



OKLAHOMA ETHICS COMMISSION

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Staff Memorandum 2015-03

A State Senator is also a member of a professional organization related to the Senator's private business employment. The Senator also serves in a leadership role of the professional organization. The Senator has been a member and leader in the organization for many years prior to election to the Senate. Through this position, the Senator is required to attend certain meetings and events that include travel, lodging, and meals. Traditionally, the Senator's expenses have been paid for by the professional organization. The professional organization pays these same expenses for all individuals that attend these events. The professional organization is also a lobbyist principal. Will the professional organization be allowed to continue to pay the expenses for the Senator?

The professional organization will be able to continue the payment of reimbursements and expenses under these facts. Rule 4.14 states, "A state officer or employee may accept meals, lodging, transportation and other benefits resulting from his or her private business or employment activities when such benefits have not been offered or enhanced because of the state officer or employee's status as a state officer." In this case, there are a few facts to take special note of. First, the arrangement has been longstanding and existed prior to the election as a state officer. The rule requires that the private business benefits may not be enhanced or given as a result of their status as a state officer. Longstanding, prior arrangements such as this are a key fact in determining that the benefits are not being given as a result of their status as a state officer.

Second, the reimbursements and benefits are the same, or substantially similar, for all members and directors that are similarly situated. This is another key fact that shows the benefits are not being given or enhanced as a result of their status as a state officer.

Finally, the Senator is a member of the organization and is employed in its associated industry. This is an additional key fact that supports the interpretation that these benefits are given as a result of private business activities and not as a result of their status as a state officer.

Therefore, based on these facts, the professional organization will be allowed to continue the reimbursements and expenses.