

MINUTES  
**HOUSE ETHICS AND HOUSE POLICY COMMITTEE**

**DATE:** Wednesday, April 28, 2021

**TIME:** 8:00 A.M.

**PLACE:** WW 02 Lincoln Auditorium

**MEMBERS:** Chairman Dixon, Representatives Horman, Crane, Gannon, McCrostie

**ABSENT/  
EXCUSED:** None

**GUESTS:** Bill Myers, Holland & Hart, LLP; Rep. von Ehlinger, Edward Dindinger, Dindinger & Kohler, PLLC; Leslie Hayes, Emma Nowacki, Idaho Attorney General's Office

*Per Joint Rule 19, these minutes have been prepared in summary fashion. They are not a verbatim transcription of the proceedings on April 28, 2021.*

**Chairman Dixon** called the meeting to order at 8:01 a.m.

**Chairman Dixon** made remarks on the purpose of the hearing, saying it is to determine whether the complaint against **Rep. Aaron von Ehlinger** should be dismissed, whether by clear and convincing evidence the complaint can be proven that Rep. von Ehlinger has engaged in conduct unbecoming a member of the House, which is detrimental to the integrity of the House as a legislative body and whether there is good cause shown to recommend to the House the expulsion of the respondent from the Idaho House of Representatives. Chairman Dixon explained the authority of the Committee comes from House Rule 45 and the Constitution of Idaho. He said this is not a criminal trial, this is a matter internal to the House of Representatives which has become public by House Rules. He reviewed the schedule of proceedings.

**Bill Myers**, Holland and Hart, counsel for the Ethics Committee yielded his time back to **Chairman Dixon**.

**Edward Dindinger**, Dindinger & Kohler, PLLC, counsel for **Rep. von Ehlinger** explained the Idaho Constitution grants the House of Representatives as a body the power to expel a member for good cause shown, but not to a single Committee. The Committee only has the ability to make a recommendation to the body. He explained the burden of proof under House Rule 45 is a finding beyond a reasonable doubt the misconduct involves commission of a felony or the use of office for pecuniary gain. He explained he will demonstrate a recommendation of expulsion would be an overreach. He further explained they will demonstrate House Rule 45 provides for the Committee to recommend reprimand or censure, which was not mentioned and the process and procedures adopted by the Committee do not satisfy constitutional requirements and that Rep. von Ehlinger is innocent of any wrongdoing in this matter because he has not violated any written law or rule of the Idaho House of Representatives.

**Rep. Scott Bedke**, Speaker of the House of Representatives, presented the complaint against **Rep. von Ehlinger**. Speaker Bedke said this complaint was brought to the House Ethics Committee in order to protect the integrity of the Idaho House of Representatives not only of those who serve here today, but also of every person who has ever been elected or will be elected to the Idaho House of Representatives. He explained the process of which the complaint was brought forward.

**Speaker Bedke** answered questions from Leslie Hayes, Deputy Attorney General, regarding other complaints and concerns regarding **Rep. von Ehlinger's** behavior, the process of bringing a complaint forward through the proper channels and that there was no pending criminal case when the complaint was brought.

**Speaker Bedke** answered questions from **Mr. Dindinger** regarding the provision for expulsion of a House member using the Idaho Constitution Article III, Section 11 and the provision of expelling a member under House Rule 45. He also answered questions regarding any pending criminal investigation.

**Rep. Aaron von Ehlinger** was sworn in to testify. Rep. von Ehlinger answered general questions from **Ms. Hayes** regarding his background and any Respectful Workplace training during orientation of new legislators he may have had. Rep. von Ehlinger answered questions regarding two conversations with **Rep. Holtzclaw** and a conversation with **Rep. Blanksma** regarding behavior in the workplace.

**Rep. von Ehlinger** answered general questions from **Ms. Hayes** regarding how he met **Jane Doe** and their interactions before their date on March 9, 2021 and at the beginning of the date. **Mr. Dindinger** objected to some questions and advised Rep. von Ehlinger to not answer the questions pursuant to his rights under the Fifth Amendment of the United States Constitution.

There was discussion regarding a possible ongoing criminal investigation and how the Committee received no communication asking for the hearing to be stopped to let the outcome of the investigation to be known. **Mr. Myers**, Holland & Hart, stated there is a provision in Idaho Code regarding a statement made by the witness can not be used against him in a criminal proceeding and also that such witness cannot refuse to testify. Mr. Myers explained the Committee has subpoenaed the witness and if he refuses to testify he could be issued a contempt citation.

**Rep. Crane** explained in reference to the objection the intent of the hearing is for the entire body of the House to be able to understand the events that took place. The Committee had already heard the answers to the questions being asked and wants the full body to have the opportunity to hear the answers in order to make their own decision as to whether conduct unbecoming a Representative has occurred in this instance. Discussion was held regarding a waiver to the Fifth Amendment in this case and previous statements made by the witness to the Committee.

**Ms. Hayes** continued questions confirming content of the transcripts from interviews by the witness to the Committee under continued objection from **Mr. Dindinger**.

**Chairman Dixon** recessed the Committee at 8:45 a.m. and reconvened the Committee at 8:52 a.m.

**Ms. Hayes** asked **Rep. von Ehlinger** whether the transcripts submitted to the Committee could be considered his testimony in the hearing. Ms. Hayes questioned if Rep. von Ehlinger had dated anyone else during the Special or Regular Legislative Sessions. Rep. von Ehlinger responded that he had and answered other questions regarding his responsibilities as a Representative and if Legislators are held to a higher standard than the general public. In response, Rep. von Ehlinger said Representatives should not break the law.

**Mr. Dindinger** asked **Rep. von Ehlinger** general questions regarding the Legislature's Respectful Workplace training and if he was aware of any official rule, specific law or policy against dating anyone working in the Capitol Building. Rep. von Ehlinger said he was not aware of any official rule, law or policy and did not think he had violated or was at risk of violating any rule, law or policy regarding dating people who worked in the Capitol Building.

**Rep. Crane** questioned **Rep. von Ehlinger** regarding an exchange in the interview with the Committee and a text exchange with **Jane Doe** regarding continued contact with Ms. Doe after the incident. **Rep. McCrostie** questioned Rep. von Ehlinger regarding unwritten rules of the House that Representatives abide by. **Rep. Gannon** asked questions regarding the customs and practices of other entities Rep. von Ehlinger had worked for previously.

**Mr. Dindinger** redirected **Rep. von Ehlinger's** testimony regarding if he had any knowledge of violating any written or properly codified or enacted rules, policies, procedures or laws relating to the allegations being reviewed. Rep. von Ehlinger said he did not. He redirected Rep. von Ehlinger's testimony regarding his regret, not for taking **Ms. Doe** out, but for having to explain details of his private life.

**Ms. Hayes** redirected **Rep. von Ehlinger's** testimony regarding whether wearing a suit and tie to work is a written rule of the House.

**Carrie Maulin**, Chief Clerk of the House of Representatives, was sworn in to testify. **Ms. Hayes** reviewed general questions with Ms. Maulin regarding **Erica McGinnis** who is the Journal Clerk in Ms. Maulin's office. Ms. Hayes reviewed the interview transcript Ms. Maulin had with the Ethics Committee regarding an incident with Ms. McGinnis and **Rep. von Ehlinger** where he had asked Ms. McGinnis to go running and then out for a meal. Ms. Maulin answered questions regarding the power differential between Legislators and staff members.

**Mr. Dindinger** asked **Ms. Maulin** questions regarding whether or not **Ms. McGinnis** regularly wore a wedding ring and whether wearing a wedding ring was indicative of a woman being unavailable or not. Ms. Maulin answered questions regarding her knowledge of the interaction and whether **Rep. von Ehlinger** violated any section of the staff's Respectful Workplace Policy. Ms. Maulin also answered questions regarding clerks in the House being subordinate to all Legislators and if Legislators have hiring or firing power over staff.

**Ms. Hayes** redirected **Ms. Maulin's** testimony regarding when the incident happened and what date the Legislative Respectful Workplace training occurred.

**Chairman Dixon** recessed the Committee at 9:31 a.m. and reconvened the Committee at 9:43 a.m.

**Rep. Megan Blanksma** was sworn in to testify. **Emma Nowacki**, Deputy Attorney General, introduced herself and questioned Rep. Blanksma regarding her interview with the Ethics Committee. Rep. Blanksma relayed information regarding incidents involving a lobbyist and **Rep. von Ehlinger**. She reviewed two incidents explained to her by the lobbyist to the Committee saying the lobbyist said she was uncomfortable around Rep. von Ehlinger and how she felt he was pursuing her. Rep. Blanksma said the lobbyist wanted to remain anonymous because she has to have good relationships with Representatives in order to do her job.

**Rep. Blanksma** said she sought out **Rep. Holtzclaw's** help to talk to **Rep. von Ehlinger**, because he had had a similar experience and felt Rep. Holtzclaw could offer some advice to Rep. von Ehlinger.

**Rep. Blanksma** testified she had learned **Rep. Holtzclaw** was able to speak with **Rep. von Ehlinger** and later Rep. von Ehlinger came to her office to confront her about who may have reported any allegation against him. **Ms. Nowacki** continued questions to Rep. Blanksma about any unwritten rules regarding decorum in the House.

**Mr. Dindinger** questioned **Rep. Blanksma** about having no firsthand knowledge regarding what the lobbyist had reported to her. **Rep. Blanksma** answered questions regarding the decorum in dress of the House and if there were lines of behavior a Representative should not cross. She answered questions in regard to keeping records of informal complaints and if there were any written policy of the body which prohibits dating or other relationships between adults.

**Rep. James Holtzclaw** was called to testify and was sworn in. **Ms. Nowacki** asked **Rep. Holtzclaw** questions regarding information he provided to the Ethics Committee during an interview about his conversations with **Rep. von Ehlinger** about being careful of his actions.

**Mr. Dindinger** questioned **Rep. Holtzclaw** whether he had any factual knowledge of any allegations against **Rep. von Ehlinger** and his opinion regarding the notion that Representatives should not date staff members. **Mr. Dindinger** reviewed questions regarding if there is any written policy for the House to this effect.

**Rep. Horman** asked **Rep. Holtzclaw** about a portion of his interview with the Committee regarding a power differential between a Legislator and others who work in the building.

**Rep. Jason Monks** was sworn in to testify before the Committee. **Rep. Monks** stated he was interviewed by the Ethics Committee regarding conversations with **Jane Doe** which **Rep. von Ehlinger** implied took place in his response statement to the complaint to the Committee.

**Mr. Dindinger** questioned **Rep. Monks** regarding statements made by **Rep. von Ehlinger** in which he claims were made by **Jane Doe** about **Rep. Monks** and if he was aware of the statements. He also asked **Rep. Monks** if he was aware of any reason someone would make false statements against him. **Rep. Monks** stated it was possible because he holds a position in the House Majority Leadership.

**Chairman Dixon** made a statement regarding keeping the identity of **Jane Doe** confidential regardless of what may have been made public prior to the hearing. **Ms. Hayes** also mentioned that it was agreed upon before the public hearing that **Ms. Doe** would testify from a concealed location and would not be visible to the members of the public or the press. She asked the press to not attempt to capture her image or likeness and reproduce it in any stories that are published.

**Erica Birch** and **Anne Hightower** introduced themselves as **Ms. Doe's** counsel and explained their role in being at the hearing was to make sure their client's privacy and dignity was protected and to try and minimize the re-traumatization of their client.

**Ms. Birch** explained a motion filed with the Committee asking for restriction on questions being asked of the witness that put her in a position of having to defend herself or that are irrelevant to the incident under review at this hearing.

**Jane Doe** was sworn in to testify. **Ms. Hayes** asked general questions of **Ms. Doe** regarding her age, when she graduated from high school and what her position is in the House. **Ms. Doe** answered general questions about when and how many times she had interactions with **Rep. von Ehlinger**. **Ms. Hayes** reviewed and questioned **Ms. Doe** regarding the incident that occurred on March 9th between her and **Rep. von Ehlinger** and what she had reported to the House Assistant Sergeant at Arms and to the Boise Police. **Ms. Hayes** also reviewed and asked questions of **Ms. Doe** regarding an incident between her and **Rep. Priscilla Giddings**.

**Mr. Dindinger** asked **Ms. Doe** questions regarding why she went to dinner with **Rep. von Ehlinger** and about statements she made or didn't make to either the Boise Police detective or the Ethics Committee. Mr. Dindinger asked questions regarding statements made by Rep. von Ehlinger and about the text exchange between Ms. Doe and Rep. von Ehlinger after the incident occurred, under heavy objection from **Ms. Hayes** and **Ms. Birch**.

**Kiona Hadsell** was sworn in as a witness to testify. **Ms. Nowacki** asked Ms. Hadsell general questions about her current and previous employment. Ms. Nowacki asked questions regarding any interaction Ms. Hadsell may have had with **Rep. von Ehlinger** in the Capitol Building and how those interactions progressed into the two having two lunch dates. Ms. Hadsell gave some specific information about the first lunch date. She also gave details of the second lunch date with Rep. von Ehlinger in which they had a sexual interaction.

**Mr. Dindinger** questioned **Ms. Hadsell** regarding her former position in the Capitol Building as a security guard and if **Rep. von Ehlinger** had any supervisory, hiring or firing authority over her.

**Chairman Dixon** recessed the meeting at 11:30 a.m.

**Chairman Dixon** called the meeting back to order at 12:33 p.m.

**Speaker Scott Bedke** was sworn in to testify before the Committee. **Mr. Dindinger** asked questions about if the Speaker knew of any concerns previously with the conduct of **Jane Doe**. Speaker Bedke said he did not and answered questions regarding how a new House Rule is brought forward or a current House Rule is amended. He answered questions regarding the Respectful Workplace Policy being adopted by Legislative Council and the Senate but that it has not been formally adopted by the House. Mr. Dindinger asked questions regarding if there was any provision violated by **Rep. von Ehlinger** and if any Representative has hiring or firing and supervisory authority over an intern who works for another member. There were no questions for Speaker Bedke from **Ms. Hayes** or the Committee.

**Rep. Vito Barbieri** was sworn in to testify. **Mr. Dindinger** asked questions regarding **Rep. von Ehlinger's** interaction with the lobbyist mentioned in **Rep. Blanksma's** testimony. He also explained the process for adding or amending House Rules. Rep. Barbieri answered questions regarding his knowledge of any other dating or relationships he was aware of in the Capitol Building. **Ms. Hayes** had no questions.

**Rep. Crane** asked **Rep. Barbieri** questions relating to amending or suspending House Rules on the floor of the House by a two-thirds majority.

**Rep. Chad Christensen** was sworn in to testify before the Committee. **Mr. Dindinger** ask Rep. Christensen how he met and knew **Jane Doe** and how she became his intern for this session. Rep. Christensen explained that Ms. Doe did mostly research as an intern for him and that **Rep. von Ehlinger** had no supervisory or hiring or firing authority over her. Mr. Dindinger asked questions about how Rep. Christensen learned of the incident on March 9th and what Ms. Doe had told him had happened.

**Ms. Nowacki** asked if **Rep. Christensen** had sent a text message to **Speaker Bedke** regarding what he knew about the incident, Rep. Christensen said he had.

**Rep. Crane** questioned **Rep. Christensen** regarding following up with his intern and checking on any progress of the situation after it had been reported.

**Erica McGinnis**, House Journal Clerk, was sworn in to testify. **Mr. Dindinger** questioned Ms. McGinnis about wearing a wedding ring and about **Rep. von Ehlinger's** response to her e-mail saying she was married.

**Ms. Nowacki** questioned **Ms. McGinnis** regarding how she felt about **Rep. von Ehlinger** asking her on a date saying she was uncomfortable and thought it was inappropriate because she is a staff member.

**Rep. Priscilla Giddings** was sworn in. **Mr. Dindinger** questioned her about a confrontation with **Jane Doe** and her perspective of what happened that day.

**Ms. Hayes** asked general questions of **Rep. Giddings** about her military and athletic background. Ms. Hayes asked questions regarding if Rep. Giddings posted a picture and the actual name of **Jane Doe** on social media of which she denied doing.

**Rep. Crane** asked **Rep. Giddings** if she had any understanding of why **Ms. Doe** would be so upset with her as to confront her. Rep. Giddings stated she was looking for more information on the situation and had received a copy of the complaint and response to the complaint. She said she wrote about it in her weekly newsletter and posted a link to a press article giving more information. Rep. Crane continued with questions regarding the headline and the contents of the news article.

**Rep. Gannon** continued questioning **Rep. Giddings** along the lines of what she had posted on social media and if it contained the name and a picture of **Jane Doe**.

**Rep. Dorothy Moon** was sworn in to testify. **Mr. Dindinger** asked Rep. Moon to recall a time when she saw **Rep. von Ehlinger** and **Jane Doe** interact. She gave some details she observed of the two together.

**Chairman Dixon** recessed the meeting at 1:34 p.m. and reconvened the Committee at 1:39 p.m.

**Ms. Hayes** questioned **Rep. Moon** regarding further details of her observations on the day she saw the Representative and intern together and of her thoughts of appropriateness for sexual relationships of Representatives with interns and pages in the building.

**Rep. Judy Boyle** was sworn in to testify. **Mr. Dindinger** asked Rep. Boyle if she had ever been told of any concerns with **Jane Doe's** behavior in the past. Under objection by **Ms. Hayes** it was determined Jane Doe's prior conduct was irrelevant for this case. Mr. Dindinger ask if Rep. Boyle had knowledge of any other relationships between consenting adults in the building and if there was any policy, rule or law against this type of relationship. Ms. Hayes and the Committee had no questions for Rep. Boyle.

**Chip Morgan**, polygraph examiner, was sworn in to testify before the Committee. **Mr. Dindinger** asked general questions of Mr. Morgan regarding his type of employment, his schooling and other training. Mr. Morgan explained in layman's terms the science behind polygraphy. He also reviewed the results of two of the three different polygraph examinations he had administered to **Rep. von Ehlinger**.

**Chairman Dixon** recessed the meeting at 2:07 p.m. and reconvened the meeting at 2:28 p.m.

**Mr. Morgan** continued explanation of results to a second polygraph he had administered to **Rep. von Ehlinger**. **Ms. Hayes** objected to several of the questions that were administered during the examinations.

**Ms. Hayes** questioned **Mr. Morgan** on polygraphs being admissible or not admissible in courts and how much he was paid to administer these polygraphs.

**Mr. Dindinger** called no other witnesses on behalf of **Rep. von Ehlinger**.

Committee members expressed the need for the Committee to recess in order to process the testimony and continue with public deliberation the following day.

**MOTION:** **Rep. Crane** made a motion to recess until 10:00 a.m. on April 29, 2021. **Motion carried by voice vote.**

**ADJOURN:** The House Ethics Committee adjourned the Public Hearing regarding an ethics complaint against **Rep. Aaron von Ehlinger** at 2:39 p.m.

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Representative Dixon  
Chair

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Susan Werlinger  
Secretary