



Arizona House of Representatives
Phoenix, Arizona 85007

ARIZONA HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE ON ETHICS – JUNE 4, 2024

MR. SPEAKER,

Your Committee on Ethics (“Committee”) has considered the Ethics Complaint (“Complaint”) filed on April 24, 2024, by Representatives Barbara Parker, David Marshall, and Jacqueline Parker against Representative Oscar De Los Santos. The Complaint alleges that on April 10, 2024, Representative De Los Santos violated the House’s rules on debate and engaged in disorderly behavior by yelling at members of the House with “inappropriate and insulting language to impugn [their] character.” *Complaint* at 3.

Upon consideration, this Committee unanimously concludes that Representative De Los Santos engaged in disorderly behavior, thereby violating Rules 1, 18, and 19 of the Arizona House of Representatives and damaging the institutional integrity of the House.

Consistent with the text of the Arizona Constitution, *see* Ariz. Const. art. 4, part 2, § 11 (empowering the House to “punish its members for disorderly behavior”), the Committee refers this Report to the House to determine what disciplinary measures, if any, should be taken.

I. ETHICS COMPLAINT AND RESPONSE

On April 24, 2024, Representatives Barbara Parker, David Marshall, and Jacqueline Parker presented an Ethics Complaint against Representative Oscar De Los Santos. First, the Complaint alleged that Representative De Los Santos engaged in disorderly behavior in violation of House Rule 1 on April 10, 2024, when he loudly chanted phrases including “Shame!,” “Blood on your hands!,” and “Hold the vote!” on the House Floor after a substitute motion to recess—which he did not support—was offered and ultimately adopted. *Complaint* at 1, 3. He then continued to shout as he walked up and down the House Floor aisle, pointing his finger at Majority members. *Id.* The complainants also alleged that Representative De Los Santos had engaged in disorderly behavior by subsequently disrupting another member’s press conference on the House Floor during that recess by continuing to shout and “charging” across the chamber to “attack” the member’s character in front of the gathered press. *Id.* at 1–3.

Second, the Complaint alleged that Representative De Los Santos violated House Rule 18 on Decorum and Debate by initiating his shouting before the House had gavelled into its recess and without having been recognized by the Chair. Third, the Complaint alleged that Representative De Los Santos engaged in impermissible debate in violation of House Rule 19 by using language personally offensive to members of the House and “clearly intended to hold the members of the

Republican Caucus up to contempt.” *Id.* at 3–4. The Complaint contended that Representative De Los Santos’s actions undermined the dignity and integrity of the House of Representatives and “embarrass[ed]” the institution on a national level. *Complaint* at 1, 3.

Pursuant to House Ethics Committee Rule of Procedure 13, the Committee provided Representative De Los Santos, who elected to exercise his right under Rule 15 to engage legal counsel, with an opportunity to respond to the Complaint in writing. He did so, submitting the Response on May 1, 2024. In it, Representative De Los Santos did not dispute any of the underlying factual allegations; in fact, he appeared to concede that his exclamations were “formally out of order,” that he was “loud,” and that he had intentionally “sought to disrupt the press conference that was being held.” *Response* at 1, 2. However, he contested the way that the Complaint characterized his actions. *Id.* Representative De Los Santos also asserted that his actions were fueled by a passionate opposition to what he believes was a tactic to “delay the People’s business.” *Id.*

The Committee held an evidentiary hearing on May 15, 2024. Pursuant to the Committee rules that were in effect at the time, Representative De Los Santos elected to not appear at this hearing to personally answer any of the Committee’s questions. His legal counsel appeared on his behalf and agreed that Representative De Los Santos’s behavior was not “normal” or “typical.” *See Ethics Hearing Video* at 35:40. He relayed, however, that Representative De Los Santos would not apologize for it. *Id.* at 57:45.

II. COMMITTEE’S FINDING

As the Chairman emphasized at the evidentiary hearing, the sole issue for the Committee’s consideration is whether Representative De Los Santos violated the House Rules. In undertaking that inquiry, the Committee makes the following factual finding, accompanied by its reasoning.

1. THE COMMITTEE FINDS that Representative De Los Santos’s actions breached the House’s standards of order and decorum.

The facts here are not disputed and in fact were recorded from many angles. *See Exhs. A, E–M.* As the House went into a recess, Representative De Los Santos faced the members on the opposite side of the House Floor with whom he had disagreed on the procedural motion that had just taken place, shouting chants directed to those members, including “Shame!,” “Blood on your hands!,” and “Hold the vote!” He left his assigned desk on the Floor, walking up and down the Floor aisle while pointing his finger toward the members and continuing to shout loudly. *See Exh. E.* at 00:23. Later, after the press initiated a conversation with a member on the other side of the House Floor, Representative De Los Santos crossed the House Floor to insert himself in their discussion by loudly making personal attacks against the member’s character and repeatedly interrupting both the member and the press. This behavior was disorderly.

Representative De Los Santos’s Response contends that this Committee should “protect the spirit of debate and the marketplace of ideas on the floor of the Arizona Legislature” by not

interpreting “the rules of decorum and civility as barring passionate debate.” *Response* at 1. But the conduct here cannot be described as “passionate debate.” The Committee emphasizes that the rules of decorum, order, and civility exist precisely to enable that spirit and a free marketplace of ideas. Disregarding those House rules presents a real and legitimate chilling effect on the dialogue between elected officials on important matters of statewide policy and denigrates the House as an institution of government. The rules allow members to express their ideas knowing that doing so would be met, at worst, with orderly opposition. The rules allow members to vocally agree or disagree without fear of whether others will respond with disorder. The rules allow members to state their positions and to be heard in a way that invites discourse and not disruption.

For these reasons, the Committee cannot allow violations of the rules of decorum and order to be characterized as anything other than disorderly behavior. Doing so would not only render the rules meaningless; it would set an improper and damaging precedent for this body as an institution.

The House Rules provided Representative De Los Santos avenues by which to voice his opposition to the substitute motion to recess, including a call for division on the voice vote for the substitute motion pursuant to Rule 14(H) and for which he could have volunteered to be the member from his side of the vote to explain his rationale pursuant to Rule 14(G), or he could have entered a formal protest into the House Journal pursuant to Rule 20. He also could have initiated a separate conversation with the press to provide them with his stance without disrupting their conversation with the other member. But he did not pursue any of these options.

III. CONCLUSION

The Arizona Constitution empowers the House to establish its own rules of procedure. *See* Ariz. Const. art. 4, part 2, § 8. The House Rules, which the House adopted at the beginning of the first regular session of the 56th Legislature, expressly confirm that House Rules are subject only to constitutional rules and take precedence over statutory rules or provisions, customs and usages, or other parliamentary authority. *See* House Rule 29. Accordingly, it is incumbent on the Ethics Committee to thoroughly review any Complaint by any member to determine whether a member has violated a House Rule.

The Committee’s investigation required time and legislative resources. The Committee does not lightly issue this Report, but the findings herein are necessary to protect the integrity of the House, the House Rules, and the legislative process. This Report should not be construed as any comment on individuals’ constitutional rights, including the rights to freely speak, dissent, or peacefully protest. House Rules have long required members, the public, and the press to maintain proper decorum.

Pursuant to its investigation and its factual findings above, the Committee finds that the evidence sufficiently supports a conclusion that Representative De Los Santos’s disruptive actions constitute disorderly behavior in violation of Rule 1 of the Arizona House of Representatives. Additionally, based on the undisputed evidence, Representative De Los Santos also violated House Rules 18 and 19, which govern decorum and debate and impermissible debate, respectively.

The Committee notes that its findings require a subjective assessment of Representative De Los Santos's conduct. Accordingly, the Committee recommends that all members of the House fully examine this Report and the material cited herein. The Committee agrees, unanimously, that Representative De Los Santos violated Rules 1, 18, and 19. Based on this finding, and because Representative De Los Santos's violations of Rules 1, 18, and 19 involve House order and procedure, the Committee deems it appropriate for the House as a whole to decide what disciplinary measures, if any, should be taken.

Respectfully submitted this 4th day of June, 2024.



Rep. Joseph Chaplik, Chairman



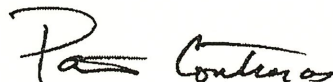
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