

**OKLAHOMA ETHICS COMMISSION
OCTOBER 13, 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, October 13, 2023, at 10:00 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 Jarred Brejcha ["Brejcha"], Gregg Engle ["Engle"], Justin Meek ["Meek"], Eddie Fields ["Fields"], 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"], Denise Klein, and Katie Stagner.

Observing all or part of the meeting in person: Charles Outlaw, LegisOK; Lexie Norwood, Attorney Office; Michael McNutt, Media; Shawn Ashley, Media; Trevor Roberts, Governor's office; Janelle Stecklein, Media; Thomas Schneider, Attorney General's office..

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 introduced Thomas Schneider from the Attorney General's Office to assist with agenda item #6.

4. Disqualification & Recusal Open Session.

None.

5. Minutes.

Motion: Commissioner Fields moved to approve the minutes for the Special Meeting and executive session held September 7, 2023.

Second: Commissioner Engle.

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

Motion Carried.

6. Executive Director Position Search.

a. Consideration, discussion, and possible action on the candidate search for the position of Executive Director of the Commission and to accept the previously submitted applications of Applicants 1 through 10 received between August 2nd and September 15th as applicants for the purposes of the candidate search.

Motion: Commissioner Meek moved to open the candidate search for the position of Executive Director, effective today, with a closing date of October 31, 2023.

Second: Commissioner Brejcha.

Roll Call: Meek – yes, Brejcha – yes, Engle – yes, Fields – yes, Johnson – yes

Motion Carried.

Motion: Commissioner Engle moved to accept the previously submitted application materials for Applicants 1 – 10 submitted between August 2 and September 15 as applicants for the position of Executive Director of the Ethics Commission that begins today and direct the executive director to make contact with the applicants who submitted through Workday of the re-posted position and to apply if interested.

Second: Commissioner Brejcha.

Roll Call: Engle- yes, Brejcha- yes, Meek- yes, Fields – yes, Johnson- yes

Motion Carried.

b. Consideration, discussion and possible action regarding the job qualifications, job description, and job positing for the position of Executive Director of the Ethics Commission.

Motion: Commissioner Fields moved to change the requirement of a Juris Doctor to a preferred qualification along with the Oklahoma Bar license in good standing to preferred.

Second: Commissioner Brejcha.

Roll Call: Fields- yes, Brejcha- yes, Engle- no, Meek- no, Johnson- no

Motion failed.

Motion: Commissioner Brejcha moved to approve the Executive Director to post the position on the Commission’s website, OMES, and such other places as she deems appropriate to attract qualified candidates.

Second: Commissioner Meek.

Roll Call: Brejcha – yes, Meek – yes, Engle – yes, Fields – no, Johnson – yes

Motion Carried.

c. Consideration, discussion, and possible action regarding the creation of an advisory search committee to facilitate the Commission's job search for its next Executive Director, whose functions will include evaluation of applicants as to their qualifications for the position of Executive Director of the Ethics Commission as set forth in the job positing, the interview of applicants identified by the committee, and making recommendation(s) to the Commission regarding the applicants. Possible search committee members include current Commissions, former Commissioners, and the Executive Director.

Comments were made that a search committee was unnecessary due to timing and smaller than expected number of applicants and set a special meeting.

No motions made.

Motion: Commissioner Meek moved to approve the Executive Director to revise the job positing consistent with any changes and amendments approved today.

Second: Commissioner Fields.

Roll Call: Meek – yes, Fields- 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 8.

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 8.

Second: Commissioner Engle.

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

Motion carried to go into Executive/Closed session at 11:31 a.m.

8. Executive Session.

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

Motion: Commissioner Engle moved to reconvene in Open Session at 12:33 p.m.

Second: Commissioner Fields.

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

Motion carried.

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

General Counsel McCord announced Commissioner Brejcha recused and exited executive session from C-22-20 and was not present during discussion.

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

Motion: Commissioner Brejcha moved, pursuant to Ethics Rule 6.10, to authorize the Executive Director to proceed with Case No. 2022-03, alleging violations of Campaign Finance Ethics Rule 2, as discussed in executive session.

Second: Commissioner Fields.

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

Motion Carried.

Motion: Commissioner Brejcha moved, pursuant to Ethics Rule 6.7, to authorize a formal investigation into C-22-19, based upon a determination that there is reasonable cause to believe that the person or persons named in the complaint have violated Campaign Finance Ethics Rule 2.

Second: Commissioner Fields.

Roll Call: Brejcha – yes, Field – yes, Engle – yes, Meek – yes, Johnson – yes

Motion Carried.

Motion: Commissioner Engle moved to dismiss C-22-20.

Second: Commissioner Meek.

Roll Call: Engle – yes, Meek – yes, Fields – yes, Brejcha – Abstain, Johnson – yes

Motion Carried.

Motion: Commissioner Brejcha moved, pursuant to Ethics Rule 6.7, to authorize a formal

investigation into C-22-43, based upon a determination that there is reasonable cause to believe that the person or persons named in the complaint have violated Campaign Finance Ethics Rule 2.

Second: Commissioner Fields.

Roll Call: Brejcha – yes, Fields – yes, Engle – yes, Meek – yes, Johnson – yes

Motion Carried.

12. 2023 & 2024 Special Election Contribution Limits.

Director Kemp explained the Commission voted in February of 2023 to raise the contribution limits in compliance with Ethics Rule 2.37. The motion and the resultant vote began the increase with the 2024 regular election cycle. There have been two special elections proclaimed and the motion made then did not clarify whether or not the increased contribution limit applied.

Motion: Commissioner Fields moved pursuant to Ethics Rule 2.37 to raise the limit to \$3,300 for the 2023 special elections and 2024 special elections that occur prior to the 2024 regular election cycle in accordance with Ethics Rule 2.37.

Second: Commissioner Engle.

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

Motion carried.

13. Consideration, discussion, and possible action on the FY 2025 Oklahoma Ethics Commission Budget Request.

Director Kemp announced it is time to prepare a FY 2025 Budget Request and referred the Commissioners to the draft request summary in the materials. . The Commission proposes restoring its GRF appropriation funding to FY 2016 level of \$837,00 which funding would cover a Deputy Director position, to request funds for a Director of Compliance position, an additional compliance position, funding for the Political Subdivision Enforcement Division within the Commission, and funds to accommodate changes to the Software/Reporting system with the Commission. Director Kemp announced the vendor for The Guardian System has formally notified the Commission of its intention to decommission the system beginning July 1, 2024; provided, however, if the State agrees to design and implementation of a new system, the vendor will continue to support The Guardian System through the 2024 election cycle. The initial estimate for a new system is \$1,200,000 with design, implementation, hosting, and support for 10 years with the first-year costs at \$300,000.

Motion: Commissioner Fields moved for the Commission to request the amount of \$1,200,00 for Special Project Funds and \$1,164,400 for the total operation costs for FY 2025 that would include a diversionary program to be implemented.

Second: Commissioner Brejcha.

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

Motion carried.

14. Consideration, discussion, and possible action regarding The Guardian System contract and future of reporting with the Commission.

Director Kemp explained the options available to The Commission regarding to having a reporting system and its costs tied to each option need to be discussed. Kemp provided the alternative options of either insourcing The Guardian System into the State rather than utilizing an outside vendor or allowing The Guardian System to be decommissioned and not replaced. Having no system would require steps such as securing the data maintained to ensure campaign reports remain accessible by the Commission and others; downloading all filings currently accessible in the system, developing a method to make those publicly available, and developing a process for filing by email and making those publicly available.

Motion: Commissioner Engle moved to authorize the Executive Director to identify options for the Commission to consider with costs analysis and the process required for those options for reporting required with the Commission.

Second: Commissioner Meek.

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

Motion carried.

15. Executive Director's Report.

Director Kemp announced General Counsel McCord completed a presentation engagement on her behalf. Staff has begun reviewing and updating 2024 Election material for packets for various entities such as Candidate filing in April of 2024 and collaborating with the Oklahoma State Election Board. A presentation for the Oklahoma County Election Board Clerk's training will be conducted on Monday, October 16, 2023.

16. Chair Election.

Motion: Commissioner Fields moved to elect Commissioner Brejcha as Chair of the Commission, whose term will begin at the start at the conclusion of this meeting and continues through the meeting following the September 30, 2024, meeting.

Second: Commissioner Engle.

Roll Call: Fields – yes, Engle – yes, Meek – yes, Brejcha – yes, Johnson – yes

Motion Carried.

17. Vice Chair Election.

Motion: Commissioner Meek moved to elect Commissioner Engle as Vice- Chair of the Commission, whose term will begin at the start at the conclusion of this meeting and continue through the is meeting following the September 30, 2024, meeting.

Second: Commissioner Fields.

Roll Call: Meek – yes, Fields – yes, Engle – yes, Brejcha – yes, Johnson – yes

Motion Carried.

18. Adjournment.

Motion: Commissioner Engle moved to adjourn the meeting.

Second: Commissioner Fields.

Roll Call: Engle – yes, Fields – yes, Meek – yes, Brejcha – yes, Johnson - yes

Meeting ended at 1:36 p.m.



ASHLEY KEMP, Executive Director

Approved on behalf of the Commission:



JARRED BREJCHA, Chair