

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

HOUSE ETHICS COMMITTEE

Report of Interim Meeting
Wednesday, May 15, 2024
House Hearing Room 4 – 4:00 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

5/20/24

Convened 4:02 P.M.

Executive Session Convened 5:05 P.M.

Executive Session Adjourned 5:21 P.M.

Adjourned 5:25 P.M.

Members Present

Representative Chaplik, Chairman
Representative Grantham, Vice-Chairman
Representative Griffin
Representative Mathis
Representative Contreras

Members Absent

Agenda

Original Agenda – Attachment 1

Committee Attendance

Report – Attachment 2

Committee Minutes

Minutes – Attachment 3

Name

Special Order on Rule 15

Special Order on Rule Hearing 15 5/15/2024

Exhibits A-M

Organization

Arizona House of Representatives

Arizona House of Representatives

Arizona House of Representatives

Attachments

4

5

6



Stephanie Smith, Committee Secretary
May 15, 2024

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

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ARIZONA HOUSE OF REPRESENTATIVES

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE ETHICS COMMITTEE

Date: Wednesday, May 15, 2024

Time: 4:00 P.M. or upon recess or adjournment of Floor

Place: HHR 4

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024051032>

AGENDA

1. Call to Order
2. Roll Call
3. Ethics Matters Regarding Representatives Oscar De Los Santos and Analise Ortiz
4. Adjournment

Members:

Representative Joseph Chaplik, Chair
 Representative Travis Grantham, Vice Chair
 Representative Patricia Contreras
 Representative Gail Griffin
 Representative Christopher Mathis

Pursuant to House Rule 30 and A.R.S. § 38-431.03, the committee may vote to go into executive session, which would not be open to the public, for the purpose of obtaining legal advice and providing directions to the counsel.

The Committee may recess and reconvene to the sound of the gavel or upon announcement.

This is a Rule 15 Hearing pursuant to the House Ethics Committee Rules of Procedure. It is not a judicial proceeding.

Testimony will be received by invitation of the Committee only. Other public testimony, including through the RTS system, will not be received.

05/13/2024
05/14/2024
RA

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ARIZONA STATE LEGISLATURE
 Fifty-sixth Legislature - Second Regular Session

INTERIM COMMITTEE ATTENDANCE RECORD

COMMITTEE ON HOUSE ETHICS COMMITTEE

CHAIRMAN: Joseph Chaplik VICE-CHAIRMAN: Travis Grantham

DATE	05/15/24	
CONVENED	4:02 pm	m
RECESSED		
RECONVENED		
ADJOURNED	5:25 pm	
MEMBERS		
Joseph Chaplik, Chairman	✓	
Travis Grantham, Vice-Chairman	✓	
Gail Griffin	✓	
Christopher Mathis	✓	
Patricia Contreras	✓	

Exec. Session
Conv: 5:05 pm
Adj: 5:21 pm

✓ Present --- Absent exc Excused

Ethics Committee in Open Session Minutes

Convened 4:02 P.M

(Chairman Chaplik) To help guide the Rule 15 hearing, earlier today I distributed a special order that sets out the structure of this hearing and the business before this committee. This is intended to provide order and a framework within which to conduct today's ethics hearing. You all have had the opportunity to review I hope. At this time, I will entertain a motion to adopt Special Order on the Rule 15 Ethics Hearing on May 15, 2024. Mr. Vice Chair?

(Vice-Chairman. Grantham) Mr. Chairman, I move that the Special Order on the Rule 15 hearing on May 15, 2024, be adopted.

(Chairman Chaplik) Any discussion? Members?

(Ethics Committee Members) No

(Chairman Chaplik) The question before you is the adoption of the special order on Rule 15 hearing on May 15, 2024. All those in favor say aye. All those who oppose say nay. It appears the ayes do have it, so ordered. Members, as you know, this committee has received two ethics complaints. The first is against Representative Oscar De Los Santos filed by Representatives Barbara Parker, David Marshall, and Jacqueline Parker. The second is against Representative Analise Ortiz filed by Representatives Barbara Parker, David Marshall, and Rachel Jones. These are two separate complaints, but because they are based on the same set of facts, to avoid redundancy and to make the most efficient use of legislative resources, I have consolidated the hearings for each matter into this one hearing this afternoon. Representatives De Los Santos and Ortiz have the right to examine all of the evidence against them and to cross-examine witnesses. They will be allowed to do both today if they are here.

As an overview, the committee formally received the ethics complaints on April 24, 2024, and provided Representatives De Los Santos and Ortiz the opportunity to submit a written response to the complaints filed against them. Representatives De Los Santos and Ortiz each filed a response on May 1, 2024. Those complaints and responses are tabbed as numbers 1-4 in the materials provided.

Ethics complaints are based on the events surrounding and following a substitute motion to recess the House Floor on April 10, 2024. To be clear, they were not adjourned for the day. That was a recess, not an adjournment. The recess for approximately an hour (Vice-Chairman Grantham's voice "sound of the gavel").

The complaint against Representative Oscar De Los Santos alleges that he engaged in disorderly behavior in violation of House Rule 1 by shouting several phrases, including, "Shame!" several times and "Blood on your hands!" several times. As the House concluded its business before a recess, and then again while the House was at recess. It alleges that

Representative De Los Santos “incited a near riot” and exhibited “insurrectionist behavior” as he shouted, pointed, and waved his arms toward Republican legislators, and disrupted a press conference by shouting and charging across the Floor. The complaint further alleges that Representative De Los Santos violated House Rule 18 by displaying disruptive behavior before the House recessed in an attempt to “prevent the orderly disposition of [the] motion to recess.” Finally, The complaint alleges that Representative De Los Santos violated House Rule 19 by using language other members found offensive and intended to hold Republicans up to contempt.

The complaint against Representative Ortiz alleges that she engaged in disorderly behavior in violating House Rule 1 by “inciting a near riot” and exhibiting “insurrectionist behavior” by shouting “Shame on you!” and “Hold the vote!”, and admittedly disrupted a press conference by shouting and charging across the Floor toward Republican members.

By way of clarity, the sole question for this committee's consideration (witnesses, all present representatives, and Mr. Barton) is whether Representatives De Los Santos and Ortiz violated the House Rules. This proceeding involves an internal House matter made by a member (s) against another member (s) to determine if their conduct was disorderly, offensive, and impugned the integrity of this institution. The committee will not consider any collateral issues.

Review of Exhibits

The hearing materials have been distributed to the committee and to counsel. I have determined that several exhibits are relevant for the committee’s consideration in these matters, including several videos and a few photos. The photos have been printed and are included in your materials.

They are as follows:

- **Exhibit A** – Photograph of Representatives De Los Santos and Ortiz near Representative Hendrix's desk.
- **Exhibit B** – Screenshot of a post by Representative De Los Santos on X.
- **Exhibit C** – Screenshots of two posts by Representative Ortiz on X.

I have allowed the exhibits because videos and photos were from both representative's personal social media accounts.

The Chair also accepts as evidence the following videos:

- **Exhibit D** – Instagram Post by Center for Arizona Policy. This was submitted by Representative Barbara Parker.

- **Exhibit E** –Cell Phone Video from the gallery recording a constituent (name unknown). This was submitted by Representatives De Los Santos and Ortiz.
- **Exhibits F-H** Cell phone videos that were submitted with the complaints against Representatives De Los Santos and Ortiz.
- **Exhibit I** – A TikTok video post made by representative Ortiz that was submitted with the complaint made against her. The TikTok video was recorded on the House Floor.
- **Exhibits J-L** Video clips from the House Security cameras from April 10, 2024.
- **Exhibit M** – Clip from Legislative Broadcast services from April 10, 2024.

In the interest of time and to avoid unnecessary repetition, I have decided that **Exhibits J-M** will not be played during this hearing. The videos will be available upon request if anyone wants to watch them. I omitted the videos to avoid redundancy. I looked at the videos and these (**Exhibits J-M**) were not the best quality. The higher-quality videos are the ones I used.

Additionally, after consultation with staff, I have determined that screenshots and messages submitted by Representatives De Los Santos and Ortiz they received (after the fact) from constituents are not relevant to this proceeding and therefore not accepted for the committee’s consideration. Mainly, the reactions of the constituents were not relevant to the issue that are set forth before this committee, which is whether Representatives De Los Santos and Ortiz committed the actions they are accused of and their intent to commit those actions on the House Floor.

Witness Q&A

(Chairman Chaplik has allotted 5 minutes for questions from counsel)

(Chairman Chaplik) There will be one witness, Representative Barbara Parker. There was another witness, Sergeant At Arms, Chuck Fitzgerald. He will not be here today, I felt it was not relevant. Mr. Fitzgerald is a bipartisan employee/staff and was not a part of the incident(s) that lead to this hearing. I will add, I did ask him about the incident(s) as his role of security on the House Floor. Mr. Fitzgerald stated he has to be alert, standing on the Floor, and there to notify House security if a heightened threat is about to arise. Mr. Fitzgerald's primary role is to monitor if the representatives need anything. In addition, he is unable to order use of security. The only person who can order the use of security is the Speaker of the House or who is chairing the House Floor Session at the moment.

Representative Barbara Parker

Chairman Chaplik asks Representative Parker to explain (in 30 seconds or less) what she saw on the House Floor (related to the complaints)

(Representative Parker) I sit in the back row of the House Floor, and I am at a vantage point of 180 degrees of view of what occurred as soon as everything broke out. I immediately stood up

and backed up to the wall to speak to the Sergeant At Arms (Chuck Fitzgerald) and armed Chief of (Bob Jackson) appeared on the House Floor. As the event on the floor was taking place, I want to be clear, I was indeed frightened, felt threatened, intimidated, alarmed, and aghast, a plethora of emotions. As a healthcare professional, and I have seen situations like this escalate out of control before. This situation appeared like it would spin out of control. Hence the reason I was preparing to leave the floor. I was not filming or taking pictures, I was trying to leave. As the situation progresses / exasperated, there was a press gaggle that began. The press gaggle took place around my desk (in front of Representative Hendrix's desk). The Democrats came over as well. As I was getting ready to leave the floor, to my horror, I realized my laptop, phone, notes, personal belongings (including my purse) were still open at my desk. I did not want to leave without my business or personal belongings. I had a hard time getting back to my desk to retrieve all my items. As much as I disagreed with the vote, what I saw and heard in regard to Mr. Gress, I would not want anyone to go through that. It was a verbal assault in every way. I am a trained health professional, and I am trained to assess a situation (involving patient / person) and what I assessed; neck veins popping out, red flushed faces, the straining, and the screaming, and you can see where De Los Santos struck one of the desks (with closed fists). I thought, they were going to lose it, and this is going to get out of control. Again, I have seen it many times before. All this was my concern.

Questions for Representative Parker

Vice-Chairman Grantham:

- Q) Did you feel like it was disorderly? The behavior?
 - A) Without a doubt. Yes, absolutely. It was a horrific scene.
- Q) What if a Republican had done this?
 - A) I would have just been aghast. This had nothing to do with party affiliate.

Chairman Chaplik:

- Q) At any time, did you feel threatened, or you were in a dangerous position?
 - A) Absolutely. The fear was it would get worse, hence why I was checking with Sergeant At Arms. I was unsure if there was anything he could have done.
- Q) you have been active in the legislative process (about 2 years). You been watching your daughter (Representative J. Parker) a few years prior, and I know you are active watching what goes on here (House of Representatives). Have you seen anything like this? In your experiences?
 - A) I have been an activist for 30 years in the House Gallery many times, never in all my time here have I ever seen this in the House (of Representatives).
- Q) If this action occurred every day, would you consider it normal?
 - A) Absolutely not. It is completely abnormal at any time.

- Q) We see a lot of bills and there is passion behind each one. Someone could have a passionate response, so this behavior that we saw, would not be normal on the floor on an everyday basis.
 - A) Mr. Chair, this is absolutely not normal. At any time a person is welcome to stand at their desk and they are welcome to be upset or share their thoughts with the microphone and stay at their place (desk) to express their thoughts without this type of outburst.

James E. Barton II (Counsel for Representatives De Los Santos and Ortiz)

- Q) In the complaint, you wrote your fellow members engaged in insurrectionist behavior. Can you tell me what you were referring to?
 - A) The definition of "insurrection" is act or an instance revolting against a civil authority of established government. Even from their own response letter, they defined it as the disrupting of the exercises of official actions. Ortiz and De Los Santos did interrupt the structure of our government, did not accept the ruling of Speaker Pro Tempore (Representative Travis Grantham) and it (behaviors) did disrupt our activities.
- Q) You made two references to a riot: "As the riot continued" and you also cited "A near riot". I am asking your opinion, what was your opinion what it means to have a riot (per the written complaint)?
 - A) To me, a near riot is the chanting, marching up and down the aisles with fists raised, pointing (raises her arm to demonstrate actions) and threatening by screaming and enticing other Democrats to join in and how this escalated. To add, that statement (near riot) was used by others explaining the situation (citizens, viewers in the gallery and as well as the press).

(Representative Parker closes her testimony) In conclusion in the last couple of years, there were times I wanted to sit in a peaceful place to contemplate the seriousness of what we (elected officials) down here (House of Representatives), people can testify they have seen me alone, sitting on the House Floor having a moment of reflection in what I consider a reverential dignified room. That has been shattered for me. The feeling of peace is now gone. I can tell you (Ethics Committee) that type of behavior, lack of civility and dignity has reflected poorly on me as a lawmaker and my constituents and through the community, the means of everything we do when they saw that. That breaks my heart because I take this very seriously.

Chairman Chaplik has directed staff to play videos of **Exhibits D,E F-H, and I** (8 to 10 minutes of combined footage).

Chairman Chaplik has directed staff to show **Exhibits A, B, and C.** (pictures also in material distributed to committed and Mr. Barton II).

(Representative Contreras) Chairman Chaplik, is there another photo of Exhibit A to show the other side?

(Chairman Chaplik) We can research to see if there is a photo of the opposite side of Exhibit A, however, believes it is just the media on that side. Stated he could find out who was on the other side of the photo.

(Representative Contreras) Indicates she had heard there may have been Republicans on the other side the photo does not display.

(Chairman Chaplik) Stated he believed the Republicans on the other side were Representatives Cook, Gress, Hendrix, and Parker because their desks were in the area near reporters. He will obtain confirmation.

(Chairman Chaplik)

- Q) The committee would like to hear from Representatives De Los Santos and Ortiz; however it looks like they have chosen not to appear. Is that correct Mr. Barton? They are not late; they are not coming? What is the outcome here?

(James E. Barton II, Counsel for Representatives De Los Santos and Ortiz)

- A) As per our notice to the committee, they have elected not to appear.

(Chairman Chaplik) Thank you. I find that to be completely disrespectful and unfortunate to this committee. We had that happen before in the past and it seems like there is video evidence, they choose not to come in past hearings, and I think it is completely disrespectful. This hear is actually for them (Representatives De Los Santos and Ortiz) to have a voice and answer questions. I hope you (Mr. Barton II) to answer the questions that are directed to them (Representatives De Los Santos and Ortiz). Chairman Chaplik then addresses the committee to ask questions they have to establish if Mr. Barton II is able to answer on the behalf of the representatives.

Questions for James E. Barton II, (Counsel for Representatives De Los Santos and Ortiz)

Vice-Chairman Grantham:

- Q) Are you familiar with our House Rules?
 - A) I have read them yes.
- Q) Are you a practicing licensed attorney and have passed the Arizona State Bar?
 - A) Yes.
- Q) What do you think applies here? Why do you think you are here? Do you think Arizona Revised Statues, or any Judicial process exists inside this House? Are you aware

this is just a House issue, and we deal with our own problems internally? I am curious what you see your role being as a lawyer present for the two representatives.

- A) The rules do permit the members to be represented by counsel at their own expense and I see myself filling that role. I understand this is an internal matter, and I am here to represent the members to help the committee to make a good decision about how to enforce its own rules and does so consistent with the values of the body.
- Q) I understand that. You are not part of this body, they are (Representatives De Los Santos and Ortiz) so I would assume you have had discussions with them as to why to interpret. You saw the videos. Do you think that was disorderly behavior?
 - A) Obviously it is for the committee to decide what is disorderly behavior. I think it was not a safety concern or insurrectionists I think it was loud and I think it made people uncomfortable. If making people uncomfortable satisfies the definition of disorderly I will respectfully leave for the committee to decide.
- Q) do you stand in front of a judge frequently as an attorney?
 - A) Yes.
- Q) If you were in a courtroom and the judge recessed and you exhibited these behaviors. What would happen?
 - A) This is difficult to answer, but I suppose one would be escorted out of the courtroom by the bailiff and have bar complaint files against you, that is possible. People may also say, it is a court of law and emotional things happen. To be honest, I am unable to say what would happen.
- Q) Do you think that is appropriate behavior in a court of law or in a chamber?
 - A) I did not say it was appropriate behavior, I stated I would not know what would happen. I do see where people were made uncomfortable, but it is for you to decide if there was disorder in the chamber.

Chairman Chaplik:

- Q) I believe the next questions only Representatives De Los Santos and Ortiz are able to answer, so I hope you can answer. In the response for Representative De Los Santos page 4 sites "free exchange". How does shouting aggressively and insulting one another qualify as free exchange?
 - A) As Justice Scalia explains (page 4 of *Response to Ethics Complaint dated April 24, 2024, against Rep. Oscar De Los Santos* complaint), "There are laws against threats and intimidation" and when those rules are not violated, in the process of democracy have the civic courage and fortitude to stand up to being uncomfortable. This is a very hot issue and no doubt it does not happen every day. It was a free exchange of ideas because they were asking for the House to go back and not end the session and they were giving voice to civic outrage. Constituents seemed to echo this as well. I think it was an exercise of free exchange.

- Q) We see a lot of bills and there is passion behind every bill. If a bill does not pass, I believe having that type of response, would create chaos and interrupt our duties in the House. I did some research, and we have House Rules to avoid such situations, so we can conduct business in a civilized manner. I believe this was behavior we should not tolerate and here is what occurs when there is no decorum: Fights, Representative Parker felt threatened and was getting dangerous for her well-being and safety. She should never have to feel that way inside this building. I went back all the way to 1798 and there was a fight on the House Floor. 1837 someone was stabbed on the House Floor and then died. 1858 South Carolina, massive brawl on the House Floor during an intense debate. This is why we have decorum and rules in today's society because our history shows if we do not, we get violence. 1860 issue on slavery due to different views turned into a fight. 1887 massive brawl between Democrats and Republicans on the Indiana House of Representatives Floor and the Indiana Senate Floor. We are going thru timelines, fights in 1985, and 2007. In 2011, California Assembly fist fighting over the budget. All the way up to May 2017, House of Representatives had an altercation between representatives over immigration. January 6, 2023, Mike Rogers was restrained on the House Floor trying to attack Matt Gates. This is what we are trying to avoid here in the AZ House of Rep. After watching the videos, I felt we were pretty close to that. We went into a recess; we did not end business for the day. Representative Matt Gress went into a motion to repeal a ban on the side of the Democrats. Why would they attack him and call him a liar? That is a question I have for the two representatives. Do you have that answer?
 - A). Mr. Chair, the video explains why they called him a liar. They said it was his past actions by supporting other views and they felt he was taking advantage of the press by letting them see one thing when in the past he said/did the opposite
- Q) That is your opinion?
 - A) To be more precise, I believe that is their opinion.
- Q) Are you (meaning Representatives De Los Santos and Ortiz) embarrassed of this behavior?
 - A) Representatives De Los Santos and Ortiz are not embarrassed by their behavior on the House Floor. That is not to say it is behavior they would not repeat or would happen every day, but I will say, they do stand behind their actions and you saw from the videos and social media they did stand behind what they did on the House Floor.
- Q) Again, that is your opinion, I wish they were her to answer that. When they said "members, stay on the floor", what were they trying to accomplish by keeping their members on the floor while the Republican party was exiting the House Floor?
 - A) They were trying to have the vote be held and held back in session.
- Q) Let me stop you there. We went into recess (sound of the gavel), they are legislatures and knew the procedures of what we do. What I saw, is a bunch of activists trying to

drive a narrative by keeping their members on the floor, to insight this activity and to continue this create chaos. So, my questions is why would you (meaning Representatives De Los Santos and Ortiz) interrupt a press gaggle when a member has the right to talk to speak to any reporter? Why did they feel necessary to interrupt that?

- A) Obviously, member (Representative Gress) was trying to control the press narrative by holding the gaggle. Representatives De Los Santos and Ortiz were trying to control the press narrative by interrupting. It was pretty obvious wheat was happening on the floor and obvious in the video to control the press narrative.
- Q) The press are always on the floor. They are here in this room. They can talk to any member they want, and they do not disregard the Democrats. They do not talk to only Republicans, and we have a commonality to respect that. We should feel safe in the chamber we can go to a corner and hold a press conference/gaggle/conversation. As legislatures, they should have respected our colleague and allow them to have their time. If they choose to speak at a later time with the same reporter, I am sure they have that opportunity. According to what you just said, the wanted to control the narrative, which goes back to the decorum we are trying to create and keep. Now, you are opening the door for anybody; under that logic, to interrupt any press conference. I would like to know what compelled her(Representative Ortiz) as she videoed the interrupt a colleague during a press gaggle?
 - A) To be clear, in my answer, I am not saying this should be done every time. What she was trying to do was control the press narrative in response to what the other member was doing.
- Q) So, out of disrespect to Matt Gress, they interrupted him. I did not see them asking to speak with the press so they could provide their narrative. In fact, the only narrative I saw was calling him (Representative Gress) a liar and disrupting him. In fact, on camera she even stated, "Let's go disrupt that". She did say or imply let's go request the reporters to speak to us. So, I do not believe what you are telling me. That is why I wish they were sitting here, so we can ask them what they were thinking. Another question I have is, what caused them to act this way. They stated, "Save women's lives" over and over again. If Matt Gress was repealing the ban on abortion, wouldn't that be saving lives? How would that be killing women? That is a question for De Los Santos who is not here.
 - A) It was clear what should have happened. There should have been a vote, the floor was recessed for some amount of time, Mr. De Los Santos was making a chant to say to vote should be held and by not voting, you are endangering women's lives and trying to control the press narrative. The point of this, good or ill, they perceived the delay as dangerous, and they were raising the alarm in a boisterous way in response to repealing the 1864 ban.

- A) Just because the vote did not occur at that moment, they felt entitled enough to disrupt the floor, disrupt the press conference, tried to get a narrative, for what? We were in recess; we did not adjourn for the day. Again, telling us, we turned our back on Arizonan's. I want to know what that meant. I did not turn by back on Arizonan's. De Los Santos and Ortiz are not here, what did that mean, "turn your back on Arizona"?
 - A) It meant what Arizonan's wanted was to repeal the 1864 abortion ban is delayed.
- Q) That is an opinion. All of Arizona wants to repeal the ban? That is what you just said.
 - A) I was answering the question you asked, "what did they mean"? What I am explain is what they meant that by the delay was turning the back to Arizonan's, not 100% of Arizona, but Arizonan's wanted the 1864 ban repealed.
- Q) Unless they are both asked the questions directly, that seems to be your opinion. Do you think going forward legislatures should communicate effectively in that manner? Their behavior that day, is the normal behavior we should continue?
 - A) I don't think it was normal or a typical behavior. I don't think it happens every day, but I think the question here today is if that behavior merit sanction?

Representative Griffin:

- Q) I have been here on and off for thirty years. I have never seen this behavior at the House. The House is a respectful place and very similar to a courtroom. If this behavior was in a courtroom, one would be held in contempt. Any apology? I don't hear any apology. I don't hear, it won't happen again. Reporters/media are allowed on the floor in certain areas unless they get permission to approach a member. We do not run around acting like this. Even the media has to receive permission to talk. This was totally disrespectful to the establishment of the House of Representatives. We can respectfully disagree, strongly. We do it all the time, but we can talk to each other. We don't holler at each other. There was disorderly behavior and total disrespect of the House of Representatives. We don't allow anybody on the House without permission. Family members unless you go through the Speaker of the House. In the Senate, that rarely ever happens; the House is a little bit different. I have never seen such total disrespect of each other and hopefully, it does not continue. Was there an apology? Is there an apology coming?
 - A) There is no apology coming. The representatives will not apologize for their conduct.

Representative Contreras:

- Q) One of the complaints indicated some member's personal safety could have been at risk, did Mr. De Los Santos or Ms. Ortiz intend to cause any harm to other representatives on the floor? Did they have any weapons?
 - A) They did not have weapons, nor did they intend to intimidate anyone with physical violence. It is their belief after watching the video, no one could reasonably believe they were in jeopardy of physical harm.
- Q) Looking at the video, it would appear Mr. Gress would have been the one in most jeopardy. In watching his body language in the video, he did not seem afraid. Do you agree with that?
 - A) I would agree that he did not seem afraid. To note, he was also not in any physical danger.

Chairman Chaplik:

- Q) I am disappointed neither of the members showed up to explain their actions. I appreciate you Mr. Barton being here, you have every right to be here. However, unless you ask them directly each question, you do know the answers. Will they show up if I gave you a minute to call them? Any chance they are coming down here to answer questions?
 - A) The representatives have decided to exercise their right not to appear.

End of questions

(Chairman Chaplik) The House has standard investigative protocols that request individuals to voluntarily cooperate with legislative requests. If the recipient of an informal request for information or to appear does not engage in good faith discussions, the speaker or committee chair may issue a subpoena. I am willing to issue a subpoena, This hearing is for them. although it is a last resort, so that the committee can fully investigate the reasons for Representative De Los santos' and Ortiz's unacceptable actions on the House Floor. I will now entertain a motion to amend Rule 15 of our Ethics Committee.

(Vice-Chairman Grantham) Mr. Chairman, I move that Rule 15 be amended to require the subject of the complaint to be present at any evidentiary hearing before the ethics committee. Therefore, I move that Rule 15 state as follows:

"in any evidentiary hearing before the ethics committee, the member who is the subject of the complaint shall be present and shall have the right to present evidence and to examine all of the evidence against the member, the right to cross-examine witnesses, and the right to be represented by counsel of the member's choice and at the member's expense."

(Chairman Chaplik) Any discussion? Members, the question before you is the adoption of the special order on the Rule 15 hearing, May 15, 2024. all those in favor say aye. All opposed say nay. It appears the ayes have it, do have it, so ordered.

**RECESS
5:05 P.M.**

**COMMITTEE CONVENES EXECUTIVE SESSION TO CONSULT WITH LEGAL
COUNSEL
5:05 P.M.**

(Chairman Chaplik) I feel when we have these hearings and are unable to get the representatives here we are not able to get answers. We have had five of them (hearings) now and no one has come in here and stated, "I'm sorry: or "I should not have done that". We will go through our Executive Session and break for a minute.

(Chairman Chaplik) Members, at this time I believe it is appropriate to go into executive session to consult legal counsel. Once the executive session briefing is complete, we'll reconvene in an open session. Mr. Vice Chair, please move to go into executive session.

(Vice-Chairman Grantham) Mr. Chairman, I move that the House Ethics Committee go into executive session to consult legal counsel. Motion carried.

(Chairman Chaplik) Members, I will ask the pages to clear the room and the doors to be closed and posted.

**EXECUTIVE SESSION ADJOURNED
5:21 P.M.**

**RECONVENED
5:21 P.M. PM**

Closing Statements

(James E. Barton II, (Counsel for Representatives De Los Santos and Ortiz) I hope I am making a closing statement for the committed and not for my clients. I think you pointed out several times if the rules were violated and I agree with that. What you stated in your report was very important. In the complaint, we saw two basic concepts that were expressed. One, was a concept of the lack of decorum, lack of dignity, disrespectful behavior. Then we also saw things using words such as riotous, insurrections, fear for lives. You'll see somethings that were quoted, there is a problem that we have in America right now, people stating they don't feel safe, and they feel challenged [sic]. This leaves an opportunity for the committees to say, "that's not the way it works". When you feel challenged, uncomfortable, or disrespected, that does not

mean you feel unsafe. We of course, hope you will find there is not a violation and does not raise to a level of violation of decorum that violate the rules cited in the complaint. Even if you do find that there is, I would encourage you to make it clear there is a difference of feeling unsafe and feeling uncomfortable.

(Chairman Chaplik) I will add to that. I know I asked a lot of questions, which was trying to get their understanding of what they were going through that day to create the chaos on the floor. They do have a right to speak and they do have a right to have their voices heard. We do not want to suppress their free speech. However, we also have rules here in the House. The time to debate is in Committee of the Whole, we have opportunities for them to explain their vote. What we are trying to avoid is an altercation on the House Floor that can be dangerous. Some of their actions depending on the 60 members we have every two years; you can cross oil and vinegar and things can get out of hand. We do not want that in this state. This is what we are trying to avoid here, and I wish they were present to answer more questions. With that, thank you for your time Mr. Barton and thank you members of the committee.

The House Ethics Committee will take these matters under advisement and with that we are adjourned (gavel).

ADJOURNED

5:25 P.M.

A handwritten signature in black ink, appearing to read 'Stephanie Smith', written over a horizontal line.

Stephanie Smith, Committee Secretary

May 15, 2024

IN THE HOUSE OF REPRESENTATIVES OF THE STATE OF ARIZONA
IN PROCEEDINGS BEFORE THE COMMITTEE ON ETHICS

In the Matter of the Investigation of Complaints)	SPECIAL ORDER ON
against Representatives OSCAR DE LOS SANTOS)	THE RULE 15 HEARING,
and ANALISE ORTIZ.)	05/15/2024
_____)	

AND NOW, in proceedings before the House Ethics Committee in the matters of Representative Oscar De Los Santos and Representative Analise Ortiz, the Committee has received a complaint from Representatives B. Parker, Marshall, and J. Parker dated April 24, 2024, against Representative Oscar De Los Santos; a complaint from Representatives B. Parker, Marshall, and Jones dated April 24, 2024, against Representative Analise Ortiz; and responses from each Representative De Los Santos and Representative Ortiz dated May 1, 2024. Pursuant to Rule 15, Ethics Committee Rules of Procedure, a consolidated hearing being set for May 15, 2024, at 4:00 p.m. in House Hearing Room 4, or upon recess or adjournment of Floor, and upon adoption of this Special Order by the Committee:

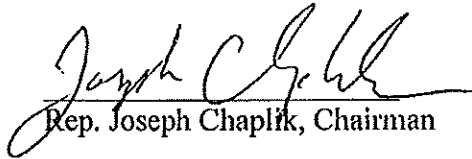
IT IS THE ORDER OF THE COMMITTEE that:

1. Two hours will be the time allotted to this hearing, unless in the Chairman's discretion additional time is necessary. The Rule 15 hearing in this matter is not a court proceeding and the Rules of Evidence do not apply.
2. The business before the Committee shall be:
 - a. Introduction and comments by the Chairman.
 - b. Distribution of the materials to the Committee and Reps. De Los Santos and Ortiz.
 - c. Review of the list of exhibits to be considered by the Committee.
 - d. Questions to Representative Barbara Parker.
 - e. Questions to other Complainants at their request, subject to the Chairman's discretion.
 - f. Presentation of video and photo evidence.

g. Questions to Representatives Oscar De Los Santos and Analise Ortiz.

3. Subject to the discretion of the Chairman, and pursuant to Rule 15, Reps. De Los Santos and Ortiz shall be each permitted to present testimonial evidence within the scope of the hearing's purpose and to cross-examine witnesses within the scope of the answers that they provide to the committee's questions.
4. Subject to the discretion of the Chairman, and pursuant to Rule 15, Reps. De Los Santos and Ortiz shall be each permitted to examine exhibits under consideration by the Committee.
5. The Committee may go into executive session or recess and reconvene as appropriate.
6. At the conclusion of the hearing, the matter will be taken under advisement.
7. Notice of any future hearings will be posted by separate agenda.

May 15, 2024


Rep. Joseph Chaplik, Chairman

RULES OF PROCEDURE

ETHICS COMMITTEE OF THE ARIZONA HOUSE OF REPRESENTATIVES 56th LEGISLATURE

RULE 1. A majority of the members of the committee constitutes a quorum. The committee shall take no official action unless a quorum is present.

RULE 2. The Chairman determines the order of business.

RULE 3. The committee shall render advisory opinions pursuant to House Rule 34.

RULE 4. House Rules relating to motions which are relevant are in order including the following motions:

- a. Be adopted, be granted or be approved
- b. Be rejected or be denied
- c. Hold for further study

RULE 5. The affirmative vote of a majority of those voting is required to take any action.

RULE 6. A roll call vote shall be taken on final action of any business before the committee. On a roll call vote the names of committee members shall be called alphabetically by surname, except the Chairman shall be called upon last. Each member present shall be allowed to pass on one call of the roll, and shall vote "yes" or "no" (aye, nay) or respond "present." Members may change their votes before the announcement of the results and members may explain their vote on any business before the committee.

RULE 7. Whenever a motion is adopted in the committee on a divided vote, any member may request a minority report.

RULE 8. With the exception of executive sessions ordered by a majority of the committee constituting a quorum, all committee meetings shall be open to the other Members of the Legislature, the press and public so long as a proper decorum is maintained.

RULE 9. In the absence of the Chairman, some other committee member designated by the Speaker shall preside.

RULE 10. The Chairman shall prepare a notice of the date, time, place and general description of the matters to be considered in each meeting and shall distribute copies to committee members, the Information Desk and the Chief Clerk's Office by at least the previous day before each committee meeting.

RULE 11. Written Committee minutes shall be filed with the Chief Clerk's Office within a reasonable time but not later than two weeks from time of completion of meetings. Attendance records of all committee meetings shall be filed with the Chief Clerk's Office within 24 hours from time of completion of meetings.

RULE 12. The Rules of the Arizona House of Representatives for all other procedures and business before the committee are adopted and shall prevail in the Ethics Committee.

RULE 13. The Chairman shall receive any sworn complaint alleging unethical conduct. Complaints shall be in writing, signed by the Member or Members filing the complaint, and notarized. The sworn complaint shall contain: (a) a statement of fact within the Complainant's personal knowledge describing the alleged unethical conduct; (b) the law or House Rule that is alleged to have been violated, and; (c) all documents alleged to support the complaint.

RULE 14. The Chairman shall review and distribute a copy of each complaint and supporting documentation to all members of the Committee and to the member who is the subject of the complaint. The member who is the subject of the complaint shall have the opportunity to respond to the complaint in writing.

RULE 15. In any evidentiary hearing before the Ethics Committee, the member who is the subject of the complaint shall be present and shall have the right to present evidence and to examine all of the evidence against the member, the right to cross-examine witnesses, and the right to be represented by counsel of the member's choice and at the member's expense.

Attachment 6