

MINUTES OF REGULAR MEETING
OF THE ETHICS COMMISSION
STATE OF OKLAHOMA
HELD OCTOBER 10, 2014

- Call to Order Upon notice with agenda being properly posted at the Commission office at least twenty-four (24) hours prior to the commencement of the meeting and notice being filed at least 48 hours in advance with the Office of the Secretary of State, a regular meeting of the Ethics Commission of the State of Oklahoma ["Commission"] was called to order on Friday, October 10, 2014, at 10:16 a.m. Chair Cathy Stocker ["Stocker"] opened the meeting, which was held in Room 432A, 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: Stocker, Thomas Walker ["Walker"], M. Robert McKinney ["McKinney"], Jo Pettigrew ["Pettigrew"] and Karen Long ["Long"]. A quorum of members was declared.
- Staff & Visitors Commission staff members present were Lee Slater ["Slater"], Ashley Kemp ["Kemp"], Geoffrey Long ["Long"], Pamela Williams, ["Williams"], Roberta Hale ["Hale"] and Stephanie Black ["Black"].
- Observing all or part of the meeting: Denise Davick, Attorney; Caroline Dennis, Senate staff; Barbara Hoberock, Tulsa World; Shawn Ashley, E Capitol News; Emily Summars, Journal Record; Heidi Tittle, OU Student; Elisabeth Rangle, OU Student; and Chris Bruehl, Governor's Office.
- Introductions and
Announcements One announcement came into late to be on the agenda. Yesterday, Senator Bingman appointed John C. Hawkins of Pryor, Oklahoma, to the commission to succeed Commissioner McKinney. Commissioner McKinney will be back for the November meeting.
- Consideration,
Discussion and Possible
Action on Minutes for
Regular Meeting and
Executive Session held
on September 12, 2014. Walker moved to approve minutes of the September 12, 2014, regular meeting and executive session. McKinney seconded. Roll was called and the vote was as follows: Walker – yes, McKinney – yes, Pettigrew – abstain, Long – yes, Stocker – yes. **Motion carried.**
- Consideration,
Discussion and Possible
Action on Ratification of
Agency Expenditures for
the month of September,
2014. Walker moved for ratification of the agency expenditures for September, 2014. Long seconded. Roll was called on the motion and the vote was as follows: Walker – yes, Long – yes, McKinney – yes, Pettigrew – yes, Stocker – yes. **Motion carried.**
- Commissioner McKinney asked if a possible agency relocation move were to occur during this fiscal year, how would it affect the budget? Director Slater stated that someone will take care of any moving costs

since there is no extra money in the budget.

Executive Director's
Report.

Slater announced that continuing education classes for lobbyists and legislative liaisons would be held November 5, 2014, at 1 p.m. and November 13, 2014, at 9 a.m. in the Concourse Theater off the tunnel between the Sequoyah and Will Rogers state office buildings.

He acknowledged the work performed by Pam Williams in developing the Power Point presentations for the programs.

Slater said that templates had been completed for Guides for Financial Disclosure, State Officers and Employees, Candidates, Political Party Committees, Political Action Committees and Lobbyists. He said that these Guides would be available digitally on-line and would serve as written materials for the continuing education program and again noted the work performed by Pam Williams in developing the Guides.

Slater said that development of the agency's new website was nearing completion and that it should be available on the Internet in the near future.

He asked Deputy Director Kemp to provide an update on development of new software. Kemp stated that weekly teleconferences with the Vendor are held to ensure the software development and implementation continues on track. Currently, the registration component of the system is in development with the Vendor scheduled to perform testing soon and is working towards setting up a test environment for the Ethics Commission to begin testing the registration component of the software. Once the testing environment is established the Vendor will train the staff in order for the staff to test the registration component towards the end of October. The lobbyist and liaison registration is set to "go live" on December 1, 2014.

Slater said that 7,438 persons were identified to file Statements of Financial Interests and that all but 71 had filed, which is a compliance rate of more than 99 percent.

Slater said that he had spoken recently during a continuing education program for state college and university regents and executives sponsored by the Regents for Higher Education. He said he also spoke to higher education legal counsel at a continuing legal education seminar in Norman sponsored by the Regents for Higher Education.

General Counsel's
Report

General Counsel Long briefly discussed *Independent Institute vs. FEC*. He stated the case is a challenge to disclosure requirements of electioneering communications. He stated the case is being appealed from the trial court and will be monitored as it progresses as it could impact our rules.

Consideration and
Discussion of informal
hearings concerning
Commission Policy with
respect to On-line
Availability of Financial
Disclosure Statements.

Discussion:

Commissioner Pettigrew heard similar comments at the Stillwater informal hearing and the Norman hearing. In relation to the Financial Disclosure statement, the overwhelming majority do not want information made available online so it could be accessed. The name and the agency name could be made available online. The agency liaison could review the filings online to see who has filed and who has not filed.

Commissioner Long stated that no public comment was received that favored placing the entire document online. Everyone seemed to have an understanding that the public can view the documents filed in our office. Most people were concerned about the possibility of identity fraud and stalking. People who come into the office can complete an open records request form and then they can view the form in the office. If the entire forms were online, no would know who would be viewing the forms. The majority of people who commented don't mind having their names made available online but they don't want the addresses or dates of birth made available online.

Commissioner Long wants to continue to have public comment at a local level and have those opportunities for informal hearings in the future. As long as she serves on the Commission, she wants the OEC staff to schedule public hearings in different parts of the state to solicit public comment.

Public Comment:

No public comment at today's meeting.

Motion:

Commissioner Pettigrew made the following Motion:

Madam Chair, I move that the Commission policy regarding the online availability of the financial disclosure statements list only the name and the agency that the filer serves. Otherwise, the information will be available in the office and the requestor will identify themselves on the open records form requesting such information.

Discussion was held regarding whether or not the full list of all filers will be made available online and whether the list will note who has actually filed his or her form. Commissioner Long asked for clarification regarding

the motion. The names given by the agency is already public record. The full list doesn't need to be included in the motion. The Director is asking for the full list of agency's filers to be posted.

Director Slater added clarification to Commissioner Pettigrew's motion as follows: The online availability of the financial disclosure statement information would list the name, the agency's name, and whether the form has been filed. Commissioner Pettigrew revised her Motion. Commissioner Long seconded.

Clarification was requested regarding if the date of the filing would be made available online. Commissioner Pettigrew further revised her Motion to include the date of filing. Commissioner Long seconded the revised Motion.

Commissioner Walker asked about the public comment received as to the concerns of stalking.

Commissioner Long mentioned that informal hearings were held to solicit public comment regarding these filings. Public comment was received that the Commission should include some personal information online but most people didn't want to file the full statement that would disclose information that could be used for illegal purposes. She doesn't want to impose a bigger burden on someone wanting to serve in public office.

Commissioner Walker discussed amending the form. In addition, he discussed that he wanted to make the information available online to help the people living outside of the Oklahoma City area, due to the burden it places on them to travel to Oklahoma City to view the reports in the office. He is opposed to the motion; he wants to make all information available online. People should be able to view all financial disclosure information online.

Roll was called and the vote was as follows: Pettigrew – yes, Long – yes, Walker – no, McKinney – yes, Stocker – yes. **Motion carried.**

Presentation and explanation of proposed amendment to the Constitutional Ethics Rules regarding treatment of political party committees.

Director Slater discussed the inadequate treatment in new rules as to the political parties. We have historically treated political parties like political action committees. There is a difference between those two committees. First of all, there is no problem with state reporting as to the state political parties. The problem comes with the sub units of the political parties. The congressional district, county committees, women's group, or college groups which are recognized by the parties as being part of them. Contributions being made by the parties at every level are essentially being made by the single party. The major problem comes with the county committees when the leadership changes within the organization. The records are updated in our system, and we don't have good contact

information and, usually, they don't continue to file reports.

This amendment will allow the State party committee to file quarterly reports and the sub units, such as county committees and women's groups, would be required to register and report only if they make a contribution, electioneering communication and/or an independent expenditure. They would only file with that specific activity. This would help correct the system we have in place today and keep the groups in compliance.

Commissioner Pettigrew asked about whether the smaller groups would only be required to report if they made an expenditure to a candidate or cause. Commissioner McKinney said it could cause further problems with making sure that the people know when to file.

Director Slater discussed that the smaller groups have a difficult time reporting with the election cycle. Director has spoken to both Chairs of the political parties here in Oklahoma. The entities below the State party committee become out of compliance in a short period of time.

This matter will be discussed further at the next Commission meeting.

Consideration,
Discussion and
Proposed Action on
Closed/Executive
Session

Walker moved to go into Closed/Executive session. Long seconded. Roll was called and the vote was as follows: Walker – yes, Long – yes, Pettigrew – yes, McKinney – yes, Stocker – yes.

Motion carried to go into Executive/Closed session at 11:20 a.m. Executive session was held in the Conference Room located within the Ethics Commission office in the Capitol basement, Rm. B-5.

Possible Action to Return
to Open Session

Walker moved to reconvene in open session at **12:40 p.m.** McKinney seconded. Roll was called and the vote was as follows: Walker – yes, McKinney – yes, Pettigrew – yes, Long – yes, Stocker – yes.
Motion carried.

13-728 and 13-741:

Commissioner Walker made the following motion: Madam Chair, I move the Commission find that the Respondents in Case 13-728 and 13-741 are in complete compliance with Commission rules and those matters be dismissed.

Long seconded. Roll was called and the vote was as follows: Walker – yes, Long – yes, McKinney – yes, Pettigrew – yes, Stocker – yes.
Motion carried. 13-728 and 13-741 dismissed.

14-012 and 14-013:

PROPOSED DRAFT/SUBJECT TO REVISION

Commissioner Walker made the following motion: Madam Chair, I move the Commission to dismiss 14-012 and 14-013.

McKinney seconded. Roll was called and the vote was as follows: Walker – yes, McKinney – yes, Pettigrew – yes, Long – yes, Stocker – yes. **Motion carried.** 14-012 and 14-013 dismissed.

Nomination,
Consideration and Action
on Election of
Commission Chair for
2014-2015.

Walker nominated Commissioner Long as the Chair for 2014-2015. McKinney seconded. Roll was called and the vote was as follows: Walker – yes, McKinney – yes, Pettigrew – yes, Long – abstain, Stocker – yes. **Motion carried.**

Nomination,
Consideration and Action
on Election of
Commission Vice-Chair
for 2014-2015.

Commissioner Long was elected the Chair for the upcoming year 2014-2015.

Walker nominated Commissioner Pettigrew as the Vice-Chair for 2014-2015. McKinney seconded. Roll was called and the vote was as follows: Walker – yes, McKinney – yes, Pettigrew – abstain, Long – yes, Stocker – yes. **Motion carried.**

Commissioner Pettigrew was elected the Vice-Chair for the upcoming year 2014-2015.

New Business

No new business. Reminder: Next Commission meeting is scheduled for November 14, 2014.

Adjournment

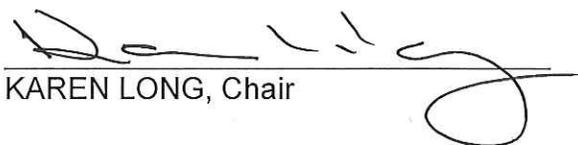
McKinney moved to adjourn. Long seconded. Roll was called and the vote was as follows: McKinney – yes, Long – yes, Walker – yes, Pettigrew – yes, Stocker – yes. **Motion carried.**

Meeting ended at **12:50 p.m.**



LEE SLATER, Executive Director

Approved on Behalf of the Commission:



KAREN LONG, Chair