

PROPOSED DRAFT/NOT APPROVED: SUBJECT TO REVISION

MINUTES OF REGULAR MEETING
Of The
ETHICS COMMISSION
STATE OF OKLAHOMA
Held
SEPTEMBER 19, 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, September 19, 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, Jim Loy ["Loy"], John Raley ["Raley"] and Jo Pettigrew ["Pettigrew"]. 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; Charles Knight ["Knight"], Information Systems Applications Specialist; and R. Darey Roberts, Investigator. Observing all or part of the meeting were: Dr. John Wood ["Wood"] and Dick and Lois Hilbert, Common Cause Oklahoma; Lee Slater, attorney; Shawn Ashley, *Capitol Network News*; Caroline Dennis ["Dennis"], Senate staff; H.J. Reed, lobbyist; Amy Alden, House staff; Ken Fagins and Beverly Williams, Oklahoma Department of Health; Sarah Clough, *Journal Record*; Darci McKee and Cathy Welch, Campaign Technologies; Ron Jenkins, *Associated Press*; John Greiner, *The Oklahoman*; Todd McKinnis, attorney; and Jason Doyle, *OETA*.

Public Comment On Or
Request For Constitutional
Rule Amendments

Next was a 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. 2008, Ch. 62. 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 September 19, 2008 Regular Meeting of the Ethics Commission, incorporated by reference in this agenda as fully set forth in the document.

The Chairman stated, “I don’t anticipate that we will actually take action today. That’s up to the full Commission. But generally, we try to reserve the fall for as many comments, questions, presentations as possible from the public, the media, elected officials, lobbyists or anyone else who wants to have some input on, ‘Should we adopt the proposed amendments or new rules? Should we think up some new and different ones or repeal old ones?’ All of those are on the table under Item #3. Anyone have any comments, questions or presentations on proposed amendments, modifications, repeal or creation of new Constitutional Ethics Rules?”

Commissioner Pettigrew was recognized. She asked, “Do you mind going one-by-one through these and just say what they are briefly? That way, if someone has a comment, they could make it more directly to that one. Then the other two that I drafted, I will have some comments about.”

The Chairman agreed. He began, “These have been numbered just for the sake of discussion as Amendments #1 through #8. I want to emphasize that, although we have eight proposals before us, there is no deadline so far on these. If someone has a brand new idea for an amendment — for a new, different rule that has not existed before or for the repeal of an old one — you can approach staff and simply ask them to draft one, and we’ll see if it gets a sponsor. Or, you can simply address your idea on the floor, and we may decide to take it from there. In any event, these eight are not the final list of anything. We’re still willing to consider any additional or new ideas that come along, as well as talking about these eight.”

Pettigrew asked, “Mr. Chairman, is there any deadline that must be met if we are going to consider it in our January meeting?”

The Chairman responded, “That’s a good question, and I’ll let Marilyn address that.”

Hughes was recognized. She stated, “The Constitution only requires that we hold a public hearing, so I think January would be the very latest to hold a public hearing. Probably, we need the rule before the January meeting to distribute it for that public hearing.

Commissioner Loy asked, “Marilyn, has a precedent been set for having two hearings?”

Hughes answered, “It is not obligatory. But, we have two major hearings, one in Tulsa in November and one here in Oklahoma City in December, and we advertise those as public hearings before the regular meetings. But, we have had rules that have been introduced in January at the public hearing that the Commission has passed. So, we have precedents both ways.”

The Chairman stated, “Obviously, with the law requiring us to have only one public hearing, that may happen under certain circumstances. I think we’ve all expressed a preference, just in terms of public policy, that we try to have more than one public hearing just because there are some times when certain folks can’t be here for one meeting, but they might be able to make the other. I just think that’s a good idea. So, that’s what we try to do, but the sooner the better. We are not close to a deadline now, so this would be a good time for anyone to propose either a new ethics rule that has never existed before or a modification or amendment to an existing one or, for that matter, the repeal of one altogether.

Proposed Amendment #1

The Chairman resumed the review. “Commissioner Pettigrew has asked us to look at the eight pending proposals. Proposed Amendment #1 talks about a ‘good faith effort’ standard for obtaining a contributor statement and provides a safe harbor, if you will, for a treasurer of a campaign. If they can provide sufficient evidence that they have made one good faith effort to get the contributor to sign the contributor statement, the treasurer will not be considered out of compliance. Any discussion on proposed Amendment #1?

“I will say this has been a vexing problem. It has been brought to our attention more than once. These contributor statements are extremely important in terms of Oklahoma’s transparency requirements. We’re going to talk a little bit later in the agenda about how we’ve been graded by an organization as doing a pretty good job. But, that doesn’t mean that we can’t improve, and I personally consider it very important that we get signed contributor statements from everyone who contributes. It is within the requirement of filling one out — and I know the logistics, the practically, of getting someone to sign these is not a small challenge sometimes.

“But, we’re open to any ideas on how to make this work. I don’t want to have overkill in terms of discipline for somebody who just can’t

or won't sign a contributor statement. But, we have a rule — and it's a good rule because it is in the public interest — for everyone to have access to the information about who is contributing, what their occupation is, where they can be located, how much they gave and they certify that they have not been reimbursed for their contribution. I filled out a number of these cards before I got on the Commission when I gave a contribution, and I'm pretty familiar with them. They are a good idea. I also am sympathetic with campaigns that try to get these signed cards, often on a very short time frame. So, if anybody can help us out of this dilemma, we would appreciate it.

Proposed Amendment #2

“Amendment #2 requires a description of the consideration and an explanation of the purpose of a campaign expenditure — and, it must be a reasonably clear description if the expenditure is more than \$50 — and other information that allows someone who is interested to track who the money went to and what was the purchase. I think it's a good idea. But, the practicalities of implementing it may be formidable. We welcome anybody's comments or questions on proposed Amendment #2.

“I might also say that some of the most valuable comments that we've had over the years have come from people who have told us this just won't work. We don't feel offensive about these proposals. Somebody felt that they were worthwhile at least to the extent that they ought to be put on the agenda and put up for discussion. But, you know, we've had some ideas that were just not practical, even though they might have promoted good public policy and, rather than resent or react negatively to somebody who may criticize the proposed rules as impractical, we place a lot of value in that. And, we have listened and sometimes agreed with those comments.

Proposed Amendment #3

“Proposed Amendment #3 places an aggregate two-year contribution limit for individuals of \$50,000 on contributions to candidates or the authorized committees of candidate for state office, and an undetermined two-year limit for PACs and political parties, to become effective 1/1/10. It would also add an additional declaration to what we call the contributor statement — that the contributor understands that the contribution may or may not be expended consistent with his or her political views or in support of the particular candidate that he or she supports.

“There is an alternative to this that says if the contribution is to be made to a PAC or political party, a portion may be expended on contribution(s) or candidate(s) that the person signing the contributor statement does not support. It's an acknowledgment by the contributor

that, 'I realize that the organization or person receiving my contribution may or may not support the candidate or candidates that I like and may or may not spend the money in a way that is consistent with my own views.'

Proposed Amendment #4

"Proposed Amendment #4 allows twice-yearly solicitations of corporate employees who are not considered executive or administrative personnel. In other words, corporations — and I don't remember if this also covers other legal entities besides corporations, like for those of you familiar with LLCs and other various legal entities, but company employees — this would allow a company to twice a year solicit political contributions from its own employees as long as those employees it solicits are not executive or administrative personnel. Any questions, comments, presentations or arguments on this proposed Amendment #4?" There were none.

"I don't remember asking at a previous meeting on this one — I think somebody answered my question as far as what is allowed at the federal level — but I just want to point this out, for whoever might be interested, that the proposed rule, as written, does not address union solicitations of its own members. This proposed amendment deals strictly with and permits — would permit if adopted — twice yearly solicitations of company employees so long as those employees are not considered executive or administrative."

Hughes asked, "Can I give an explanation? Currently, corporations can solicit from higher level shareholders, members, administrative personnel, officers and directors. But, they are prohibited from soliciting from the average employee. So, this would allow them — this would open that up and take the ban away and allow them to solicit the average employee twice yearly."

Loy was recognized. He asked, "Can you comment on why it was originally banned?"

Hughes answered, "... so that the average employee would not feel like their employment was in jeopardy depending on whether they did or didn't contribute. They are so much closer to a fear like that than an administrator."

Adams offered, "I'd like to add that there is nothing under the current law — nothing prohibits a lower level employee from giving to the PAC operated and solicited by the directors and whatever. If they voluntarily choose to do that, they may do that. It's just that this law was

designed to prevent any duress upon an employee — feeling like his or her job was at stake if they didn't give."

Hughes added, "...or if they gave to the wrong candidate."

The Chairman asked, "Under the current rules, if a PAC can solicit the same non-executive employees — they can call them or write them a letter?"

Hughes said, "The corporation is actually doing the solicitation on behalf of the PAC because they bear all of the administrative costs. They send out the letters."

The Chairman said, "That's what I am asking. Under the current rules, could the company's PAC directly solicit contributions from non...?"

Hughes answered, "No. They could not."

Pettigrew said, "I do believe that this was brought to us by some individuals a couple of months ago."

Hughes said, "A law firm in Tulsa asked for it, and their explanation is with that amendment."

The Chairman said, "Tulsa attorney, Drew Downing, has given us some material in support of this proposed amendment. Does state law permit, do the Ethics Rules or the Statutes permit a government agency, state government agency to solicit political contributions from its employees?"

Hughes answered, "No, not if that government agency is headed by an elected official. If it is headed by someone who is not elected but appointed, then somebody else can solicit state employees. Not on state time, but they can send solicitations to state employees."

The Chairman asked, "Can the appointed head of an Oklahoma state agency solicit his or her subordinates to contribute to candidate Y here?"

Hughes said, "What the statute says is that neither a campaign of a candidate or any agent on their behalf can solicit contributions from someone's own agency. Now, if it were another agency and it wasn't the head of that agency, then I think they could do it — but, not the head of

that agency. That not only bothers that statute or that rule, it goes toward misuse of your position and use of state time, personnel, equipment or whatever for fundraising.”

Proposed Amendment #5

The Chairman continued. “Proposed Amendment #5 allows solicitations and acceptance of things of value for 501(c)(3) charitable organizations only and 501(c)(3) refers to a particular part of the Internal Revenue Code that authorizes the existence and recognition of taxed exempt organizations. So this proposed Amendment #5 would allow solicitations and acceptance of things of value in response to solicitations on behalf of charitable organizations for victims who need assistance due to accident, disease, disability or natural disaster.

“And, it allows solicitations for participation in fundraising events, for conducting research to alleviate or assist those kinds of victims, together with humanitarian efforts to assist those kinds of victims who happen to be state officers or state employees.

“One of the impetus to bringing this before the Commission was that if a state employee’s or state officer’s family suffered personal tragedy either just to an accident or to a natural disaster or something, that department heads could ask people to chip in and help them out with their personal situation and charitable organizations also might solicit state employees and other folks to help people who were in dire straits through no fault of their own.

“That’s one of the reasons behind this, and I always kind of caution everyone. There is no doubt that this is a well-intentioned and probably meritorious proposed amendment. But, let’s think about the worst case scenario and see if someone could misuse or abuse what is a very admirable intent behind this. But that’s what gave rise to this particular proposed Amendment #5. Any questions about this?

Caroline Dennis

Dennis was recognized. She stated, “I am Caroline Dennis with the Senate staff. It looks to me that the way this is worded that solicitations are limited to these circumstances — to a catastrophic accident or disease or a walk, run, etc. or a state officer or state employee attending a meeting. And, my question relates to the State Employee Charitable Contributions Campaign which is ongoing right now. State employees are now being solicited for the United Way. And, I don’t see where that type of solicitation is permitted under this wording. And, I’m assuming that’s not the intent, but I wanted to ask about that.”

Hughes asked, “Would that not be a 501(c)(3)?”

Dennis said, “It is a 501(c)(3), but it’s not a catastrophic event and it’s not a walk, run, etc.”

The Chairman said, “Caroline, we will have to take a look at the wording of that, but that may be a point that we just kind of assumed because we all support the United Way.”

Dennis said, “Right, that’s why I mentioned it. It looks like the wording is...”

The Chairman interjected, “I don’t know. Since this is a synopsis of the proposed rule rather than the rule itself, we’ll inspect the actual language to make sure we don’t disqualify legitimate, bonafide, charitable organizations. That’s a good point. Thank you.”

Raley was recognized. He explained, “Mr. Chairman, I am the sponsor of this particular rule, and I think Caroline’s suggestion has a lot of merit, and we will work that in before we have a final vote on it. It’s difficult to think of every conceivable situation, but I think the one that you suggest is a warranted one.”

The Chairman said, “I will speak for myself on this. I saw this rule — and I don’t have the exact wording in front of me — but I saw it as authorizing help for even one employee — you know, if someone suffers a tragedy. A state employee or official suffers a tragedy in his or her own family. It doesn’t have to be a widespread natural disaster, of course. So, it can be a fundraising drive for the benefit of one state employee, or it could be a class of employees who maybe live in a certain area that has been affected by a disaster. But, we’ve got to make sure that we don’t make this so stringent that we prohibit things like that.

Proposed Amendment #6

“Proposed Amendment #6 creates a ‘gift list’, or in the alternative it creates a ‘no gifts list’, whereby legislators can specify whether they will or will not accept things of value from lobbyists. So, we have two alternatives here. If passed, this proposed rule could either create a gift list in which, I assume — and it says here in the synopsis ‘legislators’ — and I don’t know if that applies to all elected officials or just members of the Legislature — but, in any event, public officials, elected officials could put themselves on a ‘gift list’ saying that they will accept gifts within the maximum limit permitted by the rules or a ‘no gift list’ which is another alternative which says that there would be a list whereby elected officials could add their names saying, ‘I will not accept any things of value from lobbyists.’ And I assume that means from lobbyist principals as well.”

Raley was recognized. He stated, "I agree with the motive — I believe what the motive will probably be — on this proposed amendment. Considering the fact that we have a staff that is already overworked and everyone recognizes that, I'd like to ask the staff to comment on whether or if this rule is adopted, whether or not that will substantially increase the already heavy burden the staff carries."

Hughes said, "We don't think so. We have the content management system on our website now. We could maintain a list like that on the website with very little effort and keep it updated. I also believe that the question was asked whether other state elected officers were included. I believe Representative Jason Murphey sponsored a bill to this effect last year. I believe he amended it at one point in time to include other elected officials. But, it was not requested of us at this time to put that in there."

The Chairman said, "This might be a good time to point out that if you have some thoughts on any amendment, this one or any other ones, and you choose not to make a public comment in open meeting of the Commission, you are still welcome to contact either the staff or an individual commissioner and express your feelings and your thoughts and your arguments. You know, that's permitted and if you want to engage in public discussion, public presentation, that's fine. If not, pick up the phone and give staff a call or give one of us a call."

Dr. John Wood

Wood was recognized. He said, "I am Dr. John Wood from Rose State College. I actually submitted this amendment partly in discussions with Jason Murphey. He did do this bill — House Bill 2444. He submitted it last year. It didn't pass. He actually initially said legislators. Kim Holland approached him and asked to make it all statewide folks. So, I would think you could go either way depending on what you guys think. The idea is to have — and North Carolina, by the way, has — a no gifts list. They have 43 members as of last year on this list. They maintain it so that the 43 members, if you are on this no gifts list, basically you don't accept gifts. Jason Murphey created it because he kept getting gifts just left in his office, and it's hard to manage that. If you don't want these gifts, you have to figure out how to get them back to folks who gave them to you. What's their address? Get it back to them so you don't officially accept them. Because if you just throw it away, they say you accepted it. So, that's the idea behind the no gifts list.

"Now, I've created the 'gift list' which is the opposite. If you want to accept gifts, you have to be on the list. So, this is kind of closer to a no gifts kind of set up where you can accept gifts, but you have to be

on the list. There are six states who actually ban gifts altogether. So, this is not unprecedented. It is actually short of that. So, it really depends on how you want to look at it. Jason Murphey, I think, proposed the bill again this year for a no gifts list. He is going to be one of the first people on it, so there will be people on it either way, and the Ethics Commission would put people on that list. It would be up to the lobbyists to look at that list to see if they can give gifts or not.”

The Chairman asked, “Dr. Wood, as to those six states that you mention ban all gifts, are those limited to just members of the legislative branch? Are they all state officials? Or, is it kind of a mixed bag among those six? Or, do you know?”

Wood answered, “I don’t really know. I’m not sure exactly. I can find out more information on that. The Chairman said, “If you could — to the extent that you have some time — if you could just give us the information and identify the states, please. And also, if you need to research this, are there exceptions? We hear, ‘Ban all gifts!’ Is there fine print in there or just some provisions that say well, they are banned except...?”

Wood said, “I’ll have to look at that. I could see Amendment #5 being an exception potentially. So, I don’t know how that’s worded. But, I can definitely do more research on those bans.

The Chairman said, “I hate to put it all on you, but I hate to put it on staff either — because they have so much going on. To the extent that you have time and you are interested, we would appreciate that.”

Pettigrew said, “I have a question along that line. Our current law says you don’t have to report things of less than \$10. Would this be an exception that you could give something up to \$10 or is this a total ban, no pen, no pencil?”

Wood answered, “I think for Jason Murphey’s no gift list, it would be a total ban. He doesn’t want gifts at all. So, that’s what I assume from his bill — not that you can’t change that. You guys can discuss if you want to have a \$10 limit.”

Pettigrew surmised, “So, I’m a legislator, and I’m trying to write something, and my pen won’t write, and a lobbyist says, ‘Here’s a pen!’ And, I forget to give it back to them. I’ve broken the law because I have taken something from them of some value.”

Wood said, “You can talk about exceptions.”

Pettigrew said, “I just want to think about that.”

Hughes explained, “I think by using the words ‘things of value’ in the text of both of the alternatives, you automatically adopt our exceptions to things of value. So, anything under \$10 and anything excepted under our definition of things of value would be an exception to this.”

Wood responded, “I’d like to comment on that real quickly. I think Jason Murphey’s bill actually says gifts. I changed it to ‘things of value’ for this. He says gifts, but I said things of value.”

The Chairman stated, “I am really interested in — I’m sorry, I have one more question. This request for information is not limited to Dr. Wood — anybody who wants to let us know. On these states that ‘ban all gifts’, number one, what if any exceptions are there? And number two, does it apply to gifts to just members of the legislature or to all state officials or all state employees? What’s the scope on that end, but also on the givers end, the donors end or whatever it is — the person who is giving the thing of value? Does it apply only to lobbyists that they are banned or lobbyist principals, too? Or, is it nobody can give anything of value to whoever’s defined in the category as a recipient? So, those are mine.

Proposed Amendment #7

“Proposed Amendment #7 would clean up and/or amend repetitive language on the intent of the Rules and Commission duties concerning education under the Rules. I don’t remember what this is.”

Pettigrew was recognized and said, “This is mine. This is the one that I mentioned at the last meeting where I found — and you will find them on page 11 and on page 21 in the gray rule book — sections that are almost identical. So, with the hope of maybe taking out some of that repetitive language, I have struck the things on this bottom Section of 257:1-1-6 and have put most of it over into 257:1-1-1 — what wasn’t already there. Actually, I think I improved the wording by taking some of the wording that was on page 21 and putting it over here and taking out the old language. But, it was mostly a duplicate.

“Then also, I stand corrected if our Executive Director tells me I shouldn’t have done this, but I think that in the conversation with her, I felt that we no longer needed the Library for the Blind and the physically handicapped language. Any question or comments? Notice also that in

number 3 of that first section, I've struck out some outdated language. It is talking about what happened in 1992 and 1994. In my estimation, number 3 is absolutely outdated. Number 2 is just taking care of repetitive language. Then the other question might be, should I have struck this about the Library for the Blind?"

Hughes commented, "I thought that the Constitution required us to educate, and in looking at it, it doesn't mention education. So, the Commission's duties to educate arise from the Rules — not the Constitution. So, I was looking at your language, and I like it, but I'm worried that it's in the intent language rather than in the actual rule. The intent language is not considered a rule. It states what the intent of the rules are, but it doesn't state what the enforceable rule is. So, if you changed the language that you put in Paragraph (2) of 257:1-1-1 and moved it to 257:1-1-6 leaving stricken the language that you've already stricken, then I think it would be enforceable — if you intend to enforce the Commission's duty to educate. If you just put it in intent, it's not an enforceable rule. It's just an expression of what the Commission intends the rules to do."

The Chairman said, "I'm glad we brought this up because I have not focused on this. I've noted in prior meetings that we appreciate Commissioner Pettigrew going back over documents and policies and our rules that have been in effect for a long time. She's not only found duplicative and outdated provisions, but also just some things that we didn't have that we need. Maybe we ought to — and we can save this for the next meeting if we have time — do we want to create an obligation of the Commission to educate? And, if so, to what extent? We're struggling to keep up with the duties that we now have. If we are already engaged in education, but I mean by rule, if we are going to impose it on ourselves, that is a pretty clear determination that we are going to educate. Then that gets into resources and things like that."

Hughes replied, "It has been imposed on us since 1994 when we adopted this 1-1-6(m), so that is an enforceable rule. The education there — we have conducted several seminars and teach several times every year — it is becoming difficult with the number of employees that we have, but we have tried to, upon request, educate under the rules."

The Chairman said, "My concern is this. It's not that we shouldn't try to educate. I believe that's part of our public function and part of our mission. But, if we composed this as a duty, maybe in a particular investigation or prosecution, somebody says you never educated me about this rule, so you've failed in your self-imposed duty

of educating because you didn't educate me. I'm not against the effort to educate. I support it 100%, and I know that you all do that daily. You do it over the phone, you do it in person, you do it in seminars. You educate anybody who is willing to be educated about these rules. But, in terms of establishing an ethics rule that obligates the Commission to educate, and its staff, that's my initial take."

Hughes said, "As I said, it wasn't in the Constitution."

Ken Fagins

Ken Fagins ["Fagins"] was recognized. He announced, "I am Ken Fagins with the Oklahoma Department of Health. I was just going to say, in the past, Director Hughes has educated at our agency on several occasions — our Board of Health, our oversight body, and several of our employees — just as a public service. We are very appreciative of the education that we have received as a state agency."

The Chairman said, "Thank you sir. That confirms what most of us know which is that we're really trying to educate people into compliance rather than enforcement. You know, we'd much rather just have everybody understand and have widespread compliance than try to teach people lessons after the fact. Thank you for your comments about the staff. I wasn't questioning whether or not we ought to be educating. I support that. It's just that every time we obligate ourselves — and obviously these rules are our ultimate policy-making — and impose one more duty on ourselves, it makes me nervous."

Adams said, "I would also like to say that we have been forced from time to time to decline requests where people have asked us to appear at seminars or to educate in some way. And, we've had to decline because we were in the middle of an election cycle or we had substantial duties with regard to investigations. We've not been able to comply with all of the requests that we've had over the years."

Pettigrew said, "Mr. Chairman, I think it's important — especially if what we've heard that the first sentence is still in there, 'that the central function of this title is to prevent rather than punish unethical conduct' — that's our first duty. So, I think the question boils down to this. If I'd left the language in 'Powers and responsibilities', it would become a duty that you absolutely have to do. And, by putting it up here under "General purpose and authority", it's a little more all-encompassing. So, the question is, do we want it tied down as precisely as we could in 'Powers and responsibilities'? Or, is this sufficient? You all are the attorneys. But, is this sufficient to tell us we need to do it without getting ourselves into a bind somewhere?"

The Chairman responded, “I would suggest that we continue this discussion at our next meeting. I think Commissioner Pettigrew and I are on the same page here. It’s one thing to state a goal, and that goal is education and prevention. It’s another to say we have an obligation, we have a duty to do that. Then people start using it as a hammer against us. But, I’m glad we brought this out on the table today so that we can think about it some and talk about it at our next meeting. Additional comments on proposed Amendment #7? We appreciate Commissioner Pettigrew’s efforts because this is long overdue, and staff and members are usually so busy that we just come into office, and we start doing the usual things, and we don’t go back over and pour over existing language the way that Commissioner Pettigrew has been able to do. It benefits everybody.

Proposed Amendment #8

“Proposed Amendment #8 is the same thing. Commissioner Pettigrew, would you comment just on this please?”

Pettigrew explained, “When the rule changed that made the same amount of money limit for elective officers and state officers, we still had it in our rule book under elective officers and other state officers. That’s two different things. Since the amount is the same, you can put it under one section and say just ‘state officers and state employees’. So, you can cut out one section there. And, the same thing on ‘anything of value reporting by lobbyists’ down at the section on the bottom of that page. It’s taking out duplicate language. On the last section, I’m trying to do two things. One, I was trying to be sure that we knew that a lobbyist principal could designate their lobbyist that they choose to keep track of the aggregate of giving by the lobbyist principal. I was also trying to get rid of the reference to the first lobbyist as somehow the lobbyist being the important person when really I thought it was the money. So, you might want to read that through.

“Marilyn and I have talked about it, and I’m not sure that, even with the two of us working on it, it is as smooth as it could be. But, I want to make sure that the aggregate can be controlled by a designated person and that we don’t care what lobbyist registers first. It’s still the problem of the aggregate.”

The Chairman said, “...the principle of good intentions. If representatives of the lobbying community would focus on this and give us some feedback on, ‘Is this helpful actually in terms of clarifying the lines of what you can and can’t do or is it counterproductive?’”

Lee Slater

Lee Slater [“Slater”] was recognized. Slater commented, “I don’t purport to represent lobbyists and don’t intend to, but I think the premise

of this amendment is a good one, and I would be happy to help tweak the language. What I mostly want to do is just commend Commissioner Pettigrew for Amendments #7 and #8. I want to call your attention to Amendment #8 where you are eliminating one of the two sections. I've been around here while these amendments were made to the rules, and I found myself recently trying to find the difference between those two subsections. And, I can just imagine if you are a stranger to these rules, and to see that you have two subsections that read almost identically, you'd make yourself crazy trying to figure out what the difference is. So, I just wanted to commend this effort to eliminate duplicative language.

“I know that some legislatures around the country have a process they go through every ten years where they look for duplicative language and unnecessary language and outdated language. And, I think it's a practice that I would commend this Commission for.”

The Chairman responded, “The credit for the idea goes to Commissioner Pettigrew. Fortunately, she also volunteered to do it. But, thank you for your comments. It is long overdue, and it is intended to be helpful. I think it will be. You mentioned tweaking. We'd be happy for you to submit in writing any tweaking you think we ought to do on this.

“This brings up something we've thrown out here before, and that is, if you are a lobbyist or a lawyer involved in some of these processes, and you have a real live client that comes into your office and says look I want to comply with the rules, ‘May I do this or may I not do this?’ ‘Is this prohibited or permitted?’ — and you have to tell them one section appears to make it OK, but the other section seems to prohibit it, and there's no real way to resolve this. We don't have a good set of rules if that occurs. We need to make changes to where people who honestly want to comply and their attorneys, advisors, lobbyists don't have to guess at what will cross the line. So, we appreciate what Commissioner Pettigrew is doing. Any other comments on either of these amendments collectively before we move on to the next item?”

There were none. The Chairman asked if anyone was in favor of taking action on the proposed amendments that day. There was no one.

Approval Of Minutes

Next was consideration of whether to adopt the minutes [both open and closed sessions] of the regular meeting held August 22, 2008.

The Chairman called for corrections or amendments to the proposed minutes.

Pettigrew said, "Mr. Chairman, I so move that we adopt the minutes of both the regular session and the executive session of the August 22, 2008 meeting."

Raley seconded the motion.

The Chairman said, "It has been moved and seconded. Is there any discussion?"

Hughes asked to point out corrections. She stated, "On page two, the first full paragraph, third to the last line, it says 'writing or you can just...' And, strike 'put it in writing'. Commissioner Pettigrew pointed this out. I believe that's what you said, but we don't want to make it confusing or repetitive. So, we're going to delete the words 'put it in writing'. Has everybody found that? Page 17, next to the last paragraph, the last line begins 'that have' and the word 'lead' should be changed to 'led' so that it reads, 'that have led us to make those public comments'. Page 20, the third line from the top, this is what I said, but it probably isn't real clear. On the third line, delete the second word 'lobbying'. It should read 'for entry into the new lobbying disclosure system'. And, a substantive change on page 22, the last paragraph. The paragraph begins 'Some of them are just law. We have to have them, of course, but I did include them...' Instead of 'did', you can put 'didn't' or 'did not include them here because we haven't really had time to look at them.' So, it should be negative, that 'I didn't...' And, that's all."

The Chairman asked, "With those corrections, Commissioner Pettigrew, do you want to offer the same motion?"

Pettigrew said, "Yes. I move that we adopt them as corrected." Raley seconded the motion. Roll was called for purposes of the vote and the motion passed unanimously.

Ratification Of
Expenditures

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

Raley moved to ratify the expenditures. Pettigrew seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

Consideration Of FY-2010
Budget Request

The next item on the agenda was consideration of the Ethics Commission Fiscal Year 2010 Budget Request.

The Chairman stated, "This is open to not only discussion by the Commission but obviously from anyone else who is here today." He asked, "Marilyn, what number of FTEs are we requesting to go with this?"

Hughes said, "I believe it is 11 — four additional." Bryant corrected, "No, there are five additional." Hughes agreed with "five additional."

The Chairman asked, "Just for clarification for folks who might be here for the first time, what does the acronym FTE stand for?"

Hughes answered, "...full-time equivalent employee. In other words, if you have an employee who only works seven months out of the year, that would not be a full-time employee. That would be a percentage of an FTE."

The Chairman said, "Alright. We're here to educate. Probably everybody who is in this room already knows this. But, we now have seven filled positions, seven full-time employees — that includes you and Rebecca — and we're asking that the Legislature authorize five additional FTEs or five additional positions which we would then fill by hirings. Is that correct?"

Hughes answered, "That is correct."

The Chairman said, "Does that come from the Legislature — that approval for the FTEs or from the Office of Personnel Management?"

Hughes responded, "It is approved by the Legislature. In fact, they do it by statute."

The Chairman said, "OK. And, regardless of what our appropriation is, if the Legislature does not by statute and by a bill approved by the Legislature and the Governor, authorize the creation of a new FTE for the Ethics Commission, are we allowed to create any new positions or hire any new personnel?"

Hughes answered, "...not in addition to the seven. We could replace one of the seven, but we could not create an eighth."

The Chairman asked, "Does anybody have any comments, questions or suggestions on item 9?"

Loy inquired, “Isn’t that pretty much what happened this year? They appropriated additional money for our Commission, but they didn’t designate any FTE, and, in part, the designation was for technical equipment that we weren’t able to use. What happens to that money that’s authorized that we can’t use? Can we use it for any other purpose?”

The Chairman answered, “As I understand it, Commissioner Loy is correct that because the Legislature did not authorize any additional FTEs for this current fiscal year — the one we’re in — whatever the appropriation we were given, whatever that funding, we would not have been allowed to hire a new person beyond the seven that we already have. We simply could not create a new position and fill it by hiring. Is that correct?”

Hughes said, “That is correct. As to how we can use funds that were earmarked for FEC type software, that earmarking was vetoed by the Governor, and the Commission was able to budget it however they wanted to, and our budget has been approved.”

Loy stated, “That’s money that we were able to use to compensate our staff for long overdue raises.”

The Chairman asked, “Are there any additional questions or discussion?”

Raley was recognized. He stated, “In this respect, Mr. Chairman, you have clarified an issue that has been publicized somewhat to the detriment of the integrity of this body over the last several weeks concerning increase in salaries. And, that criticism has been generated in large part among members of the Legislature who knew or should have known about the FTE limitation that we’ve been burdened now with over a decade. If the Legislature had granted us a million dollars, we couldn’t have spent one dime on one other employee. And, I appreciate the Chairman bringing that out. That’s a very important point, and the public needs to know that because the criticism that has been leveled at us is unwarranted.

“In that respect, Mr. Chairman, you very wisely asked the staff to prepare a number of points to justify or to explain, if any explanation is indeed needed at all, the allocation of funds. And, it’s contained in pages 3 through 6 of the administrative report which, of course, is marked confidential. I’m wondering, Mr. Chairman, if it might not be prudent that those portions of the executive officers’ report be made public so that

those who have leveled criticism at us for the allocation of funds, particularly having to do with the raising of salaries, will have a full explanation as to why that occurred. I remain totally unapologetic about it. It was the right call. It was the right time to make that call. And, it was the right thing to do. So, I suggest that maybe it might be a good idea to release that information to the general public so that it can be well publicized.

Loy asked, "By what method? How would you do that?"

The Chairman responded, "I'm appreciative of Commissioner Raley's comments. I'm not sure that we could take action on that today primarily because it is just not on the agenda. But, it is something that we can consider. I do not want to say more about this issue than is actually constructive. I simply wanted it clarified as an educational purpose. There has been some suggestion in some quarters that we have asked for more employees. And, we have. We've asked for a legal secretary and for an additional attorney and for an additional investigator. It's been suggested — not by everyone but in some quarters — that we took money that was part of our appropriation and, instead of hiring those new people, which we badly need, we gave raises to existing staff.

"I simply wanted to point out that we could not have spent a dime on any new employees because the Legislature — although they gave us the appropriation — did not authorize the hiring of any new employees. And, we are prohibited by law from hiring any new employees regardless of how much money we get unless the Legislature also says you may have more employees. That was my point."

Slater said, "Mr. Chairman, I was just curious about Commissioner Raley's comments as to exactly what precludes the document that Commissioner Raley referenced to being subject to the Opens Records Act, anyway. Under what exception to the rule of Open Records is the administrative report?"

Hughes said, "It would not be precluded from Open Records requests."

Slater said, "Commissioner Raley said it is marked confidential."

Hughes said, "The administrative report has things within it that are confidential. However, that report has nothing in it that would qualify it for an Opens Records exemption. So, it could be passed out, yes. And, if somebody made a request, it would be provided."

Pettigrew said, “Mr. Chairman, to me this document is at least a work in progress, and there are some things that I have talked with the Director about that I thought would be helpful in making the document perhaps more compelling. My feeling is, it’s not a finished document at this time. But, I don’t know if that means we can’t give it out. I wanted us to do some additional things in that document which I’ve talked with her about earlier, and I think I’ve talked with you about that.”

Adams said, “Mr. Chairman, you are hitting staff with this without us having any preparation. We didn’t anticipate this coming up. But, I do see some additional grounds for why this document may not be subject to the Open Records Act or an open record request. And, that is because in this meeting, in open meeting, staff was told to prepare documents. This was one of them in preparation for a potential lawsuit should one become necessary. This document was prepared with that end in mind. So, it may — we haven’t researched this issue — but it may have that protection on it that keeps us from releasing it at this time.”

The Chairman said, “Thank you, Rebecca. That was my original thought. I’m not an expert on the Open Records Act, and I guess we’ll have to look at this because it is a fair question. If it’s not confidential under the Open Records Act or some other applicable legal doctrine, then it ought to be available to the public. It’s just that simple. I just don’t know if it has protective status as a work product. I have thought that we were looking at some of the pay issues in anticipation of possibly using that material for litigation if it becomes necessary. I mean, that was my impetus for asking for it. I can’t speak for everybody.

“My suggestion is this. If anyone wants a copy of the administrative report that has been referenced here today, please make a request, and we’ll ask staff to give us a legal opinion on it — if it is or isn’t protected. And, I guess what I’m saying is, even if its disclosure is not driven by the Open Records Act — and I don’t know if the provisions of the Open Records Act itself provide for protection of attorneys’ work product — we have contemplated litigation. I think we are still contemplating it. We’ve not decided to file it. But, that request was made to assist us in the preparation of a lawsuit if, in fact, we ever file one. That may or may not constitute an attorney’s work product. But, I’d like to take a look at it.”

Raley said, “Mr. Chairman, I was not offering that suggestion in the form of a motion. I invited some comment, and I wanted to commend the staff for producing a very comprehensive explanation, if an explanation is required or needed at all. But, those explanations that are

included in the administrative report, I thought were very comprehensive — treat the matter with great specificity and certainly answered any criticism that has been leveled at this Commission.”

The Chairman asked, “Are there any additional comments or questions about agenda item 9?” There were none.

The Commission took a five minute break.

Following the break, the Chairman asked, “Commissioner Pettigrew, before we left the last item 9, did you have any additional comments?”

Pettigrew answered, “Yes. I wanted to publicly thank Patti Bryant for making those little changes to our financial report which I think make it a little easier for someone to read who is not familiar with the acronyms. I know that she’s had her hands full. She’s had knee surgery since then.”

Bryant responded, “You are welcome. I appreciate it.”

The Chairman said, “We’re just happy to have Patti here with us today. I really didn’t expect her after her major surgery. As always, tenacious.”

Bryant said, “Thank you.”

Report On Compilation Of
A Booklet Of All Policies
Pertaining To The
Commission And Its Staff

The next item on the agenda was a report on compilation of a booklet of all policies pertaining to the Commission and its staff.

The Chairman recognized Pettigrew. She reported, “Our Executive Director, Marilyn, pointed out to me that I’ve had a duplication of two things and asked, ‘Do you want it that way?’ I got to looking at it and thought, ‘No, not really.’ But, once I started moving that around, I did rearrange some policies so that the one you received before, you might want to trash. I want to bring to your attention perhaps the most significant addition is the very bottom one. And, the table of contents I thought might be helpful.

The Investigative Procedures came about by Chairman Bingham contacting me and saying that he found this document that Rebecca Adams had written. And, I think it might be useful. So, I contacted our attorney, Rebecca, and asked for her permission. This is something she wrote in 2004 about the steps that we will use to go through possible

investigation and possible prosecution. It's really good and helpful, and I think it's a thumbnail of what we do for that type of thing."

The Chairman said, "I've read that, as you know Commissioner Pettigrew, and it's nothing confidential. But, number one, I think it would be helpful to new commission members as they come in, and number two, for people that are advising candidates and officer holders who might be the subject of an investigation, it would give them an outline of the steps that the Commission goes through in an investigation, through and including prosecution. But, it kind of gives everybody just a generalized roadmap of the steps and the order in which the steps are taken."

Pettigrew said, "Thank you, Rebecca. I really appreciate your help on that. Then the one thing that I did add to draw to your attention — on the very first one the Establishment of the Commission, rearranging things of course — I added Legal Responsibility. This came from a conversation I had with the Executive Director. I'm always trying to get a handle on exactly what we do and how far it goes. And, she said, 'Well you know we're responsible for developing and enforcing the Rules that are not in the law, and this is where they are found' — so, I thought, let's just put that down — and we have no authority to develop or enforce state statutes.

"That was something that wasn't clear in my mind for a while — '...except as it may be directed to do so by statute.' And, I did find a reference or two where a statute directs the Ethics Commission to do something. If that wording isn't good, please let me know. If you have suggestions or changes, you think something's wrong or just can be improved, why don't you either mark this up and give it to me or send it to me by email? Because, we have these policies on my computer at home, so that's what I work from is that computer. So, I'd like to be able to change the computer base if we need to make some changes. The other things we don't have in here, we have a few policies that Chairman Bingham has looked over pertaining to personnel, and they're already in written form. We could get those added and the job descriptions which staff has provided for us. Get that added. And, I really think that at that point we should adopt what's here or else take out something you're not sure of. But, that may be very soon.

"Now, personally, I don't see any reason why this couldn't be given to the public except it is still not official. We haven't acted on it as a Commission, and we haven't been ready to. But, we need to move toward that."

The Chairman said, “This is something that is going to help the public, the media, interested parties and even commissioners to some extent — not only how the Commission operates, but some of the legal bases and authorizations for the way we do things. So, this is a real step forward as far as I’m concerned in our education mission to help new staff members and new commissioners understand why it is that we do certain things and the fact that certain things are even mandated by statute or by our Constitution.

“Any additional comments, questions, presentations or arguments on item 11 on the agenda?” There were none. “We won’t take any action on it today, but we are looking forward to approving these policies which will be made available to the public.”

Administrative Report

The next item on the agenda was the agency’s administrative report. Hughes said, “I asked Charles Knight [“Knight”] to be here today to comment on the 2008 Grading States Disclosure, and he has put together a handout that I hope is available to the press also. And, he’s going to make a short report.”

Knight said, “Thank you Marilyn, Mr. Chairman. I just highlighted a couple of things that were pointed out in this Grading States Disclosure that was published this last Wednesday, the 17th of September. It is a study of the Campaign Disclosure Project which seeks to bring greater transparency and accountability to money in state politics through assessments of state disclosure laws and programs for all fifty states. And, this is the fifth assessment they’ve done since 2003. On the handout that I gave you — the ratings per category down towards the bottom — those are the ratings that we as the State of Oklahoma have received since the onset of this particular study. And, as you can see, we have gradually gotten better, but we can still get better. Right above that you can see the categories that they grade in this evaluation — the campaign disclosure law, how well we explain it, our electronic filing program, the content accessibility, how easy it is to access our records and how easy it is to use.

“Some of the things that they mentioned that we should do — and we covered this earlier in the meeting — were the disclosure of our expenditures. Our expenditures are listed by \$50 or more, but it’s just what the expenditure is for. It does not list who the expenditure was to or the address of the individual. Twenty-four states now require by their statutes to present that type of information. And, I’m glad that we are looking at adopting that as an amendment in January. And, I would encourage you to go ahead and do that. Slowly, we are getting to where

each of the states are doing that, but I'd like for us to be right there on the top leading the way as well on making that happen.

“Some of the things that we have done to improve this year — one of the things that I noticed when I first came here — was when someone goes in and files their reports, it will mention either a quarterly report or a pre-primary report or pre-general. That was really confusing to me when I first got here. Who files these reports? Is it a current candidate? Is it a political action committee? Well, we've added a block in there now where we can specify who is supposed to file that report — whether it is a 2008 candidate, a 2006 candidate, anybody who has a campaign open — that is, who is supposed to file. And, that's just one of the improvements that we've done, too. And, I think, that will be really helpful and will cut down on a lot of our questions that we get. That was the primary question that I fielded when I first got here. Which one am I supposed to file? Well, I think we've clarified that now.

“Also, we need to encourage more people to use this online reporting system. I've heard a lot of people say that they like it, and it's easy to get around in. However, we've still got people who are submitting paper copies. If they are uncomfortable with technology, that's fine, we can still accept those. But, I would be more than happy to work with them over the phone. I know that the rest of the staff has spent a considerable amount of time with candidates, with treasurers that have gone over the process. I've taken people from A to Z. It may take a little bit of time, but that's OK. That's what we are there for is to help them as much as possible. And, this also helps to get the data out to the public, as well. If they put it out there right away and approve it themselves, then we don't have to be backlogged on getting these records out to the public.

“One other thing I will try to do, and I've been working with the staff on this as well, is to try to make it more reader friendly — to put some step-by-step instructions out there as well on how to do the reports, how to fill out a C-1R, how to fill out a C-1. If we put that out there, let the people print these out so they can go step-by-step, they'll be able to file these reports. In a sense, I guess this is my Air Force coming out of me, making it army-proof. Hopefully, nobody in here has been in the Army before and takes offense to that, but basically we want to make it as simple as possible. I use the term 'putting it down to a third grade level'. If a third grader can do it, why can't we? So, the simpler, the better.

“I’d like to close with a statement from President Madison back in 1822 — and, this is a quote not just from him but it’s also in the report that the Grading States Disclosure put out.

A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both.

So let’s continue to have these reports to be as useful as possible and as transparent as possible. Thank you for your time.”

The Chairman said, “Charles, thank you.”

Hughes said, “I’d like to point out that we have come up from a D+ in 2003 to a B- in 2008 and for the first time we are on the Honor Roll. And that Honor Roll ribbon is on our website now. Charles put it on there, and we’re very, very proud that we have been able to come up this far. We feel like the things that are holding us back are what Charles is working on and also the reporting of expenditures. We’re not going to get better than a C+ until we require the name and address of the recipients of expenditures.”

The Chairman said, “We are proud of our staff for achieving this B ranking. That’s very good. We’re also proud of staff that you’re not satisfied. And that’s why I appreciate Charles’ comments and yours that you are already working on improvements right now to make us more user-friendly, to make us more understandable, and that’s all in the public’s interest. So, keep pushing for greater ease of use, greater clarity and comprehension, and we thank you for your efforts so far. That’s a real substantial improvement by an organization that, obviously, we don’t control. In that sense they are objective and they have their own criteria. We’re looking forward to not only maintaining our ranking but moving up — not for the sake of getting an award or a ribbon, but literally being able to demonstrate to the people of Oklahoma that we’re trying to encourage good people to run for office.

“One of the barriers is not only money and some other things, but one barrier clearly is these complex rules for candidates. I appreciate the work that you all do over the phone which goes unsung. That doesn’t show up in statistics, but whether they’re treasurers or whether they are the candidates themselves, they can call you up, and I like hearing that there are going to be step-by-step instructions. I know whenever I use the internet, that’s the first thing I look for because I’m pretty certain if I don’t find step-by-step instructions, I’m not going to get it right. Even with step-by-step instructions, it is no guarantee that I’ll get where I want

to go. But, it is very helpful. So, thanks again. We congratulate you for this ranking from an outside organization, and keep up the good work.”

Hughes said, “I have one other issue. I need to know as soon as possible who wants to attend COGEL this year. It is in Chicago. The brochure was passed out to you. I’m guessing, but I think it was December 6 - 10, and we have reserved three rooms. We can certainly reserve another one for whoever wants to attend. And, we think it looks like a valuable schedule this year. It’s cold up there. Other than that, it should be a good one.”

The Chairman said, “Marilyn and I went last year, and it was my first COGEL Conference. I’ve got to say, it’s just a real eye opener and very valuable for somebody who has to sit in this chair, and I would encourage my colleagues to go. I know John’s already been. Jim, have you been to one of these?”

Loy said, “I just hate to tell you I haven’t been.”

The Chairman said, “I hadn’t been until September of 2007, and it was very informative, very worthwhile. It’s only a couple of days really outside of traveling. But, it is an extremely valuable 48 hours.

The Chairman asked if there were any additional comments, questions, arguments or presentations on the Administrative Report. There were none.

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 15 on the agenda were made confidential by law. It was her advice as 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. Pettigrew so moved. Loy 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. Raley so moved. Pettigrew seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

Loy moved, “...that with respect to IV-2006-012, we issue a public reprimand as discussed in executive session; that with respect to IV-2007-008 and IU-2008-001, no motion is necessary as these matters are closed; that IU-2008-004 be continued; and that IU-2008-006 be continued with staff to proceed as directed in executive session.”

The Chairman called for a second. Raley so moved.

The Chairman asked if there were any other questions about the pending motion. There was none.

Roll was called for purposes of the vote, and the motion passed unanimously. However, the Chairman pointed out that on IU-2008-001, he had disqualified himself even though no motion was made.

The Chairman announced, “Let me also state that on IV-2006-012, on which the Commission just voted to issue a public reprimand, due to revisions that were discussed in executive session, it will be next week before that public reprimand is issued.”

New Business

Next on the agenda was new business. There was none.

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. Pettigrew seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

The Chairman then declared the meeting to stand adjourned.

MARILYN HUGHES, Executive Director

Approved On Behalf Of The Commission:

DON BINGHAM, Chairman

MH/pb