



ALLEN NORTON & BLUE
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June 28, 2023

VIA ELECTRONIC MAIL

David Axelman, General Counsel
Office of the General Counsel
Florida House of Representatives
317 The Capitol
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Tallahassee, FL 32399-7025
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RE: Florida House of Representatives Inquiry – April 2023

Dear Mr. Axelman:

On April 6, 2023, the law firm of Allen Norton & Blue, P.A. was retained by the Florida House of Representatives (the “House”) to conduct an independent inquiry into an allegation by Nicholas Frevola (“Frevola”), a legislative aide to Representative Fabian Basabe (“Basabe”), that Basabe slapped Frevola in the face at a social gathering on the evening of January 3, 2023.¹ I have concluded my inquiry and submit here my findings. For the sake of clarity, this correspondence will generally follow a chronological timeline.

On April 12, 2023, I interviewed Frevola at the law office of Allen Norton & Blue, P.A., in Tallahassee, Florida. Present for the interview were Frevola, his mother and his attorneys. Benjamin Lagos, another attorney with the law firm of Allen Norton & Blue, P.A., was also present. Frevola alleged that on the evening of January 3, 2023, he attended a social gathering with Basabe at the office of a Tallahassee-based lobbyist group. At some point in the evening, Frevola

¹ The inquiry was conducted by Michael Mattimore and assisted by J. Wesley Gay and Benjamin M. Lagos. Mr. Mattimore is Board Certified in Labor & Employment Law by the Florida Bar. Allen Norton & Blue, P.A. is devoted exclusively to the practice of Labor & Employment Law, in the public and private sectors. Mr. Mattimore routinely conducts investigations into allegations based in the workplace. Neither Mr. Mattimore, Mr. Gay nor Mr. Lagos have any prior relationship with any person who was identified or interviewed during the course of their inquiry. Allen Norton & Blue, Mr. Mattimore, Mr. Gay and Mr. Lagos are neutral third parties with no prior knowledge of any facts or consideration of the issue under review. During the course of the inquiry, Allen Norton & Blue, Mr. Mattimore, Mr. Gay and Mr. Lagos were not limited in their inquiry in any manner by House leadership.

was allegedly in a conversation with a lobbyist (“Lobbyist 1”) and two interns² employed by the lobbyist group when Basabe approached Frevola, exchanged words, and then slapped Frevola across the face with an open hand. Frevola further alleged that Basabe then told him to go stand in the corner of the room for ten seconds, which Frevola did.

Frevola alleged that Lobbyist 1 and the two interns unequivocally witnessed the slap. He further alleged that another Member of the House (“Representative 1”), Representative 1’s mother, another lobbyist (“Lobbyist 2”), and a former Member the House (“Former Member”) were all standing nearby in various positions and also potentially witnessed the alleged slap. Frevola alleged that after the slap, Representative 1’s mother approached him and asked if Basabe was abusing him. According to Frevola, he and Basabe had no further interaction that evening.

All individuals identified by Frevola as potential witnesses were interviewed in this inquiry with one exception. Frevola does not know the identities of the two interns and a witness stated that there were no interns in attendance at the social function on January 3, 2023.

Lobbyist 1 stated that she was in conversation with Frevola when Basabe approached, asked both she and Frevola a question, but that she immediately left the conversation at that point in time and did not witness Basabe slap or touch Frevola. Representative 1 stated that she did not witness a slap. The Former Member stated that although he did appear at the gathering on January 3, 2023, for a period of time, he did not spend time around Basabe and Frevola and he absolutely did not witness any alleged slap. Lobbyist 2 stated that he never appeared at the gathering at the office of the lobbyist group that evening.

Basabe was interviewed on May 3, 2023. He confirmed that he and Frevola were present at the offices of the lobbyist group on the evening of January 3, 2023. He further stated that at some point he approached Frevola and Lobbyist 1, who were in conversation, and asked them a question. That is consistent with both Frevola and Lobbyist 1’s account. Basabe recalled that Lobbyist 1 then walked away, which is consistent with Lobbyist 1’s account.

Basabe stated that after Lobbyist 1 left the conversation, Frevola initiated unwanted, non-violent, physical contact with him. Basabe added that while he does not recall exactly what happened, he does know that in response he slapped away Frevola’s hand and may have made contact with him.

This inquiry makes the following factual findings and conclusions as they relate to the alleged incident between Basabe and Frevola: Basabe and Frevola were both present at the office of the lobbyist group on the evening of January 3, 2023, and at some point Basabe approached Frevola. Based upon the statements of both Basabe and Frevola, there was physical contact between the two.

² During his initial interview on April 12, 2023, Frevola did not allege that “two interns” were present. Frevola revealed this fact during a follow-up interview on April 21, 2023.

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With respect to the specific allegation by Frevola that he was slapped in the face by Basabe, based upon conflicts in the factual accounts provided by the participants and a lack of corroborating witnesses the finding is inconclusive.

Regards,



Michael Mattimore

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