FINAL INVESTIGATION REPORT REGARDING COMPLAINTS AGAINST SENATOR JEFF KRUSE

I. INTRODUCTION

A. Inception of the Investigation

I was retained on November 27, 2017 to investigate formal complaints made by Senator Sara Gelser (**Exhibit A)** and Senator Elizabeth Steiner Hayward **(Exhibit B)** alleging harassment by Senator Jeff Kruse. Both complaints were submitted on November 15, 2017, under the "formal complaint process" in Legislative Branch Personnel Rule 27: Harassment Free Workplace. That rule permits a member or employee to submit a formal complaint "within one year of the date of the harassment." **(Exhibit C, p. 3.)**

The formal complaints were filed separately and will be addressed separately in this report, beginning with Senator Gelser's complaint. However, because there is a significant overlap in the witness statements and other evidence that I found to be relevant to both complaints, the recitation of evidence set forth in the section analyzing Senator Gelser's complaint has not been repeated in the section analyzing Senator Steiner Hayward's complaint.

For convenience of the reader, a timeline of events is attached as **Exhibit D.**

B. Scope of the Investigation

Both Senator Gelser and Senator Steiner Hayward allege that Senator Kruse engaged in a pattern of ongoing conduct toward them that continued into the one-year period prior to the date that the complaints were filed. Conduct allegedly occurring prior to the one-year period, which appeared to be part of the alleged pattern of conduct toward either of the complainants, was deemed to be relevant and within the scope of this investigation. This is consistent with the content of annual harassment training at the Capitol, and applicable law, defining harassment to be conduct that is either "severe" or "pervasive." "Pervasive conduct" necessarily envisions a series of events, and it would defeat the purpose of the personnel rule to ignore events that are part of the pattern simply because they occurred prior to the one-year period leading up to the complaint.

Both complainants also alleged concerns that numerous other women at the Capitol have been subjected to the same pattern of behavior by Senator Kruse that he had engaged in toward them. Senator Gelser specifically stated in her complaint that this was a concern that compelled her to make a formal complaint. Therefore, conduct toward other female legislators and employees was deemed to be relevant, and was included in the scope of investigation, to the extent I found it to be part of the pattern of conduct alleged in the complaints.

Incorporating evidence of conduct toward other legislators and employees is consistent with the letter and intent of the personnel rule. For example, the personnel rule defines "harassment" to include discrimination toward a "protected class" of individuals, including "gender." Nothing in the rule suggests that a member is precluded from complaining on behalf of herself and other individuals in her protected class when she believes that they have been subjected to the same pattern of unwelcome conduct.

To the contrary, any other interpretation of the personnel rule would be inconsistent with the stated "Policy" of the rule, which provides:

- The Legislative Branch is committed to providing a safe and respectful workplace that is free of harassment;

- The rule is designed to provide members and employees with informal and formal options to correct harassing conduct before it rises to the level of severe or pervasive harassment; and

- Members and employees are encouraged to address "potentially harassing conduct" through reports to Employee Services or other avenues set forth in the rule.

Precluding a member from complaining about a pattern of conduct directed at herself and other women in the workplace also ignores the power differentials that exist at the Capitol, particularly between employees and legislators. The reality is that employees who feel vulnerable due to this power differential may be fearful to come forward and complain about unwelcome conduct by an elected official unless someone who is less vulnerable, such as another elected official, opens the door. This is especially true in light of the unique fact that an elected official, unlike an appointed official or the CEO of a private company, cannot be disciplined or removed except through this formal and very public process under the personnel rule. The scenario of this power differential was shown to be a factor in this case, as explained in the summary of findings below.

Additionally, although lobbyists are not covered by Personnel Rule 27, conduct by Senator Kruse toward a lobbyist that allegedly occurred within the one-year period was also deemed to be relevant to demonstrating a pattern of conduct in this investigation, because it was similar to specific conduct alleged by Senator Gelser. To be clear, my interpretation of the personnel rule is not intended to suggest that conduct toward a person other than Senator Gelser or Senator Steiner Hayward could be the basis, by itself, for disciplinary action against a member.

II. SUMMARY OF FINDINGS

The evidence in this investigation established that Senator Kruse has engaged in a pattern of conduct that was offensive to Senator Gelser and Senator Steiner Hayward, as well as other legislators and employees at the Capitol. I do not believe that Senator

Kruse is a bad person, or that he has intended to hurt or offend anyone. Among the many witnesses I interviewed, including the complainants, there is a general consensus that Senator Kruse is a positive contributor to the business of the Senate, who genuinely cares about policy and votes according to his conscience. Although many of his colleagues find the constant odor of cigarette smoke on Senator Kruse's person to be offensive, Senator Kruse appears to have good working relationships with many legislators, staffers and lobbyists. He has a good sense of humor and I enjoyed getting to know him. He was cooperative throughout the investigation process.

Having said all of that, I find that there is a longstanding pattern of Senator Kruse engaging in unwelcome physical contact toward females in the workplace, including Senator Gelser and Senator Steiner Hayward, and that he stubbornly refused to change that behavior after being warned about it in March 2016. I find that the pattern of physical contact women at the Capitol is different in character from his pattern of physical contact with males, including differences in who he touches and how he touches them. For example, while there is evidence that Senator Kruse has frequently put his arm on or around some male legislators whom he knows well, the evidence shows a different pattern of wrapping his arm around female legislators and employees and pulling them in close to the point that they feel "trapped," even when he does not know them well. The evidence also shows that he has engaged in a pattern of placing his hands on women in the workplace below their waists, or touching his head to their heads, whereas the evidence indicates that he does not do this with males in the workplace.

Prior to the short session in 2016, Senator Kruse seems to have been oblivious to the effect of his behavior on the women whose personal space he invaded. But during the short session in 2016, he was specifically told by Dexter Johnson and Lore Christopher that two female legislators had reported unwelcome closeness and touching by him. He was advised that he should stop hugging female legislators and staff members and leaning in close to talk to them, and that he should keep arms' length distance from them as a rule of thumb. Senator Kruse admits that he did not do anything to change his behavior at that time, because he did not know which females in the workplace had complained about him, and he did not want to stop hugging and touching all of them. His decision to continue his behavior was contrary to the assurance he gave to Dexter Johnson and Lore Christopher that he would correct the conduct that had been identified as unwelcome. Senator Kruse also ignored explicit pleas from Senator Steiner Hayward to respect her personal space, including her statements that his close talking and hugging was triggering her asthma. Witnesses also reported to me that Senator Kruse had made jokes about the sexual harassment training that he received in January 2017.

Senator Kruse's hugging and touching of women not only continued after the warnings he received, the evidence shows that the conduct actually *escalated* during the 2017 session, at least with respect to two law students who were assigned to his office. He also engaged in offensive conduct toward a young lobbyist in September 2017 during

an event in the Governor's office. I found these young women to be credible and lacking any motivation to make false allegations against Senator Kruse. To the contrary, they made clear to me that they felt vulnerable due to the power imbalance with Senator Kruse, and that they were only willing to come forward and discuss his conduct toward them because Senator Gelser had made them feel less vulnerable and alone by publicly disclosing her own complaint about Senator Kruse. In fact, one of the law students discussed above had no intention of coming forward, and I literally had to track her down and persuade her to participate in this investigation, because she was "terrified" about what it might do to her career.

In my interviews with Senator Kruse, he did not deny the vast majority of allegations against him, instead stating that he "had no recollection" of the alleged incidents. While this may not be surprising regarding some of the alleged incidents dating back to 2011 or 2013, he also consistently stated that he "could not recall" incidents that allegedly occurred within the last year. As discussed in more detail below, I clarified with Senator Kruse that I did not consider a response of "no recollection" to be the same as a denial, and he indicated that he understood this.

Senator Kruse admits that he did not take seriously the warnings he received from Dexter Johnson and Lore Christopher, or the requests from Senator Steiner Hayward to respect her personal space. As recently as October 2017, when Senator Steiner Hayward objected to his continued unwelcome conduct, he made statements to her that "women cry wolf" and "men get harassed too," and that he didn't see why her concerns were "a big deal." After the formal complaints were filed in November 2017, he made statements to colleagues indicating that he did not think there was anything inappropriate about his behavior, and he made a statement to the media that the harassment complaints were "a political witch hunt." Senator Kruse told me that "the light bulb went off" for him, and he realized that his perspective needed to change, after he attended one hour of counseling in December 2017.

For additional information regarding my overall observations about this matter, please refer to the Conclusion section at the end of this report.

III. APPLICABLE POLICIES AND TRAINING

A. Legislative Branch Personnel Rule

Personnel Rule 27, discussed above, prohibits:

- "Sexual Harassment," which is defined to include unwanted or offensive touching or physical contact of a sexual nature that has the purpose or effect of unreasonably interfering with a person's job performance, or creating a work environment that a reasonable person would find intimidating, hostile or offensive. **(Exhibit C p 1.)**

- "Workplace Harassment," which is defined as unwelcome conduct in the form of treatment or behavior that, to a reasonable person, creates an intimidating, hostile or offensive work environment. It includes, but is not limited to, discrimination based on a person's "protected class," and protected class is defined to include gender. **(Exhibit C p 2.)**

The rule also provides:

- For an internal investigation of harassment allegations under an "informal reporting process" **(Exhibit C p 3),** or the appointment of an outside investigator of harassment allegations under a "formal complaint process." **(Exhibit C p 6.)**

- For a specific post-investigation process when a formal complaint is made against a member, including that the matter will be submitted to the Senate Committee on Conduct at a public meeting, and that the Committee may recommend certain sanctions. **(Exhibit C p 6.)**

B. 2017 Mandatory Harassment Training Video

According to a video that is available on the State of Oregon website, the mandatory harassment training presentation for legislative members and staff members in January 2017 included the following information:

- Jessica Santiago of Legislative Counsel's office gave specific advice regarding "hugging" in the workplace, stating:

  > "I am a hugger, but I can't go around hugging everyone. Know your audience, respect the bubble, take social cues. And if you're not sure, then play it safe. Better safe than sorry."

  During my interview with Senator Kruse, I asked him if any part of what Jessica said was unclear. Senator Kruse said, "I don't know that any of it was unclear." He added, "Sometimes you have to hit a donkey over the head with a two by four."

- Jessica Santiago also stated during the training that the point of the informal reporting process under Personnel Rule 27 is to make the conduct stop without an employee having to go through initiating a formal complaint or legal proceeding.

- At the end of the harassment portion of the annual training, Dexter Johnson emphasized that "as members of the legislative community, we want to set the example for the rest of the State."

IV. ALLEGATIONS BY SENATOR GELSER

A. Summary of allegations in the formal complaint by Senator Gelser.

- When Senator Gelser was in the House of Representatives, Senator Kruse engaged in unwanted physical contact toward her, including full body hugs, wrapping his arms tightly around her, kissing her cheek, and whispering in her ear.

- She would try to move away or avoid him, but she did not feel comfortable telling him that the conduct was unwelcome. She could not avoid him while seated at her desk on the floor of the House. On one occasion in 2011, he came up behind her and put his head on her head, and then on her shoulder. He wrapped his arms around her and slid his arms cross–wise down the front of her body across her chest. A bystander witnessed it and later asked if she was okay.

- The unwelcome physical contact by Senator Kruse continued in the 2013 session, and it began affecting Senator Gelser's work at the Capitol because she found herself weighing whether it was worth spending time with Senator Kruse in order to have his support on bills that were important to her. She discussed this with her Chief of Staff at that time.

- After joining the Senate, Senator Gelser tried not to sit next to Senator Kruse when they were on the same committees. When she did sit next to him in committee, she experienced hugging, whispering that left her ear wet, and on at least one occasion he placed his hand on her thigh.

- In 2016, Senator Kruse engaged in physical contact with Senator Gelser at her desk on the Senate floor. On one occasion, he placed both of his hands on the front of her shoulders with the palm of each hand resting on or near her breasts. A male Senator came to Senator Gelser's desk and intervened, pretending that he needed to speak with her so that Senator Kruse would stop the behavior.

- After the incident that was witnessed by the male Senator, Senator Gelser wanted the behavior by Senator Kruse to stop, but she was worried about causing disruption and also about the impact that a formal complaint would have on her relationships with others in the legislature. President Courtney's Chief of Staff told Senator Gelser that she could make an informal report to Employee Services, which she did. She learned that another female Senator (i.e. Senator Steiner Hayward) made a similar informal report about Senator Kruse's conduct at the same time.

- Senator Gelser understood that Dexter Johnson and Lore Christopher talked to Senator Kruse about the informal reports of unwelcome conduct, and told him not to touch or hug women at work. Senator Gelser also understood that the Senate Republican caucus leadership was briefed on the issue.

- Senator Gelser alleged that Senator Kruse continued to engage in the conduct during the 2017 legislative session. On one occasion he sat at her desk on the Senate floor, wrapped his left arm around her shoulder with his fingers extending down toward her breast, and placed his right hand on her thigh with his fingers under the hem of her skirt. Senator Burdick confronted Senator Kruse on that occasion, and told him to take his hands off of Senator Gelser. Senator Kruse stated that Senator Gelser didn't mind, and Senator Gelser corrected him and said that his behavior did make her uncomfortable.

- Senator Gelser did not take any action immediately after that incident, but later she made another informal report because she felt it was important to speak up and not accommodate the behavior. The new report was investigated, and Senator Gelser was told that numerous other women at the Capitol had confirmed behavior by Senator Kruse that violated the workplace harassment rule.

- Senator Gelser believes that the unwelcome physical contact by Senator Kruse is a pervasive problem and that it has or will impact young staff members who are vulnerable due to the power differential and will be afraid to come forward.

- Senator Gelser also believes that Senator Kruse has demonstrated a lack of accountability and an inability to change his behavior after being instructed to do so. She fears that a lack of meaningful sanctions against Senator Kruse will discourage women from speaking about their experiences of harassment at the Capitol in the future.

B. <u>Additional information provided in Senator Gelser's investigation interview</u>.

I asked Senator Gelser if she recalled when she first felt uncomfortable with physical contact by Senator Kruse. She told me it was in 2011 when he came up behind her desk on the House floor, put his arms around her and ran his hands crosswise down her body. They had not worked closely on any projects at that time, other than Senator Gelser was on the House Education Committee and Senator Kruse was interested in that. I asked if Senator Kruse would have had any reason to think that he was particularly close to Senator Gelser at that time, and she said that she could not think of any reason.

In 2013, Senator Gelser was working on a bill in the House regarding domestic workers' rights. Senator Kruse called her and said he could help her get the bill passed. He asked her to come to his office, and she worried about being alone with him because it was his practice to shut the door of his inner office. She does not recall a specific incident occurring at that time.

In 2015, when she joined the Senate, she was assigned to three committees with Senator Kruse (i.e. Education, Human Services and Judiciary). She believes she told the Chair of the Judiciary Committee that she did not want to sit next to Senator Kruse. Senator Gelser was the Chair of the Human Services Committee so she could ensure that she did not sit next to him in those meetings. She can't recall if she discussed it with the Chair of the Education Committee, but she did end up sitting next to Senator Kruse in those committee meetings. Senator Gelser told me that she would try to locate photographs or videos that would demonstrate Senator Kruse's behavior toward her during those committee meetings.

> *NOTE: A video of Senator Kruse interacting with Senator Gelser during an Education Committee meeting is attached as **Exhibit E.** The video shows him leaning in extremely close to talk to her so that his face is up against her neck and her hair. Although I found video images of Senator Kruse leaning in very close to talk to a couple of male legislators in committee, I did not see any images that showed him leaning in quite as closely as he did with Senator Gelser in the video of the Education Committee meeting.*

Senator Gelser described in more detail the incident that the male Senator witnessed between herself and Senator Kruse on the Senate floor during the 2016 short session. It should be noted that her written complaint refers to Senator Kruse's left hand resting on her "left" shoulder, but when I questioned her about the incident it became clear that this was an error, and the complaint should have stated that his left hand was on her "right" shoulder. This appears to have been an inadvertent error because the description in the complaint would not have been physically possible the way she described the incident to me. In our interview, Senator Gelser told me that Senator Kruse was sitting at her desk on the Senate floor, and reached his right arm across her chest, along her cleavage line, placing his right hand on her left shoulder. He still had his hand there when the male Senator came up and pretended that he needed to talk to her. Senator Gelser also described "side hugs" from Senator Kruse, pulling her in tight, and sometimes dragging his hand down her back and across her buttocks when he broke the embrace.

Senator Gelser also recalls that in February or March of 2016, during a caucus meeting, she made a statement to her colleagues that she wanted Senator Kruse to stop touching her. She can't recall what triggered her comments. Senator Steiner Hayward was present and said that she was having the same issue with Senator Kruse. That is

when President Courtney's Chief of Staff heard the conversation and explained the informal complaint process to Senator Gelser, which she believes resulted in Senator Kruse being told by Lore Christopher and Dexter Johnson that he should stop touching women in the workplace.

Senator Gelser had minimal contact with Senator Kruse after the short session ended in 2016. During Legislative Days in May 2016, she saw from the nameplates that she would be seated next to Senator Kruse in the Judiciary Committee meeting, and she switched her seat with another female Senator.
Senator Gelser stated that unwelcome touching or closeness from Senator Kruse continued during the 2017 session, and she estimated that it happened a couple of times per month. She was no longer sitting next to him in any committees, so this primarily happened on the Senate floor. She estimates that Senator Kruse put his hand on her thigh while she was seated on the Senate floor at least five (5) times after he was allegedly told not to touch women in the workplace.

Senator Gelser and I also discussed the incident in 2017 when Senator Burdick allegedly told Senator Kruse to take his hands off of Senator Gelser on the Senate floor. In preparation for her investigation interview, Senator Gelser searched her text messages and found an exchange of texts between herself and a third party that occurred at 11:19 a.m. on June 13, 2017. Her text messages described the incident on the Senate floor as having just occurred. The messages sent by Senator Gelser to the third party stated:

> "Did I tell you about the senator that inappropriately touches the female senators? * * * So, he just came to sit down with me. He put one hand on my shoulder, the other hand on my ass. I was awkwardly trying to figure out how to get out of the situation when my majority leader came up and very loudly shouted: 'Get your hands of [sic] Senator Gelser. Now.' She walked away and he said, 'What?' I said, 'I think she was asking you not to touch me that way and I agree.' He said, 'Oh! Does that bother you?' And I said, 'Well, generally I don't appreciate hands on my ass.' He then apologized and continued the conversation. That is my adventure for the morning." **(Exhibit F.)**

Senator Gelser told me that after determining the date of the incident from the text messages, she then viewed the online video from the Senate Chamber on that day and located video footage of the incident. She showed me a clip of the video footage during our interview. **(See Exhibit G.)** Senator Gelser believes that the footage corroborates her text messages on that date. Senator Gelser acknowledged that the description of the incident in her formal complaint is not consistent with the images in the video**.**

> *<u>NOTE:</u> The image on the video is significantly different from the description of the incident in Senator Gelser's complaint. Specifically, it does not appear in the video that he wrapped his arm around her left shoulder, or hung his hand over her shoulder so far that it touched her breast, or that he put his right hand on her thigh, or that he pulled her close toward him and spoke*

closely in her ear, all of which is stated in the complaint. The video does show Senator Kruse sitting down next to Senator Gelser at her desk, and putting his left hand somewhere on her right shoulder. Senator Gelser extends her arm out straight and puts it on the desk between herself and Senator Kruse. Senator Burdick comes down the aisle and as she approaches Senator Kruse, he moves his hand from Senator Gelser's shoulder down and behind her back. It appears that the hand is somewhere below her waist, but it is not

clear from the image exactly where he placed his hand. He leaves his hand behind Senator Gelser's back as Senator Burdick says something to him and then walks back up the aisle. Senator Gelser then reaches behind her, grabs his hand, and moves it up and away from her. It should be noted that the description in the video is also slightly different from the text message that Senator Gelser sent after the incident, because the text message stated that Senator Kruse put one hand on her shoulder and the <u>other</u> hand on her "ass," whereas the video showed that it was the same hand that moved from her shoulder to behind her back. The full online video shows that the Senate convened at 11:00 a.m. that day, which is approximately 2 minutes into the video footage. The incident occurred at approximately 18:00 minutes into the video, i.e. 11:16 a.m., and the text messages were sent at 11:19 a.m. Therefore, it appears that Senator Gelser sent the text messages from the Senate floor immediately after the incident.

Senator Gelser acknowledged that she does not have specific dates or a list of all the times that Senator Kruse made her uncomfortable with physical contact, because she did not document them when they occurred. The incidents that stand out most in her mind are the ones when a third party acknowledged the behavior (i.e. the staff member in 2011, the male Senator in 2016, and Senator Burdick in 2017).

I asked Senator Gelser if she ever clearly communicated to Senator Kruse that she didn't like the close contact or touching by him, prior to the incident when Senator Burdick intervened on her behalf. She said that prior to that incident she would just pull away or roll her chair away.

I asked Senator Gelser why she didn't complain to anyone immediately after the incident when Senator Burdick confronted Senator Kruse. She said that after making the informal report in 2016, and Senator Kruse ignoring the instruction to stop the behavior, she felt that she "just needed to accept it in order to get work done in the Senate." The incident in 2017 occurred approximately one month before the session ended.

Senator Gelser told me that the second informal report, in October 2017, was triggered by Jonathon Lockwood's tweet about Harvey Weinstein. **(Exhibit H.)** Senator Gelser interpreted Mr. Lockwood's tweet as suggesting that Senator Gelser was coddling a harasser, but she realized that the only harasser she was "coddling" was Senator Kruse. She discussed this with President Courtney's Chief of Staff, and told her that

Senator Kruse had continued to engage in unwelcome touching in 2017. Around the same time, Senator Gelser learned that there had been an incident of unwelcome conduct between Senator Kruse and Senator Steiner Hayward. She also heard from another female Senator that Senator Kruse tried to hug her during the 2017 legislative session, and had made a joking reference to the harassment training when he did it.

> *NOTE: According to notes of the meeting between Senator Gelser, Legislative Counsel, and a representative of Employee Services on October 17, 2017, Senator Gelser did not think that Senator Kruse's actions were sexual, just overly familiar and unwanted contact. She also did not think he realized that his actions were unwanted by women and that he feels he is showing friendship and affection.* **(Exhibit I.)**

I asked Senator Gelser what triggered her decision in November 2017 to make a formal complaint against Senator Kruse. She told me the following:

- She struggled with the decision and considered it for about a month. She had seen Senator Kruse continuing to touch women in the workplace during the 2017 session, including staffers and lobbyists whose names she didn't know, and she felt guilty that she was not doing anything about it.

- In late October 2017, during Summit days, she was approached by a young woman who indicated that she had been touched inappropriately by Senator Kruse when she was a staff member at the Capitol.

- On November 3, 2017, Senator Gelser was approached by another woman at an event. The woman told Senator Gelser that a law student had asked to be moved out of Senator Kruse's office during the 2017 session. At that point, Senator Kruse's conduct was beginning to look more "predatory" to Senator Gelser.

- Senator Kruse made statements to the media in early November 2017, after meeting with Dexter Johnson, claiming that he didn't do anything wrong and he didn't know what the allegations were.

- She learned that Dexter Johnson and Lore Christopher's investigation of the second informal report revealed numerous women at the Capitol who had experienced unwelcome conduct by Senator Kruse, and she realized that no action could be taken against Senator Kruse unless someone made a formal complaint.

After Senator Gelser filed her formal complaint, she had a conversation with a female lobbyist who had called her about a policy issue. At the end of the conversation, the woman said that she wanted to take off her "lobbyist hat," and she thanked Senator Gelser for making a complaint about Senator Kruse. The lobbyist told Senator Gelser

that she was making her own informal report to Lore Christopher about inappropriate conduct by Senator Kruse. The woman was crying and very upset during the conversation.

On January 8, 2018, Senator Gelser notified me that Senator Kruse had sent her a letter dated January 3, 2018. In the letter, he offered an apology for making her feel uncomfortable in the past. He also stated that while he disagreed with many of her allegations, the process made him realize that he had "a problem with getting into people's personal space when talking to them," and he was committed to changing his behavior. **(Exhibit J.)**

V. EVIDENCE AND FINDINGS REGARDING ALLEGATIONS BY SENATOR GELSER

A. Witness Statements

1. Female Legislators

a. A Democratic Representative in the House told me that she had worked with Senator Kruse on a committee and a task force and he had been "very physical" with her, although it did not seem sexual. She described that he would put his forehead on her, or grab her hands when he talked with her. There would be "zero space between them." He would give side hugs with his arm down around her waist and pull her in close. She felt trapped and like she could not get away. She said it was "lingering closeness," and "that's just how the conversation was going to happen" if she had one with Senator Kruse. She did not tell him she was uncomfortable because he was an ally on policy issues that were important to her and she did not want to alienate him. She did not perceive any change in his behavior in 2017, and she had considered filing her own formal complaint against Senator Kruse.

b. A Democratic Senator who has worked closely with Senator Kruse in committee said that he gets "very close" and frequently hugs her. She has just accepted it over the years, and she does not believe Senator Kruse would not any reason to know that she would prefer for him not to do it. She has seen Senator Steiner Hayward "stiffen up" around Senator Kruse.

c. A Democratic Senator who joined the Senate in 2017 told me about an incident during the mandatory training at the beginning of the session. She was standing with colleagues during a break in the training when Senator Kruse came up to her and said "Welcome to the Senate. I've heard great things about you." As he said that, she put out her hand to shake his hand. He grabbed her hand and then put his arm around her shoulder and pulled her in close. He asked something like, "Do you think this counts?" She replied, "I'm pretty sure Dexter would say this is not okay," and she pulled away from him. Her body language

would have indicated that she was not comfortable. She is not friends with Senator Kruse, and they have not worked on any projects together, so he would have no reason to believe that this behavior was okay with her.

d. I interviewed Senator Burdick and she told me the following:

- Senator Kruse has been on her committees. He has been a good ally on several big issues.

- Senator Kruse has put his arm around her. It did not feel "inappropriate," but it invaded her personal space. She stated that when other people hug her, it is different because it only lasts a moment and it is a mutual thing. She believes that when Senator Kruse does it, he does not see the cues that it is unwelcome.

- Senator Burdick feels that he has also not respected her boundaries by being too close when he talks to her. She didn't say anything about it to him at the time, but she was giving non-verbal cues like backing away and trying to reclaim her space.

- She has not seen Senator Kruse interact with staffers very often. The one time she saw him touching her staff member, she intervened. It was probably in 2011 or 2012. Her staff member was sitting in the chair next to hers on the Senate floor, and Senator Kruse was standing behind the staff member with his hands on her arms. Senator Burdick saw it and said, "get your hands off my staff." She believed from personal experience that he got too close to women, and when she saw it happening to her staff member she reacted quickly.

  <u>NOTE</u>: A male staff member whom I interviewed clearly recalled this incident between Senator Kruse and Senator Burdick's staff member, and that when Senator Burdick told Senator Kruse to stop touching the female staff member, he chuckled, and Senator Burdick had to tell him to stop two more times before he complied. The male staff member believes that this happened during the 2013 legislative session.

- Senator Burdick recalls the incident on the Senate floor between Senator Kruse and Senator Gelser in 2017. She saw Senator Kruse "looming" over Senator Gelser. She told me that Senator Kruse was sitting next to Senator Gelser and had his arm around her and "you could tell she was uncomfortable." Senator Burdick went up to Senator Kruse and said, "get your hands off of Senator Gelser." Senator Burdick recalled that she and Senator Steiner Hayward both confronted Senator Kruse on the Senate floor

about the incident with Senator Gelser. They talked to him about it for a few minutes. Senator Kruse said it was not a problem because he didn't mean anything by it, and it was not sexual. Senator Burdick commented to me that she has only intervened like this twice in her career, and both times it was with Senator Kruse.

- Senator Burdick did not notice any change in Senator Kruse's behavior in 2017. Senator Burdick has concerns about staff members because she was in a position to choose not to say anything about Senator Kruse's unwelcome conduct toward herself, but for a staffer it may not feel like a choice (referring to the power differential). Senator Burdick stated that if someone is that oblivious and that disrespectful, you can't take a chance on how far it's going to go.

2. Male Legislators

a. I interviewed a Democratic Senator who has a long history of working closely with Senator Kruse on committees. He told me that Senator Kruse has gotten extremely close to talk with him when they are in committee or having a private conversation on the floor. This does not bother the male Senator other than the cigarette odor on Senator Kruse. He has also seen Senator Kruse talk very closely with another Senator in committee, and with other male colleagues on the floor of the Senate. Photographs showing examples of this (which I captured from videos on the State of Oregon website) are attached as **Exhibit K.**

   The Senator can't recall a frontal hug from Senator Kruse, but it could have occurred in a unique situation like emotional comforting. He does not specifically recall Senator Kruse giving him a side hug and then pulling him in close, or putting a hand on his leg, but he can't say that these interactions have never happened.

   The Senator has not observed any interaction between Senator Kruse and a female legislator or staff member that made him feel like he needed to intervene. He recalls that female legislators have indicated that being around Senator Kruse makes them uncomfortable, but he assumed it was due to the cigarette odor. Based on Senator Kruse's repeated violations of the smoking restrictions, the Senator questions whether it is in Senator Kruse's "DNA" to change.

b. A Republican Senator whom Senator Kruse requested that I interview told me that it is common for Senator Kruse to pull his chair close to the Senator and whisper in his ear in committee or on the Senate floor. Senator Kruse also talks close in conversation, generally standing about a foot's distance from the Senator. The Senator has assumed that it may be due to a hearing problem.

Senator Kruse will also frequently put a hand on the Senator's shoulder or forearm during a short conversation. I asked if Senator Kruse had ever "touched heads" with him. He said "no" and that he "would not go for that." Senator Kruse has put an arm around his shoulder, but it's generally in a greeting situation when they have not seen each other for a while. He does not recall Senator Kruse pulling him in close when he puts an arm around his shoulder. He does not believe that Senator Kruse has given him a frontal embrace with both arms, other than perhaps one time at a funeral.

c. Another Republican Senator whom Senator Kruse requested that I interview told me that he spends a lot of time standing at the back of the Senate Chamber when the Senate is convened, and he has never seen anything out of the ordinary between Senator Kruse and Senator Gelser. The Senator did not have an independent recall of the incident with Senator Burdick at Senator Gelser's but he had recently watched the video on the State of Oregon website. The Senator told me that he would have been standing at the back of the Senate Chamber during that incident. He did recall a different incident, most likely in April 2017, when Senator Kruse put his hands on Senator Gelser's shoulders after she presented a bill. The Senator believes that Senator Gelser was worried that the bill would not pass, and that Senator Kruse was comforting her. He believes that Senator Gelser seemed to be relieved and thanked Senator Kruse. The incident stood out in this Senator's mind because he gave an explanation for his vote on the bill in question, and he rarely does that.

> *<u>NOTE</u>: I located the video footage from April 2017 of Senator Gelser presenting a bill, and this Senator discussed above giving an explanation for his vote. The video shows that Senator Kruse did not approach Senator Gelser as the Senator recalled.*

This Senator also told me that he has been hugged by Senator Kruse 10 or 15 times, and Senator Kruse has put an arm on his shoulder and whispered in his ear. He stated that he does not find this to be uncomfortable, except for the fact that Senator Kruse is a smoker. The Senator also made a point of noting that the "biggest hugger" at the Capitol is Governor Brown.

d. Another Republican Senator who requested to be interviewed told me that he sits next to Senator Kruse on the Senate floor and he has never observed Senator Kruse inappropriately touching a female at the Capitol. Seating charts show that this Senator only sat next to Senator Kruse on the Senate floor during the 2017 session. Prior to that he sat in front of Senator Kruse.

e. A Republican Senator who sat near Senator Gelser on the Senate floor in 2017 told me that he was present and observed the incident when Senator Burdick allegedly told Senator Kruse to take his hands off of Senator Gelser. This Senator had refreshed his recollection of the incident by viewing the video footage. He told me that he vaguely recalled that Senator Gelser was "miffed"

about something that had occurred in the Senate Chamber (he could not recall what) and he believed that Senator Kruse came to Senator Gelser's desk to comfort her. He believes that Senator Kruse put his arm around Senator Gelser and whispered in her ear, and it seemed like a nice gesture. The Senator does not believe that anything unusual or inappropriate occurred during that incident, because he was watching the interaction between Senator Kruse and Senator Gelser, and he would have noticed it.

> *NOTE: The recollections of the Senator discussed above are not accurate according to the video. First, nothing appears to have occurred in the Senate Chamber that would have caused Senator Gelser to be upset, or Senator Kruse needing to comfort her. Prior to Senator Kruse going to her desk, there were only "courtesies" and "remonstrances" presented, including Senator Gelser thanking the other members of the Senate for having enacted legislation that benefitted one of her constituents. At the time of the incident, the Senate was voting on a bill that passed unanimously. Moreover, Senator Kruse did not put his arm around Senator Gelser or whisper in her ear as the Senator recalled, so it is likely that he is recalling another incident from 2017.*

f. A Republican Senator who has held leadership positions in the Senate and has known Senator Kruse since 2005 told me that on rare occasions Senator Kruse will put his arm around the Senator's shoulder, but Senator Kruse has never pulled him in close. Senator Kruse gets close to talk to him, and he referred to it as a "tete-a-tete," but the Senator does not ever recall their heads actually touching.

   Due to his leadership role, the Senator was aware that there were informal reports about Senator Kruse's conduct in the 2016 session, and it was his belief that Legislative Counsel and the Human Resources Director had dealt with it. The Senator understood that Senator Kruse was expected to correct his behavior toward women in the workplace, and that Senator Kruse had agreed to do so.

   During the 2017 session, the Senator witnessed Senator Burdick jumping out of her seat on the Senate floor, going down the aisle, and saying something to Senator Kruse when he was sitting at Senator Gelser's desk. The Senator discussed the incident with Senator Burdick afterward, and she said that she felt she needed to rescue Senator Gelser. The Senator thinks that Senator Burdick is a very credible person. The Senator also had a conversation with Senator Kruse after the formal complaints were made. Senator Kruse did not seem to realize that his conduct could be considered harassing even if he did not mean it that way.

g. I interviewed another Republican Senator who has held a leadership position. He has known Senator Kruse for about 18 years and has served on committees with him. He does not recall any physical contact with Senator Kruse, but he has experienced Senator Kruse getting really close sometimes to have a private conversation, and a few times Senator Kruse has gotten very close to his ear when whispering. He has seen Senator Kruse put an arm around two female legislators and one staff member, and pull them in close to him. He has no basis to know whether it was unwelcome.

   This Senator also recalls seeing Senator Kruse at his desk on the Senate floor seated next to a young woman, and Senator Kruse seemed to be "hanging" on her, talking in her ear. This occurred during the 2017 session. He does not know if the woman was an intern, or a friend of Senator Kruse's, or a family member. If she was an intern, the Senator would be concerned about that behavior because there would be a clear power differential.

   This Senator had a conversation with Senator Kruse within a few days after President Courtney removed Senator Kruse's committee assignments. The Senator told Senator Kruse that he believed the allegations against him were concerning, and that he had observed Senator Kruse shake a female colleague's hand and then pull her in tight. Senator Kruse indicated that he believed it was acceptable to engage in this conduct unless the female let him know that it was unwanted.

h. I interviewed a former Democratic member of the Senate who corroborated Senator Gelser's statement that he witnessed an incident between Senator Gelser and Senator Kruse on the Senate floor during the 2016 short session. This person told me that what he saw caused him to think Senator Gelser was uncomfortable and needed to be rescued. He recalls that from his viewpoint it looked like Senator Kruse was sitting very close to Senator Gelser and leaning over her chest, with a clear view of her chest while talking to her. The Senator pretended that he needed to talk to Senator Gelser in order to interrupt her interaction with Senator Kruse. After Senator Kruse walked away, Senator Gelser thanked him and confirmed that she had been really uncomfortable.

3. <u>Lore Christopher</u>

Lore Christopher is the Human Resources Director for the Legislature. After reviewing her notes, she confirmed to me that she and Dexter Johnson met with Senator Gelser on March 3, 2016 to discuss Senator Gelser's informal report regarding unwelcome conduct by Senator Kruse.

Senator Gelser reported specific concerns about Senator Kruse, including:

- He would lean in very close to her face and body when speaking with her. His lips had touched her ear.

- He had put his arms over her shoulders crossing them just above her breasts and squeezing so that she has the feeling of not being able to get away.

- He would pull his chair close to hers during committee meetings.

- A male Senator had intervened to remove her from an uncomfortable situation with Senator Kruse.

- Senator Gelser felt that she could not send female staffers to Senator Kruse's office for signatures for fear that they might be alone with him.

- Senator Gelser did not believe at that time that Senator Kruse's behavior was intentional or malicious or sexual.

- Senator Gelser did not want to address the behavior directly with Senator Kruse, and did not want him to know that she was the person who made an informal report, because she was on three committees with Senator Kruse, and she was worried that it would impact her work relationships in the Senate.

Lore's notes of this meeting are attached as **Exhibit L.**

Lore and Dexter met with Senator Kruse and told him that female Senators had expressed the following concerns regarding his conduct:

- Breaking personal space and leaning-in very close to a female's face and body when speaking with them.
- Hugging and putting his arms over shoulders crossing them just above the breasts and squeezing, creating a feeling of capture.
- Closing his office door when the visit was not confidential.
- Pulling his chair close to female members during committee meetings. **(Exhibit M.)**

I asked Lore to review the Memo of Concern that Dexter Johnson gave to Senator Kruse dated November 14, 2017. She told me that she agreed with Dexter's statements in the memo that:

- On March 3, 2016, Senator Kruse was advised to avoid hugging, leaning in, placing hands on shoulders and other physical contact with female colleagues and staff members; and

- Senator Kruse agreed that he would not engage in that behavior in the future.

Lore told me Senator Kruse was also advised, as a rule of thumb, that he should keep at least arms' length distance from females in the workplace.

4. Current Staff Members

A male staff member in the Senate Republican caucus office told me that Senator Kruse will talk closely with him, face to face, similar to some other Senators if they are trying to talk confidentially. Senator Kruse has occasionally put an arm around the staff member's shoulder to get his attention, or given him a light slap on the back, but it is not a prolonged contact while they are having a conversation. I asked if a female staff member had ever reported concerns about conduct by Senator Kruse. He told me that two female staff members had reported concerns to him about Senator Kruse during the 2016 short session, but the concerns did not involve physical touching.

Several of the female staff members who were interviewed generally reported some conduct by Senator Kruse that made them feel uncomfortable, but that they did not consider to be sexually inappropriate. By way of example, the following staff members who are either non-partisan staff, or work in the Senate Republican caucus office, told me the following:

- A non-partisan staff member who worked on a committee with Senator Kruse told me that he has hugged her in the past. Sometimes it was a quick hug, and sometimes it would last several seconds. Typically, it would involve touching heads, "like birds," and a squeeze with his hand on her shoulder. Sometimes she felt a little trapped. One time when Senator Kruse hugged her he also kissed her on the cheek, near her mouth. She referred to it as "peck" on the cheek. This probably occurred in 2015. It felt more "friendly" than "romantic," but she told a couple of family members that it was awkward, and she tried to avoid being hugged after that. She did not recall seeing anything directed at another staff member that appeared to make them uncomfortable. She recalled that Senator Gelser asked for her seat to be moved in 2016 for a joint committee meeting so that she would not be sitting next to Senator Kruse. The staff member had very little contact with Senator Kruse during the 2017 session.

- A staff member who worked in the Senate Republican caucus office at the time of my interview with her told me about an occasion when Senator Kruse put his forehead on her forehead, and it felt uncomfortable. It lasted a few seconds and then she moved back. This would have occurred sometime in 2015 or later, but she cannot recall when. Senator Kruse has also put his hand lightly on her lower back below the waist a couple of times.

- Another staff member in the Senate Republican caucus office described conduct by Senator Kruse that made her uncomfortable. There were times when Senator Kruse would grab her arm or put his arm around her shoulder, and a couple of times his arm was around her waist. She had not seen him do that with male

staffers. He would pull her close to tell her something. The whispering was uncomfortable, but it didn't seem sexual. She would tense up, and she would have preferred if someone had told him to stop doing it. Sometimes he would come up to her at the back of the Senate Chamber and squeeze or rub her shoulders for a few seconds. He continued to do that during the 2017 session. I asked if she knew of anyone other staff member who had an uncomfortable interaction with Senator Kruse. She told me that she was present when Senator Kruse came up to another staff member in her office who was sitting on a bench at the back of the Senate Chamber. Senator Kruse knelt in front of the staff member and put his hands on either side of her to talk to her. She clearly appeared to feel uncomfortable. This would have occurred at the beginning of the 2017 session.

> *NOTE: The other staff member mentioned above corroborated the incident of Senator Kruse kneeling in front of her, and she told me that she felt like Senator Kruse had his head in the area of her lap. She felt uncomfortable and trapped. This staff member also told me that Senator Kruse's name has been mentioned in discussions among staff members during training "as someone who might need some talking to."*

5. Former Staff Members

The following former staff members described conduct by Senator Kruse that not only made them very uncomfortable but that also created an offensive work environment for them:

- A law student who was assigned to work in Senator Kruse's office during the 2017 session told me that he engaged in conduct that created an offensive work environment for her, and she sought the opportunity to work in a different Senator's office in order to avoid being around Senator Kruse. She described the following conduct by Senator Kruse:
    - He called her "little girl," and she would tell him politely that he could get in trouble for saying that.
    - He told her she was "sexy," and when another staff member flirted with her in the office, Senator Kruse said, "you are pretty, so that can happen."
    - He would come up behind her at her desk and put his hands on her shoulders and rest his chin on top of her head. This might last for 20 seconds, and she would "sit very still and wait for it to be over."
    - He would put his hand on top of her hand and leave it there while they were talking. She said that was "constant."

- There was “a lot of hugging.” He would give her lingering side hugs while talking to her and being really close to her face. He would grab her and pull her in – this happened at least twice a week. Sometimes his hand would extend down to her upper breast.

- He would lean in close to talk to her, and once or twice he put his hand on her leg above the knee while he was leaning in.

- She wore a dress one day and he made a compliment about her tights. After that she made sure that she wore pants and “grandma cardigans,” and she did not wear high-heeled shoes to work.

- One time a male staffer was in the office and Senator Kruse hugged him and said to the law student, “Look, I do this with guys too.” She interpreted that to mean that Senator Kruse knew his conduct was not appropriate.

- Other staffers joked about Senator Kruse’s reputation and that he was on a “smoke break” during the harassment training. This made her feel like his behavior was known and accepted at the Capitol.

- She talked to Senator Kruse’s Chief of Staff about Senator Kruse’s behavior. The Chief of Staff asked the law student if she was okay, and the law student said that she was, because they had become friendly and she didn’t want the Chief of Staff to have to deal with it.

  <u>NOTE</u>: When I interviewed Senator Kruse’s Chief of Staff, she was defensive about my questions. She told me that she could not recall the names of any young women who had worked in Senator Kruse’s office recently. I believe that any evidence she may provide in this matter is not reliable because she stated that she needs her job, and it would be in jeopardy if Senator Kruse left the Senate.

- The law student told me that she would not have felt comfortable telling Senator Kruse that the hugging was unwelcome. She did the normal social cues like backing away that should have been a deterrent, but Senator Kruse did not pick up on it.

- She never felt that there was anything serious enough that she was obligated to report it. Based on her background and past employment, she had experience dealing with this type of conduct in other situations. She just tried to avoid any kind of incident that would have really crossed the line, because then she would have to report it.

- She was able to minimize her time working in Senator Kruse's office by arranging to spend most of her time working in another Senator's office.

- She told me that there was another law student working in Senator Kruse's office at the same time as herself, and she was experiencing the same conduct. She talked about looking around to find another Senator to work for. The other law student was going to say that Senator Kruse wasn't giving her enough work to do, and that's how she was going to get away from working in his office.

- When the news story came out about Senator Gelser's complaint, she was "very relieved that elected officials who had the power to start this conversation had spoken up." She told me that she did not come forward voluntarily even after finding out about Senator Gelser's complaint, because she was "terrified" about what it might do to her career. She told herself that she would participate in the investigation only if she was contacted.

- The other law student who was assigned to work in Senator Kruse's office told me very similar information about her experience, as follows:

  - The law student had specifically requested to be assigned to Senator Kruse's office prior to the 2017 session, based on her interests and the suggestion by her law professor. She had no prior acquaintance with Senator Kruse. She originally intended to stay for the entire session, which would have ended in July. However, a few weeks after she started working in Senator Kruse's office, she applied for other positions outside the Capitol.

  - In the beginning, she was trying to learn the ropes about the Oregon Legislature, so she spent time asking questions of Senator Kruse. He talked about himself a lot, including his past drug use and his divorces. On one occasion, he told her that his ex-wife had accused him of touching his daughter's vagina, and then he said of course he did, because he changed her diapers.

    <u>NOTE</u>: Senator Kruse told me that this conversation occurred in the context of discussing his testimony about a bill in a committee. I followed up with this witness and she disputed that it came up in that context.

  - She recalls that on her first day at the legislature, during the training session, employees made jokes about Senator Kruse being "handsy." Employees also talked about Senator Kruse being "on a smoke break" during the harassment training, but she wasn't sure whether that was a

joke or they were serious. She told me that it seemed like everyone at the legislature "knew how he acted and didn't want to do anything about it."

- He would give her neck massages while she was doing research. It was uncomfortable, but she didn't take it to be sexual.

- He would put his hands on her hips or on her lower back when they were standing and talking to each other.

- He gave her side hugs and would grab her shoulder tight while having a conversation with her. She felt trapped. He also gave her frontal hugs (both arms around her), for example if they had not seen each other for a few days.

- Sometimes when he gave her a side hug his hand would be around her upper torso and as he came out of the hug his fingers would slide over her ribs and the bottom of her breast. She doesn't think this was an accident because it happened more than once.

- Senator Kruse told her that he had been "told he gets too friendly or too close." He didn't say who had told him that. On one occasion, he had both of his arms on her shoulders and his face was very close to her face. He said he had been to harassment training and he knew where the line was, but if she was uncomfortable to let him know. I asked what she thought about that at the time. She said it was ironic, and in her head she was thinking to herself, "no, you don't know where the line is."

- She told me that she "definitely did not feel like she could tell him that she was uncomfortable." I asked why she felt that way, and she said because he was a Senator and she was a law student. She said she was just starting her career and "he has all the power."

- I asked if she did anything to make Senator Kruse think that she didn't mind the physical contact. She replied, "maybe just not stopping it." She also told me that when he gave her a frontal hug, she felt that she had to hug him back "because he was my boss."

- I asked if she changed her own behavior because of the conduct. She told me that she tried to avoid getting out of her chair when Senator Kruse was in the office. For example, she was supposed to do filing for his Chief of Staff, and she would wait until Senator Kruse left the office to do that, because he was more likely to try to get close to her if she was standing.

- She also started looking for another Senator to work with. She ended up finding work to do in another Republican Senator's office for half of her time, and she had a "wonderful" experience in that office. She did not tell

that Senator or his staff the truth about why she was looking for other work. She had also accepted a position outside the Legislature for the

summer due to the offensive work environment in Senator Kruse's office, so she did not stay until the end of the session as she had planned. She only stayed until she had enough hours working in Senator Kruse's office to get the school credit she needed, which was at the end of April.

- I asked the law student if she told anyone about the conduct that was making her uncomfortable. She said that the other law student who was assigned to work in Senator Kruse's office knew about it because she was experiencing the same conduct. She also told two friends who were law students. One of them was working at the Capitol and was assigned to a committee.

- I asked if she would be concerned about the safety of the work environment for other staff members who might work for Senator Kruse. She said, "if he stayed, yes."

- The law student sent me a photograph of herself and Senator Kruse sitting at his desk on the Senate floor on the first day of the session. The photo is attached as **Exhibit N (**with her face obscured).

  NOTE: I interviewed two witnesses – both of them male law students -- who corroborated that the female law student had confided in them, while she was working for Senator Kruse, about conversations and touching that made her very uncomfortable.

In addition to the law students discussed above, I located the former Legislative Assistant who approached Senator Gelser in October 2017 and stated that she had been subjected to inappropriate touching by Senator Kruse when she worked at the Capitol. I was able to persuade this witness to talk to me. She told me about a single incident that occurred in approximately 2013. Due to the passage of time, this information is included only for credibility purposes regarding allegations of similar conduct, and because the statement by this witness to Senator Gelser contributed to her decision to file a formal complaint:

- The Legislative Assistant barely knew Senator Kruse, and had not had a direct conversation with him, prior to the day of the incident. The Democratic Senator she worked for was the Chair of a committee, and Senator Kruse was the Vice-Chair. After a meeting with the Democratic Senator in her office, Senator Kruse approached the Legislative Assistant to discuss a gift to give to the Democratic Senator at the end of the session.

- As Senator Kruse engaged the staff member in conversation about the gift, he put his arm around her back and placed his hand on the back of her hip, below the waist and just above her buttocks. She estimated that

  he kept his hand there for at least 10 seconds as he talked to her. She told me that she felt "creeped out," and later when she saw him at an event, she avoided him.

- I asked her whether she would have considered letting Senator Kruse know that the conduct was unwelcome if it had happened again. She said that she would not feel comfortable doing that because staffers are expected to show deference toward the elected officials and not do anything to embarrass them. She also said that she would not have considered reporting the incident because she believed that Senator Kruse's "chumminess" was known at the Capitol and generally accepted.

6. Female Lobbyist

As stated at the beginning of this report, conduct by a member toward a lobbyist is not covered by Personnel Rule 27. However, the incident described below is within the scope of the investigation because it occurred in September 2017, well within the one-year period before the complaints were filed, and because I find that it is relevant to specific conduct that was allegedly experienced by Senator Gelser.

When I began this investigation, I learned from Lore Christopher that a female lobbyist had contacted her on November 22, 2017 to make an informal complaint about Senator Kruse. Lore informed the lobbyist that she would probably be contacted by an outside investigator.

Lore also summarized for me her conversation with the lobbyist. She told me that the young woman described an incident that occurred when she and Senator Kruse attended a gathering to take a photograph with Governor Brown, and that Senator Kruse had allegedly cupped the buttocks of the woman during the event. Lore stated that the woman was emotional and crying during their conversation. I later learned from Senator Gelser that this was the same lobbyist who had talked with her and disclosed to Senator Gelser that she had an upsetting encounter with Senator Kruse.

I interviewed the lobbyist on December 21, 2017, in the presence of her attorney, and she told me the following information:

- She is a legislative representative for a non-profit organization. In that position, she works at the Capitol building almost every day during the legislative session.

- Sometime in the first half of 2017 she had accompanied another lobbyist to meet with Senator Kruse in his office. She did not know him prior to that, and there was nothing out of the ordinary about that meeting.

- In September, the Governor signed a bill that was supported by her organization, and a photo shoot was arranged to commemorate the signing. The photo shoot was supposed to take place on the steps of Capitol building, but due to inclement weather it was moved to the Governor's office. The lobbyist was in charge of coordinating the photo shoot.

- Before the photograph was taken, the photographer was taking test shots of participants who were milling around the Governor's office. The photographer started asking people to go behind the Governor's desk so that he could get them situated for the photograph. While that was occurring, the lobbyist was standing in the middle of the room. She felt someone come up behind her and "cup" her buttocks with a hand, and she turned around and saw that it was Senator Kruse. I asked her to explain what she meant by "cupping" her buttocks. She described that his open palm was facing her against her butt cheek, and his fingers were pointing down and curved under her butt. She said it was not a squeeze, but an upward motion of his hand. Senator Kruse was standing behind her a little bit to her right. She has no idea why he was standing there.

- She told me that she looked directly at him and he looked directly back at her. He did not move his hand, or say "I'm sorry," or acknowledge it in any way as being an accident. His fingers were still cupped under her buttocks as she backed away. He said nothing, and neither did she. She went and stood behind the desk with the other people, and at that point the Governor came into the room to join them for the photograph.

- The lobbyist told me that as far as she knew, no one saw Senator Kruse cup her buttocks, and I asked her how that could have been possible under the circumstances. She said that the room was bustling with activity and people were excited to see each other and were talking in small groups around the room.

- When they were situated for the photograph, Senator Kruse ended up standing near her, which was very uncomfortable. She was upset, and after the photograph was taken she went and stood up against the wall near the door that the Governor had come through. The photographer continued to photograph small group shots, and she saw Senator Kruse talking to the Governor and pulling her close to him.

- The lobbyist did not say anything to anyone that day about the incident. She had no reason to think that this had happened to anyone else and she felt like she was alone.

- Within the next ten days or so she told a few of her close girlfriends about the incident. She told them that the person who did it was a Senator, but she did not name him initially. She was trying to decide if she should tell someone in authority. She was afraid that if she did, it could negatively impact her work. She was a new lobbyist and he was a Senator. She had been told by colleagues that Senator Kruse was a proponent of her organization, and she did not want to lose his support. She was also afraid that it would affect the way other legislators would interact with her. Her friends told her they would support her no matter what she chose to do.

- On October 20, 2017, when she was dining at a restaurant with friends, she saw a news story pop up on her phone regarding Senator Kruse, and that Senator Gelser had made allegations against him. Earlier that day she had seen a press release stating that President Courtney had stripped Senator Kruse of his committees. This made her realize that she was not alone and that someone else had gone through something similar.

- That weekend she called and talked to her family members about her situation. One of her family members suggested that she should talk to the Executive Director of her organization. The following Monday she did that, and the Executive Director seemed shocked but was supportive. The lobbyist still had not decided what she wanted to do about the situation.

- In November 2017, the lobbyist learned that Senator Gelser had filed a formal complaint, and that Senator Gelser had told the media that 15 other women had disclosed concerns about Senator Kruse's conduct. Everything that was happening in the national news also made her feel that she had an obligation to speak up.

- She had read Lore Christopher's name in the news and went to her office and made an informal complaint. She felt that it was the right thing to say something and stand up for herself, but she was "scared" about the consequences. Before Senator Kruse was stripped of his committees, it would have been necessary appear before him every day during the session, and lobby for his vote. She also felt like she would not be able to meet with him alone in his office.

- I asked if she thought it could have been an accident when he touched her buttocks. She said that it seemed intentional because he just stared at her and didn't move his hand until she backed away. She has had other men brush up against her accidentally and they immediately apologize, but Senator Kruse did none of that. I asked what she thought he might have been thinking at the time of the incident, and she said that she thinks he has "a problem."

- The lobbyist was very tearful and emotional during her interview with me. I found her to be very credible.

NOTE: I separately interviewed two witnesses who are close friends of the lobbyist, and also happen to be attorneys. Both of them were present at the dinner at the restaurant when the lobbyist learned about Senator Gelser's complaint against Senator Kruse. Both of them told me that the lobbyist started to cry and got very emotional when she saw the news story. Both of them corroborated that the lobbyist had already told them about the incident prior to that night. Both of them also corroborated that she appeared to struggle for a long time with the decision of whether to come forward.

B. Senator Kruse's Response to the Allegations

1. Overview

I interviewed Senator Kruse on two occasions, in the presence of his legal counsel, regarding the allegations in Senator Gelser's complaint and the information I obtained from other witnesses I had interviewed. In my first interview with Senator Kruse on January 3, 2018, I found that Senator Kruse was responding to most of the allegations by stating that he had "no recollection" of the incidents. I spent a significant amount of time discussing the difference, in my view, between a statement that he "could not recall" an alleged incident, versus a denial that it had occurred. I told Senator Kruse that it was important for me to be clear about what he was denying and what he was not denying, because I didn't want to have confusion about it later.

I also told him that this was important because if he was making a flat denial of any allegation that put his credibility in question, I felt it would be necessary to ask him questions about the recent interview he had with the Oregon State Police regarding an online video, in order to determine whether he had been honest with the Oregon State Police in that interview. I told him I had read statements suggesting he had changed his story when he was interviewed by the Oregon State Police, and that this would be relevant to my investigation if his credibility was in question. I clarified with Senator Kruse that if he told me he had "no recollection" of an alleged incident, I would not consider that to be a denial.

It was also significant to me that during our first interview Senator Kruse flatly denied only one allegation, namely, that a staff member had observed him viewing pictures of naked women on his mobile phone in 2016, on the Senate floor while the Senate was convened. Therefore, it was clear to me that Senator Kruse knew how to make a flat denial of an allegation when he wanted to do so.

I concluded our interview believing that we had a common understanding about the difference between denying and not recollecting. However, I subsequently received a copy of the letter that Senator Kruse wrote to Senator Gelser on January 3rd, the same day as our interview, stating, "I disagree with many of your allegations against

me." **(Exhibit J.)** Because I did not believe that Senator Kruse had actually denied most of Senator Gelser's allegations in our interview, I began my follow-up interview with Senator Kruse, on January 13, 2018, by going back through Senator Gelser's allegations one by one. During that interview, Senator Kruse's attorney stated that she believed he understood the difference between not recollecting an incident and denying that an incident had occurred.

Accordingly, the information stated below is the result of my best efforts to obtain clear responses from Senator Kruse, in our two interviews, regarding the allegations against him.

2. Discussion regarding "welcome" versus "unwelcome" conduct

Senator Kruse told me that he recalled a discussion in the 2017 harassment training about avoiding "unwanted" physical contact, which he took to mean that "wanted" physical contact was okay. I asked how he could tell if the conduct is "wanted." He said that when you develop a relationship with someone you sort of know what their boundaries are. He also said that if he knows someone and they don't want him to hug them, they will tell him. He has believed, up until now, that everyone he serves with in the legislature is a friend. Also, in his mind, if he didn't "mean anything by it," i.e. sexually, then it was "okay." Senator Kruse told me that he's recently begun to understand that his perception of "unwelcome conduct" may have been wrong, because his intentions are not necessarily the same as the perception of the other person, and he needs to be more aware of how it is received.

I asked Senator Kruse when he learned that, and he said that "a light bulb went off" when he had counseling from a therapist in Roseburg. I asked for details about how much counseling he'd had up to the time of our interview, and was told he'd had only one (1) hour of counseling, on December 7, 2017.

3. Conduct toward Senator Gelser

I asked Senator Kruse about his general impression of Senator Gelser's complaint when he first read it. He said that there may be merit to some of it, and he is sorry that he created a situation where she felt it was necessary to go that route.

a. Alleged Conduct when Senator Gelser was in the House of Representatives

As stated above, Senator Gelser alleged that Senator Kruse engaged in full body hugs and kissing her cheek when she was a Representative. Senator Kruse initially said that he had no recollection of such physical contact with her when she was in the House. He said generally he would not do that with someone he didn't know very well, and he didn't know Senator Gelser very well when she was in the House.

He said that he has engaged in full body hugs with the Governor and with Speaker Kotek, and probably with Senator Baertschiger, Senator Prozanski and Senator Roblan. He said that the hugging with the Governor and Speaker Kotek is mutual, and he showed me a picture of himself in *Register Guard* hugging Speaker Kotek in 2013.

In our first interview, Senator Kruse said that he "did not recall" kissing Senator Gelser on the cheek. In our second interview he said it was possible, but unlikely. I asked if he had ever kissed a male legislator or staffer on the cheek. He said he has probably done that, "just for fun," but he could not recall with whom.

As discussed above, Senator Gelser also alleged that in 2011, Senator Kruse came up behind her at her desk on the House floor, wrapped his arms around her and then slid his arms cross-wise down the front of her chest. Senator Kruse said he had "no recollection" of that, and that is his best response.

Senator Kruse did not dispute the allegation that Senator Gelser may have been nervous about meeting with Senator Kruse alone in his office in 2013, and that she had expressed this concern to her Chief of Staff.

> *NOTE: I interviewed Senator Gelser's former Chief of Staff who worked for her in 2013. She recalled that Senator Gelser was working on the Domestic Workers' Bill of Rights during that time period and that Senator Gelser had meetings with Senator Kruse about that issue because he was interested in it. The former Chief of Staff told me that most times when Senator Gelser would come back from Senator Kruse's office, or he would leave her office, Senator Gelser reported that she felt very uncomfortable because he had been inappropriately close or had touched her in ways that were uncomfortable. The former Chief of Staff stated that Senator Gelser tried to give Senator Kruse the benefit of the doubt because she was passionate about the legislation and needed his support.*

b. Conduct in 2015 when Senator Gelser joined the Senate

As discussed above, Senator Gelser alleged hugging by Senator Kruse, whispering that left her ear wet, and placing his hand on her thigh when they were in committee together during her first year in the Senate. Senator Kruse said that he may have put his arm around her, but he seriously doubts that he made her ear wet by whispering to her. He said that whispering is the only way to have a confidential conversation in committee because the microphones are so sensitive. I asked if he could have passed a note to Senator Gelser instead, and he said he had not thought about that. In our first interview, Senator Kruse said that he could not recall putting a hand on Senator Gelser's thigh – ever. In our second interview he said, "I suppose that's possible."

c. Continuing Conduct in 2015 and 2016

As discussed above, Senator Gelser alleged that during the 2015 and 2016 legislative sessions, Senator Kruse would sit at her desk on the Senate floor and lean in close to her. He would wrap his arms around her and whisper in her ear so closely that she could feel his tongue. Senator Kruse said that he could have hugged her and "talked close to her," but he seriously doubts that his tongue was in her ear.

In my first interview with Senator Kruse he said he had no recollection of an incident 2016 when he allegedly had his hands on both of Senator Gelser's shoulders, with his palms resting on or near her breasts, and a male Senator intervened. He said that having a hand on each shoulder didn't sound like something he would do, but he couldn't say for sure, and the location of the hands as she described he seriously doubted, but he "can't say 100%." In our second interview, Senator Kruse said that he denied ever putting a hand on her breast, but it depends on how you define "breast," and she could have perceived that the palm of his hand was at the top of her breast. He did not recall the male Senator intervening.

d. Informal Reporting of Concerns in 2016

Senator Kruse recalled meeting with Dexter Johnson and Lore Christopher regarding the informal reports that were made against him in March 2016, and that only the three of them were present for the meeting. He recalled that it was not a long conversation, and that a lot of it was about the smoking violations.

Senator Kruse told me that he did not know who had complained about him, and Dexter and Lore said that they could not divulge the details. Senator Kruse told me, "basically it was about avoiding inappropriate contact" and "there was no more specificity than that." However, upon further questioning:

- I asked him if Lore Christopher had talked about keeping arms' length distance from women in the workplace as a rule of thumb, and he agreed that she said something like that.

- I asked if Lore or Dexter said anything about not leaning in close to have conversations, and Senator Kruse said that he doesn't specifically remember that, but it doesn't mean they didn't say it.

- I asked, "What about hugging and putting arms over shoulders and creating a feeling of capture?" Senator Kruse said he did not remember that, but it was possible they said it.

I asked Senator Kruse what he intended to do differently after that meeting to change his behavior. He told me that because he didn't know who had complained, he didn't know where the corrections needed to happen, and he "was not going to back away from everybody." He added, "Quite honestly I probably didn't heed the whole thing as seriously as I should have."

I asked Senator Kruse if he had a regular practice when he gave a "side hug" that he would pull the person in tight, and he said, "that has probably happened." I asked him, "If Lore had said to keep arms' length distance, then that wouldn't be doing that, right?" He agreed. I asked if he continued to do that after Lore and Dexter talked to him in 2016 and he said, "Yeah, I probably have."

e. Conduct by Senator Kruse in 2017

As discussed above, Senator Gelser alleged in her complaint that nothing had changed during the 2017 session, and that one time at her desk on the Senate floor:

- Senator Kruse wrapped his left arm around her shoulder with his fingers extending down toward her breast, and placed his right hand on her thigh with his fingers under the hem of her skirt.

- Senator Burdick confronted Senator Kruse on that occasion, and told him to take his hands off of Senator Gelser.

- Senator Kruse stated that Senator Gelser didn't mind, and Senator Gelser corrected him and said that his behavior made her uncomfortable.

In my first interview with Senator Kruse, I played the video of that incident for Senator Kruse, and I acknowledged that the video is not consistent with Senator Gelser's description in her complaint. I also showed him her text messages from that day. I asked him about the text message stating that he had his hand on her "ass" when Senator Burdick came down the aisle and talked to him. He replied:

> "I have no recollection of that. I can't imagine I, unless I did something purposely, but I did not mean, that's something clearly I would like to have the opportunity to talk to her about and apologize to her and see if we can get past that sort of thing."

Senator Kruse did not recall Senator Burdick telling him to "get his hands off Senator Gelser." When I asked about Senator Burdick telling him to "get his hands off" of her staff member a few years ago, he did not deny it, but said that he could not recall.

I told Senator Kruse that Senator Gelser claimed he had continued to put his hand on her thigh more than once in 2017, and he stated, "I don't recall that."

4. Conduct toward other female legislators

a. Female Representative in the House

I asked Senator Kruse if he has hugged any female Representatives and pulled them in close during the 2017 session. He was unable to name a single female Representative with whom he had spent time in the last session. This means that he could not recall the name of the Representative who told me that Senator Kruse:

- had worked closely with her on a committee in the last year,
- had been "very physical" with her,
- had put his forehead on her,
- had grabbed her hands when talking with her, and
- had hugged her with his arm around her waist and pulled her in close so that she felt trapped.

I asked Senator Kruse during our interview if he had memory problems. He told me that he didn't. He did not provide any additional information on this issue during our follow-up interview ten days later.

b. Democratic Senator

I asked Senator Kruse if he recalled talking to a new female Democratic Senator, whom I specifically named, during the annual training session in January 2017. He said that he probably did. I asked if he gave her a hug by putting his arm around her shoulder and pulling her in close. He said, "I may have. I'm not going to say it didn't happen."

He also did not deny this Senator's allegation that while hugging her he asked, "Do you think this counts?" and that she replied, "I'm pretty sure Dexter would say this is not okay." I stated to Senator Kruse that it sounded like he was making a joke about the harassment training if he said this, and he agreed stating, "In my own weird sense of humor, probably, yeah." Ironically, earlier in the interview with Senator Kruse, he had specifically mentioned this Senator as a person whom he would *not* have hugged, because she is new to the Senate and he doesn't know her very well.

5. Conduct toward staff members

a. *Non-partisan staff and Senate Republican caucus staff*

Senator Kruse could not recall kissing any staff member on cheek. I asked him about the particular staff member who had alleged this, and he said he could not recall it, but he couldn't say it didn't happen. He doesn't think the staff member ever indicated to him that this kind of conduct was welcome.

I told Senator Kruse that female staffers had reported conduct by him such as:

- side hugs and pulling them in close;
- putting his hand on the lower back below the waist; and
- rubbing or squeezing of shoulders.

He said the he could not recall doing these things, but he did not deny that the conduct could have occurred.

b. Former legislative assistant

I asked Senator Kruse if he recalled a former female Legislative Assistant who had worked for a particular Democratic Senator a few years ago. He could not recall any female Legislative Assistant who had worked for that Senator.

I asked him if he would have given that Senator a gift because she was a Committee Chair and he was the Vice Chair, and he agreed with that. I told him there was an allegation that he had a conversation with the Senator's female Legislative Assistant about the gift, and that while he was talking to the Legislative Assistant he put his hand on the back of her hip below the waist, and kept it there during the conversation. Senator Kruse replied, "I suppose maybe, I have no recollection of that."

c. Law students

I asked Senator Kruse about allegations by one of the two law students who were assigned to work in his office during the 2017 session. He recalled the law student, and he did not deny the allegations, stating:

- He may have told her that she was "sexy" and that she was "pretty," and he may have also called her "little girl."

- He may have come up behind her at her desk, put his hands on her shoulders and put his chin on top of her head, if he was looking at something on her computer screen.

- It's possible that he would put his hand on top of her hand when he was talking with her.

- He may have engaged in frontal hugs with her, and side hugs where he pulled her in close.

- He has no recollection of putting his hand on her leg while talking to her, but it may have happened.

- He doesn't recall hugging a male in front of her and saying, "Look I do this with guys too." He has no idea what he would have meant, because he doesn't remember saying it.

Initially, in my first interview with Senator Kruse, he could not recall the name of the other law student who was assigned to work in his office during the 2017 session, and he did not recognize her when I showed a photograph of him sitting very close to her at his desk on the floor of the Senate. I had to remind him of her first name. This was surprising considering the nature of the allegations of unwelcome conduct that the law student made about Senator Kruse, and which he did not deny, as follows:

- I asked Senator Kruse whether he put his hands on her shoulders and his face close to her face, and told her he had been to harassment training so he "knew where the line was?" Senator Kruse said, "I don't remember saying that, but . . ." [sentence not finished]. I asked him if he remembered thinking that he knew where the line was at that time, and he replied, "Well I thought everything was okay, obviously, and obviously I was wrong."

- Senator Kruse acknowledged that he was sitting very close to the law student in the photograph of them at his desk on the Senate floor. **(Exhibit N.)** He stated, "I'm learning now that I could have had that conversation without being quite so close to her."

- He did not deny that he may have given the law student a side hug by putting his arm around her shoulder and pulling her in tight. I asked why he thought that was okay. He said, "Because I didn't think I was crossing any boundaries," and he stated that he is still learning what is okay and what's not.

- I asked him about giving the law student frontal hugs with both arms, and he replied, "Not that I remember, but . . ." [sentence not finished].

- He did not deny putting his arm around her side, with his hand between her shoulder and her waist (i.e. with his hand at her bra line).

Senator Kruse stated that he thought the law student left before the end of the session because she got another position with a judge. That's what his Chief of Staff told him.

6. Conduct toward a lobbyist in the Governor's office in September 2017

When I began the discussion about the allegations by the lobbyist, I showed him the photograph that was taken in the Governor's office, and he recalled the event. I asked if he recalled that people will milling around the office before the photograph was taken, and he vaguely recalled that. Then I asked him if he had walked up behind any of the women in the photograph and cupped his hand under her buttocks. He quickly said, "No."

I asked, "Is that a 'no, I don't recall,' or a 'no, that didn't happen?'" His first response was:

> "You know, I don't recall, I'm sure it didn't happen, but I also know that we get into a lot of he-said she-said stuff here and my word against somebody else's. I don't recall doing something like that and it's not something that I would normally or even abnormally do."

I asked Senator Kruse if it could have happened accidentally and he replied, "To cup someone's buttocks accidentally? How do you do that?" I told him I was just giving him the opportunity to answer that question.

We discussed the allegation by the lobbyist for approximately fifteen minutes, during which he took a short break to confer with his legal counsel. In the end, his response was that he could not recall the alleged incident of cupping the woman's buttocks in the Governor's office. During our second interview, 10 days later, I asked Senator Kruse if he had anything additional that he wanted to say about the allegation, and he said that he did not.

C. Findings

Based on the evidence discussed above, I make the following findings regarding the allegations in Senator Gelser's complaint against Senator Kruse.

1. Conduct toward Senator Gelser

I find that Senator Kruse did engage in a pattern of unwelcome touching and leaning in close with Senator Gelser that began when she was in the House of Representatives. This was corroborated by Senator Gelser's former Chief of Staff, and was not denied by Senator Kruse. Senator Kruse admits that he did not know Senator Gelser very well at that time.

I find that the pattern of unwelcome conduct continued after Senator Gelser joined the Senate. A video from an Education Committee meeting early in the 2015 session shows Senator Kruse leaning in to whisper to Senator Gelser with his face up against her neck and hair. **(Exhibit E)** Again, he did not know her well at that time.

A former Senator corroborated Senator Gelser's statement that he intervened in 2016 when he saw Senator Kruse engaging in conduct toward Senator Gelser on the Senate floor that made the Senator feel she needed to be "rescued." Senator Kruse did not deny hugging Senator Gelser in 2015 and 2016, and he said it was possible that he put his hand on her leg above her knee.

Although I do not find any evidence that Senator Kruse "groped" Senator Gelser's breasts at any time, I am also not aware of any evidence that Senator Gelser has specifically accused him of this. Her tweet to Jonathan Lockwood on October 16, 2017 asked whether he would "ensure that no member of ur [sic] caucus inappropriately touches or gropes female members and staff in Cap?" **(Exhibit H.)** Senator Gelser did not expressly accuse Senator Kruse of groping her in that tweet. The media headlines seized on the word "groping" a few days later, but Senator Gelser never used the words "groped" or "groping" in her formal complaint.

As to the exact details of most of the alleged encounters between Senator Kruse and Senator Gelser, I am unable to make specific findings because:

- Senator Kruse has no recollection of the alleged incidents; and

- Due to discrepancies in Senator Gelser's recollections, I am unable to rely on her statements alone to the extent they are uncorroborated by witnesses or documentary evidence. For example, regarding the most recent incident on the Senate floor that was witnessed by Senator Burdick in June 2017, Senator Gelser's description in her complaint is very different from the video footage on the State of Oregon website. I do not mean to suggest that Senator Gelser has intentionally misrepresented any facts. I have no reason to question whether she perceived the incidents as she recalls them, and it would not be surprising if she has confused some of the events because she did not take notes and does not have contemporaneous documentation regarding most of these incidents. The exception is the string of text messages that she sent to a third party immediately after the incident on June 13, 2017, which I find to be corroborated by the video footage. **(Exhibits F and G.)**

What is clear and undisputed is that by March 3, 2016, Senator Kruse was on notice that female Senators had complained about him, and he was given specific guidelines about conduct to avoid with women in the workplace in the future. By his own admission, Senator Kruse chose not to make changes in his behavior because he did not know which females had found his conduct to be offensive, and he did not want to change his behavior with everyone.

I find that after the warning he received in March 2016, Senator Kruse continued to engage in some level of unwelcome conduct toward Senator Gelser that violated the guidelines he was given. This is supported by:

- Senator Kruse's own statement that he did not change his behavior;
- the video footage of the incident on June 13, 2017 and the contemporaneous text messages by Senator Gelser on that date; and
- the statements by two of Senator Kruse's Republican colleagues who recalled seeing Senator Kruse putting his hands on Senator Gelser on the Senate floor to "comfort her" during the 2017 session.

I find that by the end of the 2017 legislative session, Senator Kruse had created an offensive work environment for Senator Gelser because she believed it was necessary to tolerate his physical contact with her "in order to get work done in the Senate."

I also find that Senator Gelser had made reasonable efforts in March 2016 to try to resolve her concerns about Senator Kruse in a confidential and non-adversarial manner, rather than filing a formal complaint. Similarly, in October 2017, she chose to use the informal reporting process again rather than filing a formal complaint. The evidence shows that when Senator Gelser did finally file her formal complaint, 18 months after Senator Kruse was initially warned, she was acting not only in her own interests, but reasonably believed she was acting to protect the interests of other women in the workplace who were being exposed to Senator Kruse's unwelcome conduct, and were more vulnerable than Senator Gelser due to an imbalance of power.

2. Senator Kruse's conduct toward other women in the workplace

I find that the evidence strongly supports Senator Gelser's allegation that Senator Kruse engaged in an ongoing pattern of conduct toward other women in the workplace that was very similar to the conduct that she experienced. This included:

- unwelcome hugging that made women feel trapped;
- uncomfortable closeness in conversations, exacerbated by the unpleasant odor of cigarette smoke;
- touching his head to their heads; and
- placing his hand on them below the waist or near their breasts.

While there is evidence that Senator Kruse has put his arm around or leaned in close with some male colleagues with whom he has formed close working relationships, the evidence supports that his pattern of conduct toward women in the workplace has tended to be more intimate in nature, and that he engaged in this pattern with some women whom he barely knew and/or with whom there was a clear power differential.

This unchecked behavior culminated during the 2017 session with the unfortunate experiences of two female law students who were assigned to work in Senator Kruse's office. They experienced inappropriate comments, "a lot of hugging," and other unwelcome touching. **(See pages 20-24.)** One of them told me that when Senator Kruse hugged her she felt like she had to hug him back, "because he was my boss." Within a few weeks of arriving at the Capitol, they began planning ways to avoid him and seeking out work assignments with other Senators. They did not tell anyone in authority the truth about their reasons for wanting a change in assignment, because they perceived that Senator Kruse's behavior was generally known and tolerated at the Capitol. They did not feel they could tell Senator Kruse that the conduct was unwelcome, because as one of them stated, "I was just starting my career and he had all of the power." The other one told me that she would not have come forward on her own, and she was very relieved when the news story came out about Senator Gelser's complaint because "elected officials who had the power to start the conversation had spoken up." I find their accounts to be compelling, credible and corroborated by other reliable witnesses.

I also find credible the account of the lobbyist who said that she had her buttocks cupped by Senator Kruse in the Governor's office in September 2017. Multiple other witnesses reported Senator Kruse putting his hand on them below the waist, including Senator Gelser, who wrote in a text message just three months earlier that Senator Kruse "put his hand on my ass" while seated at her desk on the Senate floor.

It is difficult to believe that Senator Kruse would engage in the conduct described by the lobbyist while standing in the Governor's office, with a photographer and multiple other persons present. But it is even more difficult to believe that this young lobbyist, who has been both emotional and unwavering in her statement, would have any motivation to make false claims that will subject her to public scrutiny and embarrassment, as well as extreme discomfort if she is ever in the position of having to appear before Senator Kruse in committee. Senator Kruse did not flatly deny the allegation of cupping her buttocks, but instead stated that he had "no recollection" of the alleged incident.

VI. ALLEGATIONS BY SENATOR STEINER HAYWARD

A. The formal complaint by Senator Steiner Hayward includes the following allegations:

- Prior to 2015 she had a collegial relationship with Senator Kruse. Sometimes she felt uncomfortable with his physical interactions, but nothing crossed the line as being truly inappropriate behavior.

- Beginning in 2015, Senator Kruse engaged in a pattern of unwelcome physical contact with Senator Steiner Hayward that she felt was inappropriate behavior. This included very close hugs, putting his hand on her thigh when they were talking, and sitting close enough to her that his leg touched hers.

- Senator Steiner Hayward told Senator Kruse on several occasions that she was uncomfortable with that level of physical contact between them, particularly because she was a survivor of domestic violence, and because the residual tobacco smoke on his clothing aggravated her asthma. He would momentarily back off, but then engage again in the same conduct the next time he saw her.

- Because Senator Kruse did not stop the conduct after multiple discussions with Senator Steiner Hayward about it, Senator Steiner Hayward reported the conduct through the Senate President's office at the end of the 2016 short session. Senator Steiner Hayward understood that she was not the only person to report unwelcome physical contact by Senator Kruse at that time. **(See Exhibit O.)**

- As a result of the informal reporting, Senator Steiner Hayward understood that Senator Kruse met with Legislative Counsel, the Human Resources Director and President Courtney, and was told not to engage in touching any women at the Capitol other than a professional handshake.

- Senator Steiner Hayward rarely encountered Senator Kruse after the 2016 short session and he seemed more circumspect in his conduct at that time. In March 2017, he resumed the previous pattern of unwelcome physical contact. Senator Steiner Hayward repeatedly reminded Senator Kruse that the contact was unwelcome, and the conduct would lessen for a week or two, and then begin again.

- Senator Steiner Hayward did not report his conduct at that time. Instead, she developed a plan with her Chief of Staff to ensure that all meetings with Senator Kruse would take place in Senator Steiner Hayward's office, the door to her office would stay open, and a staff member would be present for all meetings. Senator Steiner Hayward has never felt the necessity to take precautions like these with any other male colleague at the Legislature or in the medical field.

- On October 19, 2017, Senator Steiner Hayward met with Senator Kruse in her office, and her Chief of Staff was also present. The meeting was to discuss a work group that she and Senator Kruse were co-leading. During the meeting, Senator Kruse repeatedly moved his chair closer to Senator Steiner Hayward's and Senator Steiner Hayward responded by moving her chair further away from him.

- After the meeting, Senator Steiner Hayward put her hand out for a handshake. Senator Kruse took her hand, cupped it in his other hand, and raised her hand to his lips to kiss it. Senator Steiner Hayward became upset and pushed him away. She asked Senator Kruse to sit down, and she attempted to explain to him very clearly that his conduct was unacceptable. She asked if he had heard about the accusations against Harvey Weinstein, or the "#me too" movement, or the "Dwayne Johnson test" for how to treat a woman in a professional environment (i.e. if you wouldn't do it to Dwayne Johnson, don't do it to female colleagues). The conversation continued for several minutes, and Senator Kruse defended his behavior by making comments that included:

    - "Men get harassed too;"
    - "I'm just a hugger;"
    - "A lot of women cry wolf;"
    - "It's not as if I want to have sex with you;" and
    - "I don't see why this is such a big deal."

  Senator Steiner Hayward's Chief of Staff was present for the entire conversation.

- Later that day, Senator Steiner Hayward attended a previously scheduled meeting with President Courtney and Senator Burdick. The incident of Senator Kruse trying to kiss her hand came up in the conversation. President Courtney told Senator Steiner Hayward that he would have to address the problem.

- Senator Steiner Hayward decided to file a formal complaint because Senator Kruse:

    - Has repeatedly denied his inappropriate behavior,
    - Has persisted in the behavior after explicit warnings, and
    - Refused to acknowledge that Senator Steiner Hayward had a right to determine what she considered to be appropriate touching by him.

- Senator Steiner Hayward also believes that there are female staffers and lobbyists at the Capitol who have been subjected to the same inappropriate behavior.

- Senator Steiner Hayward is doubtful that Senator Kruse can make a permanent change in his behavior.

B. <u>Additional information provided in Senator Steiner Hayward's investigation interview.</u>

Senator Steiner Hayward described the unwelcome touching by Senator Kruse in more detail in our interview, as follows:

- He would give her "full body" hugs if they had not seen each other in a while, or if they reached agreement on something. Other Senators will hug, but it is more respectful than a full body hug, with both arms around her, and breathing in her ear. She has not seen him do a full body hug with male colleagues.

- The hand he would place on her leg would usually start above the knee and then travel up her leg. She lost track of how many times she told him to stop doing that. She has seen him do this with other legislators but has not seen it with staffers.

- If he put his arm around her shoulder it was not just a quick greeting. He would keep his arm there during a discussion. She would pull back or ask for "breathing room," or say, "Senator Kruse I've told you this makes me uncomfortable."

- She told him it was bad for her breathing for him to sit that close. He might say, "It's not that bad," or he would back off but then do it again.

- By the end of 2015 the behavior was affecting her ability to work with Senator Kruse. She needed to talk to him in order to get things moved out of committee but she wanted to avoid him.

- When she made the informal report in 2016 she was just fed up. In the interview with Dexter and Lore, she told them about the physical touching and how Senator Kruse's closeness affected her asthma. She understood that Senator Gelser had complained to them too.

- I asked what she and Senator Gelser had in common that this would happen to both of them. She said they were both relatively young for legislators, and they sat on committees with him so there was more opportunity for him to engage in the conduct.

- She did not take action when the conduct started up again during the 2017 session because there had been a higher level of partisanship and acrimony in the Senate in 2016, and the members had been through civility training, which was having a positive effect. It would have been highly disruptive to make a formal issue with Senator Kruse at that time. She also didn't think it would change anything to go back to Lore and Dexter because it had not worked the last time.

- Although Senator Steiner Hayward had put a plan in place with her Chief of Staff so that she would not be alone with Senator Kruse in her inner office, there was a day in April or May of 2017 when he tried to hug her in the outer office. She pushed him back and told him again that she did not like it, and he said he was he was "just being friendly." Senator Kruse also continued the close contact on the Senate floor and there was not much she could do about that.

- I asked Senator Steiner Hayward if she ever saw Senator Kruse engage in similar conduct with another legislator. She told me that she witnessed the incident when Senator Kruse was sitting at Senator Gelser's desk and Senator Burdick confronted him. Senator Kruse had his arm around her and Senator Gelser was leaning back, looking uncomfortable. She believes that after Senator Kruse came back up the aisle, Senator Steiner Hayward and Senator Burdick converged on him to discuss it. He walked off shaking his head.

- During the meeting in her office in October when Senator Kruse tried to kiss her hand, she tried to reason with him about the inappropriateness of his conduct. They discussed it for several minutes and he kept coming up with excuses to defend his conduct. He tried to change the subject and then just walked out. What bothered her more than the touching was Senator Kruse's complete disregard for her repeated requests to respect her boundaries.

- She did not intend to tell President Courtney about the incident when she met with him later that day. It came up in the conversation when they were discussing the tweets between Senator Gelser and Jonathon Lockwood.

- Senator Kruse sent a text to Senator Steiner Hayward on October 22, 2017, after he was stripped of his committees, asking if she had filed a complaint against him. Senator Steiner Hayward said she did not file a complaint, but she did talk to President Courtney. Senator Kruse replied, "I thought that Thursday during our meeting we had kind of covered all of that stuff." Senator Steiner Hayward described Senator Kruse's text message as "clueless." She later provided me with a copy of the text message.

Additionally, Senator Steiner Hayward notified me on January 5, 2018 that she had received a letter from Senator Kruse. The letter was similar to the one that Senator Gelser received, but unlike the letter to Senator Gelser, it did not say that Senator Kruse

disagreed with any of Senator Steiner Hayward's allegations. The letter also stated, "In the past, I didn't see my behavior as inappropriate, especially with friends, which I thought we were." The letter is attached as **Exhibit P.**

VII. EVIDENCE AND FINDINGS REGARDING SENATOR STEINER HAYWARD'S ALLEGATIONS

A. Witness Statements

1. Senator Steiner Hayward's Chief of Staff

This Chief of Staff has worked for Senator Steiner Hayward since January 2016. She has only interacted with Senator Kruse when Senator Steiner Hayward was present. Senator Kruse has been friendly to the Chief of Staff and has not made her feel uncomfortable personally. She recalls two specific incidents when Senator Kruse appeared to make Senator Steiner Hayward uncomfortable. The first time was during the short session in 2016.

On that occasion, Senator Kruse and Senator Steiner Hayward had just come out of Senator Steiner Hayward's inner office. The Chief of Staff saw Senator Kruse start to lean in close to Senator Steiner Hayward. She put her hand out to create space

between them and asked Senator Kruse to back up. Senator Steiner Hayward reminded Senator Kruse that she had boundaries and that they had discussed it before. He said, "Oh yeah." This signaled to the Chief of Staff that Senator Kruse and Senator Steiner Hayward had a previous conversation about the issue, but the Chief of Staff was not aware of it before that day.

After that, the Chief of Staff and Senator Steiner Hayward put a plan in place to deal with Senator Steiner Hayward's interactions with Senator Kruse. Senator Steiner Hayward suggested it. Senator Steiner Hayward didn't go into detail about what had transpired in the past, other than that some previous interactions with Senator Kruse had made her uncomfortable. The plan was:

- Whenever Senator Steiner Hayward met with Senator Kruse it would be in Senator Steiner Hayward's office, not Senator Kruse's office;

- A staff member would always be present with Senator Steiner Hayward if she met with Senator Kruse; and

- The door to the inner office would always be open.

The Chief of Staff corroborated Senator Steiner Hayward's statement about the meeting with Senator Kruse in their office on October 19, 2017. She recalled that Senator Steiner Hayward put her hand out to shake hands when Senator Kruse was leaving,

and Senator Kruse took her hand and tried to kiss it. It did not seem sexual or aggressive.

The Chief of Staff told me that Senator Steiner Hayward pulled her hand away and told Senator Kruse to sit down. She said, "I'm concerned about you. There have been a lot of conversations in the building about you making people feel uncomfortable and I don't want you to get in trouble." Senator Steiner Hayward talked about the "me too" campaign. She tried to use humor and explain the Dwayne Johnson test. She looked it up on the internet to show him. She said there was a test online where it says different situations of conduct, and if you wouldn't do it to the rock then you shouldn't do it to a woman.

Senator Kruse said, "that's fine but what if she said something funny and I wanted to punch her in the shoulder?" Senator Steiner Hayward said, "people are really sensitive to this." She used an example of her daughter's buttocks being grabbed on a subway, and that it felt really inappropriate and men should not be able to get away with these things. Senator Kruse said, "well some women cry wolf."

Senator Steiner Hayward also referred to different pain levels in medicine, for example, one person's "3" is different than another person's "3." Senator Steiner Hayward seemed to be waiting for him to have a moment of realization. Senator Kruse said, "you

know I don't want to have sex with you." Senator Steiner Hayward said, "I know, but that's not the point, I want you to continue to be someone I can work with."

Senator Kruse was calm and was listening. Every time Senator Steiner Hayward said something to refute his narrative there was a pause and Senator Kruse looked thoughtful. They were waiting for a moment of awareness. But then he said, "I'm not a rapist. You know that, right?"

Senator Steiner Hayward was really trying to get through to him, calmly and thoughtfully. There was a moment when he seemed to be out of excuses. Then he just changed the subject and said, "So have you heard about this FBI sting in Portland?" They ran out of things to say, and Senator Steiner Hayward stood up put out her hand for a handshake.

Afterward, the Chief of Staff told Senator Steiner Hayward she was surprised to see that she was so calm with Senator Kruse. They shrugged their shoulders and said, "we'll see."

2. <u>Staff Member in Democratic Leadership Office</u>

A staff member in the Democratic office who regularly stands at the back of the Senate Chamber when the Senate is convened told me that the staff member has seen Senator Kruse leaning in very close to talk to Senator Steiner Hayward, and Senator Steiner

Hayward's body language will show that she is uncomfortable about it. For example, Senator Steiner Hayward will adjust the way she is sitting to keep distance between them. Senator Steiner Hayward's desk is right in front of where the staff member typically sits to watch what is happening on the floor. The staff member would have necessarily seen this occur in 2017, because Senator Steiner Hayward's desk was in a different location before the 2017 session.

The staff member has seen Senator Kruse regularly lean in very close to another female Senator. The staff member has also seen Senator Kruse talk closely with male Senators, but the staff member stated that it looks different when he does it with women.

B. Senator Kruse's Response to Senator Steiner Hayward's Allegations

In my first interview with Senator Kruse, I asked him to tell me the general impression he had of Senator Steiner Hayward's complaint when he first read it. He said he had the same impression as with Senator Gelser's complaint, that it had some merit. Then he said, "probably more so, because I knew Senator Steiner Hayward's boundaries and I inadvertently got too close a couple of times."

Senator Kruse told me that after he had cancer he hugged Senator Steiner Hayward because she had done so much for him. We determined that this would have been in approximately 2012. Senator Kruse stated that since then, "she made it clear that she didn't like that sort of thing," so he quit hugging her. I asked Senator Kruse, "when did she make it clear?" He said, 3 or 4 years ago, she made it clear that he was invading her personal space. He also said:

> "I tried to be cognizant of that. I tried to not hug her anymore and to be aware of her personal space, but obviously I'm not doing a very good job of that."

I asked Senator Kruse, "So when did it stop?" He said he does not remember. I told him that she said he was still hugging her in 2017, and I asked if he was disputing that allegation. He said, "No. She's one of the ladies who helped save my life for god's sake."

I clarified in the second interview with Senator Kruse whether he was admitting or denying that he engaged in full body hugs with Senator Steiner Hayward:

Q: "Last time you said 'no full body hugs' with Senator Steiner Hayward, but then you wavered. Did you do that?"

A: "Yeah I'm sure I have."

Q: "In the 2017 session?"

A: "I suppose it's possible."

Senator Kruse also does not dispute the following:

- That Senator Steiner Hayward told him she was a survivor of domestic violence, and he stated that she "probably" did.

- That Senator Steiner Hayward told him the residual smoke on his clothing aggravated her asthma. He said that she very well may have said that, and he doesn't remember it.

- That he would back off temporarily when she told him to, but then he would engage in the same conduct the next time he saw her. Senator Kruse told me: "My behavior has not changed as fast as it should have. It was not lack of respect for her – just falling back into old patterns. When you have been doing something for 67 years it's not easy to change."

Senator Kruse admits that on October 19, 2017, after he tried to kiss Senator Steiner Hayward's hand in her office, she made "a very solid effort" to get through to him, and he was not picking up on it the way he should have been. He does not dispute that during the conversation he stated the following, or something similar, to Senator Steiner Hayward:

- "A lot of women cry wolf."

- "Men get harassed too."

- "It's not as if I want to have sex with you."

- "I don't see why this is such a big deal."

C. Findings regarding Allegations by Senator Steiner Hayward

The evidence supports Senator Steiner Hayward's allegation that Senator Kruse engaged in a pattern of conduct to toward her that was offensive, and that she warned him about it repeatedly. Senator Steiner Hayward began telling him it was unwelcome 3 or 4 years ago, according to Senator Kruse. Based on the evidence from other witnesses and the fact that Senator Kruse does not deny it, I find that the pattern included unwelcome frontal hugs, putting his arm around her shoulder, leaning in close to talk to her, and putting his hand on her leg above the knee.

When Senator Kruse did not heed her direct requests, Senator Steiner Hayward resorted to the informal reporting process in 2016. Although Senator Kruse claims that he didn't know that she was a complainant at that time, this is irrelevant based on her repeated direct requests to stop the conduct. Senator Kruse does not dispute the allegation that he tried to hug Senator Steiner Hayward during the 2017 session, or that he tried to kiss her hand in October 2017.

A video that was submitted by Senator Kruse's attorney shows a montage of Senators engaging in various mutual hugs, pats on the back, and whispering on the Senate floor. **(Exhibit Q.)** A portion of the video shows an extended conversation between Senator Kruse and Senator Steiner Hayward, seated at Senator Steiner Hayward's desk on the Senate floor during the 2017 session. In the video:

- Senator Kruse is talking closely to Senator Steiner Hayward's face, with his arm on her chair. The camera is on them because Senator Prozanski is standing next to them, making a presentation.

- Senator Steiner Hayward appears to be nervous and tense, and it is obvious that she knows she is on camera.

The video is a good illustration of the uncomfortable situation that Senator Steiner Hayward would have been in when she tried to balance her own need for personal space, and her reluctance to make a public scene and embarrass Senator Kruse. The image on the video is consistent with her statement that he continued to get close to her on the Senate floor, and there was not much she could do about it.

When Senator Kruse tried to kiss Senator Steiner Hayward's hand on October 19, 2017, she made one more serious effort to communicate her concerns to Senator Kruse and change his perspective, for his sake as well as her own. Once again, he stubbornly refused to heed the warning, and held firm to his view that he had done nothing wrong, as corroborated by Senator Steiner Hayward's Chief of Staff. He made excuses for his conduct, including that "women cry wolf," and "men get harassed too" and "it's not like I want to have sex with you." I find that Senator Steiner Hayward was reasonably out of patience at that point and out of options other than filing a formal complaint. I find that it was reasonable for her to doubt whether Senator Kruse had the capacity to change his behavior.

VII. ANTICIPATED ARGUMENTS IN SENATOR KRUSE'S DEFENSE

During the course of the investigation, various arguments were presented on Senator Kruse's behalf by his legal counsel, and by witnesses whom Senator Kruse asked me to interview. Because these arguments were presented for my consideration and I have gathered the evidence in this investigation, I have addressed some of these arguments below.

- *Hearing loss*. Senator Kruse did not bring this up himself, and it was raised by more than one witness as a possible explanation for Senator Kruse leaning in close to talk to people. Notwithstanding that this argument fails to address the allegations of unwelcome hugging and other touching, Senator Kruse told me that he has never had his hearing tested.

- *Senator Gelser failed to put Senator Kruse on notice that his conduct was unwelcome.* Senator Gelser put Senator Kruse on notice when she used the informal reporting process under Personnel Rule 27 in March 2016. She did not file a formal complaint at that time because she did not want to jeopardize her working relationship with him. The personnel rule specifically says that the informal reporting process it is meant for situations when the person simply wants the conduct to stop. It is unlikely that knowing the identity of Senator Gelser as an informal complainant would have made a difference in March 2016, because Senator Kruse admits that Senator Steiner Hayward told him repeatedly that she did not like him touching her or getting too close, and he did not stop the behavior.

- *Hugging is the culture of the Capitol and the Governor hugs everyone*. Viewing the video montage prepared by Senator Kruse's legal counsel **(Exhibit Q)**, I do not find those images to be comparable to Senator Kruse's behavior as described by Senator Gelser, Senator Steiner Hayward and the other female witnesses. Senator Kruse has acknowledged that he did not read social cues like other Senators, and he did not heed warnings that his conduct was unwelcome. If Senator Kruse truly believes that the images of friendly mutual exchanges in the video montage are comparable to the conduct that has been alleged about him in this investigation, and that he has not denied for the most part, then it would appear that he has not gained a new perspective about his conduct as he claims.

- *Senator Kruse has already been punished by President Courtney, and President Courtney's letter erroneously said that Senator Kruse was told "not to touch women period."* It is my understanding that President Courtney has authority under the parliamentary rules to remove Senator Kruse from his committee appointments. Furthermore, President Courtney's actions are irrelevant to this investigation. It is also irrelevant what President Courtney said in his letter about the instructions Senator Kruse was given by Dexter Johnson and Lore Christopher in 2016. There is no dispute about what Senator Kruse was told by them, or that he did not comply with those instructions.

- *Senator Steiner Hayward did not request Senator Kruse's expulsion in her complaint and her complaint is being "bootstrapped" because the two complaints are being investigated together.* Senator Steiner Hayward stated in my interview with her that Senator Kruse has valuable experience as a legislator and it will be a loss in some ways, but she does not think he should remain in the Legislature.

- *Senator Gelser is looking for publicity and the complaints are politically motivated.* Senator Gelser chose to make confidential informal reports in March 2016 and October 2017, rather than using the formal complaint process. I find credible Senator Gelser's statement that she decided to file formal complaint in November 2017 because:

- She had seen Senator Kruse continuing to touch women in the workplace during the 2017 session, including staffers and lobbyists whose names she didn't know, and she felt guilty that she was not doing anything about it.

- In late October 2017, she was approached by a young woman who indicated that she had been touched inappropriately by Senator Kruse when she was a staff member at the Capitol.

- At an event on November 3, 2017, Senator Gelser was approached by another woman who told her that a law student had asked to be moved out of Senator Kruse's office during the 2017 session.

- Senator Kruse made statements to the media in early November 2017, claiming that he hadn't done anything wrong and he didn't know what the allegations were.

- As a result of the investigation conducted by Lore Christopher and Dexter Johnson, Senator Gelser learned that numerous women at the Capitol had experienced some kind of unwelcome conduct by Senator Kruse, and she realized that no action could be taken against Senator Kruse under the Personnel Rule unless there was a formal complaint.

CONCLUSION

Personnel Rule 27 anticipates that an outside investigator of a formal complaint against a member can make recommendations as well as findings. **(Exhibit C p 6.)** However, the rule is also clear that recommendations regarding the appropriate sanctions, if any, are within the purview of the Senate Committee on Conduct. Accordingly, I am not making recommendations in this report regarding appropriate sanctions, and I offer the following observations instead:

- Senator Kruse appears to be saying all of the appropriate things about wanting to change his behavior, and understanding that his conduct was not acceptable just because he did not intend it to be sexual. He says that "the light bulb went off" for him after one hour of counseling on December 7, 2017. However:

    - He admits that he has a lot of work still to do in order to change his "instinctive" behavior;
    - He talked about "falling back into old patterns" as an explanation for not changing his behavior after the informal reports in 2016;
    - He told me that "it's not easy to change when you have been doing something for 67 years;"
    - He referred to Harvey Weinstein as the "flavor of the month" during his first investigation interview with me; and

- His continued conduct toward Senator Gelser and Senator Steiner Hayward appears to be part of a pattern of refusing to heed warnings and conform to important policies, similar to his continued smoking violations.

As an investigator who spent several hours interviewing Senator Kruse on two occasions, and based on his statements to me in those interviews, I am concerned that if Senator Kruse is allowed to stay in the Legislature without specific conditions that he needs to satisfy, and if there is not a continuing prospect of serious consequences if he fails to satisfy those conditions, he may "fall back into old patterns" again.

- I am also concerned about the message that will be sent to women in the workplace regarding the futility of coming forward if there are not meaningful consequences for Senator Kruse's failure to heed the warnings and instructions he received from Dexter Johnson and Lore Christopher after the informal reports were made in 2016. It is clear that the informal reporting process under the personnel rule exists for a purpose, and that purpose will be defeated if it is viewed as a "free pass."