

**DECLARATORY RULING DR-1988-001  
RECONSTITUTED AS ADVISORY OPINION AO-1988-001  
RECONSTITUTED AS ETHICS INTERPRETATION EI-1988-001  
ISSUED SEPTEMBER 7, 1988**

At the September 7, 1988, meeting of the Oklahoma Council on Campaign Compliance and Ethical Standards, your Request for Declaratory Ruling referenced above was reconstituted as a Request for Advisory Opinion due to the Council being taken out of the status of a rule-making agency by Title 74 O.S. Supp. 1988, § 4206 (B).

Your question concerned the following:

*The Insurance Commissioner is appointed by statute to a number of Boards. Under the statutes he may designate an employee to sit for him on those Boards [police & fire pensions, specifically]. What is the application of 74 O.S. Supp. 1987, § 4223 (D) and (E)?*

Subsection D and E read as follows:

D. The chief administrative officer and the first assistant administrative officer of any state agency, board or commission who make the policy decisions necessary to implement the duties imposed on the entity by law and any state employee who is responsible for taking or recommending official action of a nonministerial nature with regard to contracting or procurement shall file a Financial Disclosure Statement with the Council upon initial employment and not later than April 30 of each even-numbered year thereafter.

E. A member of a board or commission as created by the Oklahoma Constitution or by statute shall file a Financial Disclosure Statement with the Council upon initial appointment and not later than April 30 of each even-numbered year thereafter. The provisions of this subsection shall not be construed to require precinct inspectors, judges, clerks and counters to file Financial Disclosure Statements.

Without question the employees under consideration should file financial disclosure statements if they recommend from whom the agency purchases or with whom the agency contracts.

**It was the opinion of the Council that such an employee would always be in a position to influence decisions of the board upon which they serve whether or not they were ex-officio or had a vote. Otherwise, there would be no need for their agency to be represented on the board. Since the statute requires all members of boards or commissions created by statute to file financial disclosure statements, the Council determined by unanimous vote of seven that financial disclosure statements [Form F-1] should also be filed by state employees serving in the place of such members.**