

## EXPULSION

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>ALASKA</b></p> <p>In 1982, Sen. George H. Hohman, Jr. was convicted of felonious bribery and receiving a bribe for offering to share a \$20,000 bribe with another legislator in return for a vote in favor of the state purchasing two Canadian firefighting planes. He was sentenced to three years in prison.</p>	<p>The 6-member Senate Rules Committee (3 private citizens and 3 senators) reviewed the record of the jury trial and took testimony from Sen. Hohman, witnesses on his behalf, and his attorney.</p>	<p>The committee found that the jury's verdict and the evidence presented to the committee clearly established that Sen. Hohman intentionally violated "the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body."</p>	<p>Expulsion by adoption of Senate Resolution (16-4).</p>
<p><b>ARIZONA</b></p> <p>In 1991, Sen. Carolyn Walker was one of 11 legislators indicted in a year-long undercover operation on vote selling. Sen. Walker was videotaped taking money from a paid informant for her support of legislation that would have legalized casino gambling. The legislation did not pass.</p>	<p>The Senate referred the matter to the five-member Ethics Committee, which adopted rules for receiving and investigating complaints.</p> <p>The Senate retained special counsel to advise the Senate and the committee and to conduct a preliminary investigation into the allegations against Sen. Walker. Counsel reported his findings and recommended that the committee issue a complaint charging Sen. Walker with unethical conduct.</p> <p>The committee issued the complaint, held two public hearings on it, and subsequently issued a report to the Senate.</p>	<p>The committee found that Sen. Walker engaged in unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws.</p> <p>It unanimously recommended that Sen. Walker, the majority whip, be expelled.</p>	<p>Expulsion.</p>
<p><b>ARKANSAS</b></p> <p>In 1974, Sen. Guy H. Jones was expelled after a 1972 conviction on federal tax fraud charges.</p>	<p>No information.</p>	<p>No information.</p>	<p>Expelled.</p>

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<p><b>MARYLAND</b></p> <p>In December 1997, a series of newspaper stories raised questions about Sen. Larry Young, chair of the Senate Subcommittee on Health, accepting gifts from health care companies and a state college, failing to disclose a contract with a state agency, mixing his legislative and private office budgets, and using the prestige of his office for personal gain.</p> <p>The legislature initiated an investigation that resulted in his expulsion in January 1998. In December 1998, he was indicted by a county grand jury on nine counts for demanding \$52,000 in bribes and two computers from a health care company, extorting \$74,493 and the computers from the companies and \$8,000 for an aide, and filing a false state income tax return in 1995. It appears that at least some charges were felonies.</p> <p>A jury acquitted him of all criminal charges in September 1999. The judge had previously dismissed four counts of extortion.</p>	<p>On December 3, 1997, the presiding officers referred the matter to the Joint Committee on Legislative Ethics, a joint committee of the Senate and the House under Maryland state law (Md. Code Ann., State Gov't., § 2-701 et seq.). They requested that the committee convene immediately to make a thorough review of allegations of improprieties on the part of Sen. Young. They asked the committee to investigate all aspects of the senator's business practices as they related to his position in the legislature and to report back before the 1998 legislative session.</p> <p>From the outset, the co-chairs of the committee limited their investigation and report to potential violations of public ethics laws. The committee met in closed session a total of four times. Its first meeting was on December 9, 1997. During the third session, it met to interview Sen. Young, who was represented by counsel (that hearing was closed to the public at the senator's request). Sen. Young called one witness. The committee's report appears to indicate that its last meeting, the fifth one, was not closed to the public.</p> <p>After a month-long investigation, the committee reported. Four days later, the Senate voted.</p>	<p>The Joint Committee on Legislative Ethics released its report on January 12, 1998 and made the following findings of ethical violations, among others:</p> <ul style="list-style-type: none"> <li>● failure to disclose a contractual relationship with a state agency (Coppin State College) and conflicts of interest concerning legislation that related to Coppin State College,</li> <li>● improper solicitation and acceptance of gifts,</li> <li>● improper use of district office funds, and</li> <li>● improper use of title for commercial purposes and use of prestige of office in connection with occupational activities.</li> </ul> <p>The committee voted unanimously to recommend that the Senate:</p> <ul style="list-style-type: none"> <li>● remove Sen. Young immediately as a member of Senate leadership; chairman of any committee or subcommittee; and member of any standing, statutory, joint, or select committees or subcommittees;</li> <li>● adopt a censure resolution; and</li> <li>● consider an expulsion resolution based on its findings.</li> </ul>	<p>Expulsion (by a vote of 36-10).</p>

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<p><b>MASSACHUSETTS</b></p> <p>In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were felonies.</p>	<p>The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).</p>	<p>The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so serious as to render one who has committed them unfit to continue to serve as a member of the Senate."</p>	<p>The committee recommended expelling DiCarlo and declaring the seat vacant even though the senator's conviction appeal was pending in federal court. The Senate expelled DiCarlo after a daylong debate.</p>
<p><b>MICHIGAN</b></p> <p>In 2001, Sen. David Jaye was investigated for three drunk driving convictions, two alleged physical altercations with his fiancée, having sexually explicit photos on his Senate-owned computer, and alleged verbal abuse of Senate staff.</p> <p>Proceedings on domestic violence were pending during the legislative investigation.</p>	<p>Resolution created a bipartisan committee. Jaye had been progressively disciplined by Senate leadership previously.</p>	<p>Committee recommended expulsion.</p>	<p>Expulsion.</p>
<p><b>MICHIGAN</b></p> <p>In 1978, Rep. Monte Gerald was convicted of embezzling funds from a legal client before becoming a legislator (a felony).</p>	<p>The legislature investigated while the conviction was on appeal. No other information.</p>	<p>No information.</p>	<p>Expulsion, by a vote of 84-20.</p>

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<p><b>PENNSYLVANIA</b></p> <p>In 1975, Sen. Frank Mazzei was found guilty of felony extortion (see <i>United States v. Mazzei</i>, 521 F2d. 639). He was sentenced to time in prison on April 11, 1975.</p>	<p>The matter was referred to the Rules and Executive Nominations Committee four days after the senator's sentencing.</p> <p>It is unclear from the legislative history whether the Senate president pro tempore appointed a select committee to investigate prior to the matter's referral to the Rules and Executive Nominations Committee. But under the current rules, the Senate's secretary-parliamentarian prepares an expulsion resolution under the sponsorship of the chairman and vice-chairman of the Senate Committee on Ethics and Official Conduct when a member is found guilty of a crime the "gravamen which relates to the member's conduct as a senator.," and upon imposition of a sentence.</p> <p>On June 2, the Rules and Executive Nominations Committee reported a resolution.</p>	<p>Upon a finding of guilty in federal court, the Rules and Executive Nominations Committee reported a resolution to the Senate floor recommending expulsion.</p>	<p>Expulsion (unanimous vote).</p>
<p><b>SOUTH CAROLINA</b></p> <p>In 1994, Sen. Theo Mitchell pled guilty to a misdemeanor (the crime is now a felony) for violating federal tax laws and served a 90-day sentence. The legislature investigated in 1995 after his conviction.</p>	<p>The Senate debated a resolution to expel. A motion to refer the matter to the Senate Ethics Committee failed.</p>	<p>N/A</p>	<p>The Senate, voted 38-7 to expel Sen. Mitchell despite objections by some senators that Sen. Mitchell should have been afforded a hearing prior to taking up the motion to expel.</p> <p>The transcript indicates that Mitchell be "expelled from the Senate, not only for the criminal offenses to which he pled guilty on July 25, 1994, but also for the criminal wrongdoing that he admitted to at his sentencing hearing on September 29, 1994."</p>

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<p><b>WEST VIRGINIA</b></p> <p>In 1972, Sen. W. Bernard Smith was convicted on federal vote tampering charges, a felony. Smith was one of a group of five (The "Logan Five") politicians convicted of rigging elections. Smith, who was also a former welfare commissioner, was also tried for bribery and perjury. Two bribery trials ended in a hung jury and he was found innocent of perjury.</p>	<p>The Senate considered a resolution N/A</p>	<p>N/A</p>	<p>The member was expelled by a 2/3 vote pursuant to the constitution and corresponding Senate rule.</p>

## CENSURE

STATE AND INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
<p><b>FLORIDA</b></p> <p>In 1986, Rep. John Thomas was convicted in federal court on four of five felony charges of making misstatements on a Small Business Administration (SBA) application for a loan relating to private business ventures. Thomas received a suspended sentence, four years probation, and the court required restitution.</p>	<p>The speaker appointed a select committee to investigate.</p> <p>The committee reviewed the record, heard testimony from interested constituents of Rep. Thomas, and heard presentations by the federal prosecutor and defense counsel.</p> <p>The committee considered a House Rule that suspends a member immediately, pending appeals, for a felony conviction that relates to the member's responsibility as a public officer. The committee found that this rule did not apply to Thomas because (1) the federal crime must be comparable to a state felony for this provision to apply but the comparable state crime in this instance was a misdemeanor and (2) the convictions did not relate to responsibilities as a public officer.</p>	<p>The committee report stated that due to the appeal it was not clear whether the conduct was illegal but Thomas' conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives."</p> <p>The committee recommended censure (the least form of punishment available to the committee) because of</p> <ol style="list-style-type: none"> <li>1. the complexity of the forms;</li> <li>2. the bank's involvement in setting the loan amount;</li> <li>3. a bank officer filling in some of the figures;</li> <li>4. the personal financial statement was obviously incorrect and did not balance but the SBA approved it anyway;</li> <li>5. the SBA and bank continued to process the loan after discovering liens that were not in the application;</li> <li>6. a bank official signed the loan settlement sheets verifying that disbursements were used according to the loan authorization but the banker was not charged;</li> <li>7. the federal judge commented at trial, sentencing, and by phone to the committee chairman that the case should not have been tried and he disapproved of the U.S. attorney's offer of a misdemeanor plea if Thomas provided evidence of government corruption; and</li> <li>8. the only substantive evidence supporting the conviction was Thomas' statement to the FBI that he knew it was wrong to pay personal debts with SBA proceeds and he intended to use them to pay a credit card account (although he paid for personal and business expenses with this account and it was not clear whether he actually used proceeds to pay personal expenses).</li> </ol> <p>One member of the committee moved for expulsion but was defeated. He argued that a harsher penalty was appropriate because of Thomas' statement to the FBI and because the jury convicted of him of crimes that require willful actions.</p>	<p>Censure. The House voted 109-6.</p> <p>A motion to substitute a reprimand (a higher penalty than censure) failed 21-95.</p>

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<p><b>GEORGIA</b></p> <p>In 1998, Sen. Ralph Abernathy III was detained at the Atlanta airport for smuggling a small amount of marijuana into the country.</p>	<p>Senators Madden, Cheeks, Oliver, and Middleton introduced a proposed resolution (Senate Resolution 459) censuring Sen. Abernathy. The Senate referred the resolution to the 13-member Senate Ethics Committee. As a standing committee, the Senate Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard (Senate Rule 2-1.9). It is unclear whether the committee held a hearing; however, Sen. Abernathy waived any notice and hearing with respect to the actions by the committee and Senate.</p>	<p>The committee returned the resolution with amendments that the Senate rejected.</p>	<p>Censure.</p> <p>(The senator also voluntarily resigned from his position as chairman of the Interstate Cooperation Committee.)</p>
<p><b>HAWAII</b></p> <p>In March 1989, Sen. Steven Cobb was fined \$500 for soliciting an undercover policewoman. He wrote the Senate a letter of apology and told them it was an isolated incident. He was embraced by the Senate until it was later reported that he was involved in two earlier cases of soliciting prostitutes. He asked to be put on leave to attend therapy. In July 1989, his therapist said he was ready to resume his Senate duties.</p>	<p>In September 1989, 17 senators met in a closed-door session to decide what action to take. The Senate president presented the senator with recommendations for sanctions and they were adopted.</p>	<p>The sanctions, for the 1990 session, were: (1) remove Sen. Cobb as committee chairperson and vice chairperson, (2) remove him as a member of the Judiciary Committee, (3) require him to submit a formal letter of apology to the Senate and the people of Hawaii, (4) subject him to a "public reprimand" for soliciting prostitution, (5) tell him that any repeat incidents could result in expulsion from the Senate, and (5) reassign him to a smaller office.</p>	<p>Censure.</p>

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<p><b>MINNESOTA</b></p> <p>In February 1996, several individuals claimed Rep. Jeff Bertram harassed them with anonymous calls, bullied them, and pressured them to make campaign contributions.</p> <p>In 1996, the legislature investigated Rep. Jeff Bertram for pressuring a businessman into giving a campaign contribution with the threat of doing business with a competitor; pressuring a store-owner to drop shoplifting charges filed against his brother, Sen. Joe Bertram; making false statements about several individuals; and engaging in other acts of intimidation, threats, and harassment.</p> <p>Law enforcement agencies were asked to investigate allegations of misusing state campaign funds and coercing people that surfaced in the ethics investigation.</p> <p>He was also later sued by a couple who said he told lies about them. The couple also received a restraining order against Bertram.</p>	<p>The House Ethics Committee received a complaint.</p>	<p>The committee found that Bertram harassed and intimidated critics and political opponents.</p> <p>The committee recommended censure by the House in open session; that he publicly admit on the House floor in open session to acts of misconduct specified in the committee report; that he apologize on the floor to the House, his constituents, and each of the victims named in the report; that he agree to undergo a psychological evaluation for anger and report the results to the speaker and the chairman and vice chairman of the Ethics Committee; and that he resign from all House committee chair or vice-chair positions and membership on legislative commissions.</p>	<p>Censure by a vote of 82-21. The full House adopted the recommendations in the committee's report. Rep. Bertram consented.</p> <p>A minority report recommending expulsion was presented to the full House, but failed to get 2/3 of the vote, failing 68-65.</p> <p>Bertram did not seek re-election.</p>

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<p><b>MINNESOTA</b></p> <p>In 1995, Rep. Bob Johnson threatened the Public Safety commissioner when the State Patrol turned down his request to fly him to St. Paul for the funeral of a former governor. After the incident, he lost his position as assistant majority leader.</p> <p>Also in 1995, he had three DWI arrests in less than seven weeks. The third occurred after the legislature initiated an investigation and while he was distraught over recent events and threatening suicide in calls from his car phone. His license had been revoked at the time. He said a severe bout of depression ended 14 years of sobriety.</p> <p>He pled guilty to all three DWIs (they appear to all be misdemeanors). On the first, he received a fine and probation. (The later DWI arrests violated his probation and he was sentenced to 20 days of electronic home monitoring after the 1996 legislative session ended, 40 hours of community service, and a one year license suspension.)</p> <p>For the 3<sup>rd</sup>, he pled guilty to habitual drunk driving and refusing a breath test (a gross misdemeanor) and received a one year sentence. He spent one month in jail with his days out on work release. He also spent 28 days in an alcoholism treatment program.</p> <p>He was sentenced for the 2<sup>nd</sup> violation last and received (1) a one year sentence that was suspended except for 30 days in jail, (2) three years probation, (3) a \$1,500 fine plus \$303 in fees, and (4) required to take prescription medication for depression and stay in treatment.</p>	<p>The House Ethics Committee heard the matter.</p>	<p>A recommendation to expel Johnson failed 5-5.</p> <p>By a 7-3 vote, the committee asked Johnson to resign and to run in a special election if he wanted to continue. The committee also recommended censure; that he repay to the House the portion of his salary that was paid or that may be paid while he was or may be incarcerated or under house arrest for DWI convictions; 120 hours of community service; and random tests for alcohol with results forwarded to the speaker and Johnson paying for the testing.</p> <p>By a 7-3 vote, the committee voted to reconsider the recommendation to expel and laid the motion on the table, if Johnson did not resign.</p>	<p>Censure. The House voted 82-50.</p> <p>A vote on expulsion received 76 votes, short of the 90 required for a 2/3 vote.</p> <p>He did not seek re-election</p>

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<p><b>MINNESOTA</b></p> <p>In 1986, Rep. Randy Staten pled guilty to felony theft charges, admitting that he wrote 76 bad checks. The original charge of theft of over \$2,500 was reduced to theft of over \$250. He was sentenced to one year's probation, a 90 day jail sentence which he would serve only if he violated probation, and continued treatment. Even though the crime was a felony, he was given a misdemeanor sentence and therefore it was considered a misdemeanor.</p> <p>Staten said he was chemically dependent and financially irresponsible, and had completed a residential treatment program. He made restitution before criminal charges were brought.</p> <p>The Ethical Practices Board also found he filed late and incomplete campaign disclosure reports for four years (which could involve misdemeanor or gross misdemeanor violations).</p>	<p>The speaker appointed a bipartisan four-member Select Committee on the Staten Case.</p> <p>The committee investigated Staten for writing \$8,200 in bad checks and questionable campaign finance reporting.</p>	<p>The committee voted unanimously to recommend expulsion, based on the conviction and campaign report violations.</p> <p>The 24 member House Rules and Legislative Investigations Committee also recommended expulsion on a voice vote. The committee rejected censure.</p>	<p>Censure.</p> <p>An initial vote to censure failed. Then a vote to expel failed 80-52, short of the required 90 for a 2/3 vote. Then a vote to censure passed 99-31.</p> <p>The censure also ordered him to: donate 18% of his pay for the remainder of the year to a nonprofit chemical dependency program of his choice; perform 100 hours of volunteer service; undergo chemical dependency treatment; and, if campaign finance reporting problems continued, return all public financing money.</p>
<p><b>NEW HAMPSHIRE</b></p> <p>For seven years, House Speaker Gene Chandler held a series of corn roast galas raising \$64,000 from supporters, lobbyists, and others who had business before the legislature. Chandler used the money for personal expenses such as car repairs, hotel stays, and meals.</p> <p>In March 2005, Chandler pled guilty to a misdemeanor for failing to report the gifts. He was fined \$2,000 and required to perform 100 hours of community service. The attorney general did not find any evidence that he did political favors for those who donated</p>	<p>In October 2004, the Legislative Ethics Committee received a complaint. In November it issued a statement of charges and notice of hearing. The committee conducted an extensive preliminary investigation and voted unanimously to begin formal proceedings. A formal statement of charges and notice of hearing was sent and a hearing was held. Chandler answered through counsel and appeared at the hearing to testify and present other evidence.</p>	<p>The committee voted unanimously to recommend expulsion.</p> <p>The committee found the annual roasts solicited and received cash from lobbyists, businesses, and individuals for 7 years and were organized by "friends" so Chandler had income to continue in the legislature. Flyers advertising them were sent out and sometimes mentioned legislative issues. Chandler had sole discretion over how the funds were spent. He did not report the gifts except in one year.</p>	<p>Censure.</p> <p>The vote to expel failed 189-172 following a three-hour debate. The vote to amend the report and recommend censure passed 217-143. The vote to accept the report with the sanction of censure passed 274-86.</p>

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<p><b>NEW MEXICO</b></p> <p>In 1991, Rep. Ronald G. Olguin was charged with solicitation of bribery (a felony) and demanding a bribe by a public official and two other felony counts alleging that he sought \$15,000 for his consulting services in exchange for state funding.</p>	<p>The House adopted rules establishing the Rules and Order of Business Committee. A subcommittee investigated, received certain evidence under a confidentiality agreement, and recommended that the committee find probable cause to move to a formal hearing. The full committee agreed and held an evidentiary hearing. The committee heard evidence, took testimony, questioned witnesses, allowed cross examination, and heard closing arguments.</p>	<p>The committee found that Olguin engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator.</p> <ul style="list-style-type: none"> <li>● While agreeing to provide consulting services for a fee aimed at obtaining new program funding from a county, he also identified program needs at the state level, offered a legislative solution, and offered his assistance in obtaining that solution.</li> <li>● He either included an agreement to influence the state legislative process in a proposed contract for consulting services or proposed a contract for services at the county level with free services at the state legislative level.</li> <li>● His conduct was a serious breach of ethical responsibilities as a legislator.</li> </ul> <p>The committee voted 11-4 to censure. A minority report recommended expulsion.</p>	<p>Censure.</p> <p>(Floor debate included a motion for expulsion that was defeated.)</p>

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<p><b>SOUTH DAKOTA</b></p> <p>In 2006, an 18-year-old page contacted the attorney general alleging that Sen. Dan Sutton made sexual advances and inappropriately touched him at a motel.</p> <p>The attorney general investigated for possible criminal charges. By the time of censure, no charges had been brought.</p>	<p>The Senate president pro tempore wrote to Sutton indicating he would refer the matter to the Senate's executive board if he did not resign within a week.</p> <p>The governor, in response to a request from the Senate's executive board, called the Senate into special session to investigate the allegations. In the meantime, Sutton won reelection.</p> <p>Sutton resigned the day after the Senate released its proposed rules for the special session, but stated that he intended to reclaim his seat in January 2007 pursuant to his reelection. The special session was cancelled.</p> <p>When the regular session convened, Sutton took the oath of office. The Senate voted to adopt the same rules as the previous session. It also adopted rules regarding discipline and expulsion of members as a new chapter in the rules.</p> <p>Sen. Sutton went to the circuit court and received an order prohibiting the Senate from holding any hearings about him under the rules. The state Supreme Court ruled that the courts had no jurisdiction to halt a legislative disciplinary process.</p> <p>The Senate voted 27-6 to appoint a Select Committee on Discipline and Expulsion to investigate.</p> <p>The committee held meetings and heard testimony, including from Sutton.</p>	<p>In its majority report, the Select Committee on Discipline and Expulsion recommended censure, finding that the senator exercised poor judgment in inviting and permitting a serving Senate page to share his motel room and bed. Further, that allegations arising out of that poor judgment resulted in public allegations of misconduct, which, though unproved, served to bring Sen. Sutton and the honor of the Senate into public disrepute.</p> <p>In a minority report, three out of the nine senators on the committee dissented. They concluded that something serious involving unwanted touching of a sexual nature occurred in Sen. Sutton's motel room during the period of February 5 to February 7, 2006. In its dissent, the minority wrote, "[g]iven the serious nature of the allegations and given our belief that the evidence shows an unwanted touching of a sexual nature happened during the nights in question, we cannot agree that censure is a sufficiently serious response to what we see as the misconduct of Sen. Sutton. We believe the committee should have made a recommendation of expulsion from the South Dakota Senate."</p> <p>The committee voted 6-3 to recommend censure for conduct by a senator unbecoming the Senate.</p>	<p>Censure.</p> <p>Vote of 32-2. A vote to expel failed 14-20.</p>

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<p><b>UTAH</b></p> <p>In 1991, Rep. Dionne Halverson was convicted of misdemeanor shoplifting.</p>	<p>Pursuant to JR-16-04, the House Ethics Committee subsequently made a preliminary inquiry. It is unclear whether Halverson waived the disciplinary hearing which would have required appointment of a special prosecutor.</p>	<p>The House Ethics Committee recommended expulsion.</p>	<p>The full House voted against expulsion by a narrow margin (2 votes). Halverson was censured and subsequently resigned.</p>
<p><b>VIRGINIA</b></p> <p>In 1987, Senator Peter Babalas was censured for casting votes in violation of Senate conflict of interest rules. Babalas had earlier successfully defended himself against two counts of a criminal misdemeanor for alleged violations of state conflict of interest laws. One count was dismissed and Babalas was acquitted on the second count.</p>		<p>The Privileges and Elections committee recommended censure by a 12-3 vote. The Senate Rules Committee, by a 9-5 vote with Babalas (the chairman of the committee) abstaining, then approved a resolution of censure of Babalas for unethical conduct.</p>	<p>Censure. The resolution prescribing that Babalas be censured was approved by the whole Senate by a vote of 25-14.</p>

## ADMONISHMENT

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<p><b>FLORIDA</b></p> <p>In 1991, Rep. Frederick Lippman was investigated for (1) failing to properly supervise staff as chair of the Committee on Regulatory Reform from 1983 to 1986, (2) violating the statute that restricts outside employment of a full-time staff employee, and (3) improper behavior with a House staff member from 1983 to 1986.</p> <p>A county grand jury also issued a report relating to allegations of sexual harassment by a former staff member.</p>		<p>The speaker appointed a select committee to investigate.</p>	<p>The speaker issued a letter admonishing Lippman (a copy was printed in the journal). The speaker also removed Lippman as majority leader.</p>

## APOLOGY (MAY INCLUDE OTHER SANCTIONS)

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<p><b>MINNESOTA</b></p> <p>In 1995, Sen. Kevin Chandler was involved in a domestic assault with his estranged wife outside a bar.</p> <p>His wife did not press charges. The police investigated and Chandler asked them to charge him and stated he would plead guilty to 5<sup>th</sup> degree assault (a misdemeanor). He was charged with that crime and two counts of disorderly conduct (all misdemeanors). In September 1995, he pled guilty to 5<sup>th</sup> degree assault for slapping his estranged wife and the other charges were dropped. He was placed on probation for one year and fined \$210.</p>	<p>In 1996, the legislature investigated.</p> <p>The Senate Subcommittee on Ethical Conduct heard the matter.</p>	<p>The subcommittee reported that Sen. Chandler's decision to voluntarily resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.</p>	<p>By a vote of 63-0, the Senate adopted the subcommittee's report: that Sen. Chandler's decision to voluntarily resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.</p> <p>He did not seek re-election.</p>
<p><b>MINNESOTA</b></p> <p>In 1994 and 1996, Sen. Sam Solon was investigated for providing the Senate's long-distance access code to his ex-wife.</p> <p>He pled guilty to a misdemeanor charge relating to the use of the phone account in 1992 and 1993.</p>	<p>The Senate Subcommittee on Ethical conduct heard the matter.</p>	<p>The committee recommended voluntary resignation as chair of the Commerce and Consumer Protection Committee as an appropriate disciplinary action; that he be removed from membership on the Committee on Rules and Administration; that he make restitution to the Senate for the cost of the calls; that he apologize to the Senate in open session; and that the reprimand of March 24, 1994 (for giving telephone access code to lobbyists) be reaffirmed.</p>	<p>The Senate adopted the report by a vote of 57-6, after voting down an amendment seeking his resignation 17-48.</p>
<p><b>OHIO</b></p> <p>In 2005, Sen. Ray Miller was investigated for having his aide work for his nonprofit organization while on state time.</p> <p>The legislative inspector general referred evidence of using state personnel and equipment for private business to the county prosecutor. The prosecutor did not pursue charges.</p>	<p>The Joint Legislative Ethics Committee investigated.</p>	<p>The committee required a letter of apology and \$936 restitution, which covered the aide's salary for the time she worked for the private organization.</p>	<p>N/A</p>

## OTHER SANCTIONS

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>OHIO</b></p> <p>In 2006, Sen. Jeffry Armbruster was investigated after requesting a workers' compensation rate discount for his business.</p> <p>Term limits barred him from seeking reelection. The ethics committee held hearing after Armbruster left office.</p>	<p>The Joint Legislative Ethics Committee investigated (a bipartisan 12 member committee).</p> <p>The committee served him with a complaint in December 2006. Based on a preliminary investigation, he was accused of meeting with Bureau of Workers' Compensation officials at his legislative office to discuss the premium rate of his company.</p> <p>In 2007, after he left office, the committee held formal hearings with the legislative inspector general acting similar to a prosecutor.</p>	<p>The committee found that he violated a prohibition against using his position to represent his personal business interests before a state agency.</p>	<p>The matter was referred to the county prosecutor.</p>

## RESIGNATION

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>ARKANSAS</b></p> <p>In 1999, Sen. Nick Wilson was convicted in federal court on felony charges of conspiring to evade taxes on \$325,000. The case involved "washing" checks that were payments from a real estate agent. The agent testified that he split his commission after Wilson tipped him off that a agency might buy a downtown bank building. He also faced a 133-count racketeering indictment as "kingpin" of a corrupt organization that skimmed nearly \$2 million from an assortment of state programs through kickbacks and contracts to friends and allies.</p>	<p>Under one provision of the state constitution, no one convicted of an "infamous crime" is eligible to serve in the General Assembly. Another provision gives each house the power to expel a member.</p> <p>A majority of members signed a petition to request a hearing on Wilson, as required by the rules. 28 of 35 senators signed the petition.</p>	<p>N/A</p>	<p>Resigned. Wilson submitted a letter announcing his resignation at a future date and the Senate president pro tem cancelled a meeting on expulsion.</p> <p>Other criminal charges were later dropped by prosecutors in exchange for Wilson's testimony.</p>
<p><b>CALIFORNIA</b></p> <p>In 1994, Sen. Frank Hill was one of several legislators ensnared in an FBI sting operation focused on legislative corruption. He was convicted of extortion, conspiracy, and money laundering after accepting \$25,000 in exchange for his support on Louisiana shrimp boat legislation. He was sentenced to 46 months in prison and ordered to pay a fine of \$2,500. At least some convictions were felonies.</p>	<p>A demand was made on the Senate floor for Hill's expulsion. The Rules Committee put aside consideration after receiving Hill's resignation letter, but he did not set a resignation date.</p>	<p>The 5-member Rules Committee later voted 4-0 to expel Hill. One member abstained.</p>	<p>Resignation (before vote on resolution).</p>

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>DELAWARE</b></p> <p>In 2007, Rep. John Atkins assaulted his wife after using his legislative position to avoid a drunk driving arrest. He was stopped by police after the pickup truck he was driving was seen speeding and drifting. He was not cited or arrested despite a preliminary breath test of 0.14 BAC.</p> <p>He pled guilty to offensive touching (a misdemeanor) for supposedly grabbing his wife's arm during a fight and was sentenced to probation and ordered to complete domestic violence and anger management counseling.</p>	<p>The House Ethics Committee, a standing committee established by House Rules, investigated and made recommendations. The committee consisted of three Republicans and two Democrats.</p> <p>The committee determined the matter merited further inquiry and staff performed a preliminary inquiry.</p>	<p>Committee staffers made the following findings.</p> <ul style="list-style-type: none"> <li>● Atkins filed a misleading affidavit with the committee stating that he presented his legislative ID card after police asked for it. He later admitted that he showed it without being asked and repeatedly reminded officers about being a legislator to attempt to be treated leniently.</li> <li>● The police officer told Atkins and his wife to get a ride home and friends drove them part of the way before Atkins got into his truck to drive home.</li> <li>● Another police officer saw Atkins run a stop sign but did not stop him because he recognized the vehicle which had legislative plates.</li> <li>● Police shortly after responded to a 911 hang-up call at the Atkins home. After his arrest based on a domestic dispute, he expressed his concern about the press since the election was in 10 days. He made requests to speak to the police chief.</li> <li>● Atkins was sentenced to probation after pleading guilty to offensive touching for supposedly grabbing his wife's arm during a fight. Staff found that the fight involved greater physical contact than described in the police complaint.</li> </ul> <p>The committee unanimously found that Atkins violated House rules and brought the chamber into "disrepute" by using his position in an effort to be treated leniently during the traffic stop and ensuing events culminating in his arrest.</p> <p>In voting to censure, the committee recommended he surrender his legislative identification car and license tag, pay a \$550 fine, forego any committee chairmanships, undergo an alcohol abuse evaluation, and complete court-ordered domestic violence counseling.</p>	<p>Resignation (before scheduled House debate on a censure resolution).</p>

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>FLORIDA</b></p> <p>In 1988, Rep. Donald George Gaffney was investigated regarding his previous position as Jacksonville City councilman and a rezoning petition before the council.</p> <ul style="list-style-type: none"> <li>● He was charged with bribery and grand theft days before his election in 1986.</li> <li>● A federal grand jury returned a 23-count indictment on extortion, conspiracy to commit extortion, and mail fraud in February 1987.</li> <li>● After the 1987 session ended, he was convicted of conspiracy, extortion, and attempted extortion and acquitted of five extortion and five attempted extortion charges. Under House Rules, he was suspended from the House pending appeal or the end of his term.</li> <li>● In December, a federal judge vacated the verdicts on rumors of jury tampering and Gaffney was reinstated pending a new trial.</li> <li>● In January 1988, a federal grand jury returned a 21-count indictment that included new charges.</li> </ul>	<p>The speaker appointed a select committee to investigate.</p>	<p>No information.</p>	<p>Resigned, effective the day before the start of the 1988 session. Gaffney was later convicted and sentenced to prison for mail fraud.</p>

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>GEORGIA</b></p> <p>In 1999, Sen. Diana Harvey Johnson was convicted of five counts of federal mail fraud for funneling an estimated \$80,000 of state tourism funds to her own consulting business. She was sentenced to 41 months in prison, fined \$7,500, and ordered to pay \$21,600 in restitution.</p>	<p>The governor impaneled a 3-member review committee after Sen Johnson was indicted.</p>	<p>The committee concluded that Sen. Johnson's indictment impaired her ability to serve her constituents.</p>	<p>The governor suspended Sen. Johnson with pay. She resigned her seat after a federal judge suggested he would not free her on bond while appealing her conviction unless she gave up her seat.</p>
<p><b>MAINE</b></p> <p>In 1987, Rep. Donald Sproul was convicted of misdemeanor ballot tampering.</p>	<p>After conviction, adopted a resolution relating to the censure or expulsion of Sproul. Inquiry by House Committee on Elections with a report to the full House. Adopted a resolution establishing procedures. Resolution appointed special counsel and required the committee to adopt any necessary rules and procedures.</p>	<p>N/A</p>	<p>Resignation (before committee met).</p>
<p><b>MASSACHUSETTS</b></p> <p>In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were felonies.</p>	<p>The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two hearings, after which it determined that disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).</p>	<p>The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so serious as to render one who has committed them unfit to continue to serve as a member of the Senate."</p>	<p>MacKenzie resigned at the third hearing.</p>

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>MICHIGAN</b></p> <p>In 1998, Sen. Henry Stallings employed a state worker in his art gallery and used public funds to pay the person.</p> <p>He was originally charged with a felony but, after the legislative investigation began, he pled guilty to the misdemeanor of taking less than \$100 under false pretenses.</p>	<p>Select committee investigated.</p>	<p>Committee unanimously recommended expulsion.</p>	<p>Resignation (prior to vote on expulsion).</p>
<p><b>MINNESOTA</b></p> <p>In September 1995, Sen. Joe Bertram was arrested and convicted for shoplifting a \$90 leather vest (a petty misdemeanor). He was fined \$150.</p> <p>In 1996, the legislature investigated Bertram for shoplifting the vest and offering \$1,000 to the store owner to not file criminal charges.</p> <p>After his resignation, he was (1) arrested on another shoplifting charge and (2) charged in April 1996 with two felony counts of bribery for offering money to the store owner not to file charges.</p>	<p>Two senators filed a complaint with the Senate Subcommittee on Ethical Conduct.</p>	<p>N/A</p>	<p>Resignation (before the committee voted).</p>

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>MINNESOTA</b></p> <p>In 1990, Rep. Jeff Conway, a financial planner, was indicted for diverting about \$90,000 of customers' money to his personal use. He was charged with 30 felony counts of diverting money from 15 couples or individuals over several months. He was suspended from the job and then resigned. He relinquished his broker's and insurance agent's licenses after the state Commerce Department found he mishandled funds. He allegedly invested money for a client after he resigned from his job.</p> <p>After he resigned from the House, he pled guilty to charges that were consolidated into four counts. He was sentenced to eight months in prison, 10 years probation, 500 hours of community service, a \$5,000 fine, and \$50,342 restitution. The judge stayed a sentence of just under nine years in prison.</p>	<p>A complaint was filed with the House Ethics Committee.</p>	<p>The committee found probable cause that Conway engaged in misconduct.</p>	<p>Resignation (the day before his scheduled appearance before the committee).</p>

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>NEW HAMPSHIRE</b></p> <p>In 2004, Rep. John Kerns was investigated for writing bad checks with "State of New Hampshire" written on them, using his title to get a parking space reserved for school officials, and threatening officials when told to stop parking there.</p> <p>After the legislative investigation began he was charged with four counts of passing bad checks.</p> <p>After his resignation, he pled guilty to writing bad checks. The judge suspended a \$500 fine and ordered Kerns to pay \$421 in restitution, perform 152 hours of community service, apologize, and drop a lawsuit against police.</p>	<p>The Legislative Ethics Committee received complaints, investigated, initiated formal proceedings, held hearings, and issued a report with recommendations.</p> <p>He went to court to attempt to stop the committee investigation. He also told the press that (1) he had a serious neurological illness that sometimes incapacitated him and (2) he and a family member were sex crime victims.</p>	<p>The committee voted unanimously for expulsion.</p>	<p>Resignation (before House action).</p>
<p><b>NEW YORK</b></p> <p>From 1983 to 1986, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz.</p> <p>She was granted immunity in criminal proceeding.</p>	<p>In 1987, the Committee on Ethics conducted a five-week investigation that included testimony given in Rubin's trial in which he was found guilty of mail-fraud in that he caused a no-show secretary to be placed on the assemblywoman's payroll.</p> <p>The committee reviewed the state constitution, the proceedings of two constitutional conventions, and constitutional case law to determine if Article 3, Sections 7 and 9 authorize the Assembly to expel a member.</p>	<p>The committee found Lipschutz guilty of (1) falsely certifying personal service vouchers, (2) approving the hiring of a "no-show" employee knowing that the employee did not perform any official duties, and (3) committing the acts to obtain a political benefit. Assemblywoman Lipschutz cooperated with the U.S. Attorney in the Rubin trial and provided essential testimony after receiving a grant of immunity.</p> <p>The committee found that no member has ever been expelled and that the Assembly does not have the constitutional authority to expel a member.</p> <p>The committee recommended that (1) she resign, (2) the Assembly remove her committee chairmanships, (3) she forfeit any rights or privileges of seniority, (4) the Assembly censure her, and (5) the state amend the constitution to authorize expulsion.</p>	<p>Resigned (after the committee made its recommendations).</p>

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>NORTH CAROLINA</b></p> <p>In 1985, a committee investigation of Sen. John Jordan led to a criminal investigation for bribery and extortion. He later pled guilty to extortion, bribery, and official misconduct. He was sentenced to a two year suspended sentence, two years probation, and a \$2,000 fine.</p>	<p>No information.</p>	<p>No information.</p>	<p>Resigned after pleading guilty.</p>
<p><b>OHIO</b></p> <p>In March 1998, Sen. Jeff Johnson was indicted by a federal grand jury on felony corruption charges: four counts of violating the federal Hobbs Act which prohibits officials from using their office to extort money and two counts of wire fraud.</p> <p>The federal charges involved pressuring inner-city grocers for campaign contributions in exchange for help in obtaining government licenses for nutrition and food stamp programs and to sell liquor and lottery tickets.</p> <p>In November 1998, he was convicted on three charges. He resigned in December. In February 1999 he was sentenced to 15 months in prison, at least 250 hours of community service</p>	<p>The Joint Legislative Ethics Committee investigated.</p>	<p>The committee did not complete its investigation.</p>	<p>Resigned.</p>
<p><b>SOUTH CAROLINA</b></p> <p>In 1982, Sen. Eugene Carmichael was sentenced on a federal felony conviction to ten years in prison for conspiracy to buy votes, obstruction of justice, and vote buying.</p>	<p>The Senate Ethics Committee investigated.</p>	<p>The Senate Ethics Committee found that he committed official misconduct</p>	<p>The Senate refused 24-21 to expel.</p> <p>At the time of the vote, he was appealing his conviction. He lost his appeal and ultimately resigned.</p>

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>TENNESSEE</b></p> <p>In 2005, Sen. John Ford was investigated on charges including whether he resided outside his district, used campaign funds for his daughter's wedding, received consulting fees to help companies get state business, and failed to disclose his sources of income as required by Senate rules. (Other entities also investigated misconduct by Ford, including the FBI in a bribery scandal called Operation Tennessee Waltz.)</p>	<p>A complaint was filed with the Senate's Ethics Committee (a standing committee). The committee issued a subpoena and a subcommittee investigated and found probable cause for the full committee to investigate the issue of failing to disclose income. The full committee voted to bring in a special counsel to expand its investigation regarding consulting fees and deals. The special counsel presented a report of the investigation. The committee was preparing a six-count charge for ethical violations when Ford resigned.</p>	<p>Ford resigned before the committee issued its report.</p>	<p>Resigned (before the committee reported but after the FBI arrested him for bribery and other charges).</p>
<p><b>TEXAS</b></p> <p>In 1957, Rep. Cox was indicted for consenting to accept a bribe. He was censured by a House committee but the censure came after the member had resigned.</p>	<p>An investigatory committee was appointed pursuant to a resolution.</p>	<p>The committee recommended that the entire House censure Rep. Cox but take no other action in view of the fact that he had already resigned. The committee vote appears to have been 9-0.</p>	<p>Resigned. It is unclear whether the entire House ever acted on censure.</p>

## NO ACTION

<i>STATE AND INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
<p><b>MINNESOTA</b></p> <p>In 1996, Sen. Florian Chmielewski was accused of abusing Senate phone privileges. Previously, in December 1995, he pled guilty to misconduct of a public officer, a gross misdemeanor (it is unclear whether he faced other charges). He was accused of letting family and friends use his Senate phone access code for more than \$3,800 in personal long distance calls. He was sentenced to two years probation and 100 hours of community service.</p>	<p>A senator filed a complaint with the Senate Subcommittee on Ethical Conduct.</p>	<p>The sub-committee recommended removal from two committees; no use of the Senate phone code; no reimbursement for lodging expenses outside his district; and loss of seniority.</p>	<p>None. The Ethics Committee recommendations had to be approved by the Senate Rules Committee which had no scheduled meetings until the following year. The recommendations expired and the senator was defeated in a primary election.</p>