

**OKLAHOMA ETHICS COMMISSION  
OCTOBER 11, 2024, MINUTES FOR REGULAR MEETING**

**1. Call to Order.**

Upon notice, with the agenda being properly posted at the Commission's office at least twenty-four (24) hours prior to the commencement of the meeting and notice being filed 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 11, 2024 at 10:01 a.m. Chair Eddie Fields ["Fields"] 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, Eddie Fields ["Fields"], Howard Johnson ["Johnson"], Mike Wilt ["Wilt"], Justin Meek ["Meek"], and Adam Weintraub ["Weintraub"]. A quorum of members was declared.

**Staff & Visitors.**

Commission staff members present at all, or part of the meeting were Executive Director Lee Anne Bruce Boone ["Bruce Boone"], General Counsel Margaret Kerr ["Kerr"], Deputy Director Jeremy Rogers ["Rogers"], Legal Assistant Tiffany Elczyn ["Elczyn"].

**Observing all or part of the meeting:** David Oakley, LegisOK; Josphe Pierce, Senate; Kaitlyn Finley, LOFT; Micheal McNutt, NonDoc; Ric Moore; Citizen; and Ajay Pittman, Representative.

**2. Open Meeting Act Compliance.**

Chair Fields reviewed the *Affidavit of Posting* and affirmed compliance with the Oklahoma Open Meeting Act.

**3. Introductions and Announcements.**

None.

**4. Announcements, consideration, discussion and possible action on the disqualification or recusal of a Commissioner or Commissioners pursuant to Ethics Rule 1.6 for any matter listed on the Commission agenda.**

No additional recusals.

**5. Consideration, discussion, and possible action on minutes for the regular meeting and executive session held September 13, 2024.**

**Motion:** Commissioner Johnson moved to approve the minutes for the regular meeting and executive session held September 13, 2024.

**Second:** Commissioner Wilt

**Roll call vote:** Johnson – yes, Wilt – yes, Meek - yes, Weintraub- yes, Fields – yes

**Motion carried.**

**6. New Business.**

General Counsel Kerr informed the Commission that they had received a request to appear before the Commission today from Representative Ajay Pittman. Her request was received after the agenda had been published so it's not specifically identified on the agenda. General Counsel Kerr let the Commission know that Representative Pittman will make her remarks at this time. Representative Pittman thanked General Counsel Kerr and greeted the Commission. She explained that she was there to request an extension on part of the settlement agreement. She requested more time to find a discrepancy that she believed goes back to her 2018 Candidate Committee reporting.

Chair Fields commented that they would not have any questions at this time. They will discuss the requested extension and let her know what they decide.

**7. Executive Director's Report. Director Bruce Boone.**

a. Budget & Strategic Planning Update

- i. Director Bruce Boone discussed how they are early in this fiscal year and their total available cash is still almost what their total appropriation was for this fiscal year. Importantly there is a statutory deadline on October 1<sup>st</sup> which requires each agency to submit a strategic planning document. Director Bruce Boone said this document is initially submitted by the deadline and then continuously refined until it's presented to the legislature in January. The Commission depends on assistance from OMES to get budgetary information and currently we are a little concerned about inaccuracies with the information since our assigned budget analyst has recently departed. This was her first opportunity to really work on key performance metrics and goals for the agency. Director Bruce Boone would like to get some feedback regarding these items. The first goal is implementing a new reporting software system over the next couple of years. The second goal is creating an educational program for office holders, candidates, and State Officers/Employees. Education has been important to the Commission and hasn't happened over the past couple of years. Commission is working to create in-person training webinars, videos, and newsletters. The third goal is to develop strategy and inclusion of Political Subdivision for enforcement and education. The fourth goal is establishing a diversion program to reduce compliance-based funds and create a proactive approach to compliance. The last goal is to create an advisory group for strategic advice feedback and recommendations to the Commission. The Commission staff have been working with working groups across the state and meeting with lobbyists as well. Director Bruce Boone believes they will have additional people that want to be involved as it gets a

little more formalized. Director Bruce Boone is having discussions about trying to come up with a rule book or pocketbook for elected officials that they could carry with them. Director Bruce Boone has been invited to speak with the Senate Republican caucus and the Democratic caucus to address their new members and to educate them about most frequently asked questions and common mistakes and errors.

b. Meeting Dates/Times for 2025

- i. Director Bruce Boone said that while next year is still three months away, it's time to begin discussions to determine when the Commission would like to meet in the next calendar year. The Commission has been meeting on the second Friday of each month at 10:00 AM. There's been some discussion that it's not the best time for some of the commissioners. Director Bruce Boone suggested moving regularly scheduled meeting time to Thursday for those that like to travel for the weekend. The Commissioners discussed and wanted to move the Commission meetings to the second Thursday of every month at 10:00 am. Director Bruce Boone said that they will make sure there aren't conflicts and then vote on it at the next commission meeting.

c. Compliance Update

- i. Director Bruce Boone pointed the Commissioners to the Compliance Report and mentioned that in late October reports will be due for candidates in the Pre-General election.

d. RFP Update

- i. Director Bruce Boone spoke generally about the RFP. She said at this point in the process all the cost information has been received and all bids have been evaluated. The contract has not been awarded so it's not finalized so we can't discuss it publicly today.

e. Loft Update

- i. Director Bruce Boone said that our Loft review analysis will be finalized in December. There are a few remaining documents being gathered. Loft will provide the opportunity to review their analysis before it is published.

f. Rulemaking Update/Consideration

- i. Director Bruce Boone walked through some possible rule changes. She asked for feedback on moving forward with putting these possible rule changes into official rule format. The Commissioners were in favor of seeing a rule change to the blackout period. The change would allow complaints to be accepted when the primary determines the outcome of that election. Other possible rule changes would be to increase the campaign finance required reporting threshold from \$50

to \$200, adopting the FEC definition of coordination, adding caucus party committees as an entity type, adding the requirement of a phone number answered by a person in Oklahoma for more than five hours a day to those making Independent Expenditures, raising the capped amount lobbyists can spend per legislator annually, and making the Ethics Commission the repository for political subdivision reporting.

g. Updates on Office Administration

i. Complaints and Cases

Director Bruce Boone said 21 complaints were brought to the commission from June through September 2024. 12 of those are being formally investigated with some dating back to 2020. Moving forward our goal is to have any complaint that's received in that month, go on the next month's agenda. 19 Cases have been brought before the Commission since June; 11 have been dismissed, 3 have been settled or are in the process of being settled, and the remaining are pending.

ii. Administrative Hearings/Final Orders

Director Bruce Boone said there are 59 administrative cases that still need to be heard before an administrative law judge. Those administrative cases represent approximately \$6,750 in fees; many, approximately 57%, are from before 2023. There's a total of 243 administrative cases that were issued a final order which represents almost \$140,000 worth of penalties and assessments; however, many are more than 4 years old. The Commissioners agreed that any proposed compliance order issued prior to January 1, 2022, that does not yet have a Final Order, would be administratively dismissed.

iii. Lobbyist Registration Fee

Director Bruce Boone advised of an issue with the lobbyist registration fees. Last year the registration increased from \$100 to \$125 but unfortunately this increase does not align with the statutory provision 74 O.S. 4250. Statutory law would take precedence to the Ethics Rules fee structures. There is not a retroactive way to correct that statute, so the staff is going to work on a plan to correct the excess in collections.

iv. Advisory Opinions

Director Bruce Boone said the Commission recently acted on an advisory opinion that was requested over a year ago regarding childcare as part of campaign expenses as a necessary and ordinary expense. There are no records of any other advisory opinions since 2020. The Commission received a lot of positive feedback on moving forward with the advisory opinion on childcare and plan to be more expeditious in the future.

v. Education

Director Bruce Boone said that when she was hired the Commission was very interested in getting back to education. Commission staff is developing a strategic plan to increase trainings. There is a lack of awareness of rules. Not only do they need to proactively offer training to office holders and candidates but also to state employees who are daily seeking guidance. She has reached out to the general council's forum and mentioned that they are available for training opportunities. Director Bruce Boone recently conducted a training with the Board of Regents for Higher Education. The staff is working to create some more training opportunities including the creation of video material that would be available even as early as November for those candidates who are seeking to close out their committees. The staff are also working on creating a diversion program and a newsletter.

**8. Determination to enter Executive Session.**

The information to be discussed in Executive Session requires confidential communications between the Ethics Commission and its attorney(s) concerning pending investigations, claims, or actions, the disclosure of which would seriously impair the ability of the Ethics Commission to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest or violate confidential requirements of state law. This proposed executive session meets the requirements for executive session pursuant to the Oklahoma Open Meeting Act in Title 25 of the Oklahoma Statutes, § 307 (B)(1), (4), and (7), and required by Ethics Rules 6.5 and 6.9. The statement is on the agenda and does not need to be read.

- a. Determination, pursuant to Counsel's advice as set forth above, to enter closed, executive session in Room G-3 of the Oklahoma State Capitol.

**Motion:** Commissioner Johnson moved, pursuant to counsel's advice as set forth in subsection 9(a), the Commission go into executive session in room G-3 of the State Capitol Building to discuss the matters listed for Executive Session.

**Second:** Commissioner Meek

**Roll Call vote:** Johnson – yes, Meek – yes, Wilt – yes, Weintraub – yes, Fields-yes.

**Motion carried to go into Executive/Closed session at 11:27 a.m.**

**b. Executive Session.**

Cases and Investigations

- i. Case No. 2024-30, alleging violations of Ethics Rule 4, Conflicts of Interest.
- ii. Case No. 2022-25, alleging violations of Ethics Rule 2, Campaign Finance.

iii. Complaint Numbers:

C-23-4  
C-23-7  
C-23-9  
C-23-17  
C-23-23  
C-23-10  
C-24-35  
C-23-27  
C-24-3  
C-24-33  
C-24-34

c. **Action to Exit Executive Session.**

**Motion:** Commissioner Meek moved to reconvene open session at 1:42 p.m.

**Second:** Commissioner Weintraub

**Roll call vote:** Meek – yes, Weintraub – yes, Johnson - yes, Fields - yes

**Motion carried.**

\*Commissioner Wilt left at 11:30 a.m., prior to the beginning of executive session.

d. Possible action on the numbered matters (i-iii) discussed in Executive Session. Prior to taking action, the Commissioners may consider, discuss, and take action on the disqualification or recusal of a Commissioner or Commissioners pursuant to Ethics Rule 1.6 for any item listed in this agenda for Executive Session. General Counsel Kerr

i. Prior to the meeting, there were no recusals. Seeing no additional recusals.

ii. Consideration of authorizing possible action regarding the following cases:

1. **Motion:** Commissioner Meek moved to pursuant to Ethics Rule 6.10, to approve the proposed Settlement Agreement in Case No. 2024-30 and authorize the Executive Director to execute the Agreement, as discussed in Executive Session.

**Second:** Commissioner Johnson

**Roll call vote:** Meek – yes, Johnson – yes, Weintraub – yes, Fields- yes

**Motion carried.**

2. **Motion:** Commissioner Meek moved to grant the requested extension in Case

No. 2022-25 alleging violation of campaign finance, **Ethics Rule 2.**

**Second:** Commissioner Weintraub

**Roll call vote:** Meek – yes, Weintraub – yes, Johnson – yes, Fields - yes

**Motion carried.**

3. **Motion:** Commissioner Meek moved to dismiss complaint C-23-7.

**Second:** Commissioner Weintraub

**Roll call vote:** Meek – yes, Weintraub – yes, Johnson - yes, Fields - yes

**Motion carried.**

4. **Motion:** Commissioner Meek moved to dismiss complaint C-23-9.

**Second:** Commissioner Weintraub

**Roll call vote:** Meek - yes, Weintraub – yes, Johnson – yes, Fields - yes

**Motion carried.**

5. **Motion:** Commissioner Meek moved to dismiss complaint C-23-17.

**Second:** Commissioner Weintraub

**Roll call vote:** Meek - yes, Weintraub – yes, Johnson – yes, Fields - yes

**Motion carried.**

6. **Motion:** Commissioner Meek moved to dismiss complaint C-23-23.

**Second:** Commissioner Weintraub

**Roll call vote:** Meek - yes, Weintraub – yes, Johnson – yes, Fields - yes

**Motion carried.**

7. **Motion:** Commissioner Meek moved pursuant to Ethics Rule 6.7, to combine Complaint C-23-10 with Complaint C-24-35, and open a formal investigation based on a reasonable cause to believe that one or more violations of Ethics Rules has occurred.

**Second:** Commissioner Johnson

**Roll call vote:** Meek - yes, Johnson – yes, Weintraub – yes, Fields - yes

**Motion carried.**

8. **Motion:** Commissioner Meek moved pursuant to Ethics Rule 6.7, to open a formal investigation into Complaint C-23-27, based on a reasonable cause to believe that one or more violations of Ethics Rules has occurred.

**Second:** Commissioner Johnson

**Roll call vote:** Meek - yes, Johnson – yes, Weintraub – yes, Fields - yes

**Motion carried.**

9. **Motion:** Commissioner Meek pursuant to Ethics Rule 6.7, to open a formal investigation into Complaint C-24-3, based on a reasonable cause to believe that one or more violations of Ethics Rules has occurred.

**Second:** Commissioner Johnson

**Roll call vote:** Meek - yes, Johnson – yes, Weintraub – yes, Fields - yes

**Motion carried.**

10. **Motion:** Commissioner Meek pursuant to Ethics Rule 6.7, to combine Complaint C-24-33 with Complaint C-24-34, and open a formal investigation based on a reasonable cause to believe that one or more violations of Ethics Rules has occurred.

**Second:** Commissioner Weintraub

**Roll call vote:** Meek - yes, Weintraub – yes, Johnson – yes, Fields - yes

**Motion carried.**

**9. Adjournment. Chair Fields.**

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

**Second:** Commissioner Johnson

**Roll call vote:** Weintraub – yes, Johnson – yes, Meek – yes, Fields – yes

**Motion carried.**



**Meeting ended at 2:21 p.m.**

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LEE ANNE BRUCE BOONE, Executive Director

Approved on behalf of the Commission:

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EDDIE FIELDS, Chair