

MINUTES OF REGULAR MEETING
OF THE ETHICS COMMISSION
STATE OF OKLAHOMA
HELD JUNE 13, 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, June 13, 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"], Thomas Walker ["Walker"], M. Robert McKinney ["McKinney"] and Karen Long ["Long"]. A quorum of members was declared.
- Staff & Visitors Commission staff members present were Lee Slater ["Slater"], Ashley Kemp ["Kemp"], Rebecca Frazier ["Frazier"], and Roberta Hale ["Hale"].
- Observing all or part of the meeting: Stephanie Black, OEC Legal Intern; Geoffrey Long; Denise Davick, Attorney; Glenn Hightower, Oklahoma County Democrats; Christie Southern, E Capitol News.
- Introductions and No introductions and announcements.
- Announcements
- Consideration, Pettigrew moved to approve minutes of the May 9, 2014, regular meeting Discussion and Possible and executive session. Walker seconded. Roll was called and the vote Action on Minutes for was as follows: Pettigrew – yes, Walker – yes; McKinney – yes, Long – Regular Meeting and yes, Stocker – yes. **Motion carried.** Executive Session held on May 9, 2014.
- Consideration, Walker moved for ratification of the agency expenditures. McKinney Discussion and Possible seconded. Roll was called on the motion and the vote was as follows: Action on Ratification of Walker – yes, McKinney – yes, Walker – yes, Pettigrew – yes, Long – Agency Expenditures for yes, Stocker – yes. **Motion carried.** the month of May, 2014.

Executive Director's
Report.

Slater reported that Governor Fallin had signed into law Senate Bills 1744 (criminal penalties for excessive campaign contributions), 1745 (repeal and replacement of Political Subdivisions Ethics Act) and 1746 (lobbyist regulation) on May 19, 2014. He said the agency had been approved for a Fiscal Year 2015 operating budget appropriation of \$738,129, the same as for the current fiscal year. He said that a total of \$718,620 had been appropriated through a supplemental appropriation for the development and implementation of new software for campaign finance, lobbyist registration and reporting and financial disclosure software. He said Deputy Director Kemp noticed that the effective date of the supplemental appropriation would have made it effective immediately, thus creating a difficult situation in which the Commission would be required to enter into a contract before the end of the fiscal year on June 30, 2014. Slater stated that problem was solved by passage of Senate Bill 1136 which made the supplemental appropriation available July 1, 2014, at the beginning of Fiscal Year 2015.

Slater expressed his appreciation to Governor Fallin, President Pro Tempore Bingman, Speaker Hickman, Senators Jolley and Marlatt, Representatives Scott Martin and Christian, Senator Burrage, Representative Inman, Representative Russ, Denise Northrup and Steve Mullins of the Governor's staff, Randy Dowell and Caroline Dennis of the Senate staff, Mark Tygret of the House fiscal staff, Mike Widell, Melvin Mungai and Shauna Cole of the Office of Management and Enterprise Services Information Services Division and especially to Senator Griffin for their support during the legislative session.

Slater expanded on the program of work that the Commission faces during the coming year, including development and implementation of new software, adoption of new forms for all registration and reports, development and maintenance of a new website--while simultaneously maintaining the current website, analysis of needs for amendments to the statutes and Rules, annotation of the newly promulgated Rules, training programs for more than three dozen user groups and development and implementation of auditing programs.

Passage of a bond issue for renovation of the Capitol building probably means that the agency will be moved at least temporarily from the capitol in the summer of 2015 while renovation work is done in the basement, Slater said. He said that he is exploring the possibility of making the move permanent by consolidating physical facilities with another agency, such as the State Election Board, to develop economies of scale by sharing such things as conference rooms and reception areas.

Slater provided statistics showing marked improvement in receipt of Statements of Financial Interest between the preceding year and the

current year, crediting Roberta Hale with the progress. He said 86 percent of the persons listed by agency liaisons had filed reports to date, a marked improvement over the 60 percent who filed in all of 2013. He said the effort will continue to obtain statements from the remaining 1,014 persons who are required to file.

Slater said the Commission will be called upon to decide how much information from financial disclosure statements it wishes to make available on-line once filing becomes completely electronic in 2015. He said all information will be available, at least in paper form, but he said that there had been concern expressed in the past about having financial information available on-line.

Slater said he spoke to the Oklahoma Bondsman Association on June and that he would speak to another continuing education meeting of the organization in Tulsa on June 17.

He also noted that Commissioner Walker was scheduled to moderate a panel on "A Fair and Impartial Judiciary" at the Sovereignty Symposium.

General Counsel's
Report

General Counsel Frazier discussed the summer externship program and introduced the Commission's summer intern, Stephanie Black, from the Oklahoma City University School of Law.

Frazier discussed *RNC v. FEC*, a case filed on May 23, 2014, in the U.S. District Court for the District of Columbia regarding whether a political party committee can solicit and receive unlimited contributions to fund independent expenditures. Frazier explained the potential impact of this case in light of the United States Supreme Court's rulings in *Citizens United* and *McCutcheon*.

Frazier also discussed *Riddle v. Hickenlooper*, a 10th Circuit Court of Appeals ruling regarding disparate contribution limits in Colorado. Frazier explained that the Commission staff would further analyze this ruling and its potential impact on the Commission's recently promulgated rules creating campaign contribution limits.

Frazier provided the Commission with an update regarding the Oklahoma Secondary Schools Activities Association ("OSSAA"), and its compliance with the Commission's settlement agreement. Frazier explained that the OSSAA has acted quickly to comply with the settlement agreement by paying the agreed-upon fine and by amending OSSAA policies regarding playoff passes. Lastly, Frazier explained that the OSSAA is in the process of updating its website to provide public notice regarding the settlement agreement and subsequent policy changes.

Consideration,
Discussion and Possible
Action on
Recommendation of
Code of Professional
Responsibility for
Interpreters in Oklahoma
Courts.

Long moved for the adoption of the Code of Professional Responsibility for Interpreters in Oklahoma Courts by the Commission. Walker seconded. Roll was called and the vote was as follows: Long – yes, Walker – yes, Pettigrew – yes, McKinney – yes, Stocker - yes. **Motion carried.**

Consideration,
Discussion and
Proposed Action on
Closed/Executive
Session #1

Long moved to go into Closed/Executive session. Walker seconded. Roll was called and the vote was as follows: Long – yes, Walker – yes, Pettigrew – yes, McKinney – yes, Stocker - yes. **Motion carried to go into Executive/Closed session at 10:43 a.m.**

Possible Action to Return
to Open Session

Walker moved to reconvene in open session at **11:42 a.m.** McKinney seconded. Roll was called and the vote was as follows: Walker – yes, McKinney – yes, Pettigrew – yes, Long - yes, Stocker – yes. **Motion carried.**

Consideration,
Discussion and
Proposed Action on
Closed/ Executive
Session #2

Frazier gave the statement of advice of counsel to go into 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, McKinney – yes, Pettigrew – yes, Stocker - yes. **Motion carried to go into Executive/Closed session at 11:50 a.m.**

Possible Action to Return
to Open Session

Walker moved to reconvene in open session at **1:14 p.m.** Long seconded. Roll was called and the vote was as follows: Walker – yes, Long – yes, McKinney – yes, Pettigrew – yes, Stocker – yes. **Motion carried.**

Commissioner Walker made the following motion: Madam Chair, I move the Commission to dismiss complaint 14-007.

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

Commissioner Walker made the following motion: Madam Chair, I move the Commission to determine that the information received in support of complaint 14-008 provides an adequate basis for the belief that a conflict of interest violation of Ethics Commission rules may have occurred and that an investigation of the suspected violation is warranted and that we authorize an investigation to be conducted with the authority to issue subpoenas.

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

Minutes of Regular Meeting held June 13, 2014.

New Business There was no new business to discuss.

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

Meeting ended at 1:20 p.m.



LEE SLATER, Executive Director

Approved on Behalf of the Commission:



CATHY STOCKER, Chair