

HOUSE ETHICS COMPLAINT NO. 20-001

1 In the Matter of Representative Wiley Price

2 REPORT OF THE COMMITTEE ON ETHICS

3 WHEREON, the Committee on Ethics, of the Missouri House of
4 Representatives, 100th General Assembly, pursuant to Rule 8 of House
5 Committee Substitute for House Resolution 137, reports as follows:

6 1. On Monday, January 27, 2020, the administrative staff of the
7 House of Representatives received a verbal report of a potential
8 violation of House Policy B-5, which prohibits sexual harassment, and
9 House Policy F-8, which prohibits amorous or romantic relationships
10 between a representative and a House employee or intern. The report
11 involved Representative Wiley Price (Respondent) and a House intern.

12 2. Immediately upon receiving the verbal report, the Chief Clerk
13 of the House, pursuant to existing policy, retained outside counsel to
14 investigate the complaint. Investigative counsel conducted an
15 investigation of the complaint, which included interviewing the
16 Respondent, intern, Respondent's legislator assistant (Witness 1), and
17 another representative (Witness 2) with whom Respondent shared Witness
18 1 in a legislator assistant share agreement. The investigator
19 prepared an investigative report, which was received by the House on
20 February 12, 2020, and forwarded to the Committee on Ethics.

21 3. The investigative report stated that on Thursday, January 23,
22 2020, Respondent shared with Witness 1 that he had sex with the intern
23 the night before, after Respondent, the intern, Witness 1, and
24 numerous others attended a party at a local bar and grill. The report
25 also alleged that upon learning that he would be subject to an ethics
26 investigation in this matter, Respondent attempted to coerce Witness 1
27 into being untruthful with the investigator and the Committee in order
28 to cover up the offense.

29 4. On February 6, 2020, the investigator interviewed Witness 1.
30 Witness 1 provided the investigator a detailed report that was
31 consistent with her initial report to House staff. Witness 1 stated
32 that Respondent shared with Witness 1 that he had sex with the intern.
33 Witness 1 stated that Respondent began harassing her upon learning
34 that she had made the report to House staff as a mandated reporter.
35 Witness 1 stated Respondent told her that he and the intern had agreed
36 to lie and state nothing happened between them, and they had deleted
37 each other's phone numbers and all text messages and calls between
38 them from their phones. The investigator deemed Witness 1 to be
39 credible.

1 5. On February 9, 2020, the investigator interviewed Witness 2.
2 Witness 2's statements were consistent with the testimony of Witness
3 1. Witness 2 recalled Witness 1 receiving a phone call from
4 Respondent at their office suite, and Witness 2 recognized
5 Respondent's voice over the phone yelling at Witness 1. The
6 investigator deemed Witness 2 to be credible.

7 6. On February 10, 2020, the investigator interviewed the
8 intern. The intern denied any romantic or sexual relationship with
9 Respondent. The intern denied speaking with or texting Respondent on
10 her cell phone. The intern denied ever having Respondent's cell phone
11 number. Although initially indicating she would provide a copy of her
12 cell phone records to the investigator, the intern later indicated she
13 did not know how to obtain such records, and that any attempt to
14 acquire such records would alert her mother to the investigation,
15 which the intern did not want to do. The investigator deemed the
16 credibility of the intern to be questionable.

17 7. On February 10, 2020, the investigator interviewed
18 Respondent. Respondent denied any sexual relationship with the
19 intern. Respondent denied claiming he had a sexual relationship with
20 the intern to anyone, including Witness 1. Respondent stated although
21 he and Witness 1 would have work related "spats" from time to time,
22 they were nothing serious and he had no issues with Witness 1.
23 Respondent stated that he has not called the intern on his cell phone,
24 and that he does not have and has never had her cell phone number.
25 Respondent indicated he would be willing to provide a copy of his cell
26 phone records to confirm this, but stated he was not sure how to
27 obtain the records. The investigator deemed the credibility of
28 Respondent to be questionable.

29 8. On February 17, 2020, in order to prevent the possibility of
30 further harassment or retaliation against Witness 1, the House
31 completed moving Respondent to a different office complex within the
32 Capitol, and assigned Witness 1 to be a full-time legislator assistant
33 for Witness 2. Respondent offered no substitute legislator assistant,
34 so the House assigned a different current legislator assistant for
35 Respondent.

36 9. The Committee met on February 20, 2020, and, after reviewing
37 the report from outside counsel, voted (9-0) to proceed to a
38 preliminary hearing.

39 10. The Committee confirmed that the intern was a current House
40 intern assigned to a representative not related to this matter in
41 January 2020. The intern was invited to testify before the Committee
42 on multiple occasions. However, through her Title IX coordinator, she
43 declined to cooperate with the Committee's investigation. Although
44 the Committee made multiple requests for phone records to the intern,
45 she ultimately failed to supply any records to the Committee.

1 11. On February 27, 2020, Witness 1 testified before the
2 Committee. The testimony of Witness 1 was consistent with her initial
3 report to House staff and to the investigator. Some of the testimony
4 of Witness 1 is as follows:

5 a. Witness 1 stated "The next day when he got to work, we went
6 into his office and he closed the door and that's when he told me that
7 he had sex with [the intern] the night before."

8 b. Witness 1 stated that in the past Respondent had told her on
9 two separate occasions with whom he had previously had sex.

10 c. Witness 1 stated "[Respondent] told me that he had contacted
11 [the intern] and that he had told her to delete his phone number,
12 delete their text messages, and that she wasn't supposed to contact
13 him anymore."

14 d. Witness 1 stated that Respondent said "It was consensual.
15 There's nothing wrong with what I did. You're the one that messed up
16 by telling [Witness 2]."

17 e. Witness 1 stated that Respondent urged her "to say that
18 [Witness 2] misspoke or I misspoke and that he didn't do anything and
19 it was all wrong. And it was my mess and I had to clean it up."

20 f. Witness 1 stated that Respondent said that "if I didn't back
21 his play or back his idea that I was going to lose my job."

22 g. Witness 1 stated Respondent told her "where I come from,
23 people die for doing s*** like this", referring to Witness 1 revealing
24 the contents of her conversation with Respondent as a mandated
25 reporter, and Witness 1 not vouching for Respondent's narrative of the
26 events. Witness 1 stated she was afraid of Respondent after this
27 conversation.

28 The Committee deemed Witness 1 to be credible.

29 12. On February 27, 2020, Witness 2 testified before the
30 Committee. The testimony of Witness 2 was consistent with the
31 testimony of Witness 1. Witness 2 recalls Witness 1 telling about
32 Respondent and the intern, and that Witness 2 immediately recognized
33 their duty to report as mandated reporters. Witness 2 also recalled
34 Witness 1 receiving a phone call from Respondent at their office
35 suite, and Witness 2 recognized Respondent's voice over the phone
36 yelling at Witness 1 (not on speaker phone). Also, Witness 2 stated
37 that in the past Respondent had told her on two separate occasions
38 with whom he had previously had sex. The Committee carefully examined
39 the testimony of Witness 1 and Witness 2 and found their accounts to
40 be consistent. The Committee finds the testimony of Witness 2 to be
41 credible.

1 13. After verifying the cellular telephone numbers for
2 Respondent and the intern in use in January 2020, the Committee
3 requested the Speaker issue a subpoena for phone records relating to
4 this matter. The subpoena requested historical transaction detail for
5 the dates of January 22, 2020 through January 27, 2020.

6 14. The cell phone transaction records received in response to
7 the House subpoena contained seven phone calls and 26 text messages
8 between Respondent and the intern. Some of these communications were
9 initiated by Respondent and some initiated by the intern. The first
10 call originated from Respondent on January 23, 2020 at 12:40 AM. The
11 final communication was a phone call originated by Respondent in the
12 evening of January 26, 2020 lasting 42 minutes. These phone records
13 clearly indicate Respondent and the intern had each other's cell phone
14 numbers and had communicated, which contradicts their testimony to the
15 investigator, and part of Respondent's testimony under oath to the
16 Committee.

17 15. On September 15, 2020, Respondent provided sworn testimony
18 before the Committee. Respondent was present with counsel, and both
19 counsel and Respondent were given an opportunity to provide a verbal
20 statement to the Committee in addition to Respondent's testimony.
21 Some of Respondent's testimony is as follows:

22 a. Respondent denied any sexual relationship with the intern.

23 b. Respondent denied claiming he had a sexual relationship with
24 the intern.

25 c. Respondent and his counsel initially denied (four times) ever
26 calling or texting the intern. After being shown an excerpt of the
27 phone records the Committee acquired by subpoena, Respondent then
28 claimed he communicated with the intern to see if Witness 1 had made
29 it home safely from a party the three of them had attended on the
30 night in question. Respondent claimed that the part of the
31 investigator's report that stated he said he did not have the intern's
32 cell phone number was false.

33 d. Respondent testified he switched cell phones and is not
34 certain of the location of the phone he was using in January 2020.
35 Respondent stated he would search for the original phone in his home
36 and provide it to the Committee.

37 e. Respondent claimed that a week before the alleged sexual
38 encounter with the intern he had given notice to Witness 1 that she
39 was going to be fired within 30 days. This contradicts the testimony
40 of Witness 1 and the investigator's report in which he said he had no
41 serious issues with Witness 1. Respondent claimed Witness 1
42 fabricated the story of Respondent and the intern as retaliation.
43 When asked, Respondent said he had not told Witness 2 (with whom he

1 shared in a legislator assistant share agreement with Witness 1) that
2 he had given notice to Witness 1; he had not told House administration
3 that he had given notice to Witness 1; and had not documented his
4 issues with Witness 1 or that she had been given notice. Respondent
5 testified that he had arranged for a friend of his from his district
6 to replace Witness 1, but could not recall his name and did not
7 mention him to House administration when they separated Respondent
8 from Witness 1. Respondent testified that the ex-boyfriend of Witness
9 1 (Witness 3) was aware that Witness 1 was being fired and "came into
10 my office to save his ex-girlfriend's job." On September 22, 2020,
11 Witness 3 testified before the committee that he was unaware that
12 Witness 1 was to be fired, and that he never spoke to Respondent to
13 save Witness 1's job. The Committee deemed the testimony of Witness 3
14 to be credible.

15 Ultimately, Respondent also failed to supply the original cell
16 phone or any phone records that would corroborate his version of the
17 events in response to requests from the Committee. The Committee
18 deemed Respondent to be not credible.

19 16. At the conclusion of Respondent's testimony, held in closed
20 session before the Committee, a cell phone was discovered on the
21 witness stand that was recording audio. The witness stand had just
22 been vacated by Respondent and his counsel, who had both left the
23 room. The phone had been recording Respondent's testimony, and would
24 have continued recording the Committee's private deliberations. The
25 phone was determined to belong to counsel for the Respondent, who
26 stated he was recording the testimony of Respondent before the
27 Committee. Counsel was not given permission to make a recording, and
28 was in direct violation of House rules providing for the
29 confidentiality of the Committee proceedings. The phone was returned
30 to counsel after the audio file was deleted from the device and
31 counsel stipulated that he would not take any steps to recover or
32 otherwise attempt to use the audio file.

33 17. House records confirm that Respondent attended the mandatory
34 Preventing Sexual Harassment training with all House members on
35 January 14, 2020, and on March 11, 2019.

36 18. The Committee finds, based upon the testimony and evidence
37 received by the Committee, that:

38 a. Respondent misled the House investigator by denying that he
39 had claimed an inappropriate relationship existed between him and the
40 intern to Witness 1 and denied that he had engaged in any cell phone
41 communications whatsoever with the intern;

42 b. Respondent committed perjury before the Committee on Ethics
43 by denying that he had claimed an inappropriate relationship existed
44 between him and the intern to Witness 1 and denying that he had

1 engaged in any cell phone communications whatsoever with the intern;

2 c. Respondent intimidated and threatened his legislator
3 assistant in retaliation for performing her duties as a mandated
4 reporter;

5 d. Respondent obstructed this Committee's investigation by
6 misleading the Committee investigator with regard to his attempts to
7 coerce Witness 1 into changing her testimony;

8 e. Respondent obstructed this Committee's investigation by
9 committing perjury before the Committee by denying his attempts to
10 coerce Witness 1 into changing her testimony; and

11 f. Respondent's conduct has compromised the ability of the House
12 to provide a respectful, professional work environment.

13 19. The Committee finds that Respondent's actions involving both
14 the intern and his legislator assistant, and his conduct before this
15 Committee during its investigation, to constitute ethical misconduct
16 and conduct unbecoming of a state legislator of sufficient severity to
17 warrant censure.

18 NOW THEREFORE, the Committee on Ethics, having given full
19 consideration to this complaint concludes that the issuance of this
20 report is warranted, and recommends that the House of Representatives
21 consider the following sanctions against the Respondent:

22 1. Censure by the 100th General Assembly, pursuant to Article
23 III, Section 18, of the Constitution of Missouri;

24 2. Censure by the 101st General Assembly, pursuant to Article
25 III, Section 18, of the Constitution of Missouri;

26 3. Payment of \$22,492.25 to the House of Representatives in
27 costs related to the investigation of this complaint; and

28
29 Until the House considers a resolution to censure, the following
30 actions should immediately be taken:

31 4. Respondent shall conduct himself in a manner that respects
32 the commitment of the House to provide a work environment free of
33 sexual harassment to all members, employees, and interns;

34 5. Respondent shall have no service from or supervision over any
35 intern for the remainder of his membership in the House. Any
36 legislative employee assigned to Respondent for the remainder of his
37 membership in the House shall be under the direct supervision of the
38 Chief Clerk, who should monitor the Respondent's contact with House
39 employees as appropriate;

1 6. House Speaker and Minority Floor Leader remove Respondent
2 from any committee assignments;

3 7. House Speaker and Minority Floor Leader withhold from
4 Respondent any of the privileges of office that the Speaker or
5 Minority Floor Leader deem appropriate;

6
7 8. Respondent not be allowed to hold any leadership position;
8 and

9 9. Any other sanctions the House of Representatives deems just
10 and proper under the circumstances.

11 At the Committee hearing on December 15, 2020, Respondent was
12 given until 1 PM the following day to resign as Representative of the
13 100th General Assembly and resign as Representative-Elect of the 101st
14 General Assembly. Respondent failed to meet this deadline.

15 This report was adopted by the Committee by a vote of 10 to 0:

16
17 Ayes: Eggleston, Kendrick, Anderson, Andrews, Barnes, Brown,
18 Ellebracht, Francis, Lynch, Stevens

19 Date: December 15, 2020

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