

**From:** Sen Boquist  
**Sent:** Tuesday, July 02, 2019 12:26 PM  
**To:** Sen Prozanski <[Sen.FloydProzanski@oregonlegislature.gov](mailto:Sen.FloydProzanski@oregonlegislature.gov)>  
**Cc:** Miles Cameron <[Cameron.Miles@oregonlegislature.gov](mailto:Cameron.Miles@oregonlegislature.gov)>; Freeman Lorey <[Lorey.Freeman@oregonlegislature.gov](mailto:Lorey.Freeman@oregonlegislature.gov)>; MCCALL Ginger \* PRC <[Ginger.MCCALL@state.or.us](mailto:Ginger.MCCALL@state.or.us)>; Paige Clarkson <[PClarkson@co.marion.or.us](mailto:PClarkson@co.marion.or.us)>  
**Subject:** RE: Formal Complaint Records Request - 48 Hours

Senator Prozanski:

Have reviewed

Hopefully, you will find time to call before this is in a courtroom this week.

**The below public records request stands. Further, I want 100% of the correspondence and materials in possession of Ms. Baumgart and Ms. Kneiling in regard to the fulfillment of Stoel Rives LLC contract that involves me in any manner what-so-ever. 100%. LC needs to issue the appropriate documentation as required under the Oregon Revised Statute. And answer the below. If they have a problem with this then lets see it in writing so Ms. McCall and the Marion County District Attorney may get engaged per the records laws.**

Please be reminded, any investigation, is in fact covered under Senate Rules, Legislative Rule 27 and Oregon law. Ms. Kneiling, Ms. Baumgart, and Mr. Johnson are obligated to follow the law. It is obvious they have not. And apparently you are unaware of the facts in this regard that will come out shortly.

Again, strongly recommend we talk through the legal process on the telephone. Just you and I.

Sorry again you are caught up in this challenge.

Brian

503-623-7663  
503-559-3436

**From:** Sen Prozanski <[Sen.FloydProzanski@oregonlegislature.gov](mailto:Sen.FloydProzanski@oregonlegislature.gov)>  
**Sent:** Tuesday, July 02, 2019 10:53 AM  
**To:** Sen Boquist <[Sen.BrianBoquist@oregonlegislature.gov](mailto:Sen.BrianBoquist@oregonlegislature.gov)>  
**Cc:** Kneiling Jessica <[Jessica.Kneiling@oregonlegislature.gov](mailto:Jessica.Kneiling@oregonlegislature.gov)>  
**Subject:** Re: Formal Complaint Records Request - 48 Hours

Good morning Brian --

After reading your "Formal Complaint Records Request" dated July 1, I feel I need to try to clarify a statement I made to you in your office on Sunday, June 30.

I used the term "complaint" when I should of used the term "report." I believe this has raised a level of confusion that needs to be clarified.

As I mentioned to you on Sunday, I'm a novice in the area of employment law. As you know, as a prosecutor, my law practice is exclusively limited to the area of criminal law. Accordingly, I'm not as familiar with the terms used in the employment law arena. I'm truly sorry for any confusion this has caused you.

Here's what I learned in my telephone conversation with Ms. Baumgart.

Currently, there are no formal or informal complaints before the conduct committee for consideration. Ms. Baumgart is reviewing the reports that she has received to determine if they will move forward as complaints and if so, as formal or informal complaints.

In the meantime, she issued "Interim Finding & Recommendations (IFR)" dated June 25, 2019. It is my understanding that she did so because some of the reports she is reviewing allege that the reporters have raised concerns of personal safety in the workplace, the state capitol, based on your statements of threatened violence.

As stated in her IFR, Ms. Baumgart issued her IFR after reviewing the videos involving your floor statement of threatened violence directed to President Courtney and the subsequent statement to the media of threatened violence directed at the Oregon State Police that occurred on June 19.

Accordingly, this coming Monday's hearing is exclusively limited to what, if any, steps need to be taken at this time to ensure that the State Capitol is a safe and free of threatened violence to individuals working or visiting the building during the ongoing investigation of the reports made to HR or other responsible personnel. The committee will not be considering any formal complaints since none have been filed at this time. The committee would only consider those following the process outlined in LBPR 27 including a final investigative report.

As chair of the Senate Conduct Committee, I hope this e-mail clarifies the state of the ongoing investigation and the purpose of Monday's hearing. Please let me know if you have any questions.

Thank you,

Floyd

**From:** Knieling Jessica

**Sent:** Monday, July 1, 2019 1:30 PM

**To:** Sen Prozanski  
**Subject:** FW: Formal Complaint Records Request - 48 Hours

FYI

Jessica N. Knieling  
Interim HR Director  
Desk: 503.986.1370  
Mobile: 503.480.9504

**From:** Sen Boquist  
**Sent:** Monday, July 1, 2019 9:19 AM  
**To:** Baumgart, Brenda K. <[brenda.baumgart@stoel.com](mailto:brenda.baumgart@stoel.com)>; Knieling Jessica <[Jessica.Knieling@oregonlegislature.gov](mailto:Jessica.Knieling@oregonlegislature.gov)>  
**Cc:** Hampton, Travis L <[thampto@osp.oregon.gov](mailto:thampto@osp.oregon.gov)>; Paige Clarkson <[PClarkson@co.marion.or.us](mailto:PClarkson@co.marion.or.us)>; SHEPARD Duke <[duke.shepard@state.or.us](mailto:duke.shepard@state.or.us)>; Linn Davis <[LDavis@osbar.org](mailto:LDavis@osbar.org)>; Bocker Lori L <[Lori.L.Bocker@oregonlegislature.gov](mailto:Lori.L.Bocker@oregonlegislature.gov)>; Miles Cameron <[Cameron.Miles@oregonlegislature.gov](mailto:Cameron.Miles@oregonlegislature.gov)>  
**Subject:** Formal Complaint Records Request - 48 Hours

Ms. Kneiling & Ms. Baumgartner:

This is a formal legal request for 100% of the correspondences, emails, documents, notes, electronic communications, and telephone records related to the attached alleged complaints.

**This State Senator learned of the alleged complaint from media reports.** The official documentation this State Senator possess is attached, kindly provided by the Senate Conduct Committee Chairman, yesterday, Sunday, June 20, 2019.

This whole alleged complaint process to date is either a display of massive total incompetence on the part of Employee Services, Legislative Administration, and Legislative Counsel, prior to presentation to the Senate Conduct Committee Chairman, or outright political retribution.

**For the record, this is a 'committee' action which means 100% of the above are fully accessible to members immediately upon request. There is no in-session exemption now. There is no law enforcement hold per the appropriate state officials yesterday afternoon. There is no court action filing on record as of this time.**

You will note at the end of this email the extract of Legislative Rule 27 you should have legally followed but did not.

Attached is the total documents received on this matter from the Chairman of the Senate Conduct Committee. It is two pages with your names on them plus a Committee agenda for July 8, 2019. The Chair of the Senate Conduct Committee informed me that was the total knowledge he possessed as of late Sunday afternoon. He clearly stated he did not know the origination of the alleged formal complaint other than what is attached.

Given the massive failure on your part to follow the Senate Rules, Legislative Rules, Oregon Revised Statutes, the Oregon Constitution, and U.S. Constitution, do not forget to provide the following items:

1. Copy of the formal complaint including name, persons involved in harassment, parties & witnesses, conduct or discrimination or harassment, date or time period, and potential remedy requested per Rule 27(6)(b).
2. Provide your best documentation clearing the Human Resource Director from any conflicts of interest since this State Senator over a month ago served notice to the HR Director of pending pay equity complaints against her with BOLI, and a two pre-existing Rule 27 complaint is still standing involving her failures. Reference Rule 27(6)(a).
3. Provide documentation of what immediate action was taken to protect the alleged complainant per Rule 27(6)(d).
4. Provide the complete and entire list of members and employees who allegedly cooperated with the alleged investigation per Rule 27(6)(f).
5. Provide your notice you allegedly gave to this State Senator that you had received a formal complaint and were initiating an investigation against me per Rule 27(6)(g).
6. Provide a copy of the draft findings you allegedly provided to this State Senator per Rule 27(6)(i).
7. Provide a copy of the notice you allegedly gave to this State Senator outlining my right to review the draft investigation and request modifications prior to the final report per Rule 27(6)(j).
8. Provide a copy of the final findings you allegedly gave this State Senator, the so far unnamed complainant, and the appointing authority per Rule 27(6)(k).
9. Provide a copy of the notice provided to the highest-ranking caucus member per Rule 27(6)(c)(A) and Rule 27(6)(c)(A).
10. Provide a copy of the presiding officers notification to this State Senator per Rule 27(6)(c)(F).
11. Provide a copy of the suspension of Senate Rule 6.40 related to the Ms. Baumgartner's one page narrative provide to me attached. Reference Senate Rule 6.40. Reference Senate Rule 1.01(12).
12. Ms. Baumgartner's one page attached alleges criminal threats, therefore, provide 100% of the communications in regard to this matter with the Oregon State Police and the Marion County District Attorney. Please note there is no such record of any complaint with the Oregon Judicial Department per their records as this time. Additionally, as of Sunday afternoon there was no

known action to the Oregon State Police. Further, the Marion County District Attorney has raised none of these alleged criminal issued with this State Senator at this time. All are copied.

13. Two Oregon State Senators allege either you two, or those involved in the process in the Legislature, attempted, clearly for political reasons, to get a temporary restraining order against this State Senator, therefore, provide 100% of this documentation or deny in writing such documents exist or such action was attempted.

14. Provide the name of the individual who provided this to the media while you failed to notify this State Senator of anything.

15. Provide 100% of the documentation and communications with Dexter Johnson and Betsy Imholt related to this alleged complaint.

16. Again, this is a formal legal request for 100% of the correspondences, emails, documents, notes, electronic communications, and telephone records related to the attached alleged complaints.

For the record, be reminded Dexter Johnson and myself are in legal conflict before the Oregon State Bar at this time. As to why he has not recused himself from any matter involving me is a serious legal question. This will be added to the bar complaint against Mr. Johnson today.

Additionally, please provide a copy of the Labor Commissioner's exemption from the BOLI settlement that allows Dexter Johnson who has a stack of conflicts of interest to participate in the process in direct violation of the settlement signed by Tina Kotek and Peter Courtney.

**Lastly, the hearing on this matter is formally scheduled per that attached for July 8, 2019 which is seven days. I expect to receive 100% of the requested documentation with in forty-eight (48) hours.**

Sincerely demanded,

Brian J. Boquist  
Oregon State Senator

Reference:

Legislative Branch Personnel Rule 27: Harassment-Free Workplace (Extract)

(6) Formal complaint process.

(a) A member of the Legislative Assembly or employee of the Legislative Branch may, within one year of the date of the harassment, initiate a formal complaint process by submitting a complaint with the Human Resources Director. In the event of a conflict with the Human Resources Director, the member or employee may initiate a formal complaint process with a representative from Employee Services or the Chief Deputy Legislative Counsel.

(b) A formal complaint shall be in writing and include: (A) The name of the complainant; (B) The name of the person or persons alleged to be involved in the harassment; (C) The names of all parties involved, including witnesses; (D) A description of the conduct that the member or employee believes is discriminatory or harassing; (E) The date or time period in which the alleged conduct occurred; and (F) A description of the potential remedy the member or employee desires.

(c) The office or person that receives the complaint may require that an incomplete complaint be supplemented by the complainant to correct deficiencies.

(d) When a formal complaint is submitted, Employee Services or the Office of Legislative Counsel shall immediately take appropriate action to ensure that the complainant has a safe and nonhostile work environment.

(e) The persons who receive a formal complaint shall, within 10 days after receipt of the complaint, appoint an investigator. In all instances in which the person alleged to be involved in the harassment is a member of the Legislative Assembly, the investigator may not be an employee of the Legislative Branch and shall have experience conducting investigations of harassment. With respect to any other complaint, the persons who receive the complaint shall appoint an investigator who is an employee of Employee Services, an employee of the Office of Legislative Counsel or an investigator unaffiliated with the Legislative Branch with experience conducting investigations of harassment.

(f) All members and employees involved in the investigation shall cooperate with the investigation and keep information regarding the investigation confidential. However, certain Legislative Branch records are subject to public records requests under ORS 192.410 to 192.505.

(g) The person alleged to be involved in the harassment shall be notified that a formal complaint has been received and an investigation has been initiated.

(h) The investigator shall conduct an investigation and present a draft findings of fact and recommendations within 60 days of appointment under paragraph (e) of this subsection. The investigator may be granted an extension of time by the Human Resources Director or the Office of Legislative Counsel to complete the investigation.

(i) Notification and copies of the draft findings of fact and recommendations will be given to the Human Resources Director, the Office of the Legislative Counsel, the complainant and the person alleged to be involved in the harassment.

(j) Within five days after notification under paragraph

(i) of this subsection, recipients may request modifications to the findings of fact. Any requests to modify the findings of fact must be made in writing and must explain the reason for the modification. Requests for modification may be granted at the discretion of Employee Services and the Office of the Legislative Counsel.

(k) Within 10 days after receipt of the final report, the Human Resources Director or the Office of the Legislative Counsel shall submit the investigator's final findings and recommendations report to the complainant, the person alleged to be involved in the harassment and the appointing authority of the person alleged to be involved in the harassment.

(L) The appointing authority shall act on recommendations received as soon as practicable after receipt. 5

(m) Even if no formal complaint process is initiated, Employee Services, in consultation with the Office of the Legislative Counsel, shall investigate instances of severe or pervasive harassment or discrimination based on a protected class, which may result in corrective action against a member or employee who engages in harassment as described in this rule.

(8) Formal complaints against members.

(a) If the person alleged to be involved in the harassment is a member of the Legislative Assembly, the final report shall be given to the respective special committee on conduct of the chamber in which the member serves. Special committees on conduct are established as prescribed in subsection (12) of this rule.

(b) When a special committee on conduct receives an investigator's final findings and recommendations report, the committee shall schedule a public hearing and give notice to the complainant and alleged harasser of the date and location of the hearing. The hearing may not be set for a date that is less than 14 days nor more than 45 days after the committee receives the investigator's final report.

(c) At the hearing, the complainant and the alleged harasser, or their attorneys, may present documents or other evidence and may suggest witnesses. Only committee members may question or otherwise address witnesses. Committee members shall limit the scope of their questions to topics that a court in this state would deem relevant in a civil action involving the same conduct.

(d) The committee shall deliberate on the investigator's final report, testimony and other evidence presented at the hearing and report a recommendation. The committee may recommend: (A) Reprimand; (B) Censure; (C) Expulsion; or (D) That the committee take no further action.

(e) The committee shall report its recommendation to the complainant and the person alleged to be involved in the harassment. The complainant and the person shall each have 10 days to request that the committee review the recommendations. A request for review shall be in writing and shall state the requester's objections to the recommendation. A copy of the request for review shall be given to the other party, who shall have five days to respond in writing to the request for review. The committee shall consider the request for review and response and report its recommendation within 10 days after the date for the filing of the response to a request for review.

(f) At the end of any review period under paragraph (e) of this subsection, the committee's recommendation shall be made to the chamber for which the committee serves. The chamber shall take action on the recommendation on the next day that it convenes. Any sanction considered by a chamber shall be adopted by the chamber only upon receiving at least a two-thirds majority vote in favor of adoption of the sanction.

#### Senate Rules.

6.40 Discipline. If a member is called to order for words spoken in debate, the member objecting shall immediately repeat the words to which objection is taken and they shall be recorded in the journal. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection was made, the member shall not be held answerable or subject to censure.

1.01 Definitions. (12) "Remonstrance" may be considered as a "protest" under section 26, Article IV of the Oregon Constitution.