

CONFIDENTIAL
FINAL INVESTIGATION REPORT
Submitted October 7, 2022, by Melissa Healy, Stoel Rives LLP

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This report summarizes the findings of the investigation into a formal Legislative Branch Personnel Rule 27 conduct complaint made by former Representative Diego Hernandez against former Speaker Tina Kotek on June 12, 2021. Effective March 25, 2019, the Legislative Administration Committee (“LAC”), acting by and through the Legislative Administrator under ORS 173.720, engaged Stoel Rives LLP to perform services under the State of Oregon Contract for the Purchase of Services (“Contract”). Following appointment of the Acting Legislative Equity Officer (“LEO”), the Contract was amended in December 2019 to substitute the LEO for the LAC. Following the departure of the LEO in 2021, the Contract was amended again to substitute the Office of the Legislative Administrator for the LEO.

I. Executive Summary

Former Representative Diego Hernandez, who resigned from the Legislature in March 2021, first sought to file a complaint against then-Speaker Tina Kotek in January 2021 and finalized his complaint in June 2021. He alleges that Kotek created a hostile work environment for him during the 2019 legislative session, and specifically acted inappropriately during a meeting on May 30, 2019, when he told her he was voting “no” on SB 1049, which addressed benefits under Oregon’s Public Employees Retirement System (“PERS”). Hernandez further alleges that Kotek retaliated against him for his “no” vote on SB 1049 by publicly calling for Hernandez to resign in May 2020, after a Rule 27 complaint was filed against him (“Case #53”).¹

As further explained below, the evidence does not substantiate that Kotek’s conduct on May 30, 2019 rose to the level of creating a hostile work environment, or that she later retaliated against Hernandez by making public comments in relation to a Rule 27 complaint filed against him.

¹ Investigators in Case #53 found that Hernandez continued to pursue relationships with former romantic partners who did business at the Capitol and that the women were reasonably concerned that turning him down would impact them professionally. Neither I nor anyone at Stoel Rives LLP had any role in Case #53.

II. Investigation Methodology

I interviewed the following individuals:²

- Former Rep. Diego Hernandez (by Zoom August 20, 2021)
- Then-Speaker Tina Kotek (by Zoom October 27, 2021)
- Former Rep. Brian Clem (by phone December 17, 2021)
- Sen. Dallas Heard (by Zoom February 4, 2022)
- Rep. Teresa Alonso Leon (by Zoom April 12, 2022)³

At the beginning of the interviews, I explained my role as an investigator under Rule 27, including the fact that I would write a report with the factual findings but would have no role in any disciplinary decision that may follow. I asked interviewees to keep the matter confidential to the extent possible to ensure the integrity of the investigation, but also explained that I could not guarantee confidentiality of the information provided to me. I encouraged the individuals who I interviewed to ask questions, provided them with my contact information, and invited them to contact me if they thought of any additional information after the meeting. I also reminded them that there could be no retaliation either by or against them for their participation in the investigation. All witnesses spoke with me voluntarily.

I reviewed the following items:

- Rule 27, 27-A, and 27-B as defined below
- Written complaint from Hernandez (January 25 (incomplete) and June 12, 2021)
- Selected text messages provided by Hernandez (2019)
- Tort claim notice from Hernandez (May 11, 2020)
- Investigation report for Case #53 (January 22, 2021)
- Response from Kotek following initial notice of Hernandez's pending complaint (January 29, 2021)
- Pleadings from Hernandez's lawsuit against Kotek, then-acting LEO Jackie Sandmeyer, and others, *Hernandez v. The Oregon Legislature et al.*, USDC-OR Case No. 6:21-cv-00238-AA (the "Lawsuit") (filed in Oregon state court on February 12, 2021; later removed to federal court and dismissed in November 2021)

Pursuant to Section 14(f)(A) of HCR 28 ("Rule 27-B"), this draft report was provided to Hernandez and Kotek on September 26, 2022. Rule 27-B(f)(D) provides that within seven days

² My colleague, Brenda Baumgart, conducted the initial intake on this matter; I did the interviews.

³ It was also recommended that I speak to former Rep. Margaret Doherty, along with several other current and former elected officials who witnessed Hernandez's distress after his May 30, 2019 meeting with Kotek. I determined that it was not necessary to interview those individuals for several reasons, including that they did not witness the interaction between Hernandez and Kotek and because there was no reason to question the emotional impact Hernandez described that the conversation had on him, which I took at face value.

of receipt of this draft report, recipients may give responses to the draft written findings, which must be considered in preparation of a final report. Any decision to modify the report rests solely with the factfinder. I also asked both parties to contact me if they needed additional time beyond the seven days. Hernandez contacted me with questions and indicated that he would provide a response, but ultimately did not. (Our email communications regarding this issue are attached as Exhibit A.) Kotek provided a response but did not ask for any modifications. (Kotek's response is attached as Exhibit B.)

III. Procedural Background

The following summarizes issues relevant to the timeline in this case:

- The factfinding in this matter was protracted for several reasons, including that:
 - o Hernandez first submitted a complaint on January 25, 2021, but it was incomplete (and specifically, it did not contain a signature as required by Rule 27). Baumgart and Sandmeyer contacted Hernandez in late January to request that he sign his complaint. Hernandez did not respond until May 7 (after he had resigned from the Legislature and filed the Lawsuit), when he stated that he wanted to proceed with his complaint.⁴ He then submitted a signed complaint on June 12, 2021, which was a condition precedent to the commencement of the investigation.
 - o Many witnesses took weeks, if not months, to respond to my emails and telephone calls requesting interviews. I first attempted to reach Heard and Clem in October 2021, and Alonso Leon in February 2022 (after Clem contacted me to recommend that she be interviewed).⁵
 - o Interviews with Hernandez and Alonso Leon had to be rescheduled; Hernandez did not attend our initial meeting (he later responded that he was out of the country and had forgotten about it) and Alonso Leon had technical difficulties in her office.
- In addition to the above, the timing of investigation, including preparation of this report, was impacted by unrelated factors including workflow, staffing, and coverage issues that occur in the ordinary course of business. Neither the investigation, nor the timing or delivery of this report, has been in any way influenced by the elections cycle, nor has there been any suggestion that the report should be delayed or expedited on that basis.

⁴ In the interim, my office also sought guidance on whether Hernandez could proceed with a complaint given the changed circumstances with his resignation (the answer was yes).

⁵ Kotek, through her staff, responded to my request for an interview the same day. Her interview took place two weeks later.

IV. Rule 27

This matter concerns events that occurred in May 2019 (when the original version of Rule 27 was in effect); however, an initial complaint was not submitted until January 25, 2021, and the complaint was not finalized and ripe for investigation until June 12, 2021. By that time, HCR 221 (“Rule 27-A,” which amended the original version of Rule 27) was in effect. Rule 27-B amended Rule 27-A effective June 26, 2021 and is the current version of the Rule.

My office has previously received guidance from the Branch that:

- The procedural aspects of the Rule 27 in effect at the time the report is issued (here, Rule 27-B) apply; and
- The substantive portions (including the definitions of prohibited conduct) of the Rule 27 in effect at the time the complaint is received (here, Rule 27-A) shall apply.

Pursuant to this guidance, Rule 27-B applies to the procedure and Rule 27-A applies to the substantive portions of this investigation. As noted above, Hernandez claims that Kotek created a hostile work environment and retaliated against him. Rule 27-A defines those terms as follows:

- Hostile work environment. “An individual creates a hostile work environment by engaging in behavior that is unwelcome and is so severe or pervasive that it either affects a person’s ability to function in the workplace or denies a person the benefits of the workplace.” Section 4(c).
- Retaliation.
 - o “A person engages in retaliation if the person treats another individual less favorably because the individual made a good-faith complaint about conduct prohibited by this rule or participated in an investigation about conduct that is prohibited by this rule.”
 - o “A person engages in retaliation if the person treats another individual less favorably because that individual engaged in a process described in this rule or implemented one or more provisions of this rule.”
 - o “A person engages in retaliation if the person treats another individual less favorably because the individual made a good-faith complaint or took other action to address conduct prohibited in any respectful workplace policy adopted by the Joint Committee on Conduct under ORS 173.900, or this rule.”

Section 6(a)-(c).

Hernandez’s complaint, on its face, is within the purview of Rule 27-A. Section 12(e). Although Hernandez’s complaint that Kotek retaliated against him for voting “no” on SB 1049 does not fall within the definition of retaliation in Rule 27-A, because voting on a bill is not considered protected activity under the Rule, I considered Hernandez’s allegation of retaliation in evaluating the claim that Kotek created a hostile work environment.

V. Summary of Factual Findings

The factual findings relevant to my conclusions are summarized below. In determining what is relevant, it is important to note two issues at the outset. First, Hernandez initiated his complaint in this matter a few days after the investigator's report in Case #53 was issued, and shortly before the House Committee on Conduct (the "Conduct Committee") was scheduled to consider the matter. Case #53 was the subject of considerable media coverage, and the surrounding events were the basis for the Lawsuit. Given the timing, it is impossible to examine Hernandez's allegations in this case without accounting for the overall context in which they arose.

Second, when I spoke to Hernandez, he (along with some other interviewees) expressed at length what can best be described as general disillusionment with how the Legislature operates, including some commentary about Kotek's leadership. My task as an investigator, however, is to examine potential violations of Rule 27, not to weigh in on larger questions about the role of the Speaker or how state politics should be conducted.⁶ When evaluating information received in this case, I was mindful of the parties' status as elected officials and the uniqueness of their workplace. Put differently, I sought to separate conduct that was "politics as usual" from conduct that would more likely than not create a hostile work environment *for a legislator*.⁷

The Parties

1. Hernandez, a Democrat, served as a Representative in the House of Representatives (the "House") from January 2017 until March 2021. He resigned after a Rule 27 investigation in which investigators found that he had continued to pursue romantic relationships with women who were reasonably worried that rejecting his advances could impact their work at the Capitol (Case #53). The report in Case #53 was issued in January 2021. Following a hearing on February 1-5, 2021, the Conduct Committee voted to expel Hernandez, but Hernandez resigned before the full House voted on the issue.

⁶ In that respect, I note that there are Rules governing the House of Representatives (the "House Rules") that appear to give the Speaker significant power and discretion. The House Rules provide, for example, that the Speaker "shall enforce all rules, laws and regulations applicable to the body" and has "general control and direction of all [legislative] employees when they are on the floor of the House," along with "control of the area set aside for use by the House." House Rules Section 7.10. Furthermore, the Speaker has authority to make committee appointments (House Rules Section 8.05), dictate when committees meet during session (House Rules Section 8.15), impose financial penalties against members who have unexcused absences (House Rules Section 3.03(4)), and determine who is authorized to be within the House chamber when the House is in session (House Rules Section 17.01).

⁷ This distinction is further supported by Rule 27-A, which clarifies that "[h]arassment does not include every minor annoyance or disappointment that an employee may encounter in the course of performing the employee's job." Section 4(b).

2. Kotek, also a Democrat, was Speaker of the House from 2013 until she resigned in January 2022. Kotek is running for Governor.

2017 Conversation

3. In late 2017, a female employee (“Subject One”) who had previously had a romantic relationship with Hernandez told Kotek that she was uncomfortable working with Hernandez. Kotek met with Hernandez and told him that he should not contact Subject One or go to the office where she worked. Hernandez complied with the request and Subject One did not raise the issue with Kotek again. These events are discussed in the Case #53 report at pages 17 and 18, and also referenced in the Lawsuit.

2019 PERS Vote

4. In 2019, the Legislature voted on SB 1049, which made several changes to PERS. The bill was highly contentious and ultimately passed the House in a 31-29 vote on May 30, 2019. No Republican House members voted in favor of SB 1049 and only seven Democratic members, including Hernandez, voted against it.
5. Hernandez was vocal about the fact that he would not vote for SB 1049.
6. As Speaker, Kotek was responsible for ensuring that an adequate number of party members supported a bill before it came to the floor for a vote, which sometimes entailed conversations with legislators about their positions and any changes they would want to see before supporting a bill.⁸ Hernandez and Kotek met privately three times to discuss SB 1049.
7. Their first meeting, which occurred in early to mid-May 2019, was “normal” per Hernandez.
8. On May 30, 2019, the day of the vote, Hernandez and Kotek met two more times. During the first meeting, Hernandez said Kotek was “stern” and “aggressive,” but he considered their conversation to be “more political” rather than unacceptable workplace conduct.
9. The second meeting on May 30, 2019, which occurred in the Democratic caucus lounge, is the source of Hernandez’s complaint.
 - a. Much of what occurred during the second meeting is undisputed. Hernandez told Kotek again that he was voting “no” on SB 1049. Toward the end of the meeting, Heard came into the room and saw Hernandez and Kotek having what Heard described as a heated discussion. Kotek told Hernandez and Heard something to

⁸ These conversations often occur between members and the party Whip, but Kotek handled them for SB 1049.

the effect that she was going to kill a bill that they were working on together that would help landscapers get their businesses licensed (the “landscaping bill”) because of Hernandez’s position on SB 1049.⁹

- b. Hernandez claims that Kotek told him she would make sure that his political career was over, and that he would lose his next election, if he did not vote “yes” on SB 1049. He believed Kotek was threatening him and alluding to her knowledge of the situation with Subject One. He described Kotek as “spitting,” “angry,” and “red,” while they talked, and said she spoke to him in an “enraged” voice but was not “screaming [at] the top of her lungs.” Later, Hernandez alleged, Kotek “settled down a little bit” and tried a different tactic – namely, telling Hernandez that she would remove the emergency clause in another bill he was sponsoring, HB 2015 (which would help undocumented immigrants obtain drivers’ licenses) if he did not vote for SB 1049. Hernandez told Kotek that if she removed the emergency clause on HB 2015, another Democratic representative (“Representative A,” name withheld) would vote “no” on SB 1049.¹⁰ Kotek allegedly called him a “smart ass.”
- c. Kotek said that she spoke to every member of the Democratic caucus about SB 1049 and had multiple conversations with several members. Regarding her conversation with Hernandez on May 30, she recalled that they were both “heated.” While their meeting was one of many “difficult conversations [she had] that day about [SB 1049],” she recalled Hernandez being “particularly upset.”¹¹ She denied threatening Hernandez’s career but admitted telling him that “it would be difficult for [her] to support him personally in the future” under the circumstances. She agreed that the emergency clause in HB 2015 came up but said that she did not threaten to remove it – rather, she asked Hernandez to join her in a conversation with the Senate President because the Senate was interested in removing it. She says she had been fighting to keep the clause and would not have threatened to take it away. (HB 2015 ultimately passed with the emergency clause.)

⁹ Hernandez acknowledged that Kotek had the power not to move bills forward and stated that her comment about the landscaping bill was “political” rather than a policy violation. Kotek “felt bad” about bringing it up and apologized to Hernandez and Heard later that day. The landscaping bill ultimately passed.

¹⁰ Hernandez said he did not know whether Representative A would, in fact, vote “no” on SB 1049 if the emergency clause in HB 2015 was removed. He “assum[ed]” and “made a presumption” based on Representative A’s values. He called Representative A “immediately” after his conversation with Kotek and asked Representative A to follow along with his plan if Kotek called Representative A.

¹¹ Kotek would not disclose who else she had difficult conversations with. News reports on May 30, 2019, however, stated that SB 1049 had initially died and that Kotek left the floor and met privately with two Democratic representatives, who then returned and changed their votes to “yes” so the bill would pass. Alonso Leon also described having a difficult conversation with the Speaker before she ultimately voted “yes.”

- d. To the extent there are disputes about what transpired on May 30, the evidence more closely supports Hernandez’s version of the events. His memory of the conversation was clearer and more detailed than Kotek’s and is supported by near-contemporaneous text messages he sent to other members, and consistent with allegations he made in the Lawsuit and the preceding tort claim notice (addressed below). That said, even assuming Hernandez’s recollection is correct, the evidence does not suggest that the conversation was anything more than what Kotek characterized as a “contentious political conversation on a tough day in my role as Speaker.”¹² All factors considered, it appears that both parties were using their leverage to negotiate on bills they cared about.¹³

Events of 2020-21

10. In March 2020, news outlets reported that a former romantic partner had obtained a restraining order against Hernandez, which was later dismissed. On or about April 2, 2020, Hernandez announced he was taking a leave of absence from the Legislature.
11. On May 4, 2020, the allegations against Hernandez in Case #53 were first publicized. The same day, the Conduct Committee voted to implement interim safety measures against Hernandez, including ordering that he have no contact with his accusers, and that he provide 24 hours’ notice before coming to the Capitol. Following the Conduct Committee meeting, Kotek issued a statement saying in part: “I supported Rep. Hernandez’s announcement last month that he would be taking a leave of absence from his duties to seek guidance and focus on his physical and emotional health. The House Conduct Committee’s action today is a very serious development. I believe Rep. Hernandez should resign from the Legislature and focus completely on getting the support he needs.”¹⁴ Other Democratic members of the Legislature made similar public comments that Hernandez should resign.
12. On May 11, 2020, Hernandez filed a tort claim notice through his counsel, alleging that Kotek had retaliated against him because he did not vote for SB 1049 by

¹² There is nothing to substantiate that Kotek’s comment regarding HB 2015 had anything to do with the race or ethnicity of Hernandez or any other BIPOC individual. The evidence suggests that Kotek mentioned HB 2015 because she knew it was important to Hernandez – not because she had any underlying bias against the individuals who might benefit from the inclusion of an emergency clause.

¹³ Clem recalled a similar experience in 2013, when he voted “no” on a PERS bill and two or three of his bills were subsequently killed. He noted that it was “not totally unusual in politics” that “your bills might die or you might get removed from a plum committee” if “you don’t vote with the party.” He described Kotek as “passionate about the work she’s doing” and noted that all legislators “can have tempers when we want our bills to pass and they’re not passing.”

¹⁴ This was not the first time Kotek had publicly called for an elected official to step down. In January 2021, she said that Rep. Mike Nearman should resign shortly after a video was released showing him letting protestors into the Oregon State Capitol. And in 2015, she and the Senate President told then-Governor John Kitzhaber to resign.

pressuring him to take a leave of absence after the restraining order became public, telling him he should resign from the Legislature or there would be “more coming,” participating in an effort to encourage people to file complaints about him, and leaking the complaints in Case #53.

13. On January 21, 2021, after the investigation in Case #53 had been completed and contents of the report accessed by the media, Hernandez posted a message on Facebook which stated, in relevant part, that Case #53 was “the result of an organized effort by Speaker Kotek and her allies to remove [him] from office” and accused her of “gross[ly] mischaracteriz[ing] [his behavior]” related to Case #53 “a year after [she] threatened [him] in a private discussion related to a vote.”
14. On February 1-5, 2021, the Conduct Committee held a hearing on Case #53. The Conduct Committee found that Hernandez violated Rule 27 and voted that he be expelled from the Legislature.
15. There is no dispute that, at the time Kotek called for Hernandez to resign, nearly a year had gone by since the House considered (and passed) SB 1049. During that time, Kotek had become aware of the allegations against Hernandez in Case #53 and knew the Conduct Committee had imposed interim safety measures as a result. She knew that Hernandez was on a leave of absence following a former romantic partner’s request for a restraining order against him. Finally, she knew that she had spoken to Hernandez a year and half earlier about avoiding contact with another former romantic partner, Subject One, because he was allegedly making Subject One uncomfortable. This evidence suggests that Kotek had many potential reasons to question Hernandez’s behavior and say he should resign independent of his vote on SB 1049.¹⁵ In other words, particularly given the passage of time and intervening circumstances, there is no causal nexus between their discussion about a bill in May 2019 and Kotek’s call for Hernandez’s resignation a year later.

VI. Conclusion

Based on the above factual findings, the evidence is insufficient to substantiate Hernandez’s complaint that Kotek created a hostile work environment related to their May 30, 2019 discussion about the SB 1049 vote. The evidence is also insufficient to substantiate that Kotek retaliated against Hernandez a year later based on his “no” vote when she called for his resignation following the publication of the allegations against Hernandez in Case #53 and the Conduct Committee’s interim safety measures.

¹⁵ Furthermore, the Conduct Committee also had access to Hernandez’s statements that the allegations in Case #53 had been orchestrated by Kotek in retribution for his PERS vote at the time it decided Case #53, but still voted to expel him. There is no basis to revisit the conclusions reached in that case.

From: Diego Hernandez <diego05h@gmail.com>
Sent: Wednesday, September 28, 2022 11:06 PM
To: Healy, Melissa J.
Subject: Re: Confidential/do not forward: draft investigation report

It's good to read that there will be a conduct committee hearing. I'll take your word for it.

—
Diego Hernandez

On Sep 28, 2022, at 10:30 PM, Healy, Melissa J. <melissa.healy@stoel.com> wrote:

Hi Diego,

Understood, thank you. I will look for the written response and consider it in finalizing the report pursuant to HCR 28 14(f). With respect to your questions, please refer back to the report. To the extent you believe certain information should have been included and was not, or you disagree with the analysis, it is my understanding that you can raise those issues at the Conduct Committee hearing.

Thanks,
Melissa

Melissa Healy | Partner
Direct: (503) 294-9263 | Mobile: (503) 314-6858

From: Diego Hernandez <diego05h@gmail.com>
Sent: Tuesday, September 27, 2022 4:50 PM
To: Healy, Melissa J. <melissa.healy@stoel.com>
Subject: Re: Confidential/do not forward: draft investigation report

Melissa,

Please do not take my questions as a written response to the draft report, no where do I even indicate what you assume. They are merely follow up questions. I will have a written response to you, and I will label it as such, so you do not have to assume my basic questions are actually my response.

These are more follow up questions, please do not assume anything else besides that:

1. Is there a broken up timeline of when these witnesses were interviewed and which dates they were interviewed?
2. A timeline of the investigation that's visual.

I will be submitting a written response within the deadline. Please expect much more evidence, including audio and video tapes, testimonies, more witnesses etc.

I've been emotionally distraught Ms. Healy, but I am not dumb, you have no idea of my whole story, what I have lived through or what I have survived. I can read between the lines and I see what's being done.

—

Diego Hernandez

On Sep 27, 2022, at 3:53 PM, Healy, Melissa J. <melissa.healy@stoel.com> wrote:

Hi Diego,

Please see HCR 28 14(f)(A) regarding who gets a copy of the draft report. Section f(D) provides that you can provide written responses to the draft findings and Section f(E) notes that those responses will be considered in finalizing the report. Regarding your other questions, I believe they are addressed in the report, although I understand you may not agree with my analysis. I will take your comments below as written responses to the draft, but please feel free to send along anything else.

Thanks,
Melissa

Melissa Healy | Partner
Direct: (503) 294-9263 | Mobile: (503) 314-6858

From: Diego Hernandez <diego05h@gmail.com>
Sent: Tuesday, September 27, 2022 1:33 PM
To: Healy, Melissa J. <melissa.healy@stoel.com>
Subject: Re: Confidential/do not forward: draft investigation report

Hello,

Few questions:

- None of the witnesses I provided in my original complaint were interviewed, why?
- who else got this draft report and why?
- also why is the scope about an incident instead of a pattern of controlling and bullying behavior?
- where is the critical race theory included in any of the analysis. You do realize she threatened the Latino community I belong to.

—

Diego Hernandez

On Sep 26, 2022, at 2:15 PM, Healy, Melissa J.
<melissa.healy@stoel.com> wrote:

Diego,

Pursuant to Rule 27, enclosed is my draft report regarding the complaint you filed against former Speaker Kotek. Pursuant to HCR 28 14(f)(D), you have seven days to provide comments or a response to this draft, if you choose to do so. If you need more time, please let me know. Thank you for your cooperation during this process.

Thanks,
Melissa

Melissa Healy | Partner
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From: Lindsey O'Brien <lindseyjobrien@gmail.com>
Sent: Monday, October 3, 2022 1:29 PM
To: Rep.TawnaSanchez@oregonlegislature.gov; Rep.DanielBonham@oregonlegislature.gov
Cc: melissa.leoni@oregonlegislature.gov; Healy, Melissa J.; Tina Kotek
Subject: Response to Draft Investigation Report on behalf of Tina Kotek
Attachments: Tina Kotek Response to Draft Investigation Report.pdf

Rep. Sanchez, Rep. Bonham, and Melissa:

Please see the attached memo from Tina Kotek in response to the draft investigation report that was submitted on 9/26/22.

Thanks, and I hope you're all taking care.

Lindsey

--

Lindsey O'Brien

lindseyjobrien@gmail.com

570-852-9311

TO: Representative Tawna Sanchez, Co-Chair of the House Interim Committee on Conduct
Representative Daniel Bonham, Co-Chair of the House Interim Committee on Conduct

FROM: Tina Kotek

DATE: Monday, October 3, 2022

RE: Response to Draft Investigation Report

This report is long overdue, but I'm satisfied by the clear conclusion that these were baseless accusations.

As you consider potential reforms to improve Rule 27, I urge you to find ways to discourage legislators from politicizing this process. Rep. Hernandez made this unfounded complaint a few days after an independent investigator concluded that he created a hostile work environment for women at the Oregon State Capitol.

A few weeks later, a bipartisan committee held a public process and recommended his expulsion from the House of Representatives. He resigned to avoid that fate. His complaint against me was a blatant attempt to distract people from his own harmful behavior, and it undermines the true goal of the Conduct Committee, which is to make the Capitol a safe and welcoming place for everyone to work.

With that said, I respectfully request the committee affirm the independent investigator's findings in this case, submitted September 26, 2022 by Melissa Healy, Stoel Rives LLP.

Thank you for your consideration.

CC: Melissa Leoni, LPRO Analyst
Melissa Healy, Stoel Rives LLP