15.

⁸⁹ Exhibit C-8, transcript page 16.

⁹⁰ Exhibit C-8, transcript page 24.

⁹¹ Exhibit C-1b, transcript page 66.

⁹² Exhibit C-1b, transcript page 67.

⁹³ Exhibit C-8, transcript page 17.

The next week, the agency hosted employee appreciation activities that I did not fully participate in due to the Commissioner's involvement.

"And for me that's just where it got really frustrating last week because I'm like, Okay. I thought I asked to be moved just because I -- it got uncomfortable as far as he goes and I couldn't deal with it. But now it's like I have to watch where I go and what I do without running into him. And, like, what's also weird now is I'm still technically in [my] position. I'm just working on other projects. But that's kind of hard."⁹⁴

The OIG asked Complainant #1 to explain a prior statement made in which Complainant #1 said something to the effect of, *I feel like I can't ignore him. I'm concerned about his level of influence and money; it is intimidating.*⁹⁵ Complainant #1 replied, "Well, I mean... he is my boss. So -- and I -- I could be wrong but I'm pretty sure SES, I can be let go without cause. So -- unless I've just been thinking wrong this whole time, and I'm falsely worried, but, um, you know, I don't want to offend him. I'm just starting out. I want to do a good job."⁹⁶

"And he's also told me how his parents donated a significant amount of money to -- I want to say it was Alzheimer's but I could be wrong. Some foundation and the Governor made an appearance whenever they donated that. And so just -- he has way more political ties and he's in a much higher position than I am so it is intimidating. I'm... just starting out in my career. And I only took this job because it's a higher salary, and I was hoping for more options to branch out, you know, in another agency. So, you know, I want to do a good job."⁹⁷

The OIG asked how Complainant #1 would like the situation resolved. Complainant #1 responded, "I just want a normal job where I can show up 8 to 5 and do what I'm supposed to be doing and interact with people I would normally ordinarily act with and not feel like I'm avoiding anyone that I would be working with, um, and what kind of resolution that would be. That's in part why I just asked if I could be moved..., so that's why I asked to be moved, just so that I could hopefully find some sort of consistency and what I would consider normalcy. But -- and it -- like I said, it got better a little bit as far as, like, you know, having a little bit of space from him and not being on that roller coaster of odd conversations and events. But it's still a little bit difficult to do my job since I'm still part of that same team and in the same office setting, sort of."⁹⁸

Complainant #2 with Witness and Subject Statements

The OIG conducted a sworn and recorded interview with Complainant #2 on May 15, 2019.⁹⁹ Unless otherwise noted in quotation, the complainant provided substantially the following:

My interview with Commissioner Rubin lasted three hours. That was "unusual to me"; it "did not

⁹⁴ Exhibit C-1b, transcript page 73.

⁹⁵ Exhibit C-1a, page 3. Complainant #1 provided substantially, as captured in an unrecorded interview.

⁹⁶ Exhibit C-1b, transcript page 57.

⁹⁷ Exhibit C-1b, transcript page 58.

⁹⁸ Exhibit C-1b, transcript pages 104-105.

⁹⁹ Exhibit C-2a-b.

cover a lot of agency-related business. It was more personal discussion.”¹⁰⁰ Commissioner Rubin, “spoke about his family to some extent and about his own personal dating life and -- including physical descriptions of women his father would like him to date and that he prefers to date, including ages, and told me that he doesn't like to date women that are older than their 30s. And that his parents had offered him money to have a child with someone. There was just a lot of personal details that were shared about his family and his intimate personal life during that interview.”¹⁰¹

“I was not comfortable with having details of his personal life shared during a first meeting with him. I've not ever met him before so, um, it just seemed to me like it was not something that should be discussed in an interview process, nor should it be discussed with somebody you just meet and not really relevant to my qualifications for the position.”¹⁰²

Commissioner Rubin told the OIG that Complainant #2 asked him many personal questions, and that Complainant #2 drew him into the conversation. He said that Paul Mitchell [REDACTED]. Commissioner Rubin wanted a witness after his experience in Complainant #4's interview.¹⁰³

He told the OIG that he only joked about his father paying him to have a child, and that he joked about his father's comment about Commissioner Fried being a Jewish girl.

Commissioner Rubin stated to the OIG, “I did not discuss my personal dating life with a candidate for OFR employment. To the best of my recollection, the only comment I made to a candidate for OFR employment that could potentially be construed as relating to my “dating life” was to jokingly state that my father hadn't given up hope that I might get married and have children.”

“I did not discuss with a candidate for OFR employment ages of women my father preferred me to date. I did mention to [Complainant #2] that my father is very much the stereotypical Jewish parent in that he wants me to have children, and hopes it is not too late for me to do so. From that, [they] may have inferred that my father would prefer I marry a woman of childbearing age.”

“I did not state to a candidate for OFR employment that my parents offered me money to have a child with someone. I may have joked with [Complainant #2] that my father would probably pay me to have children, but he has never seriously offered to do so.”

“I did not discuss with a candidate for OFR employment physical descriptions of women my father and I preferred me to date. I may have told [Complainant #2] that my father and I have never had the same taste in women, but I did not discuss physical descriptions with

¹⁰⁰ Exhibit C-2a, transcript pages 8-9.

¹⁰¹ Exhibit C-2a, transcript page 9.

¹⁰² Ibid.

¹⁰³ Exhibit C-15a, transcript page 8.

[them] or any other candidate for OFR employment.”¹⁰⁴

Complainant #3 told the OIG that Commissioner Rubin had “inappropriate conversations in his office” in which he said his father told him that “part of the reason for him getting this job was to find, you know, a – a wife and that he -- when his father heard that Commissioner Nikki Fried was Jewish and that she was on the cabinet, his father had made a comment to him about her being like a potential, um, you know -- I guess a good match for him.”¹⁰⁵

Commissioner Rubin stated to the OIG that he did not recall “telling a subordinate employee that my father stated a member of the Florida cabinet would be a good spousal match for me. I may have joked that my father noticed that Nikki Fried was Jewish, and occasionally asked me if she was single.”¹⁰⁶

Commissioner Rubin described women he liked and showed me pictures of himself with women who had expressed an interest in him. In one picture, he was wearing a suit with an attractive woman in a revealing dress at the neck-line who “was very large-chested”.¹⁰⁷ It was inappropriate. I felt a little embarrassed and uncomfortable with that.

Commissioner Rubin told the OIG that Complainant #2 asked to see the picture of the woman on his phone. He told the OIG the woman was very beautiful and was wearing an expensive dress that made her look good, but was not “particularly busty”.¹⁰⁸ He does not remember showing any other photos.

“While discussing the March 14 Alzheimer’s event with [Complainant #2] during [their] interview, I mentioned that I had met a very attractive Jewish woman at the event. I told [Complainant #2] that I had introduced the woman to my father at the event because I knew it would make him happy; that the woman later asked me to go out with her but I declined; and that I never saw the woman again. In relating these events, I showed [Complainant #2] a photograph of the woman.”

I showed [Complainant #2] the photograph for illustrative purposes only. I did not show [them] (or any other candidate for OFR employment) the photograph as an example of “the type of women [I] preferred dating.”¹⁰⁹

After the interview, I recalled the events to someone and said, “I just am not getting a great feeling for this. And I feel like I'm going to decline.”¹¹⁰ Later, I decided that though the interview was

¹⁰⁴ Exhibit B-3, statement page 7.

¹⁰⁵ Exhibit C-3a, transcript page 48.

¹⁰⁶ Exhibit B-3, statement page 15.

¹⁰⁷ Exhibit C-2a, transcript page 12.

¹⁰⁸ Exhibit C-15b, transcript pending as of July 16, 2019.

¹⁰⁹ Exhibit B-3, statement page 7.

¹¹⁰ Exhibit C-2a, transcript page 13.

uncomfortable, it was just “him being a little bit nervous.”¹¹¹

Given what has happened to Complainant #1, he did not tone it down.

Commissioner Rubin told the OIG that Complainant #2 told him he said inappropriate things in their interview only after Complainant #2 raised the issue about Complainant #1.

I have heard from other employees that Commissioner Rubin used the “C-U-N-T word”¹¹² to describe either his counterpart in New York or someone there in the industry.

I also heard that he asked employees to use their personal vehicles to help him move out of his apartment on or about April 25, 2019. I told him that asking employees to help him move, or for the use of their personal vehicle was not appropriate, and that he should consider renting a car or hiring movers. I told him he “should not ask our employees to use their personal resources for his personal benefit.”¹¹³ I do not believe he used our employees or their personal vehicles for that move.

Commissioner told the OIG his car had a very small trunk. After speaking with Complainant #2, he did not go through with asking an employee to move his belongings.

Commissioner Rubin stated to the OIG, “I did not ask subordinate employees to move my personal belongings outside of the OFR office. On the weekend of March 2-3, 2019, I drove to Tallahassee from Washington, DC in an SUV. During this trip, I transported four oversized items: an office chair, a disassembled desk, a television, and a folding bicycle in a suitcase. At the end of March, I bought a two-seat car that was too small to carry these four items.”

“I had to vacate my rented residence by May 1. At some point in mid-April, I mentioned to members of my staff that I was trying to figure out a way to move the four oversized items from my old residence to my new residence, a distance of about 1.5 miles. I estimated that the move would take about 15 minutes. I believe that [Witness #3] offered to lend me [their] pickup truck or help me move the items in [their] pickup truck during the last weekend in April, but no firm plans were made.”

“Shortly after [Complainant #2] began working at OFR, [they] heard that [Witness #3] might help me move the four items, and informed me that doing so would look bad. Specifically, [they] said that someone might claim that [Witness #3] had received a higher-than-justified performance review or raise because [they] had helped me move the items. It had not occurred to me that what I considered to be a de minimis act might be viewed this way, but I took [Complainant #2's] advice and found an alternative method of transporting the items in late April.”

¹¹¹ Exhibit C-2a, transcript page 14.

¹¹² Exhibit C-2a, transcript page 16. See also Exhibit D, pages 44-45.

¹¹³ Exhibit C-2a, transcript page 18.

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"I did not request the use of my subordinate employee's personal vehicle to move my personal belongings."

"I was not told by a subordinate employee to not ask subordinate employees to move my personal belongings."¹¹⁴

I also heard that he used employees and their personal vehicle to move a refrigerator from his condominium unit to the office. The moving of the refrigerator happened [REDACTED]

I also heard that Commissioner Rubin was discussing mattress shopping with a few other employees and he asked Complainant #3 during the conversation, "Oh, my gosh. Do your dogs watch you have sex?".¹¹⁵

I also heard that he stated to Witness #5 in a town hall meeting that they had an accent and said, "Oh, you must run fast because everybody from [a particular country] runs fast."¹¹⁶

I understand that he asked Complainant #3 and Complainant #7 to find him a place to live; and that he lived in an apartment owned by an immediate relative of Complainant #3 at the time.

I was told Commissioner Rubin said he "was glad was to have a pretty face in the office".¹¹⁷

Commissioner Rubin told the OIG that Complainant #3 and Complainant #7 told him the office needed a "good face" with regard to representation. He did not use the term "pretty face".

Commissioner Rubin stated to the OIG, "I did not request that a candidate for OFR employment have a "pretty face." In conversations with [Complainant #3 and Complainant #7] about what I should look for in [a particular position], they said it was important that [the particular position] present a "good face" for the office, and I agreed. It was understood that the term "good face" referred only to the image of the office that the [particular position] presented to the public, and not his or her actual face."

"I did not state that I was happy to have a "pretty face" in the office. See response above."¹¹⁸

I was also told that he told an employee their clothes "looked like it was painted on [their] body".¹¹⁹

Commissioner Rubin told me an interview for a position "went poorly" and that [Complainant #4]

¹¹⁴ Exhibit B-3, statement pages 7-8.

¹¹⁵ Exhibit C-2, transcript page 20. See also Exhibit D, pages 37-38.

¹¹⁶ Ibid. See also Exhibit D, pages 56-58.

¹¹⁷ Exhibit C-2, transcript page 25.

¹¹⁸ Exhibit B-3, statement page 8.

¹¹⁹ Exhibit C-2, transcript page 27. See also Exhibit D, page 37.

“was offended by the use of the term “redneck””.¹²⁰

Commissioner Rubin told the OIG it was possible he used the term redneck but only during a conversation about Senator Marco Rubio’s campaign manager.

Commissioner Rubin stated to the OIG, “I did not tell a candidate for OFR employment that people in Tallahassee were “rednecks.” As described in my Statement, I do not recall the word “redneck” being used during [Complainant #4’s] interview, and it defies logic to believe that I would demean the entire population of the city I now call home, as well as the OFR employees with whom I work.”¹²¹

“During a conversation with [Complainant #2], I mentioned that Mr. Mitchell had told me the term “redneck” was offensive. I told [Complainant #2] that I had not heard the term in years, and that I associated the word with the decades-old Jeff Foxworthy comedy routine, “You know you’re a redneck when...” I asked [Complainant #2] about Mr. Mitchell’s claim because I was interested in learning whether and why the term had gone from being considered benign in mainstream culture, as I remembered it, to being deemed offensive. My question to [Complainant #2] was a matter of curiosity and an effort to educate myself.”

“I did not tell a subordinate employee that a candidate for OFR employment was very offended by my use of the term “redneck.” I told [Complainant #2] that Mr. Mitchell had told me that [Complainant #4] had claimed I’d used the word “redneck” during our lunch, and that Mr. Mitchell said the term was offensive. Furthermore, even though [Complainant #4] treated the interview as if [their] hiring was a foregone conclusion, it defies reason that [they] would have reprimanded me ([their] interviewer) during the interview for having greatly offended [them]. Moreover, even if [Complainant #4] had done so, it also defies reason that I would have told a subordinate employee that I had offended [Complainant #4] so severely that [they] had told me [they were] very offended during [their] interview. Additionally, in [Complainant #4’s] own published text messages, [they do] not state that [they] told me [they were] offended by anything I said or did during [their] interview.”¹²²

Complainant #3 contacted the OIG via e-mail and stated, “Per our previous phone conversation, I also have notes about the briefing he provided me on 3/25 when he returned from interviewing [Complainant #4] for... [a] position. During this briefing, he asked me if the term “redneck” was a bad word, and then stated that [Complainant #4] was very offended by his use of the term.”¹²³

I believe a co-worker [Complainant #7] answered questions for an employee [Complainant #1] about how to complete a sexual harassment complaint form, but I do not believe provided any assistance to fill it out.

¹²⁰ Exhibit C-2a, transcript page 24.

¹²¹ Exhibit B-3, statement page 19.

¹²² Exhibit B-3, statement page 20.

¹²³ Exhibit B-7.

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On the following morning of the incident, the employee [Complainant #1] was “extremely uncomfortable and upset” and “crying and shaking in my office”.¹²⁴ [REDACTED]

“I asked... if [they] would be willing to fill this [complaint form] out, that [they were] not obligated to fill it out if [they] did not feel comfortable doing so. But that I felt it was the best way to, um, put in [their] words what happened so that it wasn't me telling [their] story, that it was [their] own words telling [their] story when we sent it over to DFS.”¹²⁵

I discussed the matter with the Commissioner, “He was extremely defensive about his position and what had occurred. He did not deny what had occurred. He just said that nothing happened, that he hadn't done anything wrong, that there was no furniture in the apartment so he didn't understand the big deal about what had happened.”¹²⁶

He said, “No, you have to tell [Complainant #1] [they have] to stay in [their] position until we find a replacement because it looks too horrible and people will ask questions about why [they] moved.”¹²⁷

At some point, he said to me, “Well, fine. If [Complainant #1] can't survive a little bit of pressure of, you know, [completing tasks] and [their] that sensitive, then I'm glad to see [them] go.”¹²⁸

At some point after discussing the matter with him, Commissioner Rubin said “This is not what I want for the agency. I want this to be a fun place to work and I just say these things to, like, get people to like me and I want to have, you know -- I want everybody to be my friends [sic].”¹²⁹

Commissioner Rubin told the OIG that he would not have thought he had to avoid being friends with staff, if Complainant #2 had not have said something.

With regard to travel concerns, I believe he wanted to extend trips in West Palm Beach to visit his family and that there were and there were frequent trips to Washington, D.C. and West Palm Beach. It would be inappropriate if the state was paying for personal travel, but he asked an employee to book personal travel that he intermingled with work-related trips, and “it was very, very, very complicated. Because it's almost hard to determine where one ends and the other begins.”¹³⁰

I understand he took a state-paid flight to Washington, DC after being placed on administrative leave.

¹²⁴ Exhibit C-2a, transcript page 34.

¹²⁵ Exhibit C-2a, transcript page 30.

¹²⁶ Exhibit C-2a, transcript page 36.

¹²⁷ Ibid.

¹²⁸ Exhibit C-2a, transcript page 41.

¹²⁹ Exhibit C-2a, transcript page 39.

¹³⁰ Exhibit C-2a, transcript page 47.

Commissioner Rubin stated to the OIG, "Around 4:00 pm on Friday, May 10, 2019, I received a call in my office from DFS employee Rick Sweet, who informed me that an OFR employee had filed a sexual harassment complaint against me, and that I should gather my belongings and leave the office without discussing the matter with any OFR employees. When I asked Mr. Sweet whether I was still the OFR commissioner, he said that I was. I also asked Mr. Sweet whether I could attend my scheduled conferences in Washington, DC the following week (for which the flights had previously been paid), and he responded that he did not know, that he had only been told that I should leave the office and not discuss the matter with other OFR employees. He gave me no other instruction."

"When I took my scheduled flight to Washington early the following morning (Saturday, May 11th), I was unaware that I was on leave. After arriving in Washington, I read a news article stating I had been placed on administrative leave, but I had no idea what that meant. On Monday, May 13th, I instructed my attorney to contact DFS's general counsel and ask whether I could attend the meetings and conferences I had flown to Washington to attend. My attorney advised me that he received no response, and he recommended that I err on the side of caution and not attend these meetings and conferences (which advice I followed). On Saturday, May 18, I returned to Tallahassee on the return flight of same the ticket I had used to fly to Washington the previous Saturday."¹³¹

I have never felt physically threatened, and Commissioner Rubin has not had any inappropriate physical contact with me.

I feel like I am working in a hostile work environment. He is "very quick to judge people and pass judgment on them and, um, you know, be very dismissive of people. He's done that a lot, just said, "This person -- we need to just fire this person," and very dismissive and impatient. And so I think a lot of people, including myself, have been nervous at points that he would be dismissive of us, and so it's a little bit untenable right now."¹³²

I have regretted taking this job and I have thought about leaving.

"I would find it very difficult to work alongside him anymore. If he were to come back I'm not sure I would stay. Actually, no. I'm very sure I would not stay. I don't feel like I could do my job if he were to come back in the office."¹³³

"The employees need stability and a safe place to work where they feel like they're respected and -- and I don't think we have that right now."¹³⁴

¹³¹ Exhibit B-3, statement page 9.

¹³² Exhibit C-2b, transcript page 3.

¹³³ Exhibit C-2b, transcript page 8.

¹³⁴ Exhibit C-2b, transcript page 11.

Complainant #3 with Witness and Subject Statements

The OIG conducted a sworn and recorded interview with Complainant #3 on May 16, 2019.¹³⁵ Unless otherwise noted in quotation, the complainant provided substantially the following:

After his appointment, and following a management meeting, he met me in my office and “made comments about, you know, the management team being a bunch of dinosaurs and that everyone was, you know, older.”¹³⁶

Commissioner Rubin told the OIG he does not remember making the comment and that he would not make such comments.

Commissioner Rubin stated to the OIG, “I did not tell a subordinate employee that the OFR management team was “a bunch of dinosaurs.””¹³⁷

In one of my first encounters with Commissioner Rubin on or around March 4, 2019, he told me he thought my spouse must be mad at me because of Commissioner Rubin’s repeated calls and texts late in the evening, and for me to be on the phone with him late at night. He went on to say, [REDACTED] And in the context of our conversation it just made me feel really awkward and uncomfortable because I felt as if, you know, [REDACTED] that he would somehow treat me differently or, you know, try to make a physical advance towards me and that this is the only thing that was, you know, protecting me essentially.”¹³⁸ The comment made me feel vulnerable. It was inappropriate and unprofessional.

I think he was testing the waters with me, as he did with Complainant #1 and an employee in one of OFR’s field offices.

In that same conversation Commissioner Rubin said he needed to meet my spouse as soon as possible to show him he’s a good guy, “so that, you know, he would feel okay about me being on the phone with the commissioner late in the evening.”¹³⁹ It was not the first time he had asked to meet my spouse. That morning he said something similar in my office. It felt intrusive that he wanted to meet my family.

Later in the day, Commissioner Rubin said ““So I’m just going to come by after work.” I mean, he made the statement. And I was like, “Come by where?” And, “What?” You know, I’m -- and I was taken aback by it. He was like, “Well, you know, to see your place.” And that’s when I just -- you know, I said, “That does not work for us.” And made it really clear that my [REDACTED] wouldn’t be home.”¹⁴⁰ I did not invite him, and he did not come.

Commissioner Rubin stated to the OIG, “I did not tell a subordinate employee that I

¹³⁵ Exhibit C-3a and C-3b.

¹³⁶ Exhibit C-3a, transcript page 30.

¹³⁷ Exhibit B-3, statement page 13.

¹³⁸ Exhibit C-3a transcript pages 8-9.

¹³⁹ Exhibit C-3a, transcript page 9.

¹⁴⁰ Exhibit C-3a, transcript page 20.

intended to visit them at their personal residence.”¹⁴¹

The comments he made on March 4 made me uncomfortable enough to call a family member after work. The advice I received ranged from reporting it my official supervisor, which I believed I could not do, to having my spouse come to my workplace to make me feel less vulnerable. My spouse did so at my request, but they should not have had to do that.

His calling and texting between his appointment on or around February 26, 2019 and his start date on or around March 4, 2019 was so overwhelming, I had to put him on “Do Not Disturb” on my phone so that I would not receive the notifications. On one Saturday he texted me 13 times in a row a list of things he wanted me to do on Monday morning. The messages have primarily been business related.

Although I reported to the former Interim Commissioner on paper when she was appointed, and later the Chief of Staff, at some point during or around his first week he told me that I reported to him. I do not believe the paperwork was completed to make that official.

Commissioner Rubin told the OIG he believed Complainant #3 reported to him directly, but was unsure without looking at an organizational chart.

He had not yet located a place to live, so he asked me and Complainant #7 to find Airbnbs in Tallahassee for him. He asked to visit some of the options we found but I refused. My father-in-law had a vacant apartment in town and we offered it as an option. He asked me to do a FaceTime tour of the apartment, so we did.

Commissioner Rubin told the OIG he did not remember Complainant #3 e-mailing him Airbnb options, but believed Complainant #3 wanted to do the FaceTime tour of one property and did so shortly after his appointment. Jamie Yarbrough was the real estate agent for the condominium unit.

Commissioner Rubin stated to the OIG, “I did not ask a subordinate employee to locate a personal residence for me. After being appointed OFR commissioner on February 26, 2019, I began work immediately because, in January 2019, CFO Patronis had publicly informed the Cabinet that he wanted to have a permanent OFR commissioner in place by the start of the 2019 legislative session (the first week in March). When I was appointed commissioner, I was completely unfamiliar with Tallahassee.”

“[One of my employees], was essentially functioning as my chief of staff at the time. I told [that employee] I had no idea where I might live until I was able to find a permanent residence in Tallahassee, and asked if [they] had any ideas. [Complainant #3] told me that [their] father-in-law owned a furnished apartment in Tallahassee that he intended to post on AirBNB, but had been procrastinating on cleaning it up. After [Complainant #3] gave me his phone number, and he and I had a long telephone conversation, he agreed to rent the apartment to me on a month-to-month basis at a rental price he set (which I was told

¹⁴¹ Exhibit B-3, statement page 14.

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was above market value and which I paid).”

“As described above, during March and April 2019, I rented an apartment that was owned by [Complainant #3’s] father-in-law.”¹⁴²

In a sworn statement,¹⁴³ Witness #6 stated that Complainant #3 said Commissioner Rubin had asked staff to find a temporary place for him “to live for a week or so, until permanent housing was secured. He was requesting something clean, modern and walkable to the office because he would not have a car. With legislative session about to begin, I knew that most everything desirable in walking distance would be unavailable. I searched online and compiled a small list of available places, and reached out to two realtor friends to confirm I wasn’t missing any available options. I emailed the list to [Complainant #3], who emailed the list to the commissioner.”¹⁴⁴

An e-mail dated February 28, 2019, 8:10:30 PM, from [Complainant #3] to [Rubin, Ronald](#) included links to four Airbnb properties.¹⁴⁵

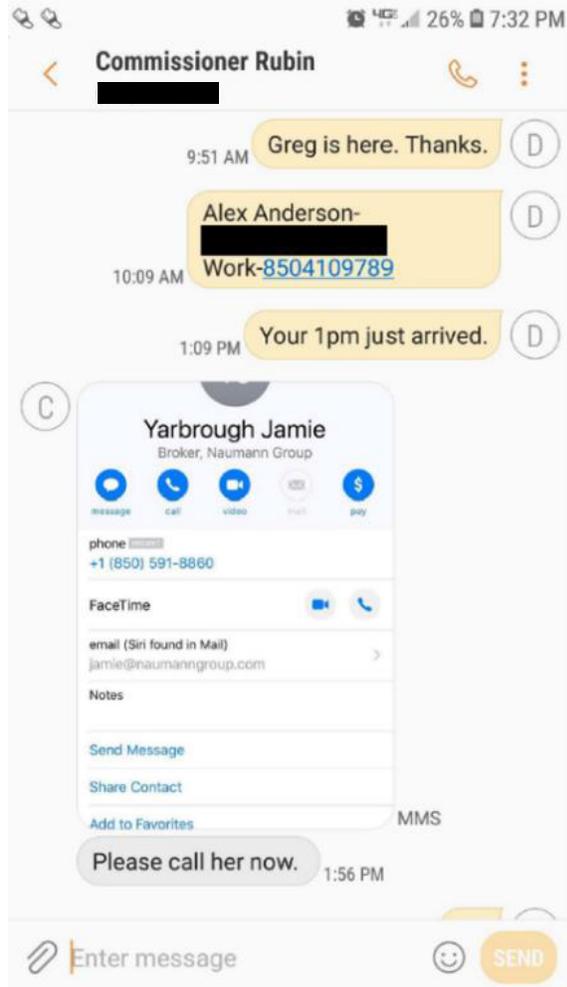
A text message from Commissioner Rubin and Witness #1 requested Witness #1 to contact Commissioner Rubin’s real estate agent:

¹⁴² Exhibit B-3, statement page 14.

¹⁴³ Exhibit C-13.

¹⁴⁴ Exhibit C-13, statement page 3.

¹⁴⁵ Exhibit B-5.



I have never had to find a place to live for a supervisor; it was not part of my job.

My family were thinking if they could him to find a place to live, "things would go more smoothly for me... but it's had horrible effects, I think, on my family in terms of just the level of intrusiveness that -- that we've all been through, because they've certainly seen how it's impacted me. And I used to really like what I do so... I'm not enjoying my job right now."¹⁴⁷

Within his first few weeks, Commissioner Rubin asked me about the Chief of Staff position and said to tell him if I was interested. I was not because I thought it would be even more overwhelming than my current job and the amount of interaction I had with him.

On or about April 8 or 9, 2019, Commissioner Rubin came into my office and commented about

¹⁴⁶ Exhibit B-9.

¹⁴⁷ Exhibit C-3a, transcript page 19.

"I did not request advice from a subordinate employee on purchasing a bed mattress for myself."¹⁵⁴

"I did not ask a subordinate employee if their dog watches the subordinate employee and their spouse have sex. I recall a conversation while several members of my staff were walking to the Capitol building during which [Complainant #3] said [they] and [their spouse] had a king-sized mattress because their dog sleeps in their bed. I recall that I replied something to the effect of "TMI" (too much information)."¹⁵⁵

Witness #6 stated that Witness #6, Commissioner Rubin, Complainant #3, and Witness #2 "were walking from the Fletcher Building (OFR office) to the Capitol building, a couple blocks away... [Witness #2] and I were walking next to each other with the commissioner and [Complainant #3] directly behind us. I could hear the commissioner ask [Complainant #3] what size mattress [they] had, saying that he needed to buy a new mattress for his new apartment and was unsure of what size to purchase. [Complainant #3] said that [they] had a king-sized mattress and that was a good size them because... (the family dog) liked to sleep with them. The commissioner asked, "Do you let the dog watch you and [your spouse] have sex?"... I turned around and saw that [Complainant #3] was blushing profusely, and [Complainant #3] replied, "I am not going to answer that." I turned back around and the commissioner said that he had dated a woman who had a dog and that when it came time for that, he had been unsure how to proceed/navigate that situation."¹⁵⁶

Witness #2 told the OIG that, while they could not recall the question about the dog to Complainant #3, it does sound like something Commissioner Rubin would have said, and Witness #2 has no reason to doubt Complainant #3's credibility.¹⁵⁷

When I read the complaint filed by Complainant #1, a story was familiar to me. During a dinner with me and my spouse, Commissioner Rubin "said that his sister had gotten married to a man that she didn't know was gay and that he waited until after -- two weeks after she had had a child with him to come out of the closet. Um, he found this funny. I mean, this was, you know -- and then said that, you know, his family had kind of been estranged from each other."¹⁵⁸

Commissioner Rubin told the OIG it is possible he had a discussion with another employee.

Commissioner Rubin stated to the OIG, "I do not recall telling a subordinate employee my sister's husband was gay and that he "came out of the closet" after having a child. Except for the fact that the man is now my sister's ex-husband (not her husband), the facts

¹⁵⁴ Exhibit B-3, statement page 14.

¹⁵⁵ Ibid.

¹⁵⁶ Exhibit C-13, statement pages 5-6.

¹⁵⁷ Exhibit C-9, transcript pages 16-17.

¹⁵⁸ Exhibit C-3a, transcript page 44.

described in the alleged statement are essentially correct.”¹⁵⁹

He also mentioned that he did not sleep with women in college, that he would only share beds with them.

Commissioner Rubin stated to the OIG, “I did not tell a subordinate employee that I didn’t sleep with women in college, but only shared beds with them. Furthermore, the facts described in the alleged statement are false.”¹⁶⁰

Commissioner Rubin made “highly inappropriate personal comments” about my age and my child’s name. During a conversation with Witness #2 about child names, he said [REDACTED] that I should really think and reconsider my name choice because things didn’t turn out so well for, you know, that person.” It was an uncomfortable conversation.

Commissioner Rubin told the OIG the comment about the name was just a joke.

Commissioner Rubin stated to the OIG, “I did not share my opinion on certain child names considered by a subordinate employee. I do recall a group of OFR employees discussing with [Complainant #3] names... I joked with [Complainant #3]... To my knowledge, no one took these suggestions seriously.”

“I did not tell a subordinate employee that certain names for their child were wrong, stupid, and/or problematic. I recall a group of OFR employees discussing how children with unique names have to spell those names to strangers throughout their lives. Neither I nor anyone else present described the names as wrong, stupid or problematic.”¹⁶¹

“I did not advise against the certain naming of a subordinate employee’s child, including [REDACTED]... I believe that I and/or another person present during the conversation asked if [Complainant #3] [REDACTED]. We jokingly suggested that [Complainant #3] [REDACTED].”

Witness #2 told the OIG that, “[Complainant #3] would tell him a name, and then he would tell [them] some witty, snarky quip about why it was a stupid name or, um -- or what was wrong with it. And he would -- and he would chastise all [their] choice of... names... he's like, Oh, that [child] is gonna have these problems... And I thought those were very inappropriate comments...”¹⁶³

Another inappropriate conversation I recall was probably sometime in March when he said “his father had said that part of the reason for him getting this job was to find, you know, a – a wife and that he -- when his father heard that Commissioner Nikki Fried was Jewish and that she was

¹⁵⁹ Exhibit B-3, statement page 14.

¹⁶⁰ Exhibit B-3, statement page 15.

¹⁶¹ Exhibit B-3, statement pages 9-10.

¹⁶² Exhibit B-3, statement page 15.

¹⁶³ Exhibit C-9, transcript page 13.

on the cabinet, his father had made a comment to him about her being like a potential, um, you know -- I guess a good match for him. I think that's the -- the language he used."¹⁶⁴

Commissioner Rubin stated to the OIG that he did not recall "telling a subordinate employee that my father stated a member of the Florida cabinet would be a good spousal match for me. I may have joked that my father noticed that Nikki Fried was Jewish, and occasionally asked me if she was single."¹⁶⁵

He made other comments about OFR employees to the effect of them "being too old or not smart enough".¹⁶⁶ I do not know why he made the comments. "I've really never had -- this is the first -- my first experience with a supervisor who has been, again, as -- as unstable and -- and volatile as -- as he is."¹⁶⁷

Shortly after he purchased his new car, he asked me to accompany him on a workday, during work hours, to the Ashley Furniture store. I went with him in his Mazda Miata. "But again, just -- it was a very uncomfortable situation. And I just didn't feel safe. It's a Mazda Miata and it was hard for me to get in and out of, you know -- of the car. It was uncomfortable to ride in." The total trip and visit probably lasted less one hour.

Commissioner Rubin stated to the OIG, "I did not ask a subordinate employee to accompany me in a furniture store. After I bought a Miata, [Complainant #3] requested a ride in my car. [Complainant #3] told me [they] knew an interesting interior design shop nearby, so we decided to go there at lunchtime. It turned out that the shop [they had] suggested wasn't there, so [they] suggested we drive on to a furniture store about a mile away. The real purpose of the trip was not to go to a furniture store, but for [Complainant #3] to take a ride in the Miata."¹⁶⁸

¹⁶⁴ Exhibit C-3a, transcript page 48.

¹⁶⁵ Exhibit B-3, statement page 15.

¹⁶⁶ Exhibit C-3a, transcript page 48.

¹⁶⁷ Exhibit C-3a, transcript page 49.

¹⁶⁸ Exhibit B-3, statement page 15.

Auto Purchase: While buying a new car on Saturday, I spent hours skimming and signing dozens of documents, many of which seemed duplicative. I asked the dealer to identify any of his forms that seemed unnecessary and might be eliminated. I encourage all OFR staff to do the same.

In 1999, I left Florida in this blue 1994 Miata (left), and I did not own another car until I bought this blue 2019 Miata on Saturday (right).

Ron



Figure 3: Excerpted from Commissioner Rubin's Weekly Message, April 1, 2019.

The next day, Commissioner wanted me to look at painting work done in his condominium unit and said he would pick me up in his car. I refused. He said he was “really upset”¹⁶⁹ because the painters had painted his bathrooms gray instead of white. I agreed to walk to his unit, and could not stay long because of the fumes. I told him the paint looked fine.

Under oath, Complainant #1 recalled to the OIG Commissioner Rubin asking Complainant #3 to look at paint in his condominium unit, “I know he called [Complainant #3] freaking out one day because the paint was the wrong color and he got [them] to go over there to look at it.”¹⁷⁰

“I remember I was at my desk when he called [Complainant #3] about that and insisted that [they] come look at it.”¹⁷¹

Visiting his condominium unit, going to furniture store, asking about where he initially live, and helping him find an apartment are not part of my job duties. “He pressured me to ride with him. He pressured me to ride back with him.”¹⁷²

¹⁶⁹ Exhibit C-3a, transcript page 53.

¹⁷⁰ Exhibit C-1b, transcript page 60.

¹⁷¹ Exhibit C-1b, transcript pages 77-78.

¹⁷² Exhibit C-3a, transcript page 56.

"I don't know that I ever felt like I could really refuse what he was asking me to do. I mean, I think that was part of, like, me being his subordinate, and that was, again, also really uncomfortable because I felt like he had the freedom to ask me to do whatever he needed me to do, and I didn't really have the freedom to refuse."¹⁷³

Because he is "irrational in his decision-making and thought process," I felt like he would have fired or demoted me for refusing to do what was asked.¹⁷⁴

When I once returned from annual leave, Complainant #1 and another employee asked me if Commissioner Rubin had contacted me over the weekend; he had not. They said "he was asking if [I] had information about, you know, a person who could clean his apartment."¹⁷⁵

Commissioner Rubin told the OIG he insisted that Complainant #3's father-in-law charge him at or above the market rate. Paul Mitchell told him it was above the market rate.

Commissioner Rubin stated to the OIG, "[Complainant #3] suggested that I have [their] father-in-law's apartment (which, as described above, I rented from him during March and April) professionally cleaned before I vacated it on May 1, and [they] offered to give me the name of a cleaning person, but I declined the offer. Instead, I spent the April 27-28 weekend cleaning the apartment myself to ensure that I returned the apartment on May 1 cleaner than it had been when I moved in on March 3."¹⁷⁶

I believe the Commissioner has a volatility toward employees and irrational decision making. "He has said things that I think that make people think he's unstable."¹⁷⁷

Witness #2 told me the Commissioner said during the State of the State address that "there are only three kinds of people that wear a bow tie: um, people that want attention; people that are gay; or people that are Muslims."¹⁷⁸

Commissioner Rubin told the OIG that he did not tell Witness #2 to not wear bowties, and that Witness #2 did not say he was also sensitive to stereotypes about wearing them.

Commissioner Rubin stated to the OIG, "I did not tell a subordinate employee that bowties are worn by only three types of people: those who are gay, Muslim, or like attention. [Witness #2] often wore bowties. I once told him that I wore bowties when I was a summer associate in 1990, and that I had a very nice collection. I also told him that most people reacted favorably, but I believed that some reacted negatively because they stereotype the wearers of bowties as being associated with certain groups with which they disagree,

¹⁷³ Exhibit C-3a, transcript page 27.

¹⁷⁴ Exhibit C-3a, transcript page 58.

¹⁷⁵ Exhibit C-3a, transcript page 59.

¹⁷⁶ Exhibit B-3, statement page 18.

¹⁷⁷ Exhibit C-3a, transcript page 30.

¹⁷⁸ Exhibit C-3b, transcript page 1.

including members of the so-called "Nation of Islam," ultra-conservatives (e.g., George Will), homosexuals, and college professors. I said I had decided to stop wearing bowties because I didn't want people to prejudge me, even if their prejudice was the product of ignorance or hate."

"I did not tell a subordinate employee I am not gay. I may have told a subordinate employee that people often assume I am gay because I am 56 years old and have never been married. I do not discuss my sex life in the office."

"I did not tell a subordinate employee that I am not Muslim. As referenced above, I told [Witness #2] that members of the so-called "Nation of Islam" (who I understand do not subscribe to the Muslim religion as commonly understood) and its leader Louis Farrakhan (who has been famously accused of anti-Semitism) frequently wear bowties. I am obviously not a member of this group."¹⁷⁹

Witness #2 told the OIG that, before the State of the State speech occurred and while they were waiting in the Cabinet room, "I was wearing a bowtie and he told me that only three types of people wear bowties: um, "Either you're gay, you're a Muslim or you like attention." And I said, um, "Well, I guess I'm number three." I don't know how that conversation exactly unfolded. But that -- that was the -- an offensive thing he said to me. Um, that was like his first day on the job."¹⁸⁰

Commissioner Rubin said he was not gay or Muslim.¹⁸¹

He said to me, "that if we ever traveled to D.C. together, we would stay in his apartment and he said that [sic] me within the first couple of weeks of him being on the job, knowing that he was gonna be traveling."¹⁸² "I didn't respond to that. I didn't follow up on that conversation. I just let it pass and dismissed it."¹⁸³ I felt like it was another instance of him testing the waters.

Commissioner Rubin stated to the OIG, "I never told a subordinate employee that we would stay together in my personal residence if we ever traveled to Washington, D.C. together, nor would I ever do so. I have not even made such an offer to anyone, including non-OFR employees, since I became OFR Commissioner."¹⁸⁴

The Commissioner has not treated me professionally or with respect. He has from the beginning taken "advantage of my availability, um, my knowledge of Tallahassee and my willingness to help, um, him not only find an apartment, but just get settled in here, um, and since that time, obviously, his behavior has just simply gotten worse and escalated to a point where I felt the need to file a complaint, um, you know, regarding the sexual nature of his comments and, um, just verbally

¹⁷⁹ Exhibit B-3, statement page 9.

¹⁸⁰ Exhibit C-9, transcript page 10.

¹⁸¹ Exhibit C-9, transcript page 17.

¹⁸² Exhibit C-3b, page 4.

¹⁸³ Exhibit C-3b, pages 4-5.

¹⁸⁴ Exhibit B-3, statement page 15.

inappropriate, um, unprofessional behavior.”¹⁸⁵

“He has no respect for our team.” His behavior in meetings, including “eating in the meeting and just spewing crumbs all over the table and wiping them off with his hand in front of people” has been “thoroughly unprofessional”¹⁸⁶

Although I did not hear him say it, “I think that he wanted a pretty face in the front of the office.”

Commissioner Rubin stated to the OIG, “I did not request that a candidate for OFR employment have a “pretty face.” In conversations with [Complainant #3 and Complainant #7] about what I should look for in [a particular position], they said it was important that [the particular position] present a “good face” for the office, and I agreed. It was understood that the term “good face” referred only to the image of the office that the [particular position] presented to the public, and not his or her actual face.”

“I did not state that I was happy to have a “pretty face” in the office. See response above.”¹⁸⁷

“I did not tell a subordinate employee that I wanted a “pretty face” in the office. After [Complainant #3 and Complainant #7] and I finished interviewing potential [candidates for the position], they both encouraged me to hire [a particular employee], the only remaining viable candidate, because they said [they] would present “a good face” for the office because [they were] polite and possessed a southern cordiality. In one conversation with [Complainant #2], I told [them] that I was not particularly enthusiastic about hiring [the particular employee], but [Complainant #3 and Complainant #7] were overworked, and among the arguments they used to convince me to hire [them] was that [they] would be a good face for the office. I am not aware of anyone ever referring to [the particular employee] as a “pretty face.””¹⁸⁸

He called Linda Lacewell, a New York regulator, a cunt in front of me.¹⁸⁹ At one point he was describing his trip to a Conference of State Banking Supervisors (CSBS) meeting that included other regulators and Linda Lacewell, an individual with whom he has worked. He said he had experiences with her prior to working at OFR, and “she's just such a nasty woman and... that she goes home to her cats and that kind of thing. Just, it was clear that he was making the point that she's single and unattractive to him.”¹⁹⁰

Commissioner Rubin told the OIG that Jordan Belfort had used the word about a female and that he told several employees the story.

¹⁸⁵ Exhibit C-3b, transcript page 13.

¹⁸⁶ Exhibit C-3b, transcript page 14.

¹⁸⁷ Exhibit B-3, statement page 8.

¹⁸⁸ Exhibit B-3, statement pages 18-19.

¹⁸⁹ Exhibit C-3b, pages 21-22.

¹⁹⁰ Exhibit C-3b, page 22.

Commissioner Rubin stated to the OIG, “I did not refer to a New York regulator as a “cunt.” First of all, I never use that word. In addition to the obvious impropriety of the word, I consider it to be vulgar and distasteful.”

“Furthermore, there is only one conversation, which I remember vividly, that could have given rise to this allegation. Three or four OFR employees were sitting down for a meeting in my office when one of them asked if there had been a character based on me in the movie “The Wolf of Wall Street.” I said no, but the movie had a female U.S. Attorney character who was a composite of the two real Assistant U.S. Attorneys who had worked with me on the (related) Steve Madden case: Michele Adelman and Linda Lacewell, a New York regulator. I went on to say that Jordan Belfort (the “Wolf of Wall Street”) hated Ms. Adelman because her tenaciousness was largely responsible for his arrest, and that Belfort, in his second book, repeatedly referred to Ms. Adelman as “the Wicked Witch of the East” (the Eastern District of New York) or simply “the C-word.” Although Belfort used the word “cunt” throughout his book, when telling this story I described the word to the OFR employees as “the C-word”.¹⁹¹

An e-mail dated April 8, 2019, 8:49 PM, from Commissioner Ron Rubin Ronald.Rubin@flofr.com, entitled “Commissioner Rubin’s Weekly Message” stated, in pertinent part:

I was in Washington, D.C., all last week for the Conference of State Bank Supervisors (CSBS) annual Fly-In Meeting. It was a great opportunity to meet my regulatory counterparts across the country and compare the various agency configurations. Very few states combine banking, securities, and consumer financial regulation under one roof – OFR has a lot of responsibility!

Most industry conference attendees share similar world views, but not state bank regulators – they are as politically diverse as their governors. For example, one CSBS attendee was the acting supervisor of the New York State Department of Financial Services, Linda Lacewell. I worked with Linda in 2000 when she was an Assistant U.S. Attorney and I was the SEC enforcement attorney prosecuting Steve Madden (her office supervised my co-operating witness, Jordan Belfort – the “Wolf of Wall Street” – while he was under house arrest). Linda’s views on important policy issues like regulatory sandboxes are as far from my own as the those of New York Governor Andrew Cuomo are from Florida Governor Ron DeSantis.¹⁹²

I am more stressed than normal, “I dread coming to work knowing that he, um -- the interaction, you know, with him. I dread the interaction with him.”¹⁹³

¹⁹¹ Exhibit B-3, statement page 15.

¹⁹² Exhibit B-5.

¹⁹³ Exhibit C-3b, transcript page 25.

"I would not work at OFR if Mr. Rubin returns to work."¹⁹⁴

Witness #2 with Subject Statements

The OIG conducted a sworn and recorded interview with Witness #2 on May 30, 2019.¹⁹⁵ Unless otherwise noted in quotation, the witness provided substantially the following:

Before the State of the State speech occurred and while Commissioner Rubin and I were waiting in the Cabinet room, "I was wearing a bowtie and he told me that only three types of people wear bowties: um, "Either you're gay, you're a Muslim or you like attention." And I said, um, "Well, I guess I'm number three." I don't know how that conversation exactly unfolded. But that -- that was the -- an offensive thing he said to me. Um, that was like his first day on the job."¹⁹⁶

Commissioner Rubin went on to say he was not gay or a Muslim.¹⁹⁷

Commissioner Rubin stated to the OIG, I did not tell a subordinate employee that bowties are worn by only three types of people: those who are gay, Muslim, or like attention. [Witness #2] often wore bowties. I once told him that I wore bowties when I was a summer associate in 1990, and that I had a very nice collection. I also told him that most people reacted favorably, but I believed that some reacted negatively because they stereotype the wearers of bowties as being associated with certain groups with which they disagree, including members of the so-called "Nation of Islam," ultra-conservatives (e.g., George Will), homosexuals, and college professors. I said I had decided to stop wearing bowties because I didn't want people to prejudge me, even if their prejudice was the product of ignorance or hate."

"I did not tell a subordinate employee I am not gay. I may have told a subordinate employee that people often assume I am gay because I am 56 years old and have never been married. I do not discuss my sex life in the office."

"I did not tell a subordinate employee that I am not Muslim. As referenced above, I told [Witness #2] that members of the so-called "Nation of Islam" (who I understand do not subscribe to the Muslim religion as commonly understood) and its leader Louis Farrakhan (who has been famously accused of anti-Semitism) frequently wear bowties. I am obviously not a member of this group."¹⁹⁸

He asked me to do things that were not in my job description, like drive him to the airport and pick him from the airport and take him to his condominium unit when his flight was cancelled during work hours. "I don't know if I felt like I had to, but I was doing it 'cause he asked me to."¹⁹⁹ I am not sure why he asked me, "... everybody just kept saying no to him. And like, I'll go ask someone

¹⁹⁴ Exhibit C-3b, transcript page 27.

¹⁹⁵ Exhibit C-9.

¹⁹⁶ Exhibit C-9, transcript page 10.

¹⁹⁷ Exhibit C-9, transcript page 17.

¹⁹⁸ Exhibit B-3, statement page 9.

¹⁹⁹ Exhibit C-9, transcript page 22.

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else. And, um -- and it came to me and I didn't know -- and I said, "Okay. Sure. I'll take you to the airport." Um, and I got the impression no one else wanted to ride with him."²⁰⁰

He owned a vehicle at that time, but "He said that his suitcase wouldn't fit in his trunk or something like that. I think that's what he told me. 'Cause he has a very tiny vehicle."²⁰¹ He had a roller bag and a backpack. I did not request or receive a reimbursement for the trips.

Commissioner Rubin stated to the OIG, "I asked [Witness #2] to drive me from OFR's office to Tallahassee International Airport once or twice for purposes of saving taxpayer money on a taxi or Uber ride to the airport. During the short drive, we discussed OFR matters. I would have been reimbursed for the taxi or Uber ride, so I did not personally benefit from having [Witness #2] drive me to the airport."

"As described above, I rode to the airport in [Witness #2's] vehicle on one or two occasions."

"On a single occasion in April, my scheduled flight was cancelled due to a huge storm. For the same reasons described above (saving taxpayer money), [Witness #2] drove me from the airport back to the office. We discussed OFR matters during the drive."²⁰²

During a meeting with a House Representative, "he was asking [the House Representative], "Have you read my articles?" [They] said, "No." He was telling [them], um, the names of them. And, for example, you're writing on a sheet of paper right now. He reached across, grabbed the sheet of paper [they were] writing on to write the name of the article he wanted [them] to look up. And I think [they] looked a bit shocked that someone would, you know, do that in a professional setting, reach across, grab the paper. Um, and so I just said, you know, "Sorry about that," and just try to, like, smooth things over. Um, so in that way he was acting odd. But it wasn't towards me, if that makes sense. It wasn't like he was doing something to disrespect me. It was just that he made things more difficult for me, um, not intentionally so but just that's the way he was."²⁰³

Commissioner Rubin stated to the OIG, "Without more information, such as the identity of the State Representative, or a reason I might have asked that individual if he or she had read my articles, I cannot confirm or deny that I did so. In general, I do not spontaneously ask people if they have read my articles unless they are relevant to the conversation and I have reason to believe the person I am speaking with may have read them."

"Without more information, such as the identity of the State Representative and a description of the meeting, I cannot confirm or deny that I took a sheet of paper from a State Representative who was writing notes during a meeting with a subordinate employee."²⁰⁴

²⁰⁰ Exhibit C-9, transcript page 24.

²⁰¹ Ibid.

²⁰² Exhibit B-3, statement page 10.

²⁰³ Exhibit C-9, transcript pages 26-27.

²⁰⁴ Exhibit B-3, statement page 10.

"I think generally he would always sit down with whatever meeting we started with and ask the people what they know about him and have they read his articles, and it would sort of distract from the meetings that we'd be trying to have. And so that was kind of an odd thing to do when we're having a meeting about something and he would be talking about something completely different. So that happened pretty much every -- every time we sat down with any outside party."²⁰⁵

"But with stakeholders, I think that when they come in for a meeting with the commissioner of OFR, they generally were walking out probably not impressed with what was, uh -- the meeting - - how the meeting went, based on how all my prior statements about how the meetings never really stayed on topic or, um, they never really, um, accomplished what I believe the stakeholders would've wanted when they came to the building. Um, so I don't think that the industry stakeholders who met with him were impressed. But that's just a guess. 'Cause I -- they never, like, emailed me saying, Hey, we really were not impressed. They just -- I just got the impression that it did not go well necessarily in all of our meetings."²⁰⁶ In one meeting with people from Miami, he was eating food. I do not think it was respectful.

He made disparaging remarks about one of his employees when he called them an idiot and a moron. He said this to me and during a meeting on March 29, 2019 with the Governor's Office staff.²⁰⁷

Complainant #4 with Witness and Subject Statements

The OIG conducted a recorded interview with Complainant #4 on May 20, 2019.²⁰⁸ Unless otherwise noted in quotation, the complainant provided substantially the following:

I have not been threatened, promised anything or coerced into providing my statement.

I decided to come forward after reading online about the sexual harassment complaint filed against Mr. Rubin. "I felt an obligation to let someone know what I knew of Mr. Rubin's behavior, at least as far as my encounter with him."²⁰⁹

We met on March 21, 2019 at a restaurant in Orlando for a reservation scheduled for 11:45 am; he arrived at or around 12:20 pm after texting me he was running late.

I had not met or spoke with Mr. Rubin prior to our meeting.

At some point, he asked me if I had read his articles. "I hesitated a bit when he told me to Google him because it just seemed like an odd request, um, but I -- so I thought, okay, I'll just type his name in. He seemed impatient, as if I was doing it fast enough. He wanted to do it. He -- you know,

²⁰⁵ Exhibit C-9, transcript page 27.

²⁰⁶ Exhibit C-9, transcript, page 35.

²⁰⁷ Exhibit C-9, transcript page 37 and follow-up e-mail to OIG, dated May 30, 2019 (available upon request).

²⁰⁸ Exhibit C-4.

²⁰⁹ Exhibit C-4, transcript page 4.

he -- he said, "I'll do it."²¹⁰ Before I could finish, he snatched my phone. "He grabbed it."²¹¹ He told me it looked like a mommy phone, and that I needed to learn to spell.

Commissioner Rubin stated to the OIG, "The interview did not go well from my perspective. Early in the lunch interview, I asked [Complainant #4] if [they] knew anything about me or had read any of my articles (I did so because interview preparation is a good indicator of an applicant's work ethic and interest). The question appeared to annoy [Complainant #4]. [They] replied that [they] had done no research on me, had read none of my articles, and knew very little about me. [Complainant #4] asked me to write down the names of some of my articles, and [they] would try to read them later."

"I suggested that [Complainant #4] just Google "Consumer Financial Protection Bureau," and the first or second search result would be a National Review article that contained a lot of information about me. [Complainant #4] picked up [their] phone, typed quickly, scrolled for a few seconds, and said [they] couldn't find the article. I asked to see what [they were] looking at, and [Complainant #4] handed me [their] phone. I said [they] had misspelled the word "Financial." I quickly corrected the spelling, found the article, and handed the phone back to [Complainant #4]. [They] put it on the table without looking at the screen."

"NOTE: The description of this interaction in [Complainant #4's] May 13, 2019 email to Mr. West (which was published by the CFO's office on May 14, 2019) contains many inaccuracies. I did not "grab [their] phone out of [their] hand before [they] could finish typing," say [their] phone "looked like a mommy phone," or tell [them they] "needed to learn how to spell." I would never do any of those things, particularly when interviewing someone personally recommended by Mr. West. Assertions to the contrary do not withstand scrutiny."²¹²

After about 15 or 20 minutes, he came up with results and handed the phone back to me. "I wasn't comfortable with him having my phone and I wanted it back."²¹³ I was shocked. I felt like he violated my personal space.

"He said he needed smart people and couldn't find any smart people in Tallahassee, as there were too many rednecks. I told him that was an insulting and derogatory term and not an accurate description of people in Tallahassee."²¹⁴ I said ""If I was your..., the first thing I would do is advise you not to use that term." And he said, "What, rednecks?" I said, "Yes."²¹⁵

Commissioner Rubin told the OIG that he may have used the term when he was talking about Senator Rubio's campaign manager, who was "intentionally creating this -- the

²¹⁰ Exhibit C-4, transcript page 9.

²¹¹ Exhibit C-4, transcript page 8.

²¹² Exhibit B-2, statement pages 2-3

²¹³ Exhibit C-4, transcript page 9.

²¹⁴ Exhibit C-4, transcript page 18.

²¹⁵ Exhibit C-4, transcript page 19.

stereotypical redneck.”²¹⁶

In Commissioner Rubin’s first statement to the OIG, he stated “The description of this interaction in [Complainant #4’s] May 13 email is so blatantly false and inflammatory that that it must have been intentionally fabricated for the purpose of angering local readers. I certainly did not say I “couldn’t find any smart people in Tallahassee as there were too many ‘rednecks.’” [Complainant #4] did not scold me during the interview, and I do not recall either of us using the term “redneck.” Based on a subsequent conversation I had with Mr. Mitchell, which I describe below, I believe he suggested or even dictated this part of [Complainant #4] May 13 email (if not the entire email). Again, it is ludicrous to think that I would make such offensive comments to an interviewee that I had just met.”

“Around 8:30 pm on March 21, Mr. Mitchell called me to discuss [Complainant #4’s] interview... Mr. Mitchell tried to put me on the defensive by accusing me of using the word “redneck” during the interview, which he said was racist. I was puzzled because I did not recall anyone using the word during lunch, and had trouble imagining how it might have come up during the interview. Based on this conversation, I suspect that Mr. Mitchell drafted or dictated parts of [Complainant #4’s] May 13 email.

In his second statement, he stated, “I did not tell a candidate for OFR employment that I needed smart people and that I could not find any smart people in Tallahassee. As described in my Statement, I discussed with [Complainant #4] my plans for restructuring and improving OFR, and said I was worried that I would not be able to hire attorneys with the expertise I needed to achieve my goals. I said that attorneys with such expertise are hard to find anywhere, and that they earn significantly higher salaries than any OFR employee, including the OFR commissioner. I absolutely did not say that I could not find any smart people in Tallahassee.”

[Complainant #4’s] own text messages following the interview (which were published in redacted form in a May 31 Florida Politics article) show that this allegation is false. In [their] text message, [they] wrote: “Apparently he can’t find anyone smart in Tallahassee. Anyone not from DC is an idiot. Hence I’m not smart enough.” [Complainant #4’s] use of the word “apparently” evidences that [they] only believed that I thought I could not find smart people in Tallahassee, and not that I said I could not find smart people in Tallahassee. The word “apparently” is used to describe something the writer has inferred, not something he or she has been expressly told.”

“I did not tell a candidate for OFR employment that people in Tallahassee were “rednecks.” As described in my Statement, I do not recall the word “redneck” being used during [Complainant #4’s] interview, and it defies logic to believe that I would demean the entire population of the city I now call home, as well as the OFR employees with whom I work.”²¹⁷

| Complainant #2 told the OIG that Commissioner Rubin told Complainant #2 an |

²¹⁶ Exhibit C-15a, transcript page 43.

²¹⁷ Exhibit B-3, statement page 19.

interview for a position “went poorly” and that the applicant [Complainant #4] “was offended by the use of the term “redneck”.”²¹⁸

Commissioner Rubin stated to the OIG, “I did not tell a subordinate employee that a candidate for OFR employment was very offended by my use of the term “redneck.” I told [Complainant #2] that Mr. Mitchell had told me that [Complainant #4] had claimed I’d used the word “redneck” during our lunch, and that Mr. Mitchell said the term was offensive. Furthermore, even though [Complainant #4] treated the interview as if [their] hiring was a foregone conclusion, it defies reason that [they] would have reprimanded me ([their] interviewer) during the interview for having greatly offended [them]. Moreover, even if [Complainant #4] had done so, it also defies reason that I would have told a subordinate employee that I had offended [Complainant #4] so severely that [they] had told me [they were] very offended during [their] interview. Additionally, in [Complainant #4’s] own published text messages, [they] does not state that [they] told me [they were] offended by anything I said or did during [their] interview.”

“During a conversation with [Complainant #2], I mentioned that Mr. Mitchell had told me the term “redneck” was offensive. I told [Complainant #2] that I had not heard the term in years, and that I associated the word with the decades-old Jeff Foxworthy comedy routine, “You know you’re a redneck when...” I asked [Complainant #2] about Mr. Mitchell’s claim because I was interested in learning whether and why the term had gone from being considered benign in mainstream culture, as I remembered it, to being deemed offensive. My question to [Complainant #2] was a matter of curiosity and an effort to educate myself.”²¹⁹

Complainant #3 contacted the OIG via e-mail and stated, “Per our previous phone conversation, I also have notes about the briefing he provided me on 3/25 when he returned from interviewing [Complainant #4] for [a] position. During this briefing, he asked me if the term “redneck” was a bad word, and then stated that [Complainant #4] was very offended by his use of the term.”²²⁰

“I had brought along a copy of the office’s organizational chart, so I took it out of my file. Referencing the chart, I asked him how he was restructuring. He said there would now be three main divisions: Enforcement, Supervision, and Registration. He pointed to names on the chart that he wanted to keep. He then pointed to three names and said they needed to go because they were too old.”²²¹

He said, ““This one I’ll keep, this one I’ll keep, these three need to go,” I don’t know the people, so it didn’t register in my head. I couldn’t tell you the three that he – I couldn’t tell you the three specific names he pointed to. He just said, “These – these three people need to go.””²²²

²¹⁸ Exhibit C-2, transcript page 24.

²¹⁹ Exhibit B-3, statement page 20.

²²⁰ Exhibit B-7.

²²¹ Exhibit C-4, transcript page 19.

²²² Exhibit C-4, transcript page 20.

In Commissioner Rubin's first statement to the OIG, he stated "The description of this interaction in [Complainant #4's] May 13 email is also inaccurate. I absolutely did not "point to three names and say they need to go because they were 'too old.'" Those three managers announced their retirements before or shortly after March 21. At least two other middle managers retired in April 2019. All of these retirements were 100% voluntary and were initiated by the employees themselves. Neither I nor anyone I know of requested or pressured these employees to retire. Furthermore, other than two disciplinary matters, no OFR employee has been terminated since I became commissioner. It is ridiculous to think that I would make such discriminatory comments to an interviewee whom I had just met and who had already made a negative impression on me. To the contrary, I told [Complainant #4] I was worried that the retirements would put additional pressure on my already overworked staff. I said I was particularly concerned because I had been relying heavily on one employee whom I expected to take... leave at the end of the summer."

In two separate e-mails dated March 11 and another dated March 12, 2019, Commissioner Rubin noticed Ryan West of the announced retirements of Pam Epting, Steve Horn and Lee Kell, respectively. On March 22, 2019, Commissioner Rubin noticed Ryan West of the announced retirement of Stephen Masterson.²²³

In his second statement, he stated, "I did not tell a candidate for OFR employment that certain management staff had to go because they were too old. As described in my Statement, during [their] interview, [Complainant #4] pulled a printout of OFR's organization chart from [their] bag and placed it on the table. [They] said [they] had reviewed the chart and would like to be OFR's deputy commissioner. I replied that I was reorganizing the agency and would be converting the deputy commissioner position to chief of staff. [Complainant #4] asked me to draw on [their] (current) chart a diagram of the new organization, and to show [them] where the current chart's managers would be in the new organization chart. I drew the diagram and said that several OFR senior managers had announced, or were expected to announce, their retirements soon. I said I had not yet decided which middle managers would replace the retirees in the new organization chart. In other words, I told [Complainant #4] that certain OFR management staff were about to go [retire], not that they had to go. And I absolutely did not say that they were "too old."²²⁴

He said, "to juxtapose the two phrases, "...[is] early... but showing already,"... that was strange to me."²²⁵

Commissioner Rubin stated to the OIG, "I did not say the employee was "already showing"²²⁶

²²³ Retrieved from DFS OIT for e-mail records belonging to Ronald Rubin.

²²⁴ Exhibit B-3, statement page 19.

²²⁵ Exhibit C-4, transcript page 21.

²²⁶ Exhibit B-2, statement page 3.

At some point during the meeting, "something came up about Andrew Gillum. And, um, I think that day a report had come out in the Democrat that he was, um, you know, getting the vote out in a sense; in other words, mobilizing voters for the next election. And he said something to the effect of, "Well, there's just -- there's several other black people who could just fill in his spot." We were talking about the fact that he lost and he made the reference to, "Well, there's -- there's enough others that could be -- beat him." I took that as a racial remark, but I did not put it in the letter because -- because I couldn't remember the exact details, I didn't want to put it in the letter."²²⁷

Commissioner Rubin stated to the OIG, "I did not tell a candidate for OFR employment that there were several other black people who could beat Andrew Gillum. I do not recall discussing Andrew Gillum with [Complainant #4] or [Complainant #2] (or any other candidate for OFR employment), and it would have made no sense for me to have said that there were "several other black people who could beat Gillum" in March 2019 because Mr. Gillum was not up for election at that time and had not announced an intention to run for public office in the future."²²⁸

"I was offended by what he said. And that had followed the string of the redneck comments, the old people. I was thinking to myself, who is he not -- who is he not discriminatory against?"²²⁹

During the meeting, there were several times I wanted to leave. "I didn't, but I kept thinking there's no way I would do this job anyway because he's -- he is just the kind of person who is gonna get himself in trouble and I can't imagine trying to -- to manage a person like this. Not only that. He wouldn't listen to legal advice anyway I don't think, after his response when I told him about the redneck comment and he just blew it off."²³⁰

He did not tell me the duties of the position. He asked me very few questions about my background and qualifications. When he asked me about why I thought I was qualified, I mentioned training I took, my background in teaching, and familiarity with the statutes. He responded about his own cases and experience.

No one told me what the OIG's interview questions would be and no one coached me before the interview.

Complainant #5 with Witness and Subject Statements

The OIG conducted a sworn and recorded interview with Complainant #5 on May 23, 2019.²³¹ Unless otherwise noted in quotation, the complainant provided substantially the following:

I have not been threatened, promised anything or coerced into providing my statement.

²²⁷ Exhibit C-4, transcript page 16.

²²⁸ Exhibit B-3, statement page 19.

²²⁹ Exhibit C-4, page 17.

²³⁰ Exhibit C-4, transcript page 23.

²³¹ Exhibit C-5.

In early March 2019, during an interview with Complainant #3 and Complainant #7, Commissioner Rubin entered to meet me. He asked me to go over my work history and I explained that I had moved to Pittsburg because my spouse was offered a job there and then we moved back to Tallahassee because they were offered a job in Tallahassee. "So he then asked, "So if your...[spouse] received a job offer somewhere else, would you move then again, too?" Um, so that was, you know, caught me off guard, um, and I'm not sure how I responded. I think, you know, I'm sure I would consider it. [They are] my [spouse]."²³² "He was a bit just hostile, um, and he mentioned something about, you know, well, maybe that's why I've never been married, um, about moving around."²³³

I have never been asked that in a job interview. I had been back in Tallahassee for nearly three years and did not see how my spouse was relevant. It was inappropriate.

It felt a little demeaning, like "so you're just moving around, like, whenever your [spouse] gets a job", and like I was just following my [spouse]".²³⁴ "It felt very, like, misogynistic..."²³⁵

Commissioner Rubin stated to the OIG, "I did not ask a candidate for OFR employment if they would move if their spouse received another job offer elsewhere. As described in my Statement, prior to [Complainant #4's] interview, Mr. Mitchell had told me that [their ex-spouse] was moving to Tallahassee, and that [the ex-spouse] wanted [Complainant #4] to move there with their minor child so they would be in the same city. Although I already knew the answer, I asked [Complainant #4] in [their] interview why [they] wanted to move to Tallahassee. After [they] replied with a convoluted, non-credible answer, I told [them] that I had been told the real reason [they] wanted to move to Tallahassee, and [they] admitted that what Mr. Mitchell had told me was true."

"Without knowing the candidate or the context of the alleged statement, it is impossible for me to admit or deny telling a candidate for OFR employment something to the effect of "maybe that's why I've never been married." I do not recall making this statement to a candidate for OFR employment. I often use self-deprecating humor, so I have said "something to the effect of 'maybe that's why I've never been married'" on numerous occasions."²³⁶

Complainant #7 told him that I was getting my master's degree, and then he said "Well, if you're getting your master's degree, then why are you coming to work here, or why are you applying for this job?"²³⁷

Complainant #7 asked me, ""Are you okay?". I said, "whoever they hired needed to be strong and be able to handle him. Um, and [Complainant #3] walked in, um, and [Complainant #7] said..."[I]

²³² Exhibit C-5, transcript page 5.

²³³ Ibid.

²³⁴ Exhibit C-5, transcript page 13.

²³⁵ Exhibit C-5, transcript page 17.

²³⁶ Exhibit B-3, statement page 13.

²³⁷ Exhibit C-5, transcript page 9.

did very well. Um, you know, he's a little bit to handle," and [Complainant #3] responded that it's been like breathing through a water hose."²³⁸ That comment indicated to me that it had been "tough around there or it was like, you know, just kind of like a hard situation."²³⁹

"I've seen the... news articles of the allegations that have been... brought against him and, um, the first one, you know, the sexual harassment one." My interaction does not rise to that but given additional allegations of his remarks and inappropriate behavior, I thought I should report my experience because "if it's happening to these people and it's happened to me, who knows who else it's happened to?"²⁴⁰

No one told me what the OIG's interview questions would be and no coached me before the interview.

Complainant #6 with Witness and Subject Statements

The OIG conducted a sworn and recorded interview with Complainant #6 on May 23, 2019.²⁴¹ Unless otherwise noted in quotation, the complainant provided substantially the following:

On or about March 29, 2019, I attended a question and answer meeting with Commissioner Rubin and about 30-35 other employees.

He started the meeting asking if anyone had read his articles. He spoke about his experiences in Washington, DC, and buying a car, and his own accomplishments.

He asked everyone to provide their name, position, job duties and greatest accomplishment with the Division. There was more follow up to the question about greatest accomplishment.

Commissioner Rubin stated to the OIG, "During my "town hall" meetings with OFR employees, I sometimes asked employees to identify their country of origin in the presence of other employees. At many of the "town hall" meetings, I asked each employee to speak a bit about him- or herself. To facilitate the process, I suggested that each person answer the following questions: How long have you worked for OFR?; What do you do in your job?; What is your proudest achievement at OFR?; Where did you go to school?; What is your school mascot?; and Does your school have a "cheering gesture?" [demonstrate it].

As the employees answered these questions, I looked for opportunities to ask follow-up questions about unusual or interesting things they said about themselves, to say positive things about their answers, to share things I had in common with them, and to discuss OFR issues related to whatever they discussed."²⁴²

Witness #5 made an introduction and stated their name and position. He interrupted and asked

²³⁸ Exhibit C-5, transcript pages 5-6.

²³⁹ Exhibit C-5, transcript pages 6.

²⁴⁰ Exhibit C-5, transcript page 18.

²⁴¹ Exhibit C-6.

²⁴² Exhibit B-3, statement page 20.

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where they were from, to which Witness #5 responded they were from a foreign country. He then asked, "Do you run?"²⁴³

Commissioner Rubin stated to the OIG, "In one Tallahassee meeting, [an employee] mentioned that [they] had come to the United States eight months earlier. I asked if [they] minded my asking the country from which [they] had emigrated. [They] told me [they] came from [a foreign country]. Having read several articles about the popularity of long-distance running in [the foreign country], and knowing that a number of [foreign nationality] runners have won or placed highly in several U.S. marathons."

I asked if [the employee] ran, and said I had read that long distance running was essentially [the foreign country's] national sport and that a disproportionate number of elite marathon runners are [the foreign nationality]. When [they] said [they] did not run, I quickly moved on to the next employee."

"Had the [employee] said [they were] Canadian, I would have asked if [they] played or liked ice hockey, and shared the fact that I played hockey in college. At one town hall meeting, an employee said [they'd] come from a country that produces elite squash players (generally countries that were part of the British Empire during the 19th and 20th Century - Great Britain, Wales, Pakistan, Canada, Egypt, Ireland, India, Australia, etc.), so I asked if [they] played squash, and shared the fact that I used to play squash almost every day."

"While there were fewer Tallahassee employees who had emigrated from foreign countries than there were in other OFR offices, I asked many OFR employees follow-up questions about where they grew up, and many OFR employees described emigrating from other countries. In particular, several employees in OFR's Miami office said they had emigrated from South America. One such employee told a funny story about [their] school mascot being a goat - a live goat that attended every sports event. I mentioned that story in all of my subsequent town hall meetings."

"I hosted (rather than merely attended) "town hall" meetings with the OFR's Division of Consumer Finance staff in various locations, including Tallahassee."

"As discussed above, during a "town hall" meeting in Tallahassee, I asked a subordinate employee where [they were] from in the presence of other subordinate employees after [they'd] told me [they'd] come to the United States eight months earlier."

"As discussed above, my recollection is that the employee volunteered how long [they] had been living in the U.S., rather than my asking them."

"As discussed above, I asked the employee whether [they] ran because I'd read several articles about the popularity of long-distance running in [the foreign country], and I knew that a number of [foreign nationality] runners had won or placed highly in several U.S.

²⁴³ Exhibit C-6, transcript pages 5-6.

marathons.”

“As discussed above, I told the employee that I’d read that long distance running was essentially [the foreign country’s] national sport and that a disproportionate number of elite marathon runners are [the foreign nationality].”

“As discussed above, I said something to the effect that a disproportionate number of elite marathon runners are [the foreign nationality].”

“I do not recall whether I asked other attendees in that particular meeting about their country of origin. However, as described above, I sometimes asked employees about their country of origin during “town hall” meetings.”²⁴⁴

In a sworn and record interview on May 23, 2019,²⁴⁵ Witness #5 told the OIG, “And when he got to me I introduced myself and talked about what I do, how long I’ve been there and then he asked me a question about where I am from originally. I told him I’m from [a foreign country] and he followed with a question about running. I don’t remember the exact wordings... we run ‘cause we have [foreign nationals] who are good at that. And then he -- he asked me again, “So how long did you say you’ve been here?” Then I told him 10 months, which I’d already mentioned earlier. And, um, my interaction with him I believe ended there.”²⁴⁶

“And I came to the end of my introduction and then it was his turn to chip in if he have something to say. I don’t think we went back to anything official after the question.”²⁴⁷

The questions he posed to me were different than those to other employees, such as those about an achievement, a resolved case, an investigation, or a process they helped develop; his questions for me were not work related.

I do not remember anyone in my section or the entire agency ever asking me about my accent or where I am from.

I want to “believe that he didn’t have any bad intentions. It was just an innocent comment and I just wanted to give him the benefit of doubt.”²⁴⁸

I told Complainant #6 that it “made me feel uncomfortable and like I don’t belong here.”²⁴⁹

²⁴⁴ Exhibit B-3, statement pages 20-21.

²⁴⁵ Exhibit C-12.

²⁴⁶ Exhibit C-12, transcript page 8.

²⁴⁷ Exhibit C-12, transcript page 12.

²⁴⁸ Ibid.

²⁴⁹ Exhibit C-6, transcript page 20.

At least one other employee in the meeting was from another country and had a different accent; he did not ask that employee where they were from.

I did not look forward to getting to know Commissioner Rubin after the meeting because "I didn't know what else -- what other questions he would ask... Like the -- he asked that question. Like I was saying it's -- I'm just speculating. I'm just thinking. Well, maybe it was just a comment. But the fact that initially I was feeling a little bit uncomfortable, I wasn't really, like, looking forward to another meeting with him or such."²⁵⁰

No one told me what the OIG's interview questions would be and no one directed me on how to answer the questions.

Complainant #7 told the OIG, I attended the question and answer meeting he had for the Division of Consumer Finance. I heard his comments to the foreign national employee. I think he felt bad after saying something like, "they have great runners there".²⁵¹

"And, uh, I gasped, uh, but I looked around the room and everybody kind of -- it was uncomfortable. He looked around -- Commissioner Rubin had looked around the room and I guess people were kind of looking in, you know, amazement of the statement, um, and then he said -- his response was, "What? Uh, some of the world's best runners come from [the foreign country]".²⁵² Witness #5 then concluded and sat down.

He did not engage Witness #5 in the same way as he did the others. In particular, he did not follow up with Witness #5 on their greatest accomplishment for the OFR, and he did not ask anyone else the follow up question made to Witness #5.

After the meeting, [Witness #5] told me it made [them] feel uncomfortable and like [they] did not belong. I understood they did not want to report the matter so as to keep the peace.

I was offended by his statement and thought it was racist and insensitive.

I went back to my office and documented the incident in an e-mail to myself. I decided to report the matter after seeing an e-mail requesting any additional information regarding Commissioner Rubin.

I'm less willing to engage Commissioner Rubin. "I think he's just oblivious to the fact that some of the things that are said are offensive to people."²⁵³ He has made the workplace uncomfortable, and his "presence makes me uncomfortable".²⁵⁴

²⁵⁰ Exhibit C-6, transcript page 40.

²⁵¹ Exhibit C-7c, transcript page 117.

²⁵² Exhibit C-6, transcript page 6.

²⁵³ Exhibit C-6, transcript page 26.

²⁵⁴ Exhibit C-6, transcript page 27.

No one told me what the OIG's interview questions would be and no one coached me before the interview.

Witness #7 with Subject Statements

On May 14, 2019, the OIG received an e-mail that stated, in part:

“Another aspect of his visit that later came to my attention also struck me as potentially unprofessional. A few days after the meeting I was told that he provided his personal cell phone number to two... employees, and my feeling was that his purpose for doing so might not have been entirely work related.”²⁵⁵

Through telephonic inquiry, OFR Inspector Bradley Perry identified one employee believed to have received Commissioner Rubin's personal cell number. On May 24, 2019, the OIG conducted a sworn and recorded interview with Witness #7.²⁵⁶ Unless otherwise noted in quotation, the witness provided substantially the following:

No one has threatened, promised, or coerced me into providing my statement.

I thought I would be contacted by the investigation because I had interactions with Commissioner Rubin.

I did not know Commissioner Rubin before working for OFR. My first interaction was during his town hall style meeting and visit to the agency's West Palm Beach regional office.

After the meeting, a colleague shared with me that he made comments about older employees, and that the colleague felt he did not care for older employees but wanted to bring in younger attorneys and staff members. I did not interpret his comments in the same way. “I heard that he wants to kind of restructure and bring in attorneys right out of school, give them opportunities to continue their professional development.”²⁵⁷

He has called and text messaged me for business related purposes. I asked him for book references so he gave me his telephone number. I contacted him so he would have my contact information to send me the information. On the Monday or Tuesday after his visit, he sent me book recommendations on the financial crisis, financial institution issues in 2008, and articles about the Wolf of Wall Street and the CFPB.

Commissioner Rubin stated to the OIG, “I have communicated with subordinate employees via text message on my personal phone. Doing so is necessary for many reasons, including logistical coordination. Also, in some locations like Tallahassee International Airport, cell phone calls are impossible, while text messages work. Also, text messaging is disabled on OFR cell phones and calls incur per-minute charges. I try to

²⁵⁵ E-mail provided to the OIG on May 14, 2019. Exhibit B-1 contains a redacted version of the e-mail.

²⁵⁶ Exhibit C-14.

²⁵⁷ Exhibit C-14, transcript page 28.

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save taxpayer money by avoiding unnecessary per-minute charges on my OFR cell phone.”²⁵⁸

I have never met him outside working hours. I have not received e-mails from Commissioner Rubin that were not also sent to other office staff.

After the town hall style meeting, he came to my office for about 20-30 minutes. We discussed articles he had written, a couple of books he was reading, and the New York Times crossword puzzles. He mentioned a benefit he was attending later that night with his parents.

Commissioner Rubin stated to the OIG, “After my March 14 “town hall” meeting with all employees in OFR’s WPB office, I walked around that office to meet individual employees in their offices. I visited and spoke with several employees, both male and female. In addition to simply getting to know them, I had noted several employees in the group session who seemed particularly bright and enthusiastic about OFR’s mission and my goal of investigating more serious financial crimes rather than previous commissioners’ focus on minor technical violations. While I was speaking with one such employee, [Witness #7], [they] indicated an interest in my articles, and asked which [they] should read first. I gave [Witness #7] my personal cell phone number and said [they] could send me a text message if [they] wanted me to text [them] the links to those articles (text messages are disabled on OFR cell phones). [Witness #7] texted me the following morning, and I sent [them] links to my best two articles. [Witness #7] texted me later that day to say [they] had read one of the articles, and that I should let [them] know the next time I was “down in the West Palm area.” In my reply, I texted [Witness #7] links to two more of my articles. I had no further contact with [Witness #7] until Friday, April 19.”

“As described above, I gave my personal cell phone number to West Palm Beach employee [Witness #7] in order to provide links to my articles via text message. I do not remember giving my personal number to any other WPB employee, and I believe [Witness #7] is the only WPB employee who has ever called or sent a text message to my personal phone number.”²⁵⁹

I met him one other time in the West Palm Beach regional office briefly. I asked him if he was going to Sun Fest, a music festival on the waterfront in West Palm Beach; he said no.

Commissioner Rubin stated to the OIG, ““I ultimately visited the WPB office on Friday, May 3. During that visit, I stopped outside the door of [Witness #7’s] office, spoke with [them] for a few minutes without entering, and then stopped into other employees’ offices for longer conversations about OFR matters.”²⁶⁰

The last phone communication I had with him was the Friday before Easter, when his flight to the West Palm Beach office was cancelled. He texted me about a flight delay, then called me about

²⁵⁸ Exhibit B-3, statement page 11.

²⁵⁹ Exhibit B-3, statement page 22.

²⁶⁰ Exhibit B-3, statement page 11.

the flight's cancellation.

Commissioner Rubin stated to the OIG, “My March 14 time with the WPB employees had been cut short because I had to prepare my Alzheimer’s speech introducing Governor DeSantis, so I scheduled a follow-up visit to the WPB office on April 19. I planned to take the 11:25 am flight from TLH to MIA and drive to WPB, but there was a huge, violent storm moving across Florida. At 8:17 am, [Witness #7] texted me to wish me safe travels and say [they] hoped the weather did not delay me. While I was waiting at home for the storm to subside, I replied that the rain seemed to be tapering off, but then sent another message a few minutes later to say I had just seen a tornado warning. At about noon, we were told the flight would be delayed an hour; I texted [Witness #7] about the delay, and said I was still coming. I did so to inform the entire WPB office of my delay, and, since [Witness #7] had texted me that morning, [their] phone number was at my fingertips. [They] replied that it was sunny in WPB. Minutes later, my flight was canceled, and it was clear I would not be able to visit the WPB office that day. I called [Witness #7] and asked [them] to tell the WPB office manager and other employees that I would not be able to visit that day, and that I would reschedule as soon as possible.

“As described above, I communicated via text message with a subordinate employee assigned to OFR’s West Palm Beach Regional Office.”

“As described above, I told a subordinate employee assigned to OFR’s West Palm Beach Regional Office that my flight had been cancelled.”²⁶¹

Complainant #7 with Witness and Subject Statements

The OIG conducted a sworn and recorded interview with Complainant #7 on May 31, 2019.²⁶² Unless otherwise noted in quotation, the complainant provided substantially the following:

Before coming to the OFR, I worked in the Division of Risk Management at DFS. My duties are varied and include human resources responsibilities.

I became aware of the initial complaint filed against Commissioner Rubin through Complainant #2. I provided the form to Complainant #1 to fill out after Complainant #1 decided to complete it. I told Complainant #1 they could complete the form portion and type additional information separately. I encouraged them to take their time, provide whatever they wanted to say in their own words, and then left them alone to complete the form. Complainant #1 did not discuss the complaint with me.

I recall knowing Complainant #1’s wish to move to a different location in the agency on or around Friday, May 3, 2019—about a week before Complainant #1 completed the complaint form.

I don’t think anyone asked Complainant #1 to file a complaint. I do not know if anyone encouraged Complainant #1 to do so.

²⁶¹ Exhibit B-3, statement page 11.

²⁶² Exhibits C-7a-c.

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I sought instruction from DFS HR on locating the correct form, which was blank. I then transferred that document and/or instruction on how to access it to Complainant #1.

Besides Complainant #2, I am not aware of anyone else who interacted with Complainant #1 regarding the complaint form, and I do not believe anyone assisted Complainant #1 to complete the form.

Other than helping Complainant #1 to locate the form, the only assistance I provided was in the form of trying to make Complainant #1 feel at ease.

I received the completed form from Complainant #1. It was scanned in and e-mailed with two different documents. I cannot remember who I provided the documents to, or if I received a receipt acknowledgment.

[After the interview, Complainant #7 confirmed they provided the form to Rick Sweet, DFS Director of Administration, via e-mail on Friday, May 10, 2019, around 4:34 pm and received an acknowledgment of receipt from Mr. Sweet around 4:42 pm the same day.]

After the complaint form submission, and at the request of Complainant #2, I informed Complainant #1 that a heavily redacted version of the complaint may be published to provide Complainant #1 a heads up. I remember our phone call conversation was about 10-15 minutes and that Complainant #1 was appreciative of the heads up.

Commissioner Rubin was real adamant in telling me he didn't do anything, and that all he did was take Complainant #1 to lunch. He contacted me on Friday, May 3, 2019 around 1:36 pm. We spoke for about 20 minutes and then lost the call connection. After reconnecting, we spoke for about 30 minutes. During the call, he asked me if anything had happened before closing. He wanted to tell me he didn't do anything wrong. It was one of very few conversations he listened and did not try to interrupt me.

He said he had just taken Complainant #1 to his apartment to check on how things were progressing there. I told him "you need to be very careful about that" and that it wasn't "something that you should be doing, you know, as a commissioner."²⁶³ I reminded him of his high-level position and that he needed to be cognizant of his actions. I referenced US Vice President Mike Pence and his position to avoid one-on-one situations in the elevator or other environments with females.

In his position, I think Commissioner Rubin should have brought someone along to go to lunch, and that he should maintain separation from individuals.

"I personally feel that he felt that he -- he did -- had done something that he should not have done, you know."²⁶⁴ Sometime between his call on May 3 and the May 10, he asked me what I thought

²⁶³ Exhibit C-7a, transcript page 33.

²⁶⁴ Ibid.

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of Complainant #2, who I thought was trying to “align him, if you will”.²⁶⁵ He asked me this a couple times. I could sense he was trying to get me to say something negative about Complainant #2.

In his statement to the OIG, Commissioner Rubin stated that “On or about April 30, I asked [Complainant #7] what [they] thought of [Complainant #2]. I did so to gauge [their] reaction for possible signs that [Complainant #2] had discussed with [them] [Complainant #1’s] alleged discomfort during our... lunch before they ([Complainant #2]) discussed the matter with Ryan West. Based on [Complainant #7’s] reaction, I do not believe [Complainant #2] reported the matter to them (as I believe [they] ought to have done).”²⁶⁶

He asked me if Complainant #1 had filed a complaint a couple times between May 3 and May 6, 2019. I told him I didn’t know.

At some point he said he would take some kind of training if needed. He asked me about training several times and I researched it for him. He did not want to call it sexual harassment training, but instead diversity training. I inquired about potential training via e-mail with DFS Learning and Development and by phone with Florida State University.

On several occasions he asked me, “Did you find anything? Did you find anything?”²⁶⁷

At some point he said he would be out of the office in Washington DC and asked if I could find training there. It was then I stopped looking for diversity training. He said that he just needed to go to sexual harassment training. I was thinking to myself, he already took agency sexual harassment training.

He said he would attend the training in person and pay for it his self. I verbally told him that I had contacted a company that was going to send some material.

Commissioner Rubin stated to the OIG that “On April 30, [Complainant #2] told me, for the first time, that I had said something during [their] interview... that had made [them] uncomfortable, but... refused to tell me what it was (and I had no idea). Shortly thereafter, Mr. West and Mr. Mitchell repeated the claim that I had said something inappropriate during [Complainant #2’s] interview, but they also would not (or could not) tell me what it was. Over the weekend of May 4-5, I thought about how I could reassure Mr. West, and decided to offer to take additional sensitivity training. When I ran the idea by [Complainant #2] when I returned to the office on the morning of May 6, [they] indicated [their] approval. I then told Mr. West about the idea during our lunch on May 6, and he also indicated he thought it was a good idea. Upon my return from lunch, [Complainant #2] asked whether Mr. West had approved of the idea, and I told [them] that he had.

“After Mr. West indicated on May 6 that he thought my taking additional sensitivity training was a good idea, I asked [Complainant #7] if [they were] aware of any additional sensitivity

²⁶⁵ Exhibit C-7a, transcript page 34

²⁶⁶ Exhibit B-3, statement page 4.

²⁶⁷ Exhibit C-7b, transcript page 2.

training I could take, which I hoped to take at my own expense.”²⁶⁸

“[Complainant #7] told me that [they’d] determined that the type of sensitivity training I had suggested was not offered in Tallahassee. Since I was scheduled to be in Washington, DC the following week, I did a lengthy internet search to see if any such training was offered in Washington, DC. I mentioned to [Complainant #7] that I was having trouble finding what I was looking for, and [Complainant #7] then conducted a similar search with the same result.”²⁶⁹

He told me like, "All I had in there, in my room, was -- was just, um -- I didn't have any furniture. You know, I didn't have any furniture in there."²⁷⁰

I am aware of, what I call, Commissioner Rubin’s “aggressive tendencies”.²⁷¹ He is a very controlling person. He was very negative about individuals. He kept saying he did not like people who were stupid. He would tell me that people “F-ed up” including Witness #1, but he used the full word.²⁷²

Commissioner Rubin stated to the OIG that “Without further information, such as the identities of the subordinate employees or the circumstances under which I allegedly made the statement, I’m unable to admit or deny that I told a subordinate employee that another subordinate employee had “f-ed up.” I do not recall making such a statement and would be surprised if I did.”²⁷³

His use of bad language made me feel uncomfortable.

I do not think he treated everyone at OFR with respect and professionalism. On March 31, 2019, he asked me for the name of the person from that meeting who, as he put it, “went on forever about antibiotic resistant viruses”. He referred to that person as “Debbie Downer”.²⁷⁴ I think that was inappropriate.

²⁶⁸ Exhibit B-3, statement page 16.

²⁶⁹ Exhibit B-3, statement page 17.

²⁷⁰ Exhibit C-7b, transcript page 6.

²⁷¹ Exhibit C-7a, transcript page 15.

²⁷² Exhibit C-7a, transcript page 33.

²⁷³ Exhibit B-3, statement page 17.

²⁷⁴ Exhibit C-7c, transcript page 53.

Commissioner Rubin stated to the OIG that “During the “town hall” meetings I held with all OFR employees, I went around the room and asked each employee to speak about themselves. I asked them to describe what they did in their jobs, how long they had worked for OFR, where they went to school, and their proudest achievement at OFR. In Tallahassee, one employee (whose name I do not recall) used her turn to talk about infectious diseases. She went on at great length about how and why antibiotic-resistant bacteria was about to become an epidemic that would kill much of the population by the year 2030 (my recollection of the specific details may not be perfect, but she described some kind of plague coming in the relatively near future). The room fell silent, and it was a memorably uncomfortable moment. Afterward, I joked with my staff that the woman’s performance reminded me of the Saturday Night Live skit “Debbie Downer.”

“On a separate occasion, the same employee spent several minutes describing a completely different disease that, she said, was also spreading quickly and about to become an epidemic. When I could not recall the employee’s name, I referred to her in private conversations with my staff as “the Debbie Downer woman.””²⁷⁵

He would eat and drink (not alcohol) in some meetings, including with industry.

He wanted the incoming deputy commissioner to be chief of staff and I told him I couldn’t do that while the former deputy commissioner in the position and nearing retirement. He told me that he didn’t care and that I could fire the deputy commissioner, who is 54. He wanted me to fire the former bureau chief of investigations, who is 66, and at some point, the deputy chief of investigations, who is in his mid to late 40s. He said the deputy did not know the first thing about investigations. Firing people was not in my purview.

On the bureau chief’s last day of employment before retirement, Commissioner Rubin asked him to rate all 39 investigations staff members. He made him stay, as well as other employees, past 6:00 pm. Commissioner Rubin told me the week before he wanted to get rid of him.

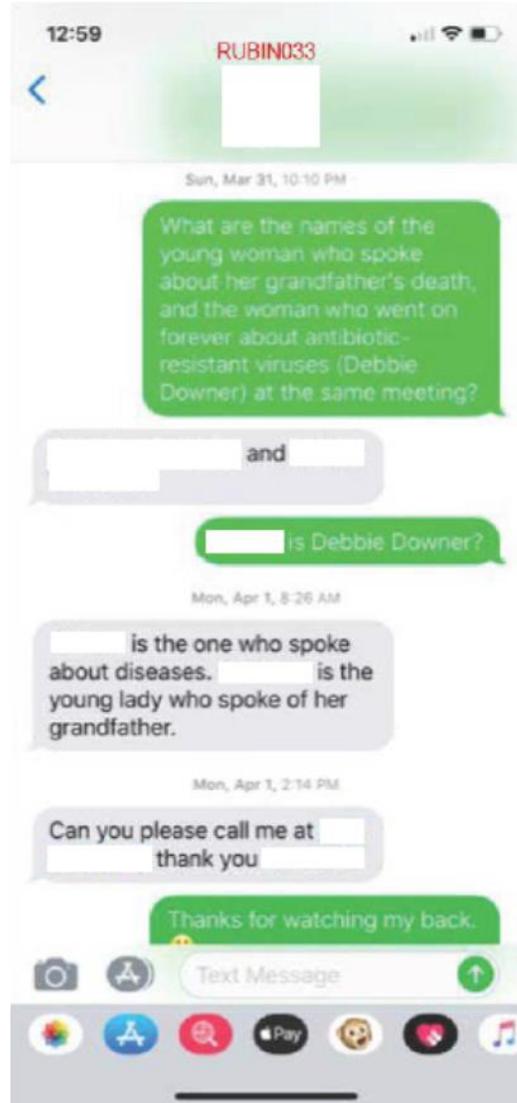


Figure 4: Text Message from Commissioner Rubin (see Exhibit B-8).

²⁷⁵ Exhibit B-3, statement page 17.

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Commissioner Rubin stated to the OIG that “Pamela Epting, Deputy Commissioner, informed me on March 4, 2019 that she planned to retire. She announced her retirement shortly thereafter and left the office several weeks later, in April. Steve Horn, Director of the Financial Institutions Division [sic], announced his retirement in early March and separated a short time later.”²⁷⁶

“I did not tell a subordinate employee they could fire the Deputy Commissioner. On March 4, 2019, the first day of my first full week as OFR commissioner, Deputy Commissioner Epting informed me that she planned to retire. She announced her retirement shortly thereafter and left the office a few weeks later.”²⁷⁷

He fired Kevin Maslowski, an OFR investigator, for his “poor choice of words.”²⁷⁸

Commissioner Rubin stated to the OIG that “An Orlando investigator who reported to Mr. Horn (and whose name I don’t recall) was allowed to resign in lieu of being terminated. During a phone call on Friday, March 1, Ms. Epting advised me that, in late 2018 and/or early 2019, a friend of this investigator had twice reported to DFS HR Administrator Kenyatta [sic] Moye that the investigator had used “the n-word” and homophobic slurs in his office. Although Ms. Moye recommended termination on both occasions, Mr. Horn overruled her, ordering the investigator to take sensitivity training on the first occasion and suspending him for five days on the second. After discussing the matter with Ms. Moye on March 4, I told her that I wanted to revoke Mr. Horn’s decision and terminate the employee. I did so, and the employee eventually had a hearing. Although I ruled that he should be terminated, I allowed him to resign in lieu of termination.”²⁷⁹

I don’t think he saw people’s value and I don’t he had the ability to listen to those who report to him.

I did not hear him state that he wanted a “pretty face”.²⁸⁰ Witness #4 told me that they were asked to go upstairs because he wanted one. I don’t recall anyone else telling me that.

Commissioner Rubin told the OIG the reason Witness #4 was moved was because Ryan West told the Commissioner he was “surrounded by people who wanted to stab me in the back and, uh, they were Breakspear’s people and -- uh, and [Witness #4] was -- was one of them.”²⁸¹

He told me early that he was not married and did not have any kids, but was not gay. He once told me about one of his female partners who stayed with him and then wanted to sleep separately

²⁷⁶ Exhibit B-3, statement page 4.

²⁷⁷ Exhibit B-3, statement page 17.

²⁷⁸ Exhibit C-7c, transcript page 132.

²⁷⁹ Exhibit B-3, statement page 4.

²⁸⁰ Exhibit C-7b, transcript page 34.

²⁸¹ Exhibit C-15a, transcript page 20.

from him and/or wanted to go in another room. It was weird and I wondered why he was telling me that.

Commissioner Rubin stated to the OIG that “I did not tell a subordinate employee I am not gay. I may have told a subordinate employee that people often assume I am gay because I am 56 years old and have never been married. I do not discuss my sex life in the office.”²⁸²

He participated in about five employee interviews with me and Complainant #3. He would ask the person if they had read his articles, questions about the Consumer Protection Bureau, and what their opinion was on payday lending. At times, he would come in with food or drink and eat during the interview. He would show pictures of Elizabeth Warren and then see how the person responded. One candidate said they recognized and liked her; he did not like that. The questions he asked did not relate to the responsibilities of the job.

After Complainant #1’s reassignment and office move, I checked to make sure they were doing okay. No one asked me to check on Complainant #1. I did not report back to Commissioner Rubin with information.

Commissioner Rubin asked me a couple of times how Complainant #1 was doing. I just responded that I thought they were “doing fine”.²⁸³ He probably asked me to go check on Complainant #1, but I did not do so. I do not think it was appropriate for him to ask me to about Complainant #1.

Commissioner Rubin told the OIG he asked Complainant #7 if Complainant #1 feels “okay about me”, to which Complainant #7 responded that Complainant #1 “seems like [their] okay”.²⁸⁴

In his statement to the OIG, Commissioner Rubin stated that “I did not ask any OFR employee to check on [Complainant #1] (or any other OFR employee), but [Complainant #7] told me that [they] checked on [Complainant #1] every day. Knowing this, at the end of every workday from May 3 to May 9, I asked [Complainant #7] if [Complainant #1] was happy in [their] new job and new office because I was genuinely concerned that [Complainant #1’s] new work situation be as good or better than it had been before [they] was moved on May 2.”

“Additionally, since [Complainant #7] told me every weekday from May 3 to May 9 that [Complainant #1] had told [them] [they were] enjoying [their] new job, and said nothing to indicate that [they] wanted to file a sexual harassment complaint, I do not believe [Complainant #1] would have done so without prompting from someone else.”²⁸⁵

He provided me with two of his personal phone numbers: [REDACTED].

²⁸² Exhibit B-3, statement page 9.

²⁸³ Exhibit C-7c, transcript page 38.

²⁸⁴ Exhibit C-15a, transcript page 12.

²⁸⁵ Exhibit B-3, statement page 6.

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At some point, he mentioned having a refrigerator that could be used by the office. I took his statement as a demand for help to move it. I told him an employee had a truck, although I did not realize he had a full-sized refrigerator. Myself and four other employees helped to move the refrigerator on a work day. The task was not an official part of my work duties.

I was nervous about moving the refrigerator, and felt uncomfortable doing it. "I -- full disclosure, you know, prayed about it the whole time we were probably there. You know, no one got hurt, that no one got injured, that nothing bad would come of this. You know, I was so relieved when it was done and over with and knowing that this -- this person is the kind of person that may not be, um, accepting to the fact that somebody's saying no. I can't -- I can't do that for you. And which is why I think later on he would ask me about [Complainant #2] because -- um, and we didn't go into great detail about it, but when he wanted help with moving other stuff, personal effects, if you will, from the Meridian -- I'll just call it the Meridian Road apartment -- [Complainant #2] told him, "Absolutely no."²⁸⁶

The move could have caused someone to file something against me if someone got hurt. It was not what we were supposed to be doing. I was worried about the safety of other people.

The large refrigerator did not seem to fit, so we called a DMS employee about removing the doors. We did not have to remove the doors. After we placed the large refrigerator in the executive office break room, he asked to use the existing small refrigerator in his office. He asked me to clean out that refrigerator, so I cleaned both refrigerators out for him.

Commissioner Rubin stated to the OIG, "I did not ask a subordinate employee to clean my personal refrigerator. After I donated the unused, full-sized refrigerator that came with my [REDACTED] unit to the OFR executive suite, there was nowhere to put the small refrigerator it replaced, so the small refrigerator was moved into my office. I do not consider the small refrigerator to be my personal refrigerator - I do not intend to take it with me or sell it whenever I leave OFR."

"At some point shortly after the small refrigerator was moved into my office, I returned from a meeting to find [Complainant #7] finishing cleaning the refrigerator. I was surprised, because I had not asked [them] to do so."²⁸⁷

In his first couple of weeks on the job, he spoke about his *Francis Francis* coffee espresso machine. He was very proud of it. He mentioned it was not working. I do not recall him asking me specifically to repair, but I took it as a directive to help him. I took it home and my spouse was able to fix it.

Commissioner Rubin stated to the OIG, "I did not ask a subordinate employee to help repair my personal coffee maker. On March 3, 2019, I brought several personal items to my office that I had transported from Washington, DC the previous weekend. One was an espresso machine that had been in storage for three years. [Complainant #7] visited my

²⁸⁶ Exhibit C-7c, transcript page 94.

²⁸⁷ Exhibit B-3, statement page 18.

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office several times a day, and saw that I was frustrated because the machine was not working. [They] told me that [their spouse] liked to tinker with coffee machines, said [they] thought [they] could fix it, and offered to take it home with [them] one evening and show it to [their spouse]. I accepted the offer. A day or two later, [Complainant #7] returned with the machine, and said [their] husband had removed a small blockage in it, and that no parts or other expense had been necessary to make it work. I told [them] I was very grateful, and said I would make [them] a cappuccino any time [they] liked. I believe I made [them] a cappuccino at that time, and possibly at other times.”

“As described above, I accepted [Complainant #7’s] offer to have [their spouse] repair my personal coffee maker. I believe I fairly compensated [Complainant #7] for [their spouse’s] efforts, which did not require any parts or other expense, by making [Complainant #7] one or more cappuccinos. The market value of each of these cappuccinos, which were made with imported Italian espresso and frothed milk, was at least \$5.00.”²⁸⁸

I have only been to his condominium unit and he has never asked me to remove my shoes before entering.

He did not ask me to clean his apartment, but wanted me to help find someone to clean his apartment on a work day while Complainant #3 was on annual leave.

Commissioner Rubin stated to the OIG, “I did not ask a subordinate employee to locate cleaning services for my personal residence. I generally clean my personal residences myself, and almost never use cleaning services.”

“The floors were installed in my [REDACTED] unit between April 22 and April 25. When I checked on the project on the evening of April 25, I observed that the entire unit was covered in concrete dust that made breathing difficult. I mentioned this fact to [Complainant #7] the following morning (Friday, April 26), and asked if [they] knew a good cleaning person. I did not ask [them] to find me a cleaning person. [Complainant #7] said [they] might know someone, and would get back to me. A few hours later, I briefly visited the [REDACTED] building and spotted an independent cleaning woman in the lobby. We went up to my unit, she inspected the concrete dust, and she offered to deep clean the unit that evening. Later that afternoon, I mentioned to [Complainant #7] that I had found someone to remove the concrete dust from my unit.”²⁸⁹

He asked us to help him move his belongings from his apartment on Meridian Road. We did not after Complainant #2 told him he could not ask us to do that. I believe a DFS employee helped him with the move.

He did not offer to compensate me for moving the refrigerators, repairing the coffee maker, or trying to find him apartment cleaning services. I think he took advantage of people’s kindness.

²⁸⁸ Exhibit B-3, statement page 18.

²⁸⁹ Exhibit B-3, statement pages 17-18.

I accompanied him while he took some of his required agency training. At times he would ask me to back up and replay the presentation. During the training quizzes, he would make comments like, "Now hold on. Don't -- don't tell me what it [the answer] is."²⁹⁰ He wanted to do it on his own; his training scores indicate he was not perfect in the quizzes.

Commissioner Rubin stated to the OIG, "I completed agency-provided training on ethics."

"I completed agency-provided training titled, "It Begins With Respect.""

"I did not request assistance, in the form of answers to quizzes, from a subordinate employee to complete agency-provided training. I was very busy during my first few weeks as OFR commissioner, and [Complainant #7] dutifully reminded me of upcoming deadlines to complete agency-provided training. However, when I tried to do the training on my computer, I repeatedly encountered technical difficulties. [Complainant #7] had to request IT support several times to get various training sessions to operate properly. On a few of these occasions, [Complainant #7] sat through the training sessions with me to make sure they functioned properly. When it came time to take the quizzes, [Complainant #7] jokingly offered to answer the questions for me, but I did not take the offer seriously and completed the quizzes myself. Although, while I was taking the quizzes, [Complainant #7] occasionally said [they] would have chosen a different answer from the one I had chosen, I always selected my own answer. Since most of the quizzes only provided a final score and did not specify which answers were incorrect, I do not know whose answers were correct on such occasions."²⁹¹

I think he needs to resign. If he returned to work, "I could work with it but unfortunately I think that a lot of people would leave, and I just don't think it's right on behalf of the agency for him to stay."²⁹²

It's hard for our employees to participate in this investigation process. "It's very unsettling to someone that you have to come in here and fear of -- of -- do I have fear right now? Yeah, I do. I have fear that, you know, I have a long career with the state government. I've tried to do everything the way I'm supposed to do it. I try to make sure everybody has what they need, give them what they need, do what I'm supposed to do. And for -- for little stupid things, if you will, you know, to take something, you know, away."²⁹³

"The situation is a situation that, um, it's sad that it occurred. It's bad for the agency. It is bad for the employees of the agency."²⁹⁴ It will take the agency a long time to recover from this; we're still recovering from the last commissioner's separation.

²⁹⁰ Exhibit C-7c, transcript pages 75-76.

²⁹¹ Exhibit B-3, statement page 16.

²⁹² Exhibit C-7c, transcript page 130.

²⁹³ Exhibit C-7c, transcript page 135.

²⁹⁴ Exhibit C-7c, transcript page 139.

Other Supporting Documentation

Concerns from the West Palm Beach Regional Office

The OIG received an e-mail dated May 13, 2019 made by an OFR employee in the West Palm Beach regional office, which stated, in part:

“Pursuant to recent events and our telephone conversation this morning, I feel compelled to share information regarding Commissioner Rubin regarding his visit to the West Palm Beach office on March 14, 2019. My initial impression of his meeting with the staff was favorable. He seemed to want to make a good personal impression on the staff, as well as communicate certain strategic priorities. However, in his discussion of prior work experience that involved debriefing a cooperating government witness, Jordan Belfort, he referenced his discussion with Mr. Belfort about his (Mr. Belfort’s) sexual exploits. Commissioner Rubin stated that Mr. Belfort refused to discuss his sexual exploits with a woman present (a woman working with Mr. Rubin), she was excused from the meeting, and Mr. Belfort then shared with Mr. Rubin stories about his sexual activities. Commissioner Rubin did not share with the group any inappropriate details of his conversation with Mr. Belfort, but he indicated that the nature of the discussion was such that the female employee did in fact need to leave the room. At the time I thought that Commissioner Rubin’s comments were inappropriate, but he seemed nervous and somewhat disorganized in his comments to the staff, and I know that we all have said things that we wished we had not, and I wrote it off as a mistake that was made with good intentions.”²⁹⁵

Commissioner Rubin told the OIG “mixed company” meant company with women.

Commissioner Rubin stated to the OIG, “I did reference in the presence of subordinate employees a discussion I’d had with Jordan Belfort about his sexual exploits, but I did not repeat any information about the exploits he reported. I have recounted this short story many times to many people, especially since my January 4, 2014 Wall Street Journal article, “How the Wolf of Wall Street Really Did It.” The following is a nearly verbatim recitation of the story:

“In 2000, Jordan Belfort (the ‘Wolf of Wall Street’) had pled guilty and was under house arrest. Part of his plea agreement was that he had to answer any federal prosecutor’s questions regarding other individuals who had committed crimes with him. One such individual was Steve Madden, whom I prosecuted while I was an SEC enforcement attorney.”

“Most of my interview sessions with Belfort took place in a U.S. Attorney’s office with a female U.S. attorney present. During one such session, I asked Belfort if the recent movie ‘Boiler Room,’ which was loosely based on Belfort’s crimes, was accurate. Belfort replied that he and his accomplices were much wilder than depicted in that movie. I asked him to

²⁹⁵ E-mail provided to the OIG on May 14, 2019. Exhibit B-1 contains a redacted version of the e-mail.

elaborate, and he said he could not do so while there was a woman in the room. The U.S. Attorney rolled her eyes, but Belfort insisted he could not elaborate in her presence. Finally, she left the room, and Belfort told me several stories. The tamest of these were later depicted in the 2013 movie 'The Wolf of Wall Street.' Having heard these stories, I had to agree with Belfort that there are some stories that simply cannot be told in mixed company."²⁹⁶

Commissioner Rubin's Training and Policy Acknowledgments

On March 7, 2019, Commissioner Rubin acknowledged that he was required to complete agency-provided sexual harassment training within 31 days of his hire date. On the same day, he acknowledged receipt of agency policies regarding sexual harassment and discrimination, and standards of conduct.²⁹⁷

On April 10, 2019, Commissioner Rubin completed "It Begins With Respect, Supervisor Version"—a DFS-provided training regarding sexual harassment.²⁹⁸

POLICY REQUIREMENTS

A written agreement with DFS establishes that the OFR follows DFS policies and procedures unless the OFR has an applicable written policy and procedure on the specific subject at issue. The OIG confirmed the OFR follows the following policies and procedures, and conducted a review of the applicable items based upon allegations that Commissioner Rubin discriminated and/or harassed staff and non-employee individuals; engaged in conduct unbecoming a public employee; and engaged in conduct inappropriate to the position of agency head.

Department of Financial Services (DFS) Administrative Policy and Procedure 5-24, Sexual Harassment and Other Acts of Discrimination states, in pertinent part:

III. STATEMENT OF POLICY

- A. It is the policy of the Department of Financial Services (Department) that each employee is allowed to work in an environment free from any act of Discrimination and other forms of harassment. Sexual Harassment of employees and applicants is a form of Discrimination under Title VII of the 1964 Civil Rights Act and the Florida Civil Rights Act of 1992, a willful violation of Section 110.105 and Section 110.233, and conduct unbecoming a public employee as provided in Section 110.227, and Rule 60L-36.
- B. Further, it is the policy of the Department, that each job applicant and employee is assured equal employment and promotional opportunities without regard to that person's age, race, color, national origin, sex, religion, political affiliation, marital status, Sexual Orientation, Gender Identity, or disability. This provision is strictly enforced unless there exists a bona fide occupational qualification necessary to perform a specific task associated with an employment position.

²⁹⁶ Exhibit B-3, statement page 11.

²⁹⁷ Exhibit B-4.

²⁹⁸ Exhibit B-4.

IV. DEFINITIONS

- A. Complainant: An individual who has filed a complaint of Sexual Harassment or other act of Discrimination with the Department.
- B. Department: For purposes of this AP&P, collectively the Department of Financial Services, the Office of Insurance Regulation, and the Office of Financial Regulation.
- C. Discrimination: Any difference in the treatment of a job applicant, employee of the Department, or person or entity regulated by or doing business with the Department, during the course of business because of their age, race, color, sex, religion, national origin, political affiliation, marital status, sexual orientation, gender identity or disability.
- I. Sexual Harassment: Any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature from or involving supervisors, other employees, subordinates, or any other persons when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - 2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - 3. Such conduct has the purpose or effect of:
 - a. Unreasonably interfering with an individual's work performance, or
 - b. Creating an intimidating, hostile or offensive working environment; or
 - 4. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting persons or entities regulated by or doing business with the Department.
- J. Sexual Orientation: An individual's heterosexuality, homosexuality, or bisexuality.

Department of Financial Services Administrative Policy and Procedure 5-26, Standards and Procedures of Discipline – Career Service Employees states, in part:

IX. Standards of Disciplinary Action

E. VIOLATION OF LAW OR AGENCY RULES. Employees shall abide by the law and applicable rules and policies and procedures, including those of the employing agency and the rules of the State Personnel System. All employees are subject to Part III of Chapter 112, Florida Statutes, governing standards of conduct, which agencies shall make available to employees. An agency may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction. Employees shall abide by both the criminal law, for example, drug laws, and the civil law, for example, laws prohibiting sexual harassment and employment discrimination.

The following are examples of conduct that may be considered "violation of law or agency rules." These examples are not intended to be exhaustive or all-inclusive:

- Violation of any federal, state or local, law, statute, ordinance, rule, regulation, administrative procedure, policy, or directive.
- Violation of any Departmental rule, policy, procedure, directive or interpretation, including any provision of the Department's Employee Handbook.

- Any act which places or could place an employee or any member of the public in a dangerous situation, including failure to adhere to established safety procedures.
- Making unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature toward a Department employee, an applicant, or persons or entities regulated by or doing business with the Department, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or (3) such conduct creates an intimidating or hostile work environment.
- Engaging in discriminatory or harassing conduct toward a Department employee, applicant, or persons or entities regulated by or doing business with the Department because of that person's race, sex, age, color, religion, national origin, disability, marital status, political opinions or political affiliations, or because of that person's association with someone of a particular race, sex, age, color, religion, national origin, disability, marital status, political opinion or political affiliation. This includes, but is not limited to: jokes, slurs, derogatory statements, displaying offensive materials or other verbal or physical conduct that would be offensive to a reasonable person.

F. CONDUCT UNBECOMING A PUBLIC EMPLOYEE. Employees shall: (1) conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the state; (2) be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers; (3) maintain high standards of honesty, integrity, and impartiality; (4) place the interests of the public ahead of personal interests; (5) not use, or attempt to use, their official position for personal gain or confidential information for personal advantage; (6) protect state property from loss or abuse; and (7) use state property, equipment and personnel only in a manner beneficial to the agency.

The following are examples of conduct that may be considered “conduct unbecoming a public employee.” These examples are not intended to be exhaustive or all-inclusive:

- Being rude, discourteous, or antagonistic when dealing with a member of the public.
- The display of uncooperative or antagonistic behaviors which are disruptive to the workplace and/or causes dissension among fellow employees.
- Using language (oral, written, or electronically communicated) or gestures which are threatening, profane, vulgar, or abusive directed toward or in the presence of a Department employee or member of the public.
- Conduct, on or off the job, which adversely affects the employee's ability to continue to effectively perform his/her job, which adversely affects the Department's ability to carry out its assigned mission, or which would tend to promote mistrust or embarrassment of the Department.
- An oral or written threat, or a physical battery or assault on another employee or member of the public, except when justified in the interest of self-defense or to prevent injury to others or damage to property.

- Using or directing another to use Department property, equipment, materials, services or personnel for any purpose other than official Department business without the authorization of management.
- The use of one's position, power, or authority as a State or Department employee for personal gain, influence, or to avoid the consequences of unlawful acts.

G. MISCONDUCT. Employees shall refrain from conduct which, though not illegal or inappropriate for a state employee generally, is inappropriate for a person in the employee's particular position. For example, cowardice may be dishonorable in people generally, but it may be entirely unacceptable in law enforcement officers. By way of further example, people are generally free to relate with others, but it may be entirely unacceptable for certain employees to enter into certain relations with others, such as correctional officers with inmates.