

ETHICS COMMISSION  
STATE OF OKLAHOMA

# 2008–2009

## LOBBYIST REGISTRATION AND REGULATION

under the Statutes

[Section 334 of Title 21

and

Sections 4249 through 4257 of Title 74 of the Oklahoma Statutes]

AND

## LOBBYIST REPORTING

under Chapter Twenty-Three of the

*CONSTITUTIONAL ETHICS RULES*

[Section 257:23-1-1 through 23-1-3 of the Rules of the Ethics Commission

74 O.S. Supp. 2008, Ch. 62, App.]

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EFFECTIVE JULY 1, 2008

Ethics Commission, 2300 N Lincoln Blvd, B5, Oklahoma City, OK 73105-4812  
(405) 521-3451 FAX (405) 521-4905

## **ABOUT THE COMMISSION**

The present Ethics Commission [the "Commission"] was established under Article XXIX of the Oklahoma Constitution. The Commission is made up of five private citizens, one each appointed by the Governor, President Pro Tempore of the Senate, Speaker of the House, Chief Justice of the Supreme Court and Attorney General. It employs seven full-time staff members who administer the constitutional duties, the Act and the rules to implement Article XXIX. The annual budget for the agency in fiscal year 2008 was \$602,960.

The Commission is charged, under Article XXIX, with promulgating rules of ethical conduct of state officials and employees, including civil penalties for violations of such rules. Pursuant to this grant of authority, it regulates the reporting of things of value given to state officers and state employees by lobbyists and certain other persons. Its mandated function also includes rulemaking with respect to ethical conduct for campaigns for elective state office and for campaigns for initiatives and referenda. It is further charged with investigating and prosecuting violations and recommending civil penalties for such in district court. Under Article XXIX, the Commission promulgates rules which are presented to the Governor and each House of the State Legislature. If promulgated rules are not disapproved by joint resolution, subject to veto by the Governor during the legislative session for which the rules are submitted, they become effective. In the event the Governor vetoes a joint resolution disapproving the rules, the procedure is the same as for the veto of any other bill or joint resolution.

Effective Ethics Commission rules are published in the official statutes of the State. Effective rules may be repealed or modified by the Commission subject to the same legislative and gubernatorial action as for newly promulgated rules. Effective Ethics Commission rules may also be repealed or modified by the Legislature under the same procedures.

No action was taken on the Commission's promulgated rules submitted on February 8, 1994, resulting in the rules taking effect July 1, 1994. Amendments to the rules were submitted in the same manner on the second day of the Legislative Sessions in 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008. Amendments took effect July 1, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008 respectively.

Statutory changes in 2004 without an emergency clause took effect November 1, 2004. New lobbyist registration fees were established by the legislation. The Commission is the depository for campaign registrations and reports, statements of financial interests, as well as lobbyist registrations and reports. It receives information alleging violations of rules and, upon investigation, may prosecute in district court. It issues ethics interpretations on both statutes within its jurisdiction and pursuant to its constitutional rules.

Instructions in this manual are provided to assist lobbyists, lobbyist principals and certain persons lobbying, seeking to do or doing business with or interested in matters before or affecting a governmental entity in reporting things of value given to state officers and state employees. Care has been taken to make these materials accurate, yet concise. However, they cannot be substituted for the applicable statutes, the Rules of the Ethics Commission and Ethics Interpretations. The law, rules and interpretations are controlling in the event of any conflict with or omission in these materials.

**\*\* Examples of Forms Are Located in the Back of this Manual\*\***

Blank forms are available on our website at: [WWW.ETHICS.OK.GOV](http://WWW.ETHICS.OK.GOV)

**\*\* Electronic Filing & Information on Lobbyist Reporting & Disclosure System\*\***

[WWW.OK.GOV/ETHICS/LOBBYIST](http://WWW.OK.GOV/ETHICS/LOBBYIST)

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## TABLE OF CONTENTS

About the Commission . . . . .	2
Table of Contents . . . . .	3
<b>Registration of Lobbyist . . . . .</b>	<b>3</b>
<b>Key Definitions . . . . .</b>	<b>5</b>
<b>Reporting by Lobbyists and Other Persons . . . . .</b>	<b>10</b>
<b>Violations – Penalties . . . . .</b>	<b>14</b>
<b>Contributions during Legislative Session Prohibited – Criminal penalties . . . . .</b>	<b>16</b>
Form L-1 [Lobbyist Registration 2008] . . . . .	17
Form L-2 [Lobbyist or Other Person Gift Report] . . . . .	19
Form L-3 [Termination of Lobbyist Registration] . . . . .	21

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## REGISTRATION OF LOBBYISTS

- Who is a lobbyist?** A Lobbyist is an individual who is:
- employed or retained by another for financial or other compensation
  - to perform services that include lobbying

A lobbyist is not an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client.

- What is lobbying?** Lobbying, or any derivative of the word, means any *oral or written communication* with:

- a member or employee of the Legislature,
- the Governor or an employee of the Governor,
- a member or employee of the Corporation Commission, or
- a member or employee of the judiciary

on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rule, regulation, executive order or any other program, policy or position of the state government.

- What is a lobbyist principal?** A lobbyist principal is a person who employs or retains another person
- for financial or other compensation
  - to conduct lobbying activities on behalf of the lobbyist principal.

A lobbyist principal is not an individual member, partner, officer or shareholder of a corporation, association, firm, joint venture, joint stock company, syndicate, business trust, estate, trust, company, partnership, limited partnership, organization, committee, or club, or a group of persons who are voluntarily acting in concert.

**When to register**

Every lobbyist shall be required to register with the Ethics Commission on a lobbyist registration form:

- no later than December 31 of each year or
- within five (5) days after engaging in lobbying on behalf of one or more lobbyist principals.

**Lobbyist Registration Fee**

Lobbyist must pay a registration fee of One Hundred Dollars (\$100.00) upon registration. All monies collected from the registration fee shall be deposited with the State Treasurer to the credit of the Ethics Commission Fund.

**Action not requiring registration for lobbying**

The following action does not require registration as a lobbyist:

- testimony given before, or submitted in writing to, a committee or subcommittee of the Legislature;
- a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television; or
- representation of oneself or a client by an attorney acting in a professional capacity as an attorney who has entered an appearance in a court proceeding or quasi-judicial proceeding or a legislative or quasi-judicial proceeding before the Corporation Commission.

**Persons exempt from registration as lobbyists**

The following persons are not required to register as lobbyists:

- an individual appearing before a meeting of a legislative body or executive agency who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further or other lobbying;
- a public or federal official acting in his or her official capacity;
- a public employee acting on behalf of the governmental entity by which he or she is employed; and
- any person exercising his or her constitutional right to petition the government who is not specifically required by Sections 4249 through 4254 of Title 74 of the Oklahoma Statutes to register as a lobbyist and who receives no compensation or anything of value for lobbying.

**Information required in registration**

The following information is required on the lobbyist registration form:

- the lobbyist's name, business address and telephone number;
- the name and address of each lobbyist principal by whom the lobbyist is employed or retained; and
- the date of the registration.

All registrations filed must be certified.

### **Expiration, renewal of registration and supplemental registrations**

The registration of each lobbyist shall expire on December 31 of each year unless the annual registration fee of One Hundred Dollars (\$100.00) is paid between December 1 and 31. The lobbyist expenditure report due for the previous reporting period must be filed before the Ethics Commission can renew a registration.

Every lobbyist shall file a supplemental registration indicating any change in the information contained in the registration within twenty (20) days after the date of the change.

### **Termination of lobbying activity**

A person who ceases to engage in lobbying shall file a written, verified statement with the Ethics Commission acknowledging the termination of activities. The notice is effective immediately upon filing.

A person who files a notice of termination must file the reports required pursuant to Chapter 23 of the Rules of the Ethics Commission for any reporting period during which the person was registered at the time the notice of termination is effective.

### **Public record**

All registrations are public records and are available for public inspection pursuant to the Open Records Act [51 O.S. 2001, § 24A.1 et seq., as amended].

## **KEY DEFINITIONS**

### **Anything of Value**

The definition of "anything of value" includes, by necessity, the terms "thing of value" and "things of value". These terms, to the extent that consideration of equal or greater value is not received, INCLUDE the following:

- a pecuniary item, including money, or a bank bill or note;
- a promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
- a contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- a stock, bond, note, or other investment interest in an entity;
- a receipt given for the payment of money or other property;
- a right in action;
- a gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel, UNLESS it is returned to the donor or delivered to a charitable organization within 30 days and not claimed as a tax deduction, it is given by the recipient's spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, who is not serving as an intermediary, or it is accepted by the state or governmental entity under specific statutory authority;
- a loan or forgiveness of indebtedness, unless it is from a bank or other financial institution on terms generally available to the public;

- a work of art, antique, or collectible;
- an automobile or other means of personal transportation;
- real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested in realty, a leasehold interest, or other beneficial interest in realty;
- an honorarium or compensation for services unless the honorarium or compensation is paid for by the state government or secured by the state government under state government contract;
- a rebate or discount in the price of anything of value or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public, unless the rebate or discount is available to the public or to a class consisting of all state government employees, whether or not restricted on the basis of geographic consideration;
- a promise or offer of employment;
- transportation, lodging or entertainment; or
- any other thing of value not excluded below .

The terms "anything of value", "thing of value" and "things of value" DO NOT INCLUDE:

- a campaign contribution properly received and reported;
- any books, written materials, audio tapes, videotapes, or other informational promotional material related to the performance of a state officer's or state employee's official duties;
- a gift that:
  - 1) is not used, and
  - 2) no later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
- a gift, devise, or inheritance from an individual's spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this provision;
- a plaque or trophy with a value that does not exceed two hundred dollars (\$200);
- modest items of food and refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal;
- food and beverage consumed the occasion when participating in a charitable, civic, or community event, or at any event to which all members of the Legislature are invited, which bears a relationship to the state officer's or

state employee's office and the officer or employee is attending in an official capacity;

- greeting cards and items with little intrinsic value, such as certificates, which are intended solely for presentation;
- loans from banks and other financial institutions on terms generally available to the public;
- opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all state government employees, whether or not restricted on the basis of geographic consideration;
- rewards and prizes given to competitors in contests or events, including random drawings, which are open to the public; rewards and prizes from contests or events which are not open to the public are also excepted if the state officer's or state employee's entry into the contest is required as part of his official duties;
- pension and other benefits resulting from participation in a retirement plan offered by an employer or former employer of a state officer or state employee;
- anything which is paid for by the state government or secured by the state government under state government contract;
- any gift accepted by or on behalf of the state of Oklahoma or a governmental entity by the Governor under Section 381 et seq. of Title 60 of the Oklahoma Statutes. In order to be deemed accepted, the Governor must be notified in writing of any gift received by a governmental entity, or person on behalf of a governmental entity, within ten (10) days of receipt of the gift. Notice of acceptance must be received from the Governor within the next thirty (30) days. Upon lack of a response from the Governor within the thirty (30) days of receipt of the notice, the gift is deemed rejected and must be returned to the donor;
- anything for which market value is paid or secured by written contract to be paid by the state officer or state employee no later than 30 days of receipt;
- transportation furnished to a state officer or state employee for the purpose of assisting the officer or employee in the performance of the officer's or employee's official duties and from which the officer or employee receives only incidental personal benefits ancillary to said purpose;
- food, transportation or entertainment provided by a governmental agency or governmental enterprise of a foreign nation as a gesture of hospitality;
- prescription drugs or similar items given to the recipient for distribution to patients in need of treatment which are not used by the recipient;
- a meal or other food served at a meeting at which the state officer or state employee is an invited guest;

- any gratuity provided at a meeting, conference, or seminar by sponsors, exhibitors, etc., the cost of which is not borne by a registrant to such meeting, conference, or seminar, and which is available to all registrants; and
- any single item with a fair market value not exceeding Ten Dollars (\$10.00) provided to a state officer or state employee during a calendar year; provided, if a donor provides more than one such item to a state officer or state employee during a calendar year, any such additional items shall not be subject to this exception.

**Associated**

"Associated", when used with reference to an entity, includes an entity in which an individual or a member of his or her immediate family is a director, officer, fiduciary, trustee, agent, or partner, or owns or controls, in the aggregate, at least two percent (2%) or a value of five thousand dollars (\$5,000) of the outstanding equity.

**Business**

"Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted for profit.

**Business day**

"Business day" means any day except a Saturday, Sunday or a legal holiday designated in Section 82.1 of Title 25 of the Oklahoma Statutes.

**Charitable organization**

"Charitable organization" means an entity described in 501 (c) (3) of Title 26 of the United States Code, 26 U.S.C., Section 501 (c) (3), as it currently exists or as it may be amended.

**Day**

"Day" means calendar day, except that in instances where a report or other document is required to be filed with the Commission and the calendar day upon which such a report or document must be filed falls on a day other than a business day, any such report or document may be filed on the immediate next business day.

**Economic interest**

"Economic interest" means a personal financial interest in a state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services when the person who has the economic interest is taking action to influence the state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services.

**Gift**

Gift means "anything of value", as defined above, to the extent that consideration of equal or greater value is not received in exchange therefor.

**Governmental entity**

"Governmental entity"

1) means any department, commission, authority, council, board, bureau, committee, legislative body, agency, state beneficial public trust, or other establishment of the executive, legislative or judicial branch of the State of Oklahoma.

2) does not mean entities of political subdivisions of the State of Oklahoma.

**Immediate family**

"Immediate family" means a child under the age of eighteen (18) years residing in a state officer's or state employee's household, a spouse of a state officer or

state employee, and an individual claimed by the state officer or state employee or the state officer's or state employee's spouse as a dependent for tax purposes.

### **Official action**

"Official action" means any judicial, executive, legislative or administrative action which includes, but is not limited to, the promulgation of rules and regulations and the setting of rates.

### **Organization**

"Organization" means a:

- labor organization;
- collective bargaining organization;
- local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership; or
- trade or professional association that receives its funds exclusively from membership dues or service fees, whether organized inside or outside the state.

### **Person**

A "Person" means an individual, corporation, limited liability company, association, proprietorship, firm, partnership, limited liability partnership, limited partnership, joint venture, joint stock company, syndicate, business trust, estate, trust, company, organization, committee, or club, or a group of persons who are voluntarily acting in concert.

### **State employee**

"State employee"

- means:
  - 1) an elective or appointed officer or an employee of any governmental entity, except members of the House of Representatives or State Senate; and
  - 2) an employee, other than an adjunct professor, in the service of an institution of higher education comprising the Oklahoma State System of Higher Education.
- does not mean a public member [an individual appointed to a compensated or uncompensated part-time position on a board, commission, council, authority, bureau, committee, state beneficial public trust, or other establishment of the executive, legislative or judicial branch of the State of Oklahoma].

### **State officer**

State officer means an elective, appointed or employed officer, including a public member, in the executive, judicial or legislative branch of the State of Oklahoma.

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## REPORTING BY LOBBYISTS AND OTHER PERSONS

### Who must report: Lobbyist and "Other Persons"

The following persons must report things of value given to state officers and employees:

- Lobbyists
- The following "other persons" who give a thing of value to state officers or state employees the cost of which exceeds \$10 [\$50 for elective officers and \$25 for all others prior to July 1, 2008] during any six-month period [beginning on January 1 and ending June 30 or beginning on July 1 and ending December 31]:
  - 1) a person who is employed or retained by another for financial or other compensation to perform services that include promoting, opposing or attempting to influence any executive or administrative action by a governmental entity, including, but not limited to, the promulgation of rules and regulations and the setting of rates, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client;
  - 2) a person who is seeking to do business or doing business with a governmental entity; or
  - 3) a person who has an economic interest in actions or matters before or affecting a governmental entity.

Lobbyists must file reports regardless of whether anything of value is given by them or by other persons on behalf of them or their lobbyist principals. Persons who give a thing of value to state officers or state employees of regulatory governmental entities the cost of which exceeds \$10 [\$50 for elective officers and \$25 for all others prior to July 1, 2008] in value during a six-month period [1/1 to 6/30 or 7/1 to 12/31] must report the thing or things given.

### Where to file reports

Ethics Commission  
2300 North Lincoln Boulevard, Room B5  
Oklahoma City, OK 73105-4812  
(405) 521-3451, FAX (405) 521-4905

**ELECTRONICALLY: [WWW.OK.GOV/ETHICS/LOBBYIST](http://WWW.OK.GOV/ETHICS/LOBBYIST)**

### When to report

REPORTS ARE DUE EVERY YEAR BETWEEN:

July 1 and 20      Period covered--January 1 through June 30

AND

January 1 and 20      Period covered--July 1 through December 31

### Required reports

Every lobbyist and person required to file reports must file semi-annual reports with the Ethics Commission concerning the activities specified in this section. Lobbyists must file reports whether or not he or she or anyone on his or her behalf, or on behalf of the lobbyist principal(s) for which he or she is registered, has taken any action [given things of value] which is required to be reported. Persons required to report, but who are not lobbyists, must file only in the event action is taken which is required to be reported. The reports must be filed

between the first and twentieth day of January and the first and twentieth day of July of each calendar year and cover the activities during the period following the last report.

**What to report – things of value exceeding \$10 [\$50 for elective officers and \$25 for all others prior to July 1, 2008]**

**REPORTING PERIOD**  
 Jan. 1 through June 30  
 OR  
 July 1 through Dec. 31

**WHAT TO REPORT**  
 things of value given to a state officer or state employee, or the immediate family member of a state officer or state employee, the cost(s) of which exceeds ten dollars (\$10) [\$50 for elective officers and \$25 for all others prior to July 1, 2008] in the aggregate during the 6 month period

All reports must include information for things of value given to a state officer or state employee, or the immediate family member of a state officer or state employee, by the lobbyist or any lobbyist principal by whom the lobbyist is employed or retained or other person the costs of which exceed ten dollars (\$10) [\$50 for elective officers and \$25 for all others prior to July 1, 2008] in the aggregate during a six-month period beginning January 1 and ending June 30 or beginning July 1 and ending December 31.

**Notarized signature**

The report must be signed by the person or lobbyist, who shall attest to the report's accuracy and veracity, and the signature shall be notarized.

**Annual limit on things of value**

Lobbyists or lobbyist principals, or "other persons" as listed above, shall not give things of value which, in the aggregate, are valued at more than \$100 [\$300 for elective officers and \$100 for all others prior to July 1, 2008] annually to any state officer or state employee or the immediate family member of a state officer or state employee with the following exceptions:

- things of value given by a lobbyist or lobbyist principal, or "other persons" as listed above, as a result of or arising out of employment of, or the lobbyist or lobbyist principal, or other person as listed above, doing business with, a state officer or state employee or the recipient; and
- things of value given by any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal, or "other persons" as listed above, if the donor is excepted as a relative from the definition of "anything of value" or if there exists between the recipient and the donor a close personal relationship of long standing in which the mutual exchange of gifts on special occasions, such as holidays or anniversaries has become customary.

**Cash or Cash Equivalent Honoraria to Elective Officers Prohibited**

Except for compensation an elective officer is entitled to by law for the performance of official duties, an elective officer is prohibited from soliciting or accepting cash, check or cash equivalent compensation for an article, appearance or speech, or for participation at an event, unless the article, appearance or participation is made as part of the normal course of business in the officer's private occupation.

**Aggregation of Gifts Requirement**

A thing or things of value given by a lobbyist; the lobbyist principal by whom the lobbyist is employed or retained; or a stockholder, partner, agent, affiliate, member, employee or officer of the lobbyist principal or lobbyist principals by whom the lobbyist is employed or retained are aggregated for purposes of the disclosure threshold and calendar year limits, regardless of how the thing or things of value are funded if, and only if, the thing or things of value are given at the specific direction, and on behalf of, the lobbyist principal. Lobbyists

principals of contract lobbyists shall not be aggregated together for purposes of this provision. If more than one lobbyist is retained or employed by a lobbyist principal, the disclosure and calendar year limits of the first lobbyist to register on behalf of the lobbyist principal for a calendar year are aggregated with each additional lobbyist employed or retained by the same lobbyist principal.

### **Things of value prohibited from regulated to regulatory governmental entity**

No state officer and no state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive or agree to receive anything of value individually or for or on behalf of a governmental entity from a business entity, its employees, officers or board members, or a person who has greater than a ten percent (10%) interest in such entity if the rates, charges, prices or fees charged by the business entity are subject to regulation by the governmental entity which the officer or employee serves. This provision does not apply to a campaign contribution properly received and reported, which is exempt from the definition of anything of value in Section 2 of Chapter 1 of this title, or to anything of value accepted on behalf of the state of Oklahoma pursuant to Subsection (e) of this subsection.

### **Exceptions to reporting and annual limit**

The following things of value are not subject to the annual limit or reporting requirement for lobbyists or other persons required to report:

- things of value given by a lobbyist or lobbyist principal as a result of or arising out of employment of, or the lobbyist or lobbyist principal doing business with a state officer or state employee or the recipient;
- things of value given by any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal as a result of a close personal relationship of long standing in which the mutual exchange of gifts on special occasions, such as holidays or anniversaries, has become customary; and
- things of value given to a public member when such things of value are not given as a result of the public member's status as a public member.

### **Contents of reports**

The information to be reported shall be as follows:

- The name and position of the state officer or state employee to whom the thing of value was given;
- The date the thing of value was given;
- The nature of the thing of value given;
- The amount of the expenditure made by the lobbyist or lobbyist principal or other person for the thing of value; and
- The name of the lobbyist principal or lobbyist principals or other person on whose behalf the thing of value was given, if any.

### **Prohibition against dividing costs**

For purposes of reporting things of value as required by this section, a lobbyist giving a thing of value on behalf of more than one lobbyist principal shall not divide the cost of the thing of value by the number of participating lobbyist principals. Nor may a lobbyist divide the cost of a thing of value with other lobbyists for any single expenditure.

**Presence of lobbyist required--exception**

A lobbyist who gives a thing of value to a state officer or state employee must be present when the thing of value is accepted by the recipient unless the thing of value is of no more than ten dollars (\$10) in value.

**Anything of value from third persons--records**

A lobbyist shall also report things of value when given by other persons on behalf of the lobbyist or the lobbyist principal at the specific direction of the lobbyist or lobbyist principal if they were made with the knowledge of the lobbyist. When other persons, including lobbyist principals, give things of value that the lobbyist is required to report, the other persons shall provide a full, verified account of such things of value to the lobbyist at least seven (7) days before the reports of the lobbyists are due to be filed. When exact values are not known and not ascertainable, a good faith estimate of the fair market value shall be reported.

**Campaign contributions not reported**

Campaign contributions reported pursuant to the provisions of Chapter 10 of the Rules of the Ethics Commission are not required to be reported on lobbyist expenditure reports.

**Preservation of accounts, books, etc.**

Each lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made pursuant to this section for four (4) years from the date of filing of the reports containing the items.

**Exceptions to reporting**

Nothing in this section shall prohibit the giving or require the disclosure of the giving of anything of value by:

- a charitable organization or an organization described in Section 501 (c) of Title 26 of the United States Code, 26 U.S.C., Section 501 (c), as it currently exists or as it may be amended; or
- a tax-exempt professional organization established by state statute or rules passed by the Oklahoma Supreme Court,

to a state officer or state employee, who is an officer or director of the organization, when receipt of anything of value results from the state officer or state employee attending a function, meeting or seminar on behalf of, or as a representative of, the organization.

**Forms and Electronic Filing**

Manuals and forms for reporting lobbying activity are available in the office of the Ethics Commission, 2300 N Lincoln Blvd, Rm B5, Oklahoma City, OK 73105-4812, (405) 521-3451 and on the Commission website at [www.ethics.ok.gov](http://www.ethics.ok.gov). Reports may also be filed electronically at [www.ok.gov/ethics/lobbyist](http://www.ok.gov/ethics/lobbyist).

**Influencing legislation or official action--fraud**

No person required to be registered under Section 4251 of Title 74 of the Oklahoma Statutes who lobbies, for the purpose of influencing legislation or an official action, may:

- knowingly or willfully make any false statement or representation of the facts to a member of the legislative branch, judicial branch or executive branch; or
- knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative branch, judicial branch or executive branch without notifying such member in writing of the truth.

**Contingent fees--  
influencing  
legislation or  
official action**

No person may retain or employ a lobbyist for compensation contingent in whole or in part on the passage or defeat of any official action or the approval or veto of any legislation, issuance of an executive order or approval or denial of a pardon or parole by the Governor. No lobbyist may accept any employment or render any service for compensation contingent on the passage or defeat of any legislation or the approval or veto of any legislation by the Governor. Any person convicted of violating the provisions of this section shall be guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the state penitentiary not exceeding two (2) years or by both such fine and imprisonment.

**Appearance on  
floor of legislature**

No lobbyist may go on the floor of either house of the Legislature while that house is in session, except on invitation of that house.

**Alphabetical files**

The Ethics Commission shall maintain registrations in a separate, alphabetical file and make such registrations available to the public for inspection.

**Prohibited use of  
information**

No information copied from registration forms required by Section 4250 of Title 74 of the Oklahoma Statutes or from lists compiled from such forms and reports shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for any commercial purpose.

**Additional  
compensation for  
lobbying--State  
officers/employees**

No state officer or state employee shall receive any additional compensation or reimbursement from any person for personally engaging in lobbying, other than compensation or reimbursements provided by law for that member's job position.

**Loaning money--  
State officers/  
employees**

No state officer or state employee shall directly or indirectly borrow money from a lobbyist, or an immediate family member of a lobbyist, or an entity controlled by or employing a lobbyist. This prohibition does not apply to:

- a loan of money made by a commercial lending institution, in the regular course of business, on the same terms ordinarily available to members of the public, and which is not secured or guaranteed by a lobbyist or lobbyist principal or any other person on behalf of a lobbyist or lobbyist principal; or
- a loan from a father, stepfather, father-in-law, mother, stepmother, mother-in-law, sister, step sister, brother, step brother, child, step child, adopted child or their spouses.

**Liability**

If two (2) or more persons are responsible for an inadvertent violation of the Constitutional Ethics Rules, they are equally liable for a proportionate share of the penalty. If two (2) or more persons are responsible for a willful violation, they are jointly and severally liable for any civil penalty.

**VIOLATIONS – PENALTIES****Violations of rules--  
Civil penalties**

Violations of the Constitutional Ethics Rules reporting provisions carry civil penalties. These are as follows:

**Civil penalties for violations.** The Commission may recommend to the district court, and the district court, upon finding that a respondent has violated a provision of this title, may assess one of the following penalties:

- **Civil penalties for non-willful violations.** A person who violates a provision of this title shall be liable for a civil penalty:
  - 1) not to exceed one thousand dollars (\$1,000) per violation for inadvertent disclosure violations in registrations, reports or statements filed under Chapters 10, 15, 20 and 23 of the Rules of the Ethics Commission;
  - 2) not to exceed two thousand dollars (\$2,000) per violation;
    - a) for inadvertent failure to file registrations, reports, statements or changes in information relating to committee officer vacancies; or
    - b) for inadvertent non-disclosure violations;
    - c) for inadvertent violations not included in Subparagraphs (A) or (B), not to exceed:
      - i) fifteen thousand dollars (\$15,000) per violation; or
      - ii) an amount up to three (3) times the amount of the total amount of an unlawful contribution or expenditure, whichever is greater; and
  - 3) **Civil penalties for willful violations.** A person who willfully violates a provision of this title shall be liable for one or more of the following civil penalties:
    - a) **Fine.** A fine not to exceed fifty thousand dollars (\$50,000);
    - b) **Administrative debarment.** In the case of a state officer or state employee who has violated Chapter 20 of the Rules of the Ethics Commission, the person may be prohibited, for not more than five (5) years, from making an oral or written communication or appearance before, with the intent to influence, the governmental entity in which the former officer or employee served;
  - 4) **For violations of Chapter 20 or 23 of the Rules of the Ethics Commission.** The Commission may recommend and the district court may, upon determination of a violation of a provision of Chapter 20 or 23 of the Rules of the Ethics Commission, subject the officer, employee, or lobbyist to the following:
    - a) forfeiture of gifts, receipts or profits obtained through a violation of Chapter 20 or 23 of the Rules of the Ethics Commission;
    - b) voiding of a state action obtained through a violation of the Commission's rules;
    - c) civil penalties as set forth in this subsection; or
    - d) a combination of the penalties provided for in this paragraph.

**Penalties deposited to General Revenue Fund.** A forfeiture, fine, reimbursement, penalty, fee, or other property collected by the Commission as a penalty or assessment under this title shall be deposited with the State

Treasurer to the credit of the General Revenue Fund. Tangible personal property other than money collected as a penalty or assessment under this title shall be deposited with and liquidated by the State Treasurer and the proceeds thereof deposited to the credit of the General Revenue Fund.

**Violations of statutes – Criminal penalties**

Any person who knowingly and willfully violates any provision of Section 360 of Title 21 and Sections 4249 through 4254 of Title 74 of the Oklahoma Statutes or Chapter 23 of the Rules of the Ethics Commission commits a misdemeanor. Nothing in Section 360 of Title 21 and Sections 4249 through 4254 of Title 74 of the Oklahoma Statutes relieves a person of criminal responsibility under the laws of this state relating to perjury.

**Third and subsequent violations**

Any person who knowingly and willfully violates any provision of Section 360 of Title 21 and Sections 4249 through 4254 of Title 74 of the Oklahoma Statutes or any provision of Chapter 23 of the Rules of the Ethics Commission a third and subsequent time, in addition to any other penalties provided herein, shall be prohibited from further lobbying as defined herein for a period of five (5) years. If any person having been so prohibited, lobbies while prohibited, such person shall be permanently prohibited from lobbying and shall be guilty of a felony.

**CONTRIBUTIONS DURING LEGISLATIVE SESSION PROHIBITED – CRIMINAL PENALTIES**

**Lobbyist and lobbyist principal contributions prohibited during legislative sessions**

No lobbyist or lobbyist principal as defined in Section 4249 of Title 74 of the Oklahoma Statutes shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for a member of the Oklahoma Legislature or a candidate for a state legislative office during any regular legislative session, beginning the first Monday in February, through its adjournment, and for five (5) calendar days following sine die adjournment.

A member of the Oklahoma Legislature or a candidate for a state legislative office shall not intentionally solicit or accept a contribution from a lobbyist or lobbyist principal as defined in Section 4249 of Title 74 of the Oklahoma Statutes during any regular legislative session and for five (5) calendar days after sine die adjournment. For the purposes of this subsection, a candidate shall mean any person who has filed a statement of organization for a state legislative office pursuant to Oklahoma Statutes, Title 74, Chapter 62 Appendix, Rule 257:10-1-8. [21 O.S. Supp.2008, § 187.1(G)]

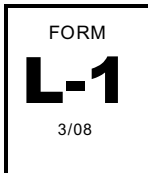
**Criminal penalties for violating contributions prohibition**

Any person who knowingly and willfully violates the contributions prohibition during legislative sessions, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment. [21 O.S. Supp. 2008, § 187.1(H)]

# LOBBYIST REGISTRATION 2009

THIS REGISTRATION IS VALID UNTIL DECEMBER 31, 2009 UNLESS RENEWED OR TERMINATED EARLIER  
A LOBBYIST REGISTRATION FEE OF \$100 IS DUE UPON REGISTRATION OR RENEWAL

Please type or print clearly in ink.



EC OFFICE USE

**EXAMPLE**

1. Lobbyist name: (Include full name).

**John Lobbyman**

2. Home (or mailing) address

**15000 Remarkable Avenue**

Telephone No.

**(405) 521-3333**

City

**Anyplace**

State

**OK**

Zip

**73199**

No. Assigned by Ethics Comm.

**L090777**

3. Name of business

**Association of Oklahoma Window Washers**

4. Business address

**423 Main Street**

City

**Otherplace**

State

**Oklahoma**

Zip

**73533**

Telephone No.

**(580) 255-2222**

5. Name and address of persons by whom lobbyist is reimbursed, retained or employed to lobby, or on whose behalf the registrant is to lobby:

**Association of Oklahoma Window Washers, 423 Main Street, Otherplace, OK 73533**

**Lobby Firm Consultants, LLC, 200 NE 22<sup>nd</sup> Street, Capitol City, OK 73105**

**Big Time Oil & Gas, Inc., Big City, OK 74107**

**Oklahoma Society of Women Business Owners, 555 Enterprise Street, Progressive, OK 74605**

6. To the best of my knowledge and belief, the above is a true and correct statement.

Submitted this **20th** day of **December 21<sup>st</sup>**, **2009**.

Signature of registrant: **John Lobbyman**

## ETHICS COMMISSION

2300 N LINCOLN BLVD, RM B5  
OKLAHOMA CITY, OKLAHOMA 73105-4812  
TELEPHONE (405) 521-3451 \* FAX (405) 521-4905

EC FORM <b>L-1</b> REV 03/08	<b>LOBBYIST REGISTRATION</b>
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### INSTRUCTIONS

*Please consult Sections 4249 through 4258 of Title 74 of the Oklahoma Statutes when completing this report. Prohibitions on giving contributions during legislative session are found in Title 21 of the Oklahoma Statutes, Section 187.1. Additional requirements for record keeping, reporting and restrictions on giving things of value are found in Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, Title 74 of the Oklahoma Statutes, Chapter 62, Appendix.*

#### WHO MUST REGISTER:

A lobbyist is any individual who is employed or retained by another for financial or other compensation to perform services that include lobbying, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services.

#### ACTIONS EXEMPT FROM REGISTRATION:

- testimony given before, or submitted in writing to, a committee or subcommittee of the Legislature;
- a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television; and
- representation of oneself or a client by an attorney acting in a professional capacity as an attorney who has entered an appearance in a court proceeding or quasi-judicial proceeding or a legislative or quasi-judicial proceeding before the Corporation Commission.

#### Persons exempt from registration as lobbyists

- an individual appearing before a meeting of a legislative body or executive agency who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further or other lobbying;
- a public or federal official acting in his or her official capacity;
- a public employee acting on behalf of the governmental entity by which he or she is employed; and
- any person exercising his or her constitutional right to petition the government who is not specifically required by statute to register as a lobbyist and who receives no compensation nor anything of value for lobbying;

#### WHEN TO REGISTER AND LOBBYIST REGISTRATION FEE:

- no later than December 31 of each year or
- within five (5) days after engaging in lobbying on behalf of one or more lobbyist principals and
- payment of a registration fee of \$100 payable to the Ethics Commission

#### REPORTS OF THINGS OF VALUE TO STATE OFFICERS OR EMPLOYEES

Each lobbyist must file gift reports ["Form L-2"], whether or not any things of value are given, between the first and twentieth day of January and the first and twentieth day of July of each calendar year covering the previous six-month period. Other persons must file if they give things of value exceeding \$50 in the aggregate to an elective officer, or an immediate family member of an elective officer, or \$25 to other state officers or state employees, or the immediate family member of such state officers or state employees, during a six-month period.

#### PRESERVATION OF BOOKS AND ACCOUNTS

Each registered lobbyist is required to maintain and preserve for four years all accounts, bills, receipts, books, papers, and documents necessary to substantiate the reports. Such materials are to be available for inspection upon request of the Commission after reasonable notice.

#### SUPPLEMENTAL REGISTRATIONS AND TERMINATION OF ACTIVITIES

Every lobbyist shall file a supplemental registration indicating any change in the information within 20 days after the date of the change. A person who ceases to engage in lobbying must file a written, verified statement with the Commission acknowledging the termination of activities [on "Form L-3"]. The Form L-2 [lobbyist or other person gift report] must be filed for the period in which termination occurs.

#### PENALTIES

- See civil penalties in Section 257:1-1-11 of the Rules and
- See criminal penalties in Sections 187.1 and 334 of Title 21 and 4254 and 4255 of Title 74 of the Oklahoma Statutes.

**LOBBYISTS AND LOBBYIST PRINCIPALS** prohibited from making contributions from first day of legislative session through 5 calendar days after sine die adjournment [21 O.S. Supp. 187.1 (G) & (H)]

#### WHERE TO FILE

ETHICS COMMISSION  
2300 N Lincoln Blvd, Rm B5  
Oklahoma City, Oklahoma 73105-4812  
(405) 521-3451 \* FAX (405) 521-4905

# LOBBYIST OR OTHER PERSON GIFT REPORT

FORM <b>L-2</b> 3/08	EC OFFICE USE  <b>EXAMPLE</b>
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Please type or print clearly in ink.

1. Date Reports required to be filed with the Ethics Commission between January 1 and January 20 are to cover the period of July 1 through December 31, and reports due between July 1 and July 20 are to cover the period of January 1 through June 30.

2. Lobbyist's or other Person's full name (type or print)  
**Jane Lobbywoman** No. Assigned by Ethics Comm.  
**L090555**

3. Name and position of state officer or employee who [or whose immediate family member] received the thing(s) of value	Date given	Nature of thing of value given	Amount of the expenditure	Name of lobbyist principal(s) on whose behalf thing of value was given
<b>Otis Blue Representative</b>	<b>02/15/09</b>	<b>Lunch at Faculty House</b>	<b>\$22.78</b>	<b>Oklahoma Association of Dog Owners</b>
<b>Miranda Brown Senator</b>	<b>03/04/09</b>	<b>Ticket-College Basketball Game</b>	<b>\$55.00</b>	<b>Richmont Oil and Gas Corporation</b>
<b>Amy Pink Lieutenant Governor</b>	<b>03/23/09</b>	<b>Chamber Small Business Breakfast</b>	<b>\$25.00</b>	<b>State Small Business Association</b>
<b>Tom White Corporation Commissioner</b>	<b>04/19/09</b>	<b>Charity Golf Green Fees</b>	<b>\$60.00</b>	<b>Oklahoma Liver Association</b>
<b>Joan Black Senate Executive Assistant</b>	<b>05/13/09</b>	<b>Dinner</b>	<b>\$45.72</b>	<b>Promotion of Early Education Association</b>
<b>Larry Green House Director of Committees</b>	<b>05/25/09</b>	<b>Refreshments</b>	<b>\$13.68</b>	<b>Richmont Oil and Gas Corporation</b>
<b>Jim Gray Director, Department of Transportation</b>	<b>06/16/09</b>	<b>Lunch at Nona's</b>	<b>\$35.88</b>	<b>Connelly Concrete Company, Inc.</b>

Report additional information on plain 8 1/2 x 11 paper using this format for each item. Attach pages to this report. Put your name and the date on all attachments.

4. **SIGNATURE.** To the best of my knowledge and belief, the above information is true and correct.  
Signature of person filing report \_\_\_\_\_ Date \_\_\_\_\_  
**Jane Lobbywoman** x

5. **NOTARIZATION.** Subscribed and sworn to before me this 20th day of July, 2009. My commission expires February 18, 2012.  
**Nancy Notary** x [SEAL]

# ETHICS COMMISSION

TELEPHONE (405) 521-3451 • FAX (405) 521-4905  
2300 N LINCOLN BLVD, RM B5  
OKLAHOMA CITY, OKLAHOMA 73105-4812

EC FORM <b>L-2</b> REV. 3/08	<b>LOBBYIST AND OTHER PERSONS GIFT REPORT</b>
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## INSTRUCTIONS

Please consult Sections 4249 through 4258 of Title 74 of the Oklahoma Statutes governing registration and conduct of lobbyists including penalties for violations. Prohibitions on giving contributions during legislative session are found in Title 21 of the Oklahoma Statutes, Section 187.1. For purposes of this report, consult Section 257:23-1-1 et seq. of the Rules of the Ethics Commission, Title 74 of the Oklahoma Statutes, Chapter 62, Appendix.

### WHO MUST FILE

- Lobbyists
- The following persons who give things of value exceeding \$10 in the aggregate to a state officer or state employee, or the immediate family member of such state officer or state employee, during any six month period:
  - 1) a person who is employed or retained by another for financial or other compensation to perform services that include promoting, opposing or attempting to influence any executive or administrative action by a governmental entity, including, but not limited to, the promulgation of rules and regulations and the setting of rates, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client;
  - 2) a person who is seeking to do business or doing business with a governmental entity; or
  - 3) a person who has an economic interest in actions or matters before or affecting a governmental entity.

### WHEN TO FILE

For period beginning January 1 and ending June 30                      July 1 thru 20  
For period beginning July 1 and ending December 31                      January 1 thru 20  
Reports may be filed by mail or delivered to the Commission, but must be received by the Commission not later than 5:00 p.m. or faxed by midnight on the day specified for filing in order to be deemed timely filed.

### § 4251. Influencing legislation or official action—Fraud

No lobbyist may:

1. Knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative branch, judicial branch or executive branch; or
2. Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative branch, judicial branch or executive branch without notifying such member in writing of the truth.

### WHERE TO FILE:

Ethics Commission  
2300 N Lincoln Blvd, Rm B5  
Oklahoma City, OK 73105-4812 (405) 521-3451 • FAX (405) 521-4905

### OTHER REPORTS:

L-1 [lobbyist registration]  
L-3 [termination of lobbying registration]

### 21 § 334. Contingent fees—Influencing legislation or official action

No person may retain or employ a lobbyist for compensation contingent in whole or in part on the passage or defeat of any official action or the approval or veto of any legislation, issuance of an executive order or approval or denial of a pardon or parole by the Governor. No lobbyist may accept any employment or render any service for compensation contingent on the passage or defeat of any legislation or the approval or veto of any legislation by the Governor. Any person convicted of violating the provisions of this section shall be guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the state penitentiary not exceeding two (2) years or by both such fine and imprisonment.

### 74 § 4252. Appearance on floor of Legislature

No lobbyist may go on the floor of either house of the Legislature while that house is in session, except on invitation of that house.

### 74 § 4253. Use of registration forms and activity reports

No information copied from registration forms and activities reports or from lists compiled from such forms and reports shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for any commercial purpose.

### 74 § 4254. State officers or state employees—Additional compensation for lobbying

No state officer or state employee shall receive any additional compensation or reimbursement from any person for personally engaging in lobbying, such as would require registration under this act, other than compensation or reimbursements provided by law for that member's job position.

**LOBBYISTS AND LOBBYIST PRINCIPALS** prohibited from making contributions from first day of legislative session through 5 calendar days after sine die adjournment [21 O.S. Supp. 187.1 (G) & (H)]

**TERMINATION OF LOBBYIST REGISTRATION**

John Lobbyman

(Name of Lobbyist)

, hereby terminates his or her registration as a lobbyist for the following persons by whom he or she is reimbursed, retained or employed to lobby, or on whose behalf he or she lobbies:

**Big Time Oil & Gas, Inc.**

**EXAMPLE**

I understand that a Lobbyist Or Other Persons Gift Report ["Form L-2"] is required for any semi-annual period or portion thereof in which I am a registered lobbyist. I also understand that once I have terminated my registration, I must file a new Lobbyist Registration Form within five days of lobbying for the above person(s) or other person(s) in the future. All registrations terminate, unless a renewal registration fee is paid in advance, on the last day of December of each year.

March 15, 2009

DATE

John Lobbyman

LOBBYIST'S SIGNATURE

**VERIFICATION**

State of Oklahoma )

Oklahoma County ) ss.

John Lobbyman

, of lawful age, being first duly sworn, deposes and states that he or she is the registered lobbyist above named, that he or she has read the foregoing termination of lobbyist registration and knows the contents thereof, and that the facts therein set forth are true.

John Lobbyman

Lobbyist's Name (Type or Print)

15000 Remarkable Avenue

New Mailing Address (P.O. Box # or Street)

Anyplace, OK 73199

City, State, Zip Code

(405) 521-3333

Daytime Phone Number

DELIVER, MAIL OR FAX TO: **Ethics Commission**

2300 N Lincoln Blvd, Rm B5

Oklahoma City, OK 73105

(405) 521-3451 • FAX (405) 521-4905

John Lobbyman

LOBBYIST'S SIGNATURE

Subscribed and sworn to before me this

2nd day of February, 20 09.

My commission expires June 12, 2012

(Seal)

James Q. Notary

Notary Public

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