

**HOUSE COMMITTEE ON ETHICS AND HOUSE POLICY  
1st Regular Session, 66th Idaho Legislature**

**HEARING  
in the matter of  
REPRESENTATIVE AARON VON EHLINGER  
April 28, 2021  
Room EW42**

**RULES OF PROCEDURE**

Pursuant to Idaho House of Representatives Rule 45(7), the House Committee on Ethics and House Policy ("Committee") has adopted the following rules of procedure for the orderly conduct of the public hearing into the Complaint that Representative Aaron von Ehlinger ("Respondent") has engaged in conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body (Rule 45(2)(b)(i)). Interpretation and application of these rules of procedure are within the discretion of the Committee Chair and the Committee and subject to change as determined by the Chair and Committee.

- I. The purpose of the hearing is to determine:
  - A. Whether the Complaint should be dismissed,
  - B. Whether by clear and convincing evidence, it can be proven that Respondent has engaged in conduct unbecoming a member of the House which is detrimental to the integrity of the House as a legislative body, in which case the Committee, upon a vote of four-fifths, will recommend to the House censure, with or without conditions or restrictions, or reprimand, (Rule 45(5)), and
  - C. Whether there is good cause shown to recommend to the House the expulsion of the Respondent from the House of Representatives (Idaho Const., Art. III, Sec. 11).

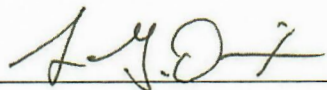
- II. The Committee must gather the facts necessary to support any recommendation made by the Committee to the House, except where Respondent admits or stipulates to a fact. The Committee's counsel may move the Committee to make a finding that there are no material facts at issue. If the Committee finds that there is no material fact at issue, the Committee may proceed to make any recommendation based on those facts.
- III. The hearing will be open to the public.
- IV. A majority of the Committee must be present at all times during the hearing. Counsel for the Committee will include counsel from the Office of the Attorney General and the firm of Holland & Hart LLP. The Respondent may be represented by counsel. Any witness may be represented by counsel.
- V. The Committee may issue subpoenas and subpoenas duces tecum in a manner provided in Section 67-407, Idaho Code, and inquire into and discover evidence relevant to the allegation including its inquiry into probable cause.
- VI. As provided in House Rule 45(4), formal rules of evidence are not applicable.
- VII. Evidence must be weighed according to its reliability. The procedures regarding the admissibility of evidence and rulings shall be as follows:
  - A. Any relevant evidence shall be admissible.
  - B. Following consultation with the Committee's counsel as needed, the Committee Chair shall rule upon any question of admissibility or relevance of evidence, motion, procedure or any other matter, and may direct a witness to answer any question under penalty of contempt pursuant to Idaho Code Sec. 67-409.
  - C. The Committee may exact from a witness self-criminating testimony pursuant to Idaho Code Sec. 67-411.
- VIII. If the Committee plans to call witnesses in addition to the complainants or their agent, the Committee will provide the names of the witnesses to the Respondent's counsel no later than 8 a.m. MDT on April 26, 2021. If the Respondent plans to call witnesses, his counsel will provide the Committee's counsel with their names by the same deadline and provide a brief statement as to the relevance of the witness's expected testimony.
- IX. Respondent's counsel must, upon timely request, receive from the Committee's counsel all of the evidence in support of the complaint by 8 a.m. MDT on April 26, 2021.
- X. The Committee's counsel must, upon timely request, receive from Respondent's counsel all of the evidence in defense of the complaint by the same deadline.
- XI. Order of Events in the Hearing
  - A. The Chair will open the hearing and state the Committee's authority to conduct the hearing and the purpose of the hearing.

- B. The Chair will then recognize Committee counsel and Respondent's counsel, in turn, for the purpose of giving opening statements.
- C. Testimony of all witnesses shall be taken under oath or affirmation administered by the Chair. The form of the oath or affirmation shall be: "Do you solemnly swear or affirm that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth?"
- D. The complainants or their authorized agent will first present the complaint and supporting evidence and testimony to the Committee.
- E. The Committee counsel may then call witnesses and present evidence supporting the complaint. The Committee may accept and rely upon statements of individuals that appeared before the Committee during its confidential phase under House Rule 45(3). If the Committee intends to rely on these statements, a transcript of the individual's statement shall be provided to Respondent's counsel in accordance with the timelines in paragraph IX.
- F. Respondent's counsel may present evidence, cross-examine witnesses and object to evidence. The Chair may rule on objections to evidence in consultation with Committee counsel.
- G. Respondent may defer presentation of any defense, witnesses, and evidence until all of the testimony and evidence has been presented in support of the complaint.
- H. The Committee counsel may present evidence, cross-examine witnesses and object to evidence. The Chair may rule on objections to evidence raised by Committee counsel.
- I. The Committee may present rebuttal witnesses in a like fashion, as permitted by the Chair.
- J. The Chair reserves the right to preclude or truncate any witness testimony that he deems inappropriate, immaterial, or irrelevant to the purposes of the hearing.
- K. At any time in the hearing, any member of the Committee may ask questions of any witnesses as permitted by the Chair and review any evidence proffered by counsel for the Committee or the Respondent's counsel.
- XII. The Committee may schedule additional hearing dates if April 28 is inadequate to complete the hearing.
- XIII. The hearing will be transcribed by a certified court reporter. The Respondent, upon payment of fees and costs, may obtain the transcript from the reporter.
- XIV. The Committee Chair, with the concurrence of at least two Committee members, may modify these rules prior to or during the public hearing without notice to adapt to the

circumstances, provided that any modification is consistent with Rule 45 and other applicable rules of the House of Representatives and the Idaho Code.

- XV. Any recommendation made by the Committee to the House of Representatives is subject to a vote on the recommendation. Action of the House pursuant to this rule is final and not subject to court review.

Adopted this 20th day of April, 2021.



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Rep. Sage Dixon

Chairman