

## TRANSCRIPT OF INTERVIEW

Idaho House of Representatives - House Ethics on House Policy Committee Meeting

Date and Time: April 12, 2021, 4:00 p.m. (MST)

Location: Idaho Attorney General's Office Conference Room

File Name: 210412\_1537

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Dixon: Representative I believe you're familiar with everybody, but Mr. McKay, this is Representative Buffy Davis, Wendy Horman, Representative Bren.. Brent Crane, I'm sorry. Susan Werlinger is our Committee Secretary.

McKay: We corresponded by email.

Dixon: Right. And Mr. Kane. And Ms. Hayes. So normally (inaudible). You can sit as close or as far away as you like Mr. McKay. I appreciate you making time for us.

McKay: Are you recording that?

Werlinger: Um, yes I've turned the recording on.

Dixon: We are going to be recording this for our purposes, but again all this remains confidential. When it's over, it all goes away. It's not used, uh, retained in perpetuity in the House in any way. Representative we're just going to ask a couple basic questions, or I will as Chairman, just get to get some basic things established. And then we'll open it up to the Committee. Or give you an opportunity to describe the events in question from your perspective and then I think the Committee might ask questions regarding that as well.

McKay: You would like him just to speak in the narrative and describe the, the entire sequence of events? I'm mean, I'm just a little bit unclear about what you're asking.

Dixon: Basically, yes. Yes.

McKay: Okay.

Dixon: And maybe in between that we might stop and ask for a clarification at some point and you're, feel to, I'm not an attorney. I don't know, perhaps things that, that you may deem unnecessary. I rely on Mr. Kane quite a bit when it comes to that as well. But feel free to jump in at any point if you think something is inappropriate. We can discuss that from that point. But we're just trying to, um, we've received your response letter and, and uh, the

things that I sent you as well and the police reports. And we're well aware of two versions of events there.

McKay: And has, has the Committee, has the entire Committee had the benefit of reviewing our response letter?

Dixon: Yes. Yes.

McKay: Okay.

Dixon: So everything that you have, the Committee has. I don't think there's anything we have that you don't have.

McKay: And the attachments as well?

Dixon: Yes. Yes.

McKay: Excellent.

Dixon: Yes. All of that as well. Um, but just, it's good to give the Representative the opportunity to speak to us and personally as well. I think sometimes questions will come up in doing that. And so that's why we've asked him here.

McKay: Okay. Where would you like him to start then?

Dixon: I'll just ask a few questions.

McKay: Sure.

Dixon: You know what, I never really gaveled us in, so there (bang, bang) we go. So we're officially in there. So I'm just going to ask some basic questions Representative and, and then I will say and now if you can, well one of the questions if you can just describe the events in detail at that point, so. We're all ready?

von Ehlinger: Yes Mr. Chairman.

Dixon: Can you please state your name and your position?

von Ehlinger: Aaron Anton von Ehlinger. Representative of the state of Idaho, District 6.

Dixon: How did you know [REDACTED]?

von Ehlinger: Uh, she is a worker here in the Statehouse and at some point I uh, met her and proceeded to have an acquaintanceship, uh, throughout this session.

Dixon: That was another question and you just answered that. As far as your interaction with her and how you got to know her, but that should suffice. Okay we'll start with this. What is your version of the events that occurred when you took her out to dinner?

von Ehlinger: Mr. Chairman you'd like me to start when we went to dinner, am I, is that correct?

Dixon: You can describe the events however you wish. But, its, uh, the events in ques.... Meaning, if you would like to provide some information before that, that's fine. We're happy to listen to that as well.

von Ehlinger: Okay.

Dixon: Kind of the way mark was dinner and after that, that proceeded, but if there's something you want to proceed now with, you may.

von Ehlinger: Okay. So, uh, we agreed to go to dinner on the night of March 9<sup>th</sup> and we had made that plan about a week beforehand. Uh, so March 9<sup>th</sup> around 6:00 or 6:15 p.m. I picked up [REDACTED] here in downtown Boise and we proceeded to Barbacoa Restaurant where we were seated. We had a meal. Um, it was just general conversation about work. Uh, she talked about her different plans and a Representative or two that had been helpful to her during her time here at the Statehouse. No alcohol was uh, consumed or served at the dinner. And afterwards I, as I was paying the bill I asked [REDACTED] if she would like to go hang out for a while and to that, she readily agreed. We left the restaurant. It was a nice dinner and uh, then we went over to my apartment where things were absolutely friendly between us and so we talked for uh, ten minutes or so. And that led to kissing and ultimately more kissing. It started in the living room and uh, ended up in a bedroom. And it proceeded from there. No intercourse took place. Uh, and everything that occurred was absolutely 100 percent consensual. And um, afterwards we laid there and talked for a little bit. [REDACTED] started saying somethings that were disconcerting to me. And I realized there that I would not be um, moving with trying to have any further relationship with this person. I uh, based on the things I've heard. And ended up leaving the apartment and um, driving her back to her car. Uh, we kissed good night and uh, went our separate ways. And I went home after that.

Dixon: Anything different the next day after all that for you?

von Ehlinger: The next day? No. That would have been March 10<sup>th</sup>. I was presenting a number of bills in different committees that day, so obviously a very busy day for me. And, and the day after that, I believe two more bills.

Dixon: What was your reaction to the complaint and some of those allegations made against you? How'd that strike you?

von Ehlinger: I was absolutely astonished. Uh, I mean you saw me in your office that day. I was extremely surprised, but based on the things she had told me before I, thought well you know it's clear that in my opinion that um, I'm not dealing with a person that's absolutely truthful and may have some issues. Um, so that was kind of my reaction to it.

Crane: Mr. Chairman. Can I ask a question?

Dixon: Yes. Representative Crane.

Crane: On the night of this incident you said that you heard some things. And at the end you heard some things and decided not to pursue a relationship. What did you hear? What caused you not to pursue that relationship?

von Ehlinger: Mr. Chairman and Representative Crane. What I heard, uh, multiple things on different subjects. Uh she mentioned that, she said, you know I'm a little crazy. And then laughed a little bit and then said actually I'm really crazy. And you know when you hear things like, it's like, O.K. uh, you know you don't know a person too well so you're just. I was just uh, very surprised by that and that's when I realized okay, I'm not, maybe I'm dealing with someone who's not fully well.

McKay: Can we just clarify one thing Mr. Chairman?

Dixon: Sure.

McKay: Is this, are you talking about your discussion with her after the sexual encounter with her now?

von Ehlinger: Yes.

McKay: Okay. I'm sorry. I think your question asked that, but I just wanted to clarify this is the conversation they're having when they're laying in bed afterwards.

Unknown: Yes.

von Ehlinger: Okay. Yes. So and then she also said "you know I could make your life a living hell if I wanted to, but I won't cause you are a big cuddly teddy bear." Um, and so right there, I mean that is clearly a threat of sorts even though it's kind of taken back, but never the less, it was said. And beyond that I don't exactly recall what else was said. But those were the two main points where I just kind of realized that hey, you know this has been a nice evening

and everything, but there are aspects of, you know uh, this person or this person's life that I'm now aware of and, and perhaps this person is not 100 percent well. And that's when I just kind of made the mental note that this is uh, um this is not a situation that I look to further. And now that I think of it, the third point is a, the drug usage that the, that ██████ mentioned to me. Uh, and these things are just kind of out of the blue so, again I'm just, I was taken surprised by it. Taken by surprise I should say. And she mentioned that she smoked a lot of marijuana. Apparently felt the need to mention that she had two ounces of it at her house. Again, I don't know why. Um, and she also admitted to vaping THC in this Statehouse. And so, you know, right there I just, I can't be involved in anything like that. Or with anyone that would be so brazen as to do something like that, disrespect the Statehouse and considering everything so.

Crane: Could I follow up on that Mr. Chairman?

Dixon: Please go ahead.

Crane: So just to recap, uh so that I've got my notes correct, you, she said she was a little crazy, no, a lot crazy. I can make your life living hell. And the drug usage and the vaping of THC in the Capitol. Those four items you realized at that point you wanted to no longer have a relationship with her and decided not to pursue a relationship with her.

von Ehlinger: That is correct.

Crane: Thank you.

Dixon: Representative Gannon.

Gannon: Thank you Mr. Chairman. So, I understand you had a room-mate and where was your room-mate that night?

von Ehlinger: Um.

Dixon: This is a little bit informal. So you don't always have to go through the Chair. So feel free to answer direct.

von Ehlinger: Oh okay. Oh. Okay, Representative Gannon. My room-mate was out of town up in Bonners Ferry, Idaho.

Dixon: No other questions?

Gannon: No, that was the only question at the moment.

Dixon: What would you like us to know? If there's anything else you think we may need to know about that incident.

von Ehlinger: Well Mr. Chairman. I would just say that again, I was very surprised to hear all this. You know when I started receiving the text messages on March 11<sup>th</sup>, uh, about you know basically, the beginning of being falsely accused I realized that, that I was dealing with a person that wasn't dealing in the truth and uh, was heading toward the ledge, and the uh, you know the abyss of bearing false witness against me. And um, I attempted to talk the person off of that ledge. And uh, I can just tell you that I did not do anything against [REDACTED] will, nor would I ever do anything against any woman's will, absolutely not. I'm an honorable man. I take my service seriously. Both to my Country and to my State and the idea that I would be out doing something like this is um, preposterous. And it disgust me to even be accused of it.

Dixon: Just to let you know and Mr. McKay also. I'm sure you've read what our rules says, but our burden is not judging any criminal aspect of what occurred here, but the conduct and how it reflects upon the body. And, and uh, what that says about the institution – that's, that's what our role here as, as the Ethics Committee. It's not to, um determine necessarily whether there was an improper action on your part. You know, and somebody accusing you of something falsely. That's outside the realm of what this Committee is doing. Just to frame what we're looking at a little bit for yourself and for Mr. McKay. It's not um, whether you were unjustly accused, but, but, the entirety of the actions and how that reflects upon the body in doing that per that Rule 45. So just, I don't know whether, I don't think I should have said that earlier, but just, that is, is what our role is here as the House Ethics and Policy Committee is to look at that. Just so that's clear with everybody and doing that. Representative Gannon do you have another question?

Gannon: Question and comment (inaudible). What the, the claim here is conduct unbecoming. Which, which is the uh, in the letter from the (inaudible) leadership and the section that uh, that we have to look at. And so the concern, so there's a little bit, it isn't exactly (inaudible) and now to the UCMJ, but it's, I, what I've been this before as of August, that's where this came from. Um, and so there would be a concern that assuming that, assuming that you know everything happened is there, is there a concern about fraternization. Is there a concern about a relationship with a some person, [REDACTED]. That's, that's kind of what, what's come up. You wanna comment on that or not comment on that?

McKay: Maybe. Would it be appropriate for me to comment on that as his legal representation?

Dixon: That's fine.

McKay: So, um, there is no anti-fraternization policy that applies to the House and the in UCMJ for example it's, there is a two rank uh, prohibition on fraternization which doesn't exist here. And so, there have, there has not been, this was a relationship that occurred between two consenting adults who happen to work at the same place. And the Representative had absolutely no supervisory authority over this individual. They, they work independent of one another. They met each other just by virtue of working in the same place. But their, their roles did not intersect and he had nothing to do with her job performance, job duties, um how she was you know, treated at the House. And you can see from the, from the text messages that she, that are submitted here, that she pursued this relationship. And it was a relationship that occurred then all of these allegations focus on things that occurred outside of the presence of the uh, the State Capitol.

Gannon: Who in. Who in your...

Dixon: Go ahead.

Gannon: Who in your view would be the supervisor, the supervisor, supervisors of, of [REDACTED]?

McKay: The Representative might know that. I don't, I think she was working with a specific Represent., working with a specific Representative. All I can tell you is she was not working with this Representative. And, and was not performing duties or tasks for him. Do, do, Representative, do you know who, who she was assigned.

von Ehlinger: It is my understanding that um, she works under Representative Chad Christensen. And it's my understanding that she doesn't work for any other Representative.

Gannon: Do you know what?

Dixon: You're fine. Go ahead.

Gannon: Do you know what kind of work she does?

McKay: No.

von Ehlinger: Not exactly. Uh, you know research and whatever Representative Christensen needs her to do I suppose.

McKay: And she's not, she's here on a daily basis right? I think she works a couple days a week as I, as I generally understand. So there, there, there, the contact that they had is, was infrequent at, at best.

Gannon: And by two tiered, what do you mean?

McKay: Well, as I understand, and I'm not a, I'm not a, yeah I've worked on some cases involving the UCMJ. As I understand, the UCMJ or at least on aspect maybe of one of the branches. You know for example, there's a two ranked prohibition in, that applies to one particular branch of the military. There's no such, there's no such policy or prohibition here. I guess that's, that's my point is I'm not sure that we can look to the UCMJ for guidance because whatever policies they may have in place, are not in place here.

Gannon: How we define conduct unbecoming? What would I look to?

McKay: Yeah, well if, I think if they are truly was conduct unbecoming, if there was um, something that violated for example, the workplace harassment policies. I know that, that uh, that the state has those in place and none of those were violated here. None of those or, are at issue here. And so, I think if there, again I think you would know it, you would know it if, if you saw it. You would be able to point to a specific policy and say this policy was, was violated. This, this um, this safe workplace environment policy was violated, but again, that's not, that's not at issue here.

Gannon: What is at issue?

McKay: Well, I think as I understand, as I understand the complaint, what's at issue is that there was a, it begins with the allegation that there was a non-consensual sexual relationship that occurred here. And I think that we've established quite clearly that it was consensual. And we've, we've gone so far as to submit a report from a very experienced law enforcement polygrapher, one of the best in the northwest that establishes that, that establishes the fact that he had no role in her, in her work at this Statehouse. He was not her supervisor. And so, you know, what's at issue, really again with her saying otherwise. And um, and, and, and she doesn't, I don't see her saying that she was taken advantage of by virtue of his position. That he used his position to, to, to have a sexual relationship with her. And if she said that, it would be belied, it would be belied by her own text messages that show otherwise. That she was pursuing this personal relationship with this Representative. Which she's an adult. She's entitled to do that. And so I, you know, you know Representative Ehlinger, I mean he wishes he weren't here. He wishes he wasn't having to describe the sexual interactions that they had in great detail. I mean, that's, that's the last thing that he wants, that, that he wants to do. And yeah, it's really, really

embarrassing, but it's not a, it's not a violation of House Rule 45. To be accused of something.

Gannon: Back to the two tier. Could you elaborate a little bit more on two tier? I mean you're saying there's two...

McKay: Yeah. We'll so, so, so again, I may at the risk of repeating myself, I'm not an expert on the UCMJ, but as I understand there's an aspect of it that has, where there's fraternization policy in place that applies to two rank, two rank relationships.

Gannon: So a coronel with a sergeant would be wrong, but a coronel with a major would not be (inaudible).

McKay: Yeah, and, and I don't know it well enough to know that that is a policy that exists in the Marine Corps versus the Army versus the Airforce. I've just seen reference to that kind of general idea and, you know we all know, that relationships in the military happen. And, notwithstanding, but again that's not, there's no such prohibition on that here. There's no, consenting adults who work together in, in this body, so long as there is not, you know, harassment or a hostile work environment, or any of those things, they can have a relationship. And you know, we can debate whether that's a good idea, or whether lessons were learned from this situation, but it's not a violation. It's not a violation of the House Rules, I submit.

Gannon: Thanks.

McKay: Thank you.

Dixon: Any other questions? Thank you gentlemen.

McKay: Thank you. Yeah, we appreciate you giving us this opportunity.

Dixon: Absolutely. I know it's uncomfortable so I apologize, but I do appreciate you coming.