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Investigation: State employees accuse Phil Lyman of unprofessional, misogynistic conduct in meeting

Investigator concludes Rep. Phil Lyman was ‘unprofessional and inappropriate’ in meeting with female state employees, but did not violate laws or policies. ‘I said it and I will say it again,’ Lyman says in response.

By Kyle Dunphey - Utah News Dispatch | Jun 8, 2024

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Spenser Heaps, Utah News Dispatch

Rep. Phil Lyman, R-Blanding, is pictured on the first day of the legislative session at the Capitol in Salt Lake City on Tuesday, Jan. 16, 2024.

Republican gubernatorial candidate and outgoing state Rep. Phil Lyman was accused of being misogynistic, verbally abusive and using expletives during a meeting with state employees earlier this year, according to an investigative report obtained Friday by Utah News Dispatch.

The investigation, conducted by the law firm Parsons, Behle & Latimer, found that Lyman's conduct was "unprofessional and inappropriate," and satisfied "several of the hostile-work-environment elements."

"However, it is also my conclusion that Rep. Lyman's conduct was not sufficiently severe in its nature to create an abusive working environment," the investigator wrote in the report, concluding that Lyman did not violate any of the Utah Legislature's policies or federal, state or local laws or state policies.

The investigation stemmed from a Jan. 25 meeting between Lyman and the Utah Trust Lands Administration, known colloquially as SITLA, an independent state agency that manages state trust lands to raise funds for Utah public schools. During the meeting, investigators say talks got tense as Lyman and SITLA employees discussed the Bears Ears land swap, a now failed proposal to exchange land between the state and federal government. In the weeks following the meeting, Utah backed out of the exchange over concerns about how the federal government planned to manage Bears Ears National Monument.

According to the report, Lyman called female SITLA employees "idiots," used expletives and mimicked them "in a way that both women considered to be a gendered verbal attack." Once Lyman began using expletives including the f-word, the SITLA employees walked out of the meeting, the report states.

On Friday, Lyman, a Blanding Republican and the lone remaining GOP challenger to Utah Gov. Spencer Cox, defended his conduct in the meeting. In an initial, more tempered statement, he told Utah News Dispatch that environmental groups are colluding with federal and state agencies, which impacts his district.

In a later statement, he added: "Yes, I said it and I will say it again. They're taking all of the f— land."

According to the investigation, the meeting was originally scheduled to discuss HB320, a bill Lyman sponsored but never passed. It would have prohibited state employees or contractors from getting a financial bonus "for overseeing the sale of trust lands" while giving the Legislature more power over SITLA.

According to the report, Lyman accused SITLA staff of "making up" the fiscal note attached to the bill. A finance officer then suggested Lyman and SITLA meet in person in his office, per the

investigation. The names of the SITLA employees are redacted in the investigation.

During the meeting, “it quickly became clear to (the SITLA employees) that Rep. Lyman was not actually interested in talking about the financial numbers in the fiscal note,” the report states.

“Rep. Lyman said he ‘didn’t care about the numbers.’ He just wanted to make SITLA do things it was ‘supposed to be doing anyway,’” the investigation notes. “He claimed that (redacted) and the people at SITLA were either ‘idiots,’ or they had been ‘duped by the Red Rock Wilderness conspiracy.’ He said (redacted) and her colleagues ‘don’t know what [they’re] doing.’ He said SITLA is a ‘failed agency’ and that if he had his way, he would dissolve SITLA except for the fact that he did not trust the Utah State Legislature to take over.”

The investigation notes that a SITLA employee tried to “redirect the conversation,” but “Rep. Lyman just got more and more aggravated.”

That’s when one of the female SITLA employees told Lyman, “We’re going to have to agree to disagree,” the report states.

According to the investigative report, Lyman “parroted back” what the SITLA employee said, “In a high-pitched voice while gesturing with his hands and tilting his head in a manner that made it clear to both (female employees) that Rep. Lyman was mocking based on her gender.”

One of the employees later told an investigator she considered the representative’s conduct to be “misogynistic.”

Lyman then continued discussing the Bears Ears Land Swap, which is when he began to use explicit language, according to the report, telling SITLA employees: “You’re trading out the f— lands” or “You’re trading out of f— land in Bears Ears.”

The SITLA employees began to leave Lyman’s office, and one of them told the representative “his conduct was unprofessional.”

Lyman asked how, to which the employee responded, “You just yelled the F-word at us,” according to the report. Lyman denied doing so, the investigation states. The SITLA employees “said they had all heard it. Rep. Lyman then said he was not saying it at them; he was merely talking about the land,” according to the report.

As they were trying to leave the office, Lyman “went back to accusing SITLA of taking kickbacks and receiving commissions on land sales.”

A SITLA employee disputed the accusation, telling him “she was certain that was not happening.” Again, Lyman “mimicked what (the female employee) had just said, using a high-pitched voice and gesturing with his hands.”

The two employees then left Lyman's office. "As they exited, Rep. Lyman said, 'I'm not done with you yet,'" the investigator reported.

In an attempt to "memorialize" their recollection of the meeting and out of fear that Lyman would harm SITLA's reputation, the employees wrote a bullet list of the events, according to the report.

A copy of the bullet points obtained by Utah News Dispatch detail exactly what is noted in the investigation, including a claim that Lyman spent about "10 minutes being verbally abusive, accusing us of being incompetent and not doing our jobs, saying we are either stupid or being duped into the Red Rock Wilderness conspiracy, telling us SITLA is a failed agency and that he would dissolve it if he trusted the legislature more."

Both female employees told investigators that they were hesitant to attend another private meeting with Lyman. One said she would not meet with him "unless there were men with her" — the other said she would decline any invitation unless it was in conjunction with a public hearing.

However, both employees said they never felt physically threatened by Lyman, according to the investigation.

As part of the investigation, the investigator wrote that he interviewed three people who were present at the Jan. 25 meeting, but he did not interview Lyman. Lyman told House Speaker Mike Schultz, R-Hooper, he didn't want to be interviewed, which is why Schultz instructed the investigator to draft the report without speaking to him, according to House staff.

After interviewing the three other people present in the meeting and "in response to a question from Speaker Mike Schultz, I opined that it was unlikely that anything Rep. Phil Lyman might say in an interview would alter my answers to the questions identified above," the investigator wrote. "Accordingly, Speaker Schultz instructed me to draft my report without speaking with Rep. Lyman."

Schultz was advised by attorneys to hire external counsel to conduct the investigation. In a Friday statement to Utah News Dispatch, Schultz acknowledged Lyman's behavior was "unprofessional" but the investigation concluded he did not break any laws.

"Earlier this year, a complaint was brought to our attention against one of our House members. We followed all processes and procedures to address the concern in a timely, professional, and fair matter including hiring outside counsel to conduct a thorough and impartial investigation," Schultz said in the statement.

A request for comment from SITLA officials was not immediately returned Friday evening.

Contributing: *Katie McKellar*