

Nassau County Attorney Mike Mullin's sudden, surprising announcement he is retiring stems from a pre-prosecution agreement with the Fourth Judicial Circuit State Attorney's Office to avoid criminal prosecution for violating Florida's public records law.

In a memo released Tuesday morning, the state attorney's office says Mullin has "disqualified himself from continuing to serve as county attorney."

The memo says the state attorney's office has agreed not to prosecute Mullin if he resigns by March 31.

The threat of criminal charges stems from litigation filed by Rayonier accusing Mullin and other county officials of violating state public records laws.

"Rayonier is grateful for the state attorney's office's efforts seeking accountability for the crimes committed against Rayonier, Raydient and the citizens of Nassau County," a statement from Rayonier said. "Rayonier raised its concerns regarding Mullin's conduct years ago, but instead of taking simple steps to mitigate the issues, the county ignored them and instead gave Mullin more control over county affairs, doubling his salary in the process.

"Rayonier is disappointed that the county failed to act on their own to remove a clearly compromised county attorney, all the while wasting tax dollars litigating to defend his bad advice and him personally in multiple litigation matters. Even now, the county continues to waste significant resources defending Mullin, despite several judicial decisions finding his advice to be wrong and, according to the state attorney's office, criminal."

In a letter addressed to Nassau County Chairman Aaron Bell dated March 11, Mullin announced his resignation Monday.

"I have had the honor and pleasure to serve, at different times as Nassau County attorney 31-plus years," Mullin wrote in the letter. "I started representing the county in 1982. There have been highs and lows, mistakes and accomplishments. I have served many commissions and constitutional officers. Every person who serves in either capacity deserves high credit. The positions are vital to good government and very demanding and challenging."

Mullin, whose annual salary is \$180,000 per year, said it was his goal to retire when the county had "an assistant county attorney that had the experience and ability to represent the county." Denise May began serving as assistant county attorney in August 2021.

The lawsuit breaking the dam, filed by Rayonier in 2019, alleged that and sought an injunction against Mullin and Nassau County. • Nov. 25, 2019: Nassau County and Mullin filed a motion to have Rayonier's lawsuit dismissed. • Mar. 3, 2020: The Fourth Circuit Court denied the county's motion to dismiss. • Aug. 25, 2021: Fourth Circuit Judge James H. Daniel ruled in favor of Rayonier that there was a clear violation of the law in at least one area. • Feb. 16, 2022: Oral arguments regarding Mullin's injunction began in the state First District Court of Appeal. • March 11, 2022: Mullin drafts letter to county commissioners announcing his retirement. • March 15, 2022: Fourth Judicial Circuit State Attorney's Office releases memo that reveals Mullin's retirement is a preprosecution agreement to avoid criminal charges for violating Florida's public records laws.

Mullin and Nassau County violated Florida's public record laws and "engaged in a regular pattern of covertly texting with each other about county business," according to Rayonier spokesman Alejandro Barbero. The suit serves as just one cog in a much larger machine about Mullin serving the county after representing Rayonier from 2007-15 while serving as a private attorney. Mullin was instrumental in helping Rayonier establish the East Nassau Community Planning Area (ENCPA) with the county.

In February 2018, Mullin traveled to Tallahassee with a delegation of commissioners – none of whom are currently in office – and county staff to lobby against House Bill 697, an amendment that would relieve

Rayonier of funding public facilities as it develops the ENCPA, which inevitably died in the Florida Senate.

During this time, the delegation discussed county business via text messaging, according to lawsuits.

Text messages sent on Feb. 23, 2018, between Mullin, then-Commissioner Danny Leeper and then-Office of Management and Budget Director Justin Stankiewicz discuss whether the county has requested Rayonier build any park. Leeper then text-ed Feb. 26, 2018, "We need a full page ad with three photographs ... a big X across a ball field, another X across a park and another one saying what is the next broken promise from Raydient?"

Seven months later, Gunster Law Firm, on behalf of Rayonier, filed a records request with Nassau County for all print and electronic communication between key county officials and staff from June 1, 2016, to Oct. 12, 2018. Nassau County's response later that month did not include all email or text communications, Rayonier alleged.

Stankiewicz claimed that Mullin called a meeting with himself, then-Planning and Economic Opportunity Department Director Taco Pope and county attorney staff member Susan Gilbert. Mullin instructed Stankiewicz to delete county related text messages; however, the former OMB director refused, which he alleged in a grievance complaint led to his termination in December 2018.

"When it became clear that Mike was instructing us to do something illegal, Susan got uncomfortable and actually asked for herself to be excused and she did," Stankiewicz said in his grievance. "Me, Taco and Mike were all present, and he told me to delete the text messages. Then, he told me he also deleted his."

On Feb. 5, 2019, Rayonier filed suit against Mullin and Nassau County over public records violations. That same day, the Florida Bar's Grievance Committee dismissed Rayonier's ethics complaint against Mullin.

"The public records request sought, among other things, text messages sent and received by county officials and county employees relating to county business in relation to Rayonier/ Raydient's development efforts in Nassau County," Rayonier stated at the time. "When questioned about the county's failure to produce such records, the county provided evasive and misleading responses to Rayonier/ Raydient and falsely stated that it was 'not aware of any text messages.'"

In June and September of 2019, Rayonier amended its lawsuit after conducting depositions with current and former county employees. In its discovery, Rayonier claimed county commissioners met privately to discuss – in person and via text – pressuring its developments in Nassau County. The developer also requested an injunction against Mullin serving as the county attorney.

Nassau County and Mullin filed a motion to have Rayonier's lawsuit dismissed on Nov. 25, 2019, which was denied by the Fourth Circuit Court the following March. At this time, the case is put on a stay lasting almost 18 months.

This is not the first time Mullin has been accused of ethics violations. From 2007-09, Mullin represented Joseph Amellio to represent his development company Hawk's Landing against Nassau County. Years later, Mullin resumed his position as county attorney while Amellio had to re-petition the county for a paving variance.

Mullin then advised the county that evidence did not support granting Amellio a variance, which encouraged the developer to file a complaint with the Florida Bar. Mullin filed a conditional guilty plea for consent judgment with the Florida Supreme Court on Oct. 11, 2019.

The Rayonier lawsuit picked up steam again in August 2021 when Fourth Circuit Court Judge James H. Daniel ruled in favor of Rayonier that "in at least one area, there was a clear violation of the law."

"As a matter of law, BOCC officials and county employees violated section 119.07(1)(a) of Florida's Public Records Act by indiscriminately deleting text messages without consideration of their substantive content and failing to undertake a reasonable search for text messages specifically requested by the plaintiffs in their Oct. 12, 2018, public records request," Daniel wrote in his order.

On Feb. 16, the First District Court of Appeal listened to oral arguments to determine if Rayonier can sue Mullin over accusations that he shared knowledge acquired as the developer's attorney when he resumed working with the county. The accusations against Mullin came to a head on Tuesday with the state attorney's office releasing a closing memo on the matter. The memo stated that a criminal investigation of Mullin began after allegations were raised during civil litigation.

"The evidence supports that Mullin committed criminal violations of Florida's public records law," the memo stated. "Mullin has also subjected the taxpayers of Nassau County to potential attorneys' fees that may very well be awarded to Raydient at a later date in the civil lawsuit."

In an email, County Manager Taco Pope said, "Mr. Mullin has played a formative role in Nassau County. His dedication to the community over the past 31 years is representative of his commitment to make Nassau County a great place to live, work, play and stay." Pope also said he looked forward to working with May and thanked commissioners for their "leadership."

May could not be reached for comment, stating in an automatic email that she would be out of the office from March 14-15. Mullin was also unavailable for a statement.