

MINUTES OF REGULAR MEETING AND PUBLIC HEARING
OF THE ETHICS COMMISSION
STATE OF OKLAHOMA
HELD OCTOBER 12, 2018

- Call to Order. Upon notice, with the 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 forty-eight (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 12, 2018, at 10:01 a.m. Chair John Hawkins ["Hawkins"] 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: Chair John Hawkins ["Hawkins"], Cathy Stocker ["Stocker"], Vice-Chair Karen Long ["Long"], Holly Johnson ["Johnson"] and Charles Laster ["Laster"]. A quorum of members was declared.
- Staff & Visitors. Commission staff members present at all or part of the meeting were Ashley Kemp ["Kemp"], Stephanie Black ["Black"] and Ariel Hawkins.
- Observing all or part of the meeting: Denise Lawson, Attorney; Glenn Coffee, Attorney; Cara Rodriguez, Attorney; A.J. Ferate, Attorney; David Oakley, LegisOK; Shawn Ashley, eCapitol; Caroline Dennis, Senate; Matt Duehning, Senate; Barrett Brown, Senate; John Tidwell, Americans for Prosperity; Barbara Hoberock, Tulsa World; Nolan Clay, The Oklahoman.
- Open Meeting Act Compliance. In compliance with Open Meetings Act.
- Introductions and Announcements. None.
- Status update and discussion of Amendment 2019-02. This amendment modifies the Lobbyist Rules in Rule 5 of the Constitutional Ethics Rules concerning disclosure of source and funds used for communications to influence a vote of the legislature concerning pending legislation. Explanation of Amendment 2019-02 by Executive Director Kemp.

PROPOSED DRAFT/SUBJECT TO REVISION

Public comment. AJ Ferate, representing the Oklahoma Republican Party, opposes the proposed amendment, contending that it restricts Freedom of Speech. He is also apprehensive about the proposed amendment from an educational perspective; specifically. He expressed his concern regarding the potential of unintentional violations of such rule by uninformed Oklahoma citizens.

John Tidwell, on behalf of Americans for Prosperity in Oklahoma, opposes the proposed amendment., contending that it restricts Freedom of Speech and Freedom of Association. He expressed concerns over a possible chilling effect that the proposed amendment could have on speech and believes the Commission is overstepping its authority with this proposed amendment.

Comments and questions by Commissioners and staff. Comments by Hawkins.

Status Update and Discussion of Amendment 2019-04. This amendment modifies the Campaign Finance Rules in Rule 2 of the Constitutional Ethics Rules involving candidate committee to candidate committee contributions.

Explanation of Amendment 2019-04 by Executive Director Kemp.

Public comment. Comments by AJ Ferate.

Comments and questions by Commissioners and staff. Comments by Vice-Chair Long.

Consideration, discussion, and possible action on minutes for the regular meeting, public hearing, and executive session held September 14, 2018.

Commissioner Laster moved to approve the minutes for the regular meeting, public hearing and executive session held September 14, 2018.

Commissioner Stocker seconded.

Roll was called and the vote was as follows: Laster - yes, Stocker - yes, Hawkins - yes, Long - yes, Johnson - yes.

Motion carried.

PROPOSED DRAFT/SUBJECT TO REVISION

Executive Director's Report. Report was provided by Executive Director Kemp on agency expenditures for the month of September 2018, FY 19 budget and FY 20 budget request, historical commission documents, continuing education programs and compliance, and COGEL 2018.

Consideration, discussion and possible action on Closed/Executive session. Commissioner Laster moved that pursuant to counsel's advice as set forth in the agenda, the Commission go into executive session in the Commission offices in Room G-27.

Commissioner Johnson seconded.

Discussion or comments by commissioners. None.

Roll was called and the vote was as follows: Laster - yes, Johnson - yes, Hawkins - yes, Stocker - yes, Long - yes.

Motion was carried to go into Executive/Closed session at 11:02 a.m.

Executive session was held in the conference room located within the Ethics Commission office on the ground floor of the Capitol, Rm. G-27.

Possible Action to return to Open Session. **Commissioner Stocker moved to reconvene in Open Session at 11:42 a.m.**

Commissioner Laster seconded.

Discussion or comments by Commissioners. None.

Roll was called and the vote was as follows: Stocker - yes, Laster - yes, Hawkins - yes, Long - yes, Johnson - yes.

Motion carried.

Consideration, discussion and possible action on items considered in executive session. Commissioner Long moved to approved the proposed settlement agreement to resolve Case No. 2018-14.

Commissioner Stocker seconded.

PROPOSED DRAFT/SUBJECT TO REVISION

Roll was called and the vote was as follows: Long - yes, Stocker - yes, Hawkins - yes, Johnson - yes, Laster - yes.

Motion carried.

Commissioner Long moved to authorize a formal investigation on Complaint C-18-23 based on the determination that there is reasonable cause to believe that the person or persons named in the complaint have violated Campaign Finance Ethics Rule 2.

Commissioner Stocker seconded.

Roll was called and the vote was as follows: Long - yes, Stocker - yes, Hawkins - yes, Johnson - yes, Laster - yes.

Motion carried.

Commissioner Long moved to authorize the Chair of the Commission to make decisions on behalf of the Commission in *Institute for Justice v. John Hawkins, Karen Long, Holly Easterling, Charlie Laster, Cathy Stocker, Ashley Kemp*.

Commissioner Stocker seconded.

Roll was called and the vote was as follows: Long - yes, Stocker - yes, Hawkins - yes, Johnson - yes, Laster - yes.

Motion carried.

Nomination, consideration and action on election of Commission Chair for 2018-2019.

Commissioner Stocker nominated Vice-Chair Long as the Commission Chair beginning on adjournment of this meeting for the next year.

Commissioner Johnson seconded.

Roll was called and the vote was as follows: Stocker - yes, Johnson - yes, Hawkins - yes, Long - abstain, Laster - yes.

Motion carried.

Nomination, consideration and action on election of Commission Vice-Chair for 2018-2019.

Commissioner Stocker nominated Commissioner Laster as the Commission Vice-Chair beginning on adjournment of this meeting for the next year.

PROPOSED DRAFT/SUBJECT TO REVISION

Commissioner Johnson seconded.

Roll was called and the vote was as follows: Stocker - yes, Johnson - yes, Hawkins - yes, Long - yes, Laster - abstain.

Motion carried.

New Business.

None.

Adjournment.

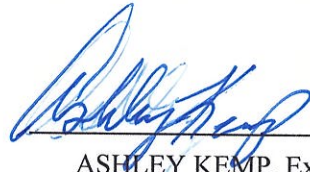
Commissioner Laster moved to adjourn.

Commissioner Johnson seconded.

Roll was called and the vote was as follows: Laster - yes, Johnson - yes, Hawkins - yes, Stocker - yes, Long - yes.

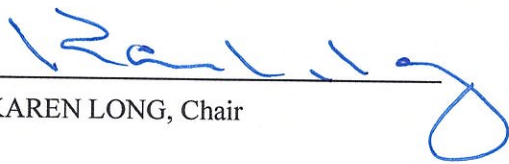
Motion carried.

Meeting ended at 11:46 am.



ASHLEY KEMP, Executive Director

Approved on Behalf of the Commission:



KAREN LONG, Chair