### 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:	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 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: On December 18, 2017, I interviewed On December 21, 2017, I continued my interview with On January 3, 2018, I continued my interview with 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: 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.

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	On February 1, 2018, I interviewed telephone.
	On February 2, 2018, I interviewed telephone.
	On February 8, 2018, I interviewed via telephone.
	On February 9, 2018, I interviewed via telephone.
	On February 13, 2018, I re-interviewed
	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 Statement 14. Audio recording of February 13, 2018 interview with 15. Summary Statement 16. Summary Statement 17. Summary Statement 18. Summary Statement
<sup>6</sup> The statement from pages. <sup>7</sup> This investigator via February 13, 2018 a previous conversati	was made aware that recorded the first three conversations with this investigator of

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 response provided to members of the House
23. response provided to members of the House 24. Polygraph from regarding allegations
24. Forlygraph from regarding allegations 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,
of During the course of the investigation three other women;
, and , also came forward and complained of inappropriate conduc
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

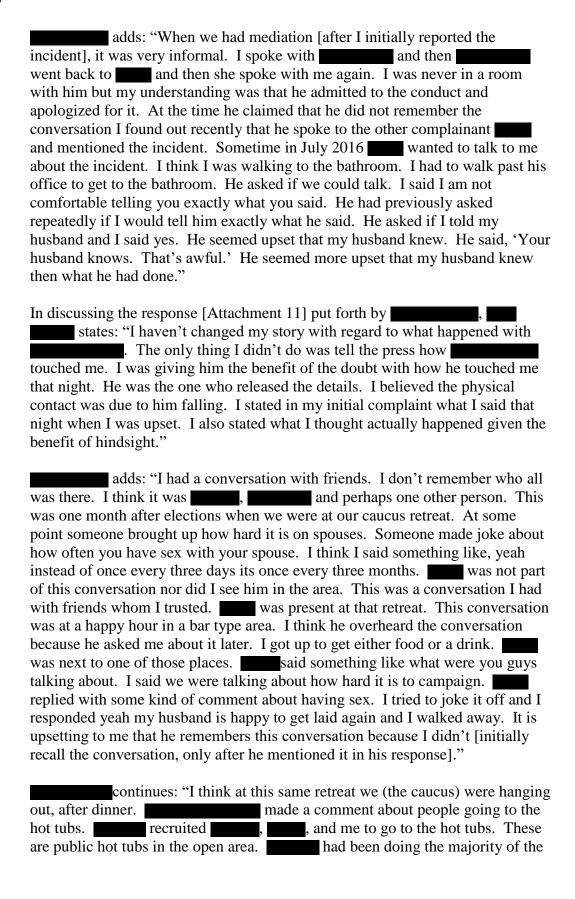
in his pursuit of a sexual encounter during conversation at Stoney's Bar and Grill for the annual Sine Dine party after learning husband was away, including: "Oh so you don't have any plans tonight then? Well you know it is the end of session and we really should be happy. If you came with me right now 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.

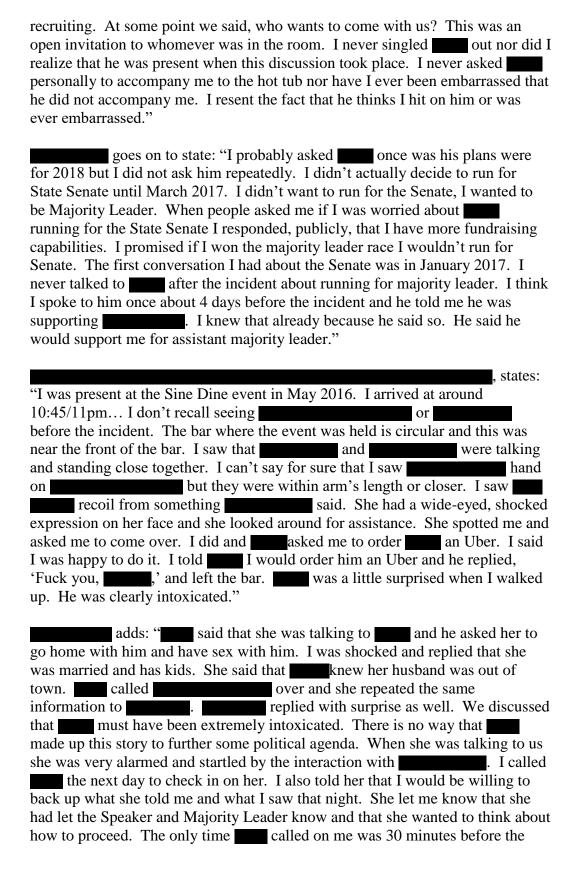
# **Supporting Information**:

"[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 girlfriend.' 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.

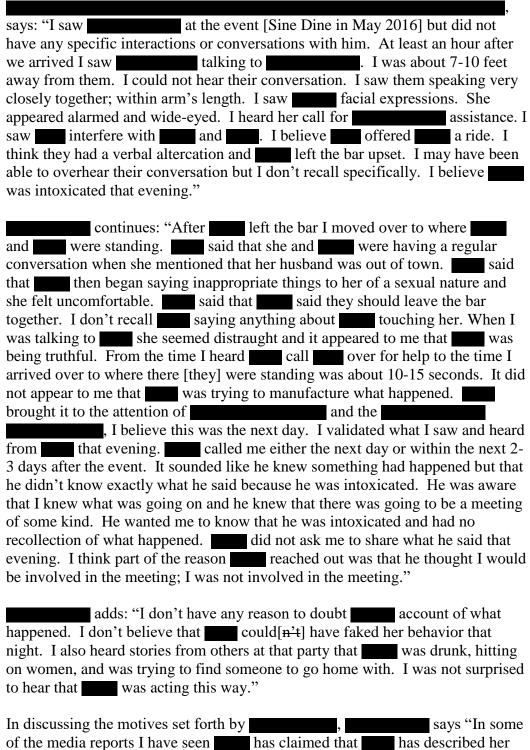
states:

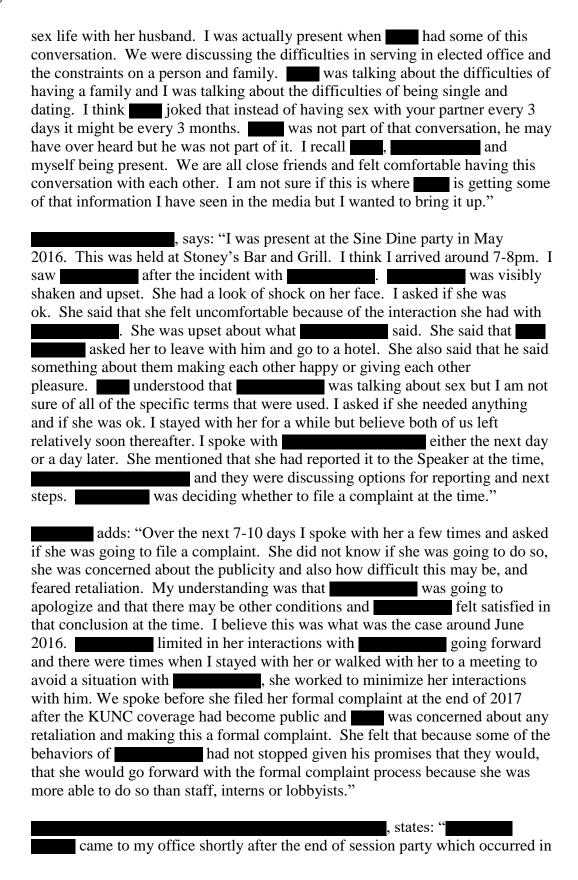
continues: "I don't think anyone saw the interaction with us, but a few people noticed my reaction to Along with and was also present and has mentioned that she would be willing to come forward as well. Throughout the interaction was getting angrier. He was standing very close to me; I could feel his 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."



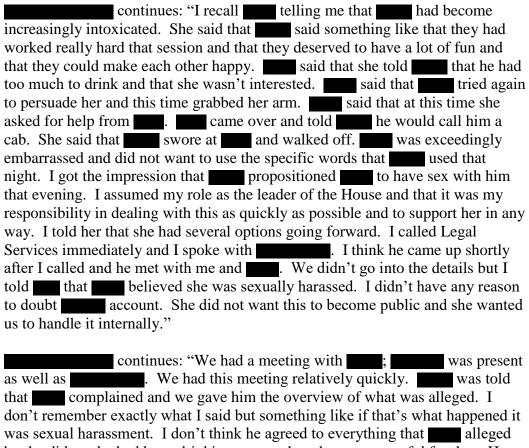


reporter called me after the news of her allegation broke. has never talked to me about this. I am not sure if any point before the article came out that he remembered I was there."

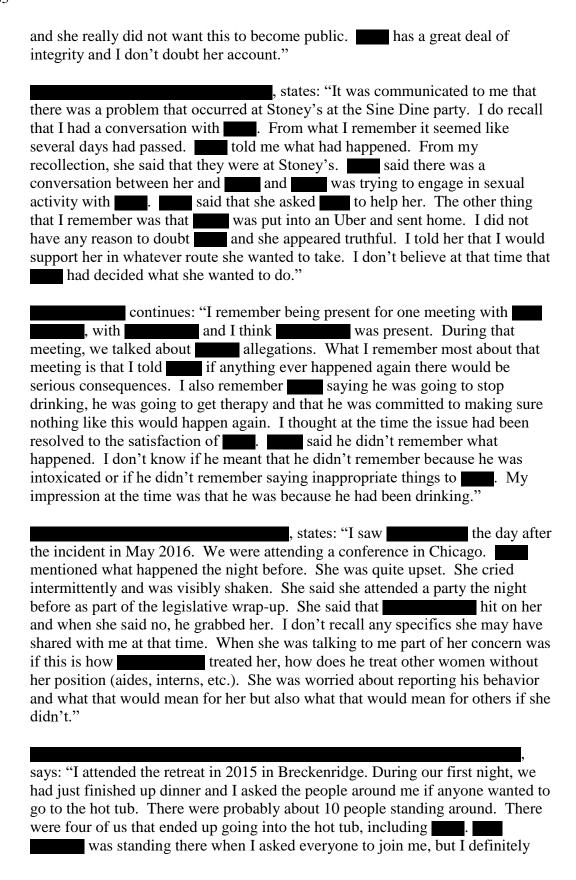




May 2016. I almost always have my chief of staff with me when I take meetings with anyone. I requested that the meeting just be between us. I don't recall exactly what she said but I'm sure she requested what she say remain confidential. She then proceeded to tell me what happened, from her perspective, 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."



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



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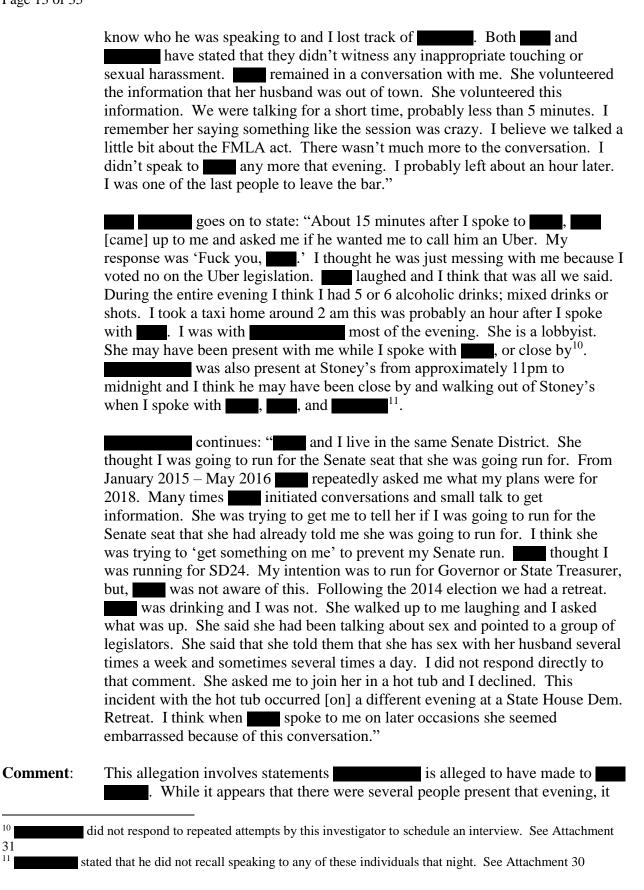
did not directly ask him. No one would have wanted him to go – he just so happened to be standing there. also did not ask to join her (or us) in the hot tub."

### Refuting Information:

states: "I received a copy of formal complaint on November 15, 2017 via email from . This was not the first time I heard about these kinds of complaints from days after Sine Dine (the last day of session in May 2016) I received an email . 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. responded that she wasn't prepared to do that right and contacted me and said now. Both that told them that I had said something inappropriate to 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." continues: "When I was speaking with 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.' drunk. I never said to you don't even know how happy I could make you. How hard I could make you come<sup>8</sup>.' never said to me that I was being ridiculous. I never asked to leave with me. I never asked to leave with me that night on more than one occasion<sup>9</sup>... Either saw that I was drinking and saw that it was her opportunity to get even with me or she pre-planned the entire encounter." 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 \_\_\_\_\_, and all walked over to me. I greeted all three of them and we spoke briefly. 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. walked about 10-18 feet away and was having a conversation with some other people. I don't

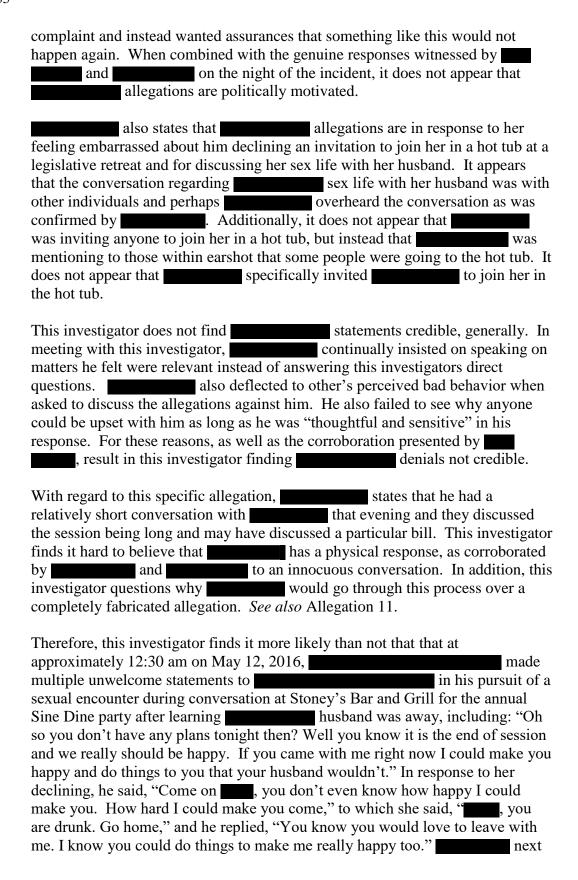
<sup>&</sup>lt;sup>8</sup> These quotations were asked directly of \_\_\_\_\_\_. He responded "no" to each question. The quotations are included to show the exact statements asked of \_\_\_\_\_\_.

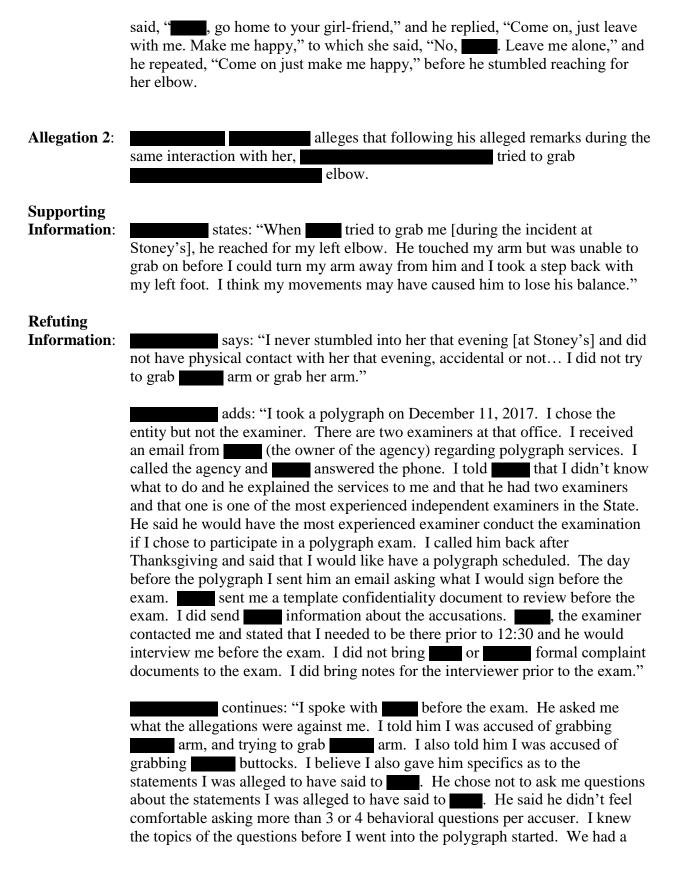
<sup>&</sup>lt;sup>9</sup> Given the vehemence of denials, this investigator is under the impression that he denies saying anything like this statement. This investigator attempted to verify this impression, did not respond to this inquiry. See Attachment 27.



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 to be credible, generally and with regard to
this allegation. provided specific detail as to the events that
occurred at the Sine Dine party in May 2016. Perhaps, more importantly,
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 did not repeat the specific language used by
appears this was done because she was embarrassed, not because of any
appears this was done because she was embarrassed, not because of any
nefarious motive as alleged by states that she told both and and of the incident immediately after it occurred.
both and of the incident immediately after it occurred.
stated that he saw recoil from something
said and appeared wide-eyed and startled. This appears a very genuine response
and appears to have been directly related to whatever was saying
at the time. When spoke to he describes her as being
visibly upset as does . He recalls asking for assistance
from and also recalls explaining that had
made comments that were inappropriate. Both men describe the specific sincere
reaction of at the time of the incident and both indicate that in their
opinion, this reaction was not fabricated by
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In addition to these people, spoke with
and in the days following the incident. Both of these women verify that explained what occurred
that night, although she did not provide as many specific details. This
investigator finds remarks particularly helpful. She indicates
that was very embarrassed and did not want these allegations to be
made public. She also remarked that seemed very sincere and she
had no reason to doubt her story.
This investigator does not find the reasons set forth by
allegations credible, each will be addressed below.
states that allegations are politically motivated. He
states that because he and 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 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, states that she had not made the decision to run
for State Senate at the time. allegation seems to be even more
tenuous considering at the time. was hesitant to make a formal





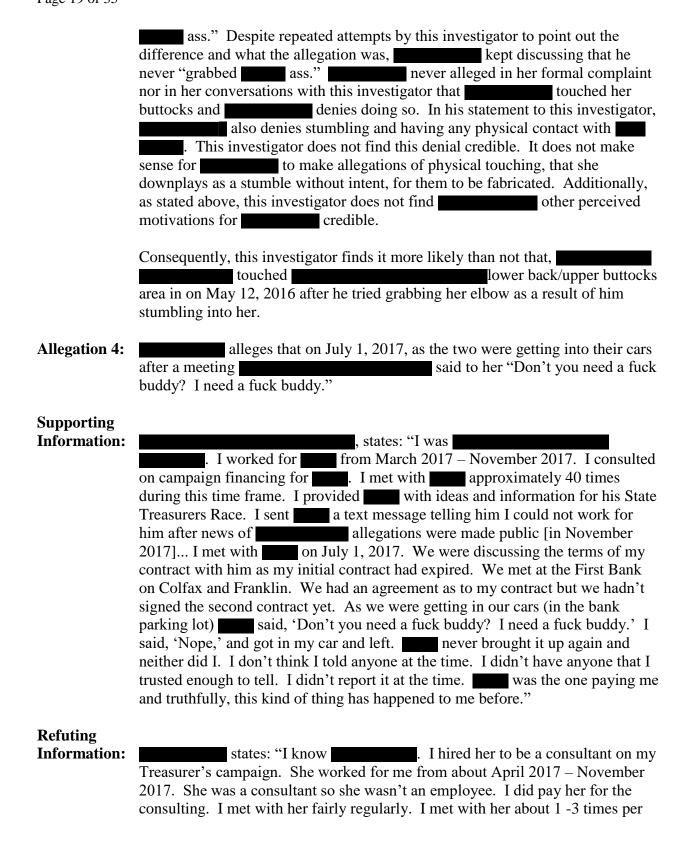
break of about 10 minutes between the interview and the polygraph exam. During that time, the examiner drafted the questions. He told me the questions he was going to ask me immediately before the exam... said that all polygraph examiners will inform the individual of all of the questions before a polygraph 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) 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 unreliable 12. 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, 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 would fabricate given the scrutiny she has that this is an allegation faced. See Allegation 11.

<sup>&</sup>lt;sup>12</sup> Frye v. United States, 293 F 1013. See also, People v. Anderson, 637 P.2d 354, 358 Colo. 1981.

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	Based on the information provided, this investigator finds it more likely than not that tried to grab elbow following his alleged remarks during the same interaction with her.
Allegation 3:	alleges that 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:	says: " 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 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 I quickly walked away. I was shaking, I was angry. I walked over to grabbed my grabbed my fucking ass. I can't believe he did that what a fucking ass hole." came back and said, 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:	states: "I never stumbled into her that evening and did not have physical contact with her that evening, accidental or not. I never touched upper leg toward her buttocks. I did not touch her buttocks."
Comment:	In addition to his statement, again points to the polygraph examination regarding this allegation as a defense to the claims. This allegation is slightly different from Allegation 2. It is clear in both her statement and her formal complaint that she <i>said</i> to and that "grabbed her ass," but when discussing what he actually did, said that touched her lower back/upper buttocks area when he stumbled. During the interview with this investigator, reaffirmed that she does not allege that "grabbed her ass." Instead, states that with the benefit of hindsight she recalls that and did not intent in any physical touching.
	does not appear to understand position and takes great issue with the perception that is alleging that he "grabbed"



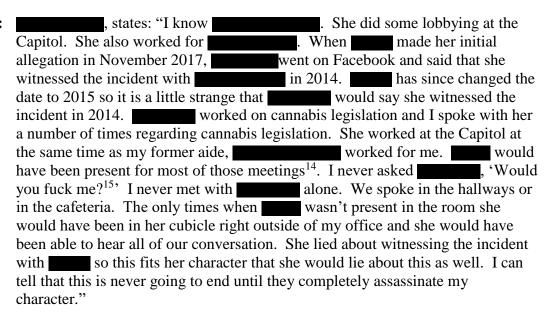
month during that time frame. I never asked her if she needed a 'fuck buddy<sup>13</sup>.' I never said that to her. It doesn't surprise me that other people are making false allegations against me. Other than this situation is spiraling out of control I am not sure why she would say that. There is a 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."

#### As with the previous allegations, a credibility assessment is required to make a **Comment:** 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." 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] 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. 'Would you fuck me?' I was taken aback and I tried to make a joke about it. I <sup>13</sup> 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.

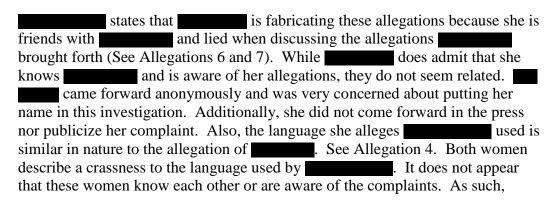
said, 'Isn't that why you have interns and aides?' He said, 'No I'm being serious.' I said that I had a boyfriend. I also said that it was not appropriate for a lobbyist and a legislator to date and that it would be more appropriate for him to date a colleague. I jokingly suggested I was trying anything 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:



#### **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.

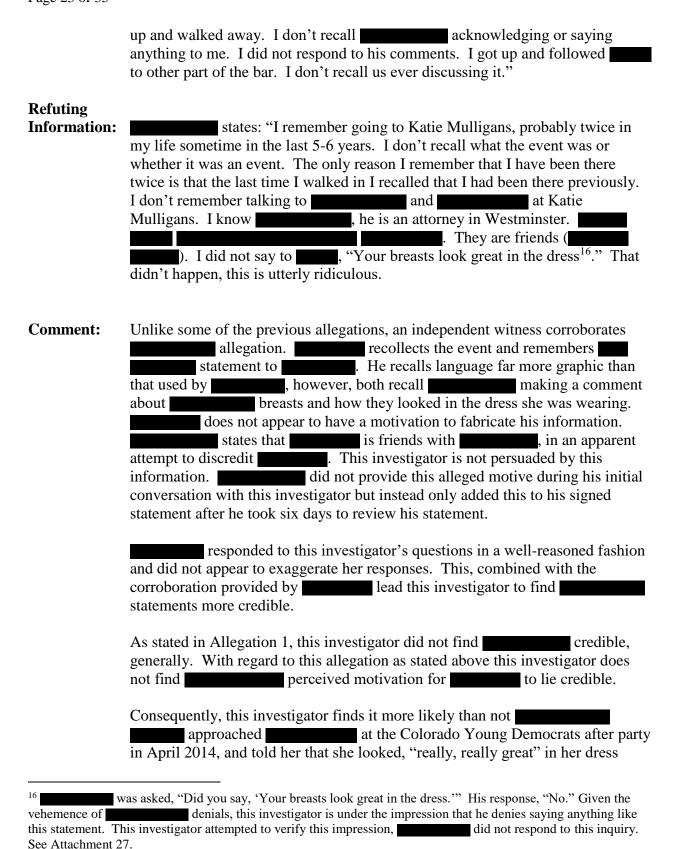


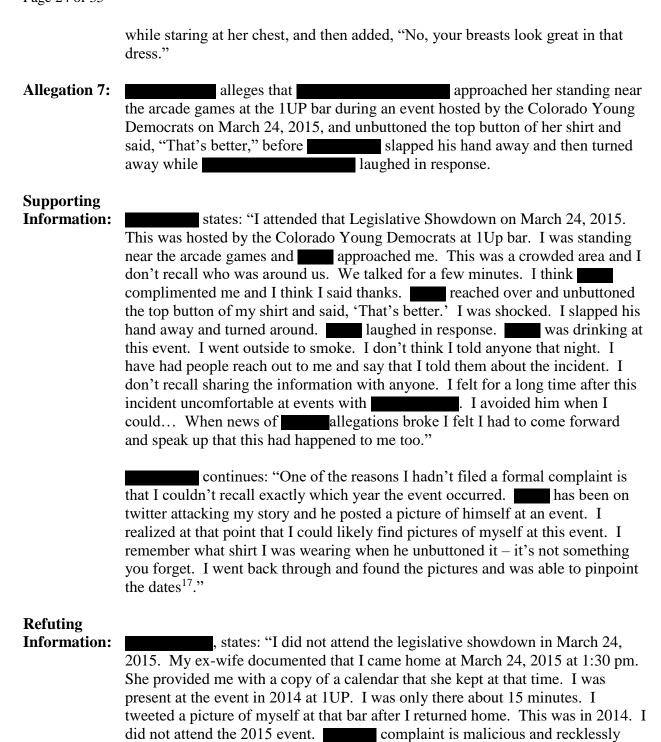
stated she never witnesses anything she considered "sexual harassment" from See Attachment 17.

See 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 bolster the credibility of complaint.
	As stated in Allegation 1, this investigator did not find perceived motive generally. As noted above, this investigator does not find the perceived motive set forth by persuasive. 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, 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 in his office during the 2015 Session said to her, "Would you fuck me?" and she confirmed he was asking her to have sex with him.
Allegation 6:	alleges that approached her at the Colorado Young Democrats after party in April 2014, and told her that she looked, "really great" in her dress while staring at her chest, and then added, "No, your breasts look great in that dress."
Supporting Information:	, 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 approached. 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 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 followed nor did we have any other interaction that evening."
	the Colorado Democrats Party (formerly the Jefferson Jackson Party). This was in 2014. I sat at the table with 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 came up and was speaking with 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.' laughed off his remarks in an uncomfortable laugh and then got

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, says: "I am

wife. We were married from 2004-2015. While we were discussing a divorce I

dishonest."

<sup>&</sup>lt;sup>17</sup> See Attachment 18 B

#### **Comment:**

As this allegation involves statements made by witnesses, this investigator must make a determination based on the credibility of the witnesses.

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 . When this investigator initially spoke she presented as a genuine individual and someone who spoke with fondness for \_\_\_\_\_. She also stated that she did not believe the allegations against . 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 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, stated that she did not live with 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 returned unless it was after midnight. This investigator reached out to for the reasoning behind this. She states, "I did not document dates came home during normal time in the evening. Most

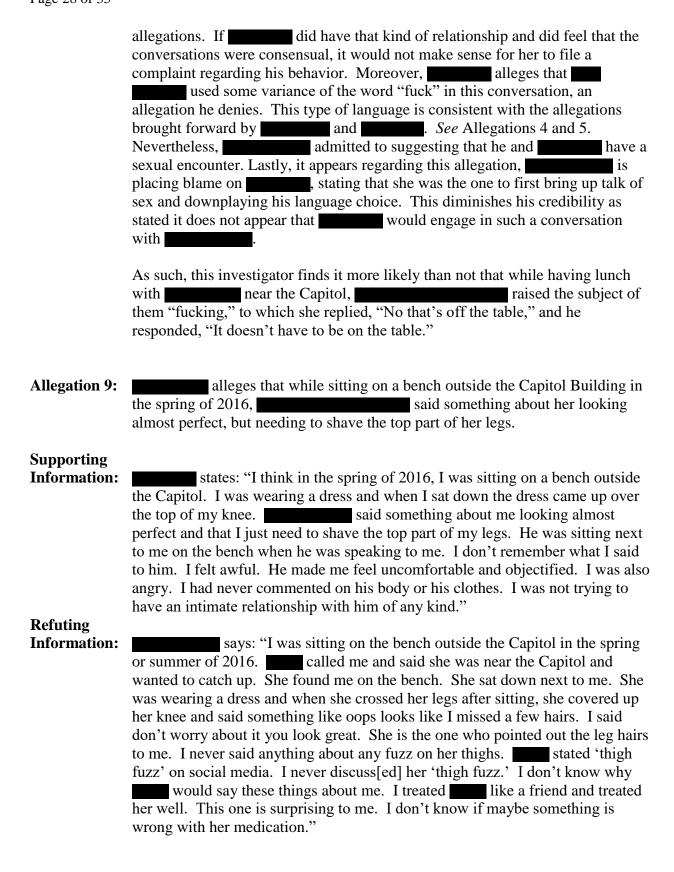
	nights he came home after work in the evening or late afternoon. I only documented days he came home early or late." Attachment 21 B. It seems reasonable that these dates are blank because nothing remarkable happened on that date. The statement that she only kept track of the days he arrived early or late causes this investigator pause. Not only does it make sense that she would keep track of the dates 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 notated. This combined with significant changes to her statement, cause this investigator to question 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 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.
	provided a photograph of herself at the event. See Attachment 18 B. In this picture, explains that she recognized the shirt she was wearing as it is not something she would forget. In addition, 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. See 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 story more credible.
	Therefore, based on the information provided, this investigator finds it more likely than not that, approached approached 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 slapped his hand away, and then turned away while laughed in response.
Allegation 8:	alleges that while having lunch with 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:	, states: "In 2014 or 2015 I had lunch with at a Mexican Restaurant near the Capitol. It was not uncommon for us to lunch and discuss work. was always the sponsor of the bills I was working

Refuting

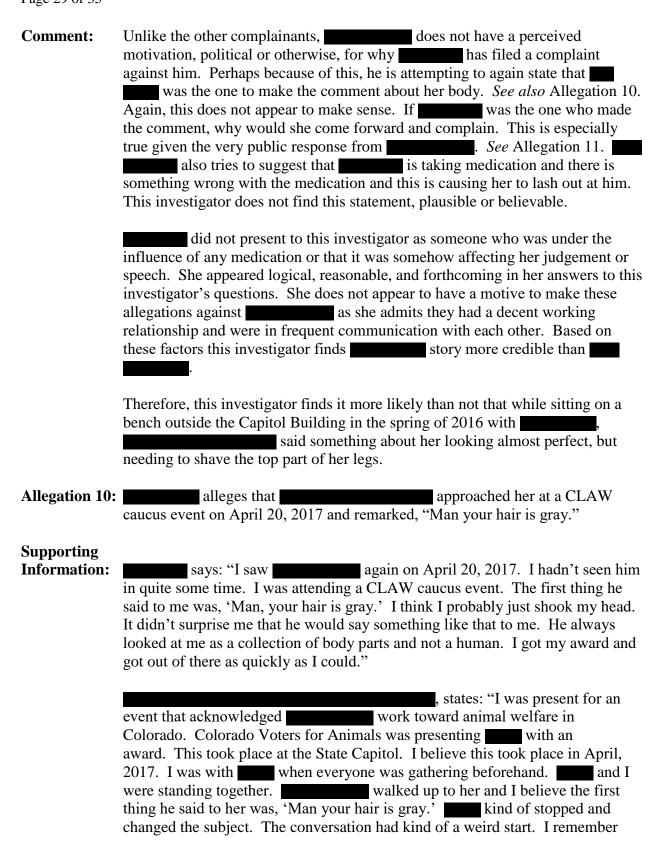
**Comment:** 

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 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 ioking that we give it a try. I never said to her, 'It doesn't have to be on the table<sup>18</sup>.' " **Information:** None, except as referenced above. 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

was asked, "Did you say, 'It doesn't have to be on the table." He responded, "No."



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

Refuting Information:	states: "I attended a CLAW Caucasus event on April 20, 2017. I was there first and when I walked out into the hallway walked up to me and hugged me. mentioned I had cut my hair almost 'bald.' I had recently cut my hair really short. I think 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. initiated the conversation about her hair and I responded. 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. might have overheard that conversation; I don't recall if she was immediately present for the conversation with was definitely in the hallway or close by 19."
Comment:	As with the previous allegation, states that states that 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 would make the allegation if she is the person to make the comment. These statements, diminish 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 In this instance, there was a third-party witness to this exchange. recalls the comment similarly to She recalls that it was who made the comment and recalls that it was the first thing he said to was present at the event and does not appear to have a motive to fabricate her recollection. These factors combined with diminished credibility, lead this investigator to find story wersion.
Allegation 11:	Accordingly, 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."  , and allege that has discussed their allegations publicly, threatened to sue them, and released information publicly in response to their complaints.

states she did not overhear a conversation about hair. See Attachment 17.

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# Supporting Information:

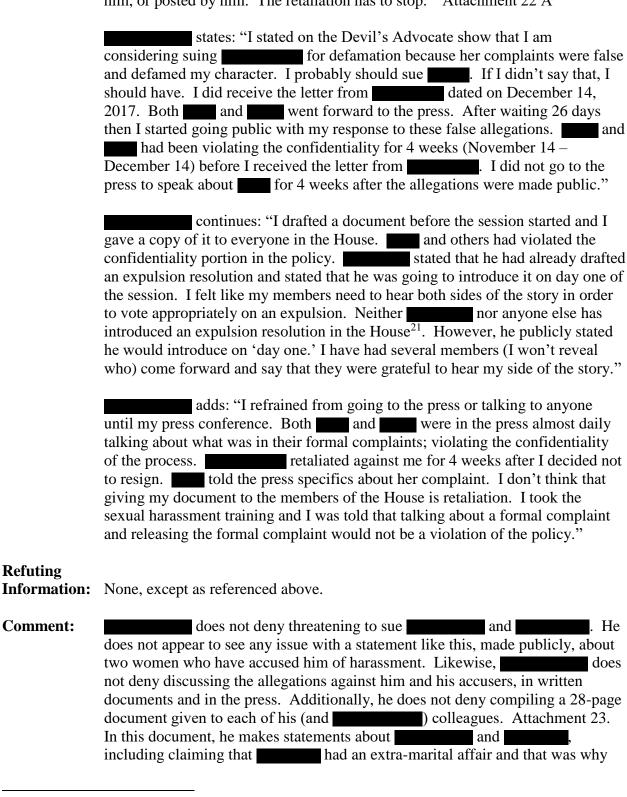
states: "I feel like has retaliated against me. He has repeatedly called me a liar. As an elected official, the only currency I have with my constituents is my trust. On December 12, 2017; had a 4-page response to my accusations. He released this response to the press and some of them have reprinted 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 video<sup>20</sup>...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 **[1888]**, 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 say he was going to release a video every week." says: "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 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 The only one who calls it that instead of a manifesto is him. The whole post is so

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

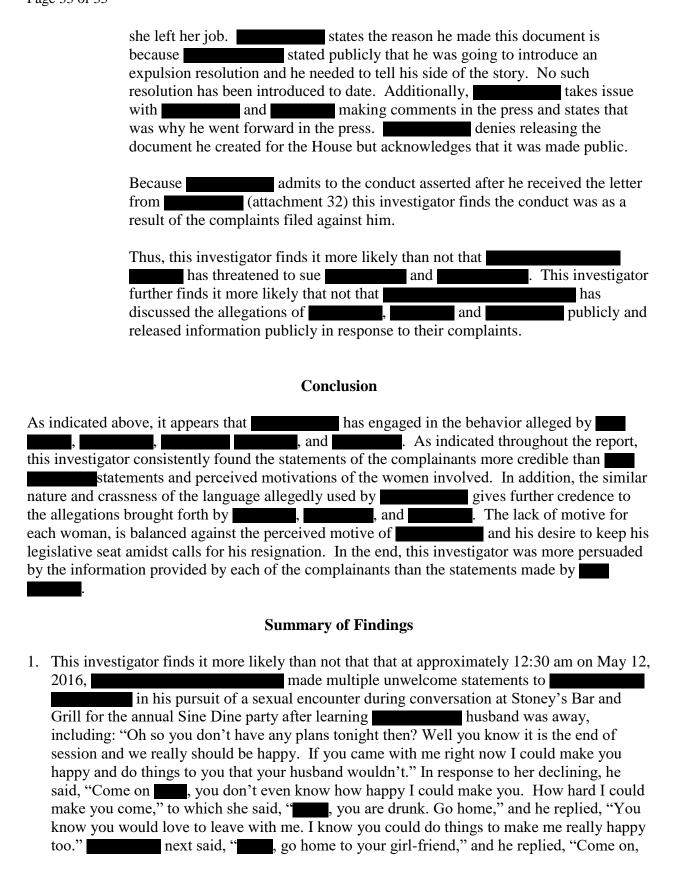
Refuting

**Comment:** 

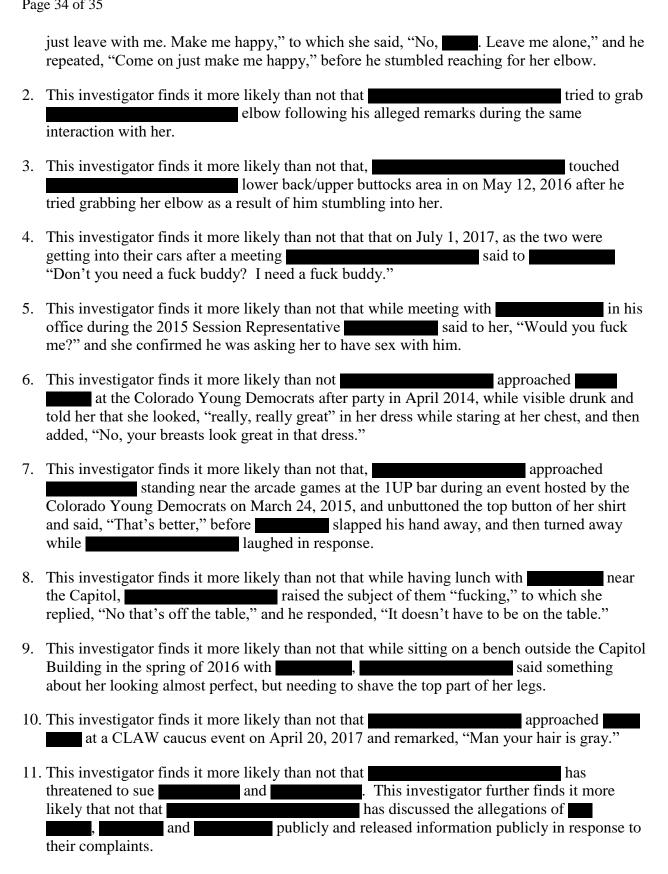
much his message point that it seems implausible that it wasn't coordinated with him, or posted by him. The retaliation has to stop." Attachment 22 A



was asked, "Did introduce the resolution of expulsion?" His answer, "No."



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#### **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.

J.D. Workplace Investigator

MLS/

Attachments