

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Wednesday, February 25, 2015
9:30 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

- CALL TO ORDER** **Mr. Wilson, Chair**
- ROLL CALL** **Mr. Wilson, Chair**
- NOTICE OF COMPLIANCE**..... **Holly Miller**

MINUTES

- a. The drafted Minutes of Special Commission Meeting on February 18, 2015, will be considered for approval.
- b. The drafted Minutes of Regular Commission Meeting on February 19, 2015, will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

1. Proposed Commission Approval of Group Self-Insurance Application for New Membership

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The application includes evidence of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement. The Commission will consider approving the following applicant to the self-insurance group association to which it is applying for membership:

**Oklahoma Health Care Association (# 75175)
Harmony Home Care, Inc.**

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving or not approving Harmony Home Care, Inc. to the Oklahoma Health Care Association.

2. Discussion and Consideration of Reducing or Releasing the Letter of Credit of Key Personnel, a Former Own Risk Employer

A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced at the Commission's discretion after the two year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs.

A security deposit may be released at the Commission's discretion upon application by the employer and submission of current financial statements and a signed and notarized affidavit, from a duly authorized officer of the employer, affirming that all workers' compensation claims incurred under the own risk permit of the employer have been permanently closed, and the statute of repose for reopening the claims has passed.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or reducing or releasing the letter of credit of Key Personnel.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION.

3. Possible Executive Session for Confidential Communications Between the Commission and Its Attorneys Concerning Ongoing Investigation by Commission's Compliance Division and the Related Ongoing Bankruptcy Involving Texoma Peanut Company, Pursuant to Title 25 O.S. § 307(B)(4)

Pursuant to 25 O.S. § 307(B)(4), an Executive Session is proposed for the purpose of conducting confidential communications between the Commission and its attorneys concerning ongoing investigation by the Commission's Compliance Division and the bankruptcy involving the Texoma Peanut Company, a former self-insured.

The Commission's counsel from the Attorney General's Office has advised that public disclosure of the communications relating to this

investigation and bankruptcy will seriously impair the ability of the Commission and its counsel to take appropriate action related to the ongoing investigation and bankruptcy proceeding and to protect the employees of Texoma Peanut Company.

4. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the Purpose of Discussing the Hiring, Salary or Employment of the Candidate A, Candidate B and/or Candidate C for the position of Commission Law Clerk and/or for a position in Insurance Services; Candidate D for a position in Insurance Services; and for the Purpose of Discussing Employment Evaluations, Promotion, or Performance of Commission's Administrative Law Judges: Shane Curtin, Mike Egan, Tara Inhofe and Tish Sommer

A. Motion and Vote to:

(i) Determine That Disclosure of the Communications Will Seriously Impair the Ability of the Commission to Take Appropriate Action in the Ongoing Investigation and Bankruptcy Proceeding of Texoma Peanut Company; and

(ii) Go into Executive Session for purposes of:

- a. Discussing the ongoing compliance investigation and ongoing bankruptcy of Texoma Peanut under §307(B)(4); and
- b. Discussing the hiring, salary or employment of Candidate A, Candidate B and/or Candidate C for Commission Law Clerk and/or a position in Insurance Services; Candidate D for a position in Insurance Services; and employment evaluations, promotion, or performance of the Administrative Law Judges Shane Curtin, Mike Egan, Tara Inhofe and Tish Sommer, under § 307(B)(1).

B. Vote to Reconvene in Open Session

5. Possible Action:

a. Possible action may include but is not limited to taking no action; continuing the matter; or instructing counsel to make any necessary filings in the bankruptcy proceeding; or taking other actions as discussed and recommended by counsel in Executive Session.

b. Discussion and possible action on hiring, salary or employment of future Candidate A, Candidate B, and/or Candidate C for Law Clerk and/or a position in Insurance Services as discussed in Executive Session.

c. No action is anticipated nor will be taken by the Commission with regard to the employment evaluations, promotion or performance of

Commission's Administrative Law Judges Shane Curtin, Mike Egan, Tara Inhofe or Tish Sommer.

6. Announcements

Commission's next regularly scheduled meeting has been rescheduled for March 23, 2015.

ADJOURNMENT.....Mr. Wilson, Chair