

MINUTES OF THE HOUSE SELECT INVESTIGATING COMMITTEE COMMITTEE

The meeting was called to order by Chairperson John Barker at 1:00 pm on Friday, January 22, 2021, in room 346-S of the Capitol.

All members were present

Committee staff present:

Connie Bahner, Committee Assistant
J.G. Scott, Legislative Research Department
Robert Gallimore, Legislative Research Department
Gordon Self, Office of Revisor of Statutes

Conferees appearing before the Committee:

Representative Aaron Coleman
David Bell, counsel for Aaron Coleman

Others in attendance:

No list available

Hearing on:

Chairperson Barker called the meeting to order. At the Chairman's request, each representative identified themselves: Representative Susan Ruiz, Representative Cindy Neighbor; Representative Susan Humphries; Representative Dennis "Boog" Highberger; and Representative Kristy Williams. Chairperson Barker referred the Committee to the letter of January 13, 2021, from the Speaker of the House Ron Ryckman, Jr., stating that on January 12, 2021, a complaint had been filed pursuant to House Rule 4901, and that these House members had been appointed to serve on the Select Investigating Committee pursuant to House Rule 4902 ([Attachment 1](#)). Each member should have a copy of the Complaint ([Attachment 2](#)), which was signed by thirteen House members. Also contained in their file is a Certificate of Service by the Chief Clerk of the House of Representatives serving Representative Coleman with a copy of the complaint ([Attachment 3](#)). Chairperson Barker stated that Gordon Self, Chief Revisor, is appearing by Webex, and Connie Bahner is the Committee Assistant. Representative Coleman is here in person with his attorney, David Bell.

Chairperson Barker stated that the Revisor will give an overview of House Rule 4902. After the overview, Representative Coleman will have an opportunity to make a statement to the Committee. The Committee will then go into executive session in Room 320-E for deliberation after the first portion of this hearing.

Gordon Self, Chief Revisor, provided an overview of this proceeding. Chairperson Barker stated that in Kansas there are a number of burdens -- preponderance of evidence, clear and convincing, or beyond a reasonable doubt. Is there any precedence that indicates what that burden is? The Revisor responded

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that the Constitution is very broad. The rules themselves do not specify any standards that the Committee is obligated to follow.

Chairperson Barker stated that Representative Coleman could make a statement at this time.

Representative Coleman made a statement to the Committee ([Attachment 4](#)).

Chairperson Barker stated he would entertain a motion from Representative Humphries to recess into executive session in Room 320-E.

Representative Humphries moved that the open meeting of the House Select Investigating Committee be recessed for a closed executive meeting pursuant to K.S.A. 46-1002 and 75-4319(a) to discuss matters related to a complaint lodged against a member of the House of Representatives, pursuant to House Rules 4901 through 4903, because discussion of such matters in an open meeting would constitute an unwarranted invasion of personal privacy; that the Committee resume the open meeting in Room 346-S of the Statehouse at 1:45 p.m., and that this motion, if adopted, be recorded in the minutes of the House Select Investigating Committee and be maintained as a part of the permanent records of the Committee. Gordon Self, Revisor of Statutes, is designated as essential personnel and will be present in the meeting in addition to the Committee members, seconded by Representative Highberger. The motion carried.

Thereupon, a recess was taken at 1:15 p.m.

Whereupon, at 1:45 p.m., Chairperson Barker reopened the hearing. Representative Coleman advised he would be willing to answer some questions.

Representative Neighbor stated she can see a pattern in his behavior that has occurred over and over since Representative Coleman was 18, and she wondered if he had ever taken anger management classes. Representative Coleman stated he had previously undergone therapy from 2015 to 2017. I was fired as a client by my therapist because they said I no longer needed any more services, but I have considered continuing or possibly going back and getting some form of help therapy. Representative Neighbor stated she had concerns about his repeat actions and she asked about therapy because she wanted to know if he had been given any tools to work with because the information they had received would tend to make people have security issues, to not feel safe. Representative Neighbor asked Representative Coleman to give his definition of what a hit is in connection with the statement he made against the Governor. Representative Coleman stated it was an inappropriate tweet in reference to mobilizing opposition to Governor Kelly, and he has apologized for his inappropriate word choice. If he were going to make the same statement today, he would say either he or someone he knew was planning to run against the Governor in 2022 instead of using the inappropriate word choices.

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Representative Ruiz asked what allegations had been made against him since 2017. Representative Coleman stated there have been a number of allegations. In reference to John Whitmer and the Governor's mask mandate, he told them to mask it or casket. Another allegation before this Committee is his inappropriate and unprofessional tweet about calling out a hit on the Governor. There was also a restraining order issued against him by his opponent's campaign manager, which was ultimately dismissed by mutual agreement. He also had a messy breakup with an ex-girlfriend.

Representative Williams asked if Representative Coleman was currently on social media. He stated that he now has Twitter handlers and Facebook handlers to manage his social media accounts. He is not personally on social media. In light of recent events, he has a team who handles that for him. Representative Williams asked him what other actions he has taken or will take to help manage his responses. Representative Coleman stated he has learned to clear out his thoughts before he says something and he filters them through somebody he trusts before he says them. He stated he has requested a mentor from the Minority Leader.

Representative Highberger asked him about the newspaper article about the breakup with his girlfriend. Representative Coleman stated that was in 2019 and he was 19 years old at the time. He admitted it was a mistake to text his girlfriend to "Air out the clip into your head." He also admitted that he texted her, "Mag dump yourself. Do that midnight tonight. If I never hear from you again, then I'll know what happened." He admitted he also told John Whitmer, "John, I'm going to laugh and giggle when you get COVID and die," but he apologized to former Representative Whitmer. Representative Highberger referred the Committee to the testimony submitted by Representative Tom Sawyer dated January 22, 2021 ([Attachment 5](#)) and the testimony of Heather Sprague Scanlon ([Attachment 6](#)). Representative Coleman admitted to the statement in Ms. Scanlon's testimony that said, "When the official Kansas House Democratic Twitter page put out a post condemning him, he immediately called me and launched into a raging diatribe, threatening to 'kick Tom Sawyer's ass,' among other threats."

Representative Ruiz stated that Taylor Passow stated in her written testimony ([Attachment 7](#)) that he told her, "I hope you get kidnapped and raped and chopped up and scatter in bits and pieces." Representative Coleman stated he did say that to her. That would have occurred in late December, 2019. He stated that occurred in connection with a messy breakup and he was not a candidate for any office at that time. After conferring with his counsel, Representative Coleman stated that although this comment was deeply inappropriate, it was in the context of trying to talk her out of hitchhiking from Topeka to Kansas City.

There were no further questions of Representative Coleman.

Representative Humphries moved that the open meeting of the House Select Investigating Committee be recessed for a closed executive meeting pursuant to K.S.A. 46-1002 and 75-4319(a) to discuss matters related to a complaint lodged against a member of the House of Representatives, pursuant to House Rules 4901 through 4903, because discussion of such matters in an open meeting would

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constitute an unwarranted invasion of personal privacy; that the Committee resume the open meeting in Room 346-S of the Statehouse at 2:40 p.m., and that this motion, if adopted, be recorded in the minutes of the House Select Investigating Committee and be maintained as a part of the permanent records of the Committee. Gordon Self, Revisor of Statutes, is designated as essential personnel and will be present in the meeting in addition to the Committee members, seconded by Representative Highberger. The motion carried.

The meeting was recessed at 2:06 p.m. for executive session.

The meeting resumed at 2:45 p.m. Chairperson Barker stated that testimony would be taken from Representative Tom Sawyer ([Attachment 4](#)). He stated that with the Committee's approval, Representative Sawyer would not be sworn in. Representative Sawyer stated that the important thing is Representative Coleman's pattern of behavior. A lot of things came out in the primary about what he did when he was a juvenile, but that was several years ago and most people forgave him for that. However, more recent things have happened such as his comments about COVID and John Whitmer and the problems with choking and hitting his girlfriend, and his posts and tweets. Heather Scanlon was his Chief of Staff and she has submitted testimony. She tried to be helpful to him, but it got to the point where she became afraid of him. His pattern of behavior shows that he is still a dangerous person. The Constitution and the House rules give the Legislature a lot of latitude on disciplinary action. Abusing women is never acceptable. During his time in the Legislature, this is only the third time he is aware of that it has gone through this process. It's the Committee's job to look at the evidence and determine if Representative Coleman has a serious pattern of behavior because he did some very serious things when he was 14 years old and if he has not changed, that should cause everyone great concern. The State of Missouri is having the very same situation right now.

In response to a question by Representative Ruiz, Representative Sawyer stated that it was in September 2020 that Representative Coleman stated he wanted to kick Representative Sawyer's ass. That statement was made to Representative Sawyer's Chief of Staff, Heather Scanlon, not to him. Ms. Scanlon received some texts from Representative Coleman that were very scary and that was one of them. Representative Coleman has never apologized to him. He doesn't know if he has apologized to Ms. Scanlon.

Chairperson Barker asked Representative Sawyer if this would be setting new precedent. Representative Sawyer stated this is a pattern of behavior and Representative Coleman is still a dangerous and abusive person. This is not an isolated incident and it involves some things that have happened pretty recently. Chairperson Barker believes this is more a medical question than a legislative question.

Representative Humphries questioned Representative Sawyer on his statement that it is up to the House to decide who's fit to serve. She asked if it wasn't the job of the electors to decide that. Representative Sawyer stated that this process is a safeguard. Representative Humphries agreed that this process is for

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disciplining a person as a representative after being elected, Representative Sawyer disagreed and referred to the situation in Missouri where the person was elected and the Republican Caucus kicked him out of the Caucus immediately after the election.

Chairperson Barker talked about the Mayor in D.C. being convicted and went to federal prison. After he came out, he was re-elected. There was a Congressman in Florida who had been a federal judge who was convicted and impeached by the United States Senate and kicked out of office. After getting out of prison, he ran for United States Congress and came back in as a United States Representative. No action was filed against him because he had been elected by the people.

In response to a question by Representative Ruiz, Representative Sawyer stated that the Legislature is a very stressful place. If somebody has issues of lashing out or doing indecent things when things get uncomfortable or a girlfriend breaks up with him or they have a fight, that can cause a lot of concern that this person might do something dangerous to somebody else.

In response to a question from Representative Williams, Representative Sawyer stated that there have been no concerns or issues with Representative Coleman since the Legislature has been in session. He is not aware of any complaints being filed against Representative Coleman since he was sworn in.

Representative Williams asked Representative Coleman about his willingness to accept an informal letter from this Committee admonishing his behavior which would include requests or recommendations for a House apology. They might consider some other recommendations to help him manage his choices and decision making.

Representative Coleman stated that he wanted to apologize to the Minority Leader Tom Sawyer, and he is willing to apologize to Ms. Scanlon for his inappropriate conduct and he will accept any recommendations of the Committee. He would also like to have a mentor here in the building. He has also talked about obtaining counseling to deal with the stress.

Representative Williams asked the Chairman if the Committee were to decide to prepare such a letter, would it set the foundation of expectations for the House Leader and be on the record? Chairperson Barker stated that the letter should also indicate that if that behavior continues while Representative Coleman is a member of the House of Representatives, a complaint could be filed. Representative Coleman acknowledged his understanding.

In response to a question by Representative Ruiz, Chairperson Barker stated that a censure has to go through the entire body and get a two-thirds vote. Chairperson Barker stated he would delegate the drafting of the letter to Representatives Highberger and Humphries, with the assistance of the Revisor of Statutes. Chairperson Barker stated that the Committee will vote on whether to prepare a letter. If the vote is split evenly, then no letter will be written and no further action will be taken.

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Representative Highberger stated that this is a difficult situation and that most of Representative Coleman's behavior occurred prior to his service in the House of Representatives, but there are credible allegations of threats made to members of the House of Representatives and to staff members.

Representative Highberger moved that this Committee recommend issuing a letter of reprimand to Representative Aaron Coleman pursuant to Rule 4902, seconded by Representative Ruiz.

Representative Humphries suggested a strongly worded letter of warning from this Committee be written to Representative Coleman to serve as a baseline of where the Committee stands, that it set out what they are requesting Representative Coleman to do, and that any inappropriate behavior will result in a new hearing. She is not in favor of taking this to the whole body.

Representative Williams asked if this Committee wrote a letter of reprimand, would it go to the full House body and would it be equivalent to a vote on censure. Chairperson Barker stated that was correct, but that it would take a two-thirds vote. The Chairman did not know if there would be discussion on the House floor regarding censure, but he thought there would be. The Chairman also did not know if Representative Coleman would have to defend himself in front of the full House. Representative Williams asked what the advantage would be of having a letter of warning that included requirements or recommendations versus taking it before 125 members and having them do something that would be basically the same thing.

Representative Highberger stated that a reprimand is a less severe punishment than a censure. He believes a reprimand would give them a more solid basis for taking stronger action if further inappropriate behavior occurs.

Chairperson Barker stated that under Rule 4902(c), "Upon completing its hearing the deliberations thereon, the select committee may dismiss the complaint or may make recommendations to the full House of Representatives for reprimand, censure or expulsion." That indicates it would take it to the House.

Chairperson Barker is not in support of the motion.

Mr. Bell stated that both he and his client are willing to work with all members of the Committee to put together what the Committee feels are appropriate recommendations with the understanding that Representative Coleman needs to fulfill those recommendations and that he is making a public declaration that he will fulfill them.

Representative Humphries stated it would be her greatest desire to come to a consensus on this Committee and not have to take it to the House. She would vote against the motion, but she is not satisfied with a private letter. The letter would have to be a base line and any behavior outside of that

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would trigger some type of action.

Representative Highberger stated with the permission of the second, he wishes to withdraw his motion. Representative Ruiz agreed to the withdrawal of the motion.

Representative Neighbor stated that she knows members of the Committee are concerned about going against who the voters put in office, but this is something they have not run into before and it is probably something they need to look at. She strongly believes that there has to be accountability, and she thinks the letter should be signed by all the Committee members. Someone stated that Representative Coleman deserves a second chance, but this is about his fifth or sixth chance. His third chance would have been when he was 18 years old. Something has to be done; otherwise, this is a slap in the face to all those people that are his victims. Whatever the Committee does must have strong accountability measures and this has to be taken seriously.

Chairperson Barker agreed that everyone on the Committee should sign the letter because it would have more meaning.

Representative Ruiz stated that Representative Coleman has shown a pattern of behavior, most of which has been from the age of 18 forward. His behavior shows that he is impulsive and has not learned from his mistakes nor has he been using the skills he might have learned when he was in therapy from 2015 to 2017. She believes that Representative Coleman only apologizes when he is confronted or when information comes out in public.

Representative Williams stated that one of the options the Chairman stated is available is dismissal of the complaint. That does not necessarily equate to innocence. An informal letter could be attached to the dismissal which could include a reprimand.

Chairperson Barker stated that it is an informal letter; however, if it was not complied with, one of the members of the House could file a complaint and the information from this hearing could be passed on when another committee was convened.

Representative Williams asked if it would be comparable to a settlement where you're not fully acknowledging guilt or innocence and you're not saying you condone any behavior of Representative Coleman. Chairperson Barker said he would equate it to a diversion.

Revisor Self stated that this has not happened frequently in the history of the House so they don't have many examples. In the past, the examples resulted in a dismissal of the complaint and then all the allegations were contained in the record of the body so that the allegations were preserved from that standpoint. A dismissal did not equate to a finding of innocence but, rather, it simply was that this may have been that the select committee could not move forward with any recommendations to the body

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and dismissed the complaint. The allegations were nonetheless preserved in the record. With regard to a step further and as part of the dismissal of the complaint, having a letter from this body, there is nothing that specifically allows that nor is there anything would deny that option to the Committee. The options in the rule are dismiss the complaint or make recommendations to the full House so part of those recommendations could be to write a letter of reprimand, so to speak, or a letter expressing the Committee's concerns. It is not mandatory that the body takes any action regardless of what this Committee recommends. In terms of this Committee, any kind of reprimand, censure or expulsion, this body can give recommendations to the full body, but with regard to writing a letter, the rule doesn't speak either way on that.

Representative Williams asked if it would be an option for this Committee to conclude that they would like to send a letter and dismiss the complaint. Revisor Self stated that that would be an option. He could not tell this body what they can and cannot do when there is no specific prohibition.

Representative Williams stated the letter would be written by the Committee and provided to Representative Coleman without invitation to him or his attorney for agreement or input on the content.

Representative Coleman stated he will abide by the recommendations of this Committee.

Representative Neighbor stated she would not be able to dismiss the complaint without there being some sort of consequences for Representative Coleman's inappropriate behavior. Representative Coleman has had a lot of opportunities and it is about time that we help him to understand that in this legislative body we carry ourselves with dignity and respect and under the rule of law. He cannot continue to threaten or hurt anyone else. Words matter.

Representative Williams moved that the Committee submit a letter of dismissal, that the dismissal shall include a letter of warning and admonishment with a list of recommendations agreed upon by the members of the Committee and provided to Representative Coleman, seconded by Representative Humphries.

Representative Highberger asked if the letter would include criticism of his relation anger and that the letter would be a public letter. Representative Williams stated she was agreeable to those additions to make sure that the intent of the Committee is included.

Representative Humphries stated she would welcome input from the other Committee members.

Representative Ruiz wants the letter to be worded very strongly and very tight and that it condemn Representative Coleman's pattern of behavior, that it state any expectations the Committee has of him, and that there are time lines in the letter for him to seek therapy or anger management. She doesn't want the letter to be open-ended; he needs to be told what the standards are and their expectations of

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him.

Chairperson Barker stated he understands where she is coming from, but he's not sure that that can be included in an informal letter of warning.

Representative Williams stated the Committee would want to review a draft of the letter before the final letter is sent out. She thinks this is a good compromise to get them on the right track and to help Representative Coleman to take positive steps.

Chairperson Barker stated this letter will speak from the Committee and not from the House of Representatives.

Representative Neighbor asked the Revisor if the dismissal could be without prejudice. Revisor Self stated there is no language in the rule that would speak to that.

Representative Highberger stated that he supports the motion.

Representative Williams moved that the Committee is recommending a dismissal of the charges, that the dismissal shall include an informal letter of warning and admonishment that would include a list of criteria or recommendations to be signed by the member of the Select Investigating Committee, it shall be made public, and there would be some reporting mechanism with that, seconded by Representative Humphries. Following a vote, the motion passed.

Chairperson Barker asked Representatives Highberger and Humphries to draft the letter. He gave them ten days to draft the letter.

Chairperson Barker asked Representative Coleman if he understood what had transpired. Representative Coleman stated that he did and that he intends to comply fully with the Committee's recommendations. Chairperson Barker stated he would talk to the Speaker about getting a mentor for him. Chairperson Barker reminded him that people's eyes are upon him. He hopes Representative Coleman will take his appointment seriously.

Chairperson Barker thanked everyone for being there. The meeting was adjourned at 3:35 p.m.

(Note of Committee Assistant: The following additional testimony was submitted: Faith Rivera ([Attachment 8](#)); Rachel Fustini ([Attachment 9](#)); Megan McQuinn ([Attachment 10](#)); Ciera Fuller ([Attachment 11](#)); and Dustin Figge ([Attachment 12](#).)

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