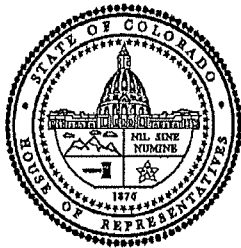


State Representative  
KC BECKER  
Colorado State Capitol  
200 East Colfax Avenue, Room 307  
Denver, Colorado 80203  
Office: 303-866-2578  
kcbecker.house@state.co.us



MAJORITY LEADER  
Member:  
Executive Committee of  
Legislative Council  
Legislative Council Committee

**COLORADO**  
**HOUSE OF REPRESENTATIVES**  
State Capitol  
Denver  
80203

December 14, 2017

Rep. Steve Lebsock  
200 E Colfax Ave, Room 307  
Denver, CO 80203

Dear Representative Lebsock:

In response to suggestion that you intend to release the document provided to you as the complaint, I am writing to request that you not do so. As the contact person under the General Assembly Workplace Harassment Policy, I recognize a responsibility to treat the investigation records as confidential and ask that you do the same during the course of this investigation. I have reconfirmed the investigator's intent to obtain your statement through the same interview process as soon as possible, which will also be treated as confidential.

Please also appreciate that your release of that sensitive information may be construed as retaliation under the policy. Retaliation is broadly defined as anything that might dissuade a reasonable person from making a charge of discrimination or supporting an investigation. The General Assembly Workplace Harassment Policy section G also states the following about retaliation:

*No person will be subject to retaliation for having complained of workplace harassment or for having assisted or participated in an investigation of alleged workplace harassment.*

If you have any questions or concerns about this request, please contact me directly by either email or phone call.

Sincerely,

A handwritten signature in black ink that reads "KC Becker".

KC Becker  
House Majority Leader



KC Becker &lt;repkcbecker@gmail.com&gt;

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**Formal Complaint Regarding Faith Winter's Violation of Sexual Harassment Policy**

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**Steve Lebsock** <stevelebsock@gmail.com>

Fri, Feb 9, 2018 at 1:54 PM

To: Representative KC Becker &lt;repkcbecker@gmail.com&gt;, Sharon Eubanks &lt;sharon.eubanks@state.co.us&gt;, Michele Sturgell &lt;msturgell@employerscouncil.org&gt;

Representative K.C. Becker,

Attached is a formal complaint regarding Faith Winter's violation of our sexual harassment policy. Faith Winter has violated at least two parts of the Colorado General Assembly sexual harassment policy. The attached complaint specifically outlines Faith Winter's false complaint.

The formal complaint attached is specific to Faith Winter's violation of "J. FALSE COMPLAINTS"

1. J. FALSE COMPLAINTS..."Complaints of workplace harassment that are found to be intentionally or recklessly dishonest or malicious will not be tolerated".

Faith Winter's formal complaint is clearly dishonest, reckless and malicious.

--

**Steve Lebsock**  
**State Representative**  
House District 34  
District includes citizens  
of Northglenn, Thornton,  
Federal Heights & AdCo.  
Cell: 303-564-2676

**Formal Complaint regarding Faith Winter's False Formal Complaint.docx**

13K

February 9, 2018

State Representative K.C. Becker,

Formal Complaint regarding Faith Winter's violation of the Colorado General Assembly Sexual Harassment Policy.

" J. FALSE COMPLAINTS "

"1. Complaints of workplace harassment that are found to be intentionally or recklessly dishonest or malicious will not be tolerated."

Faith Winter violated the sexual harassment policy by her reckless, dishonest formal complaint. Her formal complaint is also malicious.

I will provide one example of Faith Winter's malicious, reckless and dishonest formal complaint in this document. During the investigation of this alleged violation of the sexual harassment policy I will address all the other malicious and dishonest statements made by Faith Winter as your investigation moves forward.

Faith Winter stated in her formal complaint that , "...I said oh my god Steve grabbed my fucking ass. I can't believe he did that what a fucking ass hole...".

On January 11, 2018, (podcast hour 2, minute 27 to 34) Attorney Craig Silverman Show Special 710AM...Craig Silverman asked Alec Garnett...Did Faith Winter tell you at Stoney's..."Steve Lebsock grabbed my ass". Alec Garnett answered No. Alec danced around the issue quite a bit during this interview. However, Alec did state that Faith Winter did not tell him about any physical contact that night. Alec Garnett stated that he did NOT witness any sexual harassment, physical contact or sexual assault.

Faith Winter lied in her formal complaint. Rep. Winter stated in her formal complaint that she told Alec Garnett & a second legislator that Steve "grabbed my ass" and Steve "grabbed my fucking ass". Faith Winter's formal complaint is malicious, reckless and dishonest. The Colorado General Assembly current sexual harassment policy states that formal complaints which are reckless, dishonest and malicious will not be tolerated. I look forward to the investigation regarding Faith Winter's false accusations in her formal complaint and Rep. Faith Winter's violation of our sexual harassment policy.

State Representative Steve Lebsock



KC Becker &lt;repkcbecker@gmail.com&gt;

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## Formal Complaint Regarding Faith Winter's Violation of Sexual Harassment Policy

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Steve Lebsock &lt;stevelebsock@gmail.com&gt;

Sat, Feb 10, 2018 at 10:58 AM

To: Representative KC Becker <repkcbecker@gmail.com>, Sharon Eubanks <sharon.eubanks@state.co.us>, Michele Sturgell <msturgell@employerscouncil.org>

This is email 2 of 2 which officially describes Faith Winters violation of the Colorado General Assembly sexual harassment policy. J. False Complaint.( other emails sent previously also details additional violations).

### Facts:

1. Nov. 2017...Faith Winter files formal complaint.
2. Faith Winter stated in formal complaint that she told two state legislators ( Alec Garnett and Dominick Moreno) that Steve "grabbed my ass" and Steve "grabbed my fucking ass".
3. Dec. 14, 2017...Faith Winter has press conference on camera where she states that she did not file a sexual assault formal complaint. She goes on to state in press conference that she filed a sexual harassment formal complaint.
4. Alec Garnett states publicly in Jan. 2018 that Faith Winter did NOT tell him that Steve "grabbed my ass". Alec goes on to state that he did NOT witness any touching at all and he stated publicly that he did not witness any sexual harassment.

Based on the facts, Faith Winter's formal complaint is not credible.

Faith Winter filed a false, dishonest and malicious formal complaint. She stated in formal complaint that she told Alec Garnett that I grabbed her ass. Alec Garnett publicly stated Faith did not tell him this. Faith lied in formal complaint..

The facts are clear. Faith lied in her formal complaint. I did not grab her buttocks. She admitted this one month after false report was filed. She also lied about what she told Alec and Dominick that night also.

[Quoted text hidden]

State Representative K.C. Becker,

This is a formal request for determination on whether the formal complaints filed by Rep. Faith Winter, Holly Tarry and Cassie Tanner fall outside the scope of the Colorado General Assembly's Joint Rule 38. Workplace Harassment Policy.

The Colorado legislature has no formal jurisdiction to handle the complaints.

Under Joint Rule 38 and the Colorado General Assembly's Workplace Harassment Policy it is clear that the sexual harassment policy specifically speaks to behavior or actions in the "workplace", "work environment" and "work".

All three formal complaints make allegations regarding alleged behavior away from and outside the capitol. The allegations in the formal complaints are described below.

Faith Winter's formal complaint identifies "Stoney's Bar" as the location of the alleged behavior.

Holly Tarry's formal complaint references a "Mexican Restaurant". The second allegation speaks to a "bench" in front of the capitol. The bench is west of Broadway in Civic Center Park away from the capitol and not on capitol grounds.

Cassie Tanner's formal complaint references "1Up Bar". The second allegation references a "party" at Katie Mulligans Irish Restaurant & Pub.

All sexual harassment allegations in all three of the formal complaints allegedly occur.

1. Away from the capitol. Away from capitol grounds.
2. Not in state owned or leased buildings and are not on state owned or leased property.
3. The "events" or "party" locations occur away from the capitol and are not Colorado General Assembly sanctioned events and are not work related.
4. All of the allegations of behavior or actions occur either in private owned settings or away from capitol grounds. None of the participants at the events or party's were at "work", in the "workplace" and were not in the "work environment".

Private party's, private events, social activities, friends meeting at a bench away from state/capitol grounds all fall outside the scope of the Colorado General Assembly's "Workplace" Harassment Policy.

The legislature has no jurisdiction to handle any of the three formal complaints.

All three formal complaints are recklessly dishonest and malicious. In addition to recklessly dishonest and malicious the actual formal complaints fall outside the jurisdiction of the Colorado General Assembly.

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80203

February 14, 2018

On February 14, 2018, Representative Steve Lebsack spoke to me in person and sent me an email containing a document supporting his position that none of the complaints filed against him under the General Assembly's Workplace Harassment Policy (Policy) raise a proper claim under Rule 38 of the Rules of the Senate and the House of Representatives (Joint Rule 38) or the Policy based on the circumstances surrounding the incidents that form the basis of the complaints.

While denying that the alleged incidents occurred, Representative Lebsack asserts that, because the incidents were alleged to occur at locations other than the legislative workplace, none of the complaints fall within the scope of Joint Rule 38 or the Policy. In support of his argument, Representative Lebsack asserts that the alleged incidents occurred:

1. Away from the Colorado State Capitol and its grounds;
2. Not in a state-owned or state-leased building and not on state-owned or state-leased property;
3. At events or parties that were not sanctioned by the General Assembly;
4. At events or parties held at privately-owned settings; and
5. With attendees who were not at "work," in the "workplace" or in the "work environment."

Both Joint Rule 38 and the Policy define the term "workplace harassment" to mean "any harassment . . . that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment." With this definition, the Rule and Policy do not limit workplace harassment to incidents occurring only in the legislative workplace or only during normal work hours.


An incident that occurs outside the legislative workplace and after normal work hours may constitute workplace harassment if it has the effect of interfering with a person's work performance in the workplace or making a person uncomfortable in the workplace by creating a hostile or offensive work environment.

After consulting with an employment law attorney with experience in conducting workplace harassment investigations and based on the information I have at the present time, I have determined that all of the complaints fall within the scope of Joint Rule 38 and the Policy or

represent information relevant to those complaints. Therefore, the fact-finding investigations of these complaints should continue.

Representative Lebsack was informed of my determination on this matter on February 14, 2018.

Signed this 14th day of February 2018.

A handwritten signature in cursive script, appearing to read "K C Becker".

Majority Leader K. C. Becker  
Colorado House of Representatives



KC Becker &lt;repkcbecker@gmail.com&gt;

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## Determination on Claims of Bias

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**Steve Lebsock** <stevelebsock@gmail.com>

Thu, Feb 15, 2018 at 1:52 PM

To: Representative KC Becker &lt;repkcbecker@gmail.com&gt;, Sharon Eubanks &lt;sharon.eubanks@state.co.us&gt;, Elizabeth Strickland &lt;lizstrick34@gmail.com&gt;

State Representative K.C. Becker,

In your letter you state that I asked the investigation be "stopped". This is not true. I stated that the current investigator has shown bias, unprofessionalism and has been retaliatory. I also stated that the current investigator should be removed and replaced. I also stated I have been and will continue to cooperate with the investigation.

I never said "stopped". I have a witness who can verify I never said "stopped". I also have recordings of my meetings with you and Elizabeth.

I never used the word "stopped" with any conversation with you. Please refrain from attributing words to me which I did not say.

[Quoted text hidden]



State Representative  
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Colorado State Capitol  
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kobecker.house@state.co.us



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February 15, 2018

Representative Steve Lebsock claims that the investigator from the Employers Council, Michele Sturgell, who is assigned to conduct fact-finding investigations of complaints filed against Representative Lebsock under the General Assembly's Workplace Harassment Policy, is biased against him. Representative Lebsock also asserts the investigator is retaliating against him and otherwise contends the investigation into his conduct should be stopped. Representative Lebsock makes the following allegations in support of his claim of investigator bias:

1. Representative Lebsock did not receive the introductory email from the investigator until December 14, 2017, four weeks after the investigator was initially assigned complaints.
2. After asking questions during at least one of the investigator's interviews of Representative Lebsock, the investigator refused to type Representative Lebsock's responses to the questions so that Representative Lebsock believes his statements from these interviews are incomplete.
3. During at least one of the investigator's interviews of Representative Lebsock, the investigator looked at her phone on several occasions and appeared to be corresponding by text messaging.
4. During at least one of the investigator's interviews of Representative Lebsock, the investigator rolled her eyes and made other facial expressions at Representative Lebsock's responses to the investigator's questions.
5. During at least one of the investigator's interviews of Representative Lebsock, Representative Lebsock observed offensive body language of the investigator.
6. During at least one of the investigator's interviews of Representative Lebsock, the investigator was arguing the complainants' accounts.
7. The investigator failed to contact a person who Representative Lebsock believes to be a material witness in regard to one of the complaints for at least two months after Representative Lebsock gave the person's name to the investigator.
8. During the investigator's first interview of Representative Lebsock, when Representative Lebsock commented about the stress and strain that his family and

friends were experiencing because of the complaints, the investigator responded that Representative Lebsock was not "going to die".

Representative Lebsock's claim of bias and supporting allegations were documented in emails to me dated December 14, 16, and 29, 2017, January 3 and 18, 2018, and February 5, 2018, and were discussed with me during meetings held on January 11, 2018, and February 9 and 14, 2018. In addition, Representative Lebsock's aide, Elizabeth Strickland, submitted a written statement to me in January of 2018 in support of some of Representative Lebsock's allegations involving the first interview. Representative Lebsock informed me that he has audio recordings of his interviews with the investigator, but he has not given them to me. He did play three portions of the audio recordings during the January 11, 2018, meeting.

The complaints filed against Representative Lebsock have prompted the investigator to interview numerous witnesses, sometimes multiple times. Additional allegations of inappropriate conduct attributed to Representative Lebsock have also surfaced. Representative Lebsock is receiving the opportunity to respond to allegations of conduct attributed to him in the fact-gathering process represented by his interviews with the investigator, which includes his opportunity to review and modify the written statements based on the interview process. In the subsequent fact-finding process, the investigator will evaluate all of the available information toward making findings regarding the substantive allegations in a written report. This will include assessing witness credibility. At the present time, the investigation process is ongoing and not yet complete.

An investigator may have strategies for conducting a fact-finding investigation, such as the timing of interviews, which witnesses to interview and in what order, the line of questioning, and the phrasing of questions. I must rely on the expertise and experience of Ms. Sturgell in choosing the investigatory strategies she has used when conducting interviews. Generally, Representative Lebsock's assertion of conduct he attributes to Ms. Sturgell as evidence of bias against him is not convincing. Responding to allegations that one refutes would seem difficult under any circumstances. Representative Lebsock's characterization of Ms. Sturgell as "arguing the complainants' accounts" might only represent probing questions consistent with the allegations.

Although a reasonable person could find certain actions attributed to Ms. Sturgell by Representative Lebsock, such as checking her phone, texting during interviews, and allegedly making comments to Representative Lebsock, to be unprofessional, conducting oneself in an unprofessional manner does not equate to bias. I plan on contacting Ms. Sturgell to emphasize the importance of conducting herself in a professional manner at all times during her investigations.

As to Representative Lebsock's belief that his interview statements are incomplete, he has received an opportunity to correct that. I asked Representative Lebsock in an email dated January 14, 2018, to write up a supplemental statement and to send it to the investigator or me. I also informed Ms. Sturgell of individuals identified by Representative Lebsock as "material" witnesses. I did not inform Ms. Sturgell of Representative Lebsock's characterization of her facial expressions and "offensive body language" because these and similar criticisms appear vague and argumentative. However, I have invited Representative Lebsock to describe that conduct in more detail for further consideration.

Representative Lebsock points to item #8 above as evidence of the investigator retaliating against him. The context of the alleged remark is unclear as represented. Although Representative Lebsock was asked to provide the tape recording he says he made of his interview, he has not done so. In any case, Representative Lebsock's assertion of retaliation under the General Assembly's Workplace Harassment Policy appears misapplied. Representative Lebsock further protests the investigator's inclusion of what he deems "character witnesses" after Ms. Sturgell stated that she would not interview character witnesses in her investigation process. This objection appears to derive from Representative Lebsock's February 13, 2018, interview when Ms. Sturgell asked him about statements attributed to him by women Representative Lebsock calls character witnesses. Under these circumstances, Representative Lebsock misapplies the term "character witnesses."

On February 9, 2018, Representative Lebsock presented a "Formal Complaint regarding Faith Winter's violation of the Colorado General Assembly Sexual Harassment Policy" under section J. FALSE COMPLAINTS. Given the current investigation of complaints about Representative Lebsock's conduct under the Policy, which relate to the same allegations he calls false, any further attention to Representative Lebsock's complaint will be deferred until completion of the current investigation. Notably, my understanding is that Representative Lebsock's return of his statement based on the February 13, 2018, interview with Ms. Sturgell will conclude the fact-gathering stage of the investigation, enabling completion of the investigation report.

After consulting with an employment law attorney with experience in conducting workplace harassment investigations and based on the information I have at the present time, I have determined that there is not sufficient evidence to support a finding that Ms. Sturgell has demonstrated bias or the appearance of bias against Representative Lebsock in conducting his interviews or in her fact-gathering process to date. Neither is there sufficient evidence at the present time of retaliation against Representative Lebsock under the Policy. Representative Lebsock's assertions addressed here and other criticisms of the investigation process, which form the basis for his insistence that the investigator should be removed and the investigation should be stopped, are not persuasive. No legitimate

basis for removing the investigator or discontinuing the investigation process is apparent. The investigation will continue to its conclusion. At that time, I will review the complete investigation file to assess its process and the reasoning of its findings with further consideration of Representative Lebsock's claims of bias, retaliation, and any other similar concerns or complaints.

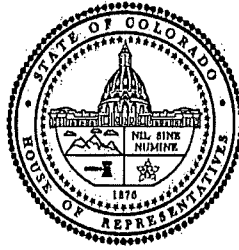
Representative Lebsock was informed of my determinations on these matters on February 15, 2018.

Signed this 15th day of February 2018.

A handwritten signature in cursive script that reads "K.C. Becker".

Majority Leader K. C. Becker  
Colorado House of Representatives

State Representative  
KC BECKER  
Colorado State Capitol  
200 East Colfax Avenue, Room 307  
Denver, Colorado 80203  
Office: 303-866-2578  
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80203

February 26, 2018

Representative Lebock,

As you know, we met in my office on February 11, 2018, during which time you alleged that the current investigator was biased and had retaliated against you. I asked you to put your complaints in writing, which you did. In response to your written complaint, I prepared a written finding from the information I had at that time, concluding that the investigator was not biased and need not be removed.

In that response, I indicated that you "otherwise contend[s] the investigation into [your] conduct should be stopped." In an email to me dated February 15, 2018, you deny you ever asked that the "investigation" be stopped and asked that I not attribute statements to you that you did not make. You have expressed concern that my statement saying that you believe the investigation should be stopped, was unfair to you.

I have met with you at least three times in my office concerning the investigation into your alleged conduct. You recorded each of those meetings and indicate that you never said that you wanted the investigation stopped. As you have not provided me with copies of the recordings, I am not certain what your exact words may have been. It would be helpful if I could review all of those recordings, so I ask that you provide those to me.

While you may not have used those precise words in any of our meetings, I was left with the impression that you wanted the entire investigation to be stopped. Throughout those meetings, you asserted that the allegations by Rep. Winter are false and you have proven them false. You further assert that the claims by Ms. Tanner and Ms. Tarry fall outside of the Workplace Harassment Policy and should be dismissed. I left our meetings with the impression that if you believe all of this to be true, it would seem that there is no need to continue the investigation into your conduct. If I was mistaken about that impression or the exact words you used, I apologize. I certainly have the impression that you want the investigation ended.

Sincerely,

A handwritten signature in cursive script that reads "KC Becker".

KC Becker  
Majority Leader