AGENDA

Senate Committee on Ethics

Senate Committee Room 357

State Capitol Building

Tuesday, February 11, 2025

8:00 am

Call to Order

1. Committee Discussion of Complaint, Answer, and Evidence Received (Complaint and Answer attached)

2. Committee Discussion of Next Steps for the Preliminary Investigation of the Complaint

3. Other Business

January 10th, 2024

Colorado State Senate
President James Coleman
200 E. Colfax Ave, Room 346
Denver, CO 80203

Dear President Coleman,

The Political Workers Guild of Colorado (PWG) is an open-model minority union that represents legislative aides, campaign workers, and political organizers who want to fight for dignity in our workplaces. We are a unit of the Denver Newspaper Guild-Communications Workers of America (TNG-CWA) Local 37074. Please allow this correspondence to serve as a formal complaint against Senator Sonya Jaquez Lewis filed on behalf of past affected staff Li Davis, Luke Doescher, Luis Echeverry, Lacey McGinty, and Molly Stawinoga. For violation of Senate Rule 41(a.5) of the Colorado Senate Rules (the "Rules"). This complaint is being filed pursuant to Rule 43, which requires the signed, written complaint be filed with the Senate President.

We have had several instances of former staffers coming forward to PWG in fear of retaliation for speaking out, and we encourage the committee to consider all documentation with the Office of Legislative and Workplace Relations and the Senate Democratic Leadership as it relates to her behavior. We would ask that if a committee is called and evidence gathered, the identities of former staff remain protected and the committee calls an executive session according to 24-6-402(4). It is our hope that the Senate Democrats will take the following claim and evidence into consideration.

Claim:

The Political Workers Guild is calling for an ethics committee in regard to the violation of Rule 41(a.5);

> (a.5) *Legislative ethics and official conduct. Legislative office is a trust to be performed with integrity in the public interest. A member is to be respectful of the confidence placed in that member by the other members of the Senate and by the people of the state of Colorado. A member shall respect and comply with the law and shall perform his or her legislative duties at all times in a manner that promotes public confidence in the integrity and independence of the Senate and of the General Assembly. By personal example and by admonition to colleagues whose behavior may threaten the honor and integrity of the lawmaking body, the member shall watchfully guard the responsibilities of the public office and the responsibilities and duties placed on the member by the Senate. To this end, each member shall be accountable to the Senate for violations of the Rules of the Senate, the Joint Rules of the Senate and the House of Representatives, the Constitution of the state of Colorado, or any provision of the code of ethics set forth in article 18 of title 24, Colorado Revised Statutes.*

We believe the evidence shows the violation of Rule 41(a.5) by Senator Jaquez Lewis- particularly the following clauses;

- Integrity in the public interest
- A member shall respect and comply with the law
- …the member shall watchfully guard the responsibilities of the public office and the responsibilities and duties placed on the member by the Senate

Evidence:

- Wage Theft[1]
    - Senator Jaquez Lewis has shown repeated behavior with former staffers by committing wage theft. She then denied doing so as shown in the attached article.
- Non-Disclosure Agreements[2]
    - Senator Jaquez Lewis had former staffers sign NDAs and one of her recent former staffers signed an NDA despite the practice being illegal.
- Campaign Financing for Non-Campaign Related Work[3]
    - Senator Jaquez Lewis paid one of her aides to do yard work and fulfill other non-related duties with campaign funds. The aide also identified as Latino.
- Underreporting of campaign funds[4]
- Abuse of power dynamics[5]
    - Senator Jaquez Lewis has continually demoted and promoted her staff without reason.
- Lack of Accountability by Senator Jaquez Lewis and the continuation of repeated behaviors despite the acknowledgment of these actions by leadership
    - Senator Jaquez Lewis has been quoted in several newspapers, never admitting wrongdoing or taking accountability for her actions.
- We are aware other ethics complaints have been filed and we want to acknowledge that we are not the first to make this complaint.[6]

Due to the nature of this complaint, we ask that leadership and a committee, if called, take into consideration the affected staffers when looking into evidence. We know of complaints and documentation, which we encourage the committee to consider, filed with OLWR in 2024, 2023, 2022, and 2021 in regard to behavior by Senator Jaquez Lewis and several letters sent to Senate Leadership. Those we have spoken with who have filed these complaints have largely asked to remain anonymous in fear of retaliation and in protection of their current careers. We have a few former staffers who have come forward and offered to sign this complaint in the hopes that their first-hand accounts of their experiences in Senator Jaquez Lewis' office will provide the committee with needed evidence. Along with this, we have attached a formal complaint that was already filed with Senate Leadership and OLWR. We ask that any press communications to the aggrieved parties who have signed go through the signatory of this letter, Hailey Shea McMoore, and the Political Workers Guild if this letter is made public. We hold the committee to the highest standard of integrity and ask members to protect these former staffers to the best of their ability while still fulfilling their duty, if an investigation is called.

In Solidarity,

Hailey Shea McMoore

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[1] https://www.denverpost.com/2024/04/03/sonya-jaquez-lewis-colorado-senate-democrats-wage-theft-bill/ https://coloradosun.com/2024/12/05/sonya-jaquez-lewis-aides-complaints/,

[2] https://coloradosun.com/2024/12/05/sonya-jaquez-lewis-aides-complaints/, See Page 2 of Attached Complaint, and https://www.cpr.org/2024/04/16/former-legislative-aides-workplace-concerns-against-senator-sonya-jaquez-lewis/

[3] See Page 4, 5, and 6 of Attached Complaint, and https://coloradosun.com/2025/01/03/sonya-jaquez-lewis-campaign-finance-complaint/

[4] Refer to letter sent to Senate Leadership November 15th, 2024 for this violation and others- with regard to the privacy of parties involved

[5] Boulder County Democratic Party December 17th Resolution Committee Meeting Minutes

[6] https://coloradosun.com/2024/12/18/sonya-jaquez-lews-ethics-complaint/

Hailey Shea McMoore, Union Steward of Political Workers Guild of Colorado

On behalf of; Li Davis, Luke Doescher, Luis Echeverry, Lacey McGinty, and Molly Stawinoga

To: Re: Answer to Complaint to The Senate Ethics Committee

January 31, 2025

I. INTRODUCTION

I am writing this in response to the complaint against me by the PWG on January 10, 2024. I take any complaint by workers very seriously. My voting record shows I my commitment to workers, I have is 100 % with Union, Labor and working families. I have been a true and passionate champion of Worker's rights and workplace fairness and I have sponsored legislation to support workplace fairness.

The PWG complaint, however, is full of distortions and falsehoods and should never have been assigned to an Ethics Committee. The complaint focuses almost exclusively on internal office management. The only allegations that offer even an iota of "evidence" to support them are contained in an attachment detailing the complaints of two disgruntled young men who did not get the jobs and/or hours that they demanded.

The complaint was filed on behalf of the two men and three other persons. The three other persons fail to identify any complaints specific to them. In the formal complaint, the PWG refers, as evidence, primarily to one news outlet's articles reporting that complaints had been made against me. Another article cited to an unnamed person who alleged that she was not paid in a timely manner. Further, the complaint references a letter sent to Senate Leadership on November 15th, 2024. Although I have asked repeatedly for that letter, I have not received it.

In total, this complaint is no more than a compilation of incidents unsupported by actual facts that are meant to focus attention on valid universal aide issues by scapegoating one Senator. Specifically, the truth is that this complaint is part of larger issues between aides and the General Assembly. As set out by one of the founders of the PWG:

> PWG arose out of this refreshed labor movement, spurred to organize by the same subpar realities animating union drives around the country: low pay, lacking benefits, mistreatment, forced indignity, and zero job security. Our members are people determined to play a part in the functioning and maintenance of democracy, who for years were rewarded with low pay, long hours, frequent screaming, occasional groping, and the need to supplement the meager wages earned from their public service by delivering pizza and selling plasma.
>
> and
>
> We learned two of our most important lessons early: that power concedes nothing without a demand, and that power knows no partisanship. Despite Democratic candidates littering the state with pro-labor mailers, many are content to offer their own staff nothing but

> long hours, low wages, and zero time-off. Despite Democratic majorities controlling the state legislature since PWG formed, every single concession PWG has extracted at the capitol in the past three years has been denied before ultimately being granted.

*See Colorado Times Recorder, DAVIS: Lessons I Learned From Starting a Union***,** https://coloradotimesrecorder.com/2024/01/davis-lessons-i-learned-from-starting-a-union/59029/, January 16, 2024

In fact, the Guild is currently in a battle with Democratic leadership over the pay for aides:

> The aides are seeking $30 an hour, up from the current hourly wage of $23. Their union, the Political Workers Guild of Colorado, says Democratic leaders have refused to engage with the group on its push for a living wage for staff, and that discussions have stalled. Democratic leaders dispute that assertion and say negotiations and conversations have been ongoing.

*See CPR NEWS, Colorado legislative aides at odds with Capitol leadership over wage increase***,** https://www.cpr.org/2024/03/12/colorado-legislative-aides-ask-for-wage-increase/, Mar. 12, 2024.

It is clear that aides in general feel not appreciated and underpaid by members of the General Assembly. I agree that these issues should be raised and resolved. Unfortunately, however, I am being made the artificial focus of this larger conflict. I am being dragged through the mud for political ends. With false allegations, the PWG is using me to showcase its concerns. Other members are more than happy to put a focus on me so that they divert attention from their own issues and the larger issues of aide concerns.

Finally, the process by which this complaint is being investigated is unfair to me, to my constituents and to any sense of due process. I am being asked to answer a complaint that is largely bereft of specifics and, as noted above, refers to some material I have never seen, within ten (10) days. After I submit this answer, the Committee can and will collect a massive amount of information. Under the rules, I cannot respond to that information. I am given no opportunity to present my side of the story. This is anti-democratic and, again, a disservice to me and my constituents.

II. ABUSE OF POWER DYNAMIC-OFFICE MANAGEMENT ALLEGATIONS

A. Introduction

Legislative aides are hired to work during that legislative session, January through May of each year. *See* **Exhibit 1** (Senate Aide Job Description) Aides are not guaranteed specific hours. They are not guaranteed any hours during the off-session period. In fact, they are at-will employees who "serve at the pleasure of the hiring member or members and are appointed

without regard to the state personnel system." Senate Rule 39(b)(emphasis added). An at-will employee can be hired or fired at any time without cause.

For the most part, the complaints of Mr. Doescher and Mr. Echeverry are internal workplace issues. In fact, they are contained in a document called **"**Workplace Expectations." The timeline offered in that document describes events occurring almost exclusively the off-session time frame. In fact, Mr. Doescher says:

> Throughout the 2024 legislative session, Luke developed a very friendly and productive relationship with Sen Jaquez Lewis. Despite what I had heard from other people Senator Jaquez Lewis treated me fairly and with kindness throughout the intense moments of the session.

Legislative aides work during the legislative session. They are not guaranteed a certain number of hours. Their schedule is worked out with the member. In the most current ad for Senate aides, it says:

> Positions will start in January and run through the end of the legislative session, depending on the legislator's schedule……
>
> $24.57/hour, up to 40 hours/week. The actual work schedule will be developed in conjunction with your specific legislator.

Exhibit 1.

The issues raised in the "Workplace Expectations" document are internal office issues that should have been worked out informally, or at least through the Workplace Expectations Policy process. Instead, the aides went directly to Senator Fenberg and apparently then to the press. These are issues should not be the subject of an Ethics inquiry. If they are made so, every complaint of every aide for every Senator could become a subject of a formal ethics Committee.

B. <u>Hiring and Firing</u>

The major allegation in the PWG complaint (Workplace Expectations document) appears to be that Mr. Echeverry was "fired" and Mr. Doescher was "demoted." Senate rules specify that aides are at-will employees, who serve at the pleasure of member.

Mr. Doescher and Mr. Echeverry accuse me of "Abuse of power dynamic." Outside of the term being incomprehensible, they offer no evidence that "Senator Jaquez Lewis has continually demoted and promoted her staff without reason." Under current policies, a Senator has complete discretion with regard to the hiring and firing of aides. In this case, I changed staff positions in order to accommodate Mr. Doescher, as he requested.

Again, in the complaint, Mr. Doescher, sometimes talking about himself in the third-person, states that:

> Throughout the 2024 legislative session, Luke developed a very friendly and productive relationship with Sen Jaquez Lewis. Despite what I had heard from other people, Senator Jaquez Lewis treated me fairly and with kindness throughout the intense moments of the session.

An example of the kindness shown by me was my attempt to accommodate Mr. Doescher when he was applying for graduate school and had to reduce his hours. Instead of being grateful for my agreement to have Mr. Doescher work less hours as a junior aide (as opposed to a senior aide), he turns my kindness into something devious by saying that I demoted him without cause. This is **factually incorrect**.

Both Mr. Doescher and Mr. Echeverry allege that on November 13, without proper discussion or consent, Mr. Echeverry was fired from his position as Junior Aide and Mr. Doescher was demoted from his Senior Aide position. **This is clearly inaccurate.** Earlier in the fall, Mr. Doescher had asked me to write a letter of recommendation that would help him get into graduate school. I wrote a glowing letter for him. At that time, Mr. Doescher told me he would need to go part-time in January 2025, if he got into the Graduate program. As Mr. Doescher said:

> "At this time I had submitted my application for graduate school but was waiting for my application to be complete with letters of reference and be reviewed. I discussed the possibility of stepping into a part-time role in the office to pursue more courses should I be admitted to the program. I understood that becoming a part-time aide would cause issues for Luis since there can only be 1 part-time aide."

After he notified me that he got into graduate school, I gave Mr. Doescher the part-time Junior Aide position that he requested (and that Mr. Echeverry had occupied) and he accepted the position. Mr. Echeverry was the interim part time aide and his term was ending. Instead of offering the position again to Mr. Echeverry, I offered it to Mr. Doescher at his request. In fact, I offered Mr. Echeverry a paid fellowship in the office with the offer to help him find another position if he wanted one. This is a clear case of a disgruntled young man, Mr. Echeverry, who did not get the job he wanted, and he decided he could take advantage to cause public embarrassment.

In short, Mr. Echeverry was moved out of the junior aide position to accommodate Mr. Doescher. Again, Mr. Doescher turned this action on his behalf into a bad act on my part. That is not surprising because Mr. Doescher had advocated for me hiring Mr. Echeverry and "Mr. Doescher told Mr. Echeverry that he was on his side." In fact, Mr. Doescher created a situation in which it was "Mr. Doescher and Mr. Echeverry" against me, only after it was clear that I would not be hiring Mr. Echeverry into the Leg staff for 2025.

In short, I was not dishonest. I was simply trying to accommodate everyone's needs.

C. Hours

It is important to note that there is no guarantee of hours for legislative aides between sessions. Mr. Doescher and Mr. Echeverry complain that they did not get the number of hours they wanted. The legislative session in Colorado is January through May of each year. Mr. Doescher and Mr. Echeverry apparently had no issues with their hours during the 2024 session. Mr. Echeverry appears to be complaining about his hours after the session ended. During the time between sessions, there is very little work for aides. I have no control over that. When a person is hired as an aide, there is no guarantee that a minimum amount of work would be available. Once the Session is done, most Legislators heavily reduce legislative duties. In 2024 in particular, I was running for Re-Election and was focused on my campaign and helping other Senate races. Even when Mr. Echeverry was offered work, he complained that it was not good enough for him. He consistently turned down campaign work offered to him and complained about other work I tried to give him to provide him some income during the summer.

D. Training

Again, there is no guarantee or requirement as to what or how much training is allowed for aides. While certain training is recommended, no training is required. I have wanted the Leg aides I work with to have more training. In the past, I have encouraged Staff to attend webinars and other events that they have expressed interest in. There is a vague accusation here, yet no specifics have been shared. If you would provide me with the specific complaints, I may be able to respond.

E. Communication

I have no idea as to what Mr. Doescher is referring when he alleges that I would not let aides communicate with each other. If you would provide me with the specific complaints, I may be able to respond.

F. Followed Senators

It is totally untrue that Mr. Doescher was ever told to follow any Senators. I would ask him to look in the Senate committee hallway and outer area for a particular Senator when we were having trouble catching up with that Senator about a bill that was being voted on in committee, for example Senator Winter and I were trying to vote count a bill and we needed to locate and speak with Senator Mullica. Legislators ask aides to look for folks in the Chamber, call over to an office in SSB or in the building all the time so that the Senator can talk to a colleague. That is not an uncommon practice.

G. Office Organization

Individual office organization is not a proper subject of an ethics complaint. For example, the complaint about having a large number of emails as proof of some type of

mismanagement is petty. My most recent aide, Liz Rosenbaum told me that Senator Snyder has 30,000 emails but he knows exactly how to find what he needs when he needs it.

H. Other specific allegations in Workplace Expectations Document

In addition, Mr. Doescher and Mr. Echeverry allege a "Lack of Accountability by Senator Jaquez Lewis and the continuation of repeated behaviors despite the acknowledgment of these actions by leadership." They offer no evidence of this except that I have denied false allegations made against me. I have publicly apologized for any hurt feelings or misunderstandings. At the same time, denying false allegations cannot, under any circumstance, be considered an ethical lapse. Again, both Mr. Echeverry and Mr. Doescher knew that going to the press with any allegation without offering any evidence would cause public punishment and would immediately be covered by the media. Mr. Doescher even admitted to me, that "I was told not to speak with you" by President Fenberg. That is a clear violation of the usual protocol of talking workplace issues out with the Senator and Aide and a Senate staffer.

Mr. Doescher states that he believes there was an unstable aide situation. Yet, Denice Walker has worked in my office for the entire 6 years that I have been a legislator. She is willing to go on the record about my treatment of staff in the office as being respectful and generous of my time. (Exhibit 2) Other former staff have submitted letters of support. (**Exhibit 3-6**)

I. Other Workplace Complaints

The formal PWG indicates that it is being submitted on behalf of five persons -- Li Davis, Luke Doescher, Luis Echeverry, Lacey McGinty, and Molly Stawinoga. The only specific allegations made are outlined in the attached Workplace Expectations document submitted by Luke Doescher and Luis Echeverry. Those allegations are addressed above. I have no information regarding the complaints made by the other three individuals. I can only guess what their allegations are.

1. Molly Stawinoga

I have to guess what allegations Ms. Stawinoga is making because they are not specified in the PWG complaint. I do know that the 2023 Session was extremely stressful. I was asked to be on three different committees by Majority Leader Moreno and the work was certainly anxiety producing. Ms. Stawinoga was a good legislative aide, and I was fond of her. I found out later that she was sensitive regarding several subjects that I didn't know at the time. For example, Molly's desk was in my office, we shared the office space because that shared office space was a very loud one with music playing 24hours a day and many social events were taking place in the adjoining office. I wanted Molly to be able to hear me without me shouting through the removable wall. On certain occasions, I would have to ask Molly to go outside of the inner office when I was having confidential conversations. I heard later that she was upset about that.

In another instance, she was very upset that I agreed to take on a very large bill related to gender affirming care and reproductive services because she was afraid, it would add too much to my workload. When I realized that she was concerned about the bill, I told her, I would find other staff help so she did not have to work on the bill. After the bill passed and the Governor was getting ready to sign it, it was a very exciting moment. Even though Molly had not wanted to work on the bill and did not work on the bill, I got her a pass to attend the bill signing because it was so historic, and she seemed very excited to be included.

When Ms. Stawinoga seemed to be struggling, I did suggest we meet with Jessica Martinez, the political staffer assigned to work with aides, who is not a trained HR professional. That did not seem to help a great deal. I was unaware of the extent to which she was struggling until Ms. Stawinoga went to Senator Winters in the office adjacent to ours to hold private meetings about her unhappiness. I was only informed about these private meetings in December of 2024. I was also told in December, that Senator Winter's aide Hazel Gibson advised and helped Molly write a letter to President Fenberg.

I absolutely apologize for any of my actions that upset her and for being unaware of the extent of her stress and anxiety. This is a perfect example of why aides should be able to go to an experienced HR person who can help resolve these types of issues.

2. Li Davis

Aide work is extremely stressful during the Legislative session. For some folks, it can be bad for their health. Davis was an Intern in the spring and summer of 2022. Li was very talented in graphic design. When I first met Li, they were working in a Chinese fast-food place in the district. They wanted to go to law school and was also an artist. Li also told me they were LGBTQ and wanted to get more involved in LGBTQ issues. They applied for the fulltime Leg aide job, but their experience and qualifications were not enough for that position. Instead, I fund raised and created a special stipend paid intern position for Li. Li did indicate that they wanted to be a fulltime aide for 2023. However, in or about August of 2022, I received a call from Davis' mother telling me that Li would not be coming into the office for a month or so because of stress-related issues. (I will provide more specific information if necessary. At this point, I will characterize the situation in general terms). It was almost a month, before Li came back from their leave.

I had already decided to hire a different person for that position and truly believed that Li was not the right person for that job. Li was very upset, but they did accept a one-day a week paid intern position to continue their quest to get into law school.

3. Lacey McGinty

Lacey McGinty was a campaign manager for my first Senate campaign for a short period in early 2021. As detailed below, she did complain about an invoice not being paid when she left the campaign. As discussed below, the invoice in question was for work she had not done. I

value the contributions from my hard-working donors and constituents and will not use those funds to pay invoices for work not performed. In addition, I, like other campaigns, let Ms. McGinty go after specific issues arose.

4. Conclusion

If these types of internal office matters are allowed to become ethics inquiries, the business of the Senate will come to a halt. (Of course, I am not talking about discrimination or other unlawful actions taken by Senators.) The issues cited in the Complaint should be handled under the policies implementing the *Workplace Expectations of the General Assembly*:

> The General Assembly seeks to be prompt and thorough in addressing all concerns. Concerns based on the Workplace Expectations Policy are addressed through an informal resolution process, which is intentionally flexible to allow for a wide variety of options. As every situation is unique, every reported concern is addressed individually, based on the circumstances.

See https://leg.colorado.gov/workplace-expectations. The issues should not be handled by formal Senate Ethics committees.

I also find it disconcerting that the complaint against me is being pursued when complaints about workplace expectations against members are rarely, if ever brought and/or investigated. For example, there are social media posts about a House Rep who said, he wanted to take his Legislative Aide out to the parking lot and beat him up. There are Senators who yelled repeatedly at their Legislative Aides in front of others and when that Aide decided to quit, it was handled as it should have been, confidentiality with thorough discussions with all parties. When a Senate staffer in the President's office quit in the Spring of 2024, because of the toxic and stressful environment, it was handled as workplace matter, not as an item on the front page of a newspaper.

I do not wish to provide specific names of other members at this point but I point this out to the Ethics committee because allegations against me were leaked to the media and I was treated differently by Senate leadership than other Senators.

III. NONDISCLOSURE AGREEMENT

Mr. Doescher alleges that he was required to sign an agreement that included an "unlawful" non-disclosure provision but has "no clear recollection of what he actually signed." The prohibition of non-disclosure agreements under certain circumstances was enacted in 2023. *See* C.R.S. § 24-50.5-105.5 (2023). Specifically, the statute prohibits nondisclosure agreements that limit state employees from disclosing factual circumstances concerning their employment. **Exceptions to that prohibition include**:

> **(II)** Data; information, including personal identifying information, as defined in section 24-74-102 (1); or matters that are required to be kept confidential by federal law

or regulations, the state constitution, state law, state regulations, or state rules, or a court of law or as attorney-client privileged communications, as privileged work product, as communications related to a threatened or pending legal or administrative action, or as materials related to personnel or regulatory investigations by the employer;

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(XIII) Information and records not subject to disclosure under the "Colorado Open Records Act", part 2 of article 72 of this title 24;

C.R.S. § 24-50.5-105.5(1)(a)(II) and (XIII). The Colorado Open Records Act allows inspection of public records. The term "public records" does **not** include: "Work product prepared for elected officials." C.R.S. § 24-72-202(6)(b)(II). [1]

In addition, the Colorado Open Records Act exempts deliberative process documents from public review:

(XIII) Records protected under the common law governmental or "deliberative process" privilege, if the material is so candid or personal that public disclosure is likely to stifle

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[1] *See* C.R.S. § 24-72-202(6.5) (a) "Work product" means and includes all intra- or inter-agency advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority. Such materials include, but are not limited to:
(I) Notes and memoranda that relate to or serve as background information for such decisions;
(II) Preliminary drafts and discussion copies of documents that express a decision by an elected official.
(b) "Work product" also includes:
(I) All documents relating to the drafting of bills or amendments, pursuant to section 2- 3-304 (1) or 2-3-505 (2)(b), C.R.S., but it does not include the final version of documents prepared or assembled pursuant to section 2-3-505 (2)(c), C.R.S.;
(II) All documents prepared or assembled by a member of the general assembly relating to the drafting of bills or amendments;
(III) All documents prepared by or submitted to any legislative staff in connection with assisting a member of the general assembly in responding to the correspondence from a constituent when such correspondence is not a public record of an elected official as provided for in subsection (6) of this section;
(IV) All documents and all research projects conducted by staff of legislative council pursuant to section 2-3-304 (1), C.R.S., if the research is requested by a member of the general assembly and identified by the member as being in connection with pending or proposed legislation or amendments thereto. However, the final product of any such research project shall become a public record unless the member specifically requests that it remain work product. In addition, if such a research project is requested by a member of the general assembly and the project is not identified as being in connection with pending or proposed legislation or amendments thereto, the final product shall become a public record.

honest
and frank discussion within the government, unless the privilege has been waived.

C.R.S. § 24-72-204(3)(a).

When I assumed office as a House Rep in 2019, nondisclosure agreements were not prohibited and in fact I received a template from another Rep. Political campaigns regularly use confidentiality agreements. When I was elected to the Senate, I received a Dem Senate Caucus one page confidentiality document that Dem staff recommended. **Exhibit 7**. Once I learned about the new legislation, I ceased using prohibited agreements.

The agreements I have used do not violate the nondisclosure laws. Those agreements prohibited the release of "confidential" information, including information made confidential by law, work product, proposed legislation, and private information about constituents and the Senator and her family. That information is allowed or required to be kept confidential by law. In addition, my agreements specifically allow any employee to disclose any information, including confidential information, pursuant to Workplace Expectations Policy, or the Workplace Harassment Policy or any disclosure allowed by law. That provision clearly meets the legal requirement that an employee be allowed to discuss "factual circumstances concerning their employment," while still allowing certain appropriate information to be kept confidential.

Thus, there is no basis for a finding of an ethical violation here.

IV. WAGE THEFT ALLEGATION

Perhaps the most outrageous allegation in the Complaint is that I committed wage theft, which is untrue and constitutes actionable slander. The only "factual" support offered in support of that allegation is two news articles. The first is an article referring to the PWG complaint. In short, the basis for the allegation of wage theft is an article saying that the allegation of wage theft was made. (Proof of the complaint is reference to the complaint in a newspaper?).

The second referenced article describes a complaint made by an **unnamed** aide that she was not paid in a timely manner. To the best of my knowledge, the specific allegation is simply that I did not sign off on a timesheet when I was traveling. The allegation of wage theft is ridiculous, defamatory and clearly shows the lengths PWG will go to in order to achieve its goals.

Wage theft in Colorado law is defined as:

> **(2)** In addition to any other penalty imposed by this article 4, any employer or agent of an employer who **willfully refuses to pay wages** or compensation as provided in this article 4, or falsely denies the amount of a wage claim, or the validity thereof, or that the same is due, with intent to secure for himself, herself, or another person any discount upon such indebtedness or any underpayment of such indebtedness or with intent to annoy, harass,

oppress, hinder, coerce, delay, or defraud the person to whom such indebtedness is due, commits theft as defined in section 18-4-401.

C.R.S. § 8-4-114(2).

I was traveling when the timesheet was submitted by an interim Aide. Instead of calling me, the Senate political staffer took the matter to President Fenberg, who then leaked it or allowed it to be leaked to the press, making it an intentional "hit piece" on me. (I would note that this occurred as Fenberg and I were disagreeing about oil and gas legislation). The timesheet was signed, and the temporary interim aide was paid in a timely manner. There is no basis at all to refer this for a formal ethics inquiry.

My understanding – although again I do not know the specifics of any allegations – is that Ms. McGinty is also alleging that I did not pay her wages earned. As noted above, Ms. McGinty was a campaign manager for me during my Senate campaign in 2021. She was dismissed for multiple reasons, and she was paid a final paycheck for the hours that she actually worked. I would note first that the Senate Ethics Committee has no jurisdiction over events that occurred in my campaigns. It is a dangerous precedent for the Senate to investigate private affairs of its members. Nevertheless, there was a situation in which Ms. McGinty asked to be paid for work she had not done. Specifically, she gave me an invoice for canvassing work done by another campaign aide. I refused to pay it. I am very careful with campaign funds. I will not use it to pay fraudulent invoices. In addition, Ms. McGinty was leaking campaign information to other campaigns, without permission. Like other campaigns before mine, I also had to let her go.

V. CAMPAIGN FINANCE ALLEGATIONS

A. Allegation that I paid for Personal Work with Campaign Funds

As to the allegation by Mr. Echeverry that I paid him to do personal work for me using campaign funds, it is completely false. On July 6, 2024, I hosted a fundraiser at my house for my campaign and other Democratic candidates for office. Majority Leader Rodriquez was at the fundraiser and several other Democratic candidates attended. When Mr. Echeverry asked me for work in July, I told him that there was nothing in the office (the Senate was in recess) but that he could earn some money by helping with a campaign event. (No good deed goes unpunished). As noted in the PWG complaint itself, I told him that the work would be hot and dirty because the duties included organizing the backyard by moving and setting up outside furniture, moving plants aside on the decks, and setting up food tables, beverage tables, and outside seating for attendees of the fundraiser. He voluntarily agreed (although he later said that the work was beneath him). Several other Campaign staffers helped with the event and all were asked to do similar work. In fact, other campaign staffers continued to do campaign work.

I paid Mr. Echeverry $175 from my campaign committee account for his work to help set up the fundraiser event. The funds paid to Mr. Echeverry were directly related to supporting my re-election campaign in compliance with CRS §1-45-106(1)(a)(II), and existing case law. *See*

Williams v. Teck, 113 P.3d 1255, 1258-59 (Colo. App. 2005). The payment to Mr. Echeverry was reported in TRACER and Amended in the August 1, 2024, report.

Mr. Echeverry worked on a day when actual yard workers were there to mow and weed. The "migrant woman and child" to which that Mr. Echeverry referred are a family that we are helping to host, and the mother was doing inside work while her child was reading. When the child finished inside, she came out to assist until we could give them a ride home. The child saw her mother helping to collect compost and jumped in momentarily until we saw her and stopped that. As a Latina, whose family has endured discrimination and prejudice, I am astounded and insulted that Mr. Echeverry would use a Latina mother and child to support an outrageous allegation that he was singled out because he was Latino. In January 2024, when CLLARO referred Mr. Echeverry to my office for the CLLARO fellowship, he told me he picked my office to work in because of my legislative record and work on immigration policy.

In short, Mr. Echeverry was paid for his work, which is evidenced by the checks he included in his complaint. There is no basis for an ethics inquiry.

Further, campaign financing complaints come under the jurisdiction of the Secretary of State, as noted on the Secretary of State's website:

> The campaign finance complaint process addresses potential violations of Colorado campaign and political finance (CPF) laws as outlined under section 1-45-111.7, C.R.S. and Rule 23 of the Secretary's Rules Concerning Campaign Finance. Campaign finance complaints are handled by the Campaign Finance Enforcement Team in the Elections Division (Division) of the Secretary of State's Office. The complaint process has several stages outlined in statute and can include initial review, opportunity to cure, investigation, and hearings.

See https://www.coloradosos.gov/pubs/elections/CampaignFinance/complaintFAQs.html.

A political operative has filed a complaint against me with the SOS based on the accusations of Mr. Doescher and Mr. Echeverry in the media. I am working through that complaint with the Secretary's office and have already offered a cure and remedy. Any action from the Senate on alleged campaign finance is premature and is under the purview of the Secretary of State's office.

B. Knocking on Doors

In addition, and in another effort to provide Mr. Echeverry with work, in June 2024, I referred him to Valerie Vigil for work on her campaign. Ms. Vigil was running in a primary campaign for Adams County Commissioner. Towards the end of June 2024, I paid Luis $275 and reported an in-kind donation to Ms. Vigil's campaign for his work. When I met up with Mr. Echeverry, I inadvertently grabbed the wrong checkbook and accidentally gave him a $275 check from my candidate committee account, Sonya for Colorado, instead of from the leadership PAC,

Sonya for Dems. I corrected the mistake by amending the TRACER report and refunding my campaign account for this expenditure.

C. Payment not reported to Tracer

I paid Mr. Doescher extra money for working in my office. I did that because working in the Capitol is stressful, and I value my legislative staff. Those payments are not required, and I do so on my own volition. The payments were listed in Tracer.

VI. LACK OF ACCOUNTABILITY

The PWG complaint accuses me of a "lack of accountability." It is the case that I have disputed false or inaccurate claims and allegations. I assume any Member would do the same. It is not true, though, that I have ignored concerns of aides and other staff. I understand that aides in general are frustrated and want to convert the Guild into a union. I agree that we must do more to support aides, interns and fellows at the Capitol. The recent workplace policy requires that legislative aides must report everything to a political staffer, and not an HR trained professional. Legislative aides are treated differently than other Capitol staff in this regard. The policy should be reexamined, and I offer to take leadership in that process.

I have taken proactive steps in my office this Session to make life better for staff. For example, I worked with a HR trained professional to meet with my current Aide. We have already had two (2) meetings with Mr. FitzSimons. My current aide has access to confidential discussions and extra training if she wants it. We, the Senate, should allow aides to get professional HR support instead of being political pawns. That should be a goal we have.

I have fundraised to pay every intern in my office. As you know, most offices do not pay interns. I always have, for the 6 years I've been in office. I pay my office Legislative aides extra, above their salary, and give extra money for gas and parking because it is the right thing to do and I understand how hard the work is. I am trying to do something about the fact that we do not have adequate and trained staff assistance for new aides coming into their first professional job.

Finally, I take full responsibility for the running of my office and management of office staff. I always apologize to persons I cannot hire, including the individuals referenced in the PWG complaint. I apologized to the staffer who I helped to get into graduate school, but could not offer a fulltime job while he was there. I have apologized to the staffer who was so stressed that she asked me not to run any more bills in 2023. I do appreciate my staff and always want the best for them within the constraints of my work for my constituents.

VII. CONCLUSION

I understand that the Political Workers Guild (PWG) is upset. They want collective bargaining. I have learned that some have not known that I am trying to make the Capitol a better place to work by providing weekly team lunches and other things. I have learned that some Senators and Reps would prefer office managers instead of aides. They do not have the capacity

to mentor first-time workers and some of our colleagues would rather have administrative staff and/or executive assistant staff. That is why some Senators like Senator Sullivan and Catlin have family members as staff or, as Senator Ginal did almost every session, would go without an aide. Flexibility in staff models is the discussion that we should have. We legislators should strive to improve the working conditions at the Capitol.

I do not believe, however, that I should be the focus of the discussion, or the platform on which PWG's bid for unionization should be built. For those reasons, I believe that this Complaint should be dismissed. Rather, internal office issues should be worked through according to the Workplace Expectations procedures. Campaign finance issues should be worked through with the Secretary of State. Finally, allegations unsupported by any facts should be set aside and not subject to ethics inquiries.

This constitutes my initial response to the complaint brought against me by PWG. Out of fairness and in accordance with due process, I ask that I be allowed to respond to the information collected by the Committee to the extent that it is used in the Committee's consideration and recommendations. I want to be informed of allegations against me as any person would.

Respectfully,

Senator Sonya Jaquez Lewis

Colorado SD17

Cc: Senator Julie Gonzales, Chair, Senator Dylan Roberts, Senator Mike Weissman,

Senator Cleave Simpson, Senator John Chase

Ed DeCecco