

California State Senate

STATE CAPITOL
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SENATOR TONY MENDOZA
THIRTY-SECOND DISTRICT



February 21, 2018

Dear Members of the Senate:

I again reach out to you directly as I understand that today the Rules Committee will address the Caucuses to recommend discipline against me. The Committee did not provide me with a copy of the Investigation Report, and it will not permit me to review it. I also understand that I will not be permitted to attend the Caucuses. This letter is therefore my only meaningful opportunity to address you before a decision is made about the recommendation. I appreciate the time, attention, and consideration that you give to this letter.

I was deeply disconcerted when reviewing the Investigation Summary. Though the summarized findings do not comport with my recollection or perception of the events described, I am immensely sorry if my words or actions ever made anyone feel uncomfortable. It was always my intention to be personable with my staff, show an interest in their lives outside of the office, and assist them as best I could with their career development. As leaders and mentors, I know that each of us strive for this.

I want to reiterate that, despite repeated requests, the Senate has not provide me with any charges that it has investigated, a list of the witnesses, any evidence that was considered, or any opportunity to examine the witnesses or the evidence. I have been further disadvantaged by the denial of the ability to read the full Investigation Report.

Despite the above issues in a one-sided investigation, it appears that after interviewing 47 witnesses and spanning a time frame of over ten years, the Summary characterizes the bulk of my behavior as "unwelcome flirtation." There is no evidence that anyone had a sexual relationship with me. There is no evidence that I was physically aggressive or sexually crude. I did not threaten anyone or offer benefits in exchange for sexual favors. The Summary also demonstrates that any time someone indicated to me that my behavior was "unwelcome," the behavior ceased and the people at issue continued working in my office, some for many years. Though the Summary indicates that some women believed that complaining would put their career at risk, it also shows that — at least as to me — any such belief was unfounded. I also wholeheartedly deny that I ever provided an underage intern with alcohol or that I ever invited a fellow to my house under "the guise" of reviewing her resume.

As you likely know, the Senate's current methodology has been very frustrating from my perspective. To this day, I am unaware of the identity of some of the women discussed in the Summary. As you each know, as elected officials, we have the responsibility and privilege of meeting hundreds, if not thousands, of people each year while serving in office. Though the Rules Committee suggests that I had an opportunity to respond in the investigation, one cannot respond without clarity as to the charges under consideration. The charges against me and the "more likely than not" standard being applied were not articulated until yesterday. Every Senator except me was given the opportunity to read the Investigation Report. No one has told me what discipline is being recommended. I was not afforded the opportunity to attend the Rules Committee meeting yesterday and have had no opportunity to address the Rules Committee directly. I am not permitted to attend the Caucus to defend myself or argue against the discipline despite my requests to do so. I remain in the dark as to what conduct was construed as "flirtatious" and "sexually suggestive" and what these terms mean in the context of this investigation.

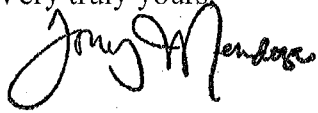
The methodology being followed is puzzling when compared to the procedures that were already in place. In 2014, Senators Steinberg and de Leon were responsible for passing SR 43, resulting in Senate Standing Rule 12.3. That rule requires a formal complaint in writing setting forth the allegations that, if true, constitute a violation of the standards of conduct. The complaint must have "sufficient clarity and detail" to enable the committee to make findings. The rule also requires that the committee "promptly" send a copy of the complaint to the Senator alleged to have committed the violation so that he or she may respond. It further requires the Ethics Committee to hold hearings and take action only if the "committee finds by *clear and convincing evidence*" that a standard was violated. The actions that may be taken include a private letter of admonishment, the limitation of a right or privilege, a reprimand, a suspension, or an expulsion for the most serious violation. It is unclear why the Leadership has chosen now to disregard the very procedures and remedies that it developed. Its decision to do so has detrimentally impacted many others besides myself, including my family, my staff, and my constituents.

The Committee has not told me its recommendation or what level of discipline it intends to suggest. It is my hope that if the Committee suggests expulsion, you consider the fact that historically, expulsion is only used where a member has committed a crime. This last occurred in 1905. Last week at the Assembly Hearings on Sexual Harassment, Beth West cautioned against disproportionality. Unwelcome flirtation should not result in expulsion, particularly in light of the current methodology in comparison to the procedure and remedies that Leadership has chosen to ignore. Although I wholly regret that I previously caused others to feel uncomfortable, I believe that my suspension or expulsion from the Senate would be both unwarranted and unprecedented. It is also important to note that the voters in my District have information, now that the investigation results are public, that they can use to make a decision whether they should re-elect me this year, as early as June 2018.

Patiently awaiting the results of the investigation only to be informed that I will never see the actual report is tremendously disappointing, and I again ask the Rules Committee to reconsider its position and consider providing me a robust opportunity to review and respond to the charges against me. I also urge you to consider the future long term impact this decision will have on the institution. I welcome any questions that you may have for me, and I would be eager to discuss

any of the issues raised in the Investigation Summary or the Investigation Report with each of you directly.

Very truly yours

A handwritten signature in black ink, appearing to read "Tony Mendoza". The signature is written in a cursive style with a large, stylized initial "T".

Senator Tony Mendoza