

2016-01
Financial Disclosure

1 Rule 3.1. Purpose of Rule 3.

2 The purpose of Rule 3 is to establish rules of ethical
3 conduct for state officers and employees by requiring financial
4 disclosure that reveals potential conflicts between their public
5 duties and private economic interests.

6 Rule 3.2. Definitions.

7 As used in Rule 3:

8 1. "Agency" means any entity of state government created by
9 the Constitution or laws of the State of Oklahoma and supported
10 in whole or in part by state funds or entrusted with the
11 expending of state funds or administering of state property or
12 otherwise exercising the sovereign power of the State of
13 Oklahoma, including but not limited to all such offices,
14 departments, institutions, boards, bureaus, commissions,
15 agencies, authorities and instrumentalities of the State of
16 Oklahoma. "Agency" shall not mean any city, county, rural
17 electric cooperative or tribal housing authority created under
18 the Oklahoma Housing Authorities Act nor any state entity that
19 performs only advisory functions and that cannot independently
20 exercise the sovereign power of the State of Oklahoma;

21 2. "Candidate" shall mean an individual who has filed a
22 statement of organization for a candidate committee as required
23 by these Rules;

24 3. "Commission" shall mean the Oklahoma Ethics Commission;

1 4. "Dependent" shall mean an individual claimed as a dependent
2 on the filer's federal or state income tax return;

3 ~~5. "Filer" shall mean an individual required to file a
4 Financial Disclosure Statement as required by these Rules; and~~

5 5. "Family member" means spouse, children (including
6 stepchildren), mother, father, sister or brother; and

7 ~~6. "Material financial interest" shall mean:~~

8 ~~(a) an interest that could result in directly or
9 indirectly receiving a substantial pecuniary gain or
10 sustaining a substantial pecuniary loss as a result of a
11 filer's ownership or interest in a business entity, or as a
12 result of a filer's salary, gratuity or other compensation
13 or remuneration; or~~

14 ~~(b) an ownership interest in a private business, including
15 but not limited to, a closely held corporation, limited
16 liability company, Subchapter S corporation or partnership
17 for which the filer or the filer's spouse or dependents is
18 a director, officer, owner, manager, employee, or agent or
19 any private business, closely held corporation or limited
20 liability company in which the filer or the filer's spouse
21 or dependent owns or has owned stock, another form of
22 equity interest, stock options, debt instruments, or has
23 received dividends or income worth Five Thousand Dollars
24 (\$5,000.00) or more at any point during the preceding~~

1 ~~calendar year; or~~
2 ~~(c) an ownership interest of five percent (5%) or more in~~
3 ~~a publicly held corporation by a filer or the filer's~~
4 ~~spouse; or~~
5 ~~(d) an ownership interest in a publicly held corporation~~
6 ~~from which dividends of Fifty Thousand Dollars (\$50,000.00)~~
7 ~~or more were derived during the preceding calendar year by~~
8 ~~the filer or the filer's spouse or dependents; or~~
9 ~~(e) an ownership interest in a Subchapter S corporation or~~
10 ~~partnership from which income of Fifty Thousand Dollars~~
11 ~~(\$50,000.00) or more was derived; or~~
12 ~~(f) an interest that arises as a result of the filer's or~~
13 ~~the filer's spouse or dependents' service as a director,~~
14 ~~officer, representative, agent or employee of a publicly~~
15 ~~held corporation during the preceding calendar year.~~
16 ~~"Material financial interest" shall not mean (1) an~~
17 ~~interest in a mutual fund or other community investment~~
18 ~~vehicle in which the filer or the filer's spouse or~~
19 ~~dependents exercises no control over the acquisition or~~
20 ~~sale of particular holdings, or (2) an interest in a~~
21 ~~pension plan, 401k, individual retirement account or other~~
22 ~~retirement investment vehicle that makes diversified~~
23 ~~investments over which the filer or the filer's spouse or~~
24 ~~dependents exercises no control over the acquisition or~~

1 ~~sale of particular holdings.~~

2 6. "Filer" shall mean an individual required to file a
3 Financial Disclosure Statement as required by these Rules.

4 Rule 3.3. Persons Required to File Financial Disclosures.

5 The following persons are required to file Financial
6 Disclosure Statements:

7 ~~(1) All elected state executive, legislative and~~
8 ~~judicial officers;~~

9 ~~-(2) All state judicial officers subject to retention;~~

10 ~~-(3) All candidates for state elective executive,~~
11 ~~legislative and judicial offices;~~

12 ~~-(4) All chief administrative officers and first~~
13 ~~assistant administrative officers of each agency;~~

14 ~~-(5) All state officers and employees who make policy~~
15 ~~decisions;~~

16 ~~-(6) All state officers and employees who are engaged~~
17 ~~in purchasing decisions; and~~

18 ~~-(7) All members of boards, commissions, authorities~~
19 ~~and similar public bodies of state agencies.~~

20 ~~As used in this section, "state officers and employees who make~~
21 ~~policy decisions" shall mean state officers and employees (a)~~
22 ~~who determine policies or (b) who vote on policies, provided the~~
23 ~~policies are not internal policies used only for operation of~~
24 ~~the state entity affected. As used in this section, "state~~

1 ~~officers and employees who are engaged in purchasing decisions"~~
2 ~~shall mean state officers and employees who perform functions in~~
3 ~~the purchasing process for purchases in excess of Fifty Thousand~~
4 ~~Dollars (\$50,000.00), including but not limited to participation~~
5 ~~(a) in preparation of requests for proposals, bid specifications~~
6 ~~or similar documents, or (b) in review and evaluation of~~
7 ~~proposals, bids or similar responses, or (c) in recommendations~~
8 ~~for selection of successful proposals or bids or other similar~~
9 ~~awards, or (d) in approval of requisitions for purchase. It~~
10 ~~shall not apply to persons performing only nondiscretionary or~~
11 ~~clerical functions.~~

12 1. All elected state executive and legislative officers;

13 2. All state judicial officers, including the attorney member
14 of The Court on the Judiciary;

15 3. All candidates for state elective executive, legislative and
16 judicial office;

17 4. The chief administrative officer and first assistant
18 administrative officers of each agency;

19 5. All members of boards, commissions, authorities and similar
20 public bodies of state agencies;

21 6. Any other state officer or employee:

22 (a) who enters into a contractual relationship with an agency
23 of the State of Oklahoma from which he or she receives a
24 pecuniary gain, but this provision shall not be interpreted to

1 mean the contract that creates the employer-employee
2 relationship between the State of Oklahoma and the individual
3 state employee;

4 (b) whose spouse, dependent or family member enters into a
5 contractual relationship with an agency of the State of Oklahoma
6 from which he or she receives a pecuniary gain;

7 (c) is an officer or member of the governing body of a
8 nonprofit entity that enters into a contractual relationship by
9 which such entity shall directly or indirectly buy from or sell
10 goods or services to an agency of the State of Oklahoma;

11 (d) whose spouse, dependent or family member is an officer or
12 member of the governing body of a nonprofit entity that enters
13 into a contractual relationship by which such entity shall
14 directly or indirectly buy from or sell goods or services to an
15 agency of the State of Oklahoma;

16 (e) is a member of a partnership, is the manager of a limited
17 liability company, owns stock in an S corporation, as described
18 by the Internal Revenue Service, or is an officer or director of
19 a corporation that enters into a contractual relationship by
20 which such entity shall directly or indirectly buy from or sell
21 goods or services to an agency of the State of Oklahoma;

22 (f) who or whose spouse or dependent has an ownership interest
23 of five percent (5%) or more in a publicly held corporation;

1 (g) who or whose spouse or dependent has an interest in a
2 publicly held corporation from which gross revenue of fifty
3 thousand Dollars (\$50,000.00) or more were derived during the
4 preceding calendar year.

5 Rule 3.4. Generally One Financial Disclosure Per Year.

6 No individual shall be required to file a Financial
7 Disclosure Statement more than one time during any calendar
8 year, ~~except in the case of a Final Disclosure Statement as~~
9 ~~provided in this Rule~~ except as follows:

- 10 1. an additional contractual relationship, as described in Rule
11 3.3, that did not exist at the time of filing the first
12 Disclosure Statement, or
- 13 2. the case of a Final Disclosure Statement, as provided in
14 this Rule.

15 Rule 3.5. Filing Deadline for State Officers and Employees.

16 Except as provided in Rules 3.6 and 3.8, all Financial
17 Disclosure Statements shall be filed no later than May 15 of
18 each calendar year; provided, however, an individual who becomes
19 an officer or employee required to file a Financial Disclosure
20 Statement later than May 1 of any calendar year shall file a
21 Financial Disclosure Statement within thirty (30) days
22 thereafter. An extension of no more than thirty (30) days shall
23 be granted upon an application in writing filed with the
24 Commission within the ten (10) days prior to the last day for

1 filing the Financial Disclosure Statement.

2 Rule 3.6. Filing Deadline for Candidates.

3 A candidate shall file a Financial Disclosure Statement at
4 the same time he or she files a statement of organization for a
5 candidate committee and shall file a Financial Disclosure
6 Statement as required by Rule 3.5 as long as he or she is a
7 candidate.

8 An appointing authority who is considering the appointment
9 of a person described in Rule 3.3 shall obtain a Financial
10 Disclosure Statement prior to appointment. The Financial
11 Disclosure Statement need be filed only if the person is
12 appointed, and must be filed no later than the day the person
13 assumes the position to which he or she is appointed.

14 The Secretary of State need not obtain a Financial
15 Disclosure Statement from a District Judge prior to designating
16 the judge as a member of the Court on the Judiciary. The
17 President of the Oklahoma Bar Association shall obtain a
18 Financial Disclosure Statement from an attorney who is being
19 considered for appointment to the Court on the Judiciary.

20 Rule 3.7. Amended Financial Disclosure Statements.

21 A filer may file an Amended Financial Disclosure Statement
22 at any time to correct a bona fide oversight or error in the
23 Financial Disclosure Statement previously filed, provided the
24 filer certifies that the filing of an Amended Financial

1 Disclosure Statement is not made for the purpose of reporting
2 information that was intentionally omitted or misstated on the
3 previously-filed Financial Disclosure Statement. If the filer
4 files a certified Amended Financial Disclosure Statement that is
5 not in fact made for the purpose of reporting information that
6 was intentionally omitted or misstated, the filer shall not be
7 deemed to have violated these Rules by having made an erroneous
8 prior filing.

9 Rule 3.8. Final Financial Disclosure Statements Required.

10 An individual who is required to file a Financial
11 Disclosure Statement whose service to, or employment by, the
12 State of Oklahoma ends for any reason other than death,
13 disability or involuntary termination shall file a Final
14 Financial Disclosure Statement at any time during the last
15 thirty (30) days of his or her service to the state. A Final
16 Financial Disclosure Statement shall be supplemented if any
17 information provided therein changes in a material way prior to
18 the filer's last day of service to, or employment by, the State
19 of Oklahoma.

20 Rule 3.9. Agency Liaisons.

21 Each agency shall designate one (1) individual, hereafter
22 designated as "Agency Liaison". Each Cabinet Secretary shall
23 appoint an Agency Liaison who shall perform the duties of Agency
24 Liaison for all agencies within the Secretary's Cabinet that

1 have five (5) or fewer full-time equivalent employees. The
2 Chief Administrative Officer of any agency shall serve as the
3 Agency Liaison in the event there is a vacancy in the position.
4 The Agency Liaison shall submit to the Commission during the
5 month of December of each year a list of all officers and
6 employees of the agency and all members of boards, commissions,
7 authorities and similar public bodies of the agency required to
8 file Financial Disclosure Statements under these Rules for the
9 following calendar year. The list shall be submitted
10 electronically and shall contain information prescribed by the
11 Executive Director of the Commission. The Agency Liaison shall
12 supplement the list at any time during the year with the names
13 of newly elected, appointed or employed persons required to file
14 Financial Disclosure Statements as soon as practical after such
15 election, appointment or employment. When appropriate, the
16 supplementary notice shall identify the individual being
17 replaced. The Agency Liaison shall also supplement the list at
18 any time during the year with the names of state officers or
19 employees whose status is changed in such a way that they are
20 required to make policy decisions or to be engaged in purchasing
21 decisions as soon as practical after the status is changed.
22 Only individuals whose names appear on the list shall be
23 required to file Financial Disclosure Statements, unless the
24 Commission determines that the names of others should be

1 included on the list under these Rules. In such case, those
2 individuals shall be required to file a Financial Disclosure
3 Statement within thirty (30) days after the Commission's
4 determination. The intentional or inadvertent omission of the
5 name of an individual shall not subject the individual whose
6 name is omitted to any liability resulting from the omission,
7 unless that individual engaged in a conspiracy to cause the
8 omission. The intentional omission of the name of an individual
9 whose name the Agency Liaison knows or should know should have
10 been placed on the list shall be a violation of these Rules by
11 the Agency Liaison.

12 Rule 3.10. Electronic Filing.

13 Financial Disclosure Statements shall be filed
14 electronically, unless otherwise ordered by the Commission or
15 the Executive Director of the Commission.

16 Rule 3.11. Financial Disclosure Required Information.

17 The following information shall appear on the Financial
18 Disclosure Statement:

19 ~~1. Name, mailing address, work place telephone number and
20 electronic mail address of the filer;~~

21 ~~2. If applicable, an indication that there has been no
22 change in any of the information required from the
23 Financial Disclosure Statement filed by the filer in the
24 preceding calendar year;~~

1 ~~3. Name of state office held or sought by filer or name of~~
2 ~~agency and position, whichever is applicable;~~
3 ~~4. Expiration of term of office, if applicable;~~
4 ~~5. Date of appointment, employment or election, as~~
5 ~~applicable;~~
6 ~~6. Appointing authority, if applicable;~~
7 ~~7. If applicable, the name, mailing address and category of~~
8 ~~business, profession or industry of the filer's private~~
9 ~~employer; or, if the filer is self employed, the name,~~
10 ~~mailing address and category of business, profession or~~
11 ~~industry of the filer's self employment; or, if the~~
12 ~~filer is retired, the name, mailing address and category~~
13 ~~of the filer's last employment, including selfemployment;~~
14 ~~8. The name of any agency providing salary or similar~~
15 ~~compensation in the amount of Five Thousand Dollars~~
16 ~~(\$5,000.00) or more received during the preceding~~
17 ~~calendar year by the filer or the filer's spouse or~~
18 ~~dependents indicating whether the income was realized by~~
19 ~~the filer or another named family member;~~
20 ~~9. A list, by category of business, profession or industry,~~
21 ~~of any other entity providing income of any kind which~~
22 ~~the filer or the filer's spouse or dependents received~~
23 ~~in the amount of Five Thousand Dollars (\$5,000.00)~~
24 ~~during the preceding calendar year;~~

1 ~~10. A list, by category of business, profession or industry,~~
2 ~~of entities, including mutual funds or similar~~
3 ~~securities, in which the filer held securities valued at~~
4 ~~Five Thousand Dollars (\$5,000.00) or more at any time~~
5 ~~during the preceding calendar year;~~

6 ~~11. Any business or professional relationships with~~
7 ~~registered lobbyists that resulted in income in any~~
8 ~~amount to the filer or the filer's spouse or dependents~~
9 ~~during the preceding calendar year, stating with~~
10 ~~specificity the nature of the relationship;~~

11 ~~12. Every office, directorship, trusteeship or similar~~
12 ~~position held by the filer in an entity doing business~~
13 ~~with any agency during the preceding calendar year and~~
14 ~~the agency with which the entity was doing business;~~

15 ~~13. Professional or occupational permits or licenses held by~~
16 ~~the filer;~~

17 ~~14. Contracts (other than a contract of employment) between~~
18 ~~an agency and the filer or the filer's spouse or~~
19 ~~dependents or any entity in which the filer or the~~
20 ~~filer's spouse or dependents has a material financial~~
21 ~~interest;~~

22 ~~15. Whether the filer, the filer's spouse or dependents or~~
23 ~~an entity in which the filer or the filer's spouse or~~
24 ~~dependents has a material financial interest is~~

1 ~~regulated or licensed by the agency identified in~~
2 ~~subsection 3 of this Rule, or if the employer of the~~
3 ~~filer or filer's spouse or dependents is regulated or~~
4 ~~licensed by the agency and, if so, the name and mailing~~
5 ~~address of the individual or entity so regulated or~~
6 ~~licensed.~~

7 1. if a state officer or employee, name, work address, work
8 telephone number and work electronic mail address,

9 2. if a member of a board, commission, authority or similar
10 public body of a state agency, the name and mailing address of
11 the agency, telephone number used to communicate with the state
12 agency with which he or she is affiliated and electronic mail
13 address, if any, used to communicate with the state agency with
14 which he or she is affiliated;

15 3. if a candidate for state elective executive, legislative or
16 judicial office, the same identifying information required to be
17 included in the Declaration of Candidacy;

18 4. name of state office held or sought, or name of agency and
19 position, whichever is applicable;

20 5. appointing authority, if applicable;

21 6. if applicable, a statement that there has been no change in
22 any of the information disclosed in the Financial Disclosure
23 Statement filed in the preceding calendar year;

1 7. name of, and interest in, the entity or entities that
2 contracts with an agency of the State of Oklahoma, and the name
3 of the agency or agencies with which it contracts;

4 8. name of any publicly held corporation in which the filer,
5 the filer's spouse or dependent has an ownership interest of
6 five percent (5%) or more;

7 9. name of any publicly held corporation from which the filer,
8 the filer's spouse; or the filer's dependent derived gross
9 revenue of fifty thousand dollars (\$50,000.00) or more during
10 the preceding calendar year; or

11 10. name of any publicly held corporation of which the filer,
12 the filer's spouse or dependent is an officer or director.

13 Rule 3.12. Final Financial Disclosure Statement Required
14 Information.

15 A Final Financial Disclosure Statement shall include all of
16 the information required in a Financial Disclosure Statement and
17 shall be for the period beginning January 1 of the year in which
18 the statement is filed and ending on the last day of the filer's
19 service as a state officer or state employee. For a filer whose
20 service as a state officer or state employee ends during the
21 first thirty (30) days in January of any year, the Final
22 Financial Disclosure Statement shall be for the period beginning
23 January 1 of the preceding year and ending on the last day of
24 the filer's service as a state officer or employee.