

# California State Senate

SENATOR  
JEAN FULLER

SENATE REPUBLICAN LEADER  
SIXTEENTH SENATE DISTRICT



March 1, 2017

The Honorable Kevin de León  
President pro Tempore, California State Senate  
State Capitol, Room 205  
Sacramento, CA 95814

Dear Senator de León:

Pursuant to your review of the February 23, 2017 incident that resulted in the forced removal of Senator Nguyen from the Senate Chamber, I am writing to request a comprehensive public and open investigation into the matter by the Senate Rules Committee. In order to ensure the integrity of the institution, I specifically request the following:

1. A full, thorough, transparent and properly noticed to the public, investigation in the form of open public hearings on the matter. Specifically, there should be no closed hearings related to the investigation of the removal of Senator Nguyen from the Senate Chamber on February 23<sup>rd</sup>. Any closed Executive Committee Sessions investigating, discussing, or deliberating the actions on the floor or actions leading to the actions taken should not be allowed.

2. All Senators, their staff, Senate Rules staff, Floor Desk staff, Sergeants-At-Arms, and any individuals involved in the removal of Senator Nguyen from the Senate Chamber on Thursday February 23<sup>rd</sup> must be sworn under oath and penalty of perjury during their testimony to the Senate Rules Committee during this investigation. This includes, but is not limited to the following:

- *Senate President Pro Tempore Kevin de León, including Chief of Staff Dan Reeves,*
- *Majority Leader Bill Monning and his staff,*
- *Presiding Officer Senator Ricardo Lara and his staff,*
- *The Secretary of Senate Daniel Alvarez and Chief Assistant Bernadette McNulty,*
- *The Senate Rules and Desk Staff and the Sergeants-At-Arms, including the sergeant present on the dais and the sergeants who removed the Senator from the chamber.*

3. Production and review of all electronic communications between Senators and their staff related to the removal of Senator Nguyen from the Senate Chamber on February 23<sup>rd</sup>. The review of electronic communication should include e-mails before, during and after the incident. This includes, but is not limited to e-mails to the following:

- *Senate President Pro Tempore Kevin de León, including Chief of Staff Dan Reeves,*
- *Majority Leader Bill Monning and his staff,*
- *Presiding Officer Senator Ricardo Lara and his staff,*
- *The Secretary of Senate Daniel Alvarez and Chief Assistant Bernadette McNulty,*
- *The Senate Rules and Desk Staff and the Sergeants-At-Arms, including the sergeant present on the dais and the sergeants who removed the Senator from the chamber.*

4. Production and review of all video recordings of session and the Senate Chamber of any incident wherein the Secretary of the Senate or Desk staff has had to address a parliamentary inquiry. These include all video and audio recordings from all Senate cameras in the chamber. These recordings must be in a high-resolution format. To the extent where there is no audio recording available of any of the recordings, a court certified lip reader must be provided to review the video recording.

5. Production and review of all video recordings of the entire Senate session and chamber on Thursday, February 23, 2017. These include all video and audio recordings from all Senate cameras in the chamber. These recordings must be in a high-resolution format. To the extent where there is no audio recording available of any of the recording, a certified court lip reader must be provided to review the video recording.

6. A full investigation into the Senate Television server failure during and shortly after the removal of Senator Nguyen from the Senate Chamber on February 23<sup>rd</sup>. This includes the collection of exact times in which the server allegedly “crashed” and when the server came back on line. This is to also include all electronic communication between Senate Television staff and others responsible for the recording or conducting of Senate session before, during and after the removal of Senator Nguyen from the Senate Floor on February 23<sup>rd</sup>. This is to also include if the Senate Television staff alerted Majority staff or the desk or those responsible for public access to session that the server had allegedly “crashed”.

7. If at any time the Senate Rules Committee, a member of the committee, an appointed officer of the Senate or a staff member employed by rules appears to have a conflict of interest in the investigation due to their involvement in the removal of Senator Nguyen from the Senate Floor on February 23<sup>rd</sup>, the investigation should be referred to the Senate Ethics Committee.

I would like a timely response and will be available if you have any questions relating to this request.

Sincerely,



Jean Fuller  
Minority Floor Leader