

**OKLAHOMA ETHICS COMMISSION
MAY 12, 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, May 12, 2023, at 10:03 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; Misty Penuelas, Citizen; and Joseph Shepard, Citizen.

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 acknowledged Governor Stitt's proclamation of Wednesday, May 10, 2023, State Employee Recognition Day and recognized staff for their tremendous work and service to the Commission with Kemp observing the "Commission staff exemplify values citizens would expect of those who serve the Ethics Commission. Their productivity and grace under pressure is truly impressive. You are critical to the success of this Commission, and we thank you for your service."

Chair Johnson reiterated Director Kemp's comments on staff. He then recognized Director Kemp individually for her 10 years of service. Johnson commented, "We want to take this opportunity to commend Director Kemp for her tireless efforts and commitment to the people of this state. We want to see government leaders (in words of former U.S. Supreme Court Justice Potter Stewart) demonstrate a commitment to do what is right, not just what they have a right to do."

Commissioner Engle also congratulated Director Kemp and commented "People are and

always will be our greatest asset. Please know you are an important part and member of this team. Your abilities and contributions, I believe, will be an important part of this Commission's continued success."

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

None.

5. **Minutes.**

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

Second: Commissioner Engle.

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

Motion Carried.

6. **Waiver Request.**

Motion: Commissioner Fields moved to grant waiver request W-23-01, for the preexisting relationship between Representative Clay Staires and Glen Mulready based on a finding that the purpose of the Ethics rules will not be impeded or hindered by the waiver.

Second: Commissioner Meek

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

Motion Carried.

7. **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 10.

Motion: Commissioner Brejcha 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 8.

Second: Commissioner Fields.

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

Motion carried to go into Executive/Closed session at 10:17 a.m.

8. **Executive Session.**

9. **Action to return to Open Session.**

Motion: Commissioner Fields moved to reconvene in Open Session at 12:26 p.m.

Second: Commissioner Engle

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

Motion carried.

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

None.

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

Motion: Commissioner Brejcha moved to approve the proposed settlement offer to resolve Case No. 2018-10, alleging violation of Campaign Finance Ethics Rule 2, and *State of Oklahoma ex rel. Oklahoma Ethics Commission V. Conservative Alliance PAC*, Case Number CJ-2022-2760, in Oklahoma County District Court.

Second: Commissioner Fields

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

Motion carried.

Motion: Commissioner Brejcha moved to approve the proposed settlement offer to resolve Case No. 2023-05, alleging violations of Campaign Finance, Ethics Rule 2.

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-22-41.

Second: Commissioner Fields

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

Motion carried.

Motion: Commissioner Brejcha moved to authorize a formal investigation into C-22-48 based on a determination that there is reasonable cause to believe that the person or personas named in the complaint have violated Campaign Finance Ethics Rule 2.

Second: Commissioner Engle

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

Motion carried.

Motion: Commissioner Brejcha moved to combine complaints C-23-12, C-23-13, C-14, C-23-15 into C-23-3.

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-23-3.

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-23-6.

Second: Commissioner Meek

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

Motion carried.

12. Political Party Rules Overview.

Director Kemp prepared a presentation of reviewing the Ethics Rules and other laws that applied to political party committees in the State of Oklahoma.

Director Kemp further explained that the Commission will hold public comment opportunities this year to receive feedback and suggestions on those Rules.

13. Executive Director's Report.

Director Kemp discussed the Commission's financials including revenue and expenditures for March and April 2023; provided an update regarding FY 24 Budget Request, and the compliance efforts report.

14. New Business.

None.

15. Adjournment

Motion: Commissioner Engle moved to adjourn the meeting.

Second: Commissioner Field

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

Motion carried.

Meeting ended at 1:38 p.m.



ASHLEY KEMP, Executive Director

Approved on behalf of the Commission:



HOWARD JOHNSON, Chair

Jarred Brejcha per Mtg. 6-9-23