

MINUTES OF REGULAR MEETING
OF THE ETHICS COMMISSION
STATE OF OKLAHOMA
HELD APRIL 11, 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, April 11, 2014, at 10:00 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, Jo Pettigrew ["Pettigrew"], and M. Robert McKinney ["McKinney"]. A quorum of members was declared. Commissioner Karen Long ["Long"] entered the meeting after consideration of the March 14, 2014, meeting minutes.
Staff & Visitors	<p>Commission staff members present were Lee Slater ["Slater"], Ashley Kemp ["Kemp"], Rebecca Frazier ["Frazier"], and Roberta Hale ["Hale"].</p> <p>Observing all or part of the meeting: Caroline Dennis, Senate Staff; Glenn Coffee, Attorney; Denise Davick, Attorney; Greg Schutte, OSU Graduate Student; Emily Summars, ECapitol News; Pamela A. Robinson, UCO Graduate Student and Nolan Clay, the Oklahoman.</p>
Introductions and Announcements	Chair asked for any introductions. Mr. Slater mentioned that graduate students from OSU and UCO were in attendance to observe the meeting.
Consideration, Discussion and Possible Action on Minutes for Regular Meeting and Executive Session held on March 14, 2014.	McKinney moved to approve minutes of the March 14, 2014, regular meeting and executive session. Pettigrew seconded. Roll was called and the vote was as follows: McKinney – yes, Pettigrew – abstained Stocker – yes. Motion carried. Long entered meeting following this motion.
Consideration, Discussion and Possible Action on Ratification of Agency Expenditures for the month of March, 2014.	Long moved for ratification of the agency expenditures. McKinney seconded. Roll was called on the motion and the vote was as follows: Long – yes, McKinney – yes, Pettigrew – yes, Stocker – yes. Motion carried.

Executive Director's
Report.

Slater reported that Senate Bill 1745, repealing and replacing the Political Subdivisions Ethics Act, had been approved unanimously after being amended by the House Committee on Rules. He said SB 1745, together with Senate Bills 1744 (criminal code) and 1746 (lobbying) were now ready for action by the full House and that, if approved, would be returned to the Senate for consideration of House amendments.

He said that meetings with Appropriations Committee Chairs, Senator Jolley and Representative Martin, and Subcommittee Chairs, Senator Marlatt and Representative Christian, to discuss the Commission's budget request for Fiscal Year 2015 were encouraging, but that no commitments were made. Slater said that budget negotiations were underway between the Senate, the House and the Governor and that he hoped to present a new software development and installation cost estimate to the negotiators for substantially less than the \$3.5 million previously requested.

Slater asked Deputy Director Kemp to discuss the status of new software exploration. Kemp explained the Commission had received three proposals from vendors, reviewed the proposals and determined its preferred vendor. OMES has likewise reviewed the proposals and recommended a vendor based on its criteria and contingent on state security compliance verification. The vendor recommended by OMES is the same as preferred by Commission staff. The Commission will work with OMES to gather the information it needs to resolve any compliance issues.

Slater also asked Deputy Director Kemp to discuss changes to the Commission's Internet website. Kemp explained the Commission staff continues to make the website more user friendly and is systematically redesigning sections of the website to assist users in accessing the information they need to comply with the Ethics rules.

Slater complimented Suzi Bryan and Hale for their excellent work during the filing period for candidates for state offices and invited the Commissioners to observe their activities outside the Commission's offices following the meeting. Slater also singled out Deputy Director Kemp and General Counsel Frazier for their excellent work while he was out of the office earlier in the month.

Slater asked Deputy Director Kemp to explain changes in the process of filing statements of financial interests with the Commission. Kemp explained the statements of financial interests filings are the most cumbersome repository function the agency serves. The agency reviewed its procedures after last year's filing period, identified areas of improvement and has implanted procedures to improve on the process.

Slater announced that the Council on Governmental Ethics Laws (COGEL) conference is scheduled for December 7-10, 2014, at the Omni William Penn Hotel in Pittsburg, PA, and encouraged members who would like to participate to notify him as soon as possible. He said Deputy Director Kemp planned to attend.

General Counsel's
Report

General Counsel Frazier explained her memorandum to the Commission regarding the creation of late filing fees, registration fees and training fees through the Commission's constitutional rulemaking process. Ms. Frazier explained that the Commission has authority pursuant to Article 29 of the Oklahoma Constitution to promulgate constitutional rules establishing late filing fees, registration fees and training fees.

Frazier stated that the U.S. Supreme Court issued the *McCutcheon v. FEC* opinion on April 2, 2014. Frazier explained that in a 5-4 vote the Court struck down aggregate campaign contribution limits as a violation of First Amendment freedom of speech and freedom of association rights. Frazier also explained that there is no impact to the State of Oklahoma as a result of this ruling because Oklahoma's current and proposed 2015 Ethics Rules do not establish aggregate limits.

Consideration,
Discussion and
Proposed Action on
Closed/Executive
Session

Frazier gave the statement of advice of counsel to go into Executive Session. Long moved to go into Closed/Executive session. McKinney seconded. Roll was called and the vote was as follows: Long – yes, McKinney – yes, Pettigrew – yes, Stocker – yes. **Motion carried to go into Executive/Closed session at 10:48 a.m.**

Possible Action to Return
to Open Session

Long moved to reconvene in open session at 12:13 p.m. Pettigrew seconded. Roll was called and the vote was as follows: Long – yes, Pettigrew – yes, McKinney – yes, Stocker – yes. **Motion carried.**

Consideration,
Discussion and Possible
Action on Items
Considered in Executive
Session

Commissioner Long made the following motion: Madam Chair, I have a motion in that regard. I move the Commission to determine that the information provided in support of the 540 complaints set out in attachment A does not provide an adequate basis to believe that violations of Commission rules may have occurred and to dismiss those complaints for the following reasons:

1. An elected state officer filed complaints 13-12 through 13-752, 14-001 and 14-002.
2. The Commission staff read and conducted a preliminary inquiry into each complaint, involving the expenditure of more than 300 hours of time.

3. 150 of the complaints were against campaign committees that were in complete compliance with Commission rules.
4. 357 complaints were against campaign committees that acted within the spirit and intent of Commission rules.
5. 2 complaints were matters that had previously been addressed and resolved by the Commission.
6. 15 complaints were alleged to have been committed on dates that did not exist, specifically, February 31, 2010, or were not signed by the complainant.
7. 12 complaints concerned actions that occurred more than three years before the date of the complaint, thus beyond the period of limitations for filing complaints, as set forth in Commission rules. Complaint forms provided by the Commission contain a conspicuous statement of the 3 year limitation period.
8. 3 complaints were against alleged political action committees that do not exist. Rather, they are fictitious entities created by the Commission staff to test its computer software, and are clearly marked as such.
9. 1 complaint contains an allegation of a violation of Commission rules, but does not identify in any manner who, or what entity, allegedly violated the rules.

McKinney seconded. Roll was called and the vote was as follows: Long – yes, McKinney – yes, Pettigrew – yes, Stocker – yes. **Motion carried.** 540 complaints dismissed.

Commissioner Long made the following motion: Madame Chair, I have an additional motion regarding 14-006. Long moved that the Commission to determine that the information received in support complaint 14-006 does not provide an adequate basis to believe that a violation of Commission rules may have occurred, and therefore an investigation not be initiated.

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

New Business

There was no new business to discuss.

Adjournment

Pettigrew moved to adjourn. Long seconded. Roll was called and the vote was as follows: Pettigrew – yes, Long – yes, McKinney – yes, Stocker – yes. **Motion carried.** Meeting ended at 12:20 p.m.



LEE SLATER, Executive Director

Approved on Behalf of the Commission:



CATHY STOCKER, Chair
LS/rah