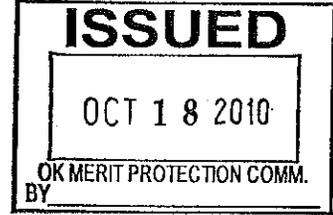


**BEFORE THE OKLAHOMA MERIT PROTECTION COMMISSION
STATE OF OKLAHOMA**

GLEN D. WILLIAMS,)
Appellant,)
)
v.)
)
OKLAHOMA DEPARTMENT)
OF TRANSPORTATION,)
Appellee.)

Case No. MPC 10-293



ORDER

This matter comes on for decision before the duly appointed undersigned Administrative Law Judge for the Oklahoma Merit Protection Commission, upon a Motion for Summary Judgment of the Appellant, Glen D. Williams, through his counsel, Daniel Gamino. The Appellee, Oklahoma Department of Transportation, by and through counsel, Tamar Scott, has responded, objecting in general to the granting of Summary Judgment. An extension of the time to respond was granted to the Appellee.

Appellant Glen Williams was a permanent, classified state employee who appealed an adverse disciplinary action of discharge. After careful consideration of the record, including all undisputed facts, and the pleadings and exhibits, the undersigned Administrative Law Judge finds and orders as follows.

FACTS¹

1. Appellant Glen Williams (hereinafter "Williams") was a classified employee of the Appellee Oklahoma Department of Transportation (hereinafter "DOT"). Day was employed as a Transportation Specialist III. His duties included assisting local governments with acquisition and right-of-way projects. (Exhibits "1", "2" and "3").
2. On or about February 19, 2010, DOT became aware of Williams activities in using DOT resources for personal gain in attempting to obtain fees for assisting county governments in

¹ Exhibits attached hereto were each attached to either the Appellant's Motion for Summary Judgment or the Appellee's Response, filed herein.

recovery of funds for completed projects. DOT official Kurt harms spoke with Williams about this information on that date. (Exhibit "1" and "2"). Williams was place on suspension with pay. Five (5) days later, on February 24, 2010, DOT issued a Notice of Proposed Disciplinary Action – Notice of Pre-Disciplinary Action proposing a Suspension Without Pay for ten (10) days. (Exhibit "4"). This Notice listed Misconduct, Conduct Unbecoming a State Employee and Just Cause as the cause for the proposed discipline. Also, The details forming the basis for the action were contained in the attached Specifics of Cause supplemental document. A hearing was scheduled for March 4, 2010.

3. On February 28, 2010, Williams sent an e-mail waiving his right to hearing and agreed to accept the proposed discipline. (Exhibit "5"). On March 3, 2010, DOT issued its Notice of Disciplinary Action and Specifics of Cause imposing the discipline of a Suspension Without Pay for ten (10) days. (Appellee's Exhibit "6"). Williams was suspended without pay from March 8, 2010 through March 19, 2010.

4. After the discipline was imposed, DOT apparently determined that further investigation should be made into the matter. Upon his return from the suspension without pay, Williams was questioned by a DOT investigator. At some point, new information led DOT to determine that the situation was more serious and extensive than it initially thought. DOT unilaterally decided to "expunge" the previous discipline of the 10 day Suspension Without Pay and begin a new disciplinary proceeding proposing to terminate Williams' employment. The exact date and method of this "expungement" is not part of the record, however, it is discussed in an April 20, 2010 memo from Brian Kirtley to Kurt Harms. (Appellee's Exhibit "7").

5. On April 26, 2010, DOT issued another Notice of Proposed Disciplinary Action – Notice of Pre-Disciplinary Action proposing Discharge of Williams. (Exhibit "8"). This Notice included the previously listed Misconduct, Conduct Unbecoming a State Employee and Just Cause as the cause for the proposed discipline and added a new ground of Willful Violation of the Personnel Act, Ethics Rules and Merit Rules. Again, DOT attached a Specifics of Cause supplemental document, which contains essentially the same first three pages of Specifics from the previous disciplinary action, plus some new and additional allegations, including that Williams received \$15,400 in fees from local governmental entities and that he was dishonest and untruthful in his previous representations to DOT. (Comparing Exhibits "4" and "6" with "8"). A pre-termination hearing was scheduled for May 3, 2010.

6. On May 8, 2010, DOT terminated Williams by its Notice of Disciplinary Action, (Exhibit "9").

7. In this Motion for Summary Judgment, all of the facts must be viewed in a light most favorable to DOT, the party opposing this Motion. There is some disagreement about who was present in the various interviews/discussions; however, there are very few disputed *relevant* facts.

DISCUSSION

The material facts are as cited above and supported by the Exhibits attached hereto which were supplied by the parties. Appellant may have been untruthful and may have not been forthcoming about all of his activities, however, for purposes of this Order, it is clear and undisputed that DOT undertook the first disciplinary action seeking only a suspension without pay. This was based upon a brief investigation and primarily upon the discussions with Williams. It is also undisputed that Williams did not oppose the proposed discipline and on March 3, 2010, DOT issued its Notice of Disciplinary Action imposing the discipline. Williams then was suspended without pay from March 8, 2010 through March 19, 2010. No appeal was commenced by either party. The first disciplinary action became a final agency action.

For purposes of this Order, the details of who talked to whom and when is not important. DOT claims that Williams withheld vital information or was untruthful in the first investigation. This Order makes no determination about those issues. It is apparent that DOT failed to properly and comprehensively investigate this matter before it quickly imposed the first discipline. DOT appears to have only conducted a full investigation after the employee was serving his suspension without pay.

This Motion for Summary Judgment is essentially based upon the argument that the DOT is not entitled to a "do-over", i.e. they cannot "expunge" the previously imposed and served disciplinary action and subsequently imposed a more severe discipline for the same activity. The Motion challenges DOT's ability to "expunge" a final disciplinary action and argues that res judicata precludes DOT from imposing the second discipline.

Regarding DOT's ability to "expunge" a final disciplinary action, Williams claims that there is no legal authority to permit DOT to take this action and/or that DOT has exceeded its

authority in doing so. DOT argues that the power to “expunge” or “rescind” disciplinary action is “inherent” or implied. DOT further argues that the first disciplinary action was not “final” because it was later rescinded. Accepting this argument would allow an agency to rescind discipline arbitrarily and months, perhaps, years after its imposition. This would have a chilling effect on the “finality” of agency actions and would create uncertainty in the disciplinary process. To the contrary, at the least, the discipline became final when the decision was issued, the employee served his suspension without pay and the appeal time expired. At that point, the action was “final”.

The question is, then, can an agency unilaterally rescind a final disciplinary action and replace it with a more severe discipline? I agree with the numerous Oklahoma cases cited by the Appellant that state agencies can only exercise those powers which are granted by statute and rulemaking. Generally, an agency has, by implication and in addition to the powers expressly given by statute, such powers as are necessary for the due and efficient exercise of the powers expressly granted, or such as may be fairly implied from the statute granting the express powers. *Oklahoma Tax Commission v. Fortinberry Co.*, 1949 OK 75, 207 P.2d 301. However, an agency created by statute may only exercise the powers granted by statute and cannot expand those powers by its own authority. *Boydston v. State*, 1954 OK 327, 277 P.2d 138; *Adams v. Professional Practices Commission*, 1974 OK 88, 524 P.2d 932. Agencies created by statute may only exercise the powers granted by statute, and while an agency may exercise powers fairly implied from those expressly given, it may not expand those powers by its own authority. See also, *Marley v. Cannon*, 1980 OK 147, 618 P.2d 401.

Appellant has cited *Board of Medical Licensure v. Migliaccio*, 1996 OK CIV APP 37, 917 P. 2d 483 in support of his argument that DOT lacked authority to rescind or expunge the action. Although the case deals with an issue under the Open Records Act, the reasoning is persuasive. The Court in *Migliaccio* found no authority, either express or implied, for the agency to expunge records of disciplinary action taken, stating that where the Legislature has intended to allow expungement of records, it has done so expressly and in specific detail

DOT has not cited to anything in the DOT statutes or in any established written policies and procedures or rules which grant them this power. DOT argues that since it has the express authority to hire, fire and discipline its employees, it has the “implied” or “inherent” power or authority to rescind the discipline. The Personnel Act and Merit Rules do not grant express

authority permitting an agency to unilaterally “expunge” or rescind a final disciplinary action. In fact, the Personnel Act, specifically provides that the purpose of the statutes dealing with discharge, suspension or demotion of employees is to provide a system for the prompt, fair, and equitable disposition of appeals. See 74 O.S. §840-6.5 and OAR 455:10-11-2. The provisions on progressive discipline and for hearing procedure similarly fail to contain any “implied” intention to permit the agencies to re-do actions. This ability to take another “bite at the apple” discourages agencies to fully investigate allegations and take the appropriate steps and follow the appropriate procedures in making disciplinary decisions. To allow an agency to unilaterally rescind its actions after the fact creates an untenable situations where employees could never have finality. Further, suffice it to say, DOT would have not permitted the employee from unilaterally rescinding the action if he determined he made a hasty decision without considering all of the facts.

This is not a case where DOT made a procedural or factual error and needs to correct it. This is also not a matter where a negotiation or appeal necessitated altering the imposed discipline. This is simply a matter where the agency changed its mind. It is the decision of the undersigned Administrative Law Judge that there is no implied or express authority to permit an agency to unilaterally “expunge” or “rescind” a final disciplinary action, only to replace it with a higher level of discipline. As a result of this lack of authority to rescind or expunge, the previous disciplinary action should be reinstated.

This Order will not address the Appellant’s arguments that any second disciplinary action is barred by res judicata. Having reinstated the suspension without pay, and restored Williams to his position, there is nothing in this Order which prevents DOT from disciplining the Appellant for the additional misconduct, including dishonesty, based solely upon new evidence not included in the previous Suspension without Pay. This decision is limited to reinstating the first disciplinary action and, except as specifically set forth herein, does not make any factual determination on the validity or appropriateness of additional actions based on additional facts or evidence discovered after the March 3, 2010 Notice of Discipline.

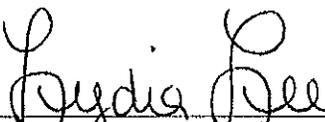
CONCLUSIONS OF LAW

1. The Oklahoma Merit Protection Commission has jurisdiction over the parties and the subject matter in this cause and the filing of this Request was timely.

2. Any finding of fact which is properly a conclusion of law is so incorporated herein as a conclusion of law.
3. There is no dispute as to either material facts or inference to be drawn from undisputed facts, and only questions of law are involved making this matter appropriate for a grant of summary judgment pursuant to OAC 455:10-9-2.
4. For purposes of this Order, once a disciplinary action has been served by the employee and appeal time has run, the discipline becomes a final action.
5. Pursuant to the reasoning and authorities set forth in this Order, the undersigned Administrative Law Judge, after review of the Motion and Response and attached Exhibits, finds that DOT was without implied or express authority to unilaterally "expunge" or "rescind" the final disciplinary action issued on March 3, 2010, only to replace it with a higher level of discipline.
6. Having found that DOT was without authority to rescind the action, the expungement is void and held for naught. As a result, the previous final disciplinary action of March 3, 2010 of a suspension without pay for ten days is reinstated.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the undersigned Administrative Law Judge that the Motion for Summary Judgment of Appellant Glen Williams, MPC 10-293 is GRANTED, as provided in this Order. The Appellant, Glen Williams, is reinstated to his previous position with the appropriate back pay and benefits.



Lydia Lee, OBA # 10374
Administrative Law Judge

8. At the Pre-Termination Proceeding ODOT did not ask me any other questions. Nor did ODOT have any investigator present to conduct any interrogation. ODOT did not request any additional records from me. Mr. Harms imposed a two-week suspension without pay and removed me from any LPA duties.

9. I specifically inquired if the two-week suspension without pay was the final resolution. Mr. Harms said he was authorized to act and make a final decision by Mr. David Streb, Senior Staff. Mr. Harms said Mr. Streb was behind whatever discipline Mr. Harms might impose.

10. With that assurance, I elected to accept the two-week suspension without pay. I agreed to waive any hearing. I waived any appeal rights.

11. Attached is a copy of the specifics of cause and the Notice of Disciplinary Action served on me on March 3, 2010.

12. I served two-week suspension without pay from March 8 to March 19, 2010. During that two-week suspension ODOT did not ask me any other questions. No ODOT investigator ever contacted me. ODOT did not request any additional records from me.

13. On March 22, 2010, I returned to work. That very same day ODOT investigator Skip Nicolson came to my office. Mr. Nicolson was accusatory and harassing and questioned me with a tape recorder running. I answered the questions the same way I previously answered those questions about Tyler Williams and Mayes County. Investigator Skip Nicolson did not ask questions on any other topics or any new allegations.

14. I did not understand why I was still subjected to investigations at this time. The stress and uncertainty made me ill. When I left the office to see Dr. Loveless' PA Mr. Randy Carter, Mr. Blackwell assured me that I had already served my suspension and ODOT could not discipline me for the same thing again.

15. I was ordered to stay home for a week and prescribed stress medication. During that week the investigator Mr. Nicolson was at my office every day to see if I was back to work.

16. On April 5, 2010, I returned to work at ODOT.

17. On April 9, 2010 I was called in to meet again with Mr. Harms, Mr. Stout, Mr. Blackwell, and Mr. Parsons. I was placed on two-week administrative leave with pay. Mr. Harms said ODOT would reinvestigate the Tyler Williams and Mayes County incidents. Mr. Harms did not mention any new areas of investigation.

18. On April 26, 2010, I was called in to meet with Mr. Harms, Mr. Stout, Mr. Blackwell and Mr. Parsons. ODOT repaid me for the two-week suspension without pay. ODOT said that the prior two-week suspension was "expunged." They said ODOT was starting again to process to discharge me on the original transactions concerning Tyler Williams and Mayes County. Again, no ODOT personnel asked me any questions. No records were requested. No ODOT investigator asked any questions.

19. On April 26, 2010 I was served Notice of Pre-Disciplinary Action. Pre-Disciplinary Hearing was set for May 3, 2010.

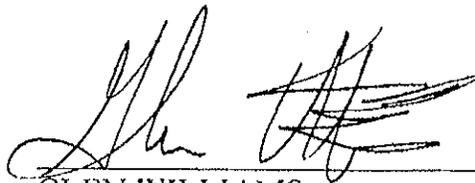
20. The Specifics of Cause provided that date by Mr. Harms confirmed that the new disciplinary action is based on the same transactions with Tyler Williams and Mayes County that was the basis of the original disciplinary action. (Exhibit C).

21. At the time of Pre-Termination Proceeding, May 3, 2010, my legal counsel formally objected to ODOT's so-called expungement and argued that legal authority showed ODOT was estopped to proceed with discharge under these circumstances.

22. On May 8, 2010 ODOT discharged me. The grounds for discharge were the actions involving Tyler Williams and Mayes County.

23. I timely filed this MPC appeal.

Further Affiant sayeth not.



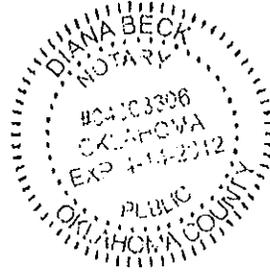
GLEN WILLIAMS

SUBSCRIBED and SWORN to before me this 14th day of September, 2010.

Diana Beck
Notary Public

My Commission expires:

4-14-2012



were involved with, advising that it was only Mayes County and Logan County, whereas it was later determined that projects with at least seven (7) counties were involved.

4. Mr. Williams was placed on suspension with pay, not administrative leave, on February 19, 2010. Kevin Stout, not Mr. Kurt Harms, requested Mr. Williams' Department Identification Card and mobile telephone. During the suspension with pay, Mr. Williams was to be available and to meet and answer any questions.

5. I did not contact Mr. Williams during the suspension with pay, not leave with pay, that followed the February 19th interview and lasted to February 24, 2010. However, to the best of my belief there was contact between the Appellant and others.

6. Following the February 19th interview, ODOT prepared a notice of proposed disciplinary action. The date prepared was not the 24th. The Specifics of Cause is dated February 22, 2010. See Exhibit C. However, ODOT did serve Mr. Williams with the notice on February 24, 2010 when Mr. Williams returned to work after the suspension with pay. He was placed on further suspension, pending the pre-disciplinary hearing. At this time, I again discussed the situation with Mr. Williams. Again Mr. Williams lied, omitted, and/or misled me about the circumstances of the situation.

7. Mr. Williams did not attend a pre-disciplinary hearing pro se or otherwise. The scheduled March 4, 2010 hearing never took place as the Mr. Williams provided a written waiver of his right to a Pre-disciplinary Hearing on February 28, 2010. See Exhibit D. Since there was no pre-disciplinary hearing, Mr. Kurt Harms, Mr. Kevin Stout, Mr. Robert Blackwell, and Mr. Chad Parsons were also not present at any such a hearing.

8. Again, no Pre-disciplinary Hearing took place due to the written waiver provided by Mr. Williams. The notice of disciplinary action was served on Mr. Williams on March 3, 2010. See Exhibit E. No investigator was present on March 3, 2010. However, I did ask Mr. Williams additional questions when he returned to work on March 4, 2010, as I wanted to be sure about the extent of Mr. Williams' involvement. I specifically asked Mr. Williams to advise me of any and all details relative to his involvement with obtaining funds, with Mr. Tyler Williams, or anything about the situation. I told him at that time I simply wanted to know the entire story before we moved forward as I wanted to be able to trust his work in the future. Given this opportunity to tell all and wipe the slate clean, Mr. Williams still did not tell the truth about his involvement. Mr. Williams failed to clear the air about numerous issues that came to light later in the additional investigation.

9. When served with the suspension without pay on March 3, 2010, Mr. Williams did ask if it was the final resolution. That was accurate to the degree that the discipline being imposed was based on what was known and had been disclosed by Mr. Williams at the time.

10. Mr. Williams had already provided the written notice waiving his right to a pre-disciplinary hearing prior to March 3rd. No additional waiver was received. It was because of the

original waiver, that the notice of discipline was served on March 3rd, prompting the conversation described above.

11. Exhibit B to the motion is not the notice of disciplinary action. Exhibit B is rather the notice of pre-disciplinary action, served on Mr. Williams on February 24, 2010. The notice of disciplinary action, served March 3, 2010 is attached hereto as Exhibit E.

~~12.~~ I personally did not contact Mr. Williams during his two week suspension without pay. Mr. Williams was on suspension from March 8 to March 19, 2010.

13. Mr. Williams did return to work on March 22, 2010. See affidavit of Mr. Skip Nicholson, Exhibit F, for his statements of the events of March 22, 2010.

14. Mr. Williams left the office to collect the evidence to vindicate his name. Only later did he call in sick and claim illness. No exculpatory evidence was ever presented. See the attached affidavit of Mr. Robert Blackwell, Exhibit G, for his statement of the events on March 22, 2010.

15. The Department did not order him to stay home or prescribe medication for Mr. Williams. The Department was expecting Mr. Williams to return with the exculpatory evidence and Mr. Nicholson did check daily to see if Mr. William had returned with the information he had promised.

16. Mr. Williams did return to work at ODOT on April 5, 2010.

17. The statements in Mr. Williams affidavit regarding April 9, 2010 are not accurate. Mr. Williams was placed on suspension with pay. The notice provided to Mr. Glen Williams specifically states that it is for "internal investigatory purposes", not administrative leave. Mr. Williams was advised that the Department was continuing the investigation to determine the extent of the financial relationship between himself and Mr. Tyler Williams. Mr. Williams was also advised that it was in his best interest to provide documentation, that he said existed, that might clarify the financial relationship between the two.

18. Statements in Mr. Williams affidavit regarding April 26, 2010 are not accurate. Mr. Williams was repaid for the suspension without pay and served with a new notice of proposed discipline. See Exhibit H. He was further advised that the Department's additional findings regarding the financial transactions, monies being deposited in Mr. Williams' bank account, and his continued lying, evasive responses, and non-responses were the factors warranting expunging the original disciplinary action and moving forward with discharge. Mr. Williams had every opportunity to clear the air and provide an explanation but he refused to do so in a manner that was acceptable. Mr. Williams was asked questions and the records he had promised were requested again. Mr. Williams either refused to answer or answered evasively, and did not provide any records.

19. Mr. Williams was served with a notice of pre-disciplinary action on April 26, 2010. See Exhibit H.

20. The two Specifics of Cause documents dated February 22, 2010, and April 23, 2010, are clearly different and any discussion or allegation to the contrary is false and misleading. See Exhibits C and F.

21. The Department disputes the allegation that it is estopped from taking the action it did to expunge the original disciplinary action and move forward with the discharge.

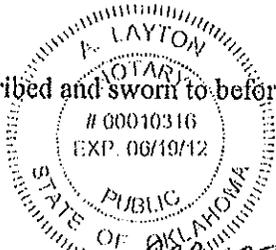
22. Mr. Williams was discharged on May 8, 2010. The grounds for discharge included all of the actions that Mr. Williams was responsible for, actions of his own doing. These included the attempt to receive funds from Mayes County inappropriately as well as the additional information regarding his receipt of monies, his lying, his evasive responses, his non-responses, and is unwillingness to provide documentation that supported his version of events. See Exhibit I.

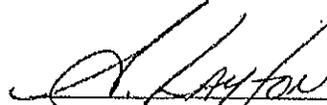
23. To the best of my knowledge, Mr. Williams timely filed his appeal at MPC.

Further Affiant sayeth not.


KURT A. HARMS

Subscribed and sworn to before me this 5th day of October, 2010, by Kurt A. Harms.




NOTARY PUBLIC

My commission number: 00010316
My commission expires: June 19, 2012

State of Oklahoma
Performance Management Process (PMP)

Section A: ID 149956	Name (LAST, First, M.I.) WILLIAMS, GLENN D.	Job Title TRANSPORTATION SPECIALIST III	P.I.N. 01470
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Reason for PMP 2010 OPENING	Start Date 07/1/09	End Date 06/30/10	Agency ODOT 345	Supervisor C.PARSONS	Organizational Unit/Division RIGHT-OF-WAY	Job Code T22C
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Section B: Accountabilities (Tasks + Performance Standards)	Rating
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1. Process LPA Projects through Right-of-Way Division. Prepares transmittal information and distributes plans to the various Right-of-Way Div. Branches. Prepare and process Right-of-Way, Public Utility and Encroachment Agreements for LPA projects. Maintains current status of all LPA projects submitted to Right-of-way Division. Posts all significant events to the IMS tracking. Assembles and distributes Local Public Agencies (LPA) packet consisting of plans, easement(s) and agreements to appropriate county commissioner or city official. Explains RW acquisition process, project clearance process and content of project agreement upon delivery.

Update and monitor IMS and LPA databases to ensure most current project status. Distributes plans and instruments to appropriate Right-of-Way Branch within five days of being date stamped in to the Branch. Distributes packet to appropriate Local Agency within five days of being date stamped in to the Branch.

Designation: Critical

Results:

2. Performs appropriate review of documents submitted by the Local Agency. Checks for the following: Title Certification, Appraisal (if applicable), Donation Certificate (if applicable), Offer Letter, Tenant Release (if applicable) Property Rights Brochure was given to property owner(s), Easement is recorded and complete as to title ownership (re-checked by RW Engineering Branch) and Summary Statement of Just Compensation form and that they are accounted for and correct. Processes and reviews all projects submitted by Local Agencies prior to the ACCO cut off date for pertinent federal funding. Process secured LPA projects.

Process completed LPA projects before prescribed ACCO cut-off date.

Designation: Critical

Results:

3. Process secured LPA projects. Process secured Underwriter Agreements. Record weekly on Acquisition Production Sheet all secured, condemn, special projects and LPA parcels. Researches and answers inquiries concerning Acquisition Branch issues with landowners. Coordination of all Enhancement Projects through Acquisition Branch.

Process completed LPA projects before prescribed ACCO cut-off date. Resolves inquiries by landowners within five working days.

Designation: Critical

Results:

4. Coordinates with internal ODOT personnel and external Federal, State, County and City personnel to assist in meeting project schedules. Verifies completion of Right-of-Way functions: acquisition, utility relocation and relocation of displacees through the various Right-of-Way Division Branches and provides clearance letters for all LPA projects. Provides right-of-way certification information to Business Office for the preparation of certification letters to FHWA or Office Engineer on all LPA projects.

Provide Clearance & Certification documentation to Advertise and Issue Work Orders for LPA project.

Designation: Critical

Results:

ID 149956	Name (LAST, First, M.I.) WILLIAMS, GLENN D.	Job Title TRANSPORTATION SPECIALIST III	P.I.N. 01470
Section B: Accountabilities (Tasks + Performance Standards)			Rating
<p>5. Informs Counties of correct procedures for use of funds. Verifies that requests for funds meet eligibility requirements and that funds are available. Submits funding requests through Business Office on behalf of Counties. Maintains appropriate correspondence and records for funding requests.</p> <p>Administer County Bridge and Road Improvement Funds, per Oklahoma Statute, for all Counties requesting such funds for right-of-way acquisition and/or utility relocation purposes. Processes claims for funds within 10 days of receipt per Division policy.</p> <p style="text-align: right;">Designation: Important</p>			
Results:			
<p>6. Performs additional Acquisition Branch assignments assigned by Supervisor or Manager i.e. assigned as a facilitator on regular projects, being assigned as an agent to secure R/W, assigned to secure release of damages as needed, check parcel files as needed.</p> <p>Accepts and performs assignments in a prompt, professional manner and completes assignments within time frame given while maintaining the necessary accuracy.</p> <p style="text-align: right;">Designation: Important</p>			
Results:			
<p>7. Maintain periodic contact with County and Local Agency officials to address any project concerns. Submit weekly a plan outlining the weeks activities and notify supervisors of any change to your schedule. Be available to answer questions concerning projects. Carry State Issued cell phone at all times. Ensure compliance with all pertinent Branch policies and all State and Federal Regulations that apply to LPA projects.</p> <p>Spend an appropriate amount of time during the week in the field making and maintaining contact with Local Public Agencies.</p> <p style="text-align: right;">Designation: Critical</p>			
Results:			
<p>8. Represent the Department and the Right-of-Way Division in contact with the general public, public officials, other governmental agencies, and other personnel from the Department. Responds to written request within ten working days. Returns phone messages and e-mail communication within five working days. Always responds in an efficient and professional manner, demonstrating appropriate business courtesies with no exceptions.</p> <p>Assist in the development of new employees. Provide guidance to new employees on Branch Procedures, Branch Policies, and Project facilitation. Provide each employee the opportunity to work different project tasks to further enhance their abilities to manage projects.</p> <p style="text-align: right;">Designation: Important</p>			
Results:			

Oklahoma Department of Transportation
PROPOSED DISCIPLINARY ACTION: NOTICE OF PRE-DISCIPLINARY ACTION
(Discharge, Suspension, Demotion)

To: Glen D. Williams, Transportation Specialist, Level III
4104 Hidden Lake Circle, Moore, OK 73160
Proposed Discipline: Suspension Without Pay for Ten (10) Working Days

EXHIBIT C

This notice is to advise you that a Pre-disciplinary Hearing has been scheduled as follows, at which may offer evidence as to why the proposed discipline should not be imposed.

Date: March 4, 2010
Time: 2:00 p.m.
Place: Human Resources Division Conference Room, 1st Floor

You have the right of representation by legal counsel or a representative of your choice in an advisory capacity.

Merit Rule No. 455;10-11-14 Causes for discharge, suspension without pay or involuntary demotion

Any employee in the classified service may be discharged, suspended without pay for not to exceed sixty (60) calendar days, or demoted by the agency, department, institution, or officer by whom employed for misconduct, insubordination, inefficiency, habitual drunkenness, inability to perform the duties of the position in which employed, willful violation of the Oklahoma Personnel Act or of the rules prescribed by the Office of Personnel Management or by the Oklahoma Merit Protection Commission, conduct unbecoming a public employee, conviction of a crime involving moral turpitude, or any other just cause [74:840-6-5].

The cause for this action is: Misconduct, Conduct Unbecoming A Public Employee, Just Cause

The basic facts upon which this proposed action is taken are set forth on the attached sheet(s) titled SPECIFICS OF CAUSE.

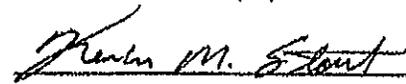
 CHIEF, R/W & UTILITIES DIVISION
Signature and Title

cc: Division
Assistant Director
Human Resources
General Counsel ✓

RECEIVED
FEB 24 2010
GENERAL COUNSEL

NOTE: This form is to be used for Suspension, Involuntary Demotion, and/or Discharge of a permanent classified employee only. If personally given to the named employee, the service will be witnessed, as shown below. Otherwise the service should be certified mail, with returned receipt requested.

Served upon the above named employee: Date: 02/24/10 Time: 1:00 P.M.

Witness: 

Oklahoma Department of Transportation
SPECIFICS OF CAUSE
(Disciplinary Form Supplement)

Employee Name: Glen D. Williams, Transportation Specialist III

Date Form Completed: February 22, 2010

At approximately 8:20 a.m. on the morning of Friday, February 19, 2010 I was provided with a copy of a forwarded e-mail from Mr. Glen Williams to Mr. Alva Martin, Mayes County Commissioner, District 1. A copy of the e-mail is available. The e-mail, sent to Mr. Martin on Monday, February 8, 2010 indicated that there was a spreadsheet attached and an invoice attached. The spreadsheet depicted Mayes County projects that were apparently complete yet still had funds obligated to those projects. The spreadsheet and invoice indicated that there was a 1.5% service fee being charged to Mayes County for the purposes of recovering those funds and having them re-deposited into Mayes County's 260C account. The e-mail stipulated the following, "Just let me know if you want to take the fees out of this amount and I'll help you get the claim and other stuff you need.", indicating that Mr. Glen Williams was offering to assist Mayes County with payment for the service of recovering their own funds. The invoice, Invoice No. 1225-1 from Ms. Vickie Williams, indicated that payment in the amount of \$7,000.00 was due to Ms. Vickie Williams. The invoice also indicated that questions could be directed to Mr. Tyler Williams at 405-824-9696.

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Based on the documents found on Glen's T:\Drive it can readily be determined that he was intimately & inappropriately involved in the acquisition of right-of-way for the LPA projects listed below. The extent of his involvement in each one may vary from having an invoice for the acquisition work that was done on his computer to having documents necessary for completion of the acquisition activities on his computer to his actually being involved in the acquisition & receiving compensation for said work.

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- LeFlore County, State Job No. 21249(04)
- Logan County, State Job No. 22036(04)
- Logan County, State Job No. 23017(04)
- Logan County, State Job No. 23018(04)
- Garvin County, State Job No. 22528(04)

Mr. Tyler Williams called and left a message for me at the office on Monday, February 22, 2010 at approx. 2:48 p.m.. I had previously advised Mr. Glen Williams that I would like to speak with Tyler as soon as possible, but that I would be out of the office on Monday afternoon. I called Mr. Tyler Williams at 8:50 a.m. on Tuesday, February 23, 2010 and left a message on his voicemail.

Glen's involvement in the attempt to gain a service fee for recovering funds from completed projects from Mayes County and his involvement in right-of-way acquisition activities for the projects listed above is inappropriate, breaches the public trust, has created an embarrassing situation for the Department with Mayes County at the very least, and indicates that he was working on Department time & using Department resources for personal gain.

Mr. Glen Williams' actions, at the very least, constitute misuse of office and are a breach of Ethics Commission Rule 257:20-1-4 which stipulates that no state officer or state employee shall use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law. Violations of Chapter 20 could potentially subject Mr. Williams to civil penalties imposed by the Ethics Commission.

Ethics Commission Rule 530:10-11-01, Conduct of Classified Employees, has clearly been breached in several aspects, specifically that in performing official duties the classified employee shall pursue the common good, and, not only be impartial, but act so that there can be no question of impartiality. Paragraph (b) also stipulates that a classified employee shall not engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible, or in conflict with his or her duties as a classified employee or with the duties, functions or responsibilities of the Appointing Authority by which the person is employed. The stipulations from Paragraphs (c) & (d) have also been compromised by Mr. Glen Williams' actions.

Mr. Glen Williams' use of the Department's electronic mail system to conduct business with Mr. Tyler Williams and to act on his behalf is a violation of Department Policy B-1203-1 stipulating that no personal use is permitted at any time for outside business ventures. Mr. Glen Williams' personal involvement, advising Mayes County to *"Just let me know if you want to take the fees out of this amount and I'll help you get the claim and other stuff you need."*, indicated that Mr. Glen Williams was intimately involved in this business venture.

Mr. Glen Williams' actions have also violated Department Policy B-101-2(2), Employee Ethical Conduct - Personal Business.

Mr. Williams' conduct as described above is considered to represent misconduct, conduct unbecoming a public employee, and to be just cause for disciplinary action to be imposed.

glenlnokc@aol.com
02/28/2010 10:33 PM

To kharms@odot.org
cc
bcc
Subject Glen Williams

History: This message has been forwarded.

Mr. Harms

I'm writing to let you know I wish to waive the hearing and take the recommend 2 week suspension without pay. If we can break the 2 weeks up that would help me but whatever we need to do then I understand.

Once again I want to apologize for my action. That is not my character at all and the thing about me I try so hard to go on and above in every thing I do. I enjoy my job so much teaching and training others. It hurts so much not to do what I have worked hard to build up. I hope that soon I'll be able to work my way back into this position.

I will work hard where ever I am placed but again hoping I can work my way back to doing the LPA.

Thanks for giving me a second chance. I will be at class Monday.

Thanks Glen

Oklahoma Department of Transportation
NOTICE OF DISCIPLINARY ACTION

To: Glen D. Williams, Transportation Specialist, Level III

4104 Hidden Lake Circle, Moore, OK 73160

This is to advise you that effective March 8, 2010 thru March 19, 2010
you have been Suspended Without Pay in accordance with
"State of Oklahoma Merit Rules for Employment" (Rule No. 455:10-11-14), published by the Office of Personnel
Management.

Merit Rule No. 455-10-11-14 Causes for discharge, suspension without pay or involuntary demotion
Any employee in the classified service may be discharged, suspended without pay for not to exceed sixty (60) days, or demoted by the agency, department, institution, or officer by whom employed for misconduct, insubordination, inefficiency, habitual drunkenness, inability to perform the duties of the position in which employed, willful violation of the Oklahoma Personnel Act or of the rules prescribed by the Office of Personnel Management or by the Oklahoma Merit Protection Commission, conduct unbecoming a public employee, conviction of a crime involving moral turpitude, or any other just cause [74:840-6-5].

The cause for this action is: Misconduct, Conduct Unbecoming A Public Employee, Just Cause

The basic facts upon which this action is taken are set forth on the attached sheet(s) titled SPECIFICS OF CAUSE.

You may appeal this action within twenty (20) days of receipt of this notice to:

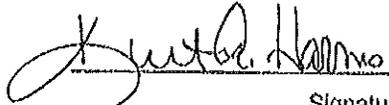
O.D.O.T. Grievance Manager
Transportation Building
200 N.E. 21st Street
Room B-6, First Floor
Phone No. (405) 521-2543
Oklahoma City, Oklahoma 73105

RECEIVED
MAR 03 2010
GENERAL COUNSEL

and/or within twenty (20) days of receipt of this notice to:

Merit Protection Commission
3545 NW 58th Street, Suite 360
Oklahoma City, Oklahoma 73112

cc: Division
Assistant Director
Human Resources
General Counsel ✓

 Justin L. Harms CHIEF, PWD & UTILITIES
Signature & Title

NOTE: This form is to be used for Suspension, Involuntary Demotion, or Discharge of a permanent, classified employee only, and is to be sent to the above named employee by certified mail, return receipt requested. If personally given to the named employee, the service will be witnessed, as shown below.

Served upon the above named employee: Date: 03/03/10 Time: 9:20 A.M.

Witness: Kevin M. Stout

HR 543 -02-06

EXHIBIT
6

Oklahoma Department of Transportation
SPECIFICS OF CAUSE
(Disciplinary Form Supplement)

Employee Name: Glen D. Williams, Transportation Specialist III

Date Form Completed: February 22, 2010

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Oklahoma Department of Transportation - Right-of-Way & Utilities Division
Chief, Right-of-Way & Utilities Room C3 Third Floor Office 521-2661 Fax 522-1858

April 20, 2010

To: Brian Kirtley, Division Manager, Human Resources
From: Kurt A. Harms, Chief, Right-of-Way & Utilities *KAH*
Subject: Glen Williams, Expungement Of Disciplinary Action - Suspension Without Pay

As you are aware, the Department has determined it appropriate to expunge the disciplinary action imposed on Mr. Glen Williams in the form of a Suspension Without Pay from March 8, 2010 thru March 19, 2010.

As such, I hereby respectfully request your assistance with the following;

- Generation of a warrant to compensate Mr. Williams for the two week period
- Purging of Mr. Williams' Human Resources Division personnel file of the documentation relating to the disciplinary action including, but not limited to, the following; proposed disciplinary action notices, disciplinary action notices, 66A's, etc.

If there are further actions I need to take in order to effect this request or if you have questions, please do not hesitate to contact me directly.

xc: John Fuller, Deputy Director
Norman Hill, General Counsel
Gary Evans, Chief Engineer
David Streb, Director of Engineering
Kevin Stout, Assistant Chief, R/W & Utilities

RECEIVED

APR 20 2010

Human Resources

c:\myfiles\kurt\wadmin\stratton\personnel\gwilliams\purgedsaction042010.wpd

EXHIBIT
7

Oklahoma Department of Transportation
PROPOSED DISCIPLINARY ACTION: NOTICE OF PRE-DISCIPLINARY ACTION
(Discharge, Suspension, Demotion)

To: Glen D. Williams, Transportation Specialist, Level III
4104 Hidden Lake Circle, Moore, OK 73160 ← 2620 SE 7th
Proposed Discipline: Discharge MOORE, OK 73160

This notice is to advise you that a Pre-disciplinary Hearing has been scheduled as follows, at which may offer evidence as to why the proposed discipline should not be imposed.

Date: May 3, 2010
Time: 2:00 p.m.
Place: Human Resources Division Conference Room, 1st Floor

You have the right of representation by legal counsel or a representative of your choice in an advisory capacity.

Merit Rule No. 455:10-11-14 Causes for discharge, suspension without pay or involuntary demotion

Any employee in the classified service may be discharged, suspended without pay for not to exceed sixty (60) calendar days, or demoted by the agency, department, institution, or officer by whom employed for misconduct, insubordination, inefficiency, habitual drunkenness, inability to perform the duties of the position in which employed, willful violation of the Oklahoma Personnel Act or of the rules prescribed by the Office of Personnel Management or by the Oklahoma Merit Protection Commission, conduct unbecoming a public employee, conviction of a crime involving moral turpitude, or any other just cause [74:840-6-5].

The cause for this action is: Willful violation of the Okla. Personnel Act, Ethics Comm. Rules & Merit Rules;
Misconduct, Conduct Unbecoming A Public Employee, and Just Cause as further explained in the Specifics of Cause

The basic facts upon which this proposed action is taken are set forth on the attached sheet(s) titled SPECIFICS OF CAUSE.

Glen D. Williams CHIEF, R/W & UTILITIES DIVISION
Signature and Title

cc: Division
Assistant Director
Human Resources
General Counsel

NOTE: This form is to be used for Suspension, Involuntary Demotion, and/or Discharge of a permanent classified employee only. If personally given to the named employee, the service will be witnessed, as shown below. Otherwise the service should be certified mail, with returned receipt requested.

Served upon the above named employee: Date: 04/29/2010 Time: 7:37 am

Witness: *Kevin M. Stout*

PR543 (5/99)



OKLAHOMA DEPARTMENT OF TRANSPORTATION

DISCIPLINARY CERTIFICATE

April 23, 2010

Glen Williams
Transportation Specialist, Level III
R/W & Utilities Division

Progressive Discipline

There have been no disciplinary actions previously taken or enforced.

This certifies that all mandatory progressive discipline actions as required by statute or rule have been taken before the pre-termination hearing.


Kurt A. Harms
Chief, R/W & Utilities Division

Oklahoma Department of Transportation
SPECIFICS OF CAUSE
(Disciplinary Form Supplement)

Employee Name: Glen D. Williams, Transportation Specialist III

Date Form Completed: April 23, 2010

At approximately 8:20 a.m. on the morning of Friday, February 19, 2010 I was provided with a copy of a forwarded e-mail from Mr. Glen Williams to Mr. Alva Martin, Mayes County Commissioner, District 1. The e-mail, sent to Mr. Martin on Monday, February 8, 2010 indicated that there was a spreadsheet attached and an invoice attached. The spreadsheet depicted Mayes County projects that were apparently complete yet still had funds obligated to those projects. The spreadsheet and invoice indicated that there was a 1.5% service fee being charged to Mayes County for the purposes of recovering those funds and having them re-deposited into Mayes County's 250C account. The e-mail stipulated the following, "Just let me know if you want to take the fees out of this amount and I'll help you get the claim and other stuff you need.", indicating that Mr. Glen Williams was offering to assist Mayes County with payment for the service of recovering their own funds. The invoice, Invoice No. 1225-1 from Ms. Vickie Williams, indicated that payment in the amount of \$7,000.00 was due to Ms. Vickie Williams. The invoice also indicated that questions could be directed to Mr. Tyler Williams at 405-824-9696.

I immediately contacted Mr. David Ooten, Division Manager, Technology Services Division, asking him to copy all of Mr. Glen Williams' e-mail and computer files. Mr. Ooten completed that task as requested and placed copies of the files on the network for me to access.

Throughout the morning of February 19, 2010 I proceeded to investigate the situation. I contacted Mr. Alva Martin, Mayes County Commissioner, District 1. Mr. Martin advised me of his suspicions regarding both Mr. Tyler Williams and the effort to charge a fee to the county for recouping their own funds. Mr. Martin indicated that the working relationship with Mr. Tyler Williams had begun when Mr. Glen Williams recommended Mr. Tyler Williams to the county as a potential individual that could perform right-of-way acquisition services. Based on Mr. Glen Williams' recommendation Mayes County hired Mr. Tyler Williams to perform acquisition services on two projects; 25638 & 25639, for \$7,700.00. Mr. Martin asked Mr. Glen Williams if he was related to Mr. Tyler Williams and Glen told him that there was no familial connection. The invoices for the acquisition work; Invoice No.'s 1025, 1026-1 & 1026, were from Mr. Tyler Williams, payable to Ms. Vickie Williams. These invoices also indicated that questions could be directed to Mr. Tyler Williams at 405-824-9696. Mr. Martin indicated that Mr. Glen Williams was filing the deeds for the right-of-way acquisition and that he had never actually met Mr. Tyler Williams. Mr. Martin advised that there was no actual written contract in place. When Mr. Martin pressed Mr. Glen Williams on the issue of names & coincidences, Glen indicated that Ms. Vickie Williams was Mr. Tyler Williams' wife. It bears noting at this point that Mr. Glen Williams is married to a Ms. Vickie Williams. When Mr. Alva Martin received the invoice for \$7,000.00 for recovery of their own funds from completed projects he questioned Mr. Glen Williams again and Glen advised him to drop the issue if he was uncomfortable.

I contacted Mr. Darrell Yoder, Mayes County Commissioner, District 2 on February 19, 2010 as part of my investigation. Mr. Yoder advised that Mr. Glen Williams approached Mayes County regarding the potential recovery of their funds, that Glen knew this "outfit" that finds funds and recoups it for the counties. Mr. Yoder also explained the right-of-way acquisition issues involving Mr. Tyler Williams. Mr. Yoder indicated that he had never met Mr. Tyler Williams and that Mr. Glen Williams had told them to forget the invoice when questioned.

I advised both Mayes County Commissioners, Mr. Alva Martin & Mr. Darrell Yoder, not to make payment for the \$7,000.00 as set forth in Invoice No. 1225-1.

At approximately 11:15 a.m. on Friday, February 19, 2010 I asked Mr. Glen Williams to come into my office and discuss the situation. Also present during the conversation were Mr. Kevin Stout, Mr. Robert Blackwell, and Mr. Chad Parsons. Glen advised that Mr. Tyler Williams was a friend of his that he referees football games with and that he had helped him with gaining right-of-way acquisition work with Mayes County. I asked Glen if he had Mr. Tyler Williams' telephone number and he provided it to me, 405-255-3821. I called that telephone number during the meeting and was forwarded to voice mail. I left a message at approx. 11:20 a.m. asking Mr. Tyler Williams to contact me. I asked Glen if Mr. Tyler Williams did the right-of-way acquisition work and he replied, "Yes.". I asked Glen if he had filed any of the executed deeds for Mr. Tyler Williams and he replied, "Yes.". I asked Glen if his own wife's name was Vickie and he replied, "Yes.". He added that it just happens to be a coincidence that Mr. Tyler Williams' wife and his own wife are both named Vickie. I asked Glen if he had assisted Mr. Tyler Williams with gaining right-of-way acquisition work in other counties and replied that Tyler had done some work for Logan County as well. I asked Glen if he had prepared the information in the spreadsheet showing the completed projects and he replied, "Yes.". I also asked Glen if he had sent the e-mail with the spreadsheet & invoice attached and he replied, "Yes.". Still not completely sure of what had actually transpired, I advised Glen that asking a county to pay a fee to identify & recoup their own funds was potentially illegal, certainly a breach of ethical conduct, and that it was the Department's job to identify those funds and assist the counties without charging them a fee. For Glen to be involved in any way was clearly a problem. Glen was asked what prompted the effort to obtain the \$7,000.00 service fee and he indicated that he & Mr. Tyler Williams discussed the effort to obtain service fees and that Mr. Tyler Williams "led him astray" or something similar to that effect. Glen was also asked as to whether or not any of the fees paid for services allegedly completed by Mr. Tyler Williams went to himself and he indicated that he had not received any of the money. At the conclusion of the discussion, I advised Glen that I wanted to meet Mr. Tyler Williams as soon as possible. Glen was told that Mayes County also wanted to meet Mr. Tyler Williams as soon as possible. I also advised him that I was going to continue my investigation, but as I did so he was being placed on Suspension With Pay until further notice. Mr. Glen Williams was asked to return his Department issued identification card and mobile telephone prior to being escorted out of the building by Mr. Robert Blackwell & Mr. Chad Parsons. Glen was advised to call in daily, each morning after 7:30 a.m., and check with Robert or Chad for instructions. Before leaving Glen asked if he should shut down his computer and he was told that wasn't necessary. On the way out of the building Mr. Robert Blackwell advised him that Mr. Tyler Williams' presence in the office would go a long way to helping sort out the inconsistencies.

Over the next hour and a half, including the noon hour Glen called Mr. Chad Parsons, Mr. Robert Blackwell, and myself. He told me that he was aware that he shouldn't have been involved in the service fee being charged to recoup funds from completed projects and asked me if he should resign. I advised him that he should stay on board until we were able to sort this out and that we still wanted to visit with Mr. Tyler Williams.

I conducted a review of the files from Glen's computer hard-drive, backup T:\ Drive, and e-mail on Friday, February 19, 2010 and Sunday, February 21, 2010. Of note are 14 files, all Microsoft Excel Worksheets, which are invoices for land acquisition work allegedly completed by Mr. Tyler Williams and one (1) file which is an invoice for land acquisition work completed by Vickie Williams RW Service. These invoices cover 14 different projects in seven (7) different counties with file modification dates ranging from February 17, 2009 thru February 10, 2010. Eight (8) of the invoices have Mr. Glen Williams' personal mobile telephone number, 405-824-9696, listed as the contact for Mr. Tyler Williams & Vickie Williams RW Service.

Mr. Glen Williams acknowledged sending an e-mail from his Department e-mail account to Mayes County with an invoice & spreadsheet attached requesting that Mayes County pay Mr. Tyler Williams, thru Ms. Vickie Williams, \$7,000.00 for services identifying completed projects whereby the funds could then be returned to Mayes County's 250C account. He indicated that he did this in concert with or at the urging of Mr. Tyler Williams. The Department is charged with the responsibility to assist the counties, without charging any fee whatsoever, with management of their funds. In essence, it is part of Mr. Glen Williams' job to address these types of issues rather than working with Mr. Tyler Williams to obtain financial gain with information from Department systems that are otherwise not available to Mr. Tyler Williams. Mr. Glen Williams created the spreadsheet identifying the projects at the Department using internal information & Department resources.

Mr. Glen Williams created the invoice from Ms. Vickie Williams to Mayes County, payable to Ms. Vickie Williams, Invoice No. 1225-1. Invoice No. 1225-1 has Mr. Glen Williams' personal mobile telephone number on it as a contact for Mr. Tyler Williams.

On Sunday, February 21, 2010 at approx. 11:29 p.m. Mr. Glen Williams sent an e-mail to me apologizing for his actions and acknowledging that his actions were wrong. A copy of this e-mail is attached.

At approx. 8:30 a.m. on Monday, February 22, 2010 I contacted Mr. Alva Martin, Mayes County Commissioner, District 1 and discussed the acquisition issues and the service fee issue. Mr. Martin advised that Glen had told him that Mr. Tyler Williams had been up to address one of the acquisitions, but not any of the others. Glen told Mr. Martin that he would get Mr. Tyler Williams up to Mayes County to complete three (3) remaining acquisitions. This supports the concern that Glen may have been completing the county's acquisition work for Mr. Tyler Williams or potentially always on his own. A concern is also raised as to whether or not Glen was completing these acquisitions on Department time and with Department resources. I advised Mr. Martin that the county could file a formal complaint with the Department and could potentially seek to file a formal complaint with law enforcement regarding an attempt to obtain money under false pretenses. Mr. Martin advised that he didn't want to take the issue any further, just wanting to insure that the Department was aware that he wasn't involved. I apologized to Mr. Martin on behalf of the Department.

On Monday, February 22, 2010 further investigation of the files on Mr. Glen Williams' T:\Drive indicate that he was involved in the creation of the Title Search & Certification Forms, Deeds, Notice of Intent Forms, 289's, Donation Certificates, Waiver Valuation Forms, Offer Letters (filling in the amount of just compensation), and Summary Statements for State Job No. 25638(04). The Notice of Intent Form referenced a contact of Mr. Tyler Williams and a telephone number of 918-785-4271. That telephone number is the facsimile machine at the Mayes County, District 1 Shop. It is not part of Glen's job duties to create these documents for LPA projects.

Based on the documents found on Glen's T:\Drive it can readily be determined that he was intimately & inappropriately involved in the acquisition of right-of-way for the LPA projects listed below. The extent of his involvement in each one may vary from having an invoice for the acquisition work that was done on his computer to having documents necessary for completion of the acquisition activities on his computer to his actually being involved in the acquisition & receiving compensation for said work.

- Mayes County, State Job No. 25638(04)
- Mayes County, State Job No. 25639(04)
- Mayes County, State Job No. 18728(04)
- Creek County, State Job No. 18168(04)
- Creek County, State Job No. 18169(04)
- Creek County, State Job No. 23476(04)
- Washington County, State Job No. 23552(04)
- McClain County, State Job No. 20212(04)
- McClain County, State Job No. 21139(04)
- LeFlore County, State Job No. 21249(04)
- Logan County, State Job No. 22035(04)
- Logan County, State Job No. 23017(04)
- Logan County, State Job No. 23018(04)
- Garvin County, State Job No. 22528(04)

Mr. Tyler Williams called and left a message for me at the office on Monday, February 22, 2010 at approx. 2:48 p.m.. I had previously advised Mr. Glen Williams that I would like to speak with Tyler as soon as possible, but that I would be out of the office on Monday afternoon. I called Mr. Tyler Williams at 8:50 a.m. on Tuesday, February 23, 2010 and left a message on his voice-mail. Mr. Tyler Williams has not made any further effort to contact me directly.

Initially a Suspension With Pay for ten (10) working days was implemented based on the attempt to obtain the \$7,000.00 service fee from Mayes County, the remorse that was exhibited by Mr. Glen Williams, and the basis that he did not pursue the \$7,000.00 payment. However, further investigation into the above issues was conducted by Mr. Skip Nicholson, General Counsel's Investigator. In summary, Mr. Nicholson was able to determine that Mr. Tyler Williams is not married and there are not two different women named Vickie Williams. He was also able to determine that \$15,400.00 in fees were sent to Mr. Williams' post office box in Moore and deposited in Mr. Williams' bank account. It was at this point that it was determined that Mr. Glen Williams had definitely lied to myself and others regarding the scope of his involvement.

When Mr. Glen Williams was confronted with the information obtained by Mr. Nicholson, he acted surprised that Mr. Tyler Williams wasn't married to a Vickie Williams. Glen was visibly shaken at this point. When confronted with the fact that \$15,400.00 in fees were sent to his post office box and deposited in his bank account, Glen then admitted to receipt of the funds and advised that he was simply acting as a pass-through for payment to Mr. Tyler Williams. He then also admitted that his wife, Ms. Vickie Williams, had done some work for Mr. Tyler Williams totaling approximately \$1,500.00. At this point Mr. Glen Williams was asked to provide proof that the money was then simply forwarded to Mr. Tyler Williams and any other documentation that supported the alleged working relationship between Mr. Tyler Williams and Glen's wife, Ms. Vickie Williams. Mr. Glen Williams alluded to getting records from his bank to such effect, but no supporting documentation was ever provided. Clearly, Mr. Glen Williams was provided with ample opportunity to provide sufficient evidence to clarify and/or support the working relationship that existed between himself, his wife, and Mr. Tyler Williams as alleged by him, but he has supplied nothing.

During the course of the investigation it became known that Mr. Glen Williams had on several occasions recommended Mr. Tyler Williams to several of the counties requiring right-of-way services. It clearly appears that Mr. Glen Williams, when performing his duties for the Department, was recommending Mr. Tyler Williams, an individual with whom he has a financial partnership, for work thereby securing financial gain for himself and/or his wife. In effect, Mr. Glen Williams is deeply involved in efforts to secure compensation for himself or others through use of his official position. Mr. Glen Williams lied to myself and others with regard to what was actually transpiring, alleged the existence of two (2) Ms. Vickie Williams' when in fact there is only his own wife, lied to myself and others with regard to receipt of compensation, and was never forthcoming with information when asked to provide details or supporting documentation. The scope of Glen's actions are clearly beyond one bad act, much more than one simple error in judgment, and clearly indicate a pattern of behaviors that are unacceptable. Mr. Williams is in a position where trust is paramount to continued effectiveness and he can no longer be trusted.

At this point the decision was made to expunge Mr. Glen Williams personnel file of reference to the Suspension With Pay for ten (10) working days, provide him with compensation for the ten (10) working days, and proceed with disciplinary action in the form of discharge.

Glen's involvement in the attempt to gain a service fee for recovering funds from completed projects from Mayes County and his involvement in right-of-way acquisition activities for the projects listed above is inappropriate, breaches the public trust, has created an embarrassing situation for the Department with Mayes County at the very least, and indicates that he was working on Department time & using Department resources for personal gain.

Mr. Glen Williams' actions, at the very least, constitute misuse of office and are a breach of Ethics Commission Rules including, but not limited to 257:20-1-1, 257:20-1-3 which stipulates that no state employee shall knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to his or her office and Rule 257:20-1-4 which stipulates that no state officer or state employee shall use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law. Violations of Chapter 20 could potentially subject Mr. Williams to civil penalties imposed by the Ethics Commission as stipulated in 257:1-1-11.

Article 29, Section 4 of the Oklahoma Constitution may well apply with regard to Ethics Commission actions stemming from this situation. The Oklahoma Administrative Code 530:10-11-91, Conduct of Classified Employees, has clearly been breached in several aspects, specifically that in performing official duties the classified employee shall pursue the common good, and, not only be impartial, but act so that there can be no question of impartiality. Paragraph (b) also stipulates that a classified employee shall not engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible, or in conflict with his or her duties as a classified employee or with the duties, functions or responsibilities of the Appointing Authority by which the person is employed. The stipulations from Paragraphs (c) & (d) have also been compromised by Mr. Glen Williams' actions.

Mr. Glen Williams' actions have also violated multiple Department Policies; B-101-2, B-101-2(1), B-101-2(2), B-101-2(3), B-1201-1 & B-1203-1. Mr. Glen Williams' use of the Department's electronic mail system to conduct business with Mr. Tyler Williams and/or to act on his behalf is a violation of the stipulation that no personal use is permitted at any time for outside business ventures. Mr. Glen Williams' personal involvement, advising Mayes County to *"Just let me know if you want to take the fees out of this amount and I'll help you get the claim and other stuff you need."*, indicated that Mr. Glen Williams was intimately involved in the business venture.

Mr. Williams' actions appear to be of a criminal nature and, in addition to any disciplinary action taken by the Department, these acts could be referred to the appropriate law enforcement agency and/or District Attorney for prosecution. Felony and/or Misdemeanor crimes which might be charged include, but are not limited to, the following:

Title 21. Crimes and Punishments, Oklahoma Statutes,
Chapter 6 - Crimes Against the Executive Power,
Section 269 - Acceptance of Emolument, Gratuity or Reward (Misdemeanor)
Section 281 - False Statements Made During Internal State Agency Investigations
(Misdemeanor)
Chapter 8 - Crimes Against State Property and Revenue,
Section 343 - Willful Violation of Law Regulating Official Conduct (Misdemeanor)
Section 363 - Violations and Penalty
Chapter 61 - Frauds, Cheats, False Pretenses, and False Personation
Section 1541.1 - Obtaining Property by Trick or Deception - Attempt - False Representation
or Pretense - Confidence Game - Penalty (Misdemeanor)
Section 1541.2 - Penalty - Value of Property, Money, or Valuable Thing (Felony)
Section 1542 - Obtaining Signature or Property by False Pretenses - Penalty (Felony)

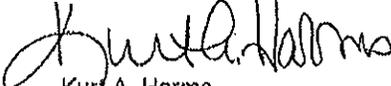
If it is later discovered that Mr. Williams engaged in a pattern of criminal offenses in two or more counties or conspired with other individual(s) to commit these crimes, then in addition to the above, the following crimes might be charged:

Chapter 11 - Conspiracy,
Section 421 - Conspiracy - Definition - Punishment (Felony)
Section 424 - Punishment for Conspiracy Against State (Felony)
Section 425 - Pattern of Criminal Offenses - Definition - Penalties - Jurisdiction & Venue
(Felony)

Mr. Williams' conduct as described above represents willful violation of the Okla. Personnel Act, Ethics Comm. Rules & Merit Rules along with misconduct, conduct unbecoming a public employee, and to be just cause for disciplinary action to be imposed.

The employee's work performance & PMP Form dated June 30, 2009 have been reviewed & considered.

Page 6 of 6



Kurt A. Harms
Chief, R/W & Utilities Division

Oklahoma Department of Transportation
NOTICE OF DISCIPLINARY ACTION

To: Glen D. Williams, Transportation Specialist, Level III

2620 SE 7th Street, Moore, OK 73160

This is to advise you that effective May 8, 2010
you have been Discharged in accordance with
"State of Oklahoma Merit Rules for Employment" (Rule No. 455:10-11-14), published by the Office of Personnel
Management.

Merit Rule No. 455-10-11-14 Causes for discharge, suspension without pay or involuntary demotion
Any employee in the classified service may be discharged, suspended without pay for not to exceed sixty (60) days, or demoted by the agency, department, institution, or officer by whom employed for misconduct, insubordination, inefficiency, habitual drunkenness, inability to perform the duties of the position in which employed, willful violation of the Oklahoma Personnel Act or of the rules prescribed by the Office of Personnel Management or by the Oklahoma Merit Protection Commission, conduct unbecoming a public employee, conviction of a crime involving moral turpitude, or any other just cause [74:840-6-5].

The cause for this action is: Willful violation of the Okla. Personnel Act, Ethics Comm. Rules & Merit Rules;
Misconduct, Conduct Unbecoming A Public Employee, and Just Cause as further explained in the Specifics of Cause

The basic facts upon which this action is taken are set forth on the attached sheet(s) titled SPECIFICS OF CAUSE.

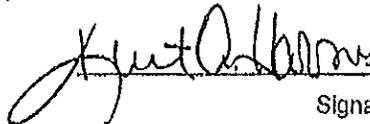
You may appeal this action within twenty (20) days of receipt of this notice to:

O.D.O.T. Grievance Manager
Transportation Building
200 N.E. 21st Street
Room B-5, First Floor
Phone No. (405) 521-2543
Oklahoma City, Oklahoma 73105

and/or within twenty (20) days of receipt of this notice to:

Merit Protection Commission
3545 NW 58th Street, Suite 360
Oklahoma City, Oklahoma 73112

cc: Division
Assistant Director
Human Resources
General Counsel

 CHIEF, R&U & UTILITIES
Signature & Title

NOTE: This form is to be used for Suspension, Involuntary Demotion, or Discharge of a permanent, classified employee only, and is to be sent to the above named employee by certified mail, return receipt requested. If personally given to the named employee, the service will be witnessed, as shown below.

Served upon the above named employee: Date: _____ Time: _____

Witness: _____

HR 543 -02-06

EXHIBIT
9

Oklahoma Department of Transportation
SPECIFICS OF CAUSE
(Disciplinary Form Supplement)

Employee Name: Glen D. Williams, Transportation Specialist III

Date Form Completed: April 23, 2010

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At approximately 11:15 a.m. on Friday, February 19, 2010 I asked Mr. Glen Williams to come into my office and discuss the situation. Also present during the conversation were Mr. Kevin Stout, Mr. Robert Blackwell, and Mr. Chad Parsons. Glen advised that Mr. Tyler Williams was a friend of his that he referees football games with and that he had helped him with gaining right-of-way acquisition work with Mayes County. I asked Glen if he had Mr. Tyler Williams' telephone number and he provided it to me, 405-255-3821. I called that telephone number during the meeting and was forwarded to voice mail. I left a message at approx. 11:20 a.m. asking Mr. Tyler Williams to contact me. I asked Glen if Mr. Tyler Williams did the right-of-way acquisition work and he replied, "Yes.". I asked Glen if he had filed any of the executed deeds for Mr. Tyler Williams and he replied, "Yes." I asked Glen if his own wife's name was Vickie and he replied, "Yes.". He added that it just happens to be a coincidence that Mr. Tyler Williams' wife and his own wife are both named Vickie. I asked Glen if he had assisted Mr. Tyler Williams with gaining right-of-way acquisition work in other counties and replied that Tyler had done some work for Logan County as well. I asked Glen if he had prepared the information in the spreadsheet showing the completed projects and he replied, "Yes.". I also asked Glen if he had sent the e-mail with the spreadsheet & Invoice attached and he replied, "Yes.". Still not completely sure of what had actually transpired, I advised Glen that asking a county to pay a fee to identify & recoup their own funds was potentially illegal, certainly a breach of ethical conduct, and that it was the Department's job to identify those funds and assist the counties without charging them a fee. For Glen to be involved in any way was clearly a problem. Glen was asked what prompted the effort to obtain the \$7,000.00 service fee and he indicated that he & Mr. Tyler Williams discussed the effort to obtain service fees and that Mr. Tyler Williams "led him astray" or something similar to that effect. Glen was also asked as to whether or not any of the fees paid for services allegedly completed by Mr. Tyler Williams went to himself and he indicated that he had not received any of the money. At the conclusion of the discussion, I advised Glen that I wanted to meet Mr. Tyler Williams as soon as possible. Glen was told that Mayes County also wanted to meet Mr. Tyler Williams as soon as possible. I also advised him that I was going to continue my investigation, but as I did so he was being placed on Suspension With Pay until further notice. Mr. Glen Williams was asked to return his Department issued identification card and mobile telephone prior to being escorted out of the building by Mr. Robert Blackwell & Mr. Chad Parsons. Glen was advised to call in daily, each morning after 7:30 a.m., and check with Robert or Chad for instructions. Before leaving Glen asked if he should shut down his computer and he was told that wasn't necessary. On the way out of the building Mr. Robert Blackwell advised him that Mr. Tyler Williams' presence in the office would go a long way to helping sort out the inconsistencies.

Over the next hour and a half, including the noon hour Glen called Mr. Chad Parsons, Mr. Robert Blackwell, and myself. He told me that he was aware that he shouldn't have been involved in the service fee being charged to recoup funds from completed projects and asked me if he should resign. I advised him that he should stay on board until we were able to sort this out and that we still wanted to visit with Mr. Tyler Williams.

I conducted a review of the files from Glen's computer hard-drive, backup T:\ Drive, and e-mail on Friday, February 19, 2010 and Sunday, February 21, 2010. Of note are 14 files, all Microsoft Excel Worksheets, which are invoices for land acquisition work allegedly completed by Mr. Tyler Williams and one (1) file which is an invoice for land acquisition work completed by Vickie Williams RW Service. These invoices cover 14 different projects in seven (7) different counties with file modification dates ranging from February 17, 2009 thru February 10, 2010. Eight (8) of the invoices have Mr. Glen Williams' personal mobile telephone number, 405-824-9696, listed as the contact for Mr. Tyler Williams & Vickie Williams RW Service.

Mr. Glen Williams acknowledged sending an e-mail from his Department e-mail account to Mayes County with an invoice & spreadsheet attached requesting that Mayes County pay Mr. Tyler Williams, thru Ms. Vickie Williams, \$7,000.00 for services identifying completed projects whereby the funds could then be returned to Mayes County's 250C account. He indicated that he did this in concert with or at the urging of Mr. Tyler Williams. The Department is charged with the responsibility to assist the counties, without charging any fee whatsoever, with management of their funds. In essence, it is part of Mr. Glen Williams' job to address these types of issues rather than working with Mr. Tyler Williams to obtain financial gain with information from Department systems that are otherwise not available to Mr. Tyler Williams. Mr. Glen Williams created the spreadsheet identifying the projects at the Department using internal information & Department resources.

Mr. Glen Williams created the invoice from Ms. Vickie Williams to Mayes County, payable to Ms. Vickie Williams, Invoice No. 1225-1. Invoice No. 1225-1 has Mr. Glen Williams' personal mobile telephone number on it as a contact for Mr. Tyler Williams.

On Sunday, February 21, 2010 at approx. 11:29 p.m. Mr. Glen Williams sent an e-mail to me apologizing for his actions and acknowledging that his actions were wrong. A copy of this e-mail is attached.

At approx. 8:30 a.m. on Monday, February 22, 2010 I contacted Mr. Alva Martin, Mayes County Commissioner, District 1 and discussed the acquisition issues and the service fee issue. Mr. Martin advised that Glen had told him that Mr. Tyler Williams had been up to address one of the acquisitions, but not any of the others. Glen told Mr. Martin that he would get Mr. Tyler Williams up to Mayes County to complete three (3) remaining acquisitions. This supports the concern that Glen may have been completing the county's acquisition work for Mr. Tyler Williams or potentially always on his own. A concern is also raised as to whether or not Glen was completing these acquisitions on Department time and with Department resources. I advised Mr. Martin that the county could file a formal complaint with the Department and could potentially seek to file a formal complaint with law enforcement regarding an attempt to obtain money under false pretenses. Mr. Martin advised that he didn't want to take the issue any further, just wanting to insure that the Department was aware that he wasn't involved. I apologized to Mr. Martin on behalf of the Department.

On Monday, February 22, 2010 further investigation of the files on Mr. Glen Williams' T:\Drive indicate that he was involved in the creation of the Title Search & Certification Forms, Deeds, Notice of Intent Forms, 289's, Donation Certificates, Waiver Valuation Forms, Offer Letters (filling in the amount of just compensation), and Summary Statements for State Job No. 25638(04). The Notice of Intent Form referenced a contact of Mr. Tyler Williams and a telephone number of 918-785-4271. That telephone number is the facsimile machine at the Mayes County, District 1 Shop. It is not part of Glen's job duties to create these documents for LPA projects.

Based on the documents found on Glen's T:\Drive it can readily be determined that he was intimately & inappropriately involved in the acquisition of right-of-way for the LPA projects listed below. The extent of his involvement in each one may vary from having an invoice for the acquisition work that was done on his computer to having documents necessary for completion of the acquisition activities on his computer to his actually being involved in the acquisition & receiving compensation for said work.

- Mayes County, State Job No. 25638(04)
- Mayes County, State Job No. 25639(04)
- Mayes County, State Job No. 18728(04)
- Creek County, State Job No. 18168(04)
- Creek County, State Job No. 18169(04)
- Creek County, State Job No. 23476(04)
- Washington County, State Job No. 23552(04)
- McClain County, State Job No. 20212(04)
- McClain County, State Job No. 21139(04)
- LeFlore County, State Job No. 21249(04)
- Logan County, State Job No. 22035(04)
- Logan County, State Job No. 23017(04)
- Logan County, State Job No. 23018(04)
- Garvin County, State Job No. 22528(04)

Mr. Tyler Williams called and left a message for me at the office on Monday, February 22, 2010 at approx. 2:48 p.m.. I had previously advised Mr. Glen Williams that I would like to speak with Tyler as soon as possible, but that I would be out of the office on Monday afternoon. I called Mr. Tyler Williams at 8:50 a.m. on Tuesday, February 23, 2010 and left a message on his voice-mail. Mr. Tyler Williams has not made any further effort to contact me directly.

Initially a Suspension With Pay for ten (10) working days was implemented based on the attempt to obtain the \$7,000.00 service fee from Mayes County, the remorse that was exhibited by Mr. Glen Williams, and the basis that he did not pursue the \$7,000.00 payment. However, further investigation into the above issues was conducted by Mr. Skip Nicholson, General Counsel's Investigator. In summary, Mr. Nicholson was able to determine that Mr. Tyler Williams is not married and there are not two different women named Vickie Williams. He was also able to determine that \$15,400.00 in fees were sent to Mr. Williams' post office box in Moore and deposited in Mr. Williams' bank account. It was at this point that it was determined that Mr. Glen Williams had definitely lied to myself and others regarding the scope of his involvement.

When Mr. Glen Williams was confronted with the information obtained by Mr. Nicholson, he acted surprised that Mr. Tyler Williams wasn't married to a Vickie Williams. Glen was visibly shaken at this point. When confronted with the fact that \$15,400.00 in fees were sent to his post office box and deposited in his bank account, Glen then admitted to receipt of the funds and advised that he was simply acting as a pass-through for payment to Mr. Tyler Williams. He then also admitted that his wife, Ms. Vickie Williams, had done some work for Mr. Tyler Williams totaling approximately \$1,500.00. At this point Mr. Glen Williams was asked to provide proof that the money was then simply forwarded to Mr. Tyler Williams and any other documentation that supported the alleged working relationship between Mr. Tyler Williams and Glen's wife, Ms. Vickie Williams. Mr. Glen Williams alluded to getting records from his bank to such effect, but no supporting documentation was ever provided. Clearly, Mr. Glen Williams was provided with ample opportunity to provide sufficient evidence to clarify and/or support the working relationship that existed between himself, his wife, and Mr. Tyler Williams as alleged by him, but he has supplied nothing.

During the course of the investigation it became known that Mr. Glen Williams had on several occasions recommended Mr. Tyler Williams to several of the counties requiring right-of-way services. It clearly appears that Mr. Glen Williams, when performing his duties for the Department, was recommending Mr. Tyler Williams, an individual with whom he has a financial partnership, for work thereby securing financial gain for himself and/or his wife. In effect, Mr. Glen Williams is deeply involved in efforts to secure compensation for himself or others through use of his official position. Mr. Glen Williams lied to myself and others with regard to what was actually transpiring, alleged the existence of two (2) Ms. Vickie Williams' when in fact there is only his own wife, lied to myself and others with regard to receipt of compensation, and was never forthcoming with information when asked to provide details or supporting documentation. The scope of Glen's actions are clearly beyond one bad act, much more than one simple error in judgment, and clearly indicate a pattern of behaviors that are unacceptable. Mr. Williams is in a position where trust is paramount to continued effectiveness and he can no longer be trusted.

At this point the decision was made to expunge Mr. Glen Williams personnel file of reference to the Suspension With Pay for ten (10) working days, provide him with compensation for the ten (10) working days, and proceed with disciplinary action in the form of discharge.

Glen's involvement in the attempt to gain a service fee for recovering funds from completed projects from Mayes County and his involvement in right-of-way acquisition activities for the projects listed above is inappropriate, breaches the public trust, has created an embarrassing situation for the Department with Mayes County at the very least, and indicates that he was working on Department time & using Department resources for personal gain.

Mr. Glen Williams' actions, at the very least, constitute misuse of office and are a breach of Ethics Commission Rules including, but not limited to 257:20-1-1, 257:20-1-3 which stipulates that no state employee shall knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to his or her office and Rule 257:20-1-4 which stipulates that no state officer or state employee shall use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law. Violations of Chapter 20 could potentially subject Mr. Williams to civil penalties imposed by the Ethics Commission as stipulated in 257:1-1-11.

Article 29, Section 4 of the Oklahoma Constitution may well apply with regard to Ethics Commission actions stemming from this situation. The Oklahoma Administrative Code 530:10-11-91, Conduct of Classified Employees, has clearly been breached in several aspects, specifically that in performing official duties the classified employee shall pursue the common good, and, not only be impartial, but act so that there can be no question of impartiality. Paragraph (b) also stipulates that a classified employee shall not engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible, or in conflict with his or her duties as a classified employee or with the duties, functions or responsibilities of the Appointing Authority by which the person is employed. The stipulations from Paragraphs (c) & (d) have also been compromised by Mr. Glen Williams' actions.

Mr. Glen Williams' actions have also violated multiple Department Policies; B-101-2, B-101-2(1), B-101-2(2), B-101-2(3), B-1201-1 & B-1203-1. Mr. Glen Williams' use of the Department's electronic mail system to conduct business with Mr. Tyler Williams and/or to act on his behalf is a violation of the stipulation that no personal use is permitted at any time for outside business ventures. Mr. Glen Williams' personal involvement, advising Mayes County to "Just let me know if you want to take the fees out of this amount and I'll help you get the claim and other stuff you need," indicated that Mr. Glen Williams was intimately involved in the business venture.

Mr. Williams' actions appear to be of a criminal nature and, in addition to any disciplinary action taken by the Department, these acts could be referred to the appropriate law enforcement agency and/or District Attorney for prosecution. Felony and/or Misdemeanor crimes which might be charged include, but are not limited to, the following:

- Title 21. Crimes and Punishments, Oklahoma Statutes,
 - Chapter 6 - Crimes Against the Executive Power,
 - Section 269 - Acceptance of Emolument, Gratuity or Reward (Misdemeanor)
 - Section 281 - False Statements Made During Internal State Agency Investigations (Misdemeanor)
 - Chapter 8 - Crimes Against State Property and Revenue,
 - Section 343 - Willful Violation of Law Regulating Official Conduct (Misdemeanor)
 - Section 363 - Violations and Penalty
 - Chapter 61 - Frauds, Cheats, False Pretenses, and False Personation
 - Section 1541.1 - Obtaining Property by Trick or Deception - Attempt - False Representation or Pretense - Confidence Game - Penalty (Misdemeanor)
 - Section 1541.2 - Penalty - Value of Property, Money, or Valuable Thing (Felony)
 - Section 1542 - Obtaining Signature or Property by False Pretenses - Penalty (Felony)

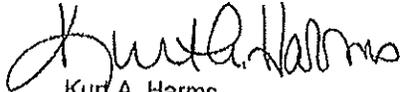
If it is later discovered that Mr. Williams engaged in a pattern of criminal offenses in two or more counties or conspired with other individual(s) to commit these crimes, then in addition to the above, the following crimes might be charged:

- Chapter 11 - Conspiracy,
 - Section 421 - Conspiracy - Definition - Punishment (Felony)
 - Section 424 - Punishment for Conspiracy Against State (Felony)
 - Section 426 - Pattern of Criminal Offenses - Definition - Penalties - Jurisdiction & Venue (Felony)

Mr. Williams' conduct as described above represents willful violation of the Okla. Personnel Act, Ethics Comm. Rules & Merit Rules along with misconduct, conduct unbecoming a public employee, and to be just cause for disciplinary action to be imposed.

The employee's work performance & PMP Form dated June 30, 2009 have been reviewed & considered.

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Kurt A. Harms
Chief, R/W & Utilities Division