

PROPOSED DRAFT/NOT APPROVED: SUBJECT TO REVISION

MINUTES OF REGULAR MEETING
Of The
ETHICS COMMISSION
STATE OF OKLAHOMA
Held
MARCH 14, 2008

Call To Order

Upon notice with agenda being properly posted at the principal office at least twenty-four (24) hours previously and notice being filed at least ten (10) days in advance with the Office of the Secretary of State, a public hearing and regular meeting of the Ethics Commission of the State of Oklahoma ["Commission"] was called to order on Friday, March 14, 2008, at 10:00 o'clock a.m. Chairman Don Bingham ["Bingham"] presided over the meeting which was held in Room 419C State Capitol Building, Oklahoma City, Oklahoma.

Determination
Of Quorum

Roll was called to determine the existence of a quorum for the transaction of business. Commissioners answering present were: Bingham, John Raley ["Raley"], James Loy ["Loy"] and Jo Pettigrew ["Pettigrew"]. Commissioner Bernice Shedrick was absent. A quorum of qualified members was found to exist and the business of the meeting went forward.

Commission staff members present were: Marilyn Hughes ["Hughes"], Executive Director; Rebecca Adams ["Adams"], General Counsel; Patricia Bryant, Principal Assistant; and R. Darey Roberts, Investigator. Observing all or part of the meeting were: Representative Mike Reynolds; Caroline Dennis and Cheryl Purvis, Senate staff; Billie Rodeley, Congresswoman Mary Fallin's office; Shawn Ashley, *Oklahoma Publishing Today*; Sara Clough, *Journal Record*; Jason Doyle and Pius Mburu, *OETA*; Peter Rudy, *KTOK Radio*; Mick Hinton, *Tulsa World*; and Michael McNutt, *The Oklahoman*.

Public Comment On
Or Request For
Constitution-
al Rule Amendments

Next was public hearing, consisting of taking testimony and comments, as well as consideration of and discussion, on promulgation of amendments and/or modifications to the Constitutional Ethics Rules ["Rules"], Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2007, ch. 61. App., and/or adopting resolution(s) to request legislative action with respect to items listed in the published document titled: *Rules of the Ethics Commission, Proposed Amendments and/or Drafts for 2009 Legislative Session for consideration*

at the March 14, 2008 Regular Meeting of the Ethics Commission, incorporated by reference in this agenda as fully set forth in the document.

The Chairman said, "This is the regular meeting of the Ethics Commission of the State of Oklahoma. I think everyone has a copy of the agenda. Our first item after the opening business is item number 3 and that is, this is an opportunity for a public hearing and discussion concerning proposed amendments and/or modifications to the Constitutional Ethics Rules that are adopted by the Commission. And this would be proposed amendments for the 2009 Legislative Session.

"This is an opportunity, if you don't have a synopsis of the amendments, I'm sure it's available. It is interesting reading. We have proposed amendments by a lobbyist. We have proposed amendments by Vice Chairman Raley. We have proposed amendments by Senator Coffee. And I'm sure there will be more proposed amendments as the months pass before we decide what to send to the Legislature, if anything, in 2009.

"But, I encourage everyone to get a copy of the synopsis, review it, think about it, discuss it with interested folks and please appear and feel free to speak up and tell us what you think of the proposals. I think we get more value out of the public comments sometimes than we do even in our internal discussions, which I think are valuable. But we always seem to get a fresh perspective from folks who are in the media, members of the Legislature, other public officials, and private citizens whether they are in a group or an organization or not. If you are a citizen of Oklahoma, this could affect you in many ways either as a potential donor, potential candidate or just an interested citizen."

The Chairman then called for any comments or discussion of any of the proposed amendments for the 2009 Legislative Session.

John Raley

Vice Chairman Raley was recognized. Raley said, "Mr. Chairman, with reference to what was designated a couple of months ago as amendment 8(d), there was some discussion among all of us and Mr. Slater who was also involved in the discussions as whether or no there was adequate notice or adequate preparation or adequate

opportunity for input from the general public on item 8(d). And simply to comply with the administrative requirements that this body has already set, I somewhat reluctantly agreed to withdraw (d) at that time so we would have adequate opportunity for public input. I would simply like to put the record on notice that I intend to re-sponsor 8(d) and maybe re-designate it another number.”

Marilyn Hughes

Hughes said, “It is currently 3.”

John Raley

Raley said, “Whatever it is, I would like for the record to show that I am sponsoring it. My withdrawal a couple of months ago should not in any way be interpreted as a lack of concern on my part or that it shouldn’t be adopted.

“Also, with reference to the rule proposed by Co-President Pro Tempore Coffee,” Raley said, “it was determined at our meeting last time that there was inadequate notice to the public for input on that. I have asked Senator Coffee’s office for an audience with him some time in the next several days to discuss his proposed rule. And, I will report back to the Commission on what Senator Coffee has to offer.

“I’m sure we will have adequate time to discuss it. I think there is some merit to what he has proposed. But, we need a considerable amount of public input. Thank you, Mr. Chairman.”

Don Bingham

The Chairman said, “Vice Chairman Raley has pointed out something that we did in our last meeting and that was the law allows us to submit a proposed amendment to the Legislature or a proposed new rule after having had only one reading at a public session. We would have been within the law to submit certain things had we voted to approve them, but we just wanted to not try to guess something at the last meeting where interested parties hadn’t had time to really digest it, confer among themselves and to speak to us, to really let us know their analysis.

“So, it’s back on the agenda for this year again. The synopsis, which I’m assumed was prepared by staff, is very helpful in terms of how does the amendment propose to change the existing rules, if it is a change or who the sponsor is and other useful information about what may or may not become an ethics rules that we propose to the Legislature in 2009.”

He then called for public discussion, public comments or questions about the proposed amendments to the Ethics Rules for 2009.

Jo Pettigrew

Pettigrew was recognized. "I just wanted to reiterate that I really believe that Senator Coffee has some important things for us to consider," she said. Pettigrew added the Commission needed time to consider it, if need be, she was willing to sponsor the rule.

Don Bingham

The Chairman said, "Commissioner Pettigrew, thank you. Why don't we get with the staff about it. I'm not sure what it takes for formal sponsorship myself. But certainly, if you want to sponsor it, you'll be a sponsor. And I know our rules require one of the members to formally sponsor it. I'm certain we will take you up on your offer.

Jo Pettigrew

Pettigrew responded, "Obviously I need a lot more interpretation from our attorneys, so that we are very clear of whether there are conflicts with the current rules and laws before we make that final decision. But that's my leaning right now."

Don Bingham

The Chairman said, "Thank you for your comments." He then recognized Representative Mike Reynolds. "It's good to have you here, Sir," he added.

Representative
Mike Reynolds

Reynolds said, "Thank you, Mr. Chairman. I'm always a little confused. Is this the proper time for general comments or is this only the time for comments regarding these specific resolutions? The Chairman said I think this is probably the best place and the appropriate item on the agenda to tell us what you think in general ought to happen in 2009, from our perspective.

Reynolds said, "Thank you, Sir. I'm here today because I am concerned that the Ethics Commission is threatened. And that threat comes from a House Joint Resolution that was introduced on the floor of the House yesterday. HJR 1099. I provided copies to as many folks as I could here with regards to this resolution. But in particular, I would like for you to turn to page 6, I believe, yes page 6 at the bottom of the page, lines 21, 22 and 23.

Reynolds said, "This was on the floor of the House yesterday. I won't try to go into who introduced it, but it was formally considered by the membership of the House yesterday. Fortunately, I became aware of this language and questioned the bill, or else it would have gone to the

Senate with the title on. Then it would have been only 25 votes away from becoming law.

“If I might,” Reynolds said, “I’ll read that language. Now this resolution, resolutions go to the Secretary of State after they have passed both bodies. They do not go to the Governor. They go to the Secretary of State to be put on the ballot for a vote of the people. This resolution allowed for the cleaning of the Governor’s Cabinet, but it allowed for one other thing that I would think that the Ethics Commission might have a problem with. The Governor or the Governor’s cabinet Secretary shall appoint a Director whose duties shall be defined by the Legislature. Now if you’ll notice. I maybe should have started a little earlier. Line 8, that is specifically referring to a Director of the Ethics Commission.

“Upon reading that in the bill when it was considered on the floor yesterday, I asked the author of the bill, do you understand that the Ethics Commission is a constitutional body. I think he was aware of that, but not concentrating on that. I said, then this would be much like the Legislature sending to a vote of the people that the Legislature can appoint the Governor because the Ethics Commission is a constitutional body. And I do not believe that it would be appropriate to allow the Governor to appoint the head of the Ethics Commission, a free standing, constitutional body.

“Several procedural maneuvers had to happen on the floor of the House in order to prevent the title from remaining on the bill and going to the Senate in that manner and the author was gracious enough to see to it that those procedures occurred.

“I wanted to caution you that you need to be very vigilante because this was ready to go to the Senate and then go to the Secretary of State. It is still in that position. The Senate can take this resolution up. They can make no changes but putting the title back on, send it to the House of Representatives and the Ethics Commission, you Commissioners would no longer have the ability to appoint your Executive Director.

“I asked the author of the bill what prompted this and he indicated that Representative Cargill requested this language. So I’d be happy to answer any questions about this before I defer to another matter.”

speaking for myself. It is brand new to me and I appreciate your bringing this to our attention. I have one with the title and then the one with the title having been stricken. But both versions that I have not only provide that the Governor or the Governor's Cabinet Secretary would appoint the Director of the Ethics Commission. But after appointment, the Director's actual duties will be defined by the Legislature. Not the Commission, not even the Governor who would appoint under this provision."

Representative Reynolds

Reynolds said, "That is correct. And although I think that is right, I didn't consider that and probably should have. Typically, language that is not underlined is already in the statutes. So I believe that in effect, the Legislature already does assign what your duties are because that is currently in the statute, even though you may accumulate additional duties. And I would defer to the Director to help me interpret that."

Marilyn Hughes

Hughes explained, "The duties are defined in Article XXIX of the Constitution, which this seeks to amend."

Representative Reynolds

Reynolds said, "Right, but I'm saying I believe that was existing language."

Don Bingham

The Chairman said, "That means that the Constitution would have to be amended, according to this resolution, if it were to be submitted to the people and approved by the people for the Governor, or the Governor's Cabinet Secretary, to appoint the Director. That would be a change. And then upon appointment and thereafter, the Director's duties will be 'defined by the Legislature.' That's new."

Representative Reynolds

Reynolds agreed.

Don Bingham

The Chairman observed, "That deserves some discussion also as well as the appointment process, if this is going to continue. That's all I have to say. Any comment from anyone else here?"

John Raley

Raley was recognized. He asked, "Representative Reynolds, what is the status of this resolution at this time and how would you characterize the future of this resolution immediately?"

Representative Reynolds

Reynolds answered, "The status of the resolution is that it passed the House of Representatives yesterday. That means that it will be going to the Senate. It will be considered by committees in the Senate and then it will be considered by the full Senate."

“If they were to pass it, they would have to put the title back on and then it would have to come back to the House of Representatives. So it would take several weeks for this to occur, but I would expect that it all could go down before the next regularly scheduled Ethics Commission meeting. Procedurally, I believe that is possible.”

John Raley

Raley asked, “So, the bill is still viable, then?”

Representative Reynolds

Reynolds answered, “Yes, Sir.”

John Raley

Raley said, “Mr. Chairman, this is alarming. The heart and soul of the Ethics Commission, in my judgement, is not only the absolute non-partisan manner in which we conduct our business, but the total and absolute independence of this constitutional body.

“I haven’t read this in its entirety and all I know is what we’ve just heard in the last few minutes. But, should this continue on in the form that it is, I think the people of the State of Oklahoma need to be greatly alarmed at the prospect of the absolute destruction of that soul and heart of this body by driving a stake into the heart of our independence.”

Don Bingham

The Chairman asked, “Are there comments from any members of the public or members of the Commission? I share a great concern and I don’t know if this is the time to express it, but certainly would it be possible for members of the Commission to appear and testify before a committee that was hearing this resolution.”

Representative Reynolds

Reynolds said, “I don’t know the specific procedures in the Senate, but their meetings are open to the public. I believe that each resolution should be assigned to a committee in the Senate to be heard in that committee. So, the Commissioners or any public person might be able to find out when that committee is scheduled to hear this resolution and appear in that meeting to offer their input.”

Don Bingham

The Chairman said, “I cannot speak for the whole Commission and this is not an action of the Commission. But, I call upon the authors and supporters of this resolution to state publicly what perceived problems or issues gave rise to this new constitutional language. If there is a problem, please identify the problem and state how this language is appropriate to address or correct that perceived problem.

“I trust that there is some rational reason behind this language. I think it is language that’s a direct threat to the day-to-day functioning of this Commission, if it were approved. But, I’m very interested in the reasons behind it.

“We need to have a healthy debate. And, I’m sure there will be in both the House and the Senate on what need, if any, this new language addresses. And, whether it addresses the perceived need appropriately. And, what the benefits and the detriments might be if it were approved.

“But, I think that it would be helpful to have, again, the folks who drafted this to state publicly and clearly why it was drafted and why this particular language was chosen. And, I call upon them to do that.”

Jo Pettigrew

Pettigrew was recognized. “I agree completely with what Commissioner Raley has said. Let me say from my own experience working with the Legislature, that most of these things that go before both Houses with the title off are heard the last few days of the Session. Things are so hectic then, they are so busy. Time keeps a person from being able to read all bills carefully. Many pieces of legislation get through because of that. Just based on historical happenings, I confirm that.

“Therefore, when it goes to committee in the Senate, that is a very good time to give input and I think we have some legislative liaisons, including Commissioner Raley, and unless there is some legal reason why we can’t, I highly recommend that he be heard at that committee meeting. Ask to be placed on the agenda. But I think your idea of trying to get public why the bill was introduced and what problem they are trying to solve.

“You think of legislation as trying to solve problems. And therefore, if the person wanting this thinks this is necessary, I think they should express that publicly as you have said.”

Don Bingham

The Chairman said, “I feel certain that the Legislature in comity with the Commission, the authors and supporters will state publicly a clarification of what reasons and factors gave rise to this new suggested language. And I feel that our asking them, my asking them. I can’t speak for my fellow Commissioners, all of them, but my asking them to do so will be sufficient.

“But, if my call today proves not to be sufficient, I will repeat my call. And, I will repeat it as often as necessary because the public deserves to know what gave rise to this and that’s all I have to say. Anyone else?”

James Loy

Loy was recognized. He said, “Mr. Chairman, I concur with what has been presented by Vice Chairman Raley. I want it to be perfectly clear that we’re unanimous in our objection to this wording and that we appeal to the great number of members of the Legislature who have tried to provide adequate funds to us and yet defeated and ask for their support in striking this attempt to cut the legs out from the Ethics Commission. I’m strongly in favor of your comments, sir.”

Jo Pettigrew

Pettigrew added, “I want to thank Representative Reynolds for bringing this to us, because I know how fast things can happen and I appreciate our being able to look right at the language to discuss it. I also want to say that Commissioner Loy’s letter to the editor was very, very good, I think that type of thing helps also in our dealing with the public and getting public information.”

Don Bingham

The Chairman asked if there were other questions or comments. “Again,” he said, “I want to, I don’t know if it will be moot by then, but I certainly want to give anyone else an opportunity to weigh on in this issue in our public discussion item at our next meeting. Again, it may be history by then, but if it’s not, if it’s still under active consideration for one reason or another or it’s still a live issue, I want to give everyone an opportunity to be heard on this particular issue next time.”

Representative Reynolds

Reynolds was recognized. “Mr. Chairman,” he said, “if I might. There was one other issue not quite as significant. But for you guys, it is significant.

“I authored HB 2222, as a mechanism to fund this Commission and increase this year’s funding and ongoing funding by – I think — \$300,000 from the current estimation. I was told that bill would be heard on the floor of the House a week ago yesterday. The bill was not heard and I apologize for being unable last night to be recognized by the Chair when I attempted to perform a proper motion and bring my bill to the floor of the House. I was refused recognition, so I was unable to get my bill passed for additional funding for this Commission. And, I apologize for that.”

Don Bingham

The Chairman replied, "You don't owe us any apology. You are someone who has provided us not only with valuable information, but support in financial matters for some time. We appreciate that support and we appreciate the information that you've brought. Just as we do anyone else who comes in here whether they are an elected official, a public official or a private citizen. If you've got something you think we need to know, we encourage you, we will always listen to it. Representative Reynolds has taken us up on that and we encourage other folks to do that also. And so certainly there is no apology that is necessary or appropriate. Any other comments or discussion on anything that has been said so far?"

John Raley

Raley said, "Mr. Chairman, I would like to join the Chairman and Dr. Pettigrew. I know that Commissioner Loy would also join with me and were she here Senator Shedrick would as well, in commending Representative Reynolds on the statesmanlike manner in which he has performed his duties in the last several weeks, particularly with reference to his attempts to properly and adequately fund this Commission.

"Mike, you and I may have had some minor differences in the past, but I think that in every respect, you have served this state very well, generally and specifically, this Commission in those gallant attempts on your part to try to bring adequate funding. In that respect, in order to bring a little levity to the meeting, but since we are on this subject, I brought a little bit of wisdom that was published in the *Tulsa World* here a few weeks ago and I would like to ask that this be made a part of the official record.

"It's a cartoon and if there is any suggestion that a picture is worth a thousand words, this is an apt example of it. And I will describe it. It is a dog house and it's labeled Oklahoma Ethics Commission. And straining from a very heavy log chain is a bull dog trying to get to a little bowl that is about two or three feet away from it marked "funding". And it looks like maybe a small spoonful of dog food is in there. And across the fence are a couple of individuals and it's marked "State Legislature". Two individuals and one of them says, 'if we didn't really care about our ethics watch dog, we wouldn't feed 'em.' And, the other one says, 'I still think the chain is too long.'

"There is no way that I could compare my meager eloquence to what is stated in that cartoon. That's exactly what we're facing. The media certainly has picked up on it. The public has picked up on it.

“I don’t think there is anybody in this statehouse from the Governor down to the contract laborers who sweep the floors that is not aware that this Commission is grossly underfunded. It has been for 16 years. Is grossly understaffed and is being heroically staffed at the present time by people who are inadequately compensated. So we don’t have to go out and preach that gospel anymore, Mr. Chairman. Everybody knows that.

“It’s not just simply a question of whether the Legislature is going to step up to the plate and perform its constitutionally mandated duties. Now forget about a long winded sermon, but I gave that simply to join with Commissioner Pettigrew in commending Representative Reynolds for his noble attempts to bring adequate funding to this body.

“I might add, right now I don’t know what the status is on the funding appropriation. Representative Reynolds could probably give us some insight into that. I would say probably at this point it’s murky and we’ve got a long way to go and we don’t know who is bringing what to which table. So, that’s all we can do at this point, I think.

“Mr. Chairman, it is simply to be observant and try to call upon those who might have some influence favorable to our issue. Can you enlighten us Representative Reynolds?”

Representative Reynolds

Reynolds said, “Yes, Sir. I believe now the only mechanism for funding the Ethics Commission will be the one that has been used I believe every year before and that is simply in the general appropriation bill. That bill will be laid on our desk probably in the last week of session. Whether the last week is the last week of May. Usually it is the last thing you do. It will be negotiated behind closed doors between the Governor and the leaders of the House and the Senate and they will determine how much funding to put in for the Ethics Commission.

“There will not be further opportunity for discussion on the individual Ethics Commission funding because that bill will be lumped in with every state agency. And so people will then be required to vote up or down on the general appropriation budget for the State of Oklahoma without expressing their dismay that the Ethics Commission or any other agency that they want to see funded either more or less, you will have the opportunity to vote yes or no for the entire negotiated budget. You will not have the opportunity for line item input.”

Marilyn Hughes

Hughes noted, "I prepare a legislative update as part of the administrative report to the Commission and I just have one question for you. Do you know whether Murphy's HB 2444 got out of the House last night?"

Representative Reynolds

Reynolds answered, "I do not know for certain, although I am 95% certain that it did not. I can find out rather rapidly."

Marilyn Hughes

Hughes said, "I would also like to say that HB 2196, by Representative Dank, had a committee substitute, which did not eliminate language requiring the Ethics Commission to be fully funded, so as to allow enforcement of the Act's provisions. It included at least three professional auditors with the power and duty to conduct random and specific audits of campaign reports. Now, to my knowledge, that language is still in there, in the committee substitute."

Representative Reynolds

Reynolds said, "If you would like a quick briefing on that bill, there were a number of amendments that many members wanted placed in the bill. That bill was advanced without opportunity for any amendments. So, the bill that you were reading was in fact, that is the product they are working right now. But, because of the procedure that was used, it will also come back, go into a conference committee and we will have only the opportunity for a straight up or down vote on the provisions determined by leadership as to the content of that bill.

"We won't have the opportunity to debate openly on the floor of the House or the Senate specific items other than vote against the bill because it doesn't include this. We can not change the items in the bill."

Marilyn Hughes

Hughes said, "I see. Thank you."

Don Bingham

The Chairman asked, "Do we have any other members of the Legislature, or maybe staffers for a legislator, who are present here besides Representative Reynolds?"

John Raley

Raley said, "Mr. Chairman, I would offer as an exhibit the proposed resolution and ask that it be made a part of our official record of the minutes, the one that Representative Reynolds furnished to us and the subject of discussion. I ask that that be made as an exhibit and be made a part of the minutes."

Don Bingham

The Chairman said, "So ordered. I think that we always try to

emphasize for the public session that we sincerely welcome anyone. Again, it doesn't have to be a person that has a title. It can be a citizen that has no connection whatsoever to state government. But, I also want to emphasize that that standing invitation does include folks who have been elected or appointed in state government. They are welcome at every meeting we have.

“If they can't make it in person, they are welcome to send a staffer or a representative. They don't have to participate, but they are certainly invited and welcome to participate and to address issues on our agenda or they can simply send a person to observe and listen as they deem appropriate.

“It continues to interest me that we seldom have members of the Legislature here other than Representative Reynolds, who frequently appears and addresses us on topics of interest to him and his constituents. But, this budgetary process is more than just a matter of interest, as Vice Chairman Raley said. This is a constitutional mandate. The Oklahoma Constitution requires the Legislature, as a body, to provide adequate funding to this Commission. That's not in preference. That's not a matter of public policy. It is the organic law of Oklahoma as a body in our state Constitution.”

Marilyn Hughes

Director Hughes was recognized. She said, “We have two representatives from Senate staff who attend regularly our meetings, Carolyn Dennis and Cheryl Purvis. And, they have been at every meeting that I can remember in the past.”

Don Bingham

The Chairman said, “We need folks like you. I'm glad you are here. I'm delighted you're here because the Legislature and the leadership in particular need to know what our situation is. Obviously, our staff is very familiar with you. I'm sure there has been communications and interactions there and I trust that they are positive. But also, I think on occasion, the person who holds the office ought to be in this room. And I'm not singling out a particular party or a particular branch of the House or the Senate. What I'm saying is we have had on occasion elected officials in this room who address something important and I just encourage them to come in and tell us about the process.

“I certainly appreciate hearing from one legislator who is kind of reporting on the progress of bills as he sees them. I'd welcome anyone of the members of the leadership of either chamber to come and talk with

us. We'll put something on the agenda if they want to talk about it. If they just want to talk about the proposed rules. If they want to talk about funding. I think we ought to put funding on our next month's agenda and see who shows up to talk about funding.

"I think that ought to be a separate item, the constitutional mandate and is that going to be fulfilled this year according to the will of the people as expressed in the Oklahoma Constitution. And again, if we have to move to a bigger room, we'll move to a bigger room. But I'd like to specifically invite members of the leadership of both chambers to appear in person and share with us whatever they think is appropriate. I realize that the legislative process will not be at an end there. But when it's at an end, it's too late to debate and discuss it further."

Jo Pettigrew

Pettigrew was recognized. "Mr. Chairman," she said, "if it's not out of line for me to do so, I would like to suggest that we particularly invite Representative Dank and Representative Lamons who have worked so hard on these issues. This is many a chance to commend them for their efforts and to also have them in addition to what we already know give us some input on where they think things are going."

Don Bingham

The Chairman said, "My only hesitancy, Commissioner – and I certainly concur in your comments there about those two individuals – but, I don't want to have this Commission be in a position of maybe praising others and by omission maybe criticizing them. I mean not everyone can make these meetings and those two gentlemen are certainly welcome here and if they appear, we will welcome them and we will thank them just as we thank anyone who is committed to seeing the Oklahoma Constitution requirements fulfilled.

"Having said that, again, I don't want to start naming legislators who might want to appear and we would be interested in seeing and they have no obligation to appear. They are under no legal obligation to appear here whatsoever. It is strictly voluntary. I'm just expressing a keen interest on the part of the Commission to hear what in particular the legislative members, leadership have to say about this important constitutional issue. That's what it is."

The Chairman then called for other comments or questions. There were none. He noted that no action was required.

Approval Of Minutes

Next was consideration of whether to adopt the minutes [both

open and closed sessions] of the public hearing and regular meeting held January 25, 2008.

The Chairman called for corrections or amendments to the proposed minutes. There were none.

Action followed, as the Chairman called for a motion with respect to the minutes of both the open and closed sessions. Raley moved to adopt both sets. Loy seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

Ratification Of
Expenditures

The Chairman then called for consideration of agency expenditures for a period beginning January 1, 2008 through and including January 31, 2008 and February 1, 2008 through and including February 29, 2008.

The Chairman called for discussion on the agency expenditures. There was none.

Action followed, as Loy moved to ratify the expenditures. Pettigrew seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

Report On Agency's
FY-2009 Budget
Request

The next item on the agenda was report on the agency's FY-2009 Budget Request.

Hughes was recognized. She said. "I think we've had some reports today on the status of bills and we have informed you of the hearing on HB 2222, where our General Counsel and Principal Assistant appeared. They were also featured in an *OETA* story that evening, which has been provided to you.

"I don't know that I have anything else to add at this point. We haven't had any further developments. We told you of the Governor's request, which would not add any FTE to the agency appropriation."

Administrative Report

The next item on the agenda was the agency's administrative report. Hughes had nothing to add. The Chairman noted no action was necessary.

Notice Of Request For
Ethics Interpretation
EI-2008-001

The next item on the agenda was Notice of Request for Ethics Interpretation EI2-008-001. The Chairman read into the record the written notice provided on the meeting agenda. He stated:

Notice is hereby given that the Ethics Commission will hold a hearing to consider a Request for Ethics Interpretation EI-2008-001 at its next regular meeting scheduled for April 18, 2008. The Commission will accept both oral and written comments prior to or at the hearing to be held at the April meeting. Staff comments and/or drafts of the ethics interpretation will be available on the agency's website at www.ethics.ok.gov and, in addition, will be emailed with its agenda to all those on its emailing list at least five (5) days before the meeting. The following question has been asked:

May a political action committee of a corporation solicit twice yearly contributions from its employees other than stockholders, executive or administrative personnel, and their families consistent with 2 U.S.C.A. Section 441b(4)(B) and Federal Regulation 11 C.F.R. Section 114.6?

The Chairman noted the request for an ethics interpretation has to do with whether the ethics rules should be consistent with this federal statute and federal regulations for a political action committee of a corporation to solicit twice yearly political contributions from its employees other than its stockholders, executive or administrative personnel or their families. That will be addressed at our regular meeting here at the Capitol on April 18, 2008.

Closed/Executive Session
For Consideration Of The
Confidential Matters Set
Forth On the Agenda

The next item was a proposed closed/executive session, authorized and required by Title 25 O.S. 2001, Section 307(B)(4) and (7); Constitutional Ethics Rules [supra], Sections 257:1-1-6(h), (I), (j),(k) and (l); 257:30-1-2, 30-1-3, 30-1-4, 30-1-5 and 30-1-6; OAR 258:25-1-4.

The Chairman called for advice from the General Counsel on the lawfulness of the proposed executive session. Adams stated that matters set forth at item 14 on the agenda are made confidential by law. It is the advice of your General Counsel that the Commission go into executive session at this time for the limited purpose of considering these matters.

Action followed, as the Chairman entertained a motion to go into closed session. Raley so moved. Pettigrew seconded the motion. Roll was called for the vote. The motion unanimously passed.

The Chairman declared that, once the observers left the room, the meeting would stand in closed/executive session for the limited purposes of considering the cited matters. After the room was emptied except for the

Commissioners and staff, a “closed session” sign was posted on the door, and the session began.

Open Session/
Action On Same

When completed, the “closed session” sign was removed and observers returned to the room. The Chairman called for a motion to go back into open session. Loy so moved. Raley seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

With respect to Hearing Appeal HA-2008-001, Loy moved to modify the hearing officer’s finding and reduce the penalty to zero. Pettigrew seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

Loy then moved that Information IV-2006-012 be continued; that IU-2007-007 be tabled; that IV-2007-008 be continued and that IU-2007-010 be tabled. Raley seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

With respect to IU-2008-001, Loy moved the Commission find sufficient evidence to believe that: one or more violations of this title had occurred, the respondent had committed the violation or violations, the jurisdiction in which the violation of violations had occurred had been ascertained and existed all or in part in Oklahoma County, Oklahoma, and having made these findings, the Commission initiate an investigation.

Raley seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously, with Bingham abstaining, for the reason he disqualified himself from any consideration of that matter.

New Business

Next on the agenda was new business. There was none. Our next scheduled meeting is Friday, April 18, 2008. Hughes requested that if any member had a scheduling conflict with that date to declare it now, since the Rules require a minimum of 30 days for the ethics interpretation hearing, which will be set for the April meeting.

Adjournment

The Chairman then announced that all items of business listed on the agenda had been addressed. He thus called for a motion to adjourn.

Action followed, as Loy so moved. Raley seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

The Chairman then declared the meeting to stand adjourned.

REBECCA ADAMS, General Counsel

Approved On Behalf Of The Commission:

DON BINGHAM, Chairman

RA/pb

ATTACHMENTS:

- “EXHIBIT A” CARTOON FROM THE *TULSA WORLD* NEWSPAPER/DEPICTING UNDER FUNDING OF THE ETHICS COMMISSION
- “EXHIBIT B” PROPOSED RESOLUTION AUTHORED BY REPRESENTATIVE KEN MILLER TO MAKE THE ETHICS COMMISSION DIRECTOR AN APPOINTEE OF THE GOVERNOR, OR HIS CABINET SECRETARY, AND TO SET HER DUTIES BY ACT OF THE LEGISLATURE