

MEMORANDUM

TO: Karen Chandler, Coordinator, Office of Legislative Services
Allison Deison, Esq., General Counsel, Office of Legislative Services

FROM: Gail Golman Holtzman, Esq., Lead Investigator, Jackson Lewis P.C., Tampa
Matthew Klein, Esq., Investigator, Jackson Lewis P.C., Orlando

DATE: December 20, 2017

Set forth herein is a Memorandum (hereinafter “the Memorandum”) following the investigation of allegations against Senator Jack Latvala, as reported in the November 3, 2017 *POLITICO* Florida article (hereinafter also referred to as the “Article” or the “*POLITICO* article”). This Memorandum includes: (1) Background Information Related to the Investigation; (2) Overview of Florida Senate Rules and Manual, Senate Administrative Policies and Procedures, and Joint Policies and Procedures Pertaining to Harassment and Complaints; (3) this Investigation’s Process; (4) the Scope of Investigation; (5) Findings of Fact; and (6) a Concluding Summary.

I. Background Information Related to Investigation

On November 9, 2017 Gail Golman Holtzman, Esq., a principal in the Tampa office of Jackson Lewis, P.C. was retained as lead investigator, along with Matthew Klein, an attorney in the Orlando office of Jackson Lewis, P.C. by the Office of Legislative Services (“OLS”) to undertake an investigation into allegations by six unidentified women that Senator Latvala, a Republican gubernatorial candidate and then Chairman of the Senate Appropriations Committee, inappropriately touched them without their consent or uttered demeaning remarks about their bodies, as reported in *POLITICO* on November 3, 2017. The scope of this investigation was restricted to the allegations reported in the Article and was independent of any other allegations, actions or proceedings.

The *POLITICO* article reported that six women who work in the Capitol, including Senate staff and lobbyists affiliated with both major parties, “did not want to be identified for fear of losing their jobs, getting a bad reputation in the male-dominated Capitol or running afoul of an influential politician who can kill their clients’ issues.” Moreover, the Article reported that the alleged incidents, “occurred over a period of several years, happening in the privacy of Latvala’s Senate office or in public places like the Capitol rotunda, a bar or an elevator.”

Allison Deison, OLS General Counsel, and Karen Chandler, OLS Coordinator, initiated and facilitated this third party investigation. In a November 9, 2017 Memorandum, Senate President Joe Negron announced that the third party investigation was ordered after Senate General Counsel Dawn Roberts recused herself from conducting the investigation. He had ordered an investigation on November 3, 2017 after the *POLITICO* article was published. In her November 4, 2017 letter to Negron, Roberts recused herself from the investigation based on her long-standing

relationship with Senator Latvala that she stated in the letter could affect the integrity of the investigation. In her letter, Roberts suggested that pursuant to applicable policies, the OLS Human Resources Department contract with an independent service provider to investigate prohibited harassment.

As set forth in the November 9, 2017, Memorandum, Senate President Negrón sent a Memorandum to “All Senators” and “Senate Professional Staff” regarding the “Selection of Independent Investigator.” The Memorandum referenced attachments, including a Memorandum from Karen Chandler, Coordinator of OLS, outlining the lists of independent firms identified by OLS and requesting feedback from the Senate President, his response to OLS and request that OLS proceed with the selection of a firm, and a Memorandum from OLS announcing the selection of a firm.

In this Memorandum, Senate President Negrón stated that “[t]he Senate has zero tolerance for sexual harassment, sexual assault, or misconduct of any kind.” President Negrón stated in an email to senators and staff, “I encourage anyone with any information regarding the anonymous allegations to contact Ms. Holtzman. Identifying information regarding anyone who has been the victim of sexual harassment will be held confidential as permitted by law.” President Negrón advised that individuals with information should contact Gail Golman Holtzman through her assistant at the designated phone number to make appointments beginning Friday, November 10, 2017.

The Memorandum states that in order for employees to feel comfortable participating in this process, supervisors should not require the use of any leave time nor should supervisors inquire as to the reason for an employee’s brief time out of the office. This Memorandum was reported in various media outlets and provided broad dissemination regarding the investigation and contact information for arranging meetings to speak with the investigators.

On November 13, 2017 an engagement letter was sent by Jackson Lewis to OLS outlining the terms of the engagement, and a contract was signed between Jackson Lewis and OLS. The investigators were asked by OLS to investigate the allegations in the *POLITICO* article and to report on findings of fact following the investigation.

Immediately after execution of the contract on November 13, 2017, the investigators began meeting with individuals in Tallahassee. OLS arranged for confidential meeting sites at various Government buildings, as well as at an off-site location, to offer individuals who called for appointments the opportunity for confidentiality. The investigators’ legal assistants helped to facilitate interviews.

Prior to their meetings, the investigators were provided with Joint and Senate Policies, as well as Senate staff contact and background information pertaining to OLS and Senate organizational structure and administration.

II. Overview of Florida Senate Rules and Manual, Senate Administrative Policies and Procedures, and Joint Policies and Procedures Pertaining to Harassment and Complaints

The Florida Senate Rules and Manual, Senate Administrative Policies and Procedures, and Joint Policies and Procedures pertaining to harassment and complaints are summarized below.

Senate Rule 1.35 requires every Senator to “conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.”

Senate Rule 1.43 provides a formal procedure for *anyone*, whether it be an employee, Senator, lobbyist or other member of the public, to file a sworn complaint against a Senator alleging a violation of the rules regulating legislative conduct and ethics. Upon receipt of a sworn complaint, the policy provides that the Rules Chair will decide whether the complaint establishes probable cause of a violation. If so, a special master will be assigned to investigate the complaint and issue an advisory report and recommendation. Otherwise, the complaint will be dismissed. Under this policy, a special master’s report and recommendation is referred back to the Rules Committee for action, if any, on the special master’s findings.

Senate Policy 1.14 provides that those associated with the Senate must conduct himself or herself so as to maintain the integrity and responsibility of his or her position, and an independent, professional standard of conduct free of conflict of interests.

Senate Policy 1.49 prohibits workplace harassment. Similar to the Joint Policy, the policy prohibits sexual harassment and indicates that “all Senators and employees must avoid conduct that could be seen as prohibited harassment.” The policy then provides a non-exhaustive list of what may constitute prohibited harassment.

The Senate’s policy provides a mechanism for an employee to report sexual harassment. Employees may report it to (i) his or her immediate supervisor, (ii) the Senate Chief of Staff, or (iii) the Senate President for a complete investigation. Prior to October 2017 this policy provided that a report of harassment could be reported to (i) the employee’s immediate supervisor, (ii) the Senate President or (iii) the Director of Human Resources of the Office of Legislative Services. Under the former policy, upon receipt of a complaint, the Director of Human Resources was tasked with conducting a complete investigation pursuant to the Joint Policies and Procedures of the Presiding Officers Policy 2.2316. Under the current policy, the Senate President is tasked with conducting a complete investigation. Policy 1.49 was changed in November 2017, and the investigators were advised that this was changed to reflect the current practice of the Senate.

Joint Policy 2.231 of the Joint Policies and Procedures of the Presiding Officers, provides that the Legislature is an equal opportunity employer that does not discriminate based on, *inter alia*, sex or gender. The Joint Policies provide that an employee with a concern about any type of discrimination should report the concern to the employee's direct supervisor who will immediately notify the Human Resources Director. Alternatively, an employee may report a complaint directly to the Human Resources Director.

Joint Policy 2.2316 of the Joint Policies prohibits harassment towards any employee based on, *inter alia*, sex and mandates that all employees "must avoid conduct that could be seen as prohibited harassment. The Joint Policy describes and provides a non-exhaustive list of what may constitute prohibited harassment. The Joint Policy provides that an employee found to have violated this policy will be subject to discipline up to and including immediate termination from employment. The Joint Policy prohibits retaliation against any person for the good faith filing of a complaint or retaliation for giving information relating to a complaint and prohibits the willful filing of a false complaint of harassment.

Under this Joint Policy, an employee may file a complaint of harassment by anyone with the employee's immediate supervisor, head of employee's legislative unit, or the Human Resources Director of the Office of Legislative Services. The Joint Policy directs the Human Resources Director to "attempt to resolve the issue informally." If such efforts are unsuccessful, the Joint Policy provides that the complainant will be requested to submit a formal, written complaint that sets forth the basis of the complaint, the reasons the complainant believes that discrimination or harassment has occurred, and any action the complainant believes would resolve the complaint. The Joint Policy provides that the Human Resources Director may contact an outside party to perform an investigation, who will prepare a written report submitted to the Office of the Senate President for Senate employees or Speaker of the House for House employees. The applicable leader will promptly make a determination of the validity of the complaint and take appropriate disciplinary and corrective action, if any, based on all of the evidence gathered during the investigation.

Joint Policy 2.2318 generally governs the conduct of employees. It provides that legislative employees "must conduct themselves in a manner that maintains the integrity and responsibility of his or her position. Conduct that interferes with business operations, discredits the Legislature, or is offensive to the public or to coworkers is not acceptable. Employees conducting themselves in such a manner may be subject to disciplinary action, up to and including termination."

III. This Investigation's Process

The investigators guided this independent investigation based on principles of accuracy, fairness, impartiality, thoroughness and timeliness. Prior to this investigation, the investigators had never met Senator Latvala. The investigators received the support of the Senate and OLS for an independent investigation consistent with the above-referenced principles. As detailed herein, the investigation was conducted pursuant to the protection of confidentiality to the full extent of the

law, as detailed in Section I herein. As discussed with OLS counsel, adhering to legal protections of confidentiality to protect witness identities to the full extent of the law was crucial to facilitating the witness interviews. It is likely that many witnesses would not have spoken to the investigators if their names or identities were revealed.

Moreover, based on the importance of the issues at stake in this matter, there was a goal of completing this investigation in a prompt and timely manner. The November 13, 2017 engagement letter estimated a three to four-week time frame for completing this investigation. Discussions were undertaken by the investigators with OLS about completing this investigation, as feasible, before the end of this year and, preferably, by mid-December before the holidays and before the beginning of the legislative session on January 9, 2018. The investigators began their investigation on November 13, 2017. The investigators spent a total of eight days in Tallahassee since November 13, 2017 and conducted meetings between and after those meetings outside of Tallahassee up until and including December 18, 2017.

The six women alleging the conduct and comments by Senator Latvala, as reported in the Article, were not identified. As referenced earlier in this Memorandum, Senate President Negron encouraged individuals with knowledge of the anonymous allegations to contact the lead investigator's assistant at the designated telephone number.

Soon after President Negron's message was reported in the media, an attorney contacted the lead investigator's office stating that she was representing one of the six women in the Article. A meeting with the investigators was scheduled between the identified accuser and her counsel. On the day that the meeting was to occur, however, the accuser's attorney contacted the lead investigator and her office, advising that her client was unable to meet that day but that the meeting would be rescheduled.

Another meeting with the investigators was scheduled by the accuser's counsel. That meeting also was canceled by her counsel, who never followed up with the investigators to reschedule a meeting. Accordingly, the investigators never met with the one identified alleged accuser. Following a telephone call with counsel, the accuser's counsel provided the investigators with a signed, sworn statement of allegations against Senator Latvala. The investigators reviewed these allegations but were unable to question the identified accuser about the allegations because another meeting was never scheduled by counsel.

No other individuals contacted the investigators to advise that they were among the other five individuals accusing Senator Latvala in the Article. Moreover, during the investigation, no individual with whom the investigators spoke identified themselves as one of the other five individuals.

To investigate the allegations, in the absence of the accusers contacting the investigators or information about the identity of the accusers, the investigators contacted a number of individuals working in the Capitol. Initially at the very beginning of the investigation, an OLS representative facilitated meetings with a cross section of staff members from various departments as the investigators gained their own witness information. During the course of the investigation, Senator Latvala and his legal representative requested that the investigators meet with Committee

staff members who have worked with Senator Latvala. The investigators already had included Senate office and Committee employees in their investigation and continued to do so throughout the investigation. The investigators exercised independence in the selection of individuals interviewed and were guided by the principles referenced earlier in this Section in conducting the investigation.

The investigators sought to speak with a broad base of individuals, males and females, who could have had information pertaining to the allegations based on their Senate and Committee work and interactions with Senator Latvala. Others were selected to meet with investigators because their names were referenced by other witnesses. In addition, the investigators met with individuals with knowledge regarding Senate rules and Senate and Joint policies and procedures pertaining to discrimination, harassment, and complaint reporting procedures.

The investigators interviewed a total of 54 individuals, including (1) Senators from both political parties; (2) OLS employees; (3) current and former Senate employees from both political parties, including those working for Senate offices and those working on Senate Committees; (4) lobbyists; (5) representatives from an outside entity that provides services to the Capitol; (6) a representative from a State agency; (7) outside consultants; and (8) Senator Latvala and his legal representatives.

The investigators also met briefly with *POLITICO* reporter Matt Dixon to seek information pertaining to the allegations in the Article that led to this investigation. The investigators advised Dixon before the very brief meeting that they were unable to provide any information to *POLITICO* regarding the investigation. Dixon stated at the meeting that he was unable to provide information to the investigators.

The investigators attempted to speak with Congressman Matt Gaetz, who was quoted in the Article as a witness to the alleged conduct. Congressman Gaetz responded in a letter to the investigators that he refused to participate in the investigation. In the letter, he cited to a lack of protection of the confidentiality of the accusers. The investigators note that at no time did the investigators in this investigation provide information about the identities of the accusers.

Also, the investigators attempted to contact other potential witnesses whose names were provided to investigators during meetings as individuals with whom the investigators should speak based on their association and contacts with Senator Latvala or information they had pertaining to the allegations in the Article. While the investigators attempted to meet with these potential witnesses, some did not respond to requests to be interviewed, while others declined to meet with investigators.

A decision was made by the investigators to meet together with witnesses without transcribed, sworn testimony and without recording the sessions. While those measures may be used in some proceedings, including administrative procedures, the majority of investigations do not include those witness interviewing procedures.

Moreover and significantly, the decision to forego utilizing those procedures was made because of the reported concerns about individuals coming forward to speak with investigators, as

reported in the Article. The Article referred to individuals who “did not want to be identified for fear of losing their jobs, getting a bad reputation in the male-dominated Capitol or running afoul of an influential politician who can kill their clients’ issues.” The investigators advised witnesses that there would be protection of the individuals’ information to the full extent of the law, as referenced by Senate President Negron in his Memorandum.

IV. Scope of Investigation

Set forth below are quoted excerpts from the November 3, 2017 *POLITICO* article that led to this investigation. The reported information is organized into categories of Allegations of Inappropriate Touching/Demeaning Comments and Allegations of Fear of Reporting.

A. Allegations of Inappropriate Touching/Demeaning Comments

POLITICO Florida reported in the Article that six women who work in Florida’s Capitol stated that Senator Latvala inappropriately touched them without their consent or uttered demeaning remarks about their bodies. According to the Article, the incidents occurred over a period of several years, happening in the privacy of Senator’s Latvala’s Senate office or in public places, such as “the Capitol rotunda, a bar or an elevator,” and five of the six women stated that they were harassed, and that the “harassment was physical.” The *POLITICO* allegations in the Article are quoted below:

- *Senate staffer reported that Senator Latvala “uses his body to block what he’s doing with his hands.” Staffer reported that “he sidled up next to her at a bar, draped his hands and legs on her chair and started rubbing my leg.”*
- *“[S]ame staffer said she crammed into a crowded Senate elevator and ended up standing against the same wall as him.” “After he blurted a boisterous ‘good morning,’ Latvala, she said began touching her. He reached around the far side of my body and just started grabbing. His hand went around my back and grabbed me around my lower frontal abdomen and then wandered,” she said. “He touched the underside of my breast on that side.” “I jumped and might have said something like ‘whoa,’ but before I could react any further, the elevator ride was over,” she said.”*
- *“Known in the state Capitol for associating with a bevy of young female lobbyists in his office and at bars and restaurants, Latvala, who is married, was under surveillance last spring by an undercover private investigator who snapped a photo of him kissing a lobbyist on the lips in public. In that case, Latvala and the lobbyist said the kissing was innocent and consensual.”*
- *“Women who spoke to POLITICO Florida described their physical interactions with Latvala as anything but welcomed. They stated they felt degraded and demeaned when he touched their buttocks or other private areas of their bodies, or when he commented on their weight and their breast size. One woman said the legislator would audibly grunt in*

her ear when giving her lengthy hugs that were physically and emotionally painful and embarrassing.”

- *A lobbyist reported that she had “to grin and bear it.” “It was so disgusting and I had to just stand there, over and over again when he would do this, squeezing me hard and grunting in my ear,” she said.”*
- *“When you hug somebody that tight, you let them know you’re in control,” she said. “It just hurt. It’s a different type of hug than I would receive from other men professionally. They don’t wrap their arm around my waist and groan and grunt in my ear and not let me go. I was trapped.”*
- *“Another female Republican lobbyist said Latvala has made numerous vulgar and inappropriate comments on her appearance, and asks things like “what do I get” if I vote for or against a bill?”*
- *“I can remember specific instances being in his office and he would just comment on my chest,” she said. “When talking about bills, he regularly comments on how I look or what I’m wearing.”*
- *“Another lobbyist who works for a Republican-led firm said she felt compelled to help Latvala’s political allies because, “if you don’t do stuff for him, you get blackballed. A lot of what his deal is revolves around power and retribution.” She said that, while she believes there was a sexual element to Latvala’s unwanted touching, it seemed more about expressing dominance. She said he wouldn’t grab her backside or breast, but he would place his hand on occasion on her bottom without grabbing it. However, when he saw her, he would always wrap his arm around her by the waist, and pull her to his side forcefully and squeeze hard. He would then put his lips near her ears and grunt.”*
- *“Gaetz said he didn’t just hear stories about Latvala. He says he witnessed the incidents, such as one time he recalled seeing Latvala sitting in a booth with a “young pretty lobbyist” at a restaurant-bar in Tallahassee where he “used his size to block her escape” as the hour grew late. “He was occupying all the space that is the exit as he gets closer and closer to her through the night so that her back winds up against a wall. Now, to be clear, I didn’t see him grab her,” Gaetz said.”*
- *“One female lobbyist, who’s worked in politics around the country and was on a lobbying team for a large organization from 2011 to 2015, said Latvala harassed her so regularly and with such severity that he changed her entire outlook on how to work as a woman in Florida politics. Most of the time, she said, he made comments about her breasts or grabbed her buttocks. That behavior wasn’t out of the norm for lawmakers, she said, so she didn’t question it. But the harassment reached a tipping point on what should have been a routine visit in 2015. “The last time I was with him alone in his office, I went in to sit down and talk to him, to get an update on an issue,” she said. “He met me at the door*

and gave me this incredible bear hug. He put his hands on my butt and stared down [at my breasts] for a long time, way too long. I had to trip backwards to get out of it.” She then went and sat down in one of Latvala’s office chairs and he sat behind his desk and, she said, “he just acted like nothing happened, which is normal.” “I made a point to never go to meetings with him alone. There was a point where, towards the end, I never went to a meeting with any male legislator without someone with me,” she said, noting she stopped socializing at night, a crucial component to the job in alcohol-fueled Tallahassee, and made sure she was back in her hotel room by 8 p.m. – a “hard stop” rule, she said, to make sure she wasn’t in a vulnerable position.”

B. Allegations of Fear of Reporting

- *“The women, who include Senate staff and lobbyists affiliated with both major parties, told POLITICO Florida they did not want to be identified for fear of losing their jobs, getting a bad reputation in the male-dominated Capitol or running afoul of an influential politician who can kill their clients’ issues.”*
- *“Several of the women interviewed said that, when lobbying Latvala, they understood that their issue would be viewed more favorably if they were willing to at least flirt with him. Even those who were not directly touched by Latvala speak of a “cold shoulder” if they didn’t play along or appeared to be prudes.”*
- *“Another lobbyist, a Democrat who works for a Republican-led firm, said that she always was afraid of Latvala’s temper. During his first stint in the Florida Legislature, she remembers, she was a staffer and Latvala was a lawmaker who had a dart board in his office on which he would list the names of the organizations who had run afoul of him at that moment. Years later, the lobbyist said, she was a target because she was associated with a political opponent of Latvala’s. So she said he would glower at her in an intimidating fashion. But she would need to talk to him. And, at times, he would approach her in the crowded Capitol rotunda in the waning days of session and start physically asserting his presence, she said. “He would brush against my boob, cup my ass with his hand. But it was in a crowd. So it was in public but somehow it was so people couldn’t see,” she said.”*
- *“And complaining was out of the question. “Was it a level where you could file a complaint? No,” she said. “Was it a dick move that a man in control does to you when he knows you need him? Yes. He uses his power as budget chairman to either torture or reward people for their behavior. If you’re not in his good graces, he will kill your client. He just demeans you and degrades you ... He’s a dirty old man and there are a lot of dirty old men in the Capitol.” She confided in a Republican male colleague at her firm and told him once that Latvala was physical, but she didn’t explain how often he did it. “I wish I knew it was happening. I want to punch him in the mouth,” said the male lobbyist. “But he has us by the balls. If you make a stink, he’ll just go all out and destroy you.”*
- *“Yet another GOP female lobbyist said that if you don’t give him enough attention or engage enough with him, you get a “cold shoulder.” The same woman said that the*

unspoken rule to lobby Latvala is that it's important to hire specific female lobbyists close to him. Not doing so means any company or group with business before the Legislature gets shut out because he becomes unreceptive. "When you have to lobby him, it's just understood your team has to include specific women," she said. "You have to hire the right people to get to Jack. That usually means women in his orbit."

- *Some say Latvala is a particularly egregious example, but he's part of a larger culture in Tallahassee that turns a blind eye when lawmakers prey on women whose careers depend on professional relationships with elected officials.*
- *"The confounding trouble with Tallahassee, the women say, is that the culture is so male-oriented that women join men in reinforcing male dominance in a closed ecosystem that's built around hierarchy and power. At the top of the pecking order are the House speaker and the Senate president, followed by the budget chairs of each chamber. That means Latvala has a life-or-death say over a vast swath of the state's roughly \$83 billion budget."*
- *"Latvala wasn't the only person who harassed her while she was working in Tallahassee, she said, but he was one of the most powerful. And as the budget chair, she's worried if she goes on the record, he'll punish her affiliates. "The last thing I need is for the people that I'm helping to get fucked," she said. "Honestly, in my experience, it's been a whole lot more concentrated in Tallahassee than in other places. Does it happen to women everywhere? Yea. Just look at Hollywood. But, in my experience," she said of Tallahassee, "the worst ones I ever had were there."*

V. Findings of Fact

As to the six accusers reported in the Article, the investigators were unable to interview the one accuser who identified herself to the investigators because her counsel canceled two scheduled meetings with the investigators. The accuser's counsel did not reschedule a meeting, as requested by the investigators. No other individuals contacted the investigators to advise that they were among the other five individuals referenced in the Article. Moreover, during the investigation, no individual identified herself as any of the other five individuals.

Soon after Senate President Negron's Memorandum was reported in the media, the investigators were contacted by an individual who advised that if a subpoena were issued, his/her client would speak with the investigators. The investigators advised that they did not have subpoena power in this investigation. Despite requests from the investigators, the client did not come forward to speak to the investigators. From the limited information provided to the investigators, it did not appear that the client had information directly pertaining to the allegations in the *POLITICO* article.

Of the 54 individuals interviewed who were not known to be among the six women reported in the Article, a number of witnesses: (1) stated that they had not observed or heard of any of the alleged conduct or comments; (2) praised Senator Latvala for his work, legislative contributions and commitment; (3) expressed appreciation for Senator Latvala's thoughtful actions

to help them; and (4) stated that his conduct was professional and respectful; and (5) stated that while Senator Latvala was “gruff” on the outside, he was kind once you got to know him.

Some witnesses advised that they understood that Senator Latvala, through legal counsel and at least one other representative, was seeking sworn statements from individuals stating that the alleged conduct could not have occurred. Several witnesses reported concerns about retaliation for speaking to investigators about Senator Latvala in light of his power, particularly in his recent role as Chairman of the Senate Appropriations Committee with control over an approximately \$83 billion budget. In addition, many witnesses reported that based on their observations of Senator Latvala and his past actions, providing information critical of Senator Latvala could yield negative consequences for them and their clients.

Some lobbyists who were interviewed did so in the presence of firm management or a firm attorney. One other witness participated in a meeting with investigators with her employer’s legal counsel present. It is unclear what impact that had on the ability of the individuals to provide information pertaining to the allegations in the Article.

As part of their investigation, the investigators observed witness demeanor and candor, corroboration of the reported activity by other witnesses, the level of detailed information provided to the investigators, witness actions taken consistent with information reported, and overlap or similarity of alleged comments and conduct reported to the investigators.

In an effort to protect witness confidentiality, some personal information has not been included in this Memorandum. Among the withheld material is information about relationships among witnesses, as well as witness information pertaining to the changing dynamics of witnesses’ historical personal and business relationships with Senator Latvala that were impacted by a perceived imbalance of power.

With regard to the alleged comments and conduct reported in the Article, witnesses reported the following to the investigators:

- One witness reported that when she met with Senator Latvala to conduct business, he closed the door, gave her a big hug, grabbed her buttocks, kissed her mouth, and put his hand in the top of her dress, grunted in her ear, and made a sexual comment. She stated that she tried to stop his advances, but he wore her down. The witness shared information about her historical personal relationship with Senator Latvala. The witness stated that the conduct at the time of the meeting was not welcome and that for a period of time before this meeting, she tried to avoid Senator Latvala so that he would not “hit on her.” She stated that she would not have been at his office at that time but for her business duties. She stated that Senator Latvala told her on one occasion that it was she who made advances to him which she stated was not accurate. Also, she stated that Senator Latvala would ask of her in certain verbal exchanges in connection with her work, “What would he get for this?” She reported that women told her and/or she is aware of women who were contacted by Senator Latvala’s legal counsel to provide sworn statements, and she heard from them that they felt intimidated and threatened to make those statements, that it was impressed

upon them how important it was to say that the allegations couldn't be true. The witness reported that one person told her that she felt compelled to sign a statement although she was not comfortable doing so.

- One witness reported that Senator Latvala was “forward, flirty and suggestive” and for decades the levels of harassment were bad, and that has not changed. She stated that she felt uncomfortable with his comments about her physical appearance and her attire, which she believed she needed to laugh off to preserve her career. She stated that Senator Latvala put his hand on her waist, which was too forward, and put his arm around her on at least 10-12 occasions over the years. She stated that she tried to pull away and laugh that off, but she felt very uncomfortable. She stated that based on physical size differences, she feels overpowered by him. She reported that he would ask “What do I get?” in certain verbal exchanges in connection with her work, but she perceived that the implication was a suggested *quid pro quo* for sexual favors based on a steady pattern and constant “hitting on her.” She reported that the comment was made in front of people with whom she works, and that Senator Latvala singled her out to inquire about her attendance at a social event that embarrassed her. She stated that Senator Latvala told another individual to tell her not to wait too long before she “gives in to him.” She reported that he asked her if he was “wearing her down yet.” The witness reported that she repeatedly rebuffed Senator Latvala’s advances, was uncomfortable being alone with him, and whenever possible arranged to bring colleagues to meetings with Senator Latvala to avoid being alone while meeting with him, which she described as “exasperating.” She reported that he tried to kiss her, and she backed away, and he told another individual that she tried to kiss him. She stated that he directs contacts to people he tries to help. She reported that female lobbyists would be afraid to come forward because he has helped their careers. The witness stated that if the allegations are not established and he is reappointed to Chairman of the Senate Appropriations Committee, he will be even angrier. According to the witness, if he denies the allegations, he probably does not believe it is harassing and that it is funny, “no big deal.” She said that every time she sees him there is some suggestive comment, such as “Come over here, sit by me.” She reported that she was asked six to eight times to sit on the couch in his office, but she sat on the chair, and that he thought it was fun to do this. She reported repeated requests to go to lunch. She stated that she told him that she doesn’t like his jokes, and she asks him, “Can’t we just work?” and “Are you finished because we need to talk about this issue?” She reported that she will not wear a skirt on the days that she meets with Senator Latvala. She stated that she heard that he requested her presence at meetings. She stated that she reported this because if she did not, nothing would change, and it needs to change. She stated that the conduct has not been professional. She reported that she believes that Senator Latvala treats another individual differently because he is not attracted to her. She stated that if he were not in the Senate, it would be a more productive and healthier work environment.
- One witness reported that on at least two occasions, Senator Latvala said she looked “hot.” She reported that at least on one occasion at an establishment that the Senator

frequents, he told her she lost weight, put his arms around her, hugged her tightly, pulled her in at the waist, grabbed her buttocks and grunted in her ear. She reported that she told him to get away. She stated that this occurred in a private area in the establishment. The witness reported that she did not feel harassed by this conduct, but she offered this information as corroboration of what was alleged in the Article. She stated that when she read the Article, she believed that the women's allegations were true because she experienced "the exact same thing." She reported that she has seen several times Senator Latvala with his feet on the woman's chair next to him at the Governor's Club, as described in the *POLITICO* article. She stated that if you have seen this, it is identifiable, and she recalls seeing this. She also reported that with regard to the elevator mentioned in the Article, it is tiny and "the perfect opportunity to do it," referring to the alleged conduct. She stated that the elevator for members and staff only is crowded with only two people. The witness also stated that she believed based on her personal experience that individuals might be afraid to come forward based on fear of political retaliation.

- One witness reported that Senator Latvala made a comment about her weight, and that she did not believe she had his attention because she was not his "type." She reported that she was aware of another individual who received preferential treatment from Senator Latvala because of what she perceived as a physical attraction. She reported that she has had possibly six conversations with Senator Latvala about whom he was involved sexually. The witness reported that Senator Latvala asked for advice regarding how he could pursue another female doing work in the Capitol and how he could get her to be interested in him.
- One witness reported that Senator Latvala participated in a small group meeting, and that when the meeting began, he said to one of the participants about another: "Did you tell her what I told you what I wanted her to wear?" According to the witness, the other participant responded, "Yes," and Senator Latvala made the comment, "I see you have your pearls on, but the request was nothing but." The witness reported that all laughed but even if he was joking, it was uncomfortable for her. The witness stated that Senator Latvala said, "Not only are you a good looking woman, but you are smart." The witness reported that she could not get out of the meeting fast enough, did not respond to the comment in any way, and stated that "It's just what he does, and it is inappropriate." The witness said Senator Latvala still lives in the 70's and 80's where these things were done, but the rules have changed and no one has told him that the rules have changed. She stated that Senator Latvala "likes to flirt and doesn't realize he goes too far with it. But never known him to say something not true. Quite honestly, he may not even realize or intend to do anything offensive but doesn't realize it was offensive."
- One witness reported that Senator Latvala requested that a female be transferred to another position in the Senate. When asked about that, Senator Latvala stated that he made the request, describing her as "cute, young, new." When asked about the request, he explained that he wanted her there. When asked about the reason, he stated because "she is sweet, cute, nice and great personality." Senator Latvala

stated that he did not touch her, tell her dirty jokes, or make comments about her body. He stated that based on his observations, the individual liked the attention. Information provided to investigators reflects that the individual transferred to the position during her employment. The individual advised the investigators that she had not experienced any inappropriate, unwelcome, or offensive conduct by Senator Latvala.

- More than one witness reported that Senator Latvala made a comment about a female's attire and physical appearance at a large fundraising event. The female who was the subject of the comment told the investigators that the comment was inappropriate and said in a manner that made everyone around her stop and look at her. She advised the investigators that this made her feel uncomfortable in the group of people.
- One witness stated that Senator Latvala made one or two comments about her weight and personal appearance, and that she did not like the comments. She stated that she shrugged off these comments. She stated that she heard that Senator Latvala asked another female doing work in the Capitol to sit on his lap. The witness was not aware of physical conduct, but she was aware of verbal, suggestive comments by Senator Latvala. While the witness advised of a good relationship with Senator Latvala, she stated that she had seen him scream and yell when angry, and that if someone is on his "bad" side, he can be aggressive and punitive.
- One witness advised that Senator Latvala spoke to her in a way that made her feel uncomfortable, but she did not experience or observe any physical sexual misconduct by him. The witness reported that he stated to her, "There goes my chance" when he learned of a personal development with the witness. This witness reported statements and actions, such as "grunting" by Senator Latvala, which she described as rude but stated that other incidents involving him appeared to be politically motivated and not sexual harassment.
- It was reported that Senator Latvala made comments about personal appearance or attire to nine individuals, including witness comments described in this Section. Witnesses reported that Senator Latvala made statements about losing weight and their attire and attractiveness, such as looking "pretty" and "hot." Most of the witnesses stated that the comments made them feel uncomfortable.
- Five witnesses reported that Senator Latvala requested that female lobbyists be assigned to work and meet with him, or that he gave the impression that he preferred to have women assigned rather than men. Senator Latvala advised investigators that he requested that lobbyists bring female lobbyists to meet with him as a means of promoting the interests of female lobbyists in a male-dominated system.
- One witness reported that it was Senator Latvala's "culture," unlike other Senators in his position, to hug female lobbyists when they arrived and left, and the witness observed that Senator Latvala went behind closed doors with the lobbyists but

stated that they could have been discussing business-related matters, and the witness was unaware of what occurred during those meetings. The witness stated that that it was not uncommon to hold business meetings behind closed doors.

- A number of witnesses reported seeing Senator Latvala after hours with young, attractive lobbyists at the Governor's Club, referred to by one witness as a "bevy" of them and by others as a "harem" and "gaggle." While the witnesses described speculation about Senator Latvala's relationships with these individuals, these witnesses conveyed no first-hand knowledge of any such relationships.
- Witnesses reported that they were aware that there was a photograph of Senator Latvala kissing a lobbyist. Senator Latvala stated that this individual was his friend, that he was kissing her good night after dinner, and that the consensual nature of this was confirmed by the individual.
- One witness stated that women would be afraid that their names would come out, and "wrath would come down on them." The witness stated that they are dependent on others to get policy through, and staffers are dependent on a job. The witness provided an example of why individuals might be concerned about coming forward by describing having observed Senator Latvala using an expletive while telling a colleague never to question or challenge him again after the colleague raised a question about a bill presented by Senator Latvala.
- One witness reported speaking to a Senator and a member of the House of Representatives who advised the witness that after this investigation began, Senator Latvala told the Senator and member of the House that if they took adverse action against him, he would take them down with him. The witness also stated that two to three lobbyists told the witness that a former staff member and close colleague of Senator Latvala contacted the lobbyists to deliver the message not to cross Senator Latvala because he will be back. According to the witness, those with whom the witness has spoken about this matter expressed fear of talking about this matter because of the ramifications if Senator Latvala is reinstated as Chairman of the Appropriations Committee. The witness stated that the decision to speak with the investigators was not because of the alleged sexual misconduct, but because of what the witness described as an "abuse of the power of the office to subvert and suborn the testimony of people who would otherwise report unprofessional conduct."
- Several witnesses reported fear about discussing Senator Latvala because they believe that their careers would be adversely affected if they incurred the disfavor of Senator Latvala, or if they were perceived by him as being disloyal to him. They stated that they feared political retaliation.

During the investigators' meeting with Senator Latvala and his attorneys, Senator Latvala advised that he has most recently served in the Senate since 2010 and before that from 1994 to 2002. He stated that he is in Tallahassee during Committee weeks and the legislative session;

otherwise, he resides in Clearwater, where he operates a business. In addition, he stated that he has a home in Maine.

He advised that he currently serves on the following Committees: Appropriations, Rules, Environmental Protection, and Commerce. Further, he advised that the Senate President makes assignments upon the requests of the Senators. Senator Latvala stated that until November 6, 2017 he served as Chairman of the Appropriations Committee. He stated that the Chairman of the Appropriations Committee develops the budget for the State, and places bills on the agenda at the discretion of the Chairman. He further stated that the Senate President also occasionally asks to have a bill placed on the agenda.

Senator Latvala stated that he understands that the current harassment policies cover lobbyists and staff members and they prohibit telling “nasty jokes,” “demeaning people based on sex” and “certainly not touching them in any way, shape or form.” He advised that there is the same code of conduct for staff members and lobbyists, although he would need to be more careful with employees. He stated that he always tried to be mindful of that.

Senator Latvala was asked about the alleged comments and conduct reported in the Article. He responded that he made comments to women regarding their physical appearance, but that he did not intend or believe that these comments were unwelcome or offensive. He stated that “[t]elling a woman she looks great, some people think that is a compliment, not an insult. Maybe I’ve made a comment you’ve lost weight or look great. If that’s the allegation, guilty, I’ve done it. The first smell that the person didn’t like it, I’d stop.” Regarding telling a joke of a sexual nature, Senator Latvala stated that he had done this but not while being a Senator. When asked about making a comment about a woman “looking hot,” Senator Latvala stated that the comment would “only be in the case of someone who is a friend of mine who I know how they would take that. I don’t do that unless I’m fairly confident that it would be okay.”

As to the reports in *POLITICO* of touching women, Senator Latvala denied every allegation. He demonstrated during the meeting that one of the described physical contacts could not have occurred because it was not physically possible in a crowded elevator to lean over and forward. Further, he commented on what he noted as inconsistencies in the Article about the alleged elevator incident. Also, he advised that there was a problem with the report in the Article about the chair at the Governor’s Club. He stated that it is difficult due to physical limitations to raise his leg to the stool to place his feet on the chair, and that he cannot pull his leg up to tie his shoe. Senator Latvala advised the investigators that the only kernel of truth is that he stood next to the accuser. He stated that he knows, without a doubt, that putting his hands on somebody is harassment. According to Senator Latvala, “[t]he allegations in the article against me are totally fabricated and false. I know better than that. It’s a fairytale.”

With regard to reports about his time at the Governor’s Club, Senator Latvala stated that when he was serving as Appropriations Committee Chairman, he invited male and female lobbyists, including long-time lobbyists, to have drinks with him on a rotating basis to help them with their clients. He stated that he meets with a “revolving group,” and that he has a lot of friends in Tallahassee, and has been there a long time. He stated that a large number of the female lobbyists feel comfortable with him, and that they leave their purses in his office and trust him.

Senator Latvala addressed the sworn statements that witnesses signed. He stated that at that time there were approximately 20 sworn statements, and that most of the individuals contacted his legal counsel about providing statements. Moreover, he stated that some of those individuals asked others to sign statements. He stated that he does not believe that these statements had a chilling effect on the investigation. Senator Latvala stated that he believes that the allegations in the Article are politically motivated.

VI. Concluding Summary

In sum, this Memorandum provides information pertaining to the investigators' independent investigation of the allegations by six unidentified women of sexual conduct and comments by Senator Jack Latvala and fear of reporting as reported in the November 3, 2017 *POLITICO* article and pursuant to the terms of engagement of the investigators. This Memorandum provides background information leading to this investigation, an overview of the rules and policies pertaining to discrimination, harassment, and complaints, this investigation's process, the scope of the investigation, and findings of fact.

Guiding this independent investigation were principles of accuracy, fairness, impartiality, thoroughness and timeliness. As detailed in this Memorandum, only one of the six women who were the subject of the *POLITICO* article was identified to the investigators; however, the investigators were unable to meet with the identified accuser because two meetings arranged by her counsel were canceled and not rescheduled. None of the other five individuals that were the subject of the *POLITICO* article identified themselves to the investigators as the accusers in the Article.

Accordingly, the investigators conducted interviews of 54 individuals during the period from November 13 through December 18, 2017. This includes meetings with Senators from both political parties, OLS and Senate staff employees, including those who work or have worked with Senator Latvala on Senate Committees, lobbyists, and others whose names were referenced during other witness meetings. Some of the witnesses were contacted by the investigators, and other witnesses contacted the investigators after becoming aware of this investigation. The investigations were conducted in a manner to protect witness confidentiality to the full extent of the law, as referenced by Senate President Negrón. The investigation included a meeting with Senator Latvala and his legal representatives to provide the opportunity for Senator Latvala to respond to the allegations and provide any other information to the investigators. The findings of fact include information reported to the investigators regarding the allegations in the *POLITICO* article, as set forth in this Memorandum.

Based on the foregoing, the investigators respectfully submit this Memorandum.