



Personal Financial Disclosure Guide



Traveling Oklahoma Route 66

State Office

2019-2020

Oklahoma Ethics Commission
FAIR RULES. FIRM ENFORCEMENT.

“This publication is issued by the Oklahoma Ethics Commission as authorized by Executive Director, Ashley Kemp, pursuant to Ethics [Rule 1.8](#), and is located at the following website: <http://www.ethics.ok.gov>. This publication has been submitted in compliance with Section 3-114 of Title 65 of the Oklahoma Statutes.” Guides are updated annually in July. This guide was updated on **August 30, 2019**.

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Commissioners

- **Holly Johnson** – appointed by Chief Justice John Reif of the Oklahoma Supreme Court, term expires July 2021
- **Cathy Stocker** – re-appointed by Attorney General Mike Hunter, term expires July 2022
- **Charles Laster** – appointed by Governor Mary Fallin, term expires July 2022
- **Gregg Engle** – appointed by Senate President Pro Tempore Greg Treat, term expires July 2024
- **Jarred Brejcha** – appointed by Speaker of the House Charles McCall, term expires July 2024

What's New to This Guide

- Two new Commissioners were appointed to the Commission in July of 2019.
- This guide also contains modifications to some examples and clerical errors. However, no Ethics rule amendments were passed that affect personal financial disclosure statements.

I. Introduction

How to Use This Guide

This guide summarizes the Oklahoma Ethics Commission Rules for financial disclosure for all state officers holding elective office and state officers subject to retention to judicial office.

The Ethics Commission staff wrote this guide to assist in compliance with the Ethics Rules, as authorized by [Rule 1.8](#). This guide is not a substitute for the law. If there is a conflict between this guide and the Constitution, statutes or Ethics Rules, then the Constitution, statutes or Ethics Rules prevail.

Elected county, municipal, and school district officials, as well as county, municipal and school district officials subject to judicial retention are required to file a personal financial disclosure statement (PFD) with the county election board, municipal clerk's office, or school district clerk's office, respectively. Visit the Ethics Commission website (www.ethics.ok.gov) for the forms and more information.

Limited Scope

This guide is limited to elected state officials and state officials subject to judicial retention. This guide is not intended to provide comprehensive information about all Ethics Rules and other relevant law concerning financial disclosure. Individuals who may be required to file financial disclosure statements should become familiar with the relevant Constitutional and statutory provisions as well as with the Ethics Rules.

Advisory Opinions

[Rule 1.7](#) authorizes the Commission to issue official advisory opinions interpreting its rules. Such advisory opinions are binding on the Commission. The Commission will consider an advisory

opinion only as it applies to the person requesting the opinion, rather than third parties. Send requests for advisory opinions to the Oklahoma Ethics Commission (see the section titled “Contacting the Commission” in this guide on page 3).

Compliance Orders

The Executive Director is authorized to issue compliance orders to obtain compliance with these rules, including late filing fees. A person affected by a compliance order may request a hearing to be conducted by an administrative law judge. [Rule 6.19](#).

The Guardian System

The Guardian System is the Ethics Commission’s online reporting system in which all reports are filed. Access the Guardian System through the Ethics Commission website (www.ethics.ok.gov) or directly at <https://guardian.ok.gov/>.

The Guardian System is accessible 24 hours a day, 7 days a week. All reports are due in The Guardian System on the specified filing date, **regardless of weekends and holidays**. The Ethics Commission staff is only available during its regularly scheduled operating hours. The Ethics staff is unavailable on weekends and official state holidays.

Commission Website

Additional information on compliance with the Ethics Rules is available on the Commission’s website at www.ethics.ok.gov.

Contacting the Commission

The Ethics Commission office is located on the ground floor of the State Capitol in Room G-27. The Commission’s hours of operation are Monday through Friday from 8:30 a.m. to 5:00 p.m.

The Ethics Commission contact information is as follows:

- Telephone number: (405) 521-3451
- Fax number: (405) 521-4905
- E-mail: ethics@ethics.ok.gov.
- Address: State Capitol, 2300 N. Lincoln Blvd., **Rm G-27**, Oklahoma City, OK 73105

Ethics Commission meetings are typically held on the second Friday of every month. Information regarding the Commission meeting agendas and minutes, the Commissioners, and the Ethics Commission staff is located on the Commission’s website at www.ethics.ok.gov.

II. Purpose of the Personal Financial Disclosure Statement (PFD)

Identify Conflicts of Interest

The purpose of the personal financial disclosure (PFD) statement is to identify and disclose potential conflicts of interests between public duties and private economic interests. [Rule 3.13](#).

No Amounts of Income or Assets Must Be Disclosed

Although there is a minimum threshold requirement for disclosing certain forms of income or financial holdings, no Ethics Rule requires the disclosure of the amount of a filer's income or the amount of a filer's financial holdings.

III. Who Is Required to File?

Individuals Required to File

Effective July 1, 2016, all state officers who are elected and state officers who are subject to retention to judicial office are required to file financial disclosure statements online in The Guardian System. [Rule 3.16](#).

IV. Filing Requirements

Initial and Annual Filings

For new filers, an initial financial disclosure statement must be filed within 30 days of assuming office for a full or partial term. This filing will cover January 1 through December 31 of the calendar year prior to taking office.

After the initial filing has been completed, the filer will file annual financial disclosure statements between January 1 and May 15 of each year that discloses information for the previous calendar year. No individual is required to file more than one financial disclosure statement for any calendar year. [Rule 3.15\(A\)-\(C\)](#).

Example 1, Legislative Office: John Doe is elected to the House of Representatives in November of 2020 and takes office two weeks after the election. This is John Doe's first time serving as an elected state officer. John Doe will have a financial disclosure statement due in December of 2020, 30 days after taking elective office. This initial financial disclosure statement will cover calendar year 2019 (January 1, 2019 through December 31, 2019) not 2020. John Doe will also file an annual financial disclosure statement between January 1, 2021 and May 15, 2021, which will cover calendar year 2020.

Example 2, Executive Office: Jane Smith is elected Lieutenant Governor in November of 2022 and takes office the first Monday of January in 2023. This is Jane Smith's first time holding elective office. Jane Smith will have a PFD due 30 days after taking office in 2023. Jane Smith's initial PFD will cover calendar year 2022. Jane Smith will not file an additional annual PFD between January 1 and May 15 of 2023 because Jane is only required to file one PFD covering a calendar

year and her initial filing will cover 2022. Jane's next filing will be the annual PFD due between January 1, 2024 and May 15, 2024, covering calendar year 2023.

Example 3, Incumbent Legislator: Alex Smith is a Representative elected in 2018 and re-elected in November 2020. Representative Smith filed a PFD during the annual filing period of January 1 and May 15, 2020 as an officeholder prior to being re-elected. This annual filing covered calendar year 2019. Rep. Smith took office in November of 2020. He is not required to file a PFD within 30 days of being sworn in because Representative Smith already filed a PFD for calendar year 2019. Representative Smith's next annual filing will be due between January 1, 2021 and May 15, 2021, covering calendar year 2020.

Example 4, Other Incumbent Officeholder: Sarah Smith was elected Insurance Commissioner in 2018 and again in November of 2022. Commissioner Smith filed a PFD, covering calendar year 2021, during the annual filing period of January 1 and May 15, 2022 as an officeholder prior to being re-elected. Commissioner Smith was reelected in November of 2022 and sworn-in in January of 2023. Commissioner Smith is required to file a PFD in February of 2023 (i.e., within 30 days of taking office), covering calendar year 2022. Commissioner Smith's next annual PFD will be due between January 1 and May 15 of 2024, which will cover calendar year 2023.

Filings are Due on the Specified Dates—No Extensions

Initial filings are due within 30 days of taking office. Annual filings are due between January 1 and May 15 of each year. There is no provision in the Ethics Rules for an extension. The ability to request a 30 day extension was not carried forward to the new Financial Disclosure Rules effective July 1, 2016. The new Rules are intended to educate newly elected officers of potential conflicts of interest as soon as possible after taking office. An extension frustrates that purpose. Annual filers have over four months to file reports which is sufficient time and an extension is not necessary.

Where Financial Disclosure Statements Are Filed

All financial disclosure statements are filed electronically in The Guardian System, unless otherwise ordered by the Commission or the Executive Director of the Commission. [Rule 3.15\(E\)](#).

Officers Must File Their Own File Financial Disclosure Statements

PFDs must be filed by the individuals required to file. A third party, including Treasurers and designated filing agents (DFAs), cannot file a PFD on behalf of the required PFD filer. The required filer must make certain acknowledgements pertaining to their own individual understanding of certain Ethics Rules. The required filer must also personally indicate his or her own material financial interests. [Rule 3.16](#).

Information Required on PFDs

The information required on a Personal Financial Disclosure Statement (PFD) is as follows:

- Name, mailing address, work place telephone number and electronic mail address of the filer;
- Name of state office held by the filer;
- Beginning date of term of office;
- Expiration date of term of office;
- Acknowledgment of the jurisdiction of the Commission, the Ethics Rules, and educational opportunities by the Commission;
- Acknowledgments of understanding of certain conflicts of interest rules applicable to state officers;
- Disclosure of all material financial interests; and
- Any other information required by the Executive Director that is consistent with the intent and purpose of these Rules. [Rule 3.16\(B\)](#).

In addition, all filers must provide an email address that will be used by the filer to receive notifications regarding the electronic filing of financial disclosure statements. [Rule 3.15\(F\)](#).

Material Financial Interest

The term “material financial interest” is defined in the Ethics Rules to include:

1. An ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the filer, the filer’s spouse or a dependent is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the filer, the filer’s spouse or a dependent owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth \$20,000 or more at any point during the preceding calendar year;
2. An ownership interest in 5% or more in a publicly traded corporation or other business entity by a filer, the filer’s spouse, or a dependent at any point during the preceding calendar year;
3. An ownership interest in a publicly traded corporation or other business entity from which dividends or income, not to include salary, of \$50,000 or more were derived during the preceding calendar year by the filer, the filer’s spouse, or a dependent;
4. An interest that arises as a result of the filer’s the filer’s spouse, or a dependent’s service as a director or officer of a publicly traded corporation or other business entity at any time during the preceding calendar year; or

5. Any sources of income derived from employment, other than compensation pertaining to the office for which the state officer is subject to election or retention, in the amount of \$20,000 or more by the filer, the filer's spouse or a dependent not otherwise disclosed herein.

What Material Financial Interest Does Not Mean

“Material financial interest” does not mean (1) an interest in a mutual fund or other community investment vehicle in which the filer or the filer's spouse or a dependent exercises no control over the acquisition or sale of particular holdings, or (2) an interest in a pension plan, 401k, individual retirement account or other retirement investment vehicle that makes diversified investments over which the filer, the filer's spouse or a dependent exercises no control over the acquisition of particular holdings. [Rule 3.16\(C\) and \(D\)](#).

Amending a Statement

A filer may amend a financial disclosure statement at any time in The Guardian System for the purpose of correcting a bona fide oversight or error on the previously filed Statement. The filer must certify that the amendment is not made for the purpose of reporting information that was intentionally omitted or misstated on a prior filed statement. If the certification is true, the filer will not be deemed to have violated the Ethics Rules by having made an erroneous prior filing. [Rule 3.15\(D\)](#).

V. Step-by-Step Instructions on How to File a PFD

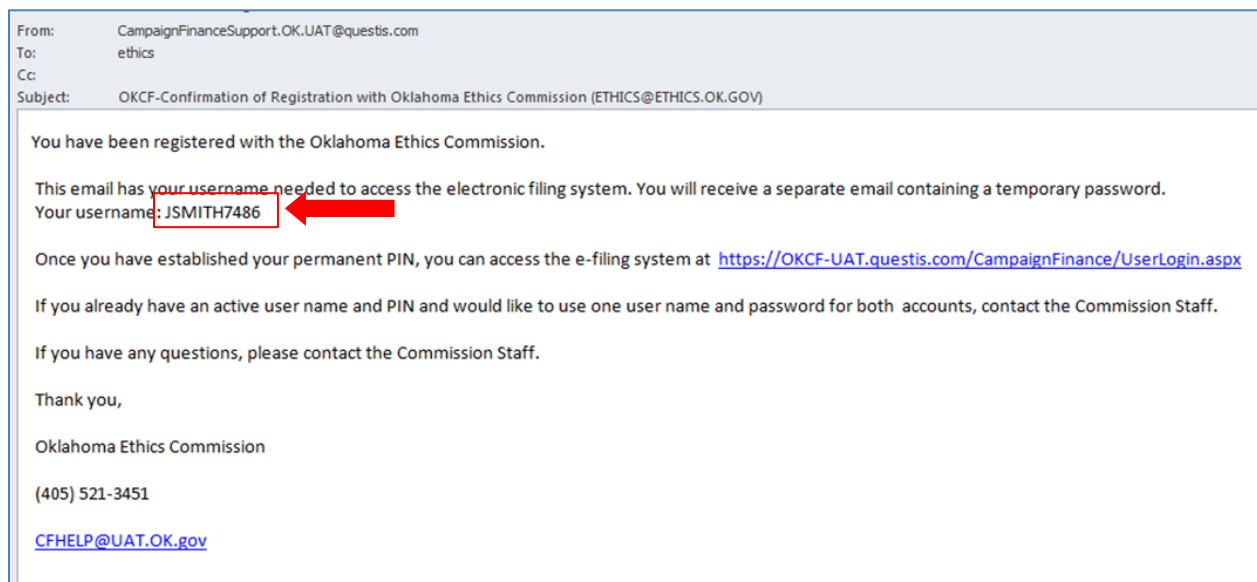
The Ethics Rules require elected state officials and state officials subject to retention to judicial office to file a financial disclosure statement in The Guardian System. These are filed through either an active campaign account of the required filer using the credentials assigned to the filer as the candidate, or, through a PFD account set up by the Commission staff.

If your logon credentials are known go to step 2 on page 9. Otherwise start at Step 1.

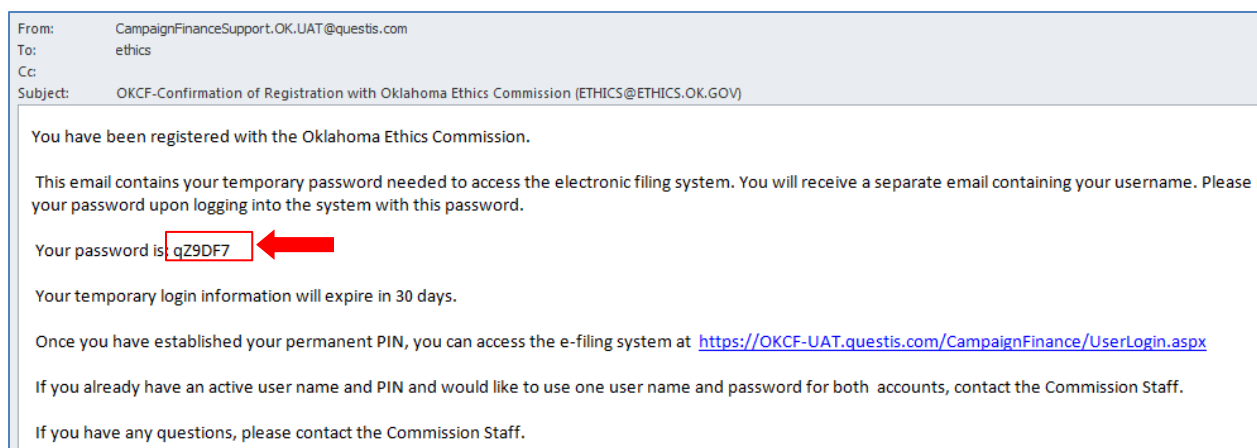
Step 1: Retrieve Guardian System Credentials

NEW FILERS: For filers who do not have a campaign account or an existing PFD account, the Commission staff will set up an account that only allows for filling out and filing PFDs. A username and temporary password will be emailed to the filer using their state email account. (See images below). The password will expire if a permanent password is not set up within 7 days. If this occurs, contact the Ethics Commission to have the credentials reset.

- **Password Setup: Example of the Email with the Username**



- **Password Setup: Example of the Second Email with the Temporary Password**



Forgot Password or Username? Individuals who have forgotten the assigned username or password are able to obtain or reset the username or password online using the links under the log in boxes on The Guardian System using the “Filer Login” tab.

- **Username:** If the username is unknown, click the “Forgot your User Name?” option on The Guardian System under the “Filer Login” tab. Enter the filer’s first name, last name and email address, and click on “Get User Name.” The system will ask a security question. If the security question is answered correctly, the system will send an email with the username.
- **Password:** If the password is unknown, use the “Forgot your password?” option. It will ask a security question. If the security question is answered correctly, the system will show your password in red.

Contact Ethics Staff If the Account is Locked or Password Expired. If you have difficulties accessing your account, contact the Ethics Commission Staff at (405) 521-3451 or ethics@ethics.ok.gov. Commission staff will only be able to assist the required filer with obtaining his or her own log in credentials. The Commission will not be able to assist a third party in retrieving the filer's username or password. Again, the PFD is required to be filled out and filed by the required filer.

Step #2: Log-in to The Guardian System

All filers must log-in to The Guardian System to file the financial disclosure statement. Access the Guardian System from the Ethics Commission homepage at www.ethics.ok.gov or click in the address bar of your web browser and go to <http://guardian.ok.gov>. Once on The Guardian Public Site Homepage, the filer will click on the "Filer Login" tab to insert their credentials to log-in to the system.



Filers with campaign accounts must use the log in credentials for the candidate's account to access the PFD. A candidate who is using his or her credentials and is not seeing the PFD option may be logging in with credentials assigned to them as treasurer or other officer. In this instance, the filer should contact the Commission to get the username and password associated with the account assigned to the candidate.

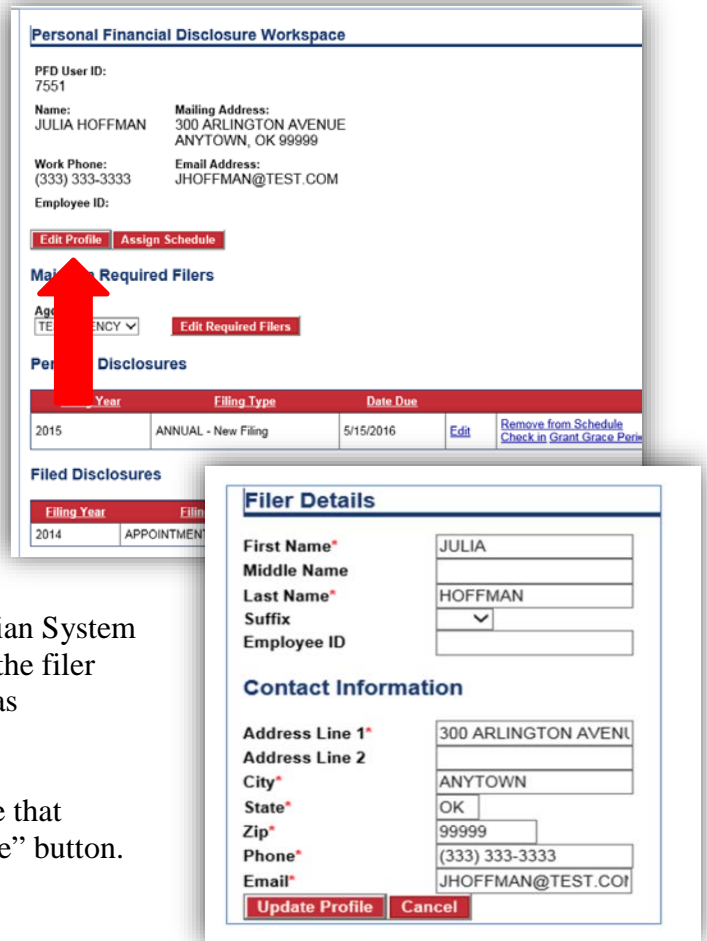
Step #3: Access the PFD Workspace

For filers who do not have a campaign account go to Step #4 on the next page. For filers with a campaign account continue below.

Filers with a campaign account, must use the candidate's credentials to login.

Step #4: Update PFD Profile in PFD Workspace

- Once the filer is on the Personal Financial Disclosure Workspace, the filer needs to edit the profile, name, address, work phone and email address to ensure it is up-to-date. The “Pending Disclosures” will be queued for filing and the “Filed Disclosures” from previous years, if any, will be displayed on your screen.
- Click the “Edit Profile” button to add or change profile information.
- NOTE:** For filer’s who have previously filed an Initial or Annual PFD, The Guardian System will automatically populate a PFD with previously entered information. You must review the information in The Guardian System to verify it is current and accurate. If not, the filer must remove, add, or modify information as necessary.
- Make any necessary changes and then save that information by clicking the “Update Profile” button.



Step #5: Complete and File PFD Report

- After updating your PFD profile in the PFD workspace, scroll down the page to the “Pending Disclosure” section and click the “Edit” link to start the PFD filing process.

Maintain Required Filers

Agency: TEST AGENCY

Pending Disclosures

Filing Year	Filing Type	Date Due		
2015	ANNUAL - New Filing	5/15/2016	Edit	Remove from Schedule Check in Grant Grace Period

Filed Disclosures

Filing Year	Filing Type	Date Due	Date Filed	Amended?		
2014	APPOINTMENT - New Filing	12/13/2015	1/23/2016	No	Amend View	Unfile Correct

- The first section you will see on the PFD report is “Filer Information.” The contact information listed within this section will automatically update when you update your PFD profile in Step #3.
- Note:** The filing year should be the year for which you are reporting the information, not the current year in which the report is due. All PFDs will cover the prior year’s activity. For example, if you have a report due on May 15, 2019, your filing year will show as 2018 because that is the year for which you are reporting activity.
- If you previously filed a PFD and the information for your report has not changed, click the checkbox next to “No Updates.” View [Appendix I](#) to view the content in the PFD report.
- The sections following the “Filer Information” lists a series of statements for the filer to read and attest to by clicking on the checkboxes. View [Appendix I](#) to view the content in the PFD report.
- Add any material financial interests by clicking “Add Disclosure.” If you do not have a material financial interest, click the checkbox next to “I do not have any material financial interests in any entity(ies).” View [Appendix I](#) to view the content in the PFD report.
- To finish and file the financial disclosure statement, the filer needs to certify that the information submitted in the report is complete, true, and accurate by clicking on the checkbox next to the acknowledgement statement. Finally, to submit the report, click on the red “submit” button.

By signing, electronic or otherwise, my name below, I, acknowledge that the information submitted is complete, true, and accurate as of the date submitted. I understand the failure to provide such information is a violation of the Ethics Rules of Oklahoma. I understand that I can update the information above at any time by filing an amended Financial Disclosure Statement.




- Once the form is filed, the filer should see a notice that affirms the submission. Click the “Finish” button to confirm you are finished.

Your Personal Financial Disclosure has been submitted.


Please use the "Click here" links below to print a copy of your Disclosure before leaving this page.

[Click here to view and print a copy of your Financial Disclosure](#)



NOTE: If the screen does not go to the page with the “Finished” button, scroll to the top of the page you are on and follow the instructions in red (red instructions indicates an error). Once the correction is made, hit submit again, and you should see the page with the “Finished” button.

- The financial disclosure report will move from “Pending Disclosures” to “Filed Disclosures” in the Financial Disclosure Workspace. Verify the Personal Financial Disclosure Statement Is Filed Through Public Search.

 Pending Disclosures

No Pending Disclosures.

Filed Disclosures

Filing Year	Filing Type	Date Due	Date Filed	Amended?	
2015	REGISTRATION - New Filing	7/13/2016	7/13/2016	No	Amend View

Step # 5: Verify Your Form Was Submitted Via Public Search Option

- A filer may verify the submission of a personal financial disclosure statement by performing a public search in The Guardian System. The search will only reveal whether the report was filed.
- To commence a public search, go to The Guardian System homepage, click on the “Search” tab and then click on “Financial Disclosure” from the drop-down menu.



- Next, enter the relevant information in the appropriate boxes and click the red “Search” button. The system will retrieve the information regarding the report, including the due date and whether the financial disclosure statement was filed (indicated by a “Yes” or “No”).



Amending a Filed Report

- If the filer needs to make changes in a financial disclosure statement during the year, the filer will log-in to their account and select the “Amend” option and make the changes.

Filed Disclosures

Filing Year	Filing Type	Date Due	Date Filed	Amended?	
2015	ANNUAL - New Filing	5/15/2016	3/11/2016	No	Amend View
2014	ANNUAL - New Filing	5/15/2015	5/12/2015	No	Amend View

- The filer will acknowledge the report and file it in the same way they filed their original report. Then, click the red “submit” button to submit the amended report.

Personal Financial Disclosure

Filing Date* 7/14/2016

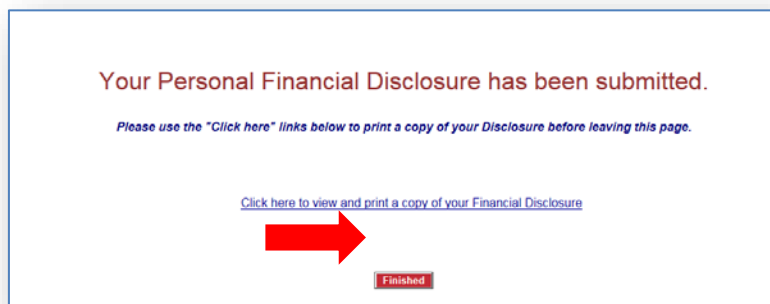
[Preview Unfiled Report](#)

Amended Financial Disclosure Statement Certification. I certify this amendment is not made for the purpose of reporting information that was intentionally omitted or misstated on the original or previously filed Financial Disclosure Statement.

By signing, electronic or otherwise, my name below, I, acknowledge that the information submitted is complete, true, and accurate as of the date submitted. I understand the failure to provide such information is a violation of the Ethics Rules of Oklahoma. I understand that I can update the information above at any time by filing an amended Financial Disclosure Statement.

[Submit](#) [Cancel](#)

- Once the amended report is submitted, the filer will see a screen that indicates the financial disclosure statement has been filed. The filed amended report, along with the original report, will be viewable on the Personal Financial Disclosure Workspace.



Pending Disclosures

No Pending Disclosures.

Filed Disclosures

Filing Year	Filing Type	Date Due	Date Filed	Amended?	
2015	REGISTRATION - Amendment	7/13/2016	7/14/2016	No	Amend View
2015	REGISTRATION - New Filing	7/13/2016	7/13/2016	Yes	View

Contact the Oklahoma Ethics Commission staff for assistance:
 Phone: (405) 521-3451 Email: ethics@ethics.ok.gov

APPENDIX I: PFD REPORT CONTENT

The following is the language included in the PFD form as seen in The Guardian System:

“Elected state officer” shall mean a state officer who is subject to election or judicial retention”

- I understand that as an elected state officer, as defined above, I am required to comply with the Rules of the Oklahoma Ethics Commission and that, according to the Oklahoma Supreme Court, those Rules have the “weight of statutes.”
- I have read and understand the Conflicts of Interest Rules in Rule 4 of the Ethics Rules including that as part of the Ethics Rules I am required to comply with more restrictive rules or policies established by the agency I serve as well as more restrictive provisions of the statutes of Oklahoma.

“Agency” is defined in Rule 4 to include any entity of state government created by the Constitution or laws of the State of Oklahoma and supported in whole or in part by state funds or entrusted with the expending of state funds or administering of state property or otherwise exercising the sovereign power of the State of Oklahoma.

- I understand the Ethics Commission Rules are available in the Oklahoma Statutes at Title 74, Chapter 62, Appendix I, and on the Ethics Commission website at www.ethics.ok.gov.
- I understand the Ethics Commission provides training, educational materials and is available to answer questions and provide analysis regarding the application of Ethics rules to specific fact situations.

1. Private Gain.

- I understand that elected state officers cannot use his/her State office (1) for his/her own private gain; (2) for the endorsement of any product, service, or enterprise; (3) for the private gain of a family member or person with whom he/she is affiliated in a nongovernmental capacity, including nonprofit organizations of which he/she is a member or officer; or (4) for the private gain of persons with whom he/she is seeking employment or business relations.

2. Solicitation of fund for civic, community or charitable organizations.

(Check only one checkbox)

- Non-Judicial Officers.** I understand it is not a misuse of office, under the Ethics Rules, to promote or solicit funds for civic, community or charitable organizations, including those promoting businesses or industries, or civic, community or charitable fund-raising events provided I receive nothing for doing so except the costs associated with the participation in a fund-raising promotion or event paid for from funds of a charitable organization.
- Judicial Officers.** I understand the more restrictive provisions of the Code of Judicial Conduct also govern my participation in the solicitation of funds for civic, community or charitable organizations.

3. Use of office, title or authority.

- I understand an elected state officer cannot use or permit the use of his/her office or title or any authority associated with his/her state office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise to the state officer,

the family members of the state officer, or person with whom he/she is affiliated in a nongovernmental capacity, except to the extent otherwise permitted or authorized by the Constitution, statutes or by the Ethics Rules.

4. **Material Financial Interest:**

- I understand I must disclose, on this form, any material financial interest as defined below, that I, my spouse or my dependent(s) had in the preceding calendar year covering January 1, 20XX through December 31, 20XX.

A material financial interest shall mean one or more of the interests identified below.

- an ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which I, my spouse or my dependent(s) is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which I, my spouse or my dependent(s) owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth \$20,000.00 or more;
- an ownership interest of 5% or more in a publicly traded corporation or other business entity;
- an ownership interest in a publicly traded corporation or other business entity from which dividends or income, not to include salary, of \$50,000.00 or more were derived during the preceding calendar year;
- an interest that arises as a result of service as a director or officer of a publicly traded corporation or other business entity;
- income derived from employment, other than compensation pertaining to the office subject to election or retention, in the amount of \$20,000.00 or more.

Disclose the name, address, and industry/occupation of all entities in which you, your spouse or your dependents had a material financial interest in the preceding calendar year, and who has the interest.

Click Add Disclosure to add a Material Financial Interest Item.

If you have no material financial interests in any entity(ies), check the box below indicating this.

- I do not have any material financial interests in any entity(ies)**

Click "continue" to go to the Filing Page to submit this Financial Disclosure Statement.

Continue

Return