

HOUSE COMMITTEE ON CONDUCT

February 2, 2021
05:30 PM

Hearing Room Remote B

MEMBERS PRESENT: Rep. Julie Fahey, Co-Chair
Rep. Ron Noble, Co-Chair
Rep. Raquel Moore-Green
Rep. Tawna Sanchez

STAFF PRESENT: Jan Nordlund, LPRO Analyst
Melissa Leoni, LPRO Analyst
Patsy Wood, Committee Assistant

EXHIBITS: Exhibits from this meeting are available [here](#)

MEASURES/ISSUES: Informational Meeting
Continuation of complaint filed under Legislative Branch
Personnel Rule 27 in which Rep. Hernandez is the
respondent
Continuation of complaint filed under Legislative Branch
Personnel Rule 27 in which Rep. Hernandez is the
respondent – Work Session

This meeting was held virtually with remote participation only

00:00:34 Meeting Called to Order
00:00:37 Co-Chair Fahey
00:00:52 ROLL CALL

00:01:16 Continuation of complaint filed under Legislative Branch Personnel
Rule 27 in which Rep. Hernandez is the respondent - Informational
Meeting

00:01:18 Co-Chair Fahey
00:06:32 Rep. Moore-Green
00:07:55 Sarah J. Ryan, Independent Investigator, Jackson Lewis P.C.

00:12:39 Continuation of complaint filed under Legislative Branch Personnel
Rule 27 in which Rep. Hernandez is the respondent - Work Session

00:12:41 Co-Chair Fahey
00:12:58 Melissa Leoni, LPRO Analyst
00:13:15 MOTION: CO-CHAIR FAHEY MOVES THAT THE COMMITTEE
DETERMINE WHETHER THE RESPONDENT WAS VERBALLY

AGGRESSIVE IN CONNECTION WITH SUBJECT 2'S WORK AT THE CAPITOL

00:13:53 VOTE: 0-4-0

00:14:29 NAY: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
MOTION: CO-CHAIR NOBLE MOVES THAT THE COMMITTEE DETERMINE WHETHER THE RESPONDENT HACKED INTO SUBJECT 2'S SOCIAL MEDIA ACCOUNT AND SENT A FRAUDULENT THREATENING MESSAGE PURPORTING TO BE SUBJECT 2

00:15:15 Co-Chair Noble

00:15:51 VOTE: 0-4-0

00:16:27 NAY: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
MOTION: CO-CHAIR NOBLE MOVES THAT THE COMMITTEE DETERMINE WHETHER THE RESPONDENT MADE CHANGES TO SUBJECT 2'S GOVDELIVERY ACCOUNT WITHOUT SUBJECT 2'S CONSENT OR KNOWLEDGE

00:18:00 Rep. Sanchez

00:19:28 VOTE: 4-0-0

00:22:33 AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER THE FACTS AS PRESENTED INDICATE RESPONDENT ENGAGED IN UNWELCOME CONDUCT THAT TO A REASONABLE PERSON CREATED AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORK ENVIRONMENT BY THROWING A PHONE IN THE DIRECTION OF SUBJECT 2

00:25:01 VOTE: 4-0-0

00:25:36 AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER THE FACTS AS PRESENTED INDICATE RESPONDENT ENGAGED IN UNWELCOME CONDUCT THAT TO A REASONABLE PERSON CREATED AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORK ENVIRONMENT BY SENDING CONTROLLING AND ABUSIVE TEXT MESSAGES TO SUBJECT 2

00:26:45 VOTE: 4-0-0

00:27:28 AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER THE FACTS AS PRESENTED INDICATE RESPONDENT ENGAGED IN UNWELCOME CONDUCT THAT TO A REASONABLE PERSON CREATED AN ITIMIDATING, HOSTILE, OR OFFENSIVE WORK ENVIRONMENT BY MAKING VERBALLY AGGRESSIVE COMMENTS IN CONNECTION WITH WORK AT THE CAPITOL TO SUBJECT 2

00:28:58 VOTE: 0-4-0

00:29:44 NAY: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER THE FACTS AS PRESENTED INDICATE RESPONDENT ENGAGED IN UNWELCOME BEHAVIOR

THAT WAS SO SEVERE THAT IT AFFECTED SUBJECT 2'S ABILITY TO FUNCTION IN THE WORKPLACE OR DENIED SUBJECT 2 THE BENEFIT OF THE WORKPLACE BY HACKING INTO SUBJECT 2'S SOCIAL MEDIA ACCOUNT AND SENDING A FRAUDULENT AND THREATENING MESSAGE PRETENDING TO BE SUBJECT 2

00:31:11 VOTE: 0-4-0

00:31:36 NAY: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER THE FACTS AS PRESENTED INDICATE RESPONDENT ENGAGED IN RETALIATION AGAINST SUBJECT 2 BY CHANGING SUBJECT 2'S GOVDELIVERY SUBSCRIPTION WITHOUT SUBJECT 2'S KNOWLEDGE OR CONSENT THUS TREATING SUBJECT 2 LESS FAVORABLY BECAUSE SUBJECT 2 MADE A GOOD FAITH COMPLAINT ABOUT RESPONDENT'S CONDUCT

00:34:29 VOTE: 0-4-0

00:36:25 NAY: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
Jackie Sandmeyer, Interim Legislative Equity Officer, Legislative Equity Office

00:36:55 **Continuation of complaint filed under Legislative Branch Personnel Rule 27 in which Rep. Hernandez is the respondent - Informational Meeting**

00:36:56 Co-Chair Fahey

00:37:50 Subject 1

00:55:59 Co-Chair Noble

00:56:44 Sarah J. Ryan, Independent Investigator, Jackson Lewis P.C.

01:19:04 **Continuation of complaint filed under Legislative Branch Personnel Rule 27 in which Rep. Hernandez is the respondent - Work Session**

01:19:06 Co-Chair Fahey

01:19:16 Meeting Recessed

01:19:37 Meeting Reconvened

01:19:58 Co-Chair Noble

01:20:15 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER SUBJECT 1 AND RESPONDENT'S ROMANTIC RELATIONSHIP ENDED

01:21:49 VOTE: 4-0-0

01:22:18 AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY
MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER THE RESPONDENT SENT TWO GIFT BOXES TO SUBJECT 1'S RESIDENCE AND LEFT FLOWERS ON SUBJECT 1'S CAR WITHOUT IDENTIFYING RESPONDENT AS THE SENDER

01:22:52 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:23:22 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER SUBJECT 1 PUT RESPONDENT ON NOTICE THAT A RELATIONSHIP WAS UNWANTED AFTER AN IN-PERSON MEETING IN MAY OF 2017

01:24:22 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:24:48 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER THE RESPONDENT ASKED SUBJECT 1 ON MAY 19TH, MAY 25TH, MAY 30TH, JUNE 19TH, AND JUNE 23RD OF 2017, TO MEET FOR NON-LEGISLATIVE BUSINESS

01:25:37 VOTE: 4-0-0
AYES: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:26:00 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER SUBJECT 1 PUT REPOSENDENT ON NOTICE THAT THE RELATIONSHIP WAS UNWANTED AFTER AN IN-PERSON MEETING IN SUMMER OF 2017

01:26:50 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:27:14 MOTION: CO-CHAIR NOBLE MOVES THAT THE COMMITTEE DETERMINE WHETHER RESPONDENT WENT TO SUBJECT 1'S RESIDENCE UNINVITED RESULTING IN SUBJECT 1 HIDING IN THE CLOSET

01:27:43 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:28:09 MOTION: CO-CHAIR NOBLE MOVES THAT THE COMMITTEE DETERMINE WHETHER SUBJECT 1 SHARED WITH FRIENDS AND A PROFESSIONAL CONTACT THAT RESPONDENT CONTINUED TO PURSUE A RELATIONSHIP AND THAT THE PURSUIT MADE SUBJECT 1 UNCOMFORTABLE DUE TO SUBJECT 1'S ROLE AT THE CAPITOL

01:28:52 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:29:18 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER RESPONDENT ATTEMPTED TO MAKE CONTACT WITH SUBJECT 1 AT A PROFESSIONAL CONFERENCE AND SUBJECT 1 DECLINED

01:29:47 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:30:11 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER RESPONDENT REQUESTED TO MEET SUBJECT 1 ON OCTOBER 22ND AND OCTOBER 23RD OF 2017 TO DISCUSS THAT THEIR WORKING RELATIONSHIP WAS FEELING UNCOMFORTABLE, AND SUBJECT 1 DECLINED TO MEET IN PERSON

01:30:53 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:31:15 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER SUBJECT 1 BECAME CONCERNED THAT RESPONDENT

WOULD JEOPARDIZE SUBJECT 1'S PROFESSIONAL STANDING DUE TO A TEXT FROM RESPONDENT AND A PHONE CALL WITH RESPONDENT

01:31:55 VOTE: 4-0-0

AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:32:18 MOTION: CO-CHAIR NOBLE MOVES THAT THE COMMITTEE DETERMINE WHETHER SUBJECT 1 SHARED CONCERNS REGARDING RESPONDENT WITH AN ELECTED OFFICIAL

01:32:39 VOTE: 4-0-0

AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:33:01 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE DETERMINE WHETHER THE ELECTED OFFICIAL PUT RESPONDENT ON NOTICE OF SUBJECT 1'S DISCOMFORT AND ADVISED RESPONDENT TO NOT MAKE CONTACT WITH SUBJECT 1

01:33:31 VOTE: 4-0-0

AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:33:54 MOTION: CO-CHAIR NOBLE MOVES THAT THE COMMITTEE DETERMINE WHETHER SUBJECT 1 STATES BEING UNCOMFORTABLE AT THE CAPITOL DUE TO RESPONDENT'S CONDUCT

01:34:20 VOTE: 4-0-0

AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:35:38 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER RESPONDENT ENGAGED IN PERSISTENT UNWANTED COURTING THAT IMPLIED THAT DECLINING TO SUBMIT TO THE CONDUCT WOULD AFFECT SUBJECT 1'S BUSINESS BEFORE THE LEGISLATIVE ASSEMBLY OR SUBJECT 1'S INFLUENCE OR OPPORTUNITY TO ENGAGE PROFESSIONALLY WITH THE LEGISLATIVE ASSEMBLY

01:37:10 VOTE: 4-0-0

AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:37:48 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER THE RESPONDENT, BY SENDING TWO GIFT BOXES TO SUBJECT 1'S RESIDENCE AND LEAVING FLOWERS ON SUBJECT 1'S CAR, ENGAGED IN PERSISTENT UNWANTED COURTING THAT A REASONABLE PERSON WOULD FIND INTIMIDATING, HOSTILE, OR OFFENSIVE OR UNREASONABLY INTERFERE WITH A PERSON'S JOB PERFORMANCE

01:38:42 VOTE: 4-0-0

AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:39:23 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER RESPONDENT, BY ASKING SUBJECT 1 TO MEET ON MAY 19TH, MAY 25TH, MAY 30TH, JUNE 19TH, AND JUNE 23RD OF 2017, ENGAGED IN PERSISTENT UNWANTED COURTING THAT A REASONABLE PERSON WOULD

FIND INTIMIDATING, HOSTILE OR OFFENSIVE, OR UNREASONABLY INTERFERE WITH A PERSON'S JOB PERFORMANCE

01:40:20 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:40:46 MOTION: CO-CHAIR NOBLE MOVE THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER RESPONDENT, BY GOING TO SUBJECT 1'S RESIDENCE UNINVITED RESULTING IN SUBJECT 1 HIDING IN A CLOSET, ENGAGED IN PERSISTENT UNWANTED COURTING THAT A REASONABLE PERSON WOULD FIND INTIMIDATING, HOSTILE OR OFFENSIVE OR UNREASONABLY INTERFERE WITH A PERSON'S JOB PERFORMANCE

01:41:38 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:42:01 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER RESPONDENT, BY MAKING ATTEMPTS TO CONTACT SUBJECT 1 AT A PROFESSIONAL CONFERENCE, ENGAGED IN PERSISTENT UNWANTED COURTING THAT A REASONABLE PERSON WOULD FIND INTIMIDATING, HOSTILE OR OFFENSIVE OR UNREASONABLY INTERFERING WITH A PERSON'S WORK PERFORMANCE

01:42:49 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:43:15 MOTION: CO-CHAIR NOBLE MOVES THE COMMITTEE MAKE A FINAL DETERMINATION AS TO WHETHER RESPONDENT, BY ASKING SUBJECT 1 TO MEET ON OCTOBER 22ND AND OCTOBER 23RD OF 2017, ENGAGED IN PERSISTENT UNWANTED COURTING THAT A REASONABLE PERSON WOULD FIND INTIMIDATING, HOSTILE OR OFFENSIVE OR UNREASONABLY INTERFERE WITH A PERSON'S JOB PERFORMANCE

01:44:38 Rep. Sanchez

01:45:19 Rep. Moore-Green

01:45:51 VOTE: 4-0-0
AYE: MOORE-GREEN, SANCHEZ, NOBLE, FAHEY

01:47:20 Melissa Leoni, LPRO Analyst

01:47:29 Jackie Sandmeyer, Acting Legislative Equity Officer, Legislative Equity Office

01:47:51 Meeting Adjourned