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**STATE OF IDAHO  
FIRST REGULAR SESSION OF THE 66TH SESSION  
OF THE IDAHO LEGISLATURE,  
HOUSE COMMITTEE ON ETHICS AND HOUSE POLICY**

**In the Matter of Representative Aaron von Ehlinger**

**REPORT OF THE HOUSE COMMITTEE ON ETHICS AND HOUSE POLICY**

**April 29, 2021**

**SENSITIVE CONTENT WARNING**

**This report contains content of a sensitive and sexual nature. The House Committee on Ethics and House Policy has kept certain descriptions of an adult nature in the report in order to provide an unfiltered record of the witness testimony and other evidence received by the Committee. The names of victims who were subjected to abusive conduct have been redacted to protect their privacy.**

**BEFORE THE IDAHO HOUSE OF REPRESENTATIVES  
COMMITTEE ON ETHICS AND HOUSE POLICY  
1st Regular Session, 66th Idaho Legislature  
In the Matter of Representative Aaron von Ehlinger**

Following our investigation and hearing held pursuant to House Rule 45, the Committee unanimously finds by clear and convincing evidence that Representative Aaron von Ehlinger engaged in conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body.

Therefore, we unanimously recommend that the House of Representatives censure Representative von Ehlinger with the restrictions and conditions that (1) he be immediately suspended, without pay or benefits, from serving as the Representative for District 6, Seat A for the remainder of the 66th Idaho Legislature, (2) he must immediately vacate his office in the Capitol and not return to the Capitol grounds for the remainder of the 66th Idaho Legislature, and (3) a substitute Representative should be appointed with compensation as soon as possible following his suspension to represent District 6, Seat A, for the remainder of the 66th Idaho Legislature.

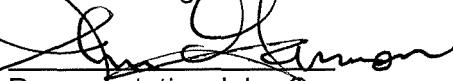
In addition to the Rule 45 sanction, we would unanimously support a procedurally proper motion before the House to expel Representative von Ehlinger for good cause shown under Article III, Section 11, of the Constitution of the State of Idaho.

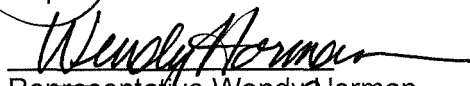
Further, we intend to bring forward a resolution entered on the House journal citing Representative von Ehlinger for contempt. The Committee subpoenaed Representative von Ehlinger pursuant to Idaho Code Sec. 67-407 to appear before the Committee to testify on the allegations in the complaint filed against him in this matter. He appeared before the Committee but refused to testify as to the events of the night that primarily gave rise to the complaint, invoking the Fifth Amendment to the U.S. Constitution. After being informed that Idaho Code Sec. 67-411 provides that self-criminating testimony can be exacted by the Committee and that Idaho Code Sec. 67-409 provides that refusal to testify can lead to adoption of a resolution by the House citing him for contempt, and after repeatedly waiving his silence during the Committee's investigation, Representative von Ehlinger still refused to testify at the hearing.

Signed:

Done this 29th day of April, 2021

  
Chairman Sage Dixon

  
Representative John Gannon

  
Representative Wendy Horman

  
Representative Brent Crane

  
Representative John McCrostie

The House Committee on Ethics and House Policy (“Committee”)<sup>1</sup> submits this report in support of its recommendations in the matter of Representative Aaron von Ehlinger, following an investigation and hearing on the ethics complaint (“Complaint”) brought on March 17, 2021. Upon the completion of its investigation and upon hearing the evidence related to the Complaint, the Committee voted unanimously to adopt the recommendation of censure with conditions and restrictions. Consistent with House Rule 45(5), the Committee now respectfully submits the below report setting forth its findings recommendation, and reasons for such recommendation.

### **Background**

On March 11, 2021, a complaint of inappropriate sexual conduct involving a volunteer intern (referred to here as “Jane Doe”) and Representative von Ehlinger was reported to the Speaker of the House by the Assistant Sergeant at Arms, Kim Blackburn. Upon receipt of this information, it was immediately reported to the Attorney General’s Office, who interviewed Ms. Blackburn and determined that the encounter may have violated the House of Representatives Respectful Workplace guidelines. At that time, the Attorney General’s Office referred this matter to law enforcement for a possible criminal investigation.

On March 17, 2021, House Leadership brought the Complaint and alleged that Representative von Ehlinger has possibly engaged in conduct unbecoming a Representative which would be detrimental to the integrity of the House as a legislative body under House Rule 45(2)(b)(1). Due to the severity of the allegations contained within the Complaint, and the allegation that Representative von Ehlinger used his position as a member of the House to initiate a sexual encounter with a volunteer intern of the House, the matter was referred to this Committee.

On March 19, 2021, Chairman Dixon notified Representative von Ehlinger that the Complaint had been filed and deemed valid, and that the Committee was moving forward as required under House Rule 45(3). Under that rule, Representative von Ehlinger was provided a copy of the Complaint and notified that he had up to fourteen days to provide a written response to the Committee.

On April 2, 2021, Representative von Ehlinger provided, via legal counsel, a written response to the Complaint.

On April 15, 2021, after the Committee completed its preliminary investigation, Representative von Ehlinger was notified that the Committee had unanimously found probable

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<sup>1</sup> The House Committee on Ethics and House Policy currently consists of five members: Representative Sage Dixon as Chairman, Representative Brent Crane, Representative John Gannon, Representative Wendy Horman, and Representative John McCrostie.

cause in the Complaint and that the matter would move forward to a public hearing under House Rule 45(4).

### **Public Hearing and Summary of Evidence Presented**

On April 28, 2021, the Committee held a public hearing in connection with the Complaint. Prior to the hearing, Representative von Ehlinger submitted briefing to the Committee and was given a full and fair opportunity to obtain and review all of the evidence in support of the Complaint. The hearing was held consistent with House Rule 45(4), which empowers the Committee “to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in Section 67-407, Idaho Code, and make inquiry and discover evidence relevant to the allegation.”

During the hearing, the Committee reviewed documentary evidence and heard testimonial evidence.

The documentary evidence submitted to the Committee for consideration is summarized as follows:

1. Transcript of recorded phone call between Representative von Ehlinger and Jane Doe.
2. Email on January 22, 2021 sent from Representative von Ehlinger’s iPhone to Erica McGinnis.
3. Text Messages between Representative von Ehlinger and Jane Doe from February 7, 2021, February 11, 2021, March 2, 2021.
  - a. Includes texts exchanged between Representative von Ehlinger and Jane Doe after the March 9, 2021 sexual contact:
    - i. Jane Doe: “I feel like you kind of used me”
    - ii. Rep. von Ehlinger: “I assure you I didn’t. I like you and had a nice time. I’d like to go out again if you’re interested? Can I call you?”
    - iii. Jane Doe: “But I literally said no to you”
4. Police Report regarding March 9, 2021 events involving Representative von Ehlinger and Jane Doe.
5. Ethics Complaint of March 17, 2021.
6. Notice of Ethics Complaint correspondence to Representative von Ehlinger on March 19, 2021.
7. Representative von Ehlinger’s polygraph tests.
8. Correspondence from Scott McKay (Representative von Ehlinger’s then-attorney) to Chairman Dixon on April 2, 2021.
  - a. The letter details the sexual contact that occurred between Representative von Ehlinger and Jane Doe on March 9, 2021. They “engaged in consensual sexual contact which included continued kissing, fondling and kissing of her breasts, her touching of his penis and her performing oral sex on him.”
9. Transcript of Ethics Committee interview of Jane Doe on April 8, 2021.

10. Transcript of Ethics Committee interview of Representative von Ehlinger on April 12, 2021.
11. Correspondence from Jane Doe’s attorney, Erica Birch, to Deputy Attorney General Leslie Hayes on April 15, 2021
12. Transcript of Ethics Committee interview of Speaker Scott Bedke on April 14, 2021.
13. Transcript of Ethics Committee interview of Representative Megan Blanksma on April 14, 2021.
14. Transcript of Ethics Committee interview of Representative James Holtzclaw on April 14, 2021.
  - a. Representative Holtzclaw testified that he warned Representative von Ehlinger against dating at the Capitol. “We sat down and I said look, you can’t talk to anyone in a flirty manner. You cannot date anyone, ask out anyone, be with anyone in this, this is off limits to you. And I was almost just like that. This place is off limits to you. No more, you can’t do it. You’re gonna get in trouble.”
15. Transcript of Ethics Committee interview of Carrie Maulin on April 14, 2021.
16. Transcript of Deputy Attorney General Leslie Hayes’ interview of Representative von Ehlinger on April 15, 2021.
  - a. Representative von Ehlinger admits having sexual contact with Jane Doe on March 9, 2021.
  - b. Representative von Ehlinger acknowledges receiving respectful workplace training.
17. Ethics Committee “Question and Answer” of Jane Doe.
18. House Committee on Ethics and House Policy Rules of Procedure in the matter of Representative von Ehlinger.

The sworn testimony offered during the April 28, 2021 hearing is summarized here<sup>2</sup>:

- a. Representative Scott Bedke, Speaker of the House of Representatives
  - i. Presented the Complaint to the Committee and addressed the chain of information that made him aware of potential issues with Representative von Ehlinger’s conduct.
  - ii. First became aware of the allegations in the Complaint on March 11, 2021 and forwarded the information to the Attorney General’s Office within fifteen minutes.
  - iii. Returned to testify after the presentation of the Complaint, and testified that a power differential exists between members of the House and legislative staff, making a romantic or sexual relationship inappropriate.
  - iv. Further testified that no express, written House Rule exists prohibiting romantic or sexual relationships between House members and

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<sup>2</sup> The verbatim testimony from the April 28, 2021 public hearing is contained in a court reporter’s transcript.

legislative staff, but that Mason's Manual of Legislative Procedure states that legislative rules include customs, usage, and precedents.

- b. Carrie Maulin, Chief Clerk Idaho House of Representatives
  - i. Testified regarding her knowledge of an interaction between Rep. von Ehlinger and Erica McGinnis, a staff member in the clerk's office.
  - ii. Testified that she advised Ms. McGinnis on how to respond to Rep. von Ehlinger asking her out on a date.
  - iii. Testified that it is never appropriate for members of the House to ask out legislative staff.
- c. Representative Megan Blanksma, Majority Caucus Chair
  - i. Testified regarding two incidents that were reported to her.
    1. Incidents where Rep. Ehlinger made a female lobbyist uncomfortable because of the forwardness of his behavior. Rep. Ehlinger continued to physically pursue and seek proximity to the lobbyist in social settings, including waiting outside of the bathroom for her. The lobbyist was frustrated and scared but did not want the incident reported through official channels because her job requires the trust of elected officials.
  - ii. Testified that she had a subsequent discussion with Rep. Ehlinger where she warned him to be careful about his behaviors. She testified that Rep. Ehlinger was argumentative with her regarding which behaviors are acceptable in workplace interactions.
  - iii. Testified that there are expectations for House members regarding what is appropriate behavior.
- d. Representative James Holtzclaw
  - i. Testified that he was asked to speak with Rep. Ehlinger regarding informal complaints of Representative von Ehlinger's behavior. Around March 3, 2021, warned Rep. Ehlinger to be careful and that it would not be a good idea to date anyone around the Capitol.
  - ii. Testified that the power differential between a member of the House and a staff member may impact whether the staff member.
- e. Representative Jason Monks, Assistant Majority Leader
  - i. Testified that he had no prior interactions with Jane Doe and has no first-hand knowledge of the allegations in the Complaint.
  - ii. Testified that it is not appropriate for a member of the House to date a staff member.
- f. Jane Doe, Volunteer Intern
  - i. Testified that she worked as a legislative intern for the House of Representatives.
  - ii. Testified that she made a report to the Boise Police Department that she was raped by Representative von Ehlinger on March 9.

- iii. Testified that her report to BPD was an accurate description of what happened (Ex. 4).
  - 1. The police report details the nature of the sexual contact that occurred on March 9, 2021 between Representative von Ehlinger and Jane Doe.
- iv. Testified that she told Representative von Ehlinger that the sexual contact was unwanted. Told him no and tried to use other methods of persuading him to stop.
- v. Testified that her prior transcript testimony (Ex. 9) is accurate.
- vi. Testified that Representative Monks has never purchased anything for Jane Doe, and that she never told Representative von Ehlinger anything in that regard.
- g. Kiona Hadsell
  - i. Testified that she worked as a security guard at the Capitol from May 2020 through March 2021.
  - ii. Testified that during that employment she was asked on a date by Representative von Ehlinger and went on two dates with him. During the second date, she testified to a sexual encounter with Representative von Ehlinger.
  - iii. Testified that the sexual encounter was awkward and that she just wanted to leave during that encounter.
  - iv. Testified that she terminated her job as a security guard at the Capitol on March 30, 2021.
- h. Representative Vito Barbieri
  - i. Testified that he has not personally witnessed Representative von Ehlinger engage in inappropriate social interactions.
  - ii. Testified that he was not aware of any other circumstance where a member of the House has dated an intern.
  - iii. Testified that the House has the ability to modify its rules by unanimous consent.
- i. Representative Chad Christensen
  - i. Testified that Representative von Ehlinger had no direct supervisory authority over Jane Doe.
  - ii. Testified that he was told Representative von Ehlinger picked up Jane Doe, placed her on the bed, pinned her arms to her side, and then masturbated to completion onto her stomach.
  - iii. Testified that he advised Jane Doe to reach out to law enforcement regarding the March 9, 2021 incident.
- j. Erica McGinnis
  - i. Testified that Representative von Ehlinger asked her out on a date, and that the request made her uncomfortable. She felt uncomfortable because she was married, had no interest in going out on a date with

- Representative von Ehlinger, and had never been asked out at work before.
- ii. Testified that she believes it was inappropriate for a member of the House to ask out a staff member.
- k. Representative Priscilla Giddings
    - i. Testified regarding her interactions with Jane Doe after March 9, 2021.
    - ii. Testified that she has not personally witnessed Representative von Ehlinger engage in inappropriate social interactions.
  - l. Representative Dorothy Moon
    - i. Testified that she observed Representative von Ehlinger and Jane Doe interacting socially in public on 8th street in Downtown Boise.
  - m. Representative Judy Boyle
    - i. Testified that she is not aware of any rule or policy that would prohibit a relationship between two consenting adults.
    - ii. Testified that she has not personally witnessed Representative von Ehlinger engage in inappropriate social interactions.
  - n. Chip Morgan
    - i. Testified regarding his expertise in administering polygraph tests and Representative von Ehlinger's polygraph test results.
    - ii. Testified that Representative von Ehlinger completed three separate polygraph tests. Each test had a conclusion of "no reactions indicative of deception."

In addition to the witnesses listed above, the Committee offered Representative von Ehlinger the opportunity to testify in response to the Complaint in this matter. Representative von Ehlinger's sworn testimony from April 28, 2021 is summarized as follows:

1. Representative von Ehlinger stated that he attended new legislator training in December 2020 which included respectful workplace training. Also attended respectful workplace training in January 2021.
  - a. Recalled that the training discussed touching in the workplace.
2. Representative von Ehlinger stated that he had a conversation with Representative Holtzclaw at the beginning of the special session. Representative Holtzclaw warned Representative von Ehlinger to be careful with dating around the Capitol.
  - a. Had a second conversation with Representative Holtzclaw in mid-March. Representative Holtzclaw was instructed to take Representative von Ehlinger to lunch and informed Representative von Ehlinger of some complaints against him.
3. After his mid-March lunch with Representative Holtzclaw, Representative von Ehlinger spoke with Representative Blanksma about the nature of the complaints lodged against him.



4. Representative von Ehlinger stated that he first met Jane Doe in another Representative's office.
5. Testified that he had 5-6 conversations with Jane Doe before asking her on a date. Most of them were in passing. Representative von Ehlinger gave Jane Doe his cell phone number because he was impressed with her story and her demeanor.
6. Jane Doe never did any official work for Representative von Ehlinger.
7. On March 9, 2021, Representative von Ehlinger picked up Jane Doe and went to dinner. Representative von Ehlinger considered this to be a date.
8. Representative von Ehlinger read from Ex. 8, an April 2, 2021 letter from his then attorney Scott McKay, which was sent to the Committee in response to the Complaint.
9. Representative von Ehlinger read from Ex. 10, a transcript of his prior interview with the Committee.
10. He testified regarding Ex. 16, the transcript of his prior interview with Deputy Attorney General Leslie Hayes.
11. Testified that he has dated other people during the regular/special session. This includes former Capitol security guard Kiona Hadsell, whom he met at the Capitol building. The two later had sex.
12. Testified that elected officials should be held to a higher standard of conduct than typical citizens.
13. Testified that it would not be appropriate for a member of the House to date a page, even if the page was of legal age.
14. Representative von Ehlinger asserted his 5th Amendment Right against self-incrimination for questions regarding consent in connection with any sexual contact that occurred on March 9, 2021.
  - a. Upon Representative von Ehlinger's assertion, he was instructed by the Committee that Idaho Code Sec. 67-411 states:
    - i. "No statement made by any such witness on such examination before either house, or a committee, is competent evidence in any criminal proceeding against such witness; nor can such witness refuse to testify to any fact or to produce any paper, touching which he is examined, for the reason that his testimony or the production of such paper may tend to disgrace him, or render him infamous. Nothing in this section exempts any witness from prosecution and punishment for perjury committed by him on such examination."
    - ii. Despite being so instructed, Representative von Ehlinger continued to assert that he had a 5th Amendment right not to testify.

- b. Although he asserted his 5th Amendment right to silence during the hearing, Representative von Ehlinger previously provided testimony to the Committee regarding the events of March 9, 2021.
- c. Representative von Ehlinger previously testified that he and Jane Doe had a sexual encounter on March 9, 2021 at his apartment (see Exs. 10, 16).

After the hearing was adjourned, the Committee took the matter under advisement.

### **Glossary of Key Terms**

For purposes of this report, certain key terms are used consistent with the following definitions:

- *Clear and Convincing Evidence* - Evidence indicating that the thing to be proved is highly probable or reasonably certain.
- *Conduct Unbecoming* – Conduct which is detrimental to the integrity of the House as a legislative body.
- *Good Cause* - A legally sufficient reason.

### **Findings**

The Committee is charged by House Rule 45(4) to weigh presented evidence “according to its reliability” in consideration of the Complaint. Upon review of the available evidence, the Committee finds clear and convincing evidence:

1. That Representative von Ehlinger is a member of the House and subject to the House Rules, including House Rule 45.
2. That House Rule 45 prohibits “[c]onduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body.”
3. That rules of legislative procedure are derived from several sources, including but not limited to customs, usage, and precedents.<sup>3</sup>
4. That the House has a right to self-protection in the exercise of its rules and in the discipline of its member.<sup>4</sup>
5. That there is a custom and precedent among members of the House to not have romantic or sexual relationships with legislative staff.

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<sup>3</sup> Mason’s Manual of Legislative Procedure, § 4.2, at 13 (2020).

<sup>4</sup> Mason’s Manual of Legislative Procedure, § 561.2, at 413 (2020).

6. That Representative von Ehlinger engaged in sexual contact with a legislative staff member, Jane Doe, on March 9, 2021.
7. That the sexual contact between Representative von Ehlinger and Jane Doe included kissing, oral sex that was briefly performed on Representative von Ehlinger by Jane Doe, and Representative von Ehlinger manually ejaculating on Jane Doe's stomach.
8. That the sexual contact between Representative von Ehlinger and Jane Doe occurred while the House was in session.
9. That the sexual contact between Representative von Ehlinger and Jane Doe occurred while Jane Doe was employed as legislative staff, specifically a House intern, and while Representative von Ehlinger was a member of the House.
10. That legislative staff are tasked with assisting the House and Senate in the official performance of their duties, creating a power differential between members of the House and legislative staff.
11. That the power differential between legislative staff and members of the House makes relationships between staff and members presumptively inappropriate.
12. That the sexual contact between Representative von Ehlinger and Jane Doe violates the norms of good conduct expected for members of the House.
13. That Representative von Ehlinger pursued a sexual encounter with Jane Doe after being expressly warned not to date anyone that worked at the Capitol by Representative Holtzclaw.
14. That Representative von Ehlinger also engaged in a sexual relationship with Keona Hadsell, while Ms. Hadsell was employed as a security guard on the Capitol grounds.
15. That since August 2020 Representative von Ehlinger romantically or sexually pursued at least four different women that were either legislative staff, Capitol employees, or otherwise connected with the legislative process.
16. That Representative von Ehlinger pursued sexual relationships with staff at the Capitol after attending respectful workplace trainings that warned against crossing lines in workplace relationships and that provided education on the impact of power differentials on such relationships.
17. That Representative von Ehlinger pursued sexual relationships with staff at the Capitol despite his prior experience working in environments with respectful workplace policies, including the United States Army.

18. That Representative von Ehlinger’s invocation of the 5th Amendment right to silence was improper because 1) he previously testified on the same matters he subsequently refused to answer, 2) he testified about certain matters while refusing to testify regarding others, 3) he submitted polygraph evidence . Because Representative von Ehlinger’s refusal to testify during the public hearing was selective, the Committee can rightfully make adverse inferences regarding
19. That the witnesses called in support of Representative von Ehlinger, especially those that lacked first-hand knowledge of his pursuit of at least four women on Capitol grounds, were generally not credible.
20. The Committee nor the Complainants attorney were able to select questions for the lie detector tests taken by Representative von Ehlinger, leading the Committee to give the lie detectors less weight or credibility than they might otherwise.
  - a. Further, upon review of the limited questions included in the polygraph tests, the Committee finds that any test results are of limited or no relevance to the determination of whether Representative von Ehlinger’s admitted sexual contact with Jane Doe constitutes conduct unbecoming a Representative.
21. That elements of Representative von Ehlinger’s testimony, including testimony prior to the public hearing, were contradicted by other evidence in the record and limit his credibility as a witness. Those contradictions include:
  - a. Representative von Ehlinger testified (in Ex. 16) that he did not ask out Jane Doe again after March 9, 2021, but transcripts of a subsequent phone conversation (Ex. 1) between Representative von Ehlinger and Jane Doe reveal that he wanted Jane Doe “to reconsider and, and take some time and consider giving me another chance.”
  - b. Representative von Ehlinger testified (in Ex. 16) that the only individuals he asked out on dates during the session were Jane Doe and Keona Hadsell, but he also asked out Erica McGinnis (*see* Ex. 2).
  - c. Representative von Ehlinger testified that he does not “date a lot” and that when he does try to date, he makes sure it’s someone that he has “a connection with.” (from Ex. 16). But the Committee is aware of at least four women he tried to pursue romantically or sexually between December 2020 and March 2021, three of whom testified before the Committee. In those three instances, Representative von Ehlinger tried to initiate dating within days of meeting all three women and after little social interaction.

22. That Representative von Ehlinger's conduct on March 9, 2021 damaged the integrity of the House as a legislative body.
23. That Representative von Ehlinger's conduct on March 9, 2021 constitutes conduct unbecoming a Representative under House Rule 45.

**Recommendation**

Following our investigation and hearing held pursuant to House Rule 45, the Committee unanimously finds by clear and convincing evidence that Representative Aaron von Ehlinger engaged in conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body.

Therefore, we unanimously recommend that the House of Representatives censure Representative von Ehlinger with the restrictions and conditions that (1) he be immediately suspended, without pay or benefits, from serving as the Representative for District 6, Seat A for the remainder of the 66th Idaho Legislature, (2) he must immediately vacate his office in the Capitol and not return to the Capitol grounds for the remainder of the 66th Idaho Legislature, and (3) a substitute Representative should be appointed with compensation as soon as possible following his suspension to represent District 6, Seat A, for the remainder of the 66th Idaho Legislature.

Done this 29th day of April, 2021

Signed:



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Chairman Sage Dixon