

**OKLAHOMA ETHICS COMMISSION
JULY 21, 2023, MINUTES FOR SPECIAL 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 special meeting of the Ethics Commission of the State of Oklahoma ["Commission"] was called to order on Friday, July 21, 2023, at 10:06 a.m. Chair Howard Johnson ["Johnson"] opened the meeting, which was held in Room 4S.7 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"], Darci McKee, and Diana Diaz.

Observing all or part of the meeting in person: Charles Outlaw, LegisOK; Andy Weber, KOCO-TV; Ben Anderson, KOCO-TV.

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 recognized compliance officer Diana Diaz for her 12 years of service to the State of Oklahoma. Diaz had completed 10 years as a state employee in 2021, without having received her certificate or the associated pin acknowledging the achievement.

4. Disqualification & Recusal Open Session.

None.

5. Minutes.

Motion: Commissioner Fields moved to approve the minutes for the regular meeting and executive session held June 9, 2023.

Second: Commissioner Engle.

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

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. § 307 (B)(1), (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 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 7.

Second: Commissioner Meek.

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

Motion carried to go into Executive/Closed session at 10:11 a.m.

7. Executive Session.

8. Action to return to Open Session.

Motion: Commissioner Fields moved to reconvene in Open Session at 1:47 p.m.

Second: Commissioner Meek

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

Motion carried.

9. Disqualification & Recusal for Executive Session.

General Counsel McCord announced Commissioner Meek recused himself from Case No. 2019-06, alleging violations of Campaign Finance Ethics Rule 2; *State of Oklahoma ex rel. Oklahoma Ethics Commission v. Coleman*, Oklahoma County District Court, Case No. CJ-2021-4865 and stepped out of executive session during that time.

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

None.

11. Executive Director Resignation.

Director Kemp commented that as mentioned in her resignation letter, serving the Commission has been an honor and clarified the uncertainty around the effective date of the resignation. Kemp announced her resignation will take effect end of business, December 31, 2023.

[Resignation letter attached to minutes].

Motion: Commissioner Brejcha moved to accept the resignation of Ashley Kemp as Executive Director of the Oklahoma Ethics Commission to be effective December 31, 2023, close of business.

Second: Commissioner Meek.

Roll call vote: Brejcha – yes, Meek – yes, Engle – no, Fields – yes, Johnson – yes.

Motion carried.

Chair Johnson commented the Commission is mindful of the need to get the “right” person for the job and to different people it may have different meanings. The Commission is specifically assigned, in Oklahoma’s Constitution, the duty to hire its own Director. The assignment is critical because it is clear that only the Commission, and no other person or entity, is able to determine who leads the Commission. It reflects the great degree of independence the citizens who created the Commission entrusted.

The Commission takes this assignment very seriously and is committed to ensuring it follows the intention of its citizens. The Commission will utilize a search committee made of former Ethics Commissioners and Director Kemp as part of this process and will publicly post the position for applicants once the search committee has been formed. The committee will review applications, conduct interviews, and ultimately identify the strongest applicant. Any questions or inquiries on the position should be directed to Director Kemp.

12. Executive Director’s Report.

Director Kemp discussed the Commission’s financials including revenue and expenditures for June 2023; provided an announcement regarding The Guardian System’s vendor notifying cessation, highlighted the Commission is updating reporting calendars to accommodate changes as in the new date of the Primary Election and for a Special Election proclaimed for Senate District 32, and the compliance efforts report.

General Counsel McCord informed she presented at the CivicsCon 2023 as part of the Commission’s outreach report. McCord’s presentation received positive feedback and educated attendees over the Commission’s Ethics Rules.

13. New Business.

None.

14. Adjournment

Motion: Commissioner Engle moved to adjourn the meeting.

Second: Commissioner Fields

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

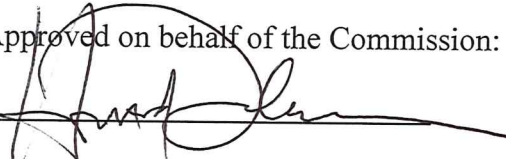
Motion carried.

Meeting ended at 2:00p.m.



ASHLEY KEMP, Executive Director

Approved on behalf of the Commission:



HOWARD JOHNSON, Chair



OKLAHOMA ETHICS COMMISSION

July 14, 2023

Howard Johnson
Chair, Oklahoma Ethics Commission
Via email

Jarred Brejcha
Commissioner
Via email

Eddie Fields
Commissioner
Via email

Gregg Engle
Commissioner
Via email

Justin Meek
Commissioner
Via email

Re: Resignation

Dear Chair Johnson and Commissioners Engle, Brejcha, Meek, and Fields:

Doing my part in implementing the vision Oklahoma citizens had when they created this one-of-a-kind Commission has been the honor of a lifetime. I am immensely proud of the work of the Commission over these last ten plus years. With the record budget year in Oklahoma for FY 24 there seemed every reason to expect an investment in the Commission to restore its education program, build upon its administrative compliance program, and devote resources to combatting the increased and exponential use of “dark money” in Oklahoma campaigns. Unfortunately, that did not occur despite what appeared to be a significant amount of support for the Commission’s request.

For quite some time I have been considering the best time to step away from this position. It was my hope that with an increase in appropriations I could provide the Commission with a deliberate transition plan training my successor through the conclusion of the 2024 election cycle. As that timeline is not available due to current resources, and with little reason to believe an increase will make that possible in the upcoming year, I think it best for the Commission to immediately begin the process to identify its next Director and aim to complete the transition prior to December 31, 2023. Please know I am committed to assisting the Commission in making a smooth and successful transition to its next Director and will work with the Commission to determine a mutually agreeable timeline for this transition.

The past ten years have been a transformational time for this Commission, and I am so pleased to have served when I did. The Commission took the time to identify what the citizens intended in 1990 when they used the initiative petition process to create this Commission, to evaluate what was needed to fulfill those intentions, and to implement thoughtful policies that have formed a solid foundation from which the Commission operates. The last ten years have seen the Commission replace all the Ethics Rules in Oklahoma to ensure the Rules are fair, clear, and consistent. It developed a state-of-the-art online reporting and disclosure system that provides

unprecedented transparency into campaign activity and lobbyist spending in Oklahoma. More than just a way to view filed reports, all data entered into The Guardian System is available to perform customized searches and also permits the download of the data from the system for robust independent analysis by individuals, the media, research groups and many others.

When the Commission started down this transformative path, it made a commitment that not only would it establish fair Ethics Rules and increase transparency in campaigns, but it would also hold accountable those who failed to follow the Rules. The Commission developed and implemented multi-tiered enforcement processes to prioritize and encourage compliance through routine education programs and an administrative compliance program run by staff, preserving the formal complaints and investigations process to address the most serious allegations. While resource issues have hindered the full implementation of the administrative compliance program, and, ultimately led to suspension of the routine education programs, the Commission nonetheless has continued to identify and hold accountable an impressive array of individuals and entities. This includes the largest settlement in state history for personal use of campaign funds, the first strawman entity settlement where a "straw PAC" was used to funnel illegal corporate contributions into state campaign accounts; and, most recently, entered a settlement with an out of state "Super PAC" who sought to influence Oklahoma elections but refused to properly disclose its activity. These, and the many other settlements of the Commission are truly impressive and show Oklahomans that it can, and will, fulfill its Constitutional role to the extent resources permit.

I am immensely grateful for the Commission's staff who not only understand the Commission's role in government but believe in its role and consistently look to improve the operations of the Commission. Working for this Commission tends to be a high stress work environment, and one the staff handles with grace and a commitment to service that has made it a true honor to serve with them. I wish the Commission, its current and future Commissioners, and Commission staff all the best and urge you to stay steady and consistent in the application of the Ethics laws of Oklahoma. Your work is exceedingly important to preserving the trust of Oklahomans in its state officers, state employees and state campaigns, and in restoring trust of citizens when conduct falls short of expectation.

Most Cordially,

A handwritten signature in blue ink that reads "Ashley Kemp". The signature is written in a cursive, flowing style.

Ashley Kemp
Executive Director