

MARILYN HUGHES
EXECUTIVE DIRECTOR



STATE OF OKLAHOMA
ETHICS COMMISSION

FOR IMMEDIATE RELEASE
SEPTEMBER 24, 2008

**ETHICS COMMISSION PUBLICLY REPRIMANDS
FORMER STATE AUDITOR AND INSPECTOR JEFF McMAHAN**

OKLAHOMA CITY. The Ethics Commission today announced it has publically reprimanded former STATE AUDITOR AND INSPECTOR JEFF McMAHAN for a violation of the Constitutional Ethics Rules [“the Rules”], Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2008, Ch. 62, App. The Commission noted that while it investigated other conduct, it chose not to duplicate what the federal courts have already addressed. For that reason, the Commission limited its reprimand to a single violation.

The basis of the reprimand was stated as follows:

STATEMENT OF THE CASE

This is a case of an elective state officer illegally soliciting a contribution for his re-election campaign from a state employee working in his office.

PUBLIC REPRIMAND, Statement Of The Case, 2nd ¶, at p.1

The facts were that, on July 14, 2005, McMahan sent Martha Grubb, an employee in the Office of the State Auditor and Inspector, a letter requesting a donation to his 2006 state re-election

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campaign. The Commission charged McMahan with the knowledge of the identity of his own employees. It therefore found that, either directly or indirectly, McMahan knowingly solicited a campaign contribution from a worker in the governmental entity he served, in violation of Rules' Section 257:10-1-5(a). The latter provides:

Solicitation of and contributions by state employees

- (a) **An elective officer or the officer's agent shall not knowingly solicit, directly or indirectly, a campaign contribution from an employee in the officer's governmental entity.** [emphasis added]

* * *

The Ethics Commission unanimously voted to issue the reprimand at its regular meeting held September 19, 2008, subject to revisions in the final draft. The document was today approved for dissemination to the public and the respondent, per his attorney of record.

Following a thorough investigation, the Commission found that the material facts were not in dispute, nor was the controlling authority. There was a deliberate intent to circumvent the law.

The Ethics Commission is currently made up of Chairman Don Bingham, appointed by then-Speaker Larry Adair as the appointee of the Speaker of the House of Representatives; Vice Chairman John Raley, appointee of Attorney General Drew Edmondson; James Loy, appointee of then-Chief Justice Joseph Watt of the Oklahoma Supreme Court; and Jo Pettigrew, appointee of Governor Brad Henry.

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The Ethics Commission was empowered by a constitutional amendment passed in 1990 to promulgate and enforce civil penalty rules of ethical conduct for state officers and employees, as well as for state campaigns. It is authorized under Article 29, Section 4 of the Oklahoma Constitution to investigate, and when it deems appropriate, prosecute violation of its ethics rules.

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ATTACHMENT:

Public Reprimand Issued To Former State Auditor And Inspector, Jeff McMahan

FOR FURTHER INFORMATION, CONTACT:

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