

**OKLAHOMA ETHICS COMMISSION**  
**MARCH 10, 2023, MINUTES FOR REGULAR MEETING**

**1. Call to Order.**

Upon notice, with the agenda being properly posted at the Commission office at least twenty-four (24) hours prior to the commencement of the meeting and notice being filed at least forty-eight (48) hours in advance with the Office of the Secretary of State, a regular meeting of the Ethics Commission of the State of Oklahoma ["Commission"] was called to order on Friday, March 10, 2023, at 10:01 a.m. Chair Howard Johnson ["Johnson"] opened the meeting, which was held in Room G-3 of the State Capitol Building, Oklahoma City, Oklahoma.

**Determination of Quorum.**

Roll was called to determine the existence of a quorum for the transaction of business. Commissioners answering present were Gregg Engle ["Engle"], Justin Meek ["Meek"], Eddie Fields ["Fields"], Jarred Brejcha ["Brejcha"], and Johnson. A quorum of members was declared.

**Staff & Visitors.**

Commission staff members present at all, or part of the meeting were Ashley Kemp ["Kemp"], Stephanie McCord ["McCord"], and Diana Diaz.

**Observing all or part of the meeting in person:** Charles Outlaw, LegisOK; Matt Patterson, Media; Denise Lawson, Attorney; and Geoffrey Long, Attorney.

**2. Open Meeting Act Compliance.**

Chair Johnson reviewed the *Affidavit of Posting* of the Agenda for the meeting prepared by the staff and affirmed the meeting and Agenda complied with the Oklahoma Open Meeting Act.

**3. Introductions and Announcements.**

Director Kemp announced the retirement of Senior Compliance Officer Pamela Williams at the end of February. Darci McKee was promoted to Senior Compliance Officer and Kemp announced the Commission Office will resume the interviewing process in search for an Executive Assistant.

**4. Disqualification & Recusal Open Session.**

None.

**5. Minutes.**

**Motion:** Commissioner Fields moved to approve the minutes for the regular meeting and executive session held February 10, 2023.

**Second:** Commissioner Brejcha.

**Roll call vote:** Fields - yes, Brejcha- yes, Engle – yes, Meek - yes, Johnson – yes.

**Motion Carried.**

**6. Determination to enter Executive Session.**

Consideration, discussion, and possible action on entering closed/executive session as authorized and required by Title 25 O.S. Supp. 2017, § 307 (B)(4) and (7) of the Oklahoma Open Meeting Act and Constitutional Ethics Rules 6.5, 6.6, and 6.9 for the purpose of discussing matters identified in agenda item 7.

**Motion:** Commissioner Fields moved that pursuant to counsel’s advice as set forth in subsection (a), the Commission go into executive session in the Ethics Commission Office, Room G-27, of the State Capitol to discuss the matters listed for Agenda Item 7.

**Second:** Commissioner Meek.

**Roll Call vote:** Fields- yes, Meek- yes, Engle- yes, Brejcha- yes, Johnson- yes.

**Motion carried to go into Executive/Closed session at 10:05 a.m.**

**7. Executive Session.**

**8. Action to return to Open Session.**

**Motion:** Commissioner Fields moved to reconvene in Open Session at 1:13 p.m.

**Second:** Commissioner Engle

**Roll call vote:** Fields – yes, Engle– yes, Meek – yes, Brejcha – yes, Johnson – yes.

**Motion carried.**

**9. Disqualification & Recusal for Executive Session.**

None.

**10. Consideration, discussion, and possible action on the following items considered in executive session.**

**Motion:** Commissioner Brejcha moved, pursuant to Ethics Rule 6.10, to proceed with Case No. 2019-06 as discussed in Executive Session.

**Second:** Commissioner Fields

**Roll call vote:** Brejcha – yes, Fields – yes, Engle - yes, Meek– yes, Johnson – yes.

**Motion carried.**

**Motion:** Commissioner Brejcha moved, pursuant to Ethics Rule 6.9, to make certain information regarding C-20-10 public, based on a determination that the release of such information is in the public's interest.

**Second:** Commissioner Meek

**Roll call vote:** Brejcha- yes, Meek- yes, Engle-yes, Fields, yes, Johnson- yes.

**Motion carried.**

**Motion:** Commissioner Brejcha moved to dismiss C-2020-10, alleging violations of the Municipal Campaign Finance and Financial Disclosure Act, with the following prefatory statement:

In 2014, the Oklahoma legislature enacted the Local Government Campaign Finance and Financial Disclosure Act for regulation of campaigns at the political subdivision level. In the Act, the Legislature identified that campaigns were inextricably intertwined with elections and that conduct of campaigns are a matter of statewide concern; the Legislature identified that information on local campaigns should be available locally to be more accessible to the electorate; and the Legislature found that enforcement of campaigns for elective office should be uniform statewide. The Legislature subsequently utilized the Ethics Rules passed by this Commission for state campaigns and applied those Rules to local campaigns.

Important to note, the public policy behind uniform campaign law and uniform enforcement across all levels of government in Oklahoma is sound. Centralized enforcement leads to consistent enforcement, which leads to increased compliance with the law. The legislature vested enforcement of the local campaign laws with the Commission and created a political subdivision enforcement division with the Commission.

Recognizing the enforcement for local campaign finance law with the Commission could not be absorbed even in part by existing Commission resources the Legislature created a dedicated state fund to finance the Political Subdivision Enforcement Division. The legislature also established a financial safeguard to avoid unintended consequences and overburdening the Commission with these new responsibilities, providing that the Commission was only required to enforce the local campaign finance laws when the local government campaign finance fund possessed over \$100,000.

The balance in that account is at \$0—the same level it has been at since 2014 when it was created. As part of its budget request each year the Commission has requested one-time funds to staff the division. Each year that request is not filled.

That background information is necessary and relevant to this motion because this motion is not based on whether it appears campaign finance laws at the local level may have been violated, the motion is based on the fact the account set up to enforce local campaign finance laws does not now, nor has it ever, had funds available to fund the division established by the legislature to enforce these laws.

**Second:** Commissioner Fields

**Roll call vote:** Brejcha- yes, Fields- yes, Engle-yes, Meek, yes, Johnson- yes.

**Motion carried.**

**Motion:** Commissioner Brejcha moved to dismiss C-22-15.

**Second:** Commissioner Engle

**Roll call vote:** Brejcha- yes, Engle- yes, Meek-yes, Fields, yes, Johnson- yes.

**Motion carried.**

**Motion:** Commissioner Brejcha moved to dismiss C-22-16.

**Second:** Commissioner Fields

**Roll call vote:** Brejcha- yes, Fields- yes, Engle-yes, Meek, yes, Johnson- yes.

**Motion carried.**

**Motion:** Commissioner Brejcha moved to dismiss C-22-18.

**Second:** Commissioner Meek

**Roll call vote:** Brejcha- yes, Meek- yes, Engle-yes, Fields, yes, Johnson- yes.

**Motion carried.**

**Motion:** Commissioner Brejcha moved to dismiss C-22-40.

**Second:** Commissioner Engle

**Roll call vote:** Brejcha- yes, Engle- yes, Meek-yes, Fields, yes, Johnson- yes.

**Motion carried.**

**Motion:** Commissioner Brejcha moved to dismiss C-22-51.

**Second:** Commissioner Fields

**Roll call vote:** Brejcha- yes, Fields- yes, Engle-yes, Meek, yes, Johnson- yes.

**Motion carried.**

**Motion:** Commissioner Brejcha moved to dismiss C-23-1.

**Second:** Commissioner Meek

**Roll call vote:** Brejcha- yes, Meek- yes, Engle-yes, Fields, yes, Johnson- yes.

**Motion carried.**

**11. Rulemaking 2024 ERC 01.**

Chair Johnson explained that Director Kemp had provided a tentative work plan template that would help the Commission proceed in an orderly way to review what laws are currently in place, receive feedback from the public, begin the drafting process and ultimately conclude, if needed, with a final proposal for the Commission to consider prior to the 2024 legislative session and submit any proposed changes to the legislature according to the process in the Constitution.

Director Kemp further explained that the Commission's goal for that day was to leave with an identified date that current law would be reviewed, a target date for drafting proposals, and a target date for final promulgation. Discussion on the expectations on public hearings and locations.

**12. Executive Director's Report.**

Director Kemp explained the Commission's financials including revenue and expenditures for February 2023; provided an update regarding FY 24 Budget Request, highlighted a senate and house bills updates that may impact the Commission; and the compliance efforts report.

**13. New Business.**

None.

**14. Adjournment**

**Motion:** Commissioner Engle moved to adjourn the meeting.

**Second:** Commissioner Meek

**Roll call vote:** Engle – yes, Meek – yes, Fields – yes, Brejcha – yes, Johnson – yes

**Motion carried.**

**Meeting ended at 2:07 p.m.**

A handwritten signature in blue ink, appearing to read "Ashley Kemp", written over a horizontal line.

ASHLEY KEMP, Executive Director

Approved on behalf of the Commission:

A handwritten signature in black ink, appearing to read "Howard Johnson", written over a horizontal line.

HOWARD JOHNSON, Chair