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FAU leader search faces scrutiny

State's CFO suggests opening a second investigation into possible wrongdoing

By Scott Travis South Florida Sun Sentinel

Florida Atlantic University's attempts to quickly convince the state it conducted a fair and appropriate search for its next president aren't winning over its critics, including the state's chief financial officer, who has suggested opening a second investigation into possible wrongdoing.

At the same time, many FAU faculty, donors and supporters are becoming increasingly alarmed by what they see as continued political interference by allies of Gov. Ron DeSantis, who has supported controversial State Rep. Randy Fine for the presidential job.

A search committee did not name Fine as one of the three finalists for the job. Instead they chose Vice Admiral Sean Buck, superintendent of the U.S. Naval Academy in Annapolis; Michael Hartline, dean of the College of Business at Florida State University; and Jose Sartarelli, former chancellor of the University of North Carolina Wilmington.

The latest concerns come after a heated meeting of the university's Board of Trustees on Aug. 15, where Vice Chairwoman Barbara Feingold, a major DeSantis donor, slammed the process, the finalists and Board Chairman Brad Levine, who has defended the process. Both Feingold and Levine were appointed to the board by DeSantis.

With the presidential search on hold, faculty say it's creating an unsettling atmosphere on campus, as the new school year starts. Many vacant positions, including the provost and the vice president of advancement, are on hold until a new president is selected. The Board of Governors stopped the search July 7 as a result of alleged "anomalies" in the process. The board has questioned the use of a secret straw poll to narrow applicants, as well as a consulting firm — without the knowledge of the search committee — conducting an anonymous diversity survey where applicants were asked about their sexual orientation and gender identify.

"The university is really paralyzed," said Bill Trapani, an associate professor of communications. "Faculty are very concerned that there doesn't seem to be a lot of haste and interest in resolving this quickly. And as it remains unresolved, it's continuing to do harm to the institution and we're all suffering as a result."

While the Board of Governors investigation is scheduled to conclude by November, State Chief Financial Officer Jimmy Patronis suggested his office might open its own investigation.

Patronis voiced concern about a story from WPEC-Ch. 12 about an email FAU General Counsel David Kian sent to search committee members asking them to "coordinate responses" with FAU lawyers, which some argued could compromise the investigation.

"Very concerned. Lots of smoke surrounding this process," Patronis posted on X, formerly known

as Twitter. “As the State’s CFO my office has the authority to investigate any fraud, waste, or abuse that may be happening in the state. I’m prepared to use it. Will continue monitoring. FAU deserves better.”

The issue started Monday when Kian sent an email to search committee members about the investigation.

“I understand that some of you have been or may be contacted by the Inspector General seeking to interview you regarding your participation on the committee and our process,” Kian wrote. “If you receive or have received such a request, please contact me immediately so that we may assist with and coordinate responses.”

Two search committee members voiced concerns about Kian’s request, according to emails the South Florida Sun Sentinel received through a public records request.

“I find it troubling myself and inappropriate to offer assistance in order to ‘assist with coordinated responses,’” wrote committee member Dr. Jose Mellado, who is also a DeSantis appointee on the state Board of Dentistry. “I will cooperate fully with the Inspector General if and when they contact me. I want to maintain the highest level of objectivity in this process.”

Kian told Mellado in an email that there was a misunderstanding.

“There is nothing that prohibits members of the University’s search committee from communicating with the University’s General Counsel about a matter pertaining to the search committee,” Kian wrote.

Kian wrote FAU is “cooperating fully and objectively with the Inspector General’s investigation, and has done so in as transparent a manner as possible. We will continue to do so. Assisting with coordinating the Inspector General’s interviews with committee members in no way contravenes that.”

Alan Levine, a search committee member who serves on the Board of Governors, responded to Kian that he didn’t want to be represented by FAU’s lawyers since the Board of Governors was conducting the investigation and could create a conflict of interest.

“Based on what we know so far, no potential conflict is apparent between the University and its search committee members,” Kian responded. “However, you are in a unique position given your membership on the Board of Governors, the entity that is investigating the University’s search process. I therefore fully understand your declining the University’s offer of representation.”

Fine questioned Kian’s actions on X, asking, “What do they have to hide? The naked witness tampering is unbelievable.”

Trapani said critics are mischaracterizing Kian’s intent.

“My sense is that the phrase that is triggering to most people is a very common phrase where people are really just saying, ‘If we can be of assistance, let us know. We can help coordinate,’” Trapani said. “I don’t think there was anything nefarious.”

Other conservatives also slammed the university this week.

“FAU is a public university supported by the tax payers of the state of Florida. Those are the same people who elected a super majority of Republicans to the legislature and re-elected Gov DeSantis by a landslide,” tweeted State Rep. Ralph Massullo, R-Lecanto. “FAU’s actions seem incongruous with those facts. Just saying.”

Fine retweeted Massullo’s post.

The university also has been the subject of scathing critiques by Tracy Caruso, a DeSantis ally who is the wife of West Palm Beach State Rep. Mike Caruso.

An Aug. 20 post on the conservative blog Florida Jolt criticizes Barry Richard, the constitutional lawyer Levine chose to review the search process. Richard’s conclusion: FAU fully complied with state law.

Richard is the husband of Allison Tant, a former Democratic Party chair and a state representative, Caruso wrote, adding he worked on Democrat Andrew Gillum’s recount against Ron DeSantis in the 2018 gubernatorial race.

“Additionally, Richard is the attorney who worked to stop a subpoena issued by the state by State Representative Randy Fine, who demanded that records be turned over that would show the ‘science’ supporting the need for ‘gender re-affirming care,’” Caruso wrote.

Richard, who couldn’t be reached, also has represented high-profile Republicans, including Jeb Bush in his 1998 run for governor and President George W. Bush during the 2000 recount.

“I don’t understand why she’s calling out the attorney who did the analysis, calling him partisan,” said Lori Berman, a Democratic state senator whose south Palm Beach County district includes FAU. “He’s done a lot of non-partisan things. He was hired in his capacity as an attorney.”

Berman said she supports Chairman Brad Levine and the FAU Board of Trustees. “I don’t know why there is so much involvement by the government in trying to change this, other than the fact they want to put their handpicked person into the position.”

The FAU search also is receiving scrutiny from donors, including those who want the FAU Board of Trustees to resume its search and pick one of its three finalists, as well as Feingold, a trustee and donor who doesn’t want any of the three selected candidates.

Feingold has pledged \$30 million for a new dental school, but she raised doubts about that commitment during the Aug. 15 meeting.

“Nothing has been signed,” she said. “I am one of those donors that is concerned about the presidential process.”

Feingold, who couldn’t be reached, is widely believed to support Fine for the job. She has donated at least \$11,000 to his legislative campaigns in recent years.

Other donors have opposite views.

Donor Howard Weiner told the Board of Trustees on Aug. 15 that “the presidential search must continue without outside interference.”

He told the Sun Sentinel that he believes that the next president needs to support FAU’s mission to

“create inclusive, diverse and transformative learning environments.” He questions whether a candidate like Fine would fit that.

Fine is a self-described “conservative firebrand” who has sponsored bills to restrict drag shows and root out what he sees as “wokeism” in the state.

“If they choose someone who does not stand for the mission statement, that is very problematic, and as a donor, it’s very concerning and disconcerting,” he said. “Does it affect how we will support FAU? The answer is yes.”

He said that doesn’t mean he would stop donating to the university but “we will define those donations, so clearly that they must be used in a certain way that comports with the University’s mission statement, rather than just giving it in a more generalized fashion because we want to make sure that it is utilized in the proper way.”

While many faculty and donors have complained that Fine is not qualified for the job, he disputed that in a tweet Aug. 20 without confirming he was actually an applicant.

“The wokies can’t even do basic research. No post-grad degree? MBA from Harvard summa cum lauds,” he wrote. “No teaching experience? Teaching Fellow in Economics at Harvard. Published both a book at Harvard College and a paper at HBS. Not saying I applied but man these people are dumb.”

Peggy Gossett-Seidman, a Republican state representative whose House district includes FAU, told the Sun Sentinel that Fine could be a good president.

“His leadership skills make him at least somebody that should be considered for the job,” she said. “No matter what anyone says on Twitter, he can be one of the most heartfelt sincere people. He was the one who successfully took the bill to clean up Indian River Lagoon, far before other people jumped on to that.”

This year, the Legislature allocated \$100 million to create the Indian River Lagoon Protection program to improve water quality.

Gossett-Seidman also said people need to let the investigation conclude before they rush to judgment.

“It would be great if everyone could just take a deep breath and try to reevaluate,” she said. “I would like everyone on all sides to benefit from feeling confident that the process was correct.”