BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES UNION,	)	
Petitioner,	)	
v.	)	Case No. M1400
CITY OF LAWTON, OKLAHOMA,)	)	
Respondent.	)	

ORDER

This matter came on for hearing before the Public Employees Relations Board (the "Board") on the 12th day of October, 2006, on the Motion to Disqualify Board Member Larry W. Gooch filed by the Respondent the City of Lawton, Oklahoma (the "City"). The City appeared by and through its attorney, Tony G. Puckett. The Petitioner American Federation of State, County and Municipal Employees Union (the "Union" or "AFSCME") appeared by and through its attorney, James R. Moore.

Larry W. Gooch abstained from the executive session held for the purpose of deliberating the motion and was not present during the executive session. Likewise, Larry W. Gooch abstained from voting on the motion to disqualify.

The Board granted the City's Motion to Supplement its original Motion to Disqualify.

"[T]he Oklahoma Statutes require an agency member to 'withdraw from any individual proceeding in which [the member] cannot accord a fair and impartial hearing or consideration.'" *Johnson v. Board of Governors of Registered Dentists of the State of Oklahoma*, 913 P.2d 1339,

1348-49 (Okla. 1996) (quoting Okla. Stat. tit. 75, § 316 (1991)). The City failed to establish that circumstances and conditions surrounding Mr. Gooch's past relationship or current interaction with the American Federation of State, County and Municipal Employees Union are of such a nature that they might cause doubt and question as to the impartiality of any decision that Mr. Gooch may render. *See id.* at 1348. After examining the parties' briefs and hearing arguments from counsel, the Board finds that the Motion to Disqualify Board Member Larry W. Gooch should be and is hereby DENIED.

Dated: December 14, 2006

Craig W. Hoster

Craig W. Hoster, Chair
Public Employees Relations Board