

March 21, 2018

Staff meeting to discuss hostile workplace policy - discussed various inappropriate behavior by legislators.

After meeting, [REDACTED] visits with me to express concern that the example she cited at the meeting not be used as part of our training for legislators. We visited about that and other instances that she mentioned and appeared to come to the realization that behavior, as a whole, is "really creepy".

Since she is leaving for vacation in a few minutes, we agreed to continue the conversation when she returns.

She related the following incidents:

- The first time Rep. Luke Simons visited her office during the 2017 legislative session, he leaned over his desk and made a remark about her eyelashes being very beautiful sort of like his wife's.
- At an interim Judiciary Committee hearing, Rep. Simons approached her while she was sitting in her chair and began to give her a shoulder massage.
- This week, Representative Simons called her regarding a work matter and proceeded to tell her a long story about shopping for thongs at Victoria's Secret because that is what his wife like to wear. He apparently "jokingly" added that he wears thongs also. He told this story in the context that he was approached by mall security at a shopping center in Montana because he was carrying a weapon.

When [REDACTED] first brought up the second incident at a staff meeting, she indicated it was not a big deal because "she is a big girl and can handle that kind of stuff". After bringing up the third incident at our staff meeting today, and further discussing the three incidents, she indicated the totality of the circumstances added up to inappropriate and really creepy behavior. When we began to discuss how we would proceed, she indicated she would like to discuss it further later rather than doing anything at this point. I offered to address the situation with Rep. Simons or bring it to the attention of Rep. Carlson, and she asked me to wait. She further expressed concern regarding how she would be perceived if we addressed the situation. I assured her it was Rep. Simon's behavior that was inappropriate, not her.

March 27, 2018

[REDACTED] stopped to visit and discuss her plan for "resolution". She stated "when", not "if", it happens again, she intends to let Rep. Simons know his comments or actions are not appropriate and he should not do that again. She said that would be his one warning and "when" it happens again, she would file a formal complaint.

I reiterated our concern and support and asked her to keep me up to date on anything.

To: John Bjornson

From: [REDACTED]

Date: November 15, 2018

On Tuesday, November 13, 2018, Representative Luke Simons visited my office.

Upon entry I said "I apologize for the papers on my desk" and proceeded to clean them up.

He said: "You always apologize. I recently attended a seminar on personalities and people watching, I notice you always say you have to clear your desk."

I said: "We maintain attorney/client relationships with all legislators so it is important that I ensure everything is put away as necessary."

During a discussion about Chapter 36-21.2 the following exchange occurred:

He said: "What does immune from liability mean, like if you were in a car accident and I came upon the scene and you were lying on the side of the road, if I took your shirt off to administer aid to a wound I wouldn't be guilty of sexual harassment."

I said: "That is an inappropriate example."

He said: "Oh ya, I took it too far."

The discussion continued relating to livestock:

He said: "The call was about a thoroughbred horse in the ditch, you know thoroughbreds, they just have that hungry look in their eye, like some women. Quarter horses are bred to be sweet and kind and made for the job, kind of like my wife, she is definitely like a quarter horse but she has a little thoroughbred in her."

He again said: "Sorry, I got off topic."

The above exchange made me feel extremely uncomfortable.

Moving forward I will no longer work with Representative Simons and the House Majority Leader will be made aware of the inappropriate behavior.

November 19, 2018

MEMORANDUM

TO:



FROM: John Bjornson

RE: Representative Simons

This is a follow-up to our November 14, 2018, conversation and your written explanation of inappropriate comments by Representative Simons, which you submitted on November 15, 2018.

As you indicated in our conversation, you are choosing to not file a formal complaint under the *North Dakota Legislative Assembly Policy Against Workplace Harassment*. However, you have requested to not work with Representative Simons in the future. I support that request, and I have spoken with the House Majority Leader, Representative Pollert, regarding the behavior of Representative Simons and my intention to not allow Representative Simons to have any contact with you. Representative Pollert agreed and indicated he would be calling Representative Simons as soon as possible to reiterate his behavior has been inappropriate, instruct him to have no contact with you, and inform him any further inappropriate conduct will result in a formal complaint.

I request you to inform me immediately if Representative Simons has any contact with you. Also, remember you have the right to file a formal complaint under the workplace harassment policy at any time you believe you have been subject to behavior in violation of that policy.

**Bjornson, John D.**

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**From:** [REDACTED]  
**Sent:** Thursday, March 14, 2019 3:43 PM  
**To:** Bjornson, John D.  
**Cc:** [REDACTED]  
**Subject:** Rep. Simons

John,

I wanted to let you know of Rep. Luke Simons' recent visit to my office. He asked [REDACTED] to see me about Senate Bill 2344. She called me, and I said it was ok to send him back. I could not recall whether he was still restricted from visiting female staff members. I asked my son to leave my office, but Rep. Simons introduced himself to my son before he was able to leave. Rep. Simons then asked me for an explanation of the bill, and I walked him through it. He asked some questions about the bill, but throughout the meeting, he made some disturbing comments. For example, at one point, he slid one of his papers across my desk, told me the stain on it was chocolate ice cream, and told me I could "lick and sniff it". At another point, he told me "I don't need laws because I follow the Bible" and then said "it would be really bad if [he] was driving [his] car and ran over [my] son," whom he had just met. I was very disturbed by the comment because it was threatening and completely unrelated to anything we had discussed. I cannot imagine why he thought or mentioned it. Later, as he asked questions, he told me I was "seeing the inner workings of [his] mind." Although he called me "ma'am" during the meeting, his tone and mannerisms indicated it was not genuine. I believe some of his comments may have been intended to find out whether he could provoke a reaction from me.

Thank you,

[REDACTED]

[REDACTED]

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**From:** Bjornson, John D.  
**Sent:** Thursday, March 14, 2019 4:34 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Rep. Simons

[REDACTED]

Thank you for your comments regarding your interaction with Rep. Simons. I will confirm with the administrative staff that Rep. Simons may speak only with male staff members, except for female staff who have indicated they will speak with him. Your name will not be on the approved list. I will discuss with the House Majority Leader our continued concern with Rep. Simons failing to understand appropriate behavioral norms in the workplace and the fact the Workplace Harassment Policy must be taken seriously..

If Rep. Simons has any other contact with you which you consider to be inappropriate, I hope you will report it to me immediately.

John

John Bjornson  
Director  
North Dakota Legislative Council  
600 East Boulevard Avenue  
Bismarck, ND 58505  
701-328-2916

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**From:** [REDACTED]  
**Sent:** Thursday, March 14, 2019 3:43 PM  
**To:** Bjornson, John D. <jbjornson@nd.gov>  
**Cc:** [REDACTED]  
**Subject:** Rep. Simons

John,

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Thank you,



March 19, 2019

In response to the report submitted by [REDACTED] regarding inappropriate comments by Rep. Luke Simons (3-14-19 email), I spoke with Majority Leader Pollert on Friday, March 15. Rep. Pollert requested I meet with him and Assistant Majority Leader Louser, which we did on the afternoon of March 15. They indicated they would speak with Rep. Simons on Monday, March 18. When updating Rep. Louser on the [REDACTED] incidents with Rep. Louser, Rep. Louser inquired whether she would have done anything to give Rep. Simons the impression she would be interested in his advances. I responded that would be the last thing she would do and she has acted in a professional manner.

On March 18, at about 5:30 p.m. Rep. Pollert and Rep. Louser visited with me in my office. They indicated they spoke with Rep. Simons and Rep. Simons confirmed he made the comment about licking and sniffing his paper. They also indicated the comment made by Rep. Simons in which he indicated it would be bad if he drove over [REDACTED] son was made with respect to being subject to laws. I indicated the comment had no relevance to anything being discussed by [REDACTED] and Rep. Simons, and even if Rep. Simons thought he was being funny, the comment was inappropriate and consistent with strange comments he made to [REDACTED] a few months ago.

Although Rep. Pollert agreed the comments were inappropriate, Rep. Louser suggested Rep. Simons lacks social skills and doesn't realize he can't make comments like that. Again, I reiterated there is no excuse for the comments.

Rep. Louser indicated friends of Rep. Simons had suggested they were going to talk to me about the situation, but Rep. Pollert and Rep. Louser told them not to do so. I indicated I would not discuss personnel matters with other legislators who are not involved or not in leadership.

The leaders indicated Rep. Simons and Rep. Louser would visit with me in the next day or two to further discuss the matter. They indicated Rep. Simons had suggested that I be present at any future meetings Rep. Simons has with female LC staff. I indicated I would consider it, but would prefer not doing so. (My impression is it suggests the female staff are not capable or have done something wrong.)

March 22, 2019

Rep. Louser and Rep. Simons met with me in my office. Rep. Simons was very upset and believes this is part of an effort to get him and it is the kind of thing that caused him to run for office - not being politically correct and fighting against overly sensitive people.

Rep. Louser tried to mediate and find a solution and suggested Rep. Simons and I meet again to discuss next week. Rep. Louser requested to meet with [REDACTED] because they have a good relationship (to try understand the extent of the problem with Rep. Simons). I stated that would be fine if [REDACTED] doesn't mind. I also stated most women in the office want to avoid Rep. Simons.

**Bjornson, John D.**

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**From:** [REDACTED]  
**Sent:** Tuesday, February 25, 2020 2:13 PM  
**To:** [REDACTED] Bjornson, John D.  
**Subject:** Rep. Simons

Rep. Louser came up to discuss the Commerce Committee agenda and some bill drafts. He also asked me how things have been with Rep. Simons, and I said I don't think Rep. Simons has been in our office since the session. I said he has access to our services but, to my knowledge, has not used them lately. Rep. Louser then said he thinks Rep. Simons is "harmless", "naïve", and "just from the ranch". I do not agree with this assessment. He said Rep. Pollert had tasked him with dealing with the Rep. Simons situation and characterized the communications to Rep. Simons as calls to "grow up". He said he thinks Rep. Simons will win re-election because he was the second place vote getter at the district meeting.

Thanks,

[REDACTED]





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8/14/20

Luke Simons -

began w/ threats to throw out all  
staff - clean house

not comfortable coming to office  
- liberals on legal staff

[Duna County Attorney -

going to record conversations  
w/ staff

eastern people different than western people

August 14, 2020 - Representative Pollert had indicated he was informed Rep. Simons would be calling me. Had long phone conversation with Rep. Luke Simons about him not feeling comfortable working with the LC staff because it has been his perception we are tainted against him due to earlier circumstances. I assured him it is our responsibility to work with all legislators in a professional and confidential manner, and we have and will continue to do so with him. Although it was suggested to him after prior incidents he should work only with male staff, we have not prohibited him from access to staff services - some female attorneys had indicated they would help him if necessary.

The timing of the call was particularly odd considering the capitol had been closed since March due to the pandemic and there had been very limited interaction between legislators and staff during that period. As part of this discussion, he indicated he had conversations with numerous other legislators regarding the idea of replacing the LC staff with staff who would be more responsive to legislators. He also indicated he had conversations with an attorney in his district who had suggested he should sue me for some reasons unknown to me and that he would reserve that option.

I listened to him rant for several minutes and tried to propose solutions to assuage his hurt feelings and provide him full access to male attorneys, including me. The entire call really appeared to be an attempt to threaten and intimidate in a manner in which he could deny by saying he was just discussing things that other people have said. I did not take his bait and tried to offer solutions to no real avail.

I followed up with Rep. Pollert by text message and a 10 minute phone conversation to make it clear I will ensure Rep. Simons has access to our staff and that I would not be intimidated by threats whether legal in nature or against my job or the independent nonpartisan nature of our office.

**Bjornson, John D.**

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**From:** [REDACTED]  
**Sent:** Monday, February 1, 2021 9:04 AM  
**To:** Bjornson, John D.  
**Subject:** Fwd: 1.27.21

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**From:** Pyle, Brandy L. <bpyle@nd.gov>  
**Sent:** Saturday, January 30, 2021 1:51 PM  
**To:** [REDACTED]  
**Subject:** 1.27.21

[REDACTED]

On January 27, 2021 I was in the House Education Committee room with intern [REDACTED], Rep. Luke Simons, and I believe 2-3 other clerks (I am not sure which ones were still in there). My recollection of what occurred is after committee work that afternoon, Rep. Simons started talking about hair and made a few comments like "I would like to put my hands in your hair" in reference to intern [REDACTED]. He also made statements such as using moisturizing conditioner, dry ends, dying hair and what type of shampoo to use when one dyes hair. I am unaware of his intentions with his statement but it was a bit shocking.

After Rep. Simons left the room, intern [REDACTED] seemed a bit uncomfortable with the conversation. I told [REDACTED] of some of my interactions that were a bit uncomfortable and odd with Rep. Simons over the past few years. In my conversation with her, I told her that he isn't self-aware of his words and that in my opinion it was like spending too much time with cows than people.

On January 29, 2021 after House Political Subs Committee, Chair Dockter, Rep. Simons and myself were discussing Rep. Ertelt. I made the statement that Rep. Ertelt is not self-aware of his actions in committee that day (make a motion, then voting against it, it failed to pass, and sitting there smirking... pretty much wasting the entire committee and staff's time). Rep. Simons said that he too is not self-aware and is working on it and asked to be told if he says anything like that.

*Brandy L. Pyle*  
State Representative  
District 22  
bpyle@nd.gov

To: John Bjornson

From: [REDACTED]

RE: Intern - Legislator Incident

Date: February 1, 2021

On January 29, 2021, during a phone conversation with [REDACTED] (intern), [REDACTED] asked me if I had heard about an uncomfortable interaction between [REDACTED] (intern), Representative Brandy Pyle, and Representative Luke Simons. After explaining I had not, [REDACTED] said Representative Simons told Representative Pyle he "had seen an old photo of her when she had bangs and she looked like a school girl." She said [REDACTED] then commented that she wished she had more hair and Representative Simons responded that he "could tell a lot about a woman based on her hair and that she wouldn't want more hair because she then she would look Chinese or Indian."

On February 1, 2021, I spoke with [REDACTED] and she indicated it was "weird" but she "agrees with everyone else that he is just a 'Christian' guy who doesn't know better." She did say Representative Simons suggested she take care of her split ends and use a hair mask for six hours over the weekend.

2/1/2021

Had multiple conversations with [REDACTED] and [REDACTED] regarding Rep. Simons and his strange conversation with intern [REDACTED].

Requested [REDACTED] to be clear with Ms. [REDACTED] we have a policy prohibiting harassment and the LC will do whatever necessary to protect her.

Discussed with both [REDACTED] and [REDACTED] as well as [REDACTED] the policy of the office is to take seriously all complaints. Clearly there is a major reluctance to file a formal complaint because they believe there is a lack of support from legislators for staff regardless of the knowledge that certain legislators are habitual offenders of decency.

I reiterated my support for them and any member of the staff who faces inappropriate conduct, and indicated I will have additional conversations with legislative leaders regarding this matter. I anticipate meeting tomorrow with Rep. Pollert, Rep. Louser, and Rep. Pyle regarding the ongoing problem of Rep. Simons. [REDACTED]

2/2/2021

[REDACTED]

Met with Rep. Pollert, Rep. Louser, and Rep. Pyle regarding Rep. Simons. I made clear "being weird" is not an excuse for inappropriate behavior and Rep. Simons has a growing history of making statements that are beyond weird. I believe he knows exactly what he is doing and he is testing the boundaries, much like he did when he called to threaten me. I expressed my concerns with respect to the damage that can be done to the intern program if law students do not feel comfortable working here. I also reiterated my concerns regarding lack of action and the reluctance of women to call out inappropriate behavior if they know nothing will be done.

Rep. Pyle confirmed the events from last week and again stated it is her impression he is weird and does not know how to act around people. Everyone agreed that is not an excuse. [REDACTED]

[REDACTED]

[REDACTED]

Rep. Pollert stated there is a problem with certain members of the caucus who complain about political correctness rather than address behavior not appropriate for the workplace. He indicated it would be necessary for Rep. Louser and him to meet with Rep. Simons to discuss the situation.

After that meeting, Rep. Pollert came to my office to visit. It appears the discussion went much the same way as previous discussions. Rep. Simons denied saying he wanted to run his hands through the intern's hair, but indicated he had a discussion with her about hair because he is a barber and knowledgeable about hair follicles. He suggested he would go to the intern to apologize, which I told Rep. Pollert would probably not be a good idea. As we were visiting, Rep. Pollert received a text message from Rep. Simons indicating he had spoken to the intern and all was good.

Rep. Pollert also informed me Rep. Simons suggested it may be time to bring in new staff "like the supermajority in South Dakota did".