



North Carolina House of Representatives

House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright

REPRESENTATIVE RICK GLAZIER, CHAIR
REPRESENTATIVE PAUL STAM, VICE-CHAIR
REPRESENTATIVE MARVIN LUCAS

REPRESENTATIVE BILL MCGEE
REPRESENTATIVE EDITH WARREN
REPRESENTATIVE LAURA WILEY

To: Members of the House Select Committee to Investigate Alleged Misconduct and Other Matters Included in Indictments Against Representative Thomas E. Wright
From: Kory Goldsmith, Committee Co-counsel
Date: January 9, 2008
Re: Authority of Legislative Bodies to Discipline Members

Issues:

- What is the source of authority for a legislature to exclude, expel or discipline its members?
- What is the scope of that power?
- What types of behavior has been the subject of disciplinary sanctions?

Summary Points:

- A legislative body's authority to exclude, expel or discipline its members is constitutional.
- The scope of that authority includes the power to:
 - 1) Exclude a member, that is, to refuse to seat the member after an election; and
 - 2) Expel or discipline a member.
- The authority to expel or discipline members extends to conduct by a legislator that is public or private, civil or criminal, official or unofficial.

Discussion:

I. Constitutional Authority – A legislative body's authority to expel, discipline, or exclude a member has two constitutional basis.

- A. First is inherent in and organic to the principle of Separation of Powers.
- B. Second, every state constitution as well as the federal constitution contains language that makes each house the sole judge of the "election and qualifications" of its members.
 - North Carolina's Constitution provides "**Each house shall be judge of the qualifications and elections of its own members.**"¹ This language has been in the constitution since 1776 with only minor changes.²

¹ Art. II, Sec. 20, Constitution of 1971.

² Constitution of 1776 required concurrence of both chambers.

II. Scope of Authority.

- A. **Exclusion** - Applies to whether a member will be seated after an election.
- Is governed by constitutionally specified qualifications, such as the requirements of age, citizenship and residence contained in the United States or other states' constitutions.
 - Courts have held that Congress and state legislatures may not impose additional qualifications.³

B. **Expulsion and Discipline**

1. **Separation of Powers.**

- Courts and commentators have held that "every legislative body in which is vested the general legislative power of the state has the implied power to expel a member for any cause which it may deem sufficient."⁴
- The power is inherent in every legislative body because it is necessary to enable the body "to perform its high functions . . . [and] is necessary to the safety of the state."⁵
- "It is the power of self-protection" and the legislative body "must necessarily be the sole judge" of the circumstances which may justify and require its exercise.⁶
- The power to expel also includes the authority to impose lesser disciplines.⁷

2. **Elections and Qualifications**

- North Carolina's Constitution provides "**Each house shall be judge of the qualifications and elections of its own members.**"⁸
- The Supreme Court of Massachusetts examined its state's constitution and determined that the authority to be "judge of the returns, elections, and qualifications of its own members" did not limit the power of a legislative body. [T]hey are judges in other respects, in all respects."⁹
- Under a clause such as this, a legislative body could properly determine the grounds for an expulsion, including offenses that may

³ Powell v. McCormack, 395 U.S. 486 (1969); Bond v. Floyd, 385 U.S. 116 (1966).

⁴ French v. Senate of State of California, 1465 Cal. 604, 605 (CA S.Ct.) 1905; Hiss v. Bartlett, 69 Mass. 475 (MA S.Ct. 1855); Cushing, The Law and Practice of Legislative Assemblies, pp. 259 (Boston 1874).

⁵ Id. at French quoting Hiss.

⁶ Id.

⁷ Cushing at 251.

⁸ N.C. Const., Art. II, Sec. 20.

⁹ Hiss at 469.

not be punishable by a statute, but are inconsistent with a member's duty and trust.¹⁰

- 43 states and the federal constitution have additional language that requires a 2/3's vote of the body in order to expel a member. However, this has been held to be a limitation on the general power to expel, not a grant of power.

"If this provision were omitted, and there were no other constitutional limitations on the power [to expel], the power would nevertheless exist, and could be exercised by a majority."¹¹

- The only effect of the provision is to make the concurrence of two-thirds of the members elected necessary to its exercise. In all other respects the power to expel is absolute.¹²

3. Limitations on Power of Expulsion/Discipline

- Procedural due process – Courts have held that a legislative body must provide procedural due process to a member when considering whether to expel or discipline. This means the accused member must receive adequate notice, formal charges, and a public hearing with the right to cross-examine witnesses.¹³
- Because the authority to discipline legislators is exclusively committed to the legislative body, courts have no power to revise a disciplinary action taken by a legislature.¹⁴

"The oath of each individual member ...and [the member's] duty under it to act conscientiously for the general good, is the only safeguard to the fellow members against an unjust and causeless expulsion".¹⁵

III. Types of behavior that have been the subject of legislative sanctions

A. Generally

- Misconduct (civil, moral, official and unofficial) which may not strictly be an attack upon the house itself, but "is of such a nature as to render the individual a disgrace to the body of which he [or she] is a member."¹⁶
- Criminal indictments or convictions
- Violations of ethical standards
- Breaches of decorum or order

¹⁰ Story's Constitutional Law, Sec. 836.

¹¹ Hiss at 469.

¹² Id.

¹³ McCarley v. Sanders, 308 F.Supp. 8, 11. (M.D. Alabama, 1970).

¹⁴ French at 609.

¹⁵ Id.. See also Cushing at 251.

¹⁶ Cushing, pp. 251.

- Disobedience of the rules of the chamber

B. North Carolina

- Fraud/Larceny – 7 incidents
- Official Misconduct – 3 incidents
- Private Misconduct – 13 incidents
- Member under criminal indictment – 2 incidents
- Anti-social behavior – 2 incidents

C. Other States and Congress

- Data collected by the Connecticut's Office of Legislative Research and Legislative Commissioner's Office indicates that out of 86 disciplinary cases, 46 involved conduct that was the subject of a criminal investigation, charge or conviction. Of those 46 cases, there were 9 instances where the legislature commenced its investigation after the member was charged or arrested for a crime. In two additional cases the criminal investigations continued during the legislative investigation.¹⁷

Conclusion

- The North Carolina Constitution provides each chamber of the General Assembly with the authority to expel or discipline its members.
- That authority to expel or discipline is inherent to the body. It rests in the principle of Separation of Powers as well as the language of Article II, Section 20, which provides that each house be the judge of the elections and qualifications of its members.
- The authority to expel or discipline members extends to conduct that is public or private, civil or criminal, official or unofficial.

¹⁷ Memo entitled "Disciplinary Action in other States' Legislative Bodies that Involved Criminal Conduct" to the Bipartisan Senate Committee of Review dated October 2, 2007.

Expulsion, Exclusion, or Censure of Legislators by the General Assembly

A	B	C	D	E	F
1 Date	Legislator	Charge	Resolution	Notes	Constitutional provision
1 11/23/1757	James Carter - Rowan County	Mishandling public funds - failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed.	Expelled from House	North Carolina Colonial Records, Vol. V, pp. 846, 892-893	That the Senate and House of Commons... shall each have power to... be judges of the qualifications and elections of their members (Sec. 10, NC Constitution of 1776)
2 12/5/1758	Francis Brown - Currituck County	Conduct that was "Unworthy a seat [in the House of Representatives]" - admitted to committing perjury before a House investigative committee.	Expelled from House and "rendered incapable to serve as a Member of the Assembly."	Re-elected in 1760. House resolved that "Francis Brown is rendered incapable to sit and vote" in the House and that "his Excellency be addressed to direct the Clerk of the Crown to Issue a Writ for Electing a Member from the County of Perquimans to sit and vote ... in the stead of Mr. Francis Brown." North Carolina Colonial Records, Vol. V, pp. 1050-1051, 1057-58; Vol. VI, pp. 374-376, 473-474.	
3 12/20/1770	Hermon Husband (Husbands) - Orange County	Promoted "Riots and seditions in the County of Orange", published a letter "Libeling Maurice Moore, Jr." in his newspaper, "was guilty of gross prevarication and falsehood" when examined by a House committee regarding the alleged Libel, and threatened a riot if the House disciplined him.	Expelled from House - "Resolved that the conduct of [Hermon Husband] both as a Member of this House in particular and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly."	Dictionary of North Carolina Biography, Vol. 3, p. 243; North Carolina Colonial Records, Vol. VIII, pp. 268-270, 330-331, 471, 643, 645-646	
4 2/8/1779	William Gilbert - Tryon County	"Intentionally defrauded the publick to a Considerable amount" - duplicated vouchers for military goods	Expelled from House	Dictionary of North Carolina Biography, Vol. 2, p. 296; North Carolina Colonial Records (State Records of North Carolina), Vol. XIII, pp. 703-708	
5 11/1/1784	Edward Clay - Caswell County	Petty larceny (no criminal charge)	Expelled from the House	North Carolina Colonial Records (State Records of North Carolina), Vol. XIX, pp. 776-778, 782-787; Vol. XVII p. 181	
6 4/21/1784 (?)	Farquahard Campbell - Cumberland County	"This day a committee of the Senate resolved that F. Campbell's election is void, and that he be expelled the House. The election was palpably illegal, and some things appeared against his political character, which occasioned the resolve for expulsion."	Expelled from Senate	This account is contained in a letter from the Hon. A. MacLaine to George Hooper dated 4/21/1784 - State Records of North Carolina, Vol. XVII, pp. 134-135. Based on the language of the letter, it appears Mr. Campbell took office and was later expelled.	
7 11/23/1786	Benjamin Herndon - Wilkes County	"The election for a Senator in the County of Wilkes hath been illegally conducted."	Ordered that a writ of election issue to Wilkes County and that a new election be held.	State Records of North Carolina, Vol. XVIII pp 6, 14.	
8 12/1/1786	Benjamin McCulloch (McCulloh, McCulloch)-Halifax County	Fraud in the disbursement of public money (army accounts).	Expelled from Senate (?)	State Records of North Carolina, Vol. XX, pp. 408-409, 628-631 (1785-1788); Vol. XVIII, Prefatory Notes (1786).	

Expulsion, Exclusion, or Censure of Legislators by the General Assembly

A	B	C	D	E	F
10	12/1/1786 Philip Alston - Moore County	Murder indictment, threatened a riot if his opponent was elected, denied the existence of God and declared the Scriptures were set forth as a Scare-Crow to children, attempted to corrupt the conductors of the election.	Resolved - "Mr. Philip Alston was not eligible to a seat in the General Assembly at the time of his election, and that his seat therefore be vacated".	State Records of North Carolina, Vol. XVIII, p. 32	
11	12/15/1786 Henry Montfort - Warren County	Fraud in the disbursement of public money (army accounts).	Expelled from House	State Records of North Carolina, Vol. XVIII, pp. 306-307, 322-323	
12	12/14/1787 John Bonds - Nash County	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Expelled from House	House investigation and exclusion occurred while Bonds was under multiple criminal indictments for fraud and forgery. House of Commons Journal, December 12, 1787, State Records of North Carolina, Vol. XVIII, pp. 109, 150, 335, 370-372; XX, pp. 170-171, 213, 233-235.	
13	11/1/1788 Hardy Holmes - Sullivan County	Public Indebtedness - Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Initially excluded from taking a seat - "Mr. Holmes...is indebted to the public and that he was not eligible to a seat in this present General Assembly at the time he was Elected." On 11/29/88, he presented the "Certificate of his Election", was qualified agreeable to Law and was seated.	State Records of North Carolina, Vol. XX, pp. 494-495, 562.	
14	11/13/1789 Thomas Wade - Anson County	Public Indebtedness - Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Excluded from taking a seat - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."	State Records of North Carolina, Vol. XXI, p. 595	
15	12/2/1809 John Clary - Perquimans County	Criminal conviction of cohabitating with stepdaughter - "a crime so enormous as renders it unfit that he should be permitted to continue as member."	Resigned before resolution of expulsion could be voted upon.	Journal of the House of Commons of the State of North Carolina, 1809, pp. 10, 14, 20, 22; Dictionary of North Carolina Biography, Vol. 1 pp. 383-384	
16	1816 John Roberts - Carteret County	Forgery and fraud committed while an assistant paymaster during the War of 1812	Expelled from Senate - the resolution declare him ineligible for office and vacated his seat.	Dictionary of North Carolina Biography, pp. 227-228; No House Journal located.	
17	1/2/1835 Robert Potter - Granville County	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member."	Expelled from House	Engaged in a fight after a card game, during which he drew a pistol and a knife. Journal of the House of Commons, 1834, pp. 223-224, 231, 233-234 (December 29, 1834; January 1-2, 1835); Dictionary of North Carolina Biography, Vol. V, p. 133.	

Expulsion, Exclusion, or Censure of Legislators by the General Assembly

A	B	C	D	E	F
8/20/1868	William Long - Casewell county	Representative elect "is banned by the 14th Article of the Constitution of the United States"	House seat declared vacant	Journal record does not specify how the member was excluded under the U. S. Constitution. However, Section 3 of the 14th Amendment to the U. S. Constitution prohibits a person from holding any State or federal office if, while holding that office the person "engaged in insurrection or rebellion against the United States Constitution." Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1868, pp. 26, 205, 209-210	Each House shall be judge of the qualifications and elections of its own members. (Art. II, Sec. 24, 1868 Constitution)
18	1875 J. Williams Thorne	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality."	Expelled from the House	Record is unclear as to what the doctrine was, but during the debate, one member offered a substitute resolution accusing Thorne of "denying the being of Almighty God and entertaining religious views at variance with those which should control the action of a representative." That substitute resolution was later withdrawn. Another member moved to amend the resolution to read: "[T]he said J. Williams Thorne has written and published a pamphlet calculated to encourage infidelity and a want of confidence in the divine authenticity of the Holy Bible, thereby bringing it into contempt, and promoting vice and immorality." The amendment failed. Journal of the House of Representatives of the General Assembly of the State of North Carolina at its Session of 1874-75, pp. 261, 465-466, 489-490, 500-503 (p. 503; expelled February 24, 1875); 12 members of the House later submitted a letter of Protest explaining why they voted against the expulsion resolution and stating that "this action of the House is susceptible of being construed as indicative of a spirit of religious bigotry and persec-	
19	3/26/1880 Josiah Turner - Orange County	"[S]aid member from Orange has been guilty of the grossest improprieties upon the floor of this House in his disorderly, contumacious and defiant conduct, violating the rules of this House in a willfully disrespectful manner."	Censured, present when motion of censure was adopted; called to the Bar of the House to receive censure but left the House Chamber, then expelled from the House.	House Journal, 1880 (Special Session), pp. 114-115, and pp. 117-119 (March 26, 1880)	
20	5/13/1996 Ken Miller - Alamance County	Conduct unbecoming and unfitting of a member of the House of Representatives (Unsolicited and in appropriate remarks of a sexual nature to a female employee, to a female lobbyist, and to a female page.)	Censured by the House	Journal of the House of Representatives of the 1995 General Assembly of the State of North Carolina, Second Session 1996, pp. 11-13.	Each house shall be judge of the qualifications and elections of its own members. (Art. II, Sec. 20, Constitution of 1971)
21					

Incidences of Disciplinary Actions by Type of Behavior – State and Federal. Compiled by the Research Division of the North Carolina General Assembly.

Fraud - Larceny

<i>Date</i>	<i>State</i>	<i>Federal</i>	<i>Incident</i>	<i>Charge</i>
11/23/1757	North Carolina	<input type="checkbox"/>	Failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed"	Mishandling public funds
2/8/1779	North Carolina	<input type="checkbox"/>	Duplicated vouchers for military goods	"Intentionally defrauded the public to a Considerable amount".
11/11/1784	North Carolina	<input type="checkbox"/>	Stole eight shillings from a shop keeper	Petty larceny
12/11/1786	North Carolina	<input type="checkbox"/>	Fraud in the disbursement of public money (army accounts).	Fraud
12/15/1786	North Carolina	<input type="checkbox"/>	Fraud in the disbursement of public money (army accounts).	Fraud
12/14/1787	North Carolina	<input type="checkbox"/>	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Fraud
11/11/1788	North Carolina	<input type="checkbox"/>	Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Public Indebtedness, "was not eligible to a seat in this present General Assembly at the time he was Elected."

<i>Date</i>	<i>State</i>	<i>Federal</i>	<i>Incident</i>	<i>Charge</i>
11/13/1789	North Carolina	<input type="checkbox"/>	Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Public Indebtedness - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."
1/1/1816	North Carolina	<input type="checkbox"/>	Forgery and fraud committed while an assistant paymaster during the War of 1812.	Fraud - The resolution declare him ineligible for office and vacated his seat.
1/1/1893	North Dakota	<input checked="" type="checkbox"/>		Embezzlement
1/1/1974	Arkansas	<input type="checkbox"/>	Convicted of federal tax fraud	
1/1/1975	Pennsylvania	<input type="checkbox"/>	Consent disbarment resulting from charges including improperly converting client funds to personal use and co-mingling funds between clients estates	Converting trust funds to personal use and co-mingling further trust funds to restore the converted amounts constituted a grave and serious matter and conduct unbecoming any public official.
1/1/1977	Massachusetts	<input type="checkbox"/>	Convicted of extortion, conspiracy to commit extortion and conspiracy to violate the Travel Act.	Criminal convictions were not "compatible with 'the senator's] continued service in the Senate"
1/1/1978	Michigan	<input type="checkbox"/>	Convicted of embezzling funds from a legal client before becoming a legislator	
1/1/1986	Florida	<input type="checkbox"/>	Convicted of five felony charges of making misstatements on a SBA loan application	Conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives.

<i>Date</i>	<i>State</i>	<i>Federal</i>	<i>Incident</i>	<i>Charge</i>
1/1/1986	Minnesota	<input type="checkbox"/>	Pled guilty to felony theft charges - wrote total of 76 bad checks	
12/18/1987	Pennsylvania	<input checked="" type="checkbox"/>	Ghost voting; maintaining on his payroll persons not performing official duties commensurate with pay.	
1/1/1991	Utah	<input type="checkbox"/>	Convicted of misdemeanor shoplifting	
1/1/1994	South Carolina	<input type="checkbox"/>	Pled guilty to misdemeanor federal tax law violation	

Ethics/Conflict of Interest

<i>Date</i>	<i>State</i>	<i>Federal</i>	<i>Incident</i>	<i>Charge</i>
11/4/1929	Conneticut	<input checked="" type="checkbox"/>		Employing a staff member who was also employed by an interest group.
6/23/1967	Conneticut	<input checked="" type="checkbox"/>		Use of office to convert campaign funds to his personal benefit. Conduct unbecoming a senator
7/29/1976	Florida	<input checked="" type="checkbox"/>	Use of office for personal gain; failure to disclose interest in legislation	
1/1/1982	New Jersey	<input checked="" type="checkbox"/>		Corruption
7/31/1984	Idaho	<input checked="" type="checkbox"/>	False statements on financial disclosure form; conviction for same.	

<i>Date</i>	<i>State</i>	<i>Federal</i>	<i>Incident</i>	<i>Charge</i>
1/1/1987	Virginia	<input type="checkbox"/>	Voting in violation of conflict of interest rules	Unethical Conduct
7/25/1990	Minnesota	<input checked="" type="checkbox"/>		Unethical conduct
1/1/1991	Arizona	<input type="checkbox"/>	Indicted for taking money in return for supporting legislation	Unethical conduct in violation of Senate rules and personal and state campaign finance disclosure laws.
1/1/1992	Florida	<input type="checkbox"/>	Representing others before state agency, seeking a benefit inconsistent with public duties.	Legislator apologized for "any unintentional adverse effect his actions may have brought" on the House.
1/1/1994	Florida	<input type="checkbox"/>	Representing others before state agency	
1/1/1994	New Hampshire	<input type="checkbox"/>	Introducing legislation to impeach probate judge involved in case of mother's estate	
1/1/1995	Oregon	<input checked="" type="checkbox"/>		Sexual misconduct and abuse of power

<i>Date</i>	<i>State</i>	<i>Federal</i>	<i>Incident</i>	<i>Charge</i>
1/1/1996	Ohio		Accepted gifts from lobbyists	
1/1/1997	Indiana		Affair with intern	Immoral and unethical conduct "in contradiction to the high moral and ethical standards expected of members of the Indiana State Senate under the Rules of the Senate."
1/1/1997	Maryland	<input type="checkbox"/>	Bribery, extortion, filing false tax returns	Failure to disclose contractual relationship with a State agency; Conflict of interest concerning legislation; improper solicitation and acceptance of gifts; improper use of district office funds; improper use of title for commercial purposes.
1/1/1998	New Hampshire	<input type="checkbox"/>	Introducing legislation to impeach probate judge involved in case of mother's estate	
1/1/1999	Minnesota	<input type="checkbox"/>	Accepted state contract related to legislation he introduced	
1/1/2005	New Hampshire	<input type="checkbox"/>	Seven years of soliciting gifts from individuals who were likely to have matters pending before the legislature including businesses, lobbyists, and individuals. Pled guilty to failing to report gifts over \$50	(1) Solicitation/acceptance of gifts while knowing/believing givers were or were likely to be interested in matters pending before the legislature; (2) using public position to obtain gifts for private benefit; (3) disregarding obligation to report gifts.
1/1/2005	Ohio	<input type="checkbox"/>	Failed to disclose gifts on disclosure forms	

Private Misconduct - State

<i>Date</i>	<i>State</i>	<i>Incident</i>	<i>Charge</i>
<i>Yes</i>			
11/23/1757	North Carolina	Failed to purchase arms and ammunition "for the Defence of the Frontier County of Rowan" as directed"	Mishandling public funds
12/20/1770	North Carolina	Promoted "Riots and seditions in the County of Orange", published a letter "Libeling Maurice Moore, Jr.", lied when examined by a House committee regarding the alleged Libel, and threatened a riot if the House. disciplined him.	"Resolved that the conduct of [Hermon Husband] both as a Member of this House in particular and of the Community in general, has justly incurred the contempt of this House, and rendered him unworthy of a seat in the Assembly."
2/8/1779	North Carolina	Duplicated vouchers for military goods	"Intentionally defrauded the publick to a Considerable amount".
11/11/1784	North Carolina	Stole eight shillings from a shop keeper	Petty larceny
12/1/1786	North Carolina	Murder indictment, threatened a riot if his opponent was elected, denied the existence of God and declared the Scriptures were set forth as a Scare-Crow to children, attempted to corrupt the conductors of the election.	Resolved - "Mr. Philip Alston was not eligible to a seat in the General Assembly at the time of his election, and that his seat therefore be vacated".
12/11/1786	North Carolina	Fraud in the disbursement of public money (army accounts).	Fraud

<i>Date</i>	<i>State</i>	<i>Incident</i>	<i>Charge</i>
12/15/1786	North Carolina	Fraud in the disbursement of public money (army accounts).	Fraud
12/14/1787	North Carolina	Fraud - "having fraudulently drawn from the Commissioners of Army Accounts sundry due bills and Certificates."	Fraud
11/11/1788	North Carolina	Holmes was the Collector of the Public Tax in Sampson County and was "in arrears to the public for the Collection of the public Tax in the said County for the year 1787."	Public Indebtedness. "was not eligible to a seat in this present General Assembly at the time he was Elected."
11/13/1789	North Carolina	Wade "is in arrears to the public on account of his collection of the taxes of [Anson County] as late Sheriff."	Public Indebtedness - "Mr. Wade was not at the time of the election, nor is at this time, eligible to a seat in the present General Assembly."
1/1/1808	Tennessee		Disloyalty/Treason
12/2/1809	North Carolina	Criminal conviction of cohabitating with stepdaughter	Conviction of a "crime so enormous as renders it unfit that he should be permitted to continue as member."
1/1/1816	North Carolina	Forgery and fraud committed while an assistant paymaster during the War of 1812.	Fraud - The resolution declare him ineligible for office and vacated his seat.

<i>Date</i>	<i>State</i>	<i>Incident</i>	<i>Charge</i>
1/2/1835	North Carolina	Engaged in a fight after a card game, during which he drew a pistol and a knife.	Public reports that were "highly injurious" to member's reputation and "derogatory to the dignity of this House, touching on his conduct since he took his seat as a member."
1/1/1861	Arkansas		Support for Confederate rebellion
1/1/1861	Arkansas		Support for Confederate rebellion
1/1/1861	Kentucky		Support for Confederate rebellion
1/1/1861	Kentucky		Support for Confederate rebellion
1/1/1861	North Carolina		Support for Confederate rebellion
1/1/1861	North Carolina		Support for Confederate rebellion

<i>Date</i>	<i>State</i>	<i>Incident</i>	<i>Charge</i>
1/1/1861	South Carolina		Support for Confederate rebellion
1/1/1861	Tennessee		Support for Confederate rebellion
1/1/1861	Texas		Support for Confederate rebellion
1/1/1861	Texas		Support for Confederate rebellion
1/1/1861	Virginia		Support for Confederate rebellion
1/1/1861	Virginia		Support for Confederate rebellion
7/31/1861	Mo	Disloyalty to the Union - taking up arms against the United States	

<i>Date</i>	<i>State</i>	<i>Incident</i>	<i>Charge</i>
12/2/1861	Mo	Disloyalty to the Union - open rebellion against the Government	
1/1/1862	Indiana		Support of the Confederate rebellion
1/1/1862	Missouri		Support of the Confederate rebellion
1/1/1862	Missouri		Support of the Confederate rebellion
2/27/1873	Massachusetts	Bribery in "Credit Mobilier" case	
2/27/1873	New York	Bribery in "Credit Mobilier" case	
1/1/1875	North Carolina	Published unpopular religious tract	Advocated and promulgated a "most sacrilegious doctrine, subversive of the principles of the constitution of the State of North Carolina and of sound morality."

<i>Date</i>	<i>State</i>	<i>Incident</i>	<i>Charge</i>
1/1/1893	North Dakota		Embezzlement
1/1/1942	North Dakota		Corruption
1/1/1975	Pennsylvania	Consent disbarment resulting from charges including improperly converting client funds to personal use and co-mingling funds between clients estates	Converting trust funds to personal use and co-mingling further trust funds to restore the converted amounts constituted a grave and serious matter and conduct unbecoming any public official.
1/1/1978	Michigan	Convicted of embezzling funds from a legal client before becoming a legislator	
7/31/1979	Michigan	Conviction of Payroll fraud	
1/1/1980	Florida	Sexual discrimination and sexual harassment	
6/6/1980	California	Receipt of improper gifts; "ghost" employees; improper personal use of campaign funds.	

<i>Date</i>	<i>State</i>	<i>Incident</i>	<i>Charge</i>
1/1/1986	Florida	Convicted of five felony charges of making misstatements on a SBA loan application	Conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives."
1/1/1986	Minnesota	Pled guilty to felony theft charges - wrote total of 76 bad checks	
1/1/1989	Hawaii	Soliciting undercover policewoman	Censure
1/1/1991	Utah	Convicted of misdemeanor shoplifting	
1/1/1992	Florida	Representing others before state agency, seeking a benefit inconsistent with public duties.	Legislator apologized for "any unintentional adverse effect his actions may have brought" on the House.
1/1/1994	South Carolina	Pled guilty to misdemeanor federal tax law violation	
1/1/1995	Minnesota	Threats to State Commissioner, 3 DWI arrests in less than 7 weeks	

<i>Date</i>	<i>State</i>	<i>Incident</i>	<i>Charge</i>
1/1/1995	Minnesota	Domestic violence allegations	
1/1/1998	Georgia	Smuggling a small amount of marijuana into the country.	
1/1/2001	Michigan	3 drunk driving convictions, two alleged domestic violence calls, sexually explicit photos on State owned computer, verbal abuse of legislative staff	

Table of Disciplinary Actions in Other States, taken from "Disciplinary Actions in Other State's Legislative Bodies," published by the Connecticut Office of Legislative Research and Legislative Commissioner's Office, October 2, 2007.

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
EXPULSION				
ALASKA	In 1982, Sen. George H. Hohman, Jr. was convicted of felonious bribery and receiving a bribe for offering to share a \$20,000 bribe with another legislator in return for a vote in favor of the state purchasing two Canadian firefighting planes. He was sentenced to three years in prison.	The 6-member Senate Rules Committee (3 private citizens and 3 senators) reviewed the record of the jury trial and took testimony from Sen. Hohman, witnesses on his behalf, and his attorney.	The committee found that the jury's verdict and the evidence presented to the committee clearly established that Sen. Hohman intentionally violated "the most fundamental of his duties, which are to safeguard the public trust and to preserve the integrity of this body."	Expulsion by adoption of Senate Resolution (16-4).
ARIZONA	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.
ARKANSAS	In 1974, Sen. Guy H. Jones was expelled after a 1972 conviction on federal tax fraud charges.	No information.	No information.	Expelled.
MARYLAND	In December 1997, a series of newspaper stories raised questions	On December 3, 1997, the presiding officers referred the matter to the Joint	The Joint Committee on Legislative Ethics released its report on January 12, 1998 and	Expulsion (by a vote of 36-10).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	<p>about Sen. Larry Young, chair of the Senate Subcommittee on Health, accepting gifts from health care companies and a state college, failing to disclose a contract with a state agency, mixing his legislative and private office budgets, and using the prestige of his office for personal gain.</p> <p>The legislature initiated an investigation that resulted in his expulsion in January 1998. In December 1998, he was indicted by a county grand jury on nine counts for demanding \$52,000 in bribes and two computers from a health care company, extorting \$74,493 and the computers from the companies and \$8,000 for an aide, and filing a false state income tax return in 1995. It appears that at least some charges were felonies.</p> <p>A jury acquitted him of all criminal charges in September 1999. The judge had previously dismissed four counts of extortion.</p>	<p>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 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>made the following findings of ethical violations, among others:</p> <ul style="list-style-type: none"> • failure to disclose a contractual relationship with a state agency (Coppin State College) and conflicts of interest concerning legislation that related to Coppin State College, • 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	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for	The Senate referred the matter to its Committee on Ethics on the day of the conviction. The committee held two	The committee stated that "the crimes with which the senators were charged and of which they have been convicted are so	The committee recommended expelling DiCarlo and declaring the seat vacant even though the

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINDING ACTION
	extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if not all, charges were felonies.	hearings, after which it determined that 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).	serious as to render one who has committed them unfit to continue to serve as a member of the Senate."	senator's conviction appeal was pending in federal court. The Senate expelled DiCarlo after a daylong debate.
MICHIGAN	In 2001, Sen. David Jaye was investigated for 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. Proceedings on domestic violence were pending during the legislative investigation.	Resolution created a bipartisan committee. Jaye had been progressively disciplined by Senate leadership previously.	Committee recommended expulsion.	Expulsion.
MICHIGAN	In 1978, Rep. Monte Gerald was convicted of embezzling funds from a legal client before becoming a legislator (a felony). The legislature investigated while the conviction was on appeal.	No information.	No information.	Expulsion, by a vote of 84-20.
PENNSYLVANIA	In 1975, Sen. Frank Mazzei was found guilty of felony extortion (see <i>United States v. Mazzei</i> , 521 F.2d 639). He was sentenced to time in	The matter was referred to the Rules and Executive Nominations Committee four days after the senator's sentencing.	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).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	prison on April 11, 1975.	<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 Nominations Committee reported a resolution.</p>		
SOUTH CAROLINA	In 1994, Sen. Theo Mitchell pled guilty to a misdemeanor (the crime is now a felony) for violating federal tax laws and served a 90-day sentence. The legislature investigated in 1995 after his conviction.	The Senate debated a resolution to expel. A motion to refer the matter to the Senate Ethics Committee failed.	N/A	<p>The Senate, voted 38-7 to expel Sen. Mitchell despite objections by some senators that Sen. Mitchell should have been afforded a hearing prior to taking up the motion to expel.</p> <p>The transcript indicates that Mitchell be "expelled from the Senate, not only for the criminal offenses to which he pled guilty on July 25, 1994, but also for the criminal wrongdoing that he admitted to at his sentencing hearing on September 29, 1994."</p>
WEST	In 1972, Sen. W. Bernard Smith	The Senate considered a resolution.	N/A	The member was expelled by a

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
VIRGINIA	was convicted on federal vote tampering charges, a felony. Smith was one of a group of five (The "Logan Five") politicians convicted of rigging elections. Smith, who was also a former welfare commissioner, was also tried for bribery and perjury. Two bribery trials ended in a hung jury and he was found innocent of perjury.			2/3 vote pursuant to the constitution and corresponding Senate rule.
CENSURE				
ALASKA	In 1993, Sen. George Jacko used or attempted to use his position to gain sexual favors from a 17-year-old legislative page.	The 7-member Senate subcommittee of the Select Committee on Legislative Ethics (5 private citizens and 2 senators) held three public hearings on five charges of ethics violations by Sen. Jacko. The committee took two days to review the testimony and evidence, including briefs on Sen. Jacko's assertion that the ethics laws are silent on prohibiting or punishing attempted acts.	The committee found clear and convincing evidence against Sen. Jacko in three of the five charges. It also found that Sen. Jacko lied in parts of his sworn testimony before the committee and refused to accept responsibility for his actions. As a result, the committee issued a report recommending that Sen. Jacko be: <ol style="list-style-type: none"> 6. censured; 7. stripped of all committee chair positions and appointing authority during the remainder of his term; 8. prohibited from state-funded out-of-state travel during the remainder of his term; 9. required to complete, at his expense, a court-sanctioned Male Awareness Program; and 10. placed on probation for remainder of his term. 	Censure and the other recommended sanctions (20-0).
FLORIDA	In 1986, Rep. John Thomas was	The speaker appointed a select	The committee considered a House Rule	Censure. The House voted

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	<p>convicted in federal court on four of five felony charges of making misstatements on a Small Business Administration (SBA) application for a loan relating to private business ventures. Thomas received a suspended sentence, four years probation, and the court required restitution.</p>	<p>committee to investigate.</p> <p>The committee reviewed the record, heard testimony from interested constituents of Rep. Thomas, and heard presentations by the federal prosecutor and defense counsel.</p>	<p>that suspends a member immediately, pending appeals, for a felony conviction that relates to the member's responsibility as a public officer. The committee found that this rule did not apply to Thomas because (1) the federal crime must be comparable to a state felony for this provision to apply but the comparable state crime in this instance was a misdemeanor and (2) the convictions did not relate to responsibilities as a public officer.</p> <p>The committee report stated that it was not clear whether the conduct was illegal because the conviction was on appeal but Thomas' conduct shows "he was inattentive to matters that ultimately led to his federal convictions and have cast a shadow on the honor of the House of Representatives."</p> <p>The committee recommended censure (the least form of punishment available to the committee) because of</p> <ol style="list-style-type: none"> 9. the complexity of the forms; 10. the bank's involvement in setting the loan amount; 11. a bank officer filling in some of the figures; 12. the personal financial statement was obviously incorrect and did not 	<p>109-6.</p> <p>A motion to substitute a reprimand (a higher penalty than censure) failed 21-95.</p>

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			<p>balance but the SBA approved it anyway;</p> <p>13. the SBA and bank continued to process the loan after discovering liens that were not in the application;</p> <p>14. a bank official signed the loan settlement sheets verifying that disbursements were used according to the loan authorization but the banker was not charged;</p> <p>15. the federal judge commented at trial, sentencing, and by phone to the committee chairman that the case should not have been tried and he disapproved of the U.S. attorney's offer of a misdemeanor plea if Thomas provided evidence of government corruption; and</p> <p>16. the only substantive evidence supporting the conviction was Thomas' statement to the FBI that he knew it was wrong to pay personal debts with SBA proceeds and he intended to use them to pay a credit card account (although he paid for personal and business expenses with this account and it was not clear whether he actually used proceeds to pay personal expenses).</p> <p>One member of the committee moved for expulsion but was defeated. He argued</p>	

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			that a harsher penalty was appropriate because of Thomas' statement to the FBI and because the jury convicted of him of crimes that require willful actions.	
GEORGIA	In 1998, Sen. Ralph Abernathy III was detained at the Atlanta airport for smuggling a small amount of marijuana into the country.	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	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.
MAINE	In 2001, Rep. John Michael "berated" two female senators during a State House argument over which committee should handle certain	The House Ethics Committee heard testimony and made recommendations to the House.	The committee unanimously recommended censure to the full House.	The full House voted to censure by a vote of 137 to 8. (The resolution included a recommendation to take

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	legislation.			"corrective action to rehabilitate." Michaels complied and apologized.)
MINNESOTA	<p>In February 1996, several individuals claimed Rep. Jeff Bertram harassed them with anonymous calls, bullied them, and pressured them to make campaign contributions.</p> <p>In 1996, the legislature investigated Rep. Jeff Bertram for pressuring a businessman into giving a campaign contribution with the threat of doing business with a competitor; pressuring a store-owner to drop shoplifting charges filed against his brother, Sen. Joe Bertram; making false statements about several individuals; and engaging in other acts of intimidation, threats, and harassment.</p> <p>Law enforcement agencies were asked to investigate allegations of misusing state campaign funds and coercing people that surfaced in the ethics investigation.</p> <p>He was also later sued by a couple who said he told lies about them. The couple also received a restraining order against Bertram.</p>	The House Ethics Committee received a complaint.	<p>The committee found that Bertram harassed and intimidated critics and political opponents.</p> <p>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 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.</p>	<p>Censure by a vote of 82-21. The full House adopted the recommendations in the committee's report. Rep. Bertram consented.</p> <p>A minority report recommending expulsion was presented to the full House, but failed to get 2/3 of the vote, falling 68-65.</p> <p>Bertram did not seek re-election.</p>
MINNESOTA	In 1995, Rep. Bob Johnson threatened the Public Safety commissioner when the State Patrol	The House Ethics Committee heard the matter.	A recommendation to expel Johnson failed 5-5.	Censure. The House voted 82-50.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDING AND RECOMMENDATION	FINAL ACTION
	<p>turned down his request to fly him to St. Paul for the funeral of a former governor. After the incident, he lost his position as assistant majority leader.</p> <p>Also in 1995, he had three DWI arrests in less than seven weeks. The third occurred after the legislature initiated an investigation and while he was distraught over recent events and threatening suicide in calls from his car phone. His license had been revoked at the time. He said a severe bout of depression ended 14 years of sobriety.</p> <p>He pled guilty to all three DWIs (they appear to all be misdemeanors). On the first, he received a fine and probation. (The later DWI arrests violated his probation and he was sentenced to 20 days of electronic home monitoring after the 1996 legislative session ended, 40 hours of community service, and a one year license suspension.)</p> <p>For the 3rd, he pled guilty to habitual drunk driving and refusing a breath test (a gross misdemeanor) and received a one year sentence. He spent one month in jail with his days out on work release. He also spent 28 days in an alcoholism treatment</p>		<p>By a 7-3 vote, the committee asked Johnson to resign and to run in a special election if he wanted to continue. The committee also recommended censure; 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.</p> <p>By a 7-3 vote, the committee voted to reconsider the recommendation to expel and laid the motion on the table, if Johnson did not resign.</p>	<p>A vote on expulsion received 76 votes, short of the 90 required for a 2/3 vote.</p>

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	<p>program.</p> <p>He was sentenced for the 2nd violation last and received (1) a one year sentence that was suspended except for 30 days in jail, (2) three years probation, (3) a \$1,500 fine plus \$303 in fees, and (4) a requirement to continue taking prescription medication for depression and stay in alcohol treatment.</p> <p>He did not seek re-election.</p>			
MINNESOTA	<p>In 1986, Rep. Randy Staten pled guilty to felony theft charges, admitting that he wrote 76 bad checks. The original charge of theft of over \$2,500 was reduced to theft of over \$250. He was sentenced to one year's probation, a 90 day jail sentence which he would serve only if he violated probation, and continued treatment. Even though the crime was a felony, he was given a misdemeanor sentence and therefore it was considered a misdemeanor.</p> <p>Staten said he was chemically dependent and financially irresponsible, and had completed a residential treatment program. He made restitution before criminal charges were brought.</p>	<p>The speaker appointed a bipartisan four-member Select Committee on the Staten Case.</p> <p>The committee investigated Staten for writing \$8,200 in bad checks and questionable campaign finance reporting.</p>	<p>The committee voted unanimously to recommend expulsion, based on the conviction and campaign report violations.</p> <p>The 24 member House Rules and Legislative Investigations Committee also recommended expulsion on a voice vote. The committee rejected censure.</p>	<p>Censure.</p> <p>An initial vote to censure failed. Then a vote to expel failed 80-52, short of the required 90 for a 2/3 vote. Then a vote to censure passed 99-31.</p> <p>The censure also ordered him to: donate 18% of his pay for 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.</p>

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	The Ethical Practices Board also found he filed late and incomplete campaign disclosure reports for four years (which could involve misdemeanor or gross misdemeanor violations).			
NEW HAMPSHIRE	<p>For seven years, 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.</p> <p>In October 2004, the Legislative Ethics Committee received a complaint and in November it issued a statement of charges and notice of hearing.</p> <p>In March 2005, Chandler pled guilty to a misdemeanor for failing to report the gifts. He was fined \$2,000 and required to perform 100 hours of community service. The attorney general did not find any evidence that he did political favors for those who donated.</p> <p>The committee held its first hearing in May 2005.</p>	The Legislative Ethics Committee received a complaint. After reviewing the complaint, the committee conducted an extensive preliminary investigation and voted unanimously to begin formal proceedings. A formal statement of charges and notice of hearing was sent and a hearing was held. Chandler formally answered the statement of charges and appeared at the hearing to testify and present other evidence through his counsel.	<p>The committee voted unanimously to recommend expulsion.</p> <p>The committee found that Chandler violated ethics provisions by (1) soliciting, accepting, or agreeing to accept gifts with an aggregate value over \$250 while knowing or believing the givers were or were likely to be interested in matters pending at the legislature, (2) using his public position to obtain gifts with aggregate value over \$250 for private benefit, and (3) disregarding the obligation to report gifts over \$50 (which he acknowledged through his misdemeanor plea).</p> <p>The committee found that for seven years the annual corn roasts solicited and received cash from businesses, lobbyists, and individuals. They were organized by "friends" so that Chandler had income to continue in the legislature. Flyers advertising them were sent out and sometimes mentioned legislative issues. Chandler had sole discretion over how the funds were spent. He did not report the gifts except in one year.</p>	<p>Censure.</p> <p>The vote to expel failed 189-172 following a three-hour debate. The vote to amend the report and recommend censure passed 217-143. The vote to accept the report with the sanction of censure passed 274-86.</p>
NEW	In 1998, Rep. Roland Hemon	The Legislative Ethics Committee	The committee recommended censure if	Censure (Hemon agreed to the

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
HAMPSHIRE	authored legislation for the third time to impeach a probate judge involved in the case of his mother's estate.	investigated, held hearings, and issued a report with recommendations.	Hernon represented that he would not introduce or sponsor similar legislation in the future. Otherwise, it recommended expulsion.	committee's condition).
NEW MEXICO	In 1991, Rep. Ronald G. Olguin was charged with solicitation of bribery (a felony) 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, received certain evidence under a confidentiality agreement, 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 heard evidence, took testimony, questioned witnesses, allowed cross examination, and heard closing arguments.	<p>The committee found that Olguin engaged in a course of conduct while seeking to sell his consulting services that violated his public trust as a legislator.</p> <ul style="list-style-type: none"> While agreeing to provide consulting services for a fee aimed at obtaining new program funding from a county, he also identified program needs at the state level, offered a legislative solution, and offered his assistance in obtaining that solution. He either included an agreement to influence the state legislative process in a proposed contract for consulting services or proposed a contract for services at the county level with free services at the state legislative level. His conduct was a serious breach of ethical responsibilities as a legislator. <p>The committee voted 11-4 to censure. A minority report recommended expulsion.</p>	Censure. (Floor debate included a motion for expulsion that was defeated.)
NORTH CAROLINA	<p>In 1995-6, Rep. Ken Miller was investigated for improper advances toward a page, legislative employee, and lobbyist.</p> <p>In July 1995, Miller allegedly made a pass at a 16 year old page. Three other women then came forward with allegations. The page's legislative sponsor requested an ethics</p>	<p>A legislator requested that the House Ethics Committee investigate (a 15 member committee).</p> <p>The committee established its procedures and hired an attorney to investigate Miller.</p>	<p>Miller submitted a letter admitting to unwanted advances as the committee prepared to take sworn statements from the alleged victims.</p> <p>The committee voted 11-3 against recommending expulsion but unanimously recommended censure.</p>	<p>The House voted 113-1 for censure (Miller was the only vote against).</p> <p>He lost a primary election the week before the censure.</p>

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
PENNSYLVANIA	Investigation. 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 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, that: <ul style="list-style-type: none"> converting 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 DAKOTA	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. The attorney general investigated for possible criminal charges. By the time of censure, no charges had	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. 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	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	Censure, by a vote of 32-2. A vote to expel failed 14-20.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	been brought.	<p>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 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>the honor of the Senate into public disrepute.</p> <p>In a minority report, three out of the nine senators on the committee dissented. They 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 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>	
UTAH	In 1991, Rep. Dionne Halverson was convicted of misdemeanor shoplifting.	Pursuant to JR-16-04, the House Ethics Committee subsequently made a preliminary inquiry. It is unclear whether Halverson waived the disciplinary	The House Ethics Committee recommended expulsion.	The full House voted against expulsion by a narrow margin (2 votes). Halverson was censured and subsequently resigned.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		hearing which would have required appointment of a special prosecutor.		
VIRGINIA	In 1987, Senator Peter Babalas was censured for casting votes in violation of Senate conflict of interest rules. Babalas had earlier successfully defended himself against two counts of a criminal misdemeanor for alleged violations of state conflict of interest laws. One count was dismissed and Babalas was acquitted on the second count.		The Privileges and Elections committee recommended censure by a 12-3 vote. The Senate Rules Committee, by a 9-5 vote with Babalas (the chairman of the committee) abstaining, then 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.
REPRIMAND				
FLORIDA	In 1997, the Ethics Commission found that Rep. Alzo J. Reddick violated constitutional provisions on ethics through financial disclosure violations in 21 separate instances.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, Reddick stipulated to findings of fact that in six years he committed various violations including failing to report a loan, underreporting a loan, failing to report the value of stock, overestimating the value of stock, failing to report certain income, not filing the address and amount of sources of income, and failing to accurately reporting his net worth. The committee's proposed order stated that Reddick apologizes for "any unintentional adverse effect his actions may have brought" on the House. Because there was no evidence of use of office for personal gain or that the actions impacted legislative duties, the committee proposed and Reddick	Reprimand. The House accepted the consent decree.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
FLORIDA	In 1992, Rep. Michael E. Langton was investigated for representing others before a state agency for compensation and seeking a benefit inconsistent with the proper performance of his public duties.	The speaker received a complaint and public report from the Ethics Commission. He appointed a Select Committee on Standards of Official Conduct to investigate.	<p>accepted the penalty of a reprimand.</p> <p>In a consent decree between Langton and the committee, Langton waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following.</p> <ul style="list-style-type: none"> • Langton was a consultant to cities and counties applying for Department of Community Affairs for Community Development Block Grant funds before and after his election. • He asked the Ethics Commission for an opinion whether he could continue this consulting and was informed that he could as long as he did not represent anyone personally for compensation before an agency. • The House Community Affairs Committee chair asked Langton to work on changes to the grant program and he did so while continuing to consult with cities and counties who applied for grants. • Under new legislation, the department enacted a rule for application criteria. When it appeared that this interpretation was contrary to the legislative intent, Langton contacted the department to clarify the interpretation. • Langton recognized that his contact 	Reprimand. The House voted 116-0 in favor.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			<p>with the department reflected adversely on him and the House. Such conduct was prohibited when it benefited a member's client or business interest.</p> <ul style="list-style-type: none"> On behalf of his consulting company, Langton phoned a department employee to express concerns about misstated facts in monitoring reports the employee prepared. <p>The committee's proposed order stated that contacting the employee was a violation and he was admonished to prevent recurrences. Langton agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House. The committee recommended a reprimand.</p>	
FLORIDA	In 1980, Rep. Gene Flinn was investigated for sexual discrimination and sexual harassment of two female aides and using aides for non-legislative duties.	The speaker appointed a select committee to investigate. The committee took depositions, conducted hearings, and gave Rep. Flinn an opportunity to appear and give testimony and evidence.	The committee found that Flinn violated House rules and a state statute. It recommended a reprimand.	The House adopted a resolution to reprimand Flinn by a vote of 109-4. Two legislators placed remarks in the journal arguing that expulsion was appropriate.
GEORGIA	In 2000, Rep. Arnold Ragas failed to file mandatory campaign finance reports indicating his person wealth and campaign contributions received between 1996 and 2000. He also ignored the \$10,600 in fines the State Ethics Commission imposed for the	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.	After one meeting, the committee voted unanimously to recommend a reprimand and an order to pay the \$10,600 fine.	Reprimand (161-3).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	violations.	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 whether the committee held hearings.		
GEORGIA	In 1993, Rep. Jimmy Benefield displayed a sex toy in the House chamber where it was allegedly showed to young pages. Benefield acknowledged bringing the toy into the chamber but denied intentionally showing it to children. A Georgia Bureau of Investigation report found insufficient evidence that criminal laws were violated. As a result, Benefield was never charged with a crime.	Rep. Posten filed an ethics complaint on behalf of a 14-year-old page who claimed a legislator showed him the toy and Benefield laughed. The House referred the complaint to the 11-member House Ethics Committee, which hired a prosecutor and held a hearing over two days. House pages, the mother of the 14-year-old, a lobbyist, and three house members testified. The hearings were open to the public, except when the pages testified. The committee limited its questions of Benefield to his role in the incident. It voted not to look into claims by two female lobbyists that Benefield showed them the toy.	The committee recommended a reprimand even though reprimand was not among the committee's official disciplinary options as spelled out in the state constitution. The committee's options were no action, censure, or expulsion.	Reprimand (129-25).
IDAHO	In 1990, Representative Ray Infanger, in a letter to the director of the Department of Labor and Industrial Services, threatened the agency's funding if the director did not grant Infanger's son an electrical contracting license.	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.
MINNESOTA	In 1999, a conflict of interest complaint was filed against Sen.	The Senate Subcommittee on Ethical Conduct heard the matter.	The subcommittee reported that Sen. Sams covered up a payment for consulting work.	Reprimand, including a public apology to the Senate, his

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	Dallas Sams. In his job as a consultant, the senator accepted a state contract that was related to legislation he authored. He received a \$12,500 consulting payment from the University of Minnesota.		The payment was legal but the coverup was unethical. The subcommittee recommended a reprimand, including a public apology and removal as a member and vice-chair of the Human Resources Finance Committee.	constituents, and the public; and removal as a member and vice-chair of the Human Resources Finance Committee.
NEW HAMPSHIRE	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.
ADMONISHMENT				
FLORIDA	In 2000, Rep. Alzo J. Reddick, Sr. failed to timely file a financial disclosure form for 1998.	<p>The speaker received a copy of a stipulation of fact and recommended order from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.</p> <p>The Ethics Committee had not approved the stipulation and could not do so before the end of the legislative session. Reddick was not seeking re-election but asked the House to find a violation and impose a penalty.</p>	In a consent decree, the committee stated that because the violation was inadvertent, a letter of admonishment from the speaker was an appropriate penalty. In addition, Reddick agreed to apologize to the House and the public and make a \$500 contribution to a homeless shelter.	Admonishment. The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.
FLORIDA	In 2000, Rep. Gustavo Barreiro failed to report a liability of more than \$1,000 on his disclosure of financial interests that he filed when qualifying to run for the House.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	<p>In a consent decree, the parties accepted the Ethics Committee's findings and agreed there was no evidence the violation was willful or intentional.</p> <p>The committee recommended a letter of admonishment from the speaker and</p>	Admonishment. The House accepted the consent decree and the speaker's letter of admonishment was printed in the journal.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			Barreiro agreed to apologize to the House and the public and contribute \$500 to a homeless shelter. The committee also recommended clarifying the law.	
FLORIDA	In 1994, Rep. John Thrasher was investigated for violating the statutes on representing others before a state agency for compensation.	The speaker received a complaint and public report from the Ethics Commission and appointed a select committee to investigate.	<p>In a consent decree entered into between Thrasher and the committee, Thrasher waived a hearing on the violations and penalty, stipulated to facts, and agreed to a penalty. The findings included the following.</p> <ul style="list-style-type: none"> • As general counsel for the Florida Medical Association, he personally appeared on the association's behalf before a subcommittee of the Board of Medicine of the Department of Professional Regulation on a rule relating to surgery in doctors' offices. • Before his appearance, he had a phone conversation with a longtime friend who chaired the subcommittee and invited Thrasher to appear and address the rule. Thrasher had previously received a general notice about the meeting. • There was no indication that the appearance was intended to misuse his position to improperly influence a state agency, nothing indicated that his status was relevant to his appearance, and it was clear from the transcript that he appeared as a 	The House adopted the report and a letter of admonishment from the speaker was printed in the journal.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			<p>representative of the association.</p> <ul style="list-style-type: none"> • Thrasher acknowledged his appearance was an unintentional violation of the constitution, statutes, and House Rules. <p>The committee's proposed order stated that the appearance before the subcommittee was a violation and he was admonished to prevent recurrences. He agreed that he should avoid even the appearance of impropriety and he apologized for "any unintentional adverse effect his actions may have brought" on the House.</p> <p>The committee recommended admonishment by the speaker.</p>	
FLORIDA	<p>In 1991, Rep. Frederick Lippman was investigated for (1) failing to properly supervise staff as chair of the Committee on Regulatory Reform from 1983 to 1986, (2) violating the statute that restricts outside employment of a full-time staff employee, and (3) improper behavior with a House staff member from 1983 to 1986.</p> <p>A county grand jury also issued a report relating to allegations of sexual harassment by a former</p>	The speaker appointed a select committee to investigate.	The committee recommended admonishment. It also recommended procedural changes and training.	The speaker issued a letter admonishing Lippman (a copy was printed in the journal). The speaker also removed Lippman as majority leader.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	staff member.			
APOLOGY (MAY INCLUDE OTHER SANCTIONS)				
MINNESOTA	In 2006, Sen. Dean Johnson made comments at a private meeting concerning alleged conversations he had with members of the state Supreme Court relating to the court's possible action on the state's Defense of Marriage Act. A tape of the comments surfaced.	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.
MINNESOTA	In 2004, Sen. Michael Jungbauer was accused of performing campaign activities from his Senate office. He sent a Senate e-mail to 1,700 people forwarding a media advisory about a press conference whose organizers were seeking to defeat senators of a particular party if they did not pass a same-sex marriage ban constitutional amendment. Senate rules prohibit use of equipment for commercial purposes or a political campaign.	A senator filed a complaint and 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.
MINNESOTA	In 1994 and 1996, Sen. Sam Solon was investigated for providing the Senate's long-distance access code to his ex-wife. He pled guilty to a misdemeanor charge relating to the use of the phone account in 1992 and 1993.	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 by a vote of 57-6, after voting down an amendment seeking his resignation 17-48.
MINNESOTA	In 1995, Sen. Kevin Chandler was	The Senate Subcommittee on Ethical	The subcommittee reported that Sen.	By a vote of 63-0, the Senate

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	<p>involved in a domestic assault with his estranged wife outside a bar.</p> <p>His wife did not press charges. The police investigated and Chandler asked them to charge him and stated he would plead guilty to 5th degree assault (a misdemeanor). He was charged with that crime and two counts of disorderly conduct (all misdemeanors). In September 1995, he pled guilty to 5th degree assault for slapping his estranged wife and the other charges were dropped. He was placed on probation for one year and fined \$210.</p> <p>In 1996, the legislature investigated.</p> <p>He did not seek re-election.</p>	Conduct heard the matter.	Chandler's decision to voluntarily resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.	adopted the subcommittee's report: that Sen. Chandler's decision to voluntarily resign his leadership positions in the Senate was appropriate and that he apologize to the Senate in open session.
OHIO	In January 1996, Rep. Michael A. Fox accepted an airline ticket and lodging from a lobbyist. Fox said he thought he had repaid the lobbyist for the ticket and he thought staying at the home owned by the lobbyist was not a gift that had to be reported.	In 1997, the legislative Inspector general investigated and presented findings to the Joint Legislative Ethics Committee.	The committee recommended that Fox be removed as chairman of the Education Committee and apologize.	The House voted 89-7 and the Senate voted 31-0 to remove Fox as chairman of the Education Committee and require him to apologize.
OTHER SANCTIONS				
INDIANA	In September 1997, 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."	Removed as Senate committee chair and assigned Senate seat located in a less prominent position.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			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.	
OHIO	<p>In 2006, Sen. Jeffry Armbruster was investigated after requesting a workers' compensation rate discount for his business.</p> <p>Term limits barred him from seeking reelection. The ethics committee held hearing after Armbruster left office.</p>	<p>The Joint Legislative Ethics Committee investigated (a bipartisan 12 member committee).</p> <p>The committee served him with a complaint in December 2006. Based on a preliminary investigation, he was accused of meeting with Bureau of Workers' Compensation officials at his legislative office to discuss the premium rate of his company.</p> <p>In 2007, after he left office, the committee held formal hearings with the legislative inspector general acting similar to a prosecutor.</p>	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 the county prosecutor.
OHIO	In 2005, Reps. Jim Raussen, Diana M. Fessler, and Michelle G. Schneider 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.
ON-GOING				
ALABAMA	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.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
NORTH CAROLINA	<p>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.</p> <p>In August, prosecutors stated that they hoped to finish their investigation by October 1. A search warrant for bank records indicated a suspicion of obtaining property by false pretences.</p> <p>The Board of Elections suspended Wright's reelection campaign for failing to file the required campaign disclosure report for the first six months of 2007.</p>	The Joint Legislative Ethics Committee began an investigation.	N/A	Committee investigation is not yet complete.
RESIGNATION				
ARKANSAS	In 1999, Sen. Nick Wilson was convicted in federal court on felony charges of conspiring to evade taxes on \$325,000. The case involved "washing" checks that were payments from a real estate agent. The agent testified that he split his commission after Wilson tipped him off that a agency might buy a downtown bank building. He also faced a	<p>Under one provision of the state constitution, no one convicted of an "infamous crime" is eligible to serve in the General Assembly. Another provision gives each house the power to expel a member.</p> <p>A majority of members signed a petition to request a hearing on Wilson, as required by the rules. 28 of 35 senators signed the petition.</p>	N/A	<p>Resigned. Wilson submitted a letter announcing his resignation at a future date and the Senate president pro tem cancelled a meeting on expulsion.</p> <p>Other criminal charges were later dropped by prosecutors in exchange for Wilson's testimony.</p>

Table 2 (continued)

STATE INCIDENT PROCEDURE FOLLOWED FINDINGS AND RECOMMENDATION			
CALIFORNIA	<p>In 1994, Sen. Frank Hill was one of several legislators ensnared in an FBI sting operation focused on legislative corruption. He was convicted of extortion, conspiracy, and money laundering after accepting \$25,000 in exchange for his support on Louisiana shrimp boat legislation. He was sentenced to 46 months in prison and ordered to pay a fine of \$2,500. At least some convictions were felonies.</p>		
COLORADO	<p>In 2006, Sen. Deanna Hanna allegedly requested a \$1,400 campaign contribution as a "reparations request" from a group that backed her election opponent. The House Ethics Committee, a standing committee established by House Rules, investigated and made recommendations. The committee consisted of three Republicans and two Democrats.</p>	N/A	<p>Hanna resigned while the committee was investigating.</p>
DELAWARE	<p>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. He pled guilty to offensive touching (a misdemeanor) for supposedly performed a preliminary inquiry.</p>	<p>The committee determined the matter merited further inquiry and staff performed a preliminary inquiry.</p>	<p>Committee staffers made the following findings:</p> <ul style="list-style-type: none"> Atkins filed a misleading affidavit with the committee stating that he presented his legislative ID card after police asked for it. He later admitted that he showed it without being asked and repeatedly reminded officers about being a legislator to attempt to be treated leniently. The police officer told Atkins and his wife to get a ride home and friends drove <p>Resignation (before scheduled House debate on a censure resolution).</p>

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATIONS	FINAL ACTION
	grabbing his wife's arm during a fight and was sentenced to probation and ordered to complete domestic violence and anger management counseling.		<p>them part of the way before Atkins got into his truck to drive home.</p> <ul style="list-style-type: none"> • Another police officer saw Atkins run a stop sign but did not stop him because he recognized the vehicle which had legislative plates. • Police shortly after responded to a 911 hang-up call at the Atkins home. After his arrest based on a domestic dispute, he expressed his concern about the press since the election was in 10 days. He made requests to speak to the police chief. • Atkins was sentenced to probation after pleading guilty to offensive touching for supposedly grabbing his wife's arm during a fight. Staff found that the fight involved greater physical contact than described in the police complaint. <p>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.</p> <p>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.</p>	
FLORIDA	In 1988, Rep. Donald George	The speaker appointed a select	No information.	Resigned, effective the day

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	<p>Gaffney was investigated regarding his previous position as Jacksonville City councilman and a rezoning petition before the council.</p> <ul style="list-style-type: none"> • He was charged with bribery and grand theft days before his election in 1986. • A federal grand jury returned a 23-count indictment on extortion, conspiracy to commit extortion, and mail fraud in February 1987. • After the 1987 session ended, he was convicted of conspiracy, extortion, and attempted extortion and acquitted of five extortion and five attempted extortion charges. Under House Rules, he was suspended from the House pending appeal or the end of his term. • In December, a federal judge vacated the verdicts on rumors of jury tampering and Gaffney was reinstated pending a new trial. • In January 1988, a federal grand jury returned a 21-count indictment that included new charges. 	<p>committee to investigate.</p>		<p>before the start of the 1988 session. Gaffney was later convicted and sentenced to prison for mail fraud.</p>

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
GEORGIA	In 1999, Sen. Diana Harvey Johnson was convicted of five counts of federal mail fraud for funneling an estimated \$80,000 of state tourism funds to her own consulting business. She was sentenced to 41 months in prison, fined \$7,500, and ordered to pay \$21,600 in restitution.	The governor impaneled a 3-member review committee after Sen Johnson was indicted.	The committee concluded that Sen. Johnson's indictment impaired her ability to serve her constituents.	The governor suspended Sen. Johnson with pay. She resigned her seat after a federal judge suggested he would not free her on bond while appealing her conviction unless she gave up her seat.
IDAHO	In 2005, Sen. Jack Noble introduced legislation to change the method of measurement of the required distance between a liquor store and a school after he and his wife were denied a license to sell liquor from their store.	Pursuant to Senate Rule 53, a six-member bipartisan Ethics Committee appointed by the Senate president pro tempore held four public hearings.	The committee found that the senator gave false or deceptive information to the Senate State Affairs Committee about the origin of the legislation and his potential benefit. Sen. Noble, while under oath, testified before the committee twice. It recommended that the senator be censured and stripped of any leadership responsibilities.	Resignation.
MAINE	In 1987, Rep. Donald Sproul was convicted of misdemeanor ballot tampering.	After conviction, 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).
MASSACHUSETTS	In 1977, Senators Joseph J.C. DiCarlo and Ronald C. MacKenzie were convicted in federal court for extortion, conspiracy to commit extortion, and conspiracy to violate the Travel Act in connection with their performance as senators. Some, if	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 disciplinary proceedings should be conducted pursuant to the Senate's inherent power with respect to its	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 committed them unfit to continue to serve as a member of the Senate."	MacKenzie resigned at the third hearing.

Table 2 (continued)

STATE	INCIDENT	PROCEEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	not all, charges were felonies.	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).		
MICHIGAN	<p>In 1998, Sen. Henry Stallings employed a state worker in his art gallery and used public funds to pay the person.</p> <p>He was originally charged with a felony but, after the legislative investigation began, he pled guilty to the misdemeanor of taking less than \$100 under false pretenses.</p>	Select committee investigated.	Committee unanimously recommended expulsion.	Resignation (prior to vote on expulsion).
MINNESOTA	<p>In September 1995, Sen. Joe Bertram was arrested and convicted for shoplifting a \$90 leather vest (a petty misdemeanor). He was fined \$150.</p> <p>In 1996, the legislature investigated Bertram for shoplifting the vest and offering \$1,000 to the store owner to not file criminal charges.</p> <p>After his resignation, he was (1) arrested on another shoplifting charge and (2) charged in April 1996 with two felony counts of bribery for offering money to the store owner not</p>	Two senators filed a complaint with the Senate Subcommittee on Ethical Conduct.	N/A	Resignation (before the committee voted).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDING AND RECOMMENDATION	FINAL ACTION
MINNESOTA	<p>to file charges.</p> <p>In 1990, Rep. Jeff Conway, a financial planner, was indicted for diverting about \$90,000 of customers' money to his personal use. He was charged with 30 felony counts of diverting money from 15 couples or individuals over several months. He was suspended from the job and then resigned. He relinquished his broker's and insurance agent's licenses after the state Commerce Department found he mishandled funds. He allegedly invested money for a client after he resigned from his job.</p> <p>After he resigned from the House, he pled guilty to charges that were consolidated into four counts. He was sentenced to eight months in prison, 10 years probation, 500 hours of community service, a \$5,000 fine, and \$50,342 restitution. The judge stayed a sentence of just under nine years in prison.</p>	A complaint was filed with the House Ethics Committee.	The committee found probable cause that Conway engaged in misconduct.	Resignation (the day before his scheduled appearance before the committee).
NEW HAMPSHIRE	<p>In 2004, Rep. John Kerns was investigated for writing bad checks with "State of New Hampshire" written on them, using his title to get a parking space reserved for school officials, and threatening officials when told to stop parking there.</p> <p>After the legislative investigation began he was charged with four</p>	The Legislative Ethics Committee received complaints, investigated, initiated formal proceedings, held hearings, and issued a report with recommendations.	The committee voted unanimously for expulsion.	Resignation (before House action).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	<p>counts of passing bad checks.</p> <p>He went to court to attempt to stop the committee investigation. He also told the press that (1) he had a serious neurological illness that sometimes incapacitated him and (2) he and a family member were sex crime victims.</p> <p>After his resignation, he pled guilty to writing bad checks. The judge suspended a \$500 fine and ordered Kerns to pay \$421 in restitution, perform 152 hours of community service, apologize, and drop a lawsuit against police.</p>			
NEW YORK	<p>From 1983 to 1986, Queens County Democratic Organization Secretary Richard Rubin placed no-show employees on the legislative payroll of Assemblywoman Gerdi E. Lipschutz.</p> <p>She was granted immunity in criminal proceeding.</p>	<p>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.</p> <p>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.</p>	<p>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.</p> <p>Assemblywoman Lipschutz cooperated with the U.S. Attorney in the Rubin trial and provided essential testimony after receiving a grant of immunity.</p> <p>The committee found that no member has ever been expelled and that the Assembly does not have the constitutional authority to expel a member.</p> <p>The committee recommended that (1) she resign, (2) the Assembly remove her</p>	Resigned (after the committee made its recommendations).

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			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	In 1985, a committee investigation of Sen. John Jordan led to a criminal investigation for bribery and extortion. He later pled guilty to extortion, bribery, and official misconduct. He was sentenced to a two year suspended sentence, two years probation, and a \$2,000 fine.	No information.	No information.	Resigned after pleading guilty.
OHIO	<p>In March 1998, Sen. Jeff Johnson was indicted by a federal grand jury on felony corruption charges: four counts of violating the federal Hobbs Act which prohibits officials from using their office to extort money and two counts of wire fraud.</p> <p>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.</p> <p>In November 1998, he was convicted on three charges. He resigned in December. In February 1999 he was sentenced to 15 months in prison, at least 250 hours of community service</p>	The Joint Legislative Ethics Committee investigated.	The committee did not complete its investigation.	Resigned.
SOUTH CAROLINA	In 1982, Sen. Eugene Carmichael was sentenced on a federal felony	The Senate Ethics Committee investigated.	The Senate Ethics Committee found that he committed official misconduct	The Senate refused 24-21 to expel.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	conviction to ten years in prison for conspiracy to buy votes, obstruction of justice, and vote buying.			At the time of the vote, he was appealing his conviction. He lost his appeal and ultimately resigned.
TENNESSEE	In 2005, Sen. John Ford was investigated on charges including whether he resided outside his district, used campaign funds for his daughter's wedding, received consulting fees to help companies get state business, and failed to disclose his sources of income as required by Senate rules. (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	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. The committee vote appears to have been 9-0.	Resigned. It is unclear whether the entire House ever acted on censure.
NO ACTION/DISMISSAL				
ALASKA	In 1989, Sen. Paul Fischer was accused of taking personal trips at state expense.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics investigated the complaint.	The committee found an "inference of improper conduct" in Sen. Fischer's undocumented travel reimbursements. In testimony to the committee, Fischer stated that he was quite sure he discussed legislative business during brief airport layovers but neither he nor his aide could remember the dates or where the meeting took place. The committee recommended no	No action.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
			action—it was unwilling to second-guess Fischer even though his explanation was not "clear and convincing."	
ALASKA	In 1983, Sen. Al Adams allegedly used forged documents and his office to arrange jobs for a subcontractor. In return the subcontractor agreed to give Adams a \$100,000 cash advance and ultimately paid him \$772,668 over 2.5 years. The contractor also said he made a \$12,000 loan to Sen. Adams in 1981 that was not repaid and not reported on Adams conflict of interest form.	The 6-member Senate subcommittee of the Select Committee on Legislative Ethics (3 private citizens and 3 senators) deliberated privately.	After reviewing the allegations, the committee dismissed the complaint because the allegations stemmed from actions that occurred either before the applicable ethics law was in place or outside the law's two-year statute of limitations.	No action
FLORIDA	In 1996, Rep. Marvin Couch failed to report one liability of more than \$1,000 on his 1992 financial disclosure form and two liabilities of more than \$1,000 on his 1993 form.	The speaker received a final order and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties (1) accepted the Ethics Commission's findings on violations, (2) found no evidence that the violations were willful or intentional, and (3) found that the Ethics Commission became aware of the debt because Couch revealed it in an amended disclosure in 1993. Because of the inadvertent nature of the violations, the parties agreed that no additional penalty was warranted.	No action.
FLORIDA	In 1995, Rep. Evelyn J. Lynn was investigated for failing to report certain assets and income on various financial disclosure forms over a four year period.	The speaker received a complaint and public report from the Ethics Commission and appointed a Select Committee on Standards of Official Conduct to investigate.	In a consent decree, the parties agreed that the Ethics Commission already found a violation and imposed a penalty and the House should take no action. They also recommended that the legislature consider clarifying jurisdiction over a member's conduct before taking office.	No action.
GEORGIA	In 1999, Reps. Nan Orrock and Michele Henson were alleged to have been improperly paid for work they	Rep. Bob Irvin filed a complaint after a state auditor's report reported that the Holocaust Commission and the Scott	The committee's investigation revealed no fraud or other wrongdoing because no state appropriated money was used to pay the	No action.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	performed for the Scott Fund, a non-profit arm of the Georgia Commission on the Holocaust. Orrock was paid \$12,000 under a contract with the Scott Fund and Henson received less than \$9,000 for fund raising, reimbursement for a trip, and picture framing.	Fund used loose accounting practices and mingled their funds. The complaint was referred to the House Ethics Committee.	legislators. All payments to Orrock and Henson came from privately raised money in the Scott Fund. The committee recommended no action.	
IDAHO	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. Unanimously recommended no formal action and an apology.	No formal action.
IOWA	In 2006, Sen. Stewart Iverson took a position with a political action committee before his term ended.	The Senate Ethics Committee, a standing committee, received a complaint.	Before the committee took any action, Iverson returned his pay and quit the job. The committee dismissed the complaint.	None.
IOWA	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
MINNESOTA	In 2003, Rep. Arlon Lindner made controversial statements about gays in the Holocaust and AIDS in Africa.	Eight representatives filed a complaint and the House Ethics Committee (a bipartisan standing committee) heard the matter.	The committee failed to find probable cause for a violation by a 2-2 vote.	None.
MINNESOTA	In 2001, a conflict of interest complaint was filed against Rep. Jim Abeler based on his vote on a funding measure dealing with charter school leases. He owned and leased	The House Ethics Committee heard the matter.	The complaint was dismissed.	None.

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	a building to a charter school at the time.			
MINNESOTA	In 1996, Sen. Florian Chmielewski was accused of abusing Senate phone privileges. Previously, in December 1995, he pled guilty to misconduct of a public officer, a gross misdemeanor (it is unclear whether he faced other charges). He was accused of letting family and friends use his Senate phone access code for more than \$3,800 in personal long distance calls. He was sentenced to two years probation and 100 hours of community service.	A senator filed a complaint with the Senate Subcommittee on Ethical Conduct.	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 no scheduled meetings until the following year. The recommendations expired and the senator was defeated in a primary election.
MINNESOTA	In 1996, Sen. LeRoy Stumpf requested an investigation of a possible conflict of interest relating to consultant contract. A newspaper article reported that Stumpf sponsored a bill in 1994 that provided \$50,000 to a coalition of six counties to control beavers whose dams caused floods. Two weeks after the bill became law, he was hired as a consultant by the Red Lake Watershed District, which was picked by the counties to administer the program. He was paid \$14,000, with the money coming from the district's account which is derived from property taxes.	Stumpf requested that the Senate ethics subcommittee (a bipartisan subcommittee) review the situation.	The Special Subcommittee on Ethical Conduct unanimously found that it was not a conflict of interest. The subcommittee report stated that no money appropriated as a result of Stumpf's legislative work was used directly or indirectly to pay him and he took reasonable steps to avoid a conflict of interest, such as consulting Senate counsel on the matter. It also found no evidence that Stumpf discussed the job while the bill was pending.	None.
MINNESOTA	In 1996, Rep. Tom Workman violated House Rules by releasing confidential	A complaint was filed with the House Ethics Committee.	N/A	None. The complaint was withdrawn and the ethics

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
	documents and discussing actions of a closed House Ethics Committee hearing.			committee opened its hearing to the public.
NEW HAMPSHIRE	In 1996, Rep. Roland Hemon authored legislation for the second 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.	None (the House was not in session and the recommendation was not considered).
NEW JERSEY	Sen. Bryant is currently under federal felony indictment for fraud and corruption.	The Ethics Committee announced an investigation in November 2006 but has taken no action to date.	N/A	N/A
OHIO	In 2005, Sen. Ray Miller was investigated for having his aide work for his nonprofit organization while on state time. The legislative inspector general referred evidence of using state personnel and equipment for private business to the county prosecutor. The prosecutor did not pursue charges.	The Joint Legislative Ethics Committee investigated.	The committee required a letter of apology and \$936 restitution, which covered the aide's salary for the time she worked for the private organization.	N/A
OHIO	In 2005, Rep. Jim Aslanides was investigated for failing to disclose his real estate holdings for five years. According to a letter from his attorney, he thought that because a city was leasing the land, he had relinquished control and did not have to disclose it.	The Joint Legislative Ethics Committee investigated.	The committee found no violation.	N/A
UTAH	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	No recommendation of disciplinary action by the House Ethics Committee.	N/A

Table 2 (continued)

STATE	INCIDENT	PROCEDURE FOLLOWED	FINDINGS AND RECOMMENDATION	FINAL ACTION
		Investigation was unwarranted or whether, after the preliminary inquiry, determined the charges were unfounded.		
UTAH	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

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