

INVESTIGATION REPORT
Attorney-Client Privilege
Confidential Information
Not For Distribution

To: KC Becker, Majority Leader, Colorado House of Representatives

Subject: ██████████ Investigation

Conducted by: ██████████, Workplace Investigator, Employers Council, Inc.

Date of Report: February 26, 2018

Investigation

Active: November 21, 2017 – February 26, 2018

Procedure: KC Becker, Majority Leader for the Colorado General Assembly, contacted ██████████ of Employers Council, Inc. (“EC”) to perform an investigation into complaints made against ██████████. ██████████ explained the investigation process to Ms. Becker and clarified the investigator’s role and the necessary expectations in this process as communicated to all participants and referenced below.

The undersigned, ██████████, assumed the role of investigator in this matter. I prepared written summary statements for each witness. I communicated similar introductory remarks to each witness. These remarks addressed the purpose of the investigation and my role as a neutral fact finder, confidentiality expectations, The General Assembly’s prohibition against retaliation for participation in the investigation and/or making complaints under the Workplace Harassment Policy, and the expectation to be truthful. For those interviews that took place in person each witness reviewed his or her statement with me, with the exception of ██████████ who insisted on taking his statement with him to review. For those interviews conducted electronically, these witnesses were instructed to review their statement. For all interviews, I encouraged each witness to make any additions, deletions, or other modifications necessary to accurately reflect his or her beliefs. Each witness was asked to review his or her statement to ensure completeness and accuracy and attest thereto by signing the summary statement.

Unless otherwise noted, all interviews took place at Employers Council Offices, located at: 1799 Pennsylvania Street, Denver, Colorado. I interviewed the following individuals on the dates noted:

On November 30, 2017, I interviewed ██████████
██████████.¹

On December 15, 2017, I interviewed the following individuals at Employers Council Northern Regional Office located at: 5250 Hahns Peak Drive, Suite 140 Loveland, Colorado:

1. ██████████
2. ██████████

On December 18, 2017, I interviewed ██████████.²

On December 21, 2017, I continued my interview with ██████████
██████████.

On January 3, 2018, I continued my interview with ██████████.³

On January 8, 2018, I interviewed ██████████.

On January 9, 2018, I interviewed ██████████.

On January 11, 2018, I interviewed ██████████.

On January 12, 2018, I interviewed ██████████.

On January 18, 2018, I re-interviewed ██████████ via telephone.

On January 19, 2018, I re-interviewed ██████████ at her attorney's office located at: ██████████.⁴

On January 22, 2018, I interviewed ██████████.

On January 29, 2018, I interviewed ██████████, via telephone.

On January 29, 2018, I also interviewed ██████████, via telephone.

On January 29, 2018, I also interviewed ██████████, via telephone.

On January 29, 2018, I also interviewed ██████████, via telephone.

¹ ██████████ was accompanied by ██████████ attorney, ██████████.

² ██████████ was accompanied by ██████████.

³ ██████████ was accompanied by ██████████.

⁴ ██████████ was accompanied by ██████████ attorney ██████████.

On February 1, 2018, I interviewed ██████████, via telephone.

On February 2, 2018, I interviewed ██████████, via telephone.

On February 8, 2018, I interviewed ██████████ via telephone.

On February 9, 2018, I interviewed ██████████
██████████ via telephone.

On February 13, 2018, I re-interviewed ██████████.⁵

On February 15, 2018, I interviewed ██████████.

On February 16, 2018, I interviewed ██████████
██████████ via telephone.

Attachments:

1. ██████████ Summary Statement
2. Formal complaint filed by ██████████
3. January 16, 2018 email from ██████████
4. ██████████ Summary Statement
 - a. February 14, 2018 email from ██████████
5. ██████████ Summary Statement
6. January 29, 2018 electronic summary statement from ██████████
7. ██████████ Summary Statement
8. ██████████ Summary Statement
9. January 29, 2018, electronic summary statement from ██████████
10. ██████████ electronic statement
11. Written response to ██████████ allegations from ██████████
12. Polygraph from ██████████ regarding ██████████ allegations
13. ██████████ Summary Statement⁶
14. Audio recording of February 13, 2018 interview with ██████████.⁷
15. ██████████ Summary Statement
16. ██████████ Summary Statement
17. ██████████ Summary Statement
18. ██████████ Summary Statement

⁵ ██████████ was accompanied by ██████████.

⁶ The statement from ██████████ February 13, 2018 is unsigned on page 5. ██████████ signed the other 4 pages.

⁷ This investigator was made aware that ██████████ recorded the first three conversations with this investigator on February 13, 2018 at ██████████ final interview when he admitted to this investigator he had recorded the three previous conversations. This was done without this investigator's knowledge or consent. This investigator cannot verify the veracity of any such recordings.

- a. Facebook message received by ██████████
- b. Photograph provided by ██████████
19. January 29, 2018 electronic summary statement from ██████████
20. February 14, 2018 email from ██████████
21. February 19, 2018 electronic statement from ██████████
 - a. Photocopy of March 2015 calendar
 - b. February 21, 2018 email from ██████████
22. ██████████ Summary Statement
 - a. Email correspondence from ██████████
23. ██████████ response provided to members of the House
24. Polygraph from ██████████ regarding ██████████ allegations
25. Written response from ██████████ regarding ██████████ allegations
26. Electronic statement from ██████████
27. Email correspondence from ██████████
28. ██████████ electronic statement
29. January 17, 2018 email from ██████████
30. ██████████ email
31. Emails to ██████████
32. Letter to ██████████ from ██████████

Background and Summary of Issues

The Colorado General Assembly is comprised of thirty-five senators and sixty-five representatives. The General Assembly convenes in January for a 120-day session. ██████████ ██████████ is a representative for the Colorado House of Representatives. ██████████ is also a representative for the Colorado House of Representatives. This investigator understands that in November 2017, ██████████ and ██████████ filed complaints regarding the behavior of ██████████. During the course of the investigation three other women; ██████████, ██████████, and ██████████, also came forward and complained of inappropriate conduct by ██████████. He has denied the allegations. This investigator further understands that ██████████, ██████████, and ██████████ have also alleged retaliation.

Each of the pertinent allegations will be addressed individually.

Investigator Findings

This section identifies the pertinent allegations, followed by identification of specific sources of supporting or refuting information. Investigator commentary follows to develop specific areas of concern, address credibility assessments, or provide other subjective comment. *For a comprehensive understanding of the issues presented here it is recommended that each summary statement be reviewed individually.* Unless otherwise noted, all information quoted below comes from the summary statements.

Allegation 1: ██████████ alleges that at approximately 12:30 am on May 12, 2016, ██████████ made multiple unwelcome statements to her

in his pursuit of a sexual encounter during conversation at Stoney's Bar and Grill for the annual Sine Dine party after learning ■■■■■■■■■■ husband was away, including: "Oh so you don't have any plans tonight then? Well you know it is the end of session and we really should be happy. If you came with me right now I could make you happy and do things to you that your husband wouldn't." In response to her declining, he said, "Come on ■■■■■■■■■■, you don't even know how happy I could make you. How hard I could make you come," to which she said, "■■■■■■■■■■, you are drunk. Go home," and he replied, "You know you would love to leave with me. I know you could do things to make me really happy too." ■■■■■■■■■■ next said, "■■■■■■■■■■, go home to your girl-friend," and he replied, "Come on, just leave with me. Make me happy," to which she said, "No, ■■■■■■■■■■. Leave me alone," and he repeated, "Come on just make me happy," before he stumbled after reaching for her elbow.

**Supporting
Information:**

■■■■■■■■■■ states: "[In] the early morning hour of May 12, 2016, the incident took place at Stony's Bar and Grill for the annual Sine Die Party. At approximately 12:30am I was engaged in a conversation with ■■■■■■■■■■. He said 'Your husband must be excited to get to see you more.' I said 'Yeah but he is out of town and I fly out of town tomorrow and will be gone for over a week so I won't get to see him for a while.' He said 'Oh so you don't have any plans tonight then?' I was so confused what did he mean I didn't have plans, it was 12:30 in the morning. I didn't answer. He continued: 'Well you know it is the end of session and we really should be happy. If you came with me right now I could make you happy and do things to you that your husband wouldn't.' I said: 'Ummm, no. You are ridiculous.' He said: 'Come on ■■■■■■■■■■ you don't even know how happy I could make you. How hard I could make you come.' I said: '■■■■■■■■■■ you are drunk go home.' He said: 'You know you would love to leave with me. I know you could do things to make me really happy too.' I said: '■■■■■■■■■■ go home to your girl-friend.' He said: 'Come on just leave with me. Make me happy.' I said: 'No ■■■■■■■■■■. Leave me alone.' He said: 'Come on just make me happy.'" See Attachment 2.

■■■■■■■■■■ continues: "I don't think anyone saw the interaction with us, but a few people noticed my reaction to ■■■■■■■■■■. Along with ■■■■■■■■■■ and ■■■■■■■■■■, ■■■■■■■■■■ was also present and has mentioned that she would be willing to come forward as well. Throughout the interaction ■■■■■■■■■■ was getting angrier. He was standing very close to me; I could feel his breath on my face as he spoke. His face was red and his voice was deep and forceful with me. He wasn't shouting but he was firm. He appeared intoxicated, in fact I told him he was drunk and needed to go home."

■■■■■■■■■■ adds: “When we had mediation [after I initially reported the incident], it was very informal. I spoke with ■■■■■■■■■■ and then ■■■■■■■■■■ went back to ■■■■■■■■■■ and then she spoke with me again. I was never in a room with him but my understanding was that he admitted to the conduct and apologized for it. At the time he claimed that he did not remember the conversation I found out recently that he spoke to the other complainant ■■■■■■■■■■ and mentioned the incident. Sometime in July 2016 ■■■■■■■■■■ wanted to talk to me about the incident. I think I was walking to the bathroom. I had to walk past his office to get to the bathroom. He asked if we could talk. I said I am not comfortable telling you exactly what you said. He had previously asked repeatedly if I would tell him exactly what he said. He asked if I told my husband and I said yes. He seemed upset that my husband knew. He said, ‘Your husband knows. That’s awful.’ He seemed more upset that my husband knew then what he had done.”

In discussing the response [Attachment 11] put forth by ■■■■■■■■■■, ■■■■■■■■■■ ■■■■■■■■■■ states: “I haven’t changed my story with regard to what happened with ■■■■■■■■■■. The only thing I didn’t do was tell the press how ■■■■■■■■■■ touched me. I was giving him the benefit of the doubt with how he touched me that night. He was the one who released the details. I believed the physical contact was due to him falling. I stated in my initial complaint what I said that night when I was upset. I also stated what I thought actually happened given the benefit of hindsight.”

■■■■■■■■■■ adds: “I had a conversation with friends. I don’t remember who all was there. I think it was ■■■■■■■■■■, ■■■■■■■■■■ and perhaps one other person. This was one month after elections when we were at our caucus retreat. At some point someone brought up how hard it is on spouses. Someone made joke about how often you have sex with your spouse. I think I said something like, yeah instead of once every three days its once every three months. ■■■■■■■■■■ was not part of this conversation nor did I see him in the area. This was a conversation I had with friends whom I trusted. ■■■■■■■■■■ was present at that retreat. This conversation was at a happy hour in a bar type area. I think he overheard the conversation because he asked me about it later. I got up to get either food or a drink. ■■■■■■■■■■ was next to one of those places. ■■■■■■■■■■ said something like what were you guys talking about. I said we were talking about how hard it is to campaign. ■■■■■■■■■■ replied with some kind of comment about having sex. I tried to joke it off and I responded yeah my husband is happy to get laid again and I walked away. It is upsetting to me that he remembers this conversation because I didn’t [initially recall the conversation, only after he mentioned it in his response].”

■■■■■■■■■■ continues: “I think at this same retreat we (the caucus) were hanging out, after dinner. ■■■■■■■■■■ made a comment about people going to the hot tubs. ■■■■■■■■■■ recruited ■■■■■■■■■■, ■■■■■■■■■■, and me to go to the hot tubs. These are public hot tubs in the open area. ■■■■■■■■■■ had been doing the majority of the

recruiting. At some point we said, who wants to come with us? This was an open invitation to whomever was in the room. I never singled [REDACTED] out nor did I realize that he was present when this discussion took place. I never asked [REDACTED] personally to accompany me to the hot tub nor have I ever been embarrassed that he did not accompany me. I resent the fact that he thinks I hit on him or was ever embarrassed.”

[REDACTED] goes on to state: “I probably asked [REDACTED] once was his plans were for 2018 but I did not ask him repeatedly. I didn’t actually decide to run for State Senate until March 2017. I didn’t want to run for the Senate, I wanted to be Majority Leader. When people asked me if I was worried about [REDACTED] running for the State Senate I responded, publicly, that I have more fundraising capabilities. I promised if I won the majority leader race I wouldn’t run for Senate. The first conversation I had about the Senate was in January 2017. I never talked to [REDACTED] after the incident about running for majority leader. I think I spoke to him once about 4 days before the incident and he told me he was supporting [REDACTED]. I knew that already because he said so. He said he would support me for assistant majority leader.”

[REDACTED], states: “I was present at the Sine Dine event in May 2016. I arrived at around 10:45/11pm... I don’t recall seeing [REDACTED] or [REDACTED] before the incident. The bar where the event was held is circular and this was near the front of the bar. I saw that [REDACTED] and [REDACTED] were talking and standing close together. I can’t say for sure that I saw [REDACTED] hand on [REDACTED] but they were within arm’s length or closer. I saw [REDACTED] recoil from something [REDACTED] said. She had a wide-eyed, shocked expression on her face and she looked around for assistance. She spotted me and asked me to come over. I did and [REDACTED] asked me to order [REDACTED] an Uber. I said I was happy to do it. I told [REDACTED] I would order him an Uber and he replied, ‘Fuck you, [REDACTED],’ and left the bar. [REDACTED] was a little surprised when I walked up. He was clearly intoxicated.”

[REDACTED] adds: “[REDACTED] said that she was talking to [REDACTED] and he asked her to go home with him and have sex with him. I was shocked and replied that she was married and has kids. She said that [REDACTED] knew her husband was out of town. [REDACTED] called [REDACTED] over and she repeated the same information to [REDACTED]. [REDACTED] replied with surprise as well. We discussed that [REDACTED] must have been extremely intoxicated. There is no way that [REDACTED] made up this story to further some political agenda. When she was talking to us she was very alarmed and startled by the interaction with [REDACTED]. I called [REDACTED] the next day to check in on her. I also told her that I would be willing to back up what she told me and what I saw that night. She let me know that she had let the Speaker and Majority Leader know and that she wanted to think about how to proceed. The only time [REDACTED] called on me was 30 minutes before the

reporter called me after the news of her allegation broke. ██████ has never talked to me about this. I am not sure if any point before the article came out that he remembered I was there.”

██████████, says: “I saw ██████ at the event [Sine Dine in May 2016] but did not have any specific interactions or conversations with him. At least an hour after we arrived I saw ██████ talking to ██████. I was about 7-10 feet away from them. I could not hear their conversation. I saw them speaking very closely together; within arm’s length. I saw ██████ facial expressions. She appeared alarmed and wide-eyed. I heard her call for ██████ assistance. I saw ██████ interfere with ██████ and ██████. I believe ██████ offered ██████ a ride. I think they had a verbal altercation and ██████ left the bar upset. I may have been able to overhear their conversation but I don’t recall specifically. I believe ██████ was intoxicated that evening.”

██████████ continues: “After ██████ left the bar I moved over to where ██████ and ██████ were standing. ██████ said that she and ██████ were having a regular conversation when she mentioned that her husband was out of town. ██████ said that ██████ then began saying inappropriate things to her of a sexual nature and she felt uncomfortable. ██████ said that ██████ said they should leave the bar together. I don’t recall ██████ saying anything about ██████ touching her. When I was talking to ██████ she seemed distraught and it appeared to me that ██████ was being truthful. From the time I heard ██████ call ██████ over for help to the time I arrived over to where there [they] were standing was about 10-15 seconds. It did not appear to me that ██████ was trying to manufacture what happened. ██████ brought it to the attention of ██████ and the ██████, I believe this was the next day. I validated what I saw and heard from ██████ that evening. ██████ called me either the next day or within the next 2-3 days after the event. It sounded like he knew something had happened but that he didn’t know exactly what he said because he was intoxicated. He was aware that I knew what was going on and he knew that there was going to be a meeting of some kind. He wanted me to know that he was intoxicated and had no recollection of what happened. ██████ did not ask me to share what he said that evening. I think part of the reason ██████ reached out was that he thought I would be involved in the meeting; I was not involved in the meeting.”

██████████ adds: “I don’t have any reason to doubt ██████ account of what happened. I don’t believe that ██████ could[not] have faked her behavior that night. I also heard stories from others at that party that ██████ was drunk, hitting on women, and was trying to find someone to go home with. I was not surprised to hear that ██████ was acting this way.”

In discussing the motives set forth by ██████, ██████ says “In some of the media reports I have seen ██████ has claimed that ██████ has described her

sex life with her husband. I was actually present when ██████ had some of this conversation. We were discussing the difficulties in serving in elected office and the constraints on a person and family. ██████ was talking about the difficulties of having a family and I was talking about the difficulties of being single and dating. I think ██████ joked that instead of having sex with your partner every 3 days it might be every 3 months. ██████ was not part of that conversation, he may have over heard but he was not part of it. I recall ██████, ██████████ and myself being present. We are all close friends and felt comfortable having this conversation with each other. I am not sure if this is where ██████ is getting some of that information I have seen in the media but I wanted to bring it up.”

██████████, says: “I was present at the Sine Dine party in May 2016. This was held at Stoney’s Bar and Grill. I think I arrived around 7-8pm. I saw ██████ after the incident with ██████. ██████ was visibly shaken and upset. She had a look of shock on her face. I asked if she was ok. She said that she felt uncomfortable because of the interaction she had with ██████. She was upset about what ██████ said. She said that ██████ asked her to leave with him and go to a hotel. She also said that he said something about them making each other happy or giving each other pleasure. ██████ understood that ██████ was talking about sex but I am not sure of all of the specific terms that were used. I asked if she needed anything and if she was ok. I stayed with her for a while but believe both of us left relatively soon thereafter. I spoke with ██████████ either the next day or a day later. She mentioned that she had reported it to the Speaker at the time, ██████████ and they were discussing options for reporting and next steps. ██████ was deciding whether to file a complaint at the time.”

██████████ adds: “Over the next 7-10 days I spoke with her a few times and asked if she was going to file a complaint. She did not know if she was going to do so, she was concerned about the publicity and also how difficult this may be, and feared retaliation. My understanding was that ██████ was going to apologize and that there may be other conditions and ██████ felt satisfied in that conclusion at the time. I believe this was what was the case around June 2016. ██████ limited in her interactions with ██████ going forward and there were times when I stayed with her or walked with her to a meeting to avoid a situation with ██████, she worked to minimize her interactions with him. We spoke before she filed her formal complaint at the end of 2017 after the KUNC coverage had become public and ██████ was concerned about any retaliation and making this a formal complaint. She felt that because some of the behaviors of ██████ had not stopped given his promises that they would, that she would go forward with the formal complaint process because she was more able to do so than staff, interns or lobbyists.”

██████████, states: “██████████ came to my office shortly after the end of session party which occurred in

May 2016. I almost always have my chief of staff with me when I take meetings with anyone. ■■■■ requested that the meeting just be between us. I don't recall exactly what she said but I'm sure she requested what she say remain confidential. She then proceeded to tell me what happened, from her perspective, at the party. I think she was there to tell me what happened and seek advice on how to proceed. I had been in attendance at the party but I did not witness anything nor was I made aware of any issues that occurred. I believe I left long before this occurred."

■■■■■■■■■■ continues: "I recall ■■■■ telling me that ■■■■ had become increasingly intoxicated. She said that ■■■■ said something like that they had worked really hard that session and that they deserved to have a lot of fun and that they could make each other happy. ■■■■ said that she told ■■■■ that he had too much to drink and that she wasn't interested. ■■■■ said that ■■■■ tried again to persuade her and this time grabbed her arm. ■■■■ said that at this time she asked for help from ■■■■. ■■■■ came over and told ■■■■ he would call him a cab. She said that ■■■■ swore at ■■■■ and walked off. ■■■■ was exceedingly embarrassed and did not want to use the specific words that ■■■■ used that night. I got the impression that ■■■■ propositioned ■■■■ to have sex with him that evening. I assumed my role as the leader of the House and that it was my responsibility in dealing with this as quickly as possible and to support her in any way. I told her that she had several options going forward. I called Legal Services immediately and I spoke with ■■■■■■■■■■. I think he came up shortly after I called and he met with me and ■■■■. We didn't go into the details but I told ■■■■ that ■■■■ believed she was sexually harassed. I didn't have any reason to doubt ■■■■ account. She did not want this to become public and she wanted us to handle it internally."

■■■■■■■■■■ continues: "We had a meeting with ■■■■; ■■■■ was present as well as ■■■■■■■■■■. We had this meeting relatively quickly. ■■■■ was told that ■■■■ complained and we gave him the overview of what was alleged. I don't remember exactly what I said but something like if that's what happened it was sexual harassment. I don't think he agreed to everything that ■■■■ alleged but he did say he had been drinking too much and was remorseful for that. He agreed to stop drinking in legislative events, to get help and to apologize to ■■■■. He also understood that she would file a formal complaint if she heard of something like this happening again. ■■■■ elected to not be present at this meeting. ■■■■ appeared very embarrassed and uncomfortable that I knew about this situation... I have observed ■■■■ in social situations, and I had seen him loose his temper or heard reports of him losing his temper in other situations. ■■■■ also had a hard time telling me about it and was very embarrassed. She had no reason to make this up and all of these reasons led to me believing what ■■■■ said ■■■■ did. I understood from ■■■■ later that ■■■■ was very angry for reporting it and was upset that I was involved. I told ■■■■ that I wanted to hear about any repercussions from ■■■■. ■■■■ did not report anything like that to me

did not directly ask him. No one would have wanted him to go – he just so happened to be standing there. [REDACTED] also did not ask [REDACTED] to join her (or us) in the hot tub.”

**Refuting
Information:**

[REDACTED], states: “I received a copy of [REDACTED] formal complaint on November 15, 2017 via email from [REDACTED]. This was not the first time I heard about these kinds of complaints from [REDACTED]. Several days after Sine Dine (the last day of session in May 2016) I received an email from [REDACTED]. I don’t have a copy of the email any more. The email stated that I said something inappropriate to her at Stoney’s Bar. I texted her as soon as I read the email and asked her to call me. I asked her to tell me what I said to her that was offensive. [REDACTED] responded that she wasn’t prepared to do that right now. Both [REDACTED] and [REDACTED] contacted me and said that [REDACTED] told them that I had said something inappropriate to [REDACTED] at Stoney’s and that they wanted to meet with me. I met with them in the Speaker’s office, the last week of May 2016. During that conversation they asked me what happened. I said that I don’t recall saying anything inappropriate. I said I was sorry if I said anything offensive but I didn’t know what I was apologizing for because I knew I hadn’t said anything inappropriate.”

[REDACTED] continues: “When I was speaking with [REDACTED] at Sine Dine I never said to her, ‘If you came with me right now I could make you happy and do things to you that your husband wouldn’t.’ [REDACTED] never said to me that I was drunk. I never said to [REDACTED], ‘Come on [REDACTED] you don’t even know how happy I could make you. How hard I could make you come⁸.’ [REDACTED] never said to me that I was being ridiculous. I never asked [REDACTED] to leave with me. I never asked [REDACTED] to leave with me that night on more than one occasion⁹... Either [REDACTED] saw that I was drinking and saw that it was her opportunity to get even with me or she pre-planned the entire encounter.”

[REDACTED] adds: “I was present at Sine Dine at Stoney’s Bar in May 2016 – after session ended. I walked directly there from the Capitol after last gavel, I don’t recall what time I arrived, maybe 11pm. I don’t remember if I walked over there with anyone. I was already there (and had probably been there for approximately an hour) when [REDACTED], [REDACTED], and [REDACTED] all walked over to me. I greeted all three of them and we spoke briefly. [REDACTED] [REDACTED] walked about 6 feet away from me and starts having a conversation with other people. He is so close that I can hear his voice. [REDACTED] walked about 10-18 feet away and was having a conversation with some other people. I don’t

⁸ These quotations were asked directly of [REDACTED]. He responded “no” to each question. The quotations are included to show the exact statements asked of [REDACTED].

⁹ Given the vehemence of [REDACTED] denials, this investigator is under the impression that he denies saying anything like this statement. This investigator attempted to verify this impression, [REDACTED] did not respond to this inquiry. See Attachment 27.

know who he was speaking to and I lost track of ■■■■■. Both ■■■■ and ■■■■■ have stated that they didn't witness any inappropriate touching or sexual harassment. ■■■■ remained in a conversation with me. She volunteered the information that her husband was out of town. She volunteered this information. We were talking for a short time, probably less than 5 minutes. I remember her saying something like the session was crazy. I believe we talked a little bit about the FMLA act. There wasn't much more to the conversation. I didn't speak to ■■■■ any more that evening. I probably left about an hour later. I was one of the last people to leave the bar."

■■■■■ goes on to state: "About 15 minutes after I spoke to ■■■■, ■■■■ [came] up to me and asked me if he wanted me to call him an Uber. My response was 'Fuck you, ■■■■.' I thought he was just messing with me because I voted no on the Uber legislation. ■■■■ laughed and I think that was all we said. During the entire evening I think I had 5 or 6 alcoholic drinks; mixed drinks or shots. I took a taxi home around 2 am this was probably an hour after I spoke with ■■■■. I was with ■■■■■ most of the evening. She is a lobbyist. She may have been present with me while I spoke with ■■■■, or close by¹⁰. ■■■■■ was also present at Stoney's from approximately 11pm to midnight and I think he may have been close by and walking out of Stoney's when I spoke with ■■■■, ■■■■, and ■■■■■¹¹.

■■■■■■ continues: "■■■■ and I live in the same Senate District. She thought I was going to run for the Senate seat that she was going run for. From January 2015 – May 2016 ■■■■ repeatedly asked me what my plans were for 2018. Many times ■■■■ initiated conversations and small talk to get information. She was trying to get me to tell her if I was going to run for the Senate seat that she had already told me she was going to run for. I think she was trying to 'get something on me' to prevent my Senate run. ■■■■ thought I was running for SD24. My intention was to run for Governor or State Treasurer, but, ■■■■ was not aware of this. Following the 2014 election we had a retreat. ■■■■ was drinking and I was not. She walked up to me laughing and I asked what was up. She said she had been talking about sex and pointed to a group of legislators. She said that she told them that she has sex with her husband several times a week and sometimes several times a day. I did not respond directly to that comment. She asked me to join her in a hot tub and I declined. This incident with the hot tub occurred [on] a different evening at a State House Dem. Retreat. I think when ■■■■ spoke to me on later occasions she seemed embarrassed because of this conversation."

Comment: This allegation involves statements ■■■■■ is alleged to have made to ■■■■■. While it appears that there were several people present that evening, it

¹⁰ ■■■■■ did not respond to repeated attempts by this investigator to schedule an interview. See Attachment 31

¹¹ ■■■■■ stated that he did not recall speaking to any of these individuals that night. See Attachment 30

does not appear that anyone else was involved in the conversation pertaining to this allegation. As such, this investigator must consider the credibility of the statements made by the parties in order to make a finding on this allegation.

This investigator finds [REDACTED] to be credible, generally and with regard to this allegation. [REDACTED] provided specific detail as to the events that occurred at the Sine Dine party in May 2016. Perhaps, more importantly, [REDACTED] reported the incident to several people at the time it occurred or shortly thereafter, and provided a similar recollection of the incident to these individuals. While [REDACTED] did not repeat the specific language used by [REDACTED], it appears this was done because she was embarrassed, not because of any nefarious motive as alleged by [REDACTED]. [REDACTED] states that she told both [REDACTED] and [REDACTED] of the incident immediately after it occurred. [REDACTED] stated that he saw [REDACTED] recoil from something [REDACTED] said and appeared wide-eyed and startled. This appears a very genuine response and appears to have been directly related to whatever [REDACTED] was saying at the time. When [REDACTED] spoke to [REDACTED] he describes her as being visibly upset as does [REDACTED]. He recalls [REDACTED] asking for assistance from [REDACTED] and also recalls [REDACTED] explaining that [REDACTED] had made comments that were inappropriate. Both men describe the specific sincere reaction of [REDACTED] at the time of the incident and both indicate that in their opinion, this reaction was not fabricated by [REDACTED].

In addition to these people, [REDACTED] spoke with [REDACTED] and [REDACTED] in the days following the incident. Both of these women verify that [REDACTED] explained what occurred that night, although she did not provide as many specific details. This investigator finds [REDACTED] remarks particularly helpful. She indicates that [REDACTED] was very embarrassed and did not want these allegations to be made public. She also remarked that [REDACTED] seemed very sincere and she had no reason to doubt her story.

This investigator does not find the reasons set forth by [REDACTED] for [REDACTED] [REDACTED] allegations credible, each will be addressed below.

[REDACTED] states that [REDACTED] allegations are politically motivated. He states that because he and [REDACTED] live in the same State Senate District she was hoping to “get something on him” to affect his campaign. This reasoning does not make sense. This incident occurred in May 2016 while the election for state Senate would not occur until November 2018. It seems unreasonable to this investigator that [REDACTED] would fabricate these allegations two and one-half years before an election to affect a candidate that she was not sure was going to run. Additionally, [REDACTED] states that she had not made the decision to run for State Senate at the time. [REDACTED] allegation seems to be even more tenuous considering at the time, [REDACTED] was hesitant to make a formal

complaint and instead wanted assurances that something like this would not happen again. When combined with the genuine responses witnessed by ██████████ ██████████ and ██████████ on the night of the incident, it does not appear that ██████████ allegations are politically motivated.

██████████ also states that ██████████ allegations are in response to her feeling embarrassed about him declining an invitation to join her in a hot tub at a legislative retreat and for discussing her sex life with her husband. It appears that the conversation regarding ██████████ sex life with her husband was with other individuals and perhaps ██████████ overheard the conversation as was confirmed by ██████████. Additionally, it does not appear that ██████████ was inviting anyone to join her in a hot tub, but instead that ██████████ was mentioning to those within earshot that some people were going to the hot tub. It does not appear that ██████████ specifically invited ██████████ to join her in the hot tub.

This investigator does not find ██████████ statements credible, generally. In meeting with this investigator, ██████████ continually insisted on speaking on matters he felt were relevant instead of answering this investigator's direct questions. ██████████ also deflected to other's perceived bad behavior when asked to discuss the allegations against him. He also failed to see why anyone could be upset with him as long as he was "thoughtful and sensitive" in his response. For these reasons, as well as the corroboration presented by ██████████ ██████████, result in this investigator finding ██████████ denials not credible.

With regard to this specific allegation, ██████████ states that he had a relatively short conversation with ██████████ that evening and they discussed the session being long and may have discussed a particular bill. This investigator finds it hard to believe that ██████████ has a physical response, as corroborated by ██████████ and ██████████ to an innocuous conversation. In addition, this investigator questions why ██████████ would go through this process over a completely fabricated allegation. *See also Allegation 11.*

Therefore, this investigator finds it more likely than not that that at approximately 12:30 am on May 12, 2016, ██████████ made multiple unwelcome statements to ██████████ in his pursuit of a sexual encounter during conversation at Stoney's Bar and Grill for the annual Sine Dine party after learning ██████████ husband was away, including: "Oh so you don't have any plans tonight then? Well you know it is the end of session and we really should be happy. If you came with me right now I could make you happy and do things to you that your husband wouldn't." In response to her declining, he said, "Come on ██████████, you don't even know how happy I could make you. How hard I could make you come," to which she said, "██████████, you are drunk. Go home," and he replied, "You know you would love to leave with me. I know you could do things to make me really happy too." ██████████ next

said, “[REDACTED], go home to your girl-friend,” and he replied, “Come on, just leave with me. Make me happy,” to which she said, “No, [REDACTED]. Leave me alone,” and he repeated, “Come on just make me happy,” before he stumbled reaching for her elbow.

Allegation 2: [REDACTED] [REDACTED] alleges that following his alleged remarks during the same interaction with her, [REDACTED] tried to grab [REDACTED] elbow.

Supporting Information:

[REDACTED] states: “When [REDACTED] tried to grab me [during the incident at Stoney’s], he reached for my left elbow. He touched my arm but was unable to grab on before I could turn my arm away from him and I took a step back with my left foot. I think my movements may have caused him to lose his balance.”

Refuting Information:

[REDACTED] says: “I never stumbled into her that evening [at Stoney’s] and did not have physical contact with her that evening, accidental or not... I did not try to grab [REDACTED] arm or grab her arm.”

[REDACTED] adds: “I took a polygraph on December 11, 2017. I chose the entity but not the examiner. There are two examiners at that office. I received an email from [REDACTED] (the owner of the agency) regarding polygraph services. I called the agency and [REDACTED] answered the phone. I told [REDACTED] that I didn’t know what to do and he explained the services to me and that he had two examiners and that one is one of the most experienced independent examiners in the State. He said he would have the most experienced examiner conduct the examination if I chose to participate in a polygraph exam. I called him back after Thanksgiving and said that I would like have a polygraph scheduled. The day before the polygraph I sent him an email asking what I would sign before the exam. [REDACTED] sent me a template confidentiality document to review before the exam. I did send [REDACTED] information about the accusations. [REDACTED], the examiner contacted me and stated that I needed to be there prior to 12:30 and he would interview me before the exam. I did not bring [REDACTED] or [REDACTED] formal complaint documents to the exam. I did bring notes for the interviewer prior to the exam.”

[REDACTED] continues: “I spoke with [REDACTED] before the exam. He asked me what the allegations were against me. I told him I was accused of grabbing [REDACTED] arm, and trying to grab [REDACTED] arm. I also told him I was accused of grabbing [REDACTED] buttocks. I believe I also gave him specifics as to the statements I was alleged to have said to [REDACTED]. He chose not to ask me questions about the statements I was alleged to have said to [REDACTED]. He said he didn’t feel comfortable asking more than 3 or 4 behavioral questions per accuser. I knew the topics of the questions before I went into the polygraph started. We had a

break of about 10 minutes between the interview and the polygraph exam. During that time, the examiner drafted the questions. He told me the questions he was going to ask me immediately before the exam... ██████████ said that all polygraph examiners will inform the individual of all of the questions before a polygraph exam... The documentation that I have provided contains all of the documentation that I was provided by the examiner.”

Comment: It appears from ██████████ comments that she believes any physical contact is a result of ██████████ falling or losing his balance. She also states that ██████████ did not actually grab her arm or elbow but attempted to do so and she pulled away.

In addition to the motives discussed in Allegation 1 (*See* Allegation 1 for a more thorough discussion of ██████████ ascribed motives) ██████████ points to the polygraph examination and its results to bolster his denial for any alleged physical contact with ██████████. See Attachment 12. While this investigator is not an expert polygraph examiner, this investigator is aware that polygraph examinations are not admissible in court for a variety of reasons including the fact that the results can be unreliable¹². Additionally, this polygraph service reached out to ██████████ after news of the allegations broke, it was not a service he researched and chose on his own. Lastly, ██████████ was the person who provided the examiner with the information/allegations and he was made aware of the questions in advance. As these examinations are generally not allowed in legal proceedings as discussed above, this investigator is not giving any weight to this evidence.

As with Allegation 1, a determination of the credibility of the parties’ statements is required to make a finding. As stated in Allegation 1, this investigator found ██████████ to be credible generally and ██████████ statement to lack credibility generally. With regard to this specific allegation, ██████████ does not appear to exaggerate ██████████ movement’s nor does she ascribe any specific intent to ██████████. This bolsters her credibility. As stated above, this investigator did not find the motives brought forth by ██████████ logical or credible.

Specifically, ██████████ states that he did not grab ██████████ arm or try to grab her arm. This investigator does not find this statement credible. As stated above, ██████████ blanket denials combined with the unreasonable motives ascribed to ██████████ diminish his credibility. In addition, it does not appear that this is an allegation ██████████ would fabricate given the scrutiny she has faced. See Allegation 11.

¹² *Frye v. United States*, 293 F 1013. *See also, People v. Anderson*, 637 P.2d 354, 358 Colo. 1981.

Based on the information provided, this investigator finds it more likely than not that [REDACTED] tried to grab [REDACTED] elbow following his alleged remarks during the same interaction with her.

Allegation 3: [REDACTED] alleges that [REDACTED] touched her lower back/upper buttocks area in on May 12, 2016 after he tried grabbing her elbow as a result of him stumbling into her.

Supporting Information:

[REDACTED] says: “[REDACTED] fell into me. His chest was on my chest and he tried to catch himself. He caught himself on me. His left hand grabbed onto my right side, the lower back/upper buttocks area. I think that is how he caught his fall. We did not fall to the ground. I thinking about this incident over the past year and a half, I don’t think he grabbed me intentionally, I think that was how he regained his balance.”

In her formal complaint [REDACTED] states: “At which point he tried to grabbed my left elbow I pulled away and stepped backwards and away from him. This caused him to stumble on me. There was a lot of physical contact because of the stumble. I do not know if the contact was intentional or because of the stumble at that time he touched my upper thigh towards my butt. [After speaking with [REDACTED]] I quickly walked away. I was shaking, I was angry. I walked over to [REDACTED]. I said ‘Oh my god [REDACTED] grabbed my fucking ass. I can’t believe he did that what a fucking ass hole.’ [REDACTED] came back and said, ‘[REDACTED] is gone’ I said, ‘I can’t believe he grabbed my ass, he tried to get me to go somewhere with him to have sex. What is he thinking he even has a girlfriend.’” See Attachment 2.

Refuting

Information:

[REDACTED] states: “I never stumbled into her that evening and did not have physical contact with her that evening, accidental or not. I never touched [REDACTED] upper leg toward her buttocks. I did not touch her buttocks.”

Comment:

In addition to his statement, [REDACTED] again points to the polygraph examination regarding this allegation as a defense to the claims. This allegation is slightly different from Allegation 2. [REDACTED] is clear in both her statement and her formal complaint that she *said* to [REDACTED] and [REDACTED] that [REDACTED] “grabbed her ass,” but when discussing what he actually did, [REDACTED] said that [REDACTED] touched her lower back/upper buttocks area when he stumbled. During the interview with this investigator, [REDACTED] reaffirmed that she does not allege that [REDACTED] “grabbed her ass.” Instead, [REDACTED] states that with the benefit of hindsight she recalls that [REDACTED] fell and did not intent in any physical touching.

[REDACTED] does not appear to understand [REDACTED] position and takes great issue with the perception that [REDACTED] is alleging that he “grabbed

██████████ ass.” Despite repeated attempts by this investigator to point out the difference and what the allegation was, ██████████ kept discussing that he never “grabbed ██████████ ass.” ██████████ never alleged in her formal complaint nor in her conversations with this investigator that ██████████ touched her buttocks and ██████████ denies doing so. In his statement to this investigator, ██████████ also denies stumbling and having any physical contact with ██████████. This investigator does not find this denial credible. It does not make sense for ██████████ to make allegations of physical touching, that she downplays as a stumble without intent, for them to be fabricated. Additionally, as stated above, this investigator does not find ██████████ other perceived motivations for ██████████ credible.

Consequently, this investigator finds it more likely than not that, ██████████ touched ██████████ lower back/upper buttocks area in on May 12, 2016 after he tried grabbing her elbow as a result of him stumbling into her.

Allegation 4: ██████████ alleges that on July 1, 2017, as the two were getting into their cars after a meeting ██████████ said to her “Don’t you need a fuck buddy? I need a fuck buddy.”

Supporting Information:

██████████, states: “I was ██████████. I worked for ██████████ from March 2017 – November 2017. I consulted on campaign financing for ██████████. I met with ██████████ approximately 40 times during this time frame. I provided ██████████ with ideas and information for his State Treasurers Race. I sent ██████████ a text message telling him I could not work for him after news of ██████████ allegations were made public [in November 2017]... I met with ██████████ on July 1, 2017. We were discussing the terms of my contract with him as my initial contract had expired. We met at the First Bank on Colfax and Franklin. We had an agreement as to my contract but we hadn’t signed the second contract yet. As we were getting in our cars (in the bank parking lot) ██████████ said, ‘Don’t you need a fuck buddy? I need a fuck buddy.’ I said, ‘Nope,’ and got in my car and left. ██████████ never brought it up again and neither did I. I don’t think I told anyone at the time. I didn’t have anyone that I trusted enough to tell. I didn’t report it at the time. ██████████ was the one paying me and truthfully, this kind of thing has happened to me before.”

Refuting Information:

██████████ states: “I know ██████████. I hired her to be a consultant on my Treasurer’s campaign. She worked for me from about April 2017 – November 2017. She was a consultant so she wasn’t an employee. I did pay her for the consulting. I met with her fairly regularly. I met with her about 1 -3 times per

month during that time frame. I never asked her if she needed a ‘fuck buddy’¹³. I never said that to her. It doesn’t surprise me that other people are making false allegations against me. Other than this situation is spiraling out of control I am not sure why she would say that. There is a small group of people that want to take me down. It does not surprise me. I don’t know why she would say such a thing. The accusation is utterly ridiculous.”

Comment: As with the previous allegations, a credibility assessment is required to make a finding in this allegation. ██████████ appeared credible to this investigator and did not appear to have a motive to make these allegations. ██████████ previously came forward anonymously and did not report her allegations to the press nor was she seeking any attention. As she was previously employed by ██████████ ██████████, it appears that she was paid by him and was assisting with his campaign and could have been seen as on “his side.” ██████████ presented her information in a factual manner and was not overly emotional. She answered this investigator’s questions thoughtfully and without hesitation.

Conversely, ██████████ responded that the allegation was “utterly ridiculous” but could not provide a reason as to why ██████████ would fabricate these allegations. He stated that there was a small group of people who wanted to “take him down” but did not state that ██████████ was in that group or somehow recruited by these people. Additionally, as stated previously, this investigator did not find ██████████ credible, generally.

As a result, this investigator finds it more likely than not that that on July 1, 2017, as the two were getting into their cars after a meeting ██████████ ██████████ said to ██████████ “Don’t you need a fuck buddy? I need a fuck buddy.”

Allegation 5: ██████████ alleges that while meeting with ██████████ in his office during the 2015 Session he said to her, “Would you fuck me?” and she confirmed he was asking her to have sex with him.

Supporting Information: ██████████, says: “At that time [in 2014] ██████████ was carrying the testing bill [for medical marijuana]. ██████████ and I were working on these bills; and we had a professional working relationship. At times during meetings he would talk about being separated from his wife and not sleeping in the same bed. I tried to be sympathetic to these comments. During the session of 2015 we were meeting in his office and trying to work on the bill. ██████████ said, ‘Would you fuck me?’ I was taken aback and I tried to make a joke about it. I

¹³ The question asked of ██████████ was, “Did you ever ask ██████████ if she needed a ‘fuck buddy?’” His response was “No! Absolutely not.” Given the vehemence of ██████████ denials, this investigator is under the impression that he denies saying anything like this statement. This investigator attempted to verify this impression, ██████████ did not respond to this inquiry. See Attachment 27.

said, ‘Isn’t that why you have interns and aides?’ He said, ‘No I’m being serious.’ I said that I had a boyfriend. I also said that it was not appropriate for a lobbyist and a legislator to date and that it would be more appropriate for him to date a colleague. I jokingly suggested ██████████. I was trying anything I could to deflect his advances. Initially, I thought maybe he was asking if he was datable, but he said that he was serious and that he was asking me to have sex with him.”

Refuting

Information: ██████████, states: “I know ██████████. She did some lobbying at the Capitol. She also worked for ██████████. When ██████████ made her initial allegation in November 2017, ██████████ went on Facebook and said that she witnessed the incident with ██████████ in 2014. ██████████ has since changed the date to 2015 so it is a little strange that ██████████ would say she witnessed the incident in 2014. ██████████ worked on cannabis legislation and I spoke with her a number of times regarding cannabis legislation. She worked at the Capitol at the same time as my former aide, ██████████ worked for me. ██████████ would have been present for most of those meetings¹⁴. I never asked ██████████, ‘Would you fuck me?’¹⁵ I never met with ██████████ alone. We spoke in the hallways or in the cafeteria. The only times when ██████████ wasn’t present in the room she would have been in her cubicle right outside of my office and she would have been able to hear all of our conversation. She lied about witnessing the incident with ██████████ so this fits her character that she would lie about this as well. I can tell that this is never going to end until they completely assassinate my character.”

Comment: Because there were no witnesses to this allegation nor any physical evidence (i.e. recording) this investigator must base the finding on the credibility of the parties.

██████████ states that ██████████ is fabricating these allegations because she is friends with ██████████ and lied when discussing the allegations ██████████ brought forth (See Allegations 6 and 7). While ██████████ does admit that she knows ██████████ and is aware of her allegations, they do not seem related. ██████████ came forward anonymously and was very concerned about putting her name in this investigation. Additionally, she did not come forward in the press nor publicize her complaint. Also, the language she alleges ██████████ used is similar in nature to the allegation of ██████████. See Allegation 4. Both women describe a crassness to the language used by ██████████. It does not appear that these women know each other or are aware of the complaints. As such,

¹⁴ ██████████ stated she never witnesses anything she considered “sexual harassment” from ██████████ See Attachment 17.

¹⁵ ██████████ was asked, “Did you ever say to ██████████, ‘Would you fuck me?’” His response, “No.” Given the vehemence of ██████████ denials, this investigator is under the impression that he denies saying anything like this statement. This investigator attempted to verify this impression, ██████████ did not respond to this inquiry. See Attachment 27.

these similarities, along with the apparent lack of motive from [REDACTED], bolster the credibility of [REDACTED] complaint.

As stated in Allegation 1, this investigator did not find [REDACTED], credible generally. As noted above, this investigator does not find the perceived motive set forth by [REDACTED] persuasive. [REDACTED] has repeatedly denied the allegations brought forth against him. He readily admits he is trying to save his reputation as well as his current occupation. As he states, this is a matter of life and death to him. See Attachment 13. Moreover, [REDACTED], is running for State Treasurer, a statewide elected office and wants to continue in his chosen career path as an elected official. As this investigator believes that the allegations against him would affect this election and he has motive to deny these allegations.

As such, this investigator finds it more likely than not that while meeting with [REDACTED] in his office during the 2015 Session [REDACTED] [REDACTED] said to her, "Would you fuck me?" and she confirmed he was asking her to have sex with him.

Allegation 6: [REDACTED] alleges that [REDACTED] approached her at the Colorado Young Democrats after party in April 2014, and told her that she looked, "really, really great" in her dress while staring at her chest, and then added, "No, your breasts look great in that dress."

Supporting Information:

[REDACTED], states: "I attended the Colorado Young Democrats after party in April 2014. This was after the Jefferson Jackson dinner. This party was at Katie Mulligans. I was at a table with [REDACTED]. [REDACTED] approached. [REDACTED] appeared visibly drunk. He said that I looked really, really great in that dress. He was staring at my chest while doing so. I tried to laugh it off. He said, 'No, your breasts look great in that dress.' I tried to go back to my conversation with [REDACTED] but [REDACTED] was loitering around our table. I excused myself and went to talk to some other people in a different part of the party. I don't recall that [REDACTED] followed nor did we have any other interaction that evening."

[REDACTED], states: "I attended the Colorado Democrats Party (formerly the Jefferson Jackson Party). This was in 2014. I sat at the table with [REDACTED]. We went to the after party that was hosted by the Colorado Young Democrats. There was a lot of drinking at the party. This was at Katie Mullins Irish Pub. I was sitting across the high top table from [REDACTED]. [REDACTED] came up and was speaking with [REDACTED]. [REDACTED] said that she looked really good in the dress she was wearing. He then leaned in and said, 'Your tits look really good in that dress.' [REDACTED] laughed off his remarks in an uncomfortable laugh and then got

up and walked away. I don't recall ██████████ acknowledging or saying anything to me. I did not respond to his comments. I got up and followed ██████████ to other part of the bar. I don't recall us ever discussing it."

Refuting

Information: ██████████ states: "I remember going to Katie Mulligans, probably twice in my life sometime in the last 5-6 years. I don't recall what the event was or whether it was an event. The only reason I remember that I have been there twice is that the last time I walked in I recalled that I had been there previously. I don't remember talking to ██████████ and ██████████ at Katie Mulligans. I know ██████████, he is an attorney in Westminster. ██████████ ██████████ ██████████ ██████████. They are friends (██████████ ██████████). I did not say to ██████████, "Your breasts look great in the dress"¹⁶." That didn't happen, this is utterly ridiculous.

Comment: Unlike some of the previous allegations, an independent witness corroborates ██████████ allegation. ██████████ recalls the event and remembers ██████████ statement to ██████████. He recalls language far more graphic than that used by ██████████, however, both recall ██████████ making a comment about ██████████ breasts and how they looked in the dress she was wearing. ██████████ does not appear to have a motivation to fabricate his information. ██████████ states that ██████████ is friends with ██████████, in an apparent attempt to discredit ██████████. This investigator is not persuaded by this information. ██████████ did not provide this alleged motive during his initial conversation with this investigator but instead only added this to his signed statement after he took six days to review his statement.

██████████ responded to this investigator's questions in a well-reasoned fashion and did not appear to exaggerate her responses. This, combined with the corroboration provided by ██████████ lead this investigator to find ██████████ statements more credible.

As stated in Allegation 1, this investigator did not find ██████████ credible, generally. With regard to this allegation as stated above this investigator does not find ██████████ perceived motivation for ██████████ to lie credible.

Consequently, this investigator finds it more likely than not ██████████ ██████████ approached ██████████ at the Colorado Young Democrats after party in April 2014, and told her that she looked, "really, really great" in her dress

¹⁶ ██████████ was asked, "Did you say, 'Your breasts look great in the dress.'" His response, "No." Given the vehemence of ██████████ denials, this investigator is under the impression that he denies saying anything like this statement. This investigator attempted to verify this impression, ██████████ did not respond to this inquiry. See Attachment 27.

while staring at her chest, and then added, “No, your breasts look great in that dress.”

Allegation 7: [REDACTED] alleges that [REDACTED] approached her standing near the arcade games at the 1UP bar during an event hosted by the Colorado Young Democrats on March 24, 2015, and unbuttoned the top button of her shirt and said, “That’s better,” before [REDACTED] slapped his hand away and then turned away while [REDACTED] laughed in response.

Supporting Information:

[REDACTED] states: “I attended that Legislative Showdown on March 24, 2015. This was hosted by the Colorado Young Democrats at 1Up bar. I was standing near the arcade games and [REDACTED] approached me. This was a crowded area and I don’t recall who was around us. We talked for a few minutes. I think [REDACTED] complimented me and I think I said thanks. [REDACTED] reached over and unbuttoned the top button of my shirt and said, ‘That’s better.’ I was shocked. I slapped his hand away and turned around. [REDACTED] laughed in response. [REDACTED] was drinking at this event. I went outside to smoke. I don’t think I told anyone that night. I have had people reach out to me and say that I told them about the incident. I don’t recall sharing the information with anyone. I felt for a long time after this incident uncomfortable at events with [REDACTED]. I avoided him when I could... When news of [REDACTED] allegations broke I felt I had to come forward and speak up that this had happened to me too.”

[REDACTED] continues: “One of the reasons I hadn’t filed a formal complaint is that I couldn’t recall exactly which year the event occurred. [REDACTED] has been on twitter attacking my story and he posted a picture of himself at an event. I realized at that point that I could likely find pictures of myself at this event. I remember what shirt I was wearing when he unbuttoned it – it’s not something you forget. I went back through and found the pictures and was able to pinpoint the dates¹⁷.”

Refuting Information:

[REDACTED], states: “I did not attend the legislative showdown in March 24, 2015. My ex-wife documented that I came home at March 24, 2015 at 1:30 pm. She provided me with a copy of a calendar that she kept at that time. I was present at the event in 2014 at 1UP. I was only there about 15 minutes. I tweeted a picture of myself at that bar after I returned home. This was in 2014. I did not attend the 2015 event. [REDACTED] complaint is malicious and recklessly dishonest.”

[REDACTED], says: “I am [REDACTED] ex-wife. We were married from 2004-2015. While we were discussing a divorce I

¹⁷ See Attachment 18 B

began keeping track of [REDACTED] whereabouts and when/where he spent money. I wasn't sure if I would need the information for our divorce. I often wrote on the calendar when he returned home. I gave this calendar to [REDACTED] after I heard about the [REDACTED] formal complaint. The calendar is in my handwriting. On March 24, 2015 I wrote that [REDACTED] returned home from the Capitol at 1:30 pm. [REDACTED] and I were together the rest of the day and night. I reached out to [REDACTED] when I saw the media reports about the allegations against him. I remembered I had the calendar from 2015 after I heard about [REDACTED] formal complaint. I was following the news reports where [REDACTED] had changed her story and the year."

Comment: As this allegation involves statements made by witnesses, this investigator must make a determination based on the credibility of the witnesses. [REDACTED] states that he did not attend the legislative showdown in 2015 and relies on the calendar presented to him by his ex-wife. *See* Attachment 21 A. This investigator was provided a photocopy of a March 2015 calendar. In some of the calendar boxes there appear to be notations regarding times, and in certain instances a dollar amount and location. On the date for March 24, 2015, there is a notation that says, "home 1:30pm."

This investigator spoke with [REDACTED]. When this investigator initially spoke with [REDACTED] she presented as a genuine individual and someone who spoke with fondness for [REDACTED]. She also stated that she did not believe the allegations against [REDACTED]. At the time, she did not appear to bolster her testimony and stated that she did not have an independent recollection of March 24, 2015; she was merely relying on the calendar. This statement seemed to make logical sense to this investigator as the event occurred nearly three years ago. When the investigator gave [REDACTED] an opportunity to review and edit her statement, she significantly changed that sentiment and instead stated that she does recall that date and that they were together the rest of the day. *See* Attachment 21. This statement appears disingenuous because it does not appear reasonable for her to have an independent recollection of a random Tuesday from nearly three years ago. In addition, when first questioned by this investigator, [REDACTED] stated that she did not live with [REDACTED] in 2015, but then stated at some point in 2015 they no longer lived together and did not say when that occurred.

In reviewing the calendar there is not a notation on each date box. Except for March 24, the dates that include times all state either A.M. or do not have a notation as to A.M. or P.M. It appears reasonable that someone keeping track of her spouse's whereabouts in anticipation of a divorce would make note on the dates when he was out late, seemingly in line with most of the dates stating A.M. On the remaining dates, no time is notated, indicating that she did not keep track of when [REDACTED] returned unless it was after midnight. This investigator reached out to [REDACTED] for the reasoning behind this. She states, "I did not document dates [REDACTED] came home during normal time in the evening. Most

nights he came home after work in the evening or late afternoon. I only documented days he came home early or late.” Attachment 21 B. It seems reasonable that these dates are blank because nothing remarkable happened on that date. The statement that she only kept track of the days he arrived early or late causes this investigator pause. Not only does it make sense that she would keep track of the dates [REDACTED] was out late, it appears slightly suspicious that March 24 is the only date where it is noted that he came home in the afternoon. Additionally, it is the only date that says, “home.”

It appears that March 24 stands out as an anomaly as the only date where a PM is noted. This combined with [REDACTED] significant changes to her statement, cause this investigator to question [REDACTED] motives as well as the authenticity of this calendar. This investigator asked to have the original calendar. Instead this investigator was given a copy made by [REDACTED]. If this investigator would have access to the calendar, an analysis as to handwriting, ink color, and consistency could have been done. By withholding that information, this investigator further questions the reliability of that evidence.

[REDACTED] provided a photograph of herself at the event. *See* Attachment 18 B. In this picture, [REDACTED] explains that she recognized the shirt she was wearing as it is not something she would forget. In addition, [REDACTED] stated that part of the reason she did not file her complaint right away was that she was unaware of the specific date. It wasn’t until she found a picture of herself at the event that she was able to pinpoint the date. In addition, this investigator was able to verify the date of the event by contacting the Colorado Democratic Party. *See* Attachment 20. [REDACTED] also did not provide any names of witnesses from that evening as she did not have an independent recollection of sharing her story with them. These combined factors lead this investigator to find [REDACTED] story more credible.

Therefore, based on the information provided, this investigator finds it more likely than not that, [REDACTED] approached [REDACTED] standing near the arcade games at the 1UP bar during an event hosted by the Colorado Young Democrats on March 24, 2015, and unbuttoned the top button of her shirt and said, “That’s better,” before [REDACTED] slapped his hand away, and then turned away while [REDACTED] laughed in response.

Allegation 8: [REDACTED] alleges that while having lunch with [REDACTED] near the Capitol he raised the subject of them “fucking,” to which she replied, “No that’s off the table,” and he responded, “It doesn’t have to be on the table.”

Supporting Information: [REDACTED], states: “In 2014 or 2015 I had lunch with [REDACTED] at a Mexican Restaurant near the Capitol. It was not uncommon for us to lunch and discuss work. [REDACTED] was always the sponsor of the bills I was working

on and is often the person to introduce animal protection legislation. During this particular lunch (I think it was 2015 and was during session which is sometime between January and May) █████ brought up us ‘fucking.’ I don’t recall his exact words but he used the term ‘fuck’ in a sexual context. I said, ‘No, that’s off the table.’ I felt shocked that he propositioned me. He speaks in vulgar terms and often uses that kind of language – the language wasn’t what shocked me but that he used to towards me. He then joked, ‘It doesn’t have to be on the table.’ I remember this part verbatim. I don’t remember my response. We started talking about something else. █████ later circled back and said he was sorry if he made me uncomfortable. I took this statement to be in reference to him suggesting we have a sexual relationship. At the time of this incident, I told my husband, my neighbor, and several of my friends.”

█████, says: “In March of 2016, █████ and I were at City Grille for lunch. It was a day that I didn’t have a committee hearing so I had some extra time. We were talking about █████ and what was going on in her life at the time. She mentioned that she was glad that her life was in a different place now. She described some of the details of her sexual relationship with █████. She said that it was almost exclusively oral sex. She then pivoted to her husband. She said, my husband is fucking hot but it’s difficult for me to come. That’s when I said jokingly, why don’t you and I give it a try? █████ was laughing before and after I said this. She responded, isn’t that what interns are for? I replied, no, █████ that’s not what interns are for. I have never slept with an intern...I don’t remember █████ saying, that’s off the table in response to me joking that we give it a try. I never said to her, ‘It doesn’t have to be on the table¹⁸.’ ”

Refuting

Information: None, except as referenced above.

Comment: This allegation is slightly different from the other allegations. █████ admits that he had a conversation with █████ regarding having a sexual encounter. He states that he was joking and this comment was in response to █████ comments regarding her sex life. He also states that this was part of a consensual conversation. █████ points to his polygraph examination for further evidence of the consensual nature of the conversation. *See* Attachment 24. This investigator does not doubt that to him, in his opinion, this conversation was consensual. This does not appear to be the case for █████.

█████ stated on a number of occasions that she did not have the kind of relationship with █████ where she would share personal details of her sex life. This investigator has no reason to doubt █████ account of the incident. It does not appear that █████ has any motive to fabricate these

¹⁸ █████ was asked, “Did you say, ‘It doesn’t have to be on the table.’” He responded, “No.”

allegations. If [REDACTED] did have that kind of relationship and did feel that the conversations were consensual, it would not make sense for her to file a complaint regarding his behavior. Moreover, [REDACTED] alleges that [REDACTED] used some variance of the word “fuck” in this conversation, an allegation he denies. This type of language is consistent with the allegations brought forward by [REDACTED] and [REDACTED]. *See* Allegations 4 and 5. Nevertheless, [REDACTED] admitted to suggesting that he and [REDACTED] have a sexual encounter. Lastly, it appears regarding this allegation, [REDACTED] is placing blame on [REDACTED], stating that she was the one to first bring up talk of sex and downplaying his language choice. This diminishes his credibility as stated it does not appear that [REDACTED] would engage in such a conversation with [REDACTED].

As such, this investigator finds it more likely than not that while having lunch with [REDACTED] near the Capitol, [REDACTED] raised the subject of them “fucking,” to which she replied, “No that’s off the table,” and he responded, “It doesn’t have to be on the table.”

Allegation 9: [REDACTED] alleges that while sitting on a bench outside the Capitol Building in the spring of 2016, [REDACTED] said something about her looking almost perfect, but needing to shave the top part of her legs.

Supporting Information:

[REDACTED] states: “I think in the spring of 2016, I was sitting on a bench outside the Capitol. I was wearing a dress and when I sat down the dress came up over the top of my knee. [REDACTED] said something about me looking almost perfect and that I just need to shave the top part of my legs. He was sitting next to me on the bench when he was speaking to me. I don’t remember what I said to him. I felt awful. He made me feel uncomfortable and objectified. I was also angry. I had never commented on his body or his clothes. I was not trying to have an intimate relationship with him of any kind.”

Refuting Information:

[REDACTED] says: “I was sitting on the bench outside the Capitol in the spring or summer of 2016. [REDACTED] called me and said she was near the Capitol and wanted to catch up. She found me on the bench. She sat down next to me. She was wearing a dress and when she crossed her legs after sitting, she covered up her knee and said something like oops looks like I missed a few hairs. I said don’t worry about it you look great. She is the one who pointed out the leg hairs to me. I never said anything about any fuzz on her thighs. [REDACTED] stated ‘thigh fuzz’ on social media. I never discuss[ed] her ‘thigh fuzz.’ I don’t know why [REDACTED] would say these things about me. I treated [REDACTED] like a friend and treated her well. This one is surprising to me. I don’t know if maybe something is wrong with her medication.”

Comment: Unlike the other complainants, ██████████ does not have a perceived motivation, political or otherwise, for why ██████████ has filed a complaint against him. Perhaps because of this, he is attempting to again state that ██████████ was the one to make the comment about her body. *See also* Allegation 10. Again, this does not appear to make sense. If ██████████ was the one who made the comment, why would she come forward and complain. This is especially true given the very public response from ██████████. *See* Allegation 11. ██████████ also tries to suggest that ██████████ is taking medication and there is something wrong with the medication and this is causing her to lash out at him. This investigator does not find this statement, plausible or believable.

██████████ did not present to this investigator as someone who was under the influence of any medication or that it was somehow affecting her judgement or speech. She appeared logical, reasonable, and forthcoming in her answers to this investigator's questions. She does not appear to have a motive to make these allegations against ██████████ as she admits they had a decent working relationship and were in frequent communication with each other. Based on these factors this investigator finds ██████████ story more credible than ██████████.

Therefore, this investigator finds it more likely than not that while sitting on a bench outside the Capitol Building in the spring of 2016 with ██████████, ██████████ said something about her looking almost perfect, but needing to shave the top part of her legs.

Allegation 10: ██████████ alleges that ██████████ approached her at a CLAW caucus event on April 20, 2017 and remarked, "Man your hair is gray."

Supporting

Information: ██████████ says: "I saw ██████████ again on April 20, 2017. I hadn't seen him in quite some time. I was attending a CLAW caucus event. The first thing he said to me was, 'Man, your hair is gray.' I think I probably just shook my head. It didn't surprise me that he would say something like that to me. He always looked at me as a collection of body parts and not a human. I got my award and got out of there as quickly as I could."

██████████, states: "I was present for an event that acknowledged ██████████ work toward animal welfare in Colorado. Colorado Voters for Animals was presenting ██████████ with an award. This took place at the State Capitol. I believe this took place in April, 2017. I was with ██████████ when everyone was gathering beforehand. ██████████ and I were standing together. ██████████ walked up to her and I believe the first thing he said to her was, 'Man your hair is gray.' ██████████ kind of stopped and changed the subject. The conversation had kind of a weird start. I remember

being struck by that comment, after that I believe we then started talking about the agenda for the meeting.”

Refuting

Information: [REDACTED] states: “I attended a CLAW Caucus event on April 20, 2017. I was there first and when I walked out into the hallway [REDACTED] walked up to me and hugged me. [REDACTED] mentioned I had cut my hair almost ‘bald.’ I had recently cut my hair really short. I think [REDACTED] said something like she had let her hair go a little bit. I think she said that because there were some strands of gray. I said something like, your hair looks really nice in response to her statement. I think both of [us] used the word gray in describing her hair. [REDACTED] initiated the conversation about her hair and I responded. [REDACTED] commented on my hair that day as well as I had cut my hair for the first time in a while. I think she commented on my hair first and that is how the conversation led to her hair. [REDACTED] might have overheard that conversation; I don’t recall if she was immediately present for the conversation with [REDACTED]. [REDACTED] was definitely in the hallway or close by¹⁹.”

Comment: As with the previous allegation, [REDACTED] states that [REDACTED] is the one who made a comment about her hair on the date in question. Also, as with the previous allegation, it does not make sense that [REDACTED] would make the allegation if she is the person to make the comment. These statements, diminish [REDACTED] credibility. It is apparent, and has been discussed throughout the report, that this attempt to place blame on the accuser, is a common response for [REDACTED]. In this instance, there was a third-party witness to this exchange. [REDACTED] recalls the comment similarly to [REDACTED]. She recalls that it was [REDACTED] who made the comment and recalls that it was the first thing he said to [REDACTED]. [REDACTED] was present at the event and does not appear to have a motive to fabricate her recollection. These factors combined with [REDACTED] diminished credibility, lead this investigator to find [REDACTED] story more believable than [REDACTED] version.

Accordingly, this investigator finds it more likely than not that [REDACTED] approached [REDACTED] at a CLAW caucus event on April 20, 2017 and remarked, “Man your hair is gray.”

Allegation 11: [REDACTED], [REDACTED], and [REDACTED] allege that [REDACTED] has discussed their allegations publicly, threatened to sue them, and released information publicly in response to their complaints.

¹⁹ [REDACTED] states she did not overhear a conversation about [REDACTED] hair. See Attachment 17.

**Supporting
Information:**

██████████ states: “I feel like ██████████ has retaliated against me. He has repeatedly called me a liar. As an elected official, the only currency I have with my constituents is my trust. On December 12, 2017; ██████████ had a 4-page response to my accusations. He released this response to the press and some of them have reprinted it. He has continued to be in the media calling me a liar. He also delivered a 28-page response to every one of my colleagues making it more difficult for me to do my job. I had a meeting with my political team this week and we discussed ██████████ manifesto and his video²⁰...Every morning I wake up and I don’t know when I am going to have to rearrange my entire schedule to defend myself. I recently had to attend a meeting in ██████████ building and I made sure to have someone walk me over and walk me back. I am being treated differently by lobbyists. There have been jokes between lobbyists and legislators when they are hugging saying watch out the ‘Me Too’ police might catch you. This has also taken a great deal of my time, from defending myself, participating in the investigation, and I have taken dozens of phone calls from other women. This is also incredibly taxing on me emotionally. I live every day trying not to set him off. I have declined national media requests so as to not set him off. I have had people offer to support me and write op-eds and letters to the editors and I have declined because I don’t want to set him off. That is why I haven’t sent a formal complaint for retaliation to ██████████ – I don’t want to set him off. There is not big conspiracy. The first time ██████████, ██████████, and I were in the same room was on opening day.”

██████████ continues: “I also heard from ██████████ that ██████████ came into the bathroom (while in the office building across from the capitol) and ██████████ ██████████ was in the bathroom unbeknownst to ██████████. ██████████ said he overheard ██████████ on his cell phone. ██████████ told me that ██████████ said, ‘it’s all bullshit’ and that he was going to sue me and ██████████. ██████████ also overheard ██████████ say he was going to release a video every week.”

██████████ says: “██████████ has threatened to sue ██████████ ‘and others’ for defamation. Its concerning to me that I may be included in that. I received a Facebook message from someone I don’t know named ██████████. People told me that she is ██████████ girlfriend. She asked me why I took so long to file a formal complaint. I did not respond to the message.”

██████████ states: “The entire manifesto is published on Twitter under the handle @weseektruth18. It is published in 28 separate tweets, one page per tweet. The opening post sounds like ██████████. The poster calls it a "DOSSIER" capitalized. The only one who calls it that instead of a manifesto is him. The whole post is so

²⁰ <https://www.youtube.com/watch?v=0erxh3n-KV4&t=375s>

much his message point that it seems implausible that it wasn't coordinated with him, or posted by him. The retaliation has to stop.” Attachment 22 A

██████████ states: “I stated on the Devil’s Advocate show that I am considering suing ██████████ for defamation because her complaints were false and defamed my character. I probably should sue ██████████. If I didn’t say that, I should have. I did receive the letter from ██████████ dated on December 14, 2017. Both ██████████ and ██████████ went forward to the press. After waiting 26 days then I started going public with my response to these false allegations. ██████████ and ██████████ had been violating the confidentiality for 4 weeks (November 14 – December 14) before I received the letter from ██████████. I did not go to the press to speak about ██████████ for 4 weeks after the allegations were made public.”

██████████ continues: “I drafted a document before the session started and I gave a copy of it to everyone in the House. ██████████ and others had violated the confidentiality portion in the policy. ██████████ stated that he had already drafted an expulsion resolution and stated that he was going to introduce it on day one of the session. I felt like my members need to hear both sides of the story in order to vote appropriately on an expulsion. Neither ██████████ nor anyone else has introduced an expulsion resolution in the House²¹. However, he publicly stated he would introduce on ‘day one.’ I have had several members (I won’t reveal who) come forward and say that they were grateful to hear my side of the story.”

██████████ adds: “I refrained from going to the press or talking to anyone until my press conference. Both ██████████ and ██████████ were in the press almost daily talking about what was in their formal complaints; violating the confidentiality of the process. ██████████ retaliated against me for 4 weeks after I decided not to resign. ██████████ told the press specifics about her complaint. I don’t think that giving my document to the members of the House is retaliation. I took the sexual harassment training and I was told that talking about a formal complaint and releasing the formal complaint would not be a violation of the policy.”

Refuting

Information: None, except as referenced above.

Comment: ██████████ does not deny threatening to sue ██████████ and ██████████. He does not appear to see any issue with a statement like this, made publicly, about two women who have accused him of harassment. Likewise, ██████████ does not deny discussing the allegations against him and his accusers, in written documents and in the press. Additionally, he does not deny compiling a 28-page document given to each of his (and ██████████) colleagues. Attachment 23. In this document, he makes statements about ██████████ and ██████████, including claiming that ██████████ had an extra-marital affair and that was why

²¹ ██████████ was asked, “Did ██████████ introduce the resolution of expulsion?” His answer, “No.”

she left her job. [REDACTED] states the reason he made this document is because [REDACTED] stated publicly that he was going to introduce an expulsion resolution and he needed to tell his side of the story. No such resolution has been introduced to date. Additionally, [REDACTED] takes issue with [REDACTED] and [REDACTED] making comments in the press and states that was why he went forward in the press. [REDACTED] denies releasing the document he created for the House but acknowledges that it was made public.

Because [REDACTED] admits to the conduct asserted after he received the letter from [REDACTED] (attachment 32) this investigator finds the conduct was as a result of the complaints filed against him.

Thus, this investigator finds it more likely than not that [REDACTED] [REDACTED] has threatened to sue [REDACTED] and [REDACTED]. This investigator further finds it more likely that not that [REDACTED] has discussed the allegations of [REDACTED], [REDACTED] and [REDACTED] publicly and released information publicly in response to their complaints.

Conclusion

As indicated above, it appears that [REDACTED] has engaged in the behavior alleged by [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. As indicated throughout the report, this investigator consistently found the statements of the complainants more credible than [REDACTED] statements and perceived motivations of the women involved. In addition, the similar nature and crassness of the language allegedly used by [REDACTED] gives further credence to the allegations brought forth by [REDACTED], [REDACTED], and [REDACTED]. The lack of motive for each woman, is balanced against the perceived motive of [REDACTED] and his desire to keep his legislative seat amidst calls for his resignation. In the end, this investigator was more persuaded by the information provided by each of the complainants than the statements made by [REDACTED].

Summary of Findings

1. This investigator finds it more likely than not that that at approximately 12:30 am on May 12, 2016, [REDACTED] made multiple unwelcome statements to [REDACTED] in his pursuit of a sexual encounter during conversation at Stoney's Bar and Grill for the annual Sine Dine party after learning [REDACTED] husband was away, including: "Oh so you don't have any plans tonight then? Well you know it is the end of session and we really should be happy. If you came with me right now I could make you happy and do things to you that your husband wouldn't." In response to her declining, he said, "Come on [REDACTED], you don't even know how happy I could make you. How hard I could make you come," to which she said, "[REDACTED], you are drunk. Go home," and he replied, "You know you would love to leave with me. I know you could do things to make me really happy too." [REDACTED] next said, "[REDACTED], go home to your girl-friend," and he replied, "Come on,

just leave with me. Make me happy,” to which she said, “No, ██████. Leave me alone,” and he repeated, “Come on just make me happy,” before he stumbled reaching for her elbow.

2. This investigator finds it more likely than not that ████████████████████ tried to grab ████████████████████ elbow following his alleged remarks during the same interaction with her.
3. This investigator finds it more likely than not that, ████████████████████ touched ████████████████████ lower back/upper buttocks area in on May 12, 2016 after he tried grabbing her elbow as a result of him stumbling into her.
4. This investigator finds it more likely than not that that on July 1, 2017, as the two were getting into their cars after a meeting ████████████████████ said to ████████████████████ “Don’t you need a fuck buddy? I need a fuck buddy.”
5. This investigator finds it more likely than not that while meeting with ████████████████████ in his office during the 2015 Session Representative ████████████████████ said to her, “Would you fuck me?” and she confirmed he was asking her to have sex with him.
6. This investigator finds it more likely than not ████████████████████ approached ████████████████████ at the Colorado Young Democrats after party in April 2014, while visible drunk and told her that she looked, “really, really great” in her dress while staring at her chest, and then added, “No, your breasts look great in that dress.”
7. This investigator finds it more likely than not that, ████████████████████ approached ████████████████████ standing near the arcade games at the IUP bar during an event hosted by the Colorado Young Democrats on March 24, 2015, and unbuttoned the top button of her shirt and said, “That’s better,” before ████████████████████ slapped his hand away, and then turned away while ████████████████████ laughed in response.
8. This investigator finds it more likely than not that while having lunch with ████████████████████ near the Capitol, ████████████████████ raised the subject of them “fucking,” to which she replied, “No that’s off the table,” and he responded, “It doesn’t have to be on the table.”
9. This investigator finds it more likely than not that while sitting on a bench outside the Capitol Building in the spring of 2016 with ████████████████████, ████████████████████ said something about her looking almost perfect, but needing to shave the top part of her legs.
10. This investigator finds it more likely than not that ████████████████████ approached ████████████████████ at a CLAW caucus event on April 20, 2017 and remarked, “Man your hair is gray.”
11. This investigator finds it more likely than not that ████████████████████ has threatened to sue ████████████████████ and ████████████████████. This investigator further finds it more likely that not that ████████████████████ has discussed the allegations of ████████████████████, ████████████████████ and ████████████████████ publicly and released information publicly in response to their complaints.

Analysis

Decision-makers for the Colorado General Assembly are responsible for assessing whether the facts of this matter support the allegations presented here or otherwise establish unacceptable conduct. This investigation report is intended to be the tool for making that analysis by identifying the relevant allegations and addressing sources of supporting and refuting information. This investigator's commentary is also shared, but it is important to understand that another person, such as a judge or a juror, might reach different conclusions based on the same or additional information.

END REPORT

Respectfully submitted,

EMPLOYERS COUNCIL, INC.

[REDACTED], J.D.
Workplace Investigator

MLS/

Attachments