

September 17, 2007

TO: Bipartisan Senate Committee of Review
From: Office of Legislative Research and Legislative Commissioners' Office

DISCIPLINARY ACTIONS IN OTHER STATES' LEGISLATIVE BODIES

Almost all state constitutions provide that each chamber of the legislature can discipline its respective members. Although the basis for disciplinary action varies, disorderly conduct is the most common. The penalties available to each chamber generally range from a reprimand for minor punishable offenses to expulsion for the most egregious conduct.

To obtain information on disciplinary actions taken by other state legislatures, we (1) contacted the National Conference of State Legislatures and the Center for Public Integrity; (2) conducted Internet searches of newspapers and state legislative websites; (3) posed questions to legislative librarians on their Listserv; and (4) contacted legislative and state librarians, nonpartisan and caucus staff, parliamentarians, and chamber clerks. Although we received some information from most of these resources, we relied primarily on information from librarians and other legislative staff. Where we could, we obtained primary documents such as procedural rules, committee reports, journal transcripts, and resolutions. We have included applicable procedural rules. We can provide the other documents if you like.

This report includes only those actions in other states in which the legislature took some formal action, even if the legislator under investigation resigned or the legislative chamber ultimately voted to take no action. The report does not include cases in which the legislature failed to take any initial action; generally when the conduct in question was criminal and the legislator was prosecuted.

Even with this exception, time constraints prevented us from obtaining an exhaustive list with complete details of disciplinary actions. For example, we do not have any information on cases in Arkansas, Colorado, Florida, Kentucky, Louisiana, Mississippi, New Jersey, Oklahoma, Oregon, or Washington. The report does, however, include disciplinary actions from around the country.

Analysis of Cases

We found slightly more Senate actions than House actions. Procedurally, the chamber investigating misconduct generally referred the case to a standing or special ethics committee to conduct the actual investigation. The committee completed the investigation and reported its findings and recommendations to the full body, which usually accepted or followed the recommendations.

Table 1 shows details of 63 disciplinary actions in 28 states. Some states, such as New Hampshire and Minnesota, were both very active and very responsive to our request for information. In these cases, eight states, Alaska, Arizona, Maryland, Massachusetts, Michigan (2), Pennsylvania, South Carolina, and West Virginia, imposed the most severe punishment, expulsion. In Minnesota, New Hampshire, South Dakota, Utah, and a third Michigan case, motions to expel failed. In a majority of cases where expulsion was the final outcome, the conduct being punished was related to official, rather than private, conduct.

Twelve legislatures imposed the second harshest penalty, censure, 15 times. The censure cases were in Alaska, Georgia, Hawaii, Maine, Minnesota (3), New Hampshire (2), New Mexico, North Carolina, Pennsylvania, South Dakota, Utah, and Virginia. Legislatures imposed censure in these states for both public and private misconduct, ranging from berating other legislators in Maine to use of position for personal gain in Alaska and Virginia to criminal conduct in Georgia and Hawaii.

Case investigations are ongoing in Alabama and North Carolina. There have been no cases in the past several decades in Illinois, Kansas, or Missouri. Our research also revealed no cases in recent years in Montana, Nebraska, Nevada, North Dakota, Rhode Island, Vermont, Wisconsin, or Wyoming; however, we have not yet confirmed this.

Legislatures in the remaining cases imposed various forms of reprimand, voted to impose no sanction, or took no action because the legislator resigned before the full body could act.

<i>LEGAL AUTHORITY</i>	<i>INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
ALABAMA*				
Constitution Art. 4, § 53	In 2007, Sen. Charles Bishop punched Sen. Lowell Barron on the Senate floor.	The Senate president appointed a five-member bipartisan Senate Ethics and Conduct Committee to review the complaint.	The committee hired an attorney to assist it in the review.	Investigation is on-going.
ALASKA				
Constitution Art. 2, Sec. 12	In 1984, Sen. George Jacko used or attempted to use his position to gain sexual favors from a legislative page.	The Senate subcommittee of the Select Committee on Legislative Ethics took evidence.	The committee found that Sen. Jacko had engaged in the conduct and issued a report recommending censure.	Censure through adoption of the report by the Senate.
	In 1982, Sen. George H. Hohman, Jr. was convicted of bribery and receiving a bribe in connection with taking of vote.	The Senate Rules Committee reviewed the record of the jury trial and took testimony from Sen. Hohman, witnesses on his behalf, and his attorney.	Expulsion recommended in Senate Resolution.	Expulsion by adoption of Senate Resolution.
ARIZONA				
Constitution Art. 4, Part 2, § 11	In 1991, Sen. Carolyn Walker was one of 11 legislators indicted in a year-long undercover operation on vote selling. Sen. Walker was videotaped taking money from a paid informant for her support of legislation that would have legalized casino gambling. The legislation did not pass.	<p>The Senate referred the matter to the five-member Ethics Committee, which adopted rules for receiving and investigating complaints.</p> <p>The Senate retained special counsel to advise the Senate and the committee and to conduct a preliminary investigation into the allegations against Sen. Walker. Counsel reported his findings and recommended that the committee issue a complaint charging Sen. Walker with unethical conduct.</p> <p>The committee issued the complaint, held two public hearings on it, and subsequently issued a report to the Senate.</p>	<p>The committee found that Sen. Walker engaged in unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws.</p> <p>It unanimously recommended that Sen. Walker, the majority whip, be expelled.</p>	Expulsion.

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CALIFORNIA*				
Constitution Art. 4, §§ 4, 5, 13, and 15	In 1994, Sen. Frank Hill was convicted of extortion.	A demand was made on the Senate floor for Hill's expulsion. The Rules Committee put aside consideration after receiving Hill's resignation letter, but he did not set a resignation date	The Rules Committee later voted 4-0 to expel Hill.	Resignation (before vote on resolution).
DELAWARE*				
Constitution Art. 2, § 9	In 2007, Rep. John Atkins assaulted his wife after using his legislative position to avoid a drunk driving arrest. He was stopped by police after the pickup truck he was driving was seen speeding and drifting. He was not cited or arrested despite a preliminary breath test of 0.14 BAC.	The House Ethics Committee, a standing committee established by House Rules, investigated and made recommendations.	The committee unanimously found that Atkins violated House rules and brought the chamber into "disrepute" by using his position in an effort to be treated leniently during the traffic stop and ensuing events culminating in his arrest. In voting to censure, the committee recommended he surrender his legislative identification car and license tag, pay a \$550 fine, forego any committee chairmanships, undergo an alcohol abuse evaluation, and complete court-ordered domestic violence counseling.	Resignation (before scheduled House debate on a censure resolution).
GEORGIA				
Constitution Art. 3, § 4, Paragraph 7	In 2000, Rep. Arnold Ragas failed to file campaign finance reports and ignored the order to pay fines.	Representative Snow introduced a proposed resolution (House Resolution 747) reprimanding Rep. Ragas. The House referred the resolution to the Rules Committee. It was subsequently withdrawn from that committee and referred to the House Ethics Committee. As a standing committee, the House Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard. It is unclear	The committee voted in favor of the resolution.	Reprimand.

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		whether the committee held hearings.		
	In 1998, Sen. Ralph Abernathy III was detained at the Atlanta airport for possession of a small amount of marijuana.	Senators Madden, Cheeks, Oliver, and Middleton introduced a proposed resolution (Senate Resolution 459) censuring Sen. Abernathy. The Senate referred the resolution to the 13-member Senate Ethics Committee. As a standing committee, the Senate Ethics Committee could not vote on a matter before it without giving the sponsor the opportunity to appear and be heard (Senate Rule 2-1.9). It is unclear whether the committee held a hearing; however, Sen. Abernathy waived any notice and hearing with respect to the actions by the committee and Senate.	The committee returned the resolution with amendments that the Senate rejected.	Censure. (The senator also voluntarily resigned from his position as chairman of the Interstate Cooperation Committee.)
HAWAII*				
Constitution Art. 3, § 12	In March 1989, Sen. Steven Cobb was fined \$500 for soliciting an undercover policewoman. He wrote the Senate a letter of apology and told them it was an isolated incident. He was embraced by the Senate until it was later reported that he was involved in two earlier cases of soliciting prostitutes. He asked to be put on leave to attend therapy. In July 1989, his therapist said he was ready to resume his Senate duties.	In September 1989, 17 senators met in a closed-door session to decide what action to take. The Senate president presented the senator with recommendations for sanctions and they were adopted.	The sanctions, for the 1990 session, were: (1) remove Sen. Cobb as committee chairperson and vice chairperson, (2) remove him as a member of the Judiciary Committee, (3) require him to submit a formal letter of apology to the Senate and the people of Hawaii, (4) subject him to a "public reprimand" for soliciting prostitution, (5) tell him that any repeat incidents could result in expulsion from the Senate, and (5) reassign him to a smaller office.	Censure.
IDAHO*				
Constitution Art. 3, § 11	In 2005, Sen. Jack Noble introduced legislation that	Pursuant to Senate Rule 53, a six-member bipartisan Ethics Committee	The committee found that the senator gave false or deceptive information to the	Resignation.

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	benefited his family.	appointed by the Senate president pro tempore held four public hearings.	Senate State Affairs Committee about the origin of the legislation and his potential benefit. It recommended that the senator be censured and stripped of any leadership responsibilities.	
	In 1990, Sen. John Peavey took another senator's outgoing mail from the sergeant at arm's desk to determine if the mail volume limit was exceeded.	A six-member special committee determined facts, reached conclusions, and reported recommendations.	The committee found that the senator did not violate any Senate rules; however, his conduct showed a lack of good judgment. Recommended no formal action and an apology.	No formal action.
	In 1990, Representative Ray Infanger attempted to use his position for the benefit of his immediate family members.	The speaker appointed a six-member bipartisan committee to (1) review the letter of accusation written by the director of the Department of Labor and Industrial Services; (2) interview Rep. Infanger, the director, and one other knowledgeable person; and (3) report its findings and recommendations.	The committee found that a serious lack of judgment left the impression that Infanger used his position, contrary to public interest, to benefit a member of his family. Recommended a reprimand.	Reprimand.
INDIANA				
Constitution Art. 4, § 14	In September 1998, Sen. Steven Johnson had an affair with his Senate intern.	The Senate Committee on Legislative Ethics considered a complaint filed by Sen. Kent Adams. Sen. Johnson acknowledged a "moral and ethical" failure and apologized to the Senate.	The committee found Sen. Johnson to be immoral and unethical "in contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate." It recommended that Sen. Johnson (1) be removed as a committee chairman, (2) have his assigned seat on the Senate floor relocated to a less prominent place, and (3) receive no further punishment.	Removed as Senate committee chair and assigned Senate seat located in a less prominent position.
IOWA*				
Constitution	In 2006, Sen. Stewart Iverson took	The Senate Ethics Committee, a	Before the committee took any action,	None.

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Art. 3, Part 2, § 9	a position with a political action committee before his term ended.	standing committee, received a complaint.	Iverson returned his pay and quit the job. The committee dismissed the complaint.	
	In 2001, a complaint against Sen. Mike Sexton alleged conflict of interest for (1) sitting in on an environmental protection commission meeting regarding a fine of his employer and (2) quashing legislation as chairman of the Natural Resources Committee to prevent new regulations that would affect his employer.	The Senate Ethics Committee received a complaint.	The committee dismissed the complaint but required senators to ask for an ethics ruling in the future before taking jobs that might be a conflict of interest.	None
MAINE				
Constitution Art. 4, Pt. 3, § 4	In 2001, Rep. John Michaels "berated" two female senators during a State House argument over which committee should handle certain legislation.	The House Ethics Committee heard testimony and made recommendations to the House.	The committee unanimously recommended censure to the full House.	Censure (The resolution included a recommendation to take "corrective action to rehabilitate." Michaels complied and apologized.)
	In 1987, Rep. Donald Sproul was convicted of ballot tampering.	Adopted a resolution relating to the censure or expulsion of Sproul. Inquiry by House Committee on Elections with a report to the full House. Adopted a resolution establishing procedures. Resolution appointed special counsel and required the committee to adopt any necessary rules and procedures.	N/A	Resignation (before committee met).
MARYLAND				
Constitution Art. 3, § 19	In December 1997, Sen. Larry Young, chair of the Senate Subcommittee on Health, was accused of accepting gifts from health care companies and a state college, failing to disclose a contract	The presiding officers referred the matter to the Joint Committee on Legislative Ethics, a joint committee of the Senate and the House under Maryland state law (Md. Code Ann., State Gov't., § 2-701 et seq.). They	The Joint Committee on Legislative Ethics released its report on January 12, 1998 and made the following findings of ethical violations, among others: <ul style="list-style-type: none"> ▪ failure to disclose a contractual relationship with a state agency 	Expulsion (by a vote of 36-10).

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	<p>with a state agency, mixing his legislative and private office budgets, and using the prestige of his office for personal gain.</p> <p>He later was acquitted in court of all criminal charges.</p>	<p>requested that the committee convene immediately to make a thorough review of allegations of improprieties on the part of Sen. Young. They asked the committee to investigate all aspects of the senator's business practices as they related to his position in the legislature and to report back before the 1998 legislative session.</p> <p>From the outset, the co-chairs of the committee limited their investigation and report to potential violations of public ethics laws. The committee met in closed session a total of four times. Its first meeting was on December 9, 1997. During the third session, it met to interview Sen. Young, who was represented by counsel (that hearing was closed to the public at the senator's request). Sen. Young called one witness. The committee's report appears to indicate that its last meeting, the fifth one, was not closed to the public.</p> <p>After a month-long investigation, the committee reported. Four days later, the Senate voted.</p>	<p>(Coppin State College) and conflicts of interest concerning legislation that related to Coppin State College,</p> <ul style="list-style-type: none"> ▪ improper solicitation and acceptance of gifts, ▪ improper use of district office funds, and ▪ improper use of title for commercial purposes and use of prestige of office in connection with occupational activities. <p>The committee voted unanimously to recommend that the Senate:</p> <ul style="list-style-type: none"> ▪ remove Sen. Young immediately as a member of Senate leadership; chairman of any committee or subcommittee; and member of any standing, statutory, joint, or select committees or subcommittees; ▪ adopt a censure resolution; and ▪ consider an expulsion resolution based on its findings. 	
MASSACHUSETTS*				
Constitution Part 2, Chapter 1, § 2, Art. 4, and Part 2,	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two hearings, after which it determined that	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so serious as to render one who has	MacKenzie resigned at the third hearing. The committee

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Chapter 1, § 3, Art. 11	extortion, and conspiracy to violate the Travel Act in connection with their performance as senators.	disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its members. The committee held a third hearing to determine if the convictions "were compatible with [the senators'] continued service in the Senate..." ("Report and Recommendations Concerning Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie," Senate Committee on Ethics, April 1, 1977).	committed them unfit to continue to serve as a member of the Senate."	recommended expelling DiCarlo and declaring the seat vacant even though the senator's conviction appeal was pending in federal court. The Senate expelled DiCarlo after a daylong debate.
MICHIGAN				
Constitution Art. 4, § 16	In 2001, Sen. David Jaye was accused of three drunk driving convictions, two alleged physical altercations with his fiancée, having sexually explicit photos on his Senate-owned computer, and alleged verbal abuse of Senate staff.	Resolution created a bipartisan committee. Jaye had been progressively disciplined by Senate leadership previously.	Committee recommended expulsion.	Expulsion.
	In 1998, Sen. Henry Stallings employed a state worker in his art gallery and used public funds to pay the person.	Select committee investigated.	Committee recommended expulsion.	Resignation (prior to vote on expulsion).
	In 1978, Rep. Monte Gerald was convicted of embezzling funds from a legal client.	No information.	No information.	Expulsion.
MINNESOTA*				
Constitution Art. 4, § 7	In 2006, Sen. Dean made comments at a private meeting concerning alleged conversations he had with members of the state Supreme Court relating to the	The Senate Subcommittee on Ethical Conduct (a subcommittee of the Rules and Administration Committee) heard the matter.	The committee dismissed the complaint but voted unanimously to require a public apology to the Senate and a written apology to the group that held the meeting where the comments were made.	Required to apologize on the Senate Floor and to those at the meeting.

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	court's possible actions on the state's gay marriage statutes. A tape of the comments surfaced.			
	In 2004, Sen. Michael Jungbauer was accused of performing campaign activities from his Senate office.	The Senate Subcommittee on Ethical Conduct heard the matter.	The committee voted unanimously to require a written apology.	Required a written apology to each member of the Senate and the complaint was dismissed upon delivery of apologies.
	In 2003, Rep. Arlon Lindner made controversial statements about gays in the Holocaust and AIDS in Africa.	The House Ethics Committee (a standing committee) heard the matter.	The committee motion to censure failed. No further action.	None
	In 2001, a conflict of interest complaint was filed against Rep. Jim Abeler. Rep. Abeler voted on a funding measure dealing with charter school leases; he owned and leased a building to a charter school at the time.	The House Ethics Committee heard the matter.	The complaint was dismissed.	None
	In 1999, a conflict of interest complaint was filed against Sen. Dallas Sams. In his job as a consultant, the senator accepted a state contract that was related to legislation he authored.	The Senate Subcommittee on Ethical Conduct heard the matter.	The committee reported that Sen. Sams covered up a legal payment for consulting work. The payment was legal but the coverup was unethical.	Reprimand. The reprimand included a public apology to the Senate, his constituents, and the public; and removal as a member and vice-chair of the Human Resources Finance Committee.
	In 1996, Sen. Joe Bertram shoplifted a \$90 leather vest and offered money to the store owner to not file criminal charges.	A complaint was filed with the Senate Subcommittee on Ethical Conduct.	N/A	Resignation (before the committee voted).
	In 1996, Rep. Jeff Bertram pressured a businessman into giving a campaign contribution with the threat of doing business with a competitor; pressured a store-	The House Ethics Committee heard the matter.	The committee recommended censure by the House in open session; that he publicly admit on the House floor in open session to acts of misconduct specified in the committee report; that he apologize on the	Censure. The full House adopted the recommendations in the committee's report. Rep. Bertram consented. (A

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	owner to drop shoplifting charges filed against his brother, Sen. Joe Bertram; made false statements about several individuals; and engaged in other acts of intimidation, threats, and harassment.		floor to the House, his constituents, and each of the victims named in the report; that he agree to undergo a psychological evaluation for anger and report the results to the Speaker and the chairman and vice chairman of the Ethics Committee; and that he resign from all House committee chair or vice-chair positions and membership on legislative commissions.	minority report recommending expulsion was presented to the full House, but failed.)
	In 1996, Sen. Kevin Chandler was investigated about a domestic assault against wife.	The Senate Subcommittee on Ethical Conduct heard the matter.	The subcommittee reported that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.	The Senate adopted the subcommittee's report: that Sen. Chandler's decision to voluntary resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.
	In 1994 and 1996, Sen. Sam Solon was investigated for providing the Senate's long-distance access code to his ex-wife.	The Senate Subcommittee on Ethical conduct heard the matter.	The committee recommended voluntary resignation as chair of the Commerce and Consumer Protection Committee as an appropriate disciplinary action; that he be removed from membership on the Committee on Rules and Administration; that he make restitution to the Senate for the cost of the calls; that he apologize to the Senate in open session; and that the reprimand of March 24, 1994 (for giving telephone access code to lobbyists) be reaffirmed.	The Senate adopted the report after voting down an amendment seeking his resignation.
	In 1996, Sen. Florian Chmielewski was accused of abusing Senate phone privileges (allowing others to use phones for personal calls).	The Senate Subcommittee on Ethical Conduct heard the matter.	The sub-committee recommended removal from two committees; no use of the Senate phone code; no reimbursement for lodging expenses outside his district; and loss of seniority.	None. The Ethics Committee recommendations had to be approved by the Senate Rules Committee which had

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				no scheduled meetings until the following year. The recommendations expired and the senator was defeated in a primary election.
	In 1996, Rep. Bob Johnson was investigated for threatening the Public Safety commissioner when the State Patrol turned down his request to drive him to St. Paul for the funeral of a former governor. He also had three DWIs in two months.	The House Ethics Committee heard the matter.	The committee recommended that Johnson be censured by the House; that he repay to the House the portion of his salary that was paid or that may be paid while he was or may be incarcerated or under house arrest for DWI convictions; 120 hours of community service; and random tests for alcohol with results forwarded to the speaker and Johnson paying for the testing.	Censure. (A minority report recommending expulsion failed.)
	In 1996, Sen. LeRoy Stumpf was investigated for a conflict of interest relating to consultant contract.	Following media reports, Stumpf requested that the Senate subcommittee review the situation.	No information.	None.
	In 1996, Rep. Tom Workman was investigated for violating House Rules by releasing confidential documents and discussing actions of a closed House Ethics Committee hearing.	A complaint was filed with the House Ethics Committee.	N/A	None. The complaint was withdrawn and the ethics committee hearing opened to the public.
	In 1990, Rep. Jeff Conway was investigated for mishandling business client's money.	A complaint was filed with the House Ethics Committee.	N/A	Resignation (day before his scheduled appearance before the committee).
	In 1986, Rep. Randy Staten was investigated for writing bad checks and questionable campaign finance reporting.	The Select Committee on the Staten Case was created.	The committee recommended expulsion.	Censure, among other things. (An expulsion vote failed in the House, which then voted to censure and ordered him to: donate 18% of his pay for

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				the remainder of the year to a nonprofit chemical dependency program of his choice; perform 100 hours of volunteer service; undergo chemical dependency treatment; and, if campaign finance reporting problems continued, return all public financing money.)
NEW HAMPSHIRE				
Constitution, Part 2, Art. 22	In 2005, House Speaker Gene Chandler held a series of corn roast galas raising \$64,000 from supporters, lobbyists, and others who had business before the legislature. Chandler used the money for personal expenses such as car repairs, hotel stays, and meals.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee voted unanimously to recommend expulsion.	Censure (a vote to expel failed).
	In 2004, Rep. John Kerns was investigated for writing bad state checks, using his title to get a parking space reserved for school officials, and threatening officials when told to stop parking there.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee voted unanimously for expulsion.	Resignation (before House action).
	In 1998, Rep. Roland Hemon authored legislation for the third time to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended censure if Hemon represented that he would not introduce or sponsor similar legislation in the future. Otherwise, it recommended expulsion.	Censure (Hemon agreed to the committee's condition).
	In 1996, Rep. Roland Hemon authored legislation for the second time to impeach a probate judge	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended censure.	None (the House was not in session and the recommendation was not

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	involved in the case of his mother's estate.			considered).
	In 1994, Rep. Roland Hemon authored legislation to impeach a probate judge involved in the case of his mother's estate.	The Legislative Ethics Committee investigated, held hearings, and issued a report with recommendations.	The committee recommended a reprimand.	Reprimand.
NEW MEXICO*				
Constitution Art. 5, § 11	In 1991, Rep. Ronald G. Olguin was charged with solicitation of bribery and demanding a bribe by a public official and two other felony counts alleging that he sought \$15,000 for his consulting services in exchange for state funding.	The House adopted rules establishing the Rules and Order of Business Committee. A subcommittee investigated and recommended that the committee find probable cause to move to a formal hearing. The full committee agreed and held an evidentiary hearing.	The committee voted 11-4 to censure. A minority report recommended expulsion.	Censure. (Floor debate included a motion for expulsion that was defeated.)
NEW YORK				
Constitution Art. 3, §§ 7 and 9	From 1983 to 1986, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz.	In 1987, the Committee on Ethics conducted a five-week investigation that included testimony given in Rubin's trial in which he was found guilty of mail-fraud in that he caused a no-show secretary to be placed on the assemblywoman's payroll. The committee reviewed the state constitution, the proceedings of two constitutional conventions, and constitutional case law to determine if Article 3, Sections 7 and 9 authorize the Assembly to expel a member.	The committee found Lipschutz guilty of (1) falsely certifying personal service vouchers, (2) approving the hiring of a "no-show" employee knowing that the employee did not perform any official duties, and (3) committing the acts to obtain a political benefit. Assemblywoman Lipschutz cooperated with the U.S. Attorney in the Rubin trial and provided essential testimony after receiving a grant of immunity. The committee found that no member has ever been expelled and that the Assembly does not have the constitutional authority to expel a member. The committee recommended that (1) she resign (2) the Assembly remove her	Resigned (after the committee made its recommendations).

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			committee chairmanships, (3) she forfeit any rights or privileges of seniority, (4) the Assembly censure her, and (5) the state amend the constitution to authorize expulsion.	
NORTH CAROLINA*				
Constitution Art. 2, § 20	In 2007, an investigation of Rep. Thomas Wright by the state Board of Elections discovered evidence that Wright did not report hundreds of thousands of dollars in campaign contributions and he reportedly used a letter awarding a bogus grant to secure a bank loan for a foundation he controlled.	The Joint Legislative Ethics Committee began an investigation.	N/A	Committee investigation is not yet complete.
	In 1996, Rep. Ken Miller was investigated for improper advances toward a page, legislative employee, and lobbyist.	The House Ethics Committee investigated.	The committee recommended censure.	Censure.
OHIO*				
Constitution Art. 2, § 6	In 2006, Sen. Jeffry Armbruster was investigated after requesting a workers' compensation rate discount for his business.	The Joint Legislative Ethics Committee investigated.	The committee found that he violated a prohibition against using his position to represent his personal business interests before a state agency.	The matter was referred to an appropriate prosecutor. The senator was ineligible for reelection due to term limits and is no longer in office.
	In 2005, three members failed to disclose gifts of dinner and pro football tickets on disclosure forms.	The Joint Legislative Ethics Committee investigated.	The committee cleared them of any "wrongful intent" but required them to reimburse the costs to the lobbyist and attend one hour of ethic training.	Reimbursement of costs and training.
	In 1998, Sen. Jeff Johnson was investigated by the committee and then arrested on federal charges	The Joint Legislative Ethics Committee investigated.	The committee did not complete its investigation.	None.

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	after an FBI sting. The federal charges involved pressuring inner-city grocers for campaign contributions in exchange for help in obtaining government licenses for nutrition and food stamp programs and to sell liquor and lottery tickets. He was convicted under the Hobbs Act for using his using office to extort money.			
PENNSYLVANIA*				
Constitution Art. 21, § 11	In 1975, Sen. Frank Mazzei was found guilty of extortion in the Third Circuit Court of Appeals (<i>United States v. Mazzei</i> , 521 F2d. 639). He was sentenced to time in prison on April 11, 1975.	<p>The matter was referred to the Rules and Executive Nominations Committee four days after the senator's sentencing.</p> <p>It is unclear from the legislative history whether the Senate president pro tempore appointed a select committee to investigate prior to the matter's referral to the Rules and Executive Nominations Committee. But under the current rules, the Senate's secretary-parliamentarian prepares an expulsion resolution under the sponsorship of the chairman and vice-chairman of the Senate Committee on Ethics and Official Conduct when a member is found guilty of a crime the "gravamen which relates to the member's conduct as a senator.," and upon imposition of a sentence.</p> <p>On June 2, the Rules and Executive</p>	Upon a finding of guilty in federal court, the Rules and Executive Nominations Committee reported a resolution to the Senate floor recommending expulsion.	Expulsion (unanimous vote).

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		Nominations Committee reported a resolution.		
	In 1975, Sen. William Duffield admitted to misappropriating thousands of dollars from an estate for which he was executor and attorney. In October 1975, the chief justice of the Pennsylvania Supreme Court entered an order accepting the resignation of Sen. Duffield after the Disciplinary Board recommended a two-year suspension. The consent disbarment resulted from seven charges of professional misconduct against Sen. Duffield in his private law practice including: <ul style="list-style-type: none"> ▪ improperly converting \$7,500 from a client's estate to personal use, and ▪ co-mingling \$3,400 in funds between clients' estates. 	The Senate president pro tempore appointed a Senate Select Committee to inquire into the circumstances surrounding the voluntary disbarment of Sen. Duffield and advise the Senate as to what disciplinary action, if any, was warranted. The committee held a hearing on November 13, 1975 and four days later, on November 17, issued a report with its findings and recommendations. The Senate president pro tempore requested and received official documents containing specific allegations of misconduct from the Disciplinary Board of the Supreme Court of Pennsylvania. Sen. Duffield was notified of the inquiry and afforded the right to counsel. The hearing was conducted under oath and Sen. Duffield was allowed to present testimony and rebut or explain the charges against him.	The Select Committee found, in part: <ul style="list-style-type: none"> ▪ conversion of trust funds to personal use and compounding that act by co-mingling further trust funds to restore the converted amounts constituted a grave and serious matter and conduct unbecoming any public official and ▪ five of the seven disciplinary charges against Sen. Duffield involved negligent acts in the conduct of his private law practice and should remain within the purview of the Bar for discipline. The committee recommended that the Senate: <ul style="list-style-type: none"> ▪ remove Sen. Duffield for the balance of his term from his standing committee chairmanship and vice chairmanship, ▪ bar him for the balance of his term from membership on any standing committee, and ▪ adopt a censure resolution. 	Censure (unanimous vote).
SOUTH CAROLINA*				
Constitution Art. 3, § 12 Statutes: §§ 8-13-510 to 8-13-560,	In 1995, Sen. Theo Mitchell served a 90-day sentence for violating federal tax laws.	The Senate debated a resolution to expel. A motion to refer the matter to the Senate Ethics Committee failed.	N/A	Expulsion. The Senate, following a motion to expel, voted 38-7 to expel Sen. Mitchell despite objections by some senators that Sen. Mitchell should have been

<i>LEGAL AUTHORITY</i>	<i>INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
inclusive				afforded a hearing prior to taking up the motion to expel.
	In 1980, Sen. Eugene Carmichael was sentenced to ten years in prison by a federal judge for conspiracy to buy votes, obstruction of justice, and vote buying.	The Senate Ethics Committee investigated.	The Senate Ethics Committee found that he committed official misconduct	Resignation. The Senate voted to dismiss the charge of misconduct against Sen. Carmichael. Expulsion failed 21-24.
SOUTH DAKOTA*				
Constitution Art. 3, § 9	In 2006, an 18-year-old page contacted the attorney general alleging that Sen. Dan Sutton made sexual advances and inappropriately touched him at a motel.	<p>The Senate president pro tempore wrote to Sutton indicating he would refer the matter to the Senate's executive board if he did not resign within a week.</p> <p>The governor, in response to a request from the Senate's executive board, called the Senate into special session to investigate the allegations. In the meantime, Sutton won reelection.</p> <p>Sutton resigned the day after the Senate released its proposed rules for the special session, but stated that he intended to reclaim his seat in January 2007 pursuant to his reelection. The special session was cancelled.</p> <p>When the regular session convened, Sutton took the oath of office. The Senate voted to adopt the same rules as the previous session. It also adopted rules regarding discipline and</p>	<p>In its majority report, the Select Committee on Discipline and Expulsion recommended censure, finding that the senator exercised poor judgment in inviting and permitting a serving Senate page to share his motel room and bed. Further, that allegations arising out of that poor judgment resulted in public allegations of misconduct, which, though unproved, served to bring Sen. Sutton and the honor of the Senate into public disrepute.</p> <p>In a minority report, three dissenting senators concluded that something serious involving unwanted touching of a sexual nature occurred in Sen. Sutton's motel room during the period of February 5 to February 7, 2006. In its dissent, the minority wrote, "[g]iven the serious nature of the allegations and given our belief that the evidence shows an unwanted touching of a sexual nature happened during the nights in question, we cannot agree that censure is a sufficiently serious response to</p>	Censure (by a vote of 32-2; a vote to expel failed 14-20).

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		<p>expulsion of members as a new chapter in the rules.</p> <p>Sen. Sutton went to the circuit court and received an order prohibiting the Senate from holding any hearings about him under the rules. The state Supreme Court ruled that the courts had no jurisdiction to halt a legislative disciplinary process.</p> <p>The Senate voted 27-6 to appoint a Select Committee on Discipline and Expulsion to investigate.</p> <p>The committee held meetings and heard testimony, including from Sutton.</p>	<p>what we see as the misconduct of Sen. Sutton. We believe the committee should have made a recommendation of expulsion from the South Dakota Senate.”</p> <p>The committee voted 6-3 to recommend censure for conduct by a senator unbecoming the Senate.</p>	
TENNESSEE				
Constitution Art 1, § 12	In 2005, Sen. John Ford was investigated on charges including whether he resided outside his district, used campaign funds for his daughter’s wedding, and received consulting fees to help companies get state business. (Other entities also investigated misconduct by Ford, including the FBI in a bribery scandal called Operation Tennessee Waltz.)	A complaint was filed with the Senate’s Ethics Committee (a standing committee). The committee issued a subpoena and a subcommittee investigated and found probable cause for the full committee to investigate the issue of failing to disclose income. The full committee voted to bring in a special counsel to expand its investigation regarding consulting fees and deals. The special counsel presented a report of the investigation. The committee was preparing a six-count charge for ethical violations when Ford resigned.	Ford resigned before the committee issued its report.	Resigned (before the committee reported but after the FBI arrested him for bribery and other charges).
TEXAS*				

<i>LEGAL AUTHORITY</i>	<i>INCIDENT</i>	<i>PROCEDURE FOLLOWED</i>	<i>FINDINGS AND RECOMMENDATION</i>	<i>FINAL ACTION</i>
Constitution Article 3, §§ 8, 11, 18 and 20	In 1957, Rep. Cox was indicted for consenting to accept a bribe. He was censured by a House committee but the censure came after the member had resigned.	An investigatory committee was appointed pursuant to a resolution.	The committee recommended that the entire House censure Rep. Cox but take no other action in view of the fact that he had already resigned.	Resigned. It is unclear whether the entire House ever acted on censure.
UTAH				
Constitution Art. 6, § 10	In 1998, Rep. Melvin Brown was offered a position by a lobbyist.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further investigation was unwarranted or whether, after the preliminary inquiry, determined the charges were unfounded.	No recommendation of disciplinary action by the House Ethics Committee.	N/A
	In 1991, Rep. Dionne Halverson was convicted of shoplifting.	Pursuant to JR-16-04, the House Ethics Committee made a preliminary inquiry. It is unclear whether member waived the disciplinary hearing which would have required appointment of a special prosecutor.	The House Ethics Committee recommended expulsion.	The House voted against expulsion. Member was censured and subsequently resigned.
	In 1986, Sen. Paul Rogers was accused of applying undue pressure on the executive branch on a constituent's behalf.	Pursuant to JR-16-04, the Ethics Committee made an inquiry into the matter. It is unclear whether they determined initially that further investigation was unwarranted or whether, after the preliminary inquiry, they determined the charges were unfounded.	No recommendation of disciplinary action by the Senate Ethics Committee.	N/A
VIRGINIA*				
Constitution Art. 4, § 7	In 1987, Sen. Peter Babalas was accused of unethical conduct for utilizing his votes for his own pecuniary gain.		The Senate Rules Committee, by a 9-5 vote with Babalas (the chairman of the committee) abstaining, approved a resolution of censure of Babalas for unethical conduct.	Censure. The resolution prescribing that Babalas be censured was approved by the whole Senate by a vote of 25-14.

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WEST VIRGINIA				
Constitution Const. Art. VI, § 25	In 1972, Sen. W. Bernard Smith was convicted on federal vote tampering charges.	N/A	N/A	The member was expelled by a 2/3 vote pursuant to the constitution and corresponding Senate rule.

* indicates legislative rules are in the Appendix

N/A indicates that the category was not applicable to that particular case.