

House Calendar No. __

115TH CONGRESS

2nd Session

}

HOUSE OF REPRESENTATIVES

{

REPORT

115-__

IN THE MATTER OF ALLEGATIONS
RELATING TO REPRESENTATIVE
ELIZABETH ESTY

R E P O R T
OF THE
COMMITTEE ON ETHICS



December 20, 2018.—Referred to the House Calendar and ordered
to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

XX-XXX

WASHINGTON : 2018

ADOPTED BY THE COMMITTEE ON ETHICS ON DECEMBER 20, 2018

**115TH CONGRESS, 2ND SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS**

**IN THE MATTER OF ALLEGATIONS RELATING TO
REPRESENTATIVE ELIZABETH ESTY**

DECEMBER 20, 2018

Ms. BROOKS from the Committee on Ethics submitted the following

REPORT

COMMITTEE ON ETHICS

Susan W. Brooks, Indiana

Chairwoman

Kenny Marchant, Texas

Leonard Lance, New Jersey

Mimi Walters, California

John Ratcliffe, Texas

Theodore E. Deutch, Florida

Ranking Member

Yvette D. Clarke, New York

Jared Polis, Colorado

Anthony Brown, Maryland

Steve Cohen, Tennessee

REPORT STAFF

Thomas A. Rust, *Chief Counsel/Staff Director*

Brittney Pescatore, *Director of Investigations*

Megan H. Savage, *Counsel to the Chairwoman*

Daniel J. Taylor, *Counsel to the Ranking Member*

Katherine L. Dacey, *Counsel*

Janet Foster, *Counsel*

Molly N. McCarty, *Investigator*

Mark Hamilton, *Investigative Clerk*

Susan W. Brooks, Indiana
Chairwoman
Theodore E. Deutch, Florida
Ranking Member



ONE HUNDRED FIFTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

December 20, 2018

Thomas A. Rust
Staff Director and Chief Counsel

Donna Herbert
Director of Administration

Megan Savage
*Chief of Staff and Counsel to
the Chairwoman*

Daniel J. Taylor
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

Kenny Marchant, Texas
Leonard Lance, New Jersey
Mimi Walters, California
John Ratcliffe, Texas

Yvette D. Clarke, New York
Jared Polis, Colorado
Anthony Brown, Maryland
Steve Cohen, Tennessee

The Honorable Karen L. Haas
Clerk, House of Representatives
Washington, DC 20515

Dear Ms. Haas:

Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached report, "In the Matter of Allegations Relating to Representative Elizabeth Esty."

Sincerely,

Susan W. Brooks
Chairwoman

Theodore E. Deutch
Ranking Member

C O N T E N T S

I. INTRODUCTION 1

II. PROCEDURAL HISTORY..... 4

III. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT 5

 A. SEX DISCRIMINATION AND SEXUAL HARASSMENT 5

 B. PAYMENT OF COMPENSATION AND SEVERANCE TO HOUSE EMPLOYEES 6

IV. BACKGROUND 8

 A. POLICIES IN REPRESENTATIVE ESTY’S OFFICE 2013-2016..... 8

 B. MR. BAKER’S RELATIONSHIP WITH FORMER STAFFER A IN 2013 9

 C. MR. BAKER’S TREATMENT OF FORMER STAFFER A IN 2014..... 11

 D. MR. BAKER’S TREATMENT OF OTHER STAFF..... 12

 E. THE INCIDENT ON MAY 5, 2016 13

 F. THE INVESTIGATION 14

 G. MR. BAKER’S TERMINATION 19

 H. EVENTS FOLLOWING MR. BAKER’S TERMINATION 22

V. FINDINGS..... 23

 A. SEXUAL HARASSMENT ALLEGATIONS 23

 1. *Representative Esty’s Knowledge of Mr. Baker’s Misconduct Prior to May 2016* 24

 2. *Representative Esty’s Efforts to Prevent and Correct Mr. Baker’s Misconduct* 25

 B. PAYMENT OF LUMP SUM SEVERANCE TO MR. BAKER 28

 C. REPRESENTATIVE ESTY’S CONDUCT WARRANTS NO FURTHER ACTION BY THE COMMITTEE 30

VI. CONCLUSION 31

VII. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(C)..... 32

APPENDIX A: REPRESENTATIVE ESTY’S SUBMISSION TO THE COMMITTEE

APPENDIX B: EXHIBITS TO THE COMMITTEE REPORT

**115TH CONGRESS, 2ND SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS**

**IN THE MATTER OF ALLEGATIONS RELATING TO
REPRESENTATIVE ELIZABETH ESTY**

DECEMBER 20, 2018

Ms. BROOKS from the Committee on Ethics submitted the following

R E P O R T

In accordance with House Rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics (“Committee”) hereby submits the following Report to the House of Representatives:

I. INTRODUCTION

On March 29, 2018, news reports broke asserting that Representative Elizabeth Esty had continued to employ her former Chief of Staff, Tony Baker, for months after she learned he had threatened and abused a former staffer (“Former Staffer A”).¹ The reports asserted that Mr. Baker punched, berated, and sexually harassed Former Staffer A while she was employed in Representative Esty’s office in 2014, and that he left her threatening voicemails on the evening of May 5, 2016, just over a year after she had left employment with Representative Esty’s office. According to the reports, Representative Esty learned of the threatening voicemails within a week of their occurrence, but allowed Mr. Baker to remain employed in her office for three months while she enlisted a former Chief of Staff, Mr. Baker’s predecessor, to conduct an investigation. The reports also noted that, after receiving an assessment following that review detailing Mr. Baker’s misconduct, Representative Esty terminated him, but in doing so provided him with a positive letter of recommendation and paid him severance pursuant to a confidential agreement.

In the initial news reports, Representative Esty acknowledged aspects of the reporting, but also indicated that she had sought and relied upon legal guidance from the Office of House Employment Counsel (“OHEC”) in handling the matter. On April 2, 2018, Representative Esty sent a letter to the Chairwoman and Ranking Member of the Committee requesting the Committee

¹ Dan Freedman, *Esty under scrutiny over handling of alleged abuse*, THE CONNECTICUT POST (updated Mar. 30, 2018, 1:11pm), <https://www.ctpost.com/news/article/Esty-under-scrutiny-over-handling-of-alleged-abuse-12791993.php>; Elise Viebeck, *Conn. Congresswoman kept aide on staff for 3 months after she learned of threat allegation*, THE WASHINGTON POST (Mar. 29, 2018), https://www.washingtonpost.com/powerpost/conn-congresswoman-kept-aide-on-staff-3-months-after-she-learned-of-threat-allegation/2018/03/29/5af5b11c-2311-11e8-94da-ebf9d112159c_story.html?utm_term=.fc8b1460247a.

review the circumstances surrounding her dismissal of Mr. Baker to determine whether there was any wrongdoing on her part.²

The Committee conducted a thorough review of Representative Esty's handling of Mr. Baker's conduct to determine whether she violated any House rule or other applicable standard of conduct. The Committee specifically considered whether Representative Esty: (1) failed to take appropriate steps to prevent and correct Mr. Baker's misconduct; or (2) improperly paid Mr. Baker a lump sum severance payment upon his termination.

The Committee found that Representative Esty did not know about any inappropriate conduct by Mr. Baker until May 2016, when she learned about threats he made to Former Staffer A following a social event the week prior. Soon thereafter, Representative Esty arranged for her former Chief of Staff ("Former Chief"³) and her campaign committee Treasurer ("Campaign Treasurer") to conduct an investigation into Mr. Baker's behavior and general office management practices. The investigation took over two months to conduct, and Representative Esty never made clear the purpose of the investigation to her congressional staff. While the investigation was ongoing, Mr. Baker retained his title, full salary, and supervisory responsibilities, including over staff members who were interviewed as part of the investigation.

Once the investigation was completed and she was presented with the results, Representative Esty barred Mr. Baker from her office and worked extensively with OHEC to terminate Mr. Baker. As discussed further in this report, OHEC identified three options for Representative Esty to terminate Mr. Baker; Representative Esty chose the least generous option. Mr. Baker was terminated a few weeks later pursuant to a confidential severance and release agreement (the "Agreement") recommended to Representative Esty by OHEC.

Members have a duty to take steps to ensure a safe and nondiscriminatory workplace. The Committee found that Representative Esty recognized that she had such a duty, and took certain steps towards meeting that duty, including initiating an investigation and, ultimately, removing Mr. Baker from the office. Nonetheless, Representative Esty's investigation took longer than necessary, and her selection of her close allies, who had significant pre-existing relationships with both Mr. Baker and Former Staffer A, to conduct the investigation was a poor choice. In her interview with the Committee, Representative Esty acknowledged that there were several ways in which she did not engage in "best practices," which she now, with the benefit of hindsight and a greater understanding of sexual harassment in the workplace, wishes she had handled differently.⁴

When faced with allegations of workplace misconduct, the Committee believes Member offices are best served by: (1) immediately limiting or otherwise restricting the individual's

² On April 11, 2018, the Office of Congressional Ethics ("OCE") provided notice to the Committee that it had initiated a preliminary review into whether Representative Esty "authorized compensation to a former employee who did not perform duties commensurate with the compensation the employee received." On May 10, 2018, OCE informed the Committee that it had terminated its preliminary review into Representative Esty. When OCE terminates a review during the preliminary review phase, it is not required to transmit a referral with a recommendation regarding the matter to the Committee. OCE Rules for the Conduct of Investigations Rule 7(F).

³ All references to "Former Chief" in this report are to Representative Esty's Chief of Staff from January 3, 2013, to January 2, 2014.

⁴ 18(a) Interview of Representative Esty (noting that, "post #MeToo, we're in a very different place").

interactions with potential victims; and (2) if an investigation is required, employing an impartial third party trained to conduct such an investigation. The Committee recognizes, however, that Members have broad discretion to make personnel decisions with respect to their employees. The Committee further acknowledges that Representative Esty sought and relied on legal guidance from OHEC, both in how the investigation was conducted and in how Mr. Baker's termination was effectuated. As such, while Representative Esty could have better handled the investigation of Mr. Baker's behavior, the Committee found that Representative Esty's response to allegations of Mr. Baker's misconduct warrants no further action.

With respect to the payment of severance, the Committee acknowledges that there was little and inconsistent guidance on severance payments available to the House community at the time Representative Esty paid severance to Mr. Baker. The Committee has long recognized that Members may make lump sum payments to their employees. While leaving an employee on House payroll for a period of time when they are not performing official work, as "severance," violates House rules, providing severance through a single lump sum payment is not categorically prohibited.

As a result of this analysis, the Committee found that Representative Esty was not in violation of any House Rules when she approved a lump sum payment of \$5,041.67 to Mr. Baker as part of the Agreement negotiated by OHEC.⁵ Representative Esty expressed regret for entering into the Agreement, which included non-disparagement and non-disclosure provisions, and an agreement to provide a limited reference and letter of recommendation for Mr. Baker for jobs outside of Washington, D.C. The Committee agrees that entering into the Agreement was ill-advised, but found that it was not a violation of any House rule or other standard of conduct.

Accordingly, the Committee unanimously voted to issue this Report and take no further action in this matter.

As discussed further in this Report, the Committee takes this opportunity to reiterate what it has said previously: the Committee views allegations of sexual harassment and discrimination and other violations of workplace rights with the utmost seriousness. The Committee's mandate to enforce the Code of Official Conduct and other violations of House Rules, laws, and standards of conduct extends to allegations of workplace misconduct, including allegations related to sexual harassment and other forms of discrimination. No employee in any workplace should be subjected to such mistreatment because of the profound impact upon them as a person. When congressional employees are subjected to work environments that are unfair and unprofessional, such workplace misconduct also impedes the work of the House. The Committee has investigated and will continue to investigate allegations of sexual harassment and other workplace misconduct, and, where such allegations are substantiated, to sanction Members or staffers for such conduct.

In addition, the Committee reminds the House community of a range of resources that are available to Members, officers, and employees and can help those whose workplace rights may have been violated or who may be struggling with personal issues. First, Congress passed the

⁵ Although the severance payment was permissible, Representative Esty repaid the U.S. Treasury for the \$5,041.67 in severance on March 28, 2018, shortly before the news stories broke concerning Mr. Baker's departure from her office. Exhibit 1.

Congressional Accountability Act (“CAA”) to ensure that certain workplace rights protected by federal law extended to legislative branch employees and created the Office of Compliance (“OOC”) to serve as an independent and nonpartisan resource to help protect employees’ rights. During the 115th Congress, the Committee worked on a bipartisan basis with the Committee on House Administration (“CHA”) and other Members of the House on legislation to strengthen and improve these protections, including by reforming the process for an employee to bring a claim before OOC (which will be renamed the Office of Workplace Rights) and to provide for automatic referrals of certain matters before OOC to the congressional ethics committees, among other reforms. A compromise version of this legislation was recently passed by both the House and Senate.

Second, as part of this effort, in February 2018 the House also created an Office of Employee Advocacy specifically to provide legal counsel to House employees who need advice or legal representation about their rights under the CAA. This office can provide free legal representation to employees in matters before OOC or the Committee.

Finally, the House created the Office of Employee Assistance to provide confidential assistance to Members, employees, and their families with a range of problems that can affect anyone’s well-being or work performance and productivity, including alcoholism or substance abuse, emotional difficulties, personal or job related stress, and others. The office is staffed by professional employee assistance counselors who can provide individual counseling or assistance, management coaching to supervisors, and referrals to outside resources when appropriate, among other services.

Together, these resources are intended to ensure that all Members, officers, and employees can work and thrive in a safe, healthy, and respectful workplace.

II. PROCEDURAL HISTORY

The Committee received Representative Esty’s letter requesting an investigation on April 2, 2018. The Committee issued voluntary requests for information to Representative Esty and four other individuals, including current and former members of Representative Esty’s official and campaign staff. In total, the Committee reviewed over 4,400 pages of materials. The Committee also interviewed nine witnesses, including current and former members of Representative Esty’s official and campaign staff and Representative Esty. Representative Esty fully cooperated with the Committee’s investigation and waived attorney-client privilege to share information about the guidance and recommendations provided to her by OHEC.

The Committee carefully considered all of Representative Esty’s written submissions and oral remarks in resolving the matter. On December 20, 2018, the Committee unanimously voted to release this Report and take no further action with respect to Representative Esty.

III. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

A. *Sex Discrimination and Sexual Harassment*

Sexual harassment and other forms of employment discrimination are prohibited in the House by both federal statute and House Rule. Since 1995, the CAA⁶ has prohibited discrimination based on sex, including sexual harassment, in legislative branch offices and also prohibited intimidation, reprisal, or other discrimination against a person for opposing sex discrimination. During the period under review, House Rule XXIII, clause 9, stated that “[a] Member . . . may not discharge and may not refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the race, color, religion, sex (including marital or parental status), disability, age, or national origin of such individual.” The Committee has long held that a Member who violates applicable sex discrimination and sexual harassment laws also violates House Rule XXIII, clause 9.⁷ On February 6, 2018, the House formally amended clause 9 to confirm that the prohibition includes “committing an act of sexual harassment against such an individual.”⁸

The CAA created the OOC as a forum to administer disputes that arise under the CAA, including claims of gender discrimination and sexual harassment. The OOC’s guidance defines sexual harassment as “[u]nwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature if the implication is that submission to such conduct is expected as part of the job.”⁹ Consistent with judicial interpretations of Title VII of the Civil Rights Act of 1964,¹⁰ the OOC recognizes that harassment, including sexual harassment, can occur “when there is unwelcome conduct, such as insults, slurs, or other verbal or physical conduct or activity regarding a protected trait,” which “creates an intimidating, hostile, or offensive work environment, that unreasonably interferes with an individual’s work performance.”¹¹

In this Congress, the Committee has worked closely with its colleagues on CHA and other Members on a bipartisan basis to reform the CAA and strengthen workplace rights and protections for employees in the legislative branch. On February 6, 2018, the House passed H.R. 4924, the Congressional Accountability Act of 1995 Reform Act with overwhelming bipartisan support.¹² On May 24, 2018, the Senate passed S. 2952, its version of the legislation to reform the CAA. The Senate’s version was transmitted to the House on May 29, 2018. On November 19, 2018, the Committee sent a letter to House and Senate leadership, signed by all ten Members of the

⁶ 2 U.S.C. §§ 1301 *et seq.*, as amended.

⁷ *House Ethics Manual* (2008) at 268-69 (hereinafter *Ethics Manual*) (citing House Comm. on Standards of Official Conduct, *In the Matter of Representative Jim Bates*, H. Rept. 101-293 101st Cong., 1st Sess. 8-10 (1989)).

⁸ H. Res. 724, 115th Cong. (2018).

⁹ Office of Compliance, *CAA Handbook* (2010) at 44, available at <https://compliance.gov/sites/default/files/wp-content/uploads/2010/04/eHandbook.pdf>.

¹⁰ 42 U.S.C. §§ 2000e *et seq.*

¹¹ Office of Compliance, *Compliance@Work* (2012) at 2, available at <https://www.compliance.gov/sites/default/files/wp-content/uploads/2012/09/Newsletter-for-Staff.pdf>.

¹² *See, e.g.*, House Comm. on Ethics, Statement of the Chairwoman and Ranking Member of the Committee on Ethics, Feb. 6, 2018, available at <https://ethics.house.gov/press-release/statement-chairwoman-and-ranking-member-committee-ethics-0> (discussing the House bill and the Committee’s view of the importance of ethics provisions).

Committee, urging Congress to quickly pass the much-needed reforms contained in the House bill.¹³ On December 13, 2018, Congress passed a compromise bill, S. 3749, also titled the Congressional Accountability Act of 1995 Reform Act, which includes important reforms to protect congressional employees from abuse and harassment, and ensure the Committee has the tools and information it needs to investigate alleged violations of workplace rights and other misconduct.

Sexual harassment and other forms of sex discrimination also implicate House Rule XXIII, clauses 1 and 2, which state that “[a] Member . . . or employee of the House shall behave at all times in a manner that shall reflect creditably on the House,” and “shall adhere to the spirit and the letter of the Rules of the House.”

B. Payment of Compensation and Severance to House Employees

There is no law, rule, or regulation that specifically addresses whether House offices may pay severance to departing employees. Whereas the executive branch is subject to a complicated regulatory framework governing when and how severance can be paid,¹⁴ no comparable framework exists for the legislative branch. However, the payment of severance may implicate several laws, rules, and regulations of the House, depending on the circumstances under which such severance is paid.

House Rule XXIII, clause 8, states that “[a] Member . . . of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation such employee receives.” Thus, a Member is responsible for ensuring that each employee the Member retains performs official work commensurate with that employee’s pay. As the *Ethics Manual* states:

The underlying standard for the receipt of compensation by an employee of the House is that the employee has regularly performed official duties commensurate with the compensation received. The Code of Ethics for Government Service instructs every employee to ‘[g]ive a full day’s labor for a full day’s pay; giving to the performance of his duties his best effort and best thought.’ Employees are paid United States Treasury funds to perform public duties. Appropriated funds are to be used solely for purposes for which appropriated. Funds appropriated for congressional staff to perform official duties should be used only for assisting a Member in his or her legislative and representational duties, working on committee business, or performing other congressional functions.¹⁵

¹³ Letter from Comm. on Ethics to Speaker Paul D. Ryan, Minority Leader Nancy Pelosi, Majority Leader Mitch McConnell & Minority Leader Charles E. Schumer, Nov. 19, 2018, available at <https://ethics.house.gov/sites/ethics.house.gov/files/Letter%20to%20Leadership.pdf>.

¹⁴ 5 C.F.R. §§ 550.701 *et seq.*

¹⁵ *Ethics Manual* at 279.

Notwithstanding these restrictions, the “general terms, conditions, and specific duties of House employees traditionally have been within the discretion of the employing Member.”¹⁶ Members also have “broad authority to make lump sum payments” to employees.¹⁷ The Committee on House Administration (“CHA”) has, under authority granted by federal law,¹⁸ issued regulations governing such payments. Those regulations, which are published in the *Members’ Handbook*, permit Members to issue lump sum payments to employees “for any purpose,” subject to certain requirements. For example:

- Payments must be consistent with House Rule XXIII, clause 8(a).¹⁹
- A lump sum payment may not be more than the monthly pay of the employee receiving the lump sum payment.²⁰
- Lump sum payments may be for services performed during more than one month.²¹
- Members may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave.²²
- Total compensation in any month including any lump sum payment, student loan payments, and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker’s Pay Order.²³

While the relevant CHA regulations provide basic guidelines on the making of lump sum payments, “it is the responsibility of the [Ethics Committee] to determine the manner in which those payments are to be treated for purposes of the Code of Official Conduct and other laws, rules, and standards.”²⁴ The Committee has cautioned that Members should not use lump sum payments to enable employees to evade the financial disclosure requirements, the outside earned income limitation and restrictions, or the post-employment restrictions.²⁵ However, lump sum end-of-the year bonuses or other one-time payments recognizing a particular accomplishment are generally permissible.²⁶ House offices use the Lump Sum Payroll Authorization Form issued by the Chief Administrative Officer of the House (CAO). That form lists “severance pay” as a permissible category of lump sum payment.

¹⁶ *Id.* at 267; see also Comm. on House Admin., U.S. House of Representatives, *Members’ Congressional Handbook*, July 25, 2018, at 4 (hereinafter *Members’ Handbook*) (“the Member determines the terms and conditions of employment and service for their staff”) (available at <https://cha.house.gov/handbooks/members-congressional-handbook>); Exhibit 2 (*Members’ Handbook* (2015) at 3 (the *Members’ Handbook* in effect at the time Mr. Baker was terminated from Representative Esty’s office)).

¹⁷ *Ethics Manual* at 283.

¹⁸ 2 U.S.C. § 4537 (formerly 2 U.S.C. § 60).

¹⁹ *Members’ Handbook* at 11; Exhibit 2 at 9.

²⁰ *Members’ Handbook* at 11; Exhibit 2 at 9.

²¹ *Members’ Handbook* at 11; Exhibit 2 at 9.

²² *Members’ Handbook* at 11; Exhibit 2 at 9.

²³ *Members’ Handbook* at 11; Exhibit 2 at 9. The Speaker’s Pay Order sets the pay for all positions in the House. Section 4 of the Pay Order states, “Each Member of the House may establish the pay for employees in the office of the Member at a maximum annual rate of \$168,411.” Order of the Speaker of the House of Representatives, pursuant to 2 U.S.C. § 4532 (formerly 2 U.S.C. § 60a-2a), as amended on September 28, 2017.

²⁴ *Ethics Manual* at 283.

²⁵ *Id.* at 284.

²⁶ *Id.*

IV. BACKGROUND

Representative Elizabeth Esty has been a Member of the House of Representatives, representing the Fifth District of Connecticut, since 2013. After her first election to Congress, Representative Esty hired, among others, Former Chief, who had served as her 2012 campaign manager, to be her Chief of Staff, and Former Staffer A, who had served as her 2012 campaign finance director, to be her Scheduler. At that time, Representative Esty also hired Mr. Baker, with whom she was not previously acquainted, to be her Legislative Director.

While both were employed by Representative Esty, Former Staffer A and Mr. Baker were involved in a romantic relationship in 2013, when neither one had supervisory authority over the other. In January 2014, after they ended their romantic relationship, both were promoted: Former Staffer A to Senior Advisor and Mr. Baker to Chief of Staff. While in that new supervisory role, Mr. Baker subjected Former Staffer A to a sustained pattern of mistreatment, which culminated in her departure from Representative Esty's office in March 2015. The two were able to become friendly again, until, on May 5, 2016, Mr. Baker got drunk to the point of blacking out and repeatedly left text messages and voice messages for Former Staffer A in which he threatened to "find" and "[f***]ing kill" her.

Representative Esty learned about the incident the following week, and decided to conduct an investigation into Mr. Baker's behavior to determine whether this was an isolated incident or a pattern of behavior. Representative Esty enlisted Former Chief and Campaign Treasurer to conduct interviews with staff in her Washington D.C., and district offices, respectively. Those interviews were conducted in July 2016. Campaign Treasurer reported no issues arising from her district office interviews. Former Chief, however, presented a written office assessment to Representative Esty on July 20, 2016, that detailed a pattern of Mr. Baker engaging in emotionally abusive behavior towards female staff members. After working with OHEC to determine how to terminate Mr. Baker expeditiously while causing the least additional trauma to her office, Representative Esty entered into the Agreement with Mr. Baker which separated him from her office on August 12, 2016.

A. *Policies in Representative Esty's Office 2013-2016*

After Representative Esty was elected to Congress, Former Chief created an Employee Handbook to govern the office, which was based on templates made available to chiefs of staff to new Members.²⁷ The handbook included an "Open Door Policy," which provided that employees "are encouraged to discuss job-related concerns or questions with their immediate supervisor," or "a higher-level supervisor, including the Chief of Staff."²⁸ While Former Chief did not recall why Representative Esty was not listed as a person to go to under the open-door policy, she felt "confident . . . that it was not intended to be exhaustive or exclusionary of [Representative Esty]."²⁹ The handbook also included an "Anti-Harassment and Anti-Discrimination Policy," which stated

²⁷ Exhibit 3; 18(a) Interview of Former Chief. Former Chief did not recall from where she obtained the template. *Id.*

²⁸ Exhibit 3.

²⁹ 18(a) Day 2 Interview of Former Chief.

that staff members should report potentially violative actions “to the Chief of Staff (Washington, D.C.), District Director (Connecticut), his/her direct supervisor, the next level supervisor, or any other management official with whom the employee feels comfortable discussing such issues.”³⁰

Notwithstanding these provisions, some of Representative Esty’s staff did not feel that they could approach Representative Esty directly with their concerns after Mr. Baker became Chief of Staff. That discomfort was due in part to Representative Esty’s hands-off management style. As one staff member explained: “it was very clear in the way that [Representative Esty] operated the office that everything came through the district director or the chief of staff” such that Representative Esty “was never involved in any sort of like staff-related issues.”³¹ Particularly in her Washington, D.C., office, Representative Esty delegated much of the day-to-day management to Mr. Baker, giving him a prominent presence in the office.³² The practical effect of this combination meant that Representative Esty’s Washington, D.C., staff felt that there was no feedback mechanism, even under the Open Door Policy, by which they could tell Representative Esty about Mr. Baker’s behavior.³³ Representative Esty told the Committee that Mr. Baker “managed up” and she was “unaware of how much [Mr. Baker] was cutting off access” to her.³⁴

While in Representative Esty’s office, Former Chief instituted a practice of conducting formal performance reviews of the staff and reported up to Representative Esty.³⁵ While the Committee received varying evidence about whether and how Mr. Baker conducted performance reviews, it appears that they were not as formal as Former Chief’s.³⁶ Neither Former Chief nor Mr. Baker, while in the role of Chief of Staff, ever received a formal performance review from Representative Esty.³⁷

B. Mr. Baker’s Relationship with Former Staffer A in 2013

Mr. Baker and Former Staffer A were involved in a romantic relationship in 2013, when they had no supervisory responsibilities over one another. Although Representative Esty’s office had no prohibition on staff relationships at this time, the Committee received some testimony that Mr. Baker and Former Staffer A purposefully kept their relationship a secret from Representative

³⁰ Exhibit 3.

³¹ 18(a) Interview of Staffer B.

³² 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Representative Esty.

³³ 18(a) Interview of Staffer B; Exhibit 4. A staffer also noted that the handbook “was not referenced near often enough for any of [the staff] to take it seriously.” 18(a) Interview of Staffer B. Additionally, while Representative Esty had annual retreats which included reviews and reminders of policies, staffers did not recall learning about the OOC or receiving sexual harassment training in Representative Esty’s office prior to 2016. 18(a) Interview of Representative Esty; 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer C.

³⁴ 18(a) Interview of Representative Esty.

³⁵ 18(a) Interview of Former Chief.

³⁶ Representative Esty did not recall any differences in the process for performance reviews under Former Chief and Mr. Baker. 18(a) Interview of Representative Esty. Former Staffer A, however, said that she only received one informal review at her request and it was delivered in a bar. 18(a) Interview of Former Staffer A. *See also* 18(a) Interview of Staffer B (noting the performance review policy was “less comprehensive” under Mr. Baker but not substantially so); 18(a) Interview of Staffer C (recalling the reviews were meant to occur semiannually, but only receiving one review).

³⁷ 18(a) Interview of Former Chief; 18(a) Interview of Mr. Baker; 18(a) Interview of Representative Esty.

Esty.³⁸ Former Chief learned about the relationship between Mr. Baker and Former Staffer A while it was ongoing, but she did not inform Representative Esty.³⁹ There is no evidence that Mr. Baker mistreated Former Staffer A during their relationship.

In the fall of 2013, Former Chief announced that she was leaving her position at the end of the year. Mr. Baker decided to apply for the position. Former Staffer A said that she told Representative Esty that she thought he would make a good Chief of Staff.⁴⁰ Former Chief said that she also recommended Mr. Baker for the position to Representative Esty based on a number of factors, including the legislative successes the office had under his management as Legislative Director.⁴¹ Representative Esty ultimately selected Mr. Baker for the position.

Former Staffer A told the Committee that she considered leaving Representative Esty's office after learning that Former Chief was leaving. She explained this was in part due to an incident that occurred between Mr. Baker and herself after he was named Chief of Staff, but before he formally assumed the role.⁴² According to Former Staffer A, she presented him with a written proposal for more responsibilities. Due to their previous relationship, Former Staffer A wanted to make an "overly formal" presentation to Mr. Baker.⁴³ According to Former Staffer A, after finishing her presentation, Mr. Baker said "Great, thanks, I'll think about" and then asked her to have sex with him on Former Chief's desk.⁴⁴ Former Staffer A said she declined Mr. Baker's request and asked if the request was related to her request for more responsibilities. Mr. Baker replied that it was not related to her request but "obviously it would help."⁴⁵ Mr. Baker declined to discuss this incident with Committee Staff but disputed that he had ever conditioned any employment action with respect to Former Staffer A on her engaging in sexual activities with him.⁴⁶ There is no evidence that Mr. Baker and Former Staffer A engaged in sexual relations related to any employment action.

Former Staffer A told Representative Esty after this incident that she was leaving the office because Former Chief had been a mentor, but did not mention Mr. Baker's sexual proposition.⁴⁷ Representative Esty convinced Former Staffer A to stay after promoting Former Staffer A to Senior Advisor, giving her additional responsibilities and a raise, in exchange for a commitment to stay for the remainder of her first term.⁴⁸ Former Staffer A said she considered telling Representative Esty about her relationship with Mr. Baker and his sexual proposition in the office

³⁸ 18(a) Interview of Former Chief; 18(a) Interview of Mr. Baker; 18(a) Interview of Former Staffer A.

³⁹ 18(a) Interview of Former Chief.

⁴⁰ 18(a) Interview of Former Staffer A.

⁴¹ 18(a) Interview of Former Chief.

⁴² 18(a) Interview of Former Staffer A.

⁴³ *Id.* Former Staffer A and Mr. Baker's testimony as to when their relationship ended differed: Former Staffer A told the Committee that occurred prior to October 2013, while Mr. Baker told the Committee they stopped dating in January 2014 when he was about to become Chief of Staff. *Id.*; 18(a) Interview of Mr. Baker.

⁴⁴ 18(a) Interview of Former Staffer A.

⁴⁵ *Id.*

⁴⁶ 18(a) Interview of Mr. Baker. Mr. Baker indicated that he viewed this as something he and Former Staffer A had discussed while in a relationship. *See* Exhibit 5.

⁴⁷ 18(a) Interview of Former Staffer A.

⁴⁸ *Id.*

“only very fleetingly” because she “didn’t want to bother her with it.”⁴⁹ There is no evidence that Representative Esty was aware of Mr. Baker’s proposition or Former Staffer A’s discomfort with him prior to May 2016.

C. *Mr. Baker’s Treatment of Former Staffer A in 2014*

Throughout 2014, Former Staffer A was subjected to a pattern of mistreatment by Mr. Baker. According to Former Staffer A, Mr. Baker screamed at her once every other week.⁵⁰ These incidents often started over something minor related to work, but then Mr. Baker’s conduct escalated in a manner disproportional to the work issue.⁵¹ On those occasions, Mr. Baker asked Former Staffer A to go with him to Representative Esty’s office, closed the door, and resumed yelling at her so other staffers could not hear.⁵² Former Staffer A testified that some of these arguments led her to have panic attacks.⁵³ According to Former Staffer A, Mr. Baker’s yelling turned personal at times: he told her she was not that smart, criticized her current relationship, and called her a “slut.”⁵⁴ Former Staffer A felt “embarrassed, demeaned, angry, . . . sad, [and] frustrated” as a result of this behavior.⁵⁵ Mr. Baker admitted to “los[ing] his cool and yell[ing] at” Former Staffer A, but said it happened less often than Former Staffer A indicated.⁵⁶ He recalled those incidents “started as an argument between us where both of us had our voices raised, and then [he] would continue,” whereas Former Staffer A would fall quiet.⁵⁷ Mr. Baker said the arguments were about scheduling details or how Former Staffer A acted in the office, which he took as disrespectful, personal affronts.⁵⁸ Mr. Baker denied that he ever called Former Staffer A a “slut.”⁵⁹

Former Staffer A also described one instance of physical abuse by Mr. Baker. According to Former Staffer A, one time when Mr. Baker was yelling at her, he told her to go to Representative Esty’s office. Former Staffer A refused, as she did not want to be yelled at anymore. Former Staffer A testified that when she did not move from her chair, Mr. Baker punched her in the back.⁶⁰ She then went into Representative Esty’s office and told Mr. Baker that could never happen again. Mr. Baker denied ever punching Former Staffer A.⁶¹ When asked whether he engaged in any physical contact with Former Staffer A in Representative Esty’s office,

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* Other staffers testified that they were aware of Mr. Baker’s treatment of Former Staffer A. One staffer relayed what she heard contemporaneously from Former Staffer A and other staffers, which generally corroborated Former Staffer A’s testimony regarding Mr. Baker. 18(a) Interview of Staffer B. Another staffer observed “tense interactions” where Mr. Baker exhibited “anger or frustration or dismissiveness that didn’t seem reasonable or called for at the moment,” and noted that Former Staffer A sometimes responded in a “feisty” way, sometimes she seemed “okay,” and sometimes she seemed “really put down and put upon.” 18(a) Interview of Staffer C.

⁵² 18(a) Interview of Former Staffer A.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*; Exhibit 5.

⁶⁰ 18(a) Interview of Former Staffer A.

⁶¹ 18(a) Interview of Mr. Baker.

he said that they occasionally “bump[ed]” into each other in the office.⁶² Staffer B testified that she was on the phone with Former Staffer A when Mr. Baker was trying to get Former Staffer A’s attention; Former Staffer A then said “ow [...] I have to call you back, Tony just hit me.”⁶³

Notably, there is no evidence that Representative Esty was aware of Mr. Baker’s mistreatment of Former Staffer A while she was still employed in Representative Esty’s office. Both Former Staffer A and Mr. Baker told the Committee that the mistreatment only occurred when Representative Esty was not around. After these incidents, Mr. Baker apologized and said he would change his behavior, but warned Former Staffer A not to report his behavior to Representative Esty or the Committee, because it could cause a scandal for—and destroy the re-election chances of—Representative Esty.⁶⁴ Mr. Baker also told Former Staffer A that the Committee was not a proper resource for her because the Committee only investigated Members.⁶⁵ He also warned her that he had ruined the careers of staffers in another Member’s office in which he had previously served.⁶⁶

Former Staffer A testified that she believed that she could tell Representative Esty about the mistreatment, who would “be so horrified and protective and upset that she would prioritize it at the expense of all of her other priorities.”⁶⁷ Because she “feared for Representative Esty’s career and reputation and [her] own,” however, she specifically decided not to report Mr. Baker’s mistreatment.⁶⁸ In addition, Representative Esty told the Committee that Former Staffer A told her in May 2018 that she had intentionally not informed Representative Esty of Mr. Baker’s conduct when it was occurring in 2014.⁶⁹

D. Mr. Baker’s Treatment of Other Staff

The Committee reviewed evidence that Mr. Baker also mistreated other staffers during his tenure as Chief of Staff. Beyond his treatment of Former Staffer A, some staff believed Mr. Baker acted inappropriately in the office, and that he made insensitive comments or jokes, including about staffers’ appearances.⁷⁰ The Committee learned that his inappropriate behavior was

⁶² *Id.*

⁶³ 18(a) Interview of Staffer B.

⁶⁴ 18(a) Interview of Former Staffer A; 18(a) Interview of Mr. Baker; *see also* 18(a) Interview of Staffer B.

⁶⁵ 18(a) Interview of Mr. Baker; Exhibit 6. *See also* 18(a) Interview of Staffer B (stating that the Committee’s reputation was that it is “here to protect Members”). The Committee has jurisdiction to investigate, and does investigate, allegations involving all current Members, officers, and employees of the House.

⁶⁶ 18(a) Interview of Former Staffer A. *See also* Exhibit 6.

⁶⁷ 18(a) Interview of Former Staffer A.

⁶⁸ *Id.* Former Staffer A also made it very clear to other staff that she did not want anyone to report Mr. Baker’s behavior to Representative Esty, the Committee, or anyone else. *Id.* *See also* 18(a) Interview of Staffer B (confirming that Former Staffer A did not want to report the mistreatment).

⁶⁹ 18(a) Interview of Representative Esty.

⁷⁰ 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B.

sometimes directed towards one staffer in particular.⁷¹ One Halloween, Mr. Baker bought a “crazy blond hair wig” and dressed up as that staffer, which made the staffer so upset that she cried.⁷²

Multiple staffers also told the Committee that Mr. Baker played “favorites,” and it was very clear based on his treatment of staff whether you were a “favorite.”⁷³ Some staffers also believed Mr. Baker treated women differently from men in the office, provided fewer and less meaningful opportunities for female staff, and could be harsher towards female staff.⁷⁴ Mr. Baker denied that he treated men and women differently in the office, and said that he held people he considered friends to a higher standard, which included both male and female staffers.⁷⁵ The Committee received no evidence that Representative Esty was aware of staffers’ concerns about Mr. Baker’s treatment of them prior to July 2016.

Mr. Baker also engaged in romantic relations with two other individuals who worked with Representative Esty’s campaign.⁷⁶ The Committee also received evidence that Mr. Baker “[drank] too much” and “tr[ie]d to aggressively flirt or invade women’s spaces,” but not in a way that had previously raised a threat of violence or to the extremity of the events of May 5, 2016.⁷⁷

E. The Incident on May 5, 2016

After fulfilling her promise to serve out Representative Esty’s first term, Former Staffer A left Representative Esty’s office in March 2015; she told the Committee her exit was in large part to escape Mr. Baker’s mistreatment.⁷⁸ After her departure from Representative Esty’s office, Former Staffer A and Mr. Baker eventually developed a friendly relationship, and Former Staffer A even lived at Mr. Baker’s apartment for a few months in between leases.⁷⁹

On May 5, 2016, Mr. Baker hosted a happy hour to celebrate his 10-year anniversary in Washington, D.C., which Former Staffer A attended. That evening, Mr. Baker got very drunk, engaged in “really boorish behavior,” and acted inappropriately towards two women at the bar.⁸⁰ After being dropped off by a friend near his apartment, Mr. Baker proceeded to call Former Staffer A over 50 times, told her he was going to come “find” her and that he knew how to get into her apartment, and threatened to “[f***]ing kill” her.⁸¹ Former Staffer A was terrified by the events of that night and concerned for her own personal safety.⁸² Mr. Baker testified that he blacked out

⁷¹ 18(a) Interview of Former Staffer A (noting that Mr. Baker would make negative comments about another staffer’s appearance in the office).

⁷² *Id.* Both the staffer and Representative Esty said they did not believe Representative Esty was aware of this incident at the time. 18(a) Interview of Staffer E; 18(a) Interview of Representative Esty.

⁷³ 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

⁷⁴ 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer C; Exhibit 4.

⁷⁵ 18(a) Interview of Mr. Baker.

⁷⁶ *Id.*; Exhibit 6. Mr. Baker does not appear to have had any supervisory role over either of these individuals. *Id.*

⁷⁷ 18(a) Interview of Staffer C.

⁷⁸ 18(a) Interview of Former Staffer A. Former Staffer A did not disclose Mr. Baker’s mistreatment of her to Representative Esty when she left the office. *Id.*

⁷⁹ *Id.*; 18(a) Interview of Mr. Baker.

⁸⁰ 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

⁸¹ 18(a) Interview of Former Staffer A.

⁸² *Id.*; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

and does not recall what happened that evening, but woke the next morning with a smashed, unusable cell phone and “a sense that [he] needed to apologize to [Former Staffer A].”⁸³

The next day, on May 6, 2016, another staffer informed Former Chief about the incident.⁸⁴ Former Chief spoke with Former Staffer A later that day, and encouraged her to go to the police.⁸⁵ Former Staffer A filed a police report that weekend.⁸⁶ Former Staffer A then filed for a protective order against Mr. Baker in the District of Columbia Superior Court on June 21, 2016, and was granted a Temporary Restraining Order (“TRO”).⁸⁷ Mr. Baker informed Representative Esty about the TRO on or about June 27, 2016, and discussed a potential civil protective order with her on or about July 2 or 3, 2016.⁸⁸ On July 5, 2016, Mr. Baker and Former Staffer A appeared in court and agreed to a year-long civil protective order that Mr. Baker consented to without any admission of wrongdoing.⁸⁹

F. *The Investigation*

On May 10, 2016, Former Chief, with Former Staffer A’s permission, sent Representative Esty an email asking her to give her a call that night, and stating that she needed “to keep [the call] between you and me.”⁹⁰ On that call, Former Chief informed Representative Esty that Mr. Baker and Former Staffer A had previously been in a relationship in 2013, Mr. Baker had egregiously threatened Former Staffer A the previous week, and Former Staffer A was filing a police report against Mr. Baker.⁹¹ Representative Esty spoke to Former Staffer A the following day, May 11, 2016.⁹² During that conversation, Former Staffer A testified that Representative Esty was very sympathetic and supportive and told her that she was going to make this a priority.⁹³ Representative Esty said that she told Former Staffer A she was going to be investigating Mr. Baker’s behavior to determine whether he was fit to continue his employment in her office.⁹⁴

⁸³ 18(a) Interview of Mr. Baker.

⁸⁴ 18(a) Interview of Staffer B; Exhibit 7.

⁸⁵ 18(a) Interview of Former Chief. The Committee received conflicting evidence as to whether Former Chief and Former Staffer A’s discussion included Mr. Baker’s mistreatment of Former Staffer A in 2014. Former Staffer A testified that Former Chief already knew about Mr. Baker’s mistreatment of her and that they agreed to tell Representative Esty everything, whereas Former Chief testified that she only knew—and they only decided to tell Representative Esty about—the events of the previous evening. 18(a) Interview of Former Staffer A; 18(a) Interview of Former Chief.

⁸⁶ 18(a) Interview of Former Staffer A.

⁸⁷ Exhibit 8.

⁸⁸ 18(a) Interview of Mr. Baker.

⁸⁹ Exhibit 8; 18(a) Interview of Mr. Baker.

⁹⁰ Exhibit 9.

⁹¹ 18(a) Interview of Former Chief; 18(a) Interview of Representative Esty. Both Representative Esty and Former Chief testified that they did not know of or discuss Mr. Baker’s mistreatment of Former Staffer A in 2014 at this time. 18(a) Interview of Former Chief; 18(a) Interview of Representative Esty.

⁹² The Committee again received conflicting evidence as to whether this discussion between Representative Esty and Former Staffer A included Mr. Baker’s mistreatment of Former Staffer A in 2014. Former Staffer A testified that they discussed everything, whereas Representative Esty testified that she did not learn about that mistreatment until several months later. 18(a) Interview of Former Staffer A; 18(a) Interview of Representative Esty. However, as discussed *supra* Section IV(C), both Former Staffer A and Representative Esty testified that Former Staffer A had intentionally not told Representative Esty of Mr. Baker’s conduct in 2014 at the time of the conduct.

⁹³ 18(a) Interview of Former Staffer A.

⁹⁴ 18(a) Interview of Representative Esty.

As part of that investigation, Representative Esty asked Former Staffer A to speak to her personal attorney and Former Staffer A agreed.⁹⁵ The following day, May 12, 2016, however, Former Staffer A decided she was not comfortable speaking to Representative Esty's attorney by herself.⁹⁶ Representative Esty informed Former Chief about Former Staffer A's position and said she was going to talk to her private counsel the next morning "to figure out how best to proceed."⁹⁷ Representative Esty also told Former Chief "I suspect I will want your help to move forward the best we can to gather information," to which Former Chief responded "Will do what I can to help..."⁹⁸ Former Chief also told Former Staffer A that day that she would be interviewing the Washington, D.C., staff.⁹⁹ The following day, Representative Esty discussed with Former Chief having her engage in "conversations about office climate and practices" with the staff.¹⁰⁰ Former Chief replied that she would "keep standing by" and gave an update on her schedule, which included a lot of traveling in the following two weeks, but said she would "make herself available to meet with folks as much as" she could.¹⁰¹ Both Representative Esty and Former Chief testified that the purpose of the investigation was to determine whether Mr. Baker's actions on May 5, 2016, were an isolated incident or whether there was a pattern of behavior where Mr. Baker might have engaged in bad management practices or harassed members of the staff.¹⁰²

By May 16, 2016, Representative Esty also spoke with Mr. Baker about the May 5, 2016, incident.¹⁰³ She told Mr. Baker that she was going to conduct an investigation and that Mr. Baker needed to enter into an alcohol recovery program, get counseling, and take anger management classes in order to continue working in her office.¹⁰⁴ Mr. Baker offered to resign during that conversation, but Representative Esty decided to conduct an investigation into his behavior before accepting it.¹⁰⁵ In the meantime, Representative Esty received confirmation from both Mr. Baker and Former Chief that he was, in fact, receiving counseling both for alcohol abuse and anger management.¹⁰⁶ There was no discussion in that May 2016 conversation of limiting Mr. Baker's role or responsibilities in the office, or his employment status in any way.¹⁰⁷

Representative Esty, recalled that, in or around May 2016, OHEC Counsel recommended to Former Chief that the investigation should be led by a woman who was known to and trusted by the staff, which led Representative Esty to select Former Chief to conduct the investigation in

⁹⁵ Exhibit 10.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Exhibit 11; 18(a) Interview of Former Chief.

¹⁰⁰ Exhibit 12.

¹⁰¹ *Id.*

¹⁰² 18(a) Interview of Representative Esty; 18(a) Interview of Former Chief.

¹⁰³ Exhibit 8; Exhibit 11.

¹⁰⁴ 18(a) Interview of Representative Esty; 18(a) Interview of Mr. Baker.

¹⁰⁵ 18(a) Interview of Representative Esty; 18(a) Interview of Mr. Baker.

¹⁰⁶ 18(a) Interview of Representative Esty. The Committee notes that, as of the date of his interview with Committee staff, Mr. Baker was still successfully participating in an alcohol recovery program. The Committee appreciates that Mr. Baker continued to seek treatment after his departure from Representative Esty's office. The Committee also urges members of the House community who may suffer from substance abuse disorders to seek help from the Office of Employee Assistance, which offers confidential support at no cost for individuals that may be experiencing those or related issues.

¹⁰⁷ 18(a) Interview of Mr. Baker.

her Washington, D.C. office.¹⁰⁸ Representative Esty told the Committee she did not speak directly with OHEC at that time.¹⁰⁹ Former Chief told the Committee that, when Representative Esty first asked her to conduct the investigation, she expressed some reservations about whether she was the appropriate person for the role, and Representative Esty told her she was the right person to conduct the investigation because “it makes sense.”¹¹⁰ According to Former Chief, Representative Esty also directed her to discuss her concerns further with OHEC Counsel.¹¹¹ Former Chief could not recall her specific conversation with OHEC Counsel, but recalled that she spoke with OHEC Counsel prior to conducting her interviews, which dates the conversation to May or June 2016.¹¹² Former Chief added that, during that conversation, OHEC Counsel did not take issue with her conducting the investigation.¹¹³

Campaign Treasurer—who Representative Esty selected to conduct the investigation in her district office—had a very different recollection of the events that led up to her role in the investigation. According to Campaign Treasurer, Representative Esty called her and told her that Mr. Baker was no longer working for her and did not provide any further details.¹¹⁴ Campaign Treasurer then recalled a second phone call approximately a week later in which Representative Esty asked her to meet with the members of the district office to “take their temperature” about their professional development and office morale; Campaign Treasurer viewed this request as completely separate from the previous conversation concerning Mr. Baker.¹¹⁵ Campaign Treasurer said that there was no urgency in this request and it “was more of, whenever you can do it within the next, say, month, month-and-a-half type of thing.”¹¹⁶ Representative Esty, however, told the Committee she asked Campaign Treasurer to look into management practices and morale in the district office to determine the reach of Mr. Baker’s misconduct before she terminated Mr. Baker.¹¹⁷

In the weeks that followed, Representative Esty announced at an all-staff meeting that Former Chief would be meeting with her staff members in Washington, D.C., and Campaign Treasurer would be meeting with her staff members in her district office.¹¹⁸ The Committee received conflicting evidence as to the purpose Representative Esty gave for these meetings, but they included a “review of management,” and “professional development.”¹¹⁹ Representative Esty

¹⁰⁸ 18(a) Interview of Representative Esty. The Committee sent a request to interview OHEC Counsel, but OHEC declined to participate in this investigation.

¹⁰⁹ 18(a) Interview of Representative Esty. Former Chief recalled that her conversation with OHEC Counsel was set up through Representative Esty, but could not recall the details. 18(a) Interview of Former Chief.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.* Former Chief also said that Representative Esty directed her towards Representative Esty’s private counsel, who suggested she was a good person to conduct the interviews. *Id.*

¹¹⁴ 18(a) Interview of Campaign Treasurer.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ 18(a) Interview of Representative Esty.

¹¹⁸ According to a timeline created by Representative Esty’s office in March 2018, this announcement was in “mid-June 2016,” although witnesses have said they believed it was earlier than that. *See, e.g.*, Exhibit 8; 18(a) Interview of Staffer C; 18(a) Interview of Representative Esty.

¹¹⁹ 18(a) Interview of Staffer C; 18(a) Interview of Staffer E.

told the Committee she did not want to “poison [Mr. Baker’s] ability to remain Chief of Staff if it was a very isolated incident,” and so she was concerned with “how not to plant the seed that there was this huge problem with [Mr. Baker] [a]nd how to thread that needle of how do you elicit information without presupposing and directing here’s the person, here’s the issue, did you see this.”¹²⁰

Even though Representative Esty appears to have determined by May 12, 2016, that Former Chief and Campaign Treasurer would interview her staffers, those interviews did not happen until nearly two months later, in July 2016. The Committee was not able to determine any particular reason for this delay. Indeed, Representative Esty herself told the Committee that “[t]here’s not a good reason,”¹²¹ but attributed the delay to Former Chief’s busy schedule in an election year, stating that she “felt somewhat constrained,” since she was not paying Former Chief and “didn’t feel in a good position to push her on going faster.”¹²² Former Chief said she was ready to start conducting her interviews in May 2016, but they did not end up happening until July because she was waiting for “direction” from Representative Esty.¹²³

Campaign Treasurer eventually met with each of the staffers in Representative Esty’s district office separately for approximately 20-30 minutes.¹²⁴ In those conversations, Campaign Treasurer discussed staffers’ job responsibilities and whether they liked the office; Mr. Baker’s name or role never came up.¹²⁵ Campaign Treasurer recalled recounting her interviews to Representative Esty a few days later, over dinner.¹²⁶ Former Chief said that Representative Esty contacted her after Campaign Treasurer had conducted her interviews and told her that Campaign Treasurer “had not reported to her anything out of the ordinary.”¹²⁷ According to Former Chief, she received the direction needed from Representative Esty to begin her investigation at that time.¹²⁸

Former Chief decided to anonymize her findings and not inform Representative Esty of the interviewees’ identities after she learned from Former Staffer A that staff “were fearful of reporting for fear of retribution.”¹²⁹ Other than anonymity, Former Chief did not have any procedures or protocols that she put into place, such as asking witnesses not to speak to each other.¹³⁰ Former Chief then conducted thirteen interviews of current and former official and campaign staff from

¹²⁰ 18(a) Interview of Representative Esty.

¹²¹ *Id.*

¹²² *Id.*

¹²³ 18(a) Interview of Former Chief.

¹²⁴ 18(a) Interview of Campaign Treasurer. Campaign Treasurer was not compensated for her work in 2016, and estimated that she spent approximately eight hours conducting the interviews and relaying her notes to Representative Esty. *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.* Representative Esty did not recall receiving the results of the interviews from Campaign Treasurer. 18(a) Interview of Representative Esty.

¹²⁷ 18(a) Interview of Former Chief.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

July 6 to July 19, 2016.¹³¹ The first interview was on July 6, 2016, when Former Chief and Staffer C met and discussed both campaign management and “office policy.”¹³²

Some staff had concerns that Former Chief was conducting these interviews given that she was not an impartial party and had no previous investigative experience.¹³³ One staffer described it as “shad[y]”: “we’re going to have [Former Chief], [Representative Esty’s] trusted campaign person, have private meetings with each person with everyone one-on-one in this weird order that she decides.”¹³⁴ In addition, staffers were not sure they could be honest with Former Chief, given her close relationship with Mr. Baker. This fear may have been due in part to comments Mr. Baker made in the office that he and Former Chief had an “arrangement” by which Mr. Baker had always made Former Chief look good in front of Representative Esty, and so now Former Chief “owed” Mr. Baker.¹³⁵ Mr. Baker denied ever making such a statement, and explained that he presented a united front with Former Chief in front of Representative Esty, so as not to undercut or make Former Chief look bad.¹³⁶

There was also concern among staff about the amount of time the investigation was taking, and the fact that Mr. Baker was kept in his position with no changes made to his roles or responsibilities.¹³⁷ Some staffers were also generally concerned about and uncomfortable with working in the office with Mr. Baker after the events of May 5, 2016, and one staffer even left Representative Esty’s official office in part because he “wanted to work with [Mr. Baker] as little as possible” in light of his actions toward Former Staffer A.¹³⁸

On July 20, 2016, Former Chief presented Representative Esty with a written report of her findings based on her interviews titled “Office Assessment.” These findings included that Mr. Baker:

engages in a pattern and practice of emotionally and abusive behavior towards female staff members. Verbal and physical abuse, including bullying, toward individual staff members has been exhibited and witnessed by other members of the staff. The Chief of Staff has consolidated information and power, isolating the member and increased the propensity for the Chief of Staff to abuse that power.¹³⁹

The assessment also found that “[a] lack of oversight on the part of the member has allowed the behavior to continue unmitigated,” and “[a]n open door policy is not enough,” explaining that “Capitol Hill practices prevent staff from elevating grievances to the member’s attention, operating

¹³¹ Exhibit 13.

¹³² 18(a) Interview of Staffer C; Exhibit 14.

¹³³ 18(a) Interview of Staffer C, 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B.

¹³⁴ *Id.*

¹³⁵ 18(a) Interview of Former Staffer A.

¹³⁶ 18(a) Interview of Mr. Baker.

¹³⁷ 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

¹³⁸ 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

¹³⁹ Exhibit 4.

outside the chain of command, or discussing grievances outside the office.”¹⁴⁰ The assessment included a series of recommendations, the first of which was that Mr. Baker should be asked to resign.¹⁴¹ The other recommendations included staff briefings on the actions being taken and House services for professional development and Human Resources; required weekly one-on-ones between senior and junior staff; regular reviews of all staff including management, including peer and junior staffers reviewing management; prioritizing direct junior staff time with the member; and clearly-defined expectations of appropriate office behavior.¹⁴²

Former Chief testified that Representative Esty seemed concerned and upset when she presented her with the assessment on July 20, 2016, as if this information was new to her.¹⁴³ Representative Esty said she found the results “shocking and sickening” and felt “physically ill” and “horrified and betrayed by someone who [she] trusted.”¹⁴⁴ Representative Esty testified that she decided to fire Mr. Baker that day—July 20, 2016—but because she wanted to ensure that it was done quickly and “with as little ongoing damage to the office” as possible, she consulted with counsel.¹⁴⁵ According to Representative Esty, she first discussed the matter with her private counsel, who reached out to OHEC, and OHEC confirmed to him that they would be involved in handling Mr. Baker’s termination.¹⁴⁶

G. Mr. Baker’s Termination

The Democratic National Convention (“DNC”) took place the following week, from July 25-28, 2016, and Representative Esty attended, along with Mr. Baker and several other members of her congressional staff. Mr. Baker said that he did not interact much with the other staffers during the DNC.¹⁴⁷ Representative Esty said she was not concerned about Mr. Baker’s attendance, however, because Mr. Baker was not supervising any of the other staffers during the event.¹⁴⁸ The week of the DNC was, however, “an exceptionally awkward situation,” according to Representative Esty, as she had already decided to terminate Mr. Baker and was on the phone “hours a day” with OHEC Counsel and other advisors to determine how best to effectuate his departure.¹⁴⁹

On or about July 28, 2016, Representative Esty asked Mr. Baker to meet with her. She told him she received the results of the investigation and was very upset, disappointed, and felt betrayed. Representative Esty recalls telling Mr. Baker that he was being terminated, he was not

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ 18(a) Interview of Former Chief.

¹⁴⁴ 18(a) Interview of Representative Esty.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.* The Committee was not able to pinpoint the exact dates of these first conversations, but based on the fact that Representative Esty was in regular communication with OHEC Counsel the following week, they likely occurred between July 20-24, 2016.

¹⁴⁷ 18(a) Interview of Mr. Baker.

¹⁴⁸ 18(a) Interview of Representative Esty.

¹⁴⁹ *Id.* Staffer C likewise said that Representative Esty told him around the time of the DNC that she was going to fire Mr. Baker, and then had a number of conversations with her private counsel and OHEC. 18(a) Interview of Staffer C; Exhibit 8; Exhibit 15.

to return to the office, and he should work from home while she worked out the logistics of his termination.¹⁵⁰ Mr. Baker also understood from that conversation that he “was not going to be employed in the office anymore,” and he took vacation leave from the office the following week at Representative Esty’s direction.¹⁵¹ Mr. Baker recalled Representative Esty telling him that Former Chief was going to reach out to him to give him an opportunity to tell his side of the story, and that she wanted him to cooperate fully and be his “best self.”¹⁵²

On July 29, 2016, Former Chief sought guidance from OHEC on interviewing Mr. Baker.¹⁵³ Following that conversation, an OHEC employee sent Former Chief a document titled “Confidential: Sexual Harassment Investigations” which Former Chief used to help her prepare for Mr. Baker’s interview.¹⁵⁴

On August 1, 2016, Former Chief interviewed Mr. Baker. Former Chief said that the purpose of this interview was to provide Mr. Baker “an opportunity to defend himself, or to counter the allegations.”¹⁵⁵ Mr. Baker brought a letter of resignation to that interview, but Former Chief told him she was not empowered to receive the letter and would instead pass that information to Representative Esty.¹⁵⁶ Former Chief then prepared a memorandum of Mr. Baker’s interview which she believes she presented to Representative Esty, although Representative Esty did not recall that presentation.¹⁵⁷

Following Mr. Baker’s interview with Former Chief, Representative Esty and OHEC further discussed on the phone and by email how to effectuate his termination. In an August 2, 2016, email, which referenced previous phone conversations between Representative Esty and OHEC Counsel, OHEC Counsel directed Representative Esty to:

Let [Mr. Baker] know that he will need to sign a severance agreement and release and, in accordance with the rules of the House and the needs of my office, you have decided to structure his severance package as follows:

Option A: He will remain on the payroll as paid severance for _____ month(s) without reporting to work or performing any services, and at the end of that time period he will be kept on the payroll for an additional ___ days to pay for his ___ days of unused accrued annual leave. Under this scenario, he will remain on the office’s payroll without reporting to work through [DATE].

¹⁵⁰ 18(a) Interview of Representative Esty.

¹⁵¹ 18(a) Interview of Mr. Baker; Exhibit 16; Exhibit 17.

¹⁵² 18(a) Interview of Mr. Baker.

¹⁵³ 18(a) Interview of Former Chief. Former Chief said that she asked OHEC Counsel if she was the right person to conduct the interview and OHEC Counsel told her that involving an outside investigator at this point, who was unfamiliar with the allegations, would take additional time and effort. *Id.*

¹⁵⁴ *Id.*; Exhibit 18; Exhibit 19.

¹⁵⁵ 18(a) Interview of Former Chief.

¹⁵⁶ 18(a) Interview of Mr. Baker; 18(a) Interview of Former Chief.

¹⁵⁷ Exhibit 6; 18(a) Interview of Former Chief; 18(a) Interview of Representative Esty. In total, Former Chief estimated that she worked over 80 hours on preparing for, conducting, and preparing final work product for the investigation in 2016, which she was not compensated for. Former Chief also told the Committee that this uncompensated work interfered with her ability to do her day job. 18(a) Interview of Former Chief.

-OR-

Option B: He will remain on the payroll as paid severance for _____ month(s) without reporting to work or performing any services, and at the end of his employment the office will pay him a lump sum payment [of [sic] one month [sic] salary, which includes a cash reimbursement for his ___ days of unused accrued annual leave. Any payment of a lump sum cannot exceed 1/12th of the Speaker's Pay Order. Seek guidance from Payroll and Benefits to ensure full compliance with this rule.

-OR-

Option C: He will receive a single lump sum payment for his severance and unused annual leave combined that cannot exceed 1/12 of the Speaker's Pay Order. This is the least generous option.¹⁵⁸

According to Representative Esty, OHEC Counsel was "quite emphatic about the need to have a severance agreement and confidentiality" and "it was repeated over and over again: You absolutely need to do this to protect yourself, your family, and the office, because a senior person can say terrible things. He may be very upset. He could destroy your reputation with things that are not even true."¹⁵⁹ Representative Esty was unsure what was appropriate in this situation, but chose Option C, the least generous option, because she was "taking the advice of House counsel," "want[ed] to be done with it," "cauterize" it, and didn't want "to prolong the agony around this and certainly [didn't want] to provoke anything worse."¹⁶⁰ Former Chief agreed that it made sense at the time for Mr. Baker to be paid a severance because they wanted him to "leave quietly" without causing any further harm to any staffers and "this was the quickest way to get him out of the office" and out of Washington, D.C.¹⁶¹

On August 5, 2016, Representative Esty traveled to Washington, D.C., to meet with OHEC Counsel to discuss Mr. Baker's termination. After their meeting, OHEC Counsel sent Representative Esty a draft termination agreement, which included provisions for a letter of recommendation and limited reference outside of Washington, D.C., a lump sum payment to cover Mr. Baker's work in August, his unused paid leave, and a "severance" to bring the total lump sum payment up to the Speaker's Pay Order cap (this amount was estimated in the draft agreement, but was finalized in the amount of \$5,041.67), and non-disclosure and non-disparagement provisions.¹⁶² Representative Esty also met with Mr. Baker later that day to discuss the termination agreement.¹⁶³ Mr. Baker testified that Representative Esty told him this was "how the House handles things," and that he did not try to negotiate anything but accepted what Representative

¹⁵⁸ Exhibit 20.

¹⁵⁹ 18(a) Interview of Representative Esty.

¹⁶⁰ *Id.*; see also 18(a) Interview of Former Chief.

¹⁶¹ *Id.* Former Chief also acknowledged that they wanted Mr. Baker to leave quietly so as not to hurt Representative Esty's re-election chances, although that was "not a primary motivating factor." *Id.*

¹⁶² Exhibit 21.

¹⁶³ Exhibit 22.

Esty proposed.¹⁶⁴ On March 28, 2018, shortly before the news stories broke concerning Mr. Baker's departure from her office, Representative Esty repaid the U.S. Treasury for the \$5,041.67 in severance.¹⁶⁵

On August 8, 2016, Representative Esty had an all-staff meeting in which she told the rest of the staff that Mr. Baker had left to go back to his home state of Ohio.¹⁶⁶ Representative Esty also told them that she was subject to a non-disclosure agreement and could not say much more about the reasons for his departure.¹⁶⁷

H. Events Following Mr. Baker's Termination

After Mr. Baker's termination, Representative Esty took steps to implement some of the other recommended actions from Former Chief's Office Assessment. These included making changes in her office with respect to performance reviews and improving office policies.¹⁶⁸ With respect to the performance reviews, Representative Esty and her current Chief of Staff instituted a formal and comprehensive annual performance review process which they have conducted for the past two years.¹⁶⁹ While Representative Esty recalled giving her current Chief of Staff a formal oral performance review, he told the Committee he had not yet received an official performance review in the two years he has held the Chief of Staff position.¹⁷⁰

Representative Esty's office has also worked on making Representative Esty more accessible and available to all staff in both formal and informal ways.¹⁷¹ Representative Esty's office updated the Employee Handbook on March 14, 2017, which now lists Representative Esty as a resource for staffers to go to under the Anti-Harassment and Anti-Discrimination Policy.¹⁷² These changes were reaffirmed to staffers in a staff retreat in March 2017, in all-staff meetings, and in emails to staff from her current Chief of Staff.¹⁷³ Representative Esty and her staffers also all attended a mandatory sexual harassment training provided by OHEC in March 2017, and, for those hired later that year, another training was organized in December 2017.¹⁷⁴ When the House acted to require that all Members, officers, and employees complete sexual harassment training during each session of Congress, beginning in 2018, Representative Esty elected for her and her office to participate in the most extensive version.¹⁷⁵

¹⁶⁴ 18(a) Interview of Mr. Baker. Representative Esty and Mr. Baker executed the Agreement on August 10, 2016. Exhibit 23. Mr. Baker's last day on the payroll was August 12, 2016.

¹⁶⁵ Exhibit 1.

¹⁶⁶ Exhibit 15; 18(a) Interview of Representative Esty.

¹⁶⁷ Exhibit 15; 18(a) Interview of Staffer E; 18(a) Interview of Representative Esty.

¹⁶⁸ 18(a) Interview of Staffer D.

¹⁶⁹ *Id.*

¹⁷⁰ 18(a) Interview of Representative Esty; 18(a) Interview of Staffer D.

¹⁷¹ Exhibit 24; 18(a) Interview of Staffer D.

¹⁷² Exhibit 25; 18(a) Interview of Staffer D. Staffer D said it was also intended that Representative Esty be considered as a resource for staffers to go to under the Open Door policy, but that edit was inadvertently omitted. *Id.*

¹⁷³ *Id.*; Exhibit 26.

¹⁷⁴ Exhibit 24; Exhibit 26; Exhibit 27.

¹⁷⁵ 18(a) Interview of Representative Esty; H. Res. 630, 115th Cong. (2017).

Since replacing Mr. Baker, updating the office policies in the Employee Handbook, and instituting mandatory harassment trainings, staffers have felt comfortable relaying concerns to supervisors in Representative Esty's official and district offices. The Committee heard testimony about a few instances in which a staffer in one of Representative Esty's offices heard something which made that individual feel uncomfortable, relayed that information to a supervisor, and the matter was quickly investigated and resolved to the staffer's satisfaction.¹⁷⁶

V. FINDINGS

A. Sexual Harassment Allegations

Mr. Baker's behavior toward Former Staffer A was unacceptable. Screaming, yelling, derogatory comments, threats of reprisal, and use of physical force are not appropriate behavior in any work environment, especially a congressional office. His conduct implicates clause 9 of the Code of Official Conduct, which prohibits sexual harassment and other forms of discrimination.¹⁷⁷ Sexual harassment is also prohibited under the CAA, which subjected Congress to a number of federal employment laws, including Title VII of the Civil Rights Act of 1964. Sexual harassment may be actionable "in either of two circumstances: the grant or denial of an economic *quid pro quo* in exchange for sexual favors, or discrimination that has created a hostile or abusive work environment."¹⁷⁸ A hostile work environment is one where the "workplace is permeated with discriminatory intimidation, ridicule, and insult" and these behaviors are "sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment."¹⁷⁹ Even if a Member or staffer's conduct does not constitute sexual harassment under the demanding legal standards of federal case law,¹⁸⁰ such conduct may nonetheless violate clauses 1 and 2 of the Code of Official Conduct. Clause 1 provides that Members and employees of the House "shall behave at all times in a manner that shall reflect creditably on the House." It is a "purposefully . . . subjective" standard.¹⁸¹ Clause 2 requires adherence to "the spirit and the letter" of House Rules.

There is no question that Mr. Baker's abusive actions towards Former Staffer A, both during and after her employment in Representative Esty's office, did not reflect creditably on Representative Esty's office or the House as a whole, in violation of clause 1 of the Code. His actions during Former Staffer A's employment in Representative Esty's office were also inconsistent with, at minimum, the spirit of the prohibition on sexual harassment, in violation of clause 2. However, because Mr. Baker is no longer a House employee, the Committee does not have jurisdiction over him. Accordingly, the Committee's investigation instead focused on

¹⁷⁶ 18(a) Interview of Staffer D; 18(a) Interview of Representative Esty; Exhibit 28.

¹⁷⁷ House Rule XXIII, c. 9. The Committee has long held "that sexual harassment is a form of sex discrimination," and that such behavior violates clause 9. *Ethics Manual* at 268-69. On February 6, 2018, the House amended clause 9 to confirm that "committing an act of sexual harassment" is prohibited under the Rule.

¹⁷⁸ *Gary v. Long*, 59 F.3d 1391, 1395 (D.C. Cir. 1995) (citations omitted).

¹⁷⁹ *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993).

¹⁸⁰ See *Tucker v. Johnson*, 211 F.Supp.3d 95, 101 (D.D.C. 2016) (citation omitted) (describing the legal standard for Title VII claims in the D.C. circuit as "demanding").

¹⁸¹ 114 Cong. Rec. 8778 (Apr. 3, 1968) (Statement of Representative Price).

whether Representative Esty’s actions—or lack thereof—in connection with Mr. Baker’s behavior violated applicable ethics standards.

Under Title VII jurisprudence, employers may be held vicariously liable for sexual harassment by a supervisory employee.¹⁸² The Committee has also long held, in other contexts, that a Member is generally responsible for violations of the Code of Conduct that occur in their offices.¹⁸³ This is true even where the Committee has not found evidence that the Member was aware that the underlying misconduct took place.¹⁸⁴ However, the Committee has declined to hold Members accountable for their employees’ misconduct where they have taken appropriate actions to prevent or stop that misconduct.¹⁸⁵ To determine whether Representative Esty bears responsibility for Mr. Baker’s behavior, the Committee’s investigation explored: (1) when Representative Esty knew about Mr. Baker’s inappropriate behavior toward Former Staffer A; and (2) whether Representative Esty exercised reasonable care to prevent and promptly correct Mr. Baker’s behavior once she learned of it.

1. *Representative Esty’s Knowledge of Mr. Baker’s Misconduct Prior to May 2016*

The Committee was presented with unrefuted evidence that Representative Esty was unaware of Mr. Baker’s behavior towards Former Staffer A until at least May 2016. The Committee heard from all relevant witnesses that Mr. Baker’s treatment of Former Staffer A was hidden from Representative Esty while it was ongoing, such that Representative Esty “could [not] have known” that the mistreatment was occurring.¹⁸⁶ To some extent, this may have been a product of the office structure created by Representative Esty. Several staffers in Representative Esty’s office did not feel they could address their concerns about Mr. Baker directly with her.¹⁸⁷

¹⁸² *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998); *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 747 (1998). The *Faragher* and *Ellerth* decisions held that an employer is vicariously liable for actionable harassment by a supervisor but the employer may assert an affirmative defense to liability when no tangible employment action was taken. *Faragher*, 524 U.S. at 807, *Ellerth* 524 U.S. at 765. The affirmative defense requires the employer to show 1) “the employer exercised reasonable care to prevent and promptly correct any sexually harassing behavior,” and 2) “that the plaintiff employee unreasonably failed to take advantage of any preventative or corrective opportunities provided by the employer or to avoid harm otherwise.” *Faragher*, 524 U.S. at 807.

¹⁸³ See Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rpt. 112-642, 112th Cong. 2d Sess. 97 (“Members are responsible for violations that occur in their office, and cannot shield themselves from liability by using staff as a proxy for wrongdoing”); Comm. on Ethics, *In the Matter of Allegations Related to Representative Ed Whitfield*, H. Rept. 114-687, 114th Cong., 2d Sess. 44 (The Committee found that Representative Whitfield violated House rules “by failing to establish clear guidelines and limits for his staff, which resulted in impermissible lobbying contacts between the staff and his wife”); Comm. on Standards of Official Conduct, *Investigation Into Officially Connected Travel of House Members to Attend the Carib News Foundation Multi-National Business Conferences in 2007 and 2008*, H. Rpt. 111-142, 111th Cong. 2d Sess. 192 (2010)(“[B]ased on the Standards Committee’s longstanding precedent . . . the Subcommittee finds that it would not well serve the House as an institution to allow its Members to escape responsibility by delegating authority to their staff to take actions and hide behind their lack of knowledge of the facts surrounding those actions . . .”).

¹⁸⁴ Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. “Bud” Shuster*, H. Rpt. 106-979, 106th Cong. 2d Sess. 64 (2000) (hereinafter *Shuster*).

¹⁸⁵ Comm. on Ethics, *In the Matter of Allegations Relating to Representative Maxine Waters*, H. Rpt. 112-690, 112th Cong. 2d Sess. 7-8.

¹⁸⁶ 18(a) Interview of Former Staffer A; 18(a) Interview of Mr. Baker; 18(a) Interview of Staffer B.

¹⁸⁷ See *supra* Section IV(A).

Representative Esty herself noted that Mr. Baker “managed up” to her in a way that prevented her from hearing of concerns directly from her D.C. staff.¹⁸⁸ However, Former Staffer A testified that she believed she could have told Representative Esty about the mistreatment, and that Representative Esty would have taken immediate and decisive action, but, due to her concern for her career and Representative Esty’s political future, she decided not to report Mr. Baker’s mistreatment.¹⁸⁹

This is not a criticism of Former Staffer A’s decision to keep this abuse from Representative Esty. Former Staffer A testified that Mr. Baker threatened to retaliate against her if she reported his behavior, and, perhaps most insidiously, told her that reporting his behavior would hurt Representative Esty. The Committee recognizes that individuals working for elected officials may fear the political consequences of reporting misconduct. In the Committee’s view, it is imperative that Members and the whole House community should strive to make staff aware of the resources that are available to them, and to try to ensure that staff feel comfortable making use of those resources, which should include their employing Member, OOC, the Office of Employee Assistance, the newly created Office of Employee Advocacy, and the Committee itself. The Committee also takes this opportunity to urge any individual in the House community who has suffered or witnessed abuse perpetrated by any other individual in the House community to report that abuse to one of those entities.

2. *Representative Esty’s Efforts to Prevent and Correct Mr. Baker’s Misconduct*

The record shows that, once Representative Esty learned of allegations that Mr. Baker’s acted abusively towards a former staffer, she took steps to investigate Mr. Baker’s behavior throughout his employment in her office and, when she received the results of that investigation, terminated him. While the Committee found that, as she herself acknowledged to the Committee, Representative Esty could have better handled the investigation into Mr. Baker’s behavior, the Committee also found that, particularly in light of the guidance she was given by OHEC, Representative Esty’s actions during that time period warrant no further action.

Representative Esty testified that, on May 10, 2016, she learned about Mr. Baker’s treatment of Former Staffer A after the happy hour event, at which time she also learned for the first time that they had previously been in a relationship. While the Committee received conflicting evidence as to the exact details and timeline of the following week, what is clear is that in the days that followed, Representative Esty: (1) talked to Former Staffer A to discuss what she had learned and let her know she would be looking into Mr. Baker’s behavior; (2) talked to Mr. Baker to inform him that she knew about the May 5, 2016, incident, that she was going to be conducting an investigation, and that he needed to stop drinking, get into an alcohol recovery program, and go to anger management and any other therapy program that might be helpful; (3) conferred with counsel as to how best to proceed going forward; and (4) asked Former Chief to interview staffers in her Washington, D.C., office about office management practices and morale in the office. At some point, Representative Esty also asked Campaign Treasurer to interview staffers in her district office about office management practices and morale in the office. Representative Esty then announced

¹⁸⁸ 18(a) Interview of Representative Esty.

¹⁸⁹ 18(a) Interview of Former Staffer A.

in an all-staff meeting that Former Chief and Campaign Treasurer would be meeting with staffers, although she did not detail the true reason behind these meetings. The interviews were conducted in July 2016.

Many of these steps were consistent with Representative Esty's duty to maintain a safe and non-discriminatory workplace. When faced with allegations of this magnitude, it is wholly appropriate for Members to seek to investigate and better understand the underlying conduct. However, there were problems with this sequence of events.

First, by selecting individuals who had pre-existing personal and professional relationships with both Representative Esty and the other individuals involved, and had no formal training as investigators, Representative Esty did not give the investigation the proper impartiality or professionalism it needed. While it is understandable that Representative Esty and Former Chief believed that it would be appropriate to have someone who knew the individuals involved, and who "had [Former Staffer A's] confidence and trust,"¹⁹⁰ interview the Washington, D.C., staffers, this selection unnecessarily muddied the waters as to the purpose of the staff interviews and the motives of those conducting them. As explained above, some of Representative Esty's staff had significant concerns that Former Chief was biased towards Mr. Baker, which was in part inflamed by Mr. Baker's own statements in the office. Representative Esty herself acknowledged that, "with the benefit of hindsight," she would have hired outside counsel to do a formal investigation.¹⁹¹

The Committee also notes that accepting the services of Former Chief and Campaign Treasurer without providing compensation, was inconsistent with House Rule XXIV, which generally prohibits the use of private donations, funds, or in-kind goods or services to support the activities of, or pay the expenses of, a congressional office. To the Committee's knowledge, OHEC never advised on or flagged the question of compensation for Former Chief and Campaign Treasurer.¹⁹² The Committee's investigation was focused on the issues of combatting sexual harassment and the propriety of severance payments; accordingly, the Committee declined to further review this issue.

Second, the Committee also found it concerning that Representative Esty did not provide any guidance or structure to Former Chief and Campaign Treasurer as to how to conduct their investigations or how to present the information to her upon its completion. Neither Former Chief nor Campaign Treasurer were experienced trained investigators or reviewed materials on how to conduct investigations before conducting their reviews.¹⁹³ According to Representative Esty, Campaign Treasurer was going to pass the results of her investigation along to Former Chief, and Former Chief "was going to take the responsibility for co-writing" the results of both investigations.¹⁹⁴ According to both Former Chief and Campaign Treasurer, however, they had

¹⁹⁰ 18(a) Interview of Representative Esty.

¹⁹¹ *Id.* (explaining her hindsight view to be based on "different sensitivities now and different awareness now and . . . more to the point, hearing from staff . . . in 2017, 2018, that they might have been uncomfortable" with the Former Chief leading the investigation.)

¹⁹² *Id.* ("OHEC, they knew what I was looking to do. [They] [a]t no point advised anything on, you need to pay someone to do this, [or] if somebody does it for free . . . That was never raised by anybody.")

¹⁹³ 18(a) Interview of Former Chief; 18(a) Interview of Campaign Treasurer.

¹⁹⁴ 18(a) Interview of Representative Esty.

no contact with each other about their investigations and presented their results separately: Former Chief in a written document and Campaign Treasurer orally.¹⁹⁵ Former Chief explained that she never spoke with Campaign Treasurer “[b]ecause [she] understood that [Campaign Treasurer] had spoken to the Congresswoman and gave her a report.”¹⁹⁶

Finally, there is no apparent or justifiable reason for the lengthy delay in conducting the investigation, during which Mr. Baker remained in the office as Chief of Staff. This delay is especially concerning given that Mr. Baker’s role and responsibilities were not limited in the office during the investigation. As a result, staff members were put in the uncomfortable position of telling Former Chief about Mr. Baker’s inappropriate behavior while still reporting to him.¹⁹⁷

The Committee does not mean to suggest that the work Former Chief performed was unsatisfactory.¹⁹⁸ Indeed, the evidence in the record reflects that, once she began interviewing staffers on July 6, 2016, Former Chief conducted an impressive review, interviewing thirteen current and former staff of both the official and campaign sides in fourteen days, drafting and presenting an Office Assessment for the Member’s review the day after completing her interviews, and then interviewing Mr. Baker two weeks later. Representative Esty could have done more, however, to set up proper parameters which could ensure a reliable result from the investigation.

Even before the internal investigation, Representative Esty did not structure her office in the best manner to prevent discriminatory conduct. Representative Esty allowed Mr. Baker to cut off access and manage up to her, such that other staffers did not feel comfortable reporting Mr. Baker’s behavior to her.¹⁹⁹ After Mr. Baker’s departure, however, Representative Esty instituted new policies to ensure staffers have more direct access to her and encourage reporting of any inappropriate behavior.

The Committee recognizes that Members have broad discretion to fix the terms and conditions of the staff members they employ and that final employing authority rests with them.²⁰⁰ Nevertheless, Members are ultimately responsible for ensuring their offices function in accordance with applicable standards and they also must “take account of the manner in which their actions may be perceived.”²⁰¹ Representative Esty could have better handled the situation when, after learning of Mr. Baker’s inappropriate behavior towards Former Staffer A, she continued to employ him with no changes to his role or responsibilities and leisurely conducted an opaque “review of management practices” by close friends who were uncompensated. Representative Esty acknowledged this failing when, in her testimony to the Committee, she stated that if she could do

¹⁹⁵ 18(a) Interview of Former Chief; 18(a) Interview of Campaign Treasurer.

¹⁹⁶ 18(a) Interview of Former Chief.

¹⁹⁷ 18(a) Interview of Former Staffer A; 18(a) Interview of Staffer B; 18(a) Interview of Staffer C.

¹⁹⁸ Given the lack of documentary evidence surrounding Campaign Treasurer’s investigation, it is more difficult for the Committee to assess its adequacy. As Campaign Treasurer told Committee Staff, Mr. Baker did not even come up in her interviews. 18(a) Interview of Campaign Treasurer. Whether that was because district staff had not either been subjected to or witnessed any mistreatment, or because they were unaware as to the true purpose of the investigation, is unclear, but remains another outstanding question the Committee has as to the methodology of the investigation.

¹⁹⁹ See 18(a) Interview of Representative Esty.

²⁰⁰ *Members’ Handbook* at p. 4; Exhibit 2 at 3.

²⁰¹ *Shuster* at 64.

it over again, she “would have suspended [Mr. Baker] immediately,” and “either gotten outside counsel or OHEC or somebody who was trained in doing investigations to come in rapidly and do it in a matter of [] a week or two.”²⁰² Given, however, that the Committee had not previously issued guidance on this issue, Representative Esty relied on the advice of OHEC, conducted an investigation which resulted in a recommendation to terminate Mr. Baker, and promptly followed that recommendation, the Committee found that Representative Esty’s actions warrant no further action. The Committee also commends Representative Esty for the remedial steps taken in her office since Mr. Baker’s termination, which appear to have created a much improved environment.

In the future, however, the Committee expects this Report to put Members on notice that they are expected to institute feedback mechanisms and foster norms of communication in their offices to encourage the reporting of any potential misconduct, and to swiftly and adequately address any such reports. In situations like the instant case, Members would be well-served to utilize and properly compensate independent parties to conduct rapid and thorough investigations into the allegations, and then take decisive action once they receive results.

Members and employees alike should be able to work free from harassment or abuse of any kind. The Committee notes that House Resolution 630, which was passed on November 29, 2017, requires each Member, Officer, and employee of the House to complete an education program focused on workplace rights and responsibilities. The Committee is hopeful that this will increase awareness of sexual harassment and discrimination in the workplace, encourage Members and staff to identify any issues that may arise in their offices, and educate Members and staff about the range of resources available to them.

B. Payment of Lump Sum Severance to Mr. Baker

The payments made to Mr. Baker in connection with his termination from Representative Esty’s office raise questions as to whether Representative Esty violated House Rule XXIII, clause 8. The Committee reviewed this issue and concluded that Representative Esty did not violate any House Rules in connection with Mr. Baker’s termination payments.²⁰³

Clause 8 states “[a] Member . . . of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation such employee receives.” The Code of Ethics for Government Service further instructs every employee to “[g]ive a full day’s labor for a full day’s pay,”²⁰⁴ and federal law requires that appropriated funds are to be used solely for purposes for which appropriated.²⁰⁵ CHA regulations require employing Members to submit monthly salary certifications for their staff to ensure compliance with applicable regulations.²⁰⁶

²⁰² 18(a) Interview of Representative Esty.

²⁰³ As discussed above, OCE began a preliminary review into whether Representative Esty “authorized compensation to a former employee who did not perform duties commensurate with the compensation the employee received,” but terminated that review and did not transmit a referral to the Committee. *See supra* n.2.

²⁰⁴ Code of Ethics for Government Service ¶ 3.

²⁰⁵ 31 U.S.C. § 1301(a). *See also Ethics Manual* at 279.

²⁰⁶ *Members’ Handbook* at 4; Exhibit 2 at 3-4. *See also Ethics Manual* at 277.

Notwithstanding these restrictions, the “general terms, conditions, and specific duties of House employees traditionally have been within the discretion of the employing Member.”²⁰⁷ Accordingly, while a staffer is instructed to “give a full day’s labor for a full day’s pay,” the employing Member may dictate what a “full day’s labor” consists of.

Clause 8 aims to prevent fraud or misuse of the House payroll, particularly the use of “ghost employee” schemes. In such schemes, an employee is recorded on the payroll, but—with the Member’s knowledge—does not perform official work equivalent to the earnings he or she collects. The Committee has historically found violations of the “ghost employee” rule in cases where Members have knowingly converted official funds, originally disbursed as staff compensation, for their personal financial benefit or other unauthorized use.²⁰⁸ The Committee also found violations of the “ghost employee” rule where a Member did not profit or otherwise obtain a financial benefit from the misuse of official funds appropriated for staff compensation, but retained and paid an employee even though the Member knew the employee was not physically present to perform official work.²⁰⁹

The Committee considered whether Representative Esty’s payment of severance to Mr. Baker was a violation of clause 8. On July 20, 2016, after receiving Former Chief’s Office Assessment, Representative Esty immediately decided that Mr. Baker needed to be terminated, and began taking steps to effectuate his departure, including seeking guidance from OHEC the following week.²¹⁰ After receiving guidance from OHEC Counsel about the need to enter into a severance agreement with Mr. Baker, and being presented with three potential severance options on August 2, 2016, Representative Esty selected the least generous severance option available, which gave Mr. Baker a lump sum “severance” payment of \$5,041.67.²¹¹

House Rule XXIII, clause 8 states, “[a] Member . . . of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation such employee receives.” The *Members’ Handbook* advises that Members may issue lump sum payments to congressional employees “for any purpose” consistent with House Rule XXIII, clause 8(a), and the rules enumerated in the *Handbook*.²¹² The Committee has previously provided guidance that lump sum end-of-the year bonuses or other one-time payments recognizing a particular accomplishment are generally permissible.²¹³ Such payments are

²⁰⁷ *Ethics Manual* at 267; see also *Members’ Handbook* at 4 (“the Member determines the terms and conditions of employment and service for their staff.”); Exhibit 2 at 3.

²⁰⁸ See Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Diggs, Jr.*, H. Rept. 96-351, 96th Cong., 1st Sess. 5-6, 44 (1979). See also *Ethics Manual* at 5.

²⁰⁹ See, e.g., Comm. on Standards of Official Conduct, *In the Matter of Representative Austin J. Murphy*, H. Rept. 100-485, 100th Cong., 1st Sess. 4 (1987); Comm. on Standards of Official Conduct, *Summary of Activities, One Hundredth Congress*, H. Rept. 100-1125, 100th Cong., 2d Sess. 15-16 (*In the Matter of Delegate Fofo I.F. Sunia and Matthew K. Iuli*); Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson*, H. Rept. 96-930, 96th Cong., 2d. Sess. 2 (1980).

²¹⁰ 18(a) Interview of Representative Esty.

²¹¹ *Id.*; Exhibit 20; Exhibit 23.

²¹² *Members’ Handbook* at 11. See also Exhibit 2 at 8-9; 2 U.S.C. § 4537 (providing that House employees may be paid “lump sums” for any purpose in an amount less than the monthly pay of the employee, and granting CHA authority to prescribe related regulations.).

²¹³ *Ethics Manual* at 284.

consistent with the Committee’s longstanding guidance that “[b]efore making any lump sum payment, a Member must be satisfied that the employee has performed services for the congressional office that are commensurate with the amount the employee is to be paid in the lump sum combined with his or her regular salary.”²¹⁴

A lump sum payment of severance does not necessarily run afoul of clause 8, but leaving an employee on House payroll for a period of time when they are not performing official work, as “severance,” does.²¹⁵ Knowingly paying an absentee employee a salary is a violation of clause 8.²¹⁶ Thus, the Committee cautions Members that the first two options presented by OHEC Counsel to Representative Esty, which both include “remain[ing] on the payroll as paid severance for _____ month(s) without reporting to work or performing any services,” are in violation of House Rule XXIII, clause 8.²¹⁷

Representative Esty paid a lump sum payment to Mr. Baker, relying on the advice of OHEC, in exchange for his waiver of any legal claims and various additional commitments to ensure a smooth transition, such as writing an exit memo and surrendering all his passwords and equipment. Accordingly, the Committee found that she did not violate any House Rules in connection with Mr. Baker’s termination payments. As noted above, on March 28, 2018, shortly before the news stories broke concerning Mr. Baker’s departure from her office, Representative Esty repaid the U.S. Treasury for the \$5,041.67 in severance, but she was not required to do so.²¹⁸

C. *Representative Esty’s Conduct Warrants No Further Action by the Committee*

The Committee concluded that while Representative Esty could have better handled Mr. Baker’s termination, her actions do not merit further action by the Committee. The Committee is guided in part by its recent decision in *In the Matter of Allegations Relating to Representative Mark Meadows*.²¹⁹

In that case, Representative Meadows was similarly faced with allegations that his Chief of Staff had sexually harassed members of his staff, and conducted an investigation into those allegations. Representative Meadows, however, did not follow the investigator’s recommendation

²¹⁴ *Id.* at 283.

²¹⁵ The question of the permissibility of severance under clause 8 has been a longstanding subject of discussions between the Committee’s non-partisan staff, OHEC, and CHA staff, and will continue to be in order to provide clearer guidance to the House community. In prior Congresses, Committee staff may have given inconsistent guidance as to whether leaving an employee on the payroll as part of a negotiated severance agreement violates clause 8. The Committee itself did not have a chance to weigh in on this question until it did so recently in the matter of Representative Meadows.

²¹⁶ This does not prohibit a Member from placing an employee on administrative leave while investigating allegations of misconduct, so long as the paid administrative leave is in accordance with office policy and for a reasonable period of time for an investigation.

²¹⁷ There may be circumstances where “severance” may be provided in the form of extra paid leave at the end of a staffer’s employment, on the grounds that such leave is part of the expected compensation for the position. In those circumstances, the “severance” practice must be part of a uniformly applied written policy.

²¹⁸ *See supra* nn.5 & 163.

²¹⁹ Comm. on Ethics, *In the Matter of Allegations Related to Representative Mark Meadows*, H. Rept. 115-1042, 115th Cong., 2d Sess.

to fire his Chief of Staff, but instead kept him on the payroll for another nine months, with supervisory responsibilities over the complainants for several of those months. In addition, after Representative Meadows informed the Chief of Staff of the allegations, the Chief of Staff requested that he be granted access to review the emails of other staff – access which he did not previously have. Representative Meadows granted that request. Representative Meadows also paid his Chief of Staff “severance” upon his termination, but rather than doing so as a lump sum payment negotiated by counsel in exchange for something of value to the office, Representative Meadows simply left his Chief of Staff on the payroll and did not seek guidance from any appropriate entities.

In the instant case, while the Committee has explained above how Representative Esty could have improved the investigation, upon learning of the allegations, Representative Esty directed that a review of Mr. Baker’s behavior be undertaken. While Mr. Baker’s conduct was under review, Representative Esty mandated that he seek and receive counseling for both alcohol abuse and anger management, and confirmed that he was actually receiving such counseling.²²⁰ After receiving the results of the review, Representative Esty followed the recommendation she was given. Representative Esty also sought the advice of OHEC throughout the process, including after she made the decision to terminate Mr. Baker’s employment. When she terminated him, she chose from options identified by OHEC and provided Mr. Baker with the least generous severance option presented to her. Mr. Baker was removed from her office within three months. After Mr. Baker’s departure, Representative Esty took additional steps to change office policies and procedures to make her more available to all of her staff, and required her staff to participate in sexual harassment trainings to ensure that mistreatment in her office would not happen again. Despite her missteps, Representative Esty’s response demonstrated that she took her obligation to protect her staff seriously.

VI. CONCLUSION

The Committee takes allegations of sexual harassment and discrimination extremely seriously. Mr. Baker’s behavior toward Former Staffer A has no place in the House of Representatives. The House of Representatives should be a workplace free of physical, verbal, or emotional abuse, and it is the responsibility of Members to ensure that each of their offices remains so.

When she learned that Mr. Baker may have mistreated Former Staffer A, Representative Esty could have acted more promptly and enlisted more appropriate resources to investigate. Falling short of ideal practices, however, is not the same as violating House Rules. Furthermore, the Committee has not previously provided guidance on what those ideal practices are; in the absence of that guidance, Representative Esty sought legal advice from private counsel and OHEC and reasonably relied on that advice. Based on the totality of the circumstances, therefore, the Committee found that Representative Esty’s actions warrant no further action.

The House has made and is still considering several changes to its rules and processes relating to workplace discrimination or abuse. The House should be a leader in this area and strive

²²⁰ See *supra* n.104.

to set an example of ideal practices. The Committee therefore takes this opportunity to provide general guidance on the ideal response when Members learn of allegations of inappropriate or discriminatory behavior by a House employee. The best practices in each instance will necessarily be dependent on the specific facts at issue. Generally speaking, the Member should take swift action to ascertain the veracity of the allegations and prevent further potential harm. If the Member is unable to immediately determine the veracity of the allegations, the best course of action would be for the Member to limit the employee's interaction with and supervision of other staff while conducting an impartial investigation into those allegations using a neutral third party, ideally a trained independent investigator (who must be properly compensated for such services). If a Member determines their employee engaged in inappropriate behavior, appropriate disciplinary action should be taken. And if that employee's behavior put the safety or well-being of those in the office at risk, the best practice would be for the Member to remove that employee from the office either permanently or until they can be assured the employee no longer poses a risk to staff. The Committee believes that no severance payments should be made to employees who are discharged due to their own unethical conduct.

The Committee hopes this Report will not only serve as a guide to Members in how to respond to allegations of harassment or discrimination in their offices, but also serve as a reminder to the whole House community of the resources that are available to Members and staff, including the Office of Compliance, the Office of Employee Assistance, the newly created Office of Employee Advocacy, and the Committee itself. The Committee also recognizes the challenges and pressures that prevent many victims from reporting their abuse and commends the bravery of those who do so, including the individual identified in this Report as Former Staffer A.

Upon publication of this Report, the Committee considers the matter closed.

VII. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(c)

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.