

MINUTES OF SPECIAL MEETING
Of The
ETHICS COMMISSION
STATE OF OKLAHOMA
Held
APRIL 16, 2009

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 forty-eight (48) hours in advance with the Office of the Secretary of State, a special meeting of the Ethics Commission of the State of Oklahoma ["Commission"] was called to order on Thursday, April 16, 2009, at 10:00 o'clock a.m. Chairman John Raley ["Raley"] presided over the meeting which was held in Room 419A, 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: Raley, Jim Loy ["Loy"], Bob McKinney ["McKinney"] and Don Bingham ["Bingham"]. Absent was Commissioner Jo 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, Patricia Bryant, Principal Assistant and R. Darey Roberts, Investigator. Observing all or part of the meeting were: Amy Alden, House Staff, Tom Gruber, First Assistant Attorney General and Greg Metcalfe, Assistant Attorney General.

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 [Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2008, Ch. 26, App.; the "Rules"], 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 Chair announced, "The purpose of the meeting is a proposed closed executive session meeting which is permitted under the applicable statutes of the state as well as the Rules of the Commission. At this time

I will call upon our General Counsel to provide us with legal advice as to whether or not we can enter into an executive session.”

Counsel’s Statement on
Advice to Go into
Executive Session

Adams said, “Thank you, Mr. Chairman. The items set forth at this point in the agenda are made confidential by law, and it is my considered opinion that the Commission should go into executive session because disclosure will seriously impair the ability of the Commission to process a claim or to conduct a pending investigation, litigation or proceeding in the public interest. It is, therefore, my advice that the Commission do in fact go into executive session at this time for these limited purposes.”

The Chair responded, “We’ve heard the advice of the General Counsel. The Chair would entertain a motion to go into executive session.”

Vote to Go into Open
Session

McKinney so moved. Bingham seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

The Chair 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, staff and Tom Gruber, First Assistant Attorney General; and Greg Metcalfe, Assistant Attorney General, 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 Chair called for a motion to go back into open session. McKinney so moved. Bingham seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

The Chair announced, “We are now in open session. At this time I will entertain a motion.”

Bingham moved that the Commission dismiss Information IV-2009-001. McKinney seconded the motion. Roll was called for purposes of the vote. The motion passed unanimously.

The Chairman asked if there was any other business to come before the Commission. There was none. He thus called for a motion to adjourn.

Adjournment

Action followed, as Loy so moved. Bingham 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:

JOHN RALEY, Chairman

MH/pb