

OKLAHOMA ETHICS COMMISSION
NOVEMBER 8, 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, November 8, 2024, at 10:00am. 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"], and Justin Meek ["Meek"]. A quorum of members was declared. Commissioner Adam Weintraub ["Weintraub"] joined the meeting at 10:23 a.m.

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"], and Legal Intern Aniston Emory ["Emory"].

Observing all or part of the meeting: Diana Duran, LegisOK; Denise Lawson, Attorney; Michael McNutt, NewsOK; Jeromy Knapp, LOFT; Joseph Pierce, Senate; and Ric Moore, Citizen.

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 October 11, 2024.**

Motion: Commissioner Johnson moved to approve the minutes for the regular meeting and executive session held October 11, 2024.

Second: Commissioner Wilt

Roll Call vote: Johnson – yes, Wilt – yes, Meek – yes, Fields – yes

Motion Carried.

6. **Executive Director’s Report. Director Bruce Boone.**

a. Quarterly Budget and Fees Update and Budget Request FY 25

- I. Director Bruce Boone discussed the budget report. She explained that due to turnover with OMES, the quarterly report was late. She reminded the Commissioners, the 200 fund was created in 2020 and funded by registration and late fees. The 211 fund is an overage from the 200 fund, and it’s the online revolving fund that was created in 2021 to develop and maintain the Guardian System. The agency is running ahead with revenues. The funding for new hires was provided in July. Director Bruce Boone said they did receive approval to proceed with the refunds on the lobbyist fee overage and they do not need to include lobbyist principals. The total is round \$35,000 which includes refunds from this year and what they will not collect next year. They do have sufficient funds to cover this fee change. Director Bruce Boone asked to get the Commissioners input on the operating requests for FY2025. She would like to keep requests limited this year since they had a lot of requests in the budget last year. They will need a large sum for the Guardian System and funding for the Political Subdivision Enforcement fund. In FY2024, they were given \$150,000 for Political Subdivision Enforcement, but it was given as one time funding. They need recurring funding to be able to hire staff. Right now, the major requests are a one-time request of \$700,000 for our software system and the recurring \$300,000 for the political subdivision enforcement fund. Director Bruce Boone points out that they have a 36.8 percent variance from last year regarding expenditures. This budget will be revised because they do not have final figures for the software system replacement. If the Commissioners want to offer a motion in support of this budget, they can or they can defer until it is final.
- II. Commissioners discussed litigation expenses.
- III. Question by Commissioner Wilt about when we must have all our budget numbers to the legislator.

- IV. Comment by Director Bruce Boone said that she submitted a preliminary report last month and they will be turning in final documents next month.
- V. Comment by Commissioner Fields regarding constitutional deadlines.

b. Compliance Update

- I. Director Bruce Boone submitted Compliance Report. Advised they have targeted for a diversion program via an educational webinar.
- II. Question by Commissioner Fields if we could build these educational webinars into the new reporting system that will replace the current Guardian System.
- III. Comment from Director Bruce Boone that we anticipate the new system would have that capability.

c. LOFT Update

- I. Director Bruce Boone said we can expect to start receiving feedback by next week.

d. Rulemaking Notice and Consideration

- I. Director Bruce Boone states that the rule amendments will be posted 5 days in advance to allow for feedback. Notice of the Public Hearing on the rules at our next Commission meeting was posted and published.
- II. Director Bruce Boone comments that Ethics Rule 2.95 would be amended to require treasurers and deputy treasurers to certify that no campaign funds came from foreign sources. Director Bruce Boone asks the Commissioners if there is agreement on having both treasurers and deputy treasurers.
- II. Question from Commissioner Fields on if they originally included deputy treasurers or only treasurers.
- III. Comment by Director Bruce Boone that the Governor's task force suggested treasurers only.
- IV. Question from Commissioner Wilt on if a treasurer personally certifies on the report, does the deputy treasurer have to certify as well.
- V. Comment by Director Bruce Boone that other rules state both treasurer and deputy treasurer, so we are trying to keep it consistent with the rest of the rules.

- VI. Comment by Commissioner Fields that in the rules, it says treasurer or deputy treasurer, but he thinks that and/or would be a better fit than just “and”. If the treasurer isn’t there, then the report will fall on the deputy treasurer.
- VII. Comment by Director Bruce Boone that they will work on the language if they are certain they want to include the deputy treasurer.
- VIII. Comment by Director Bruce Boone The next rules are listed separately, and they are 2.107, 2.108, 2.109, 2.20, and 2.17. The feedback given was to pursue changing the \$50 limit to \$200. It is up to the Commission if they want to do both Independent Expenditures and general contributions or limit it to the general contributions.
- IX. Comment by Chair Fields that he thought would be better to keep them both the same.
- X. Comment by Commissioner Weintraub and Commissioner Wilt that they agree to keep it uniform.
- XI. Comment by Director Bruce Boone that the Governor’s task force recommended adding an inflationary index to contribution limits. She asked if the Commissioners would want to do that. It has not been done in the past.
- XII. Comment by Commissioner Weintraub that he is in favor of doing an inflationary index.
- XIII. Question by Chair Fields about how often to do the inflationary index increase.
- XIV. Comment by General Counsel Kerr that she would recommend doing it annually.
- XV. Comment by Director Bruce Boone about the inclusion of the additional requirements for independent expenditures.
- XVI. Comment by Director Bruce Boone that the Governor’s task force expressed concerns about out of state phone numbers not being answered. The proposed amendment to the rule 2.107 adds that phone numbers listed must be in Oklahoma and answered at least 5 hours a day and a corporation would need to be incorporated in Oklahoma.
- XVII. Comment by Director Bruce Boone on proposed amendment to Rule 2.17, reflects the federal law that foreign nationals are prohibited from making donations. She recommended doing an advisory opinion instead of a rule change for the

definition of coordination in Rule 2.2. She suggested using the three-prong test that the FEC recommends when determining coordination.

- XVIII. Comments by Chair Fields and Commissioner Johnson that they agree.
- XIX. Comment by Director Bruce Boone that another amendment to Rule 2.2 is including Political Caucus Committee in the definition of a Political Party Committee.
- XX. Another proposed amendment will allow lobbyists to provide tickets to the legislature for events. Comment from Commissioner Johnson that he does not support lobbyist giving tickets.
- XXI. Question by Chair Fields regarding limits on the amount spent on tickets.
- XXII. Director Bruce Boone commented that proposed amendments to Rule 5.7, 5.8, 5.10, 5.11 are provisions that all increase the amount that lobbyists can utilize from \$500 to \$750. The language currently limits the gift to any individual recipient to \$100 which may need to be adjusted to reflect today's prices.
- XXIII. Commissioner Fields verified that the \$750 limit would include entertainment and meals.
- XXIV. Comment from Commissioner Weintraub discussed being in favor of the price increase.
- XXV. Comments and discussion from Deputy Director Rogers, Commissioner Fields, Commissioner Weintraub, Commissioner Meek, General Counsel Kerr, and Director Bruce Boone.
- XXVI. Comment by Director Bruce Boone regarding Rule 6.4, the black out period. This is amending the black out period to allow complaints to be filed if the primary election controls the overall outcome of the election.
- XXVII. Comments by Commissioner Wilt and Commissioner Johnson in favor.

e. Complaint and Investigation

- I. Director Bruce Boone said that they plan to do an annual reminder to staff and Commissioners about confidentiality.

- II. General Counselor Kerr discussed that confidentiality is primary to the Ethics investigation process. Confidentiality begins upon receipt of complaints to preliminary and formal investigations.
- III. Director Bruce Boone commented regarding settlements.
- IV. Question from Chair Fields about what information can be released with a settlement.
- V. Comment from Director Bruce Boone and General Counsel Kerr.

f. RFP Update

Director Bruce Boone discussed that we are now to the point of negotiations. She asked the Commissioners if negotiations are successful, can they execute, or would they want them to wait until the next meeting.

Motion: Commissioner Meek moved to allow staff to execute the agreement.

Second: Commissioner Johnson

Roll Call Vote: Meek – yes, Johnson – yes, Wilt – yes, Weintraub – yes, Fields – yes

Motion Carried.

7. 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 Wilt

Roll Call Vote: Johnson – yes, Wilt – yes, Meek – yes, Weintraub – yes, Fields – yes

Motion Carried to go into Executive/Closed session at 11:11

b. Executive Session.

Cases and Investigations.

- I. Case No. 2024-12, alleging violations of Ethics Rule 2, Campaign Finance;
- II. Case No. 2023-27, alleging violations of Ethics Rule 4, Conflicts of Interest;
- III. Case No. 2022-25, alleging violations of Ethics Rule 2, Campaign Finance;
- IV. Case No. 2024-26, alleging violations of Ethics Rule, Campaign Finance; and
- V. Complaint Numbers:
 - C-23-4
 - C-23-25
 - C-23-26
 - C-24-4
 - C-24-5
 - C-24-14
 - C-24-16
 - C-24-28
 - C-24-37

c. Action to Exit Executive Session.

Motion: Commissioner Meek moved to reconvene open session at 12:42pm

Second: Commissioner Wilt

Roll Call Vote: Meek – yes, Wilt – yes, Johnson – yes, Weintraub – yes, Fields – yes

Motion Carried.

d. Possible action on the numbered matters (i-ii) 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 dismiss Case 2024-26.

Second: Commissioner Wilt

Roll Call Vote: Meek – yes, Wilt – yes, Johnson – yes, Weintraub – yes, Fields – yes

Motion Carried.

2. **Motion:** Commissioner Meek moved to dismiss Complaint C-23-4.

Second: Commissioner Weintraub

Roll Call Vote: Meek – yes, Weintraub – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

3. **Motion:** Commissioner Meek moved to dismiss Complaint C-23-25.

Second: Commissioner Wilt

Roll Call Vote: Meek – yes, Wilt – yes, Johnson – yes, Weintraub – yes, Fields – yes

Motion Carried

4. **Motion:** Commissioner Meek moved to dismiss Complaint C-23-26.

Second: Commissioner Wilt

Roll Call Vote: Meek – yes, Wilt – yes, Johnson – yes, Weintraub – yes, Fields – yes

Motion Carried.

5. **Motion:** Commissioner Meek moved to dismiss Complaint C-24-4.

Second: Commissioner Weintraub

Roll Call Vote: Meek – yes, Weintraub – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

6. **Motion:** Commissioner Meek moved to open a formal investigation on Complaint C-24-5.

Second: Commissioner Wilt

Roll Call Vote: Meek – yes, Wilt – yes, Johnson – yes, Weintraub – yes, Fields – yes

Motion Carried.

7. **Motion:** Commissioner Meek moved to open a formal investigation on Complaint C-24-14.

Second: Commissioner Johnson

Roll Call Vote: Meek – yes, Johnson – yes, Wilt – yes, Weintraub – yes, Fields – yes

Motion Carried.

8. **Motion:** Commissioner Meek moved to dismiss Complaint C-24-16.

Second: Commissioner Wilt

Roll Call Vote: Meek – yes, Wilt – yes, Johnson – yes, Weintraub – yes, Fields – yes

Motion Carried.

9. **Motion:** Commissioner Meek moved to dismiss Complaint C-24-28.

Second: Commissioner Weintraub

Roll Call Vote: Meek – yes, Weintraub – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

10. **Motion:** Commissioner Meek moved to open a formal investigation on Complaint C-24-37, and further move that complaint be combined with the formal investigation already open with Case 2023-27 and allow general counsel to initiate settlement communications.

Second: Commissioner Johnson

Roll Call Vote: Meek – yes, Johnson – yes, Wilt – yes, Weintraub – yes, Fields – yes

Motion Carried.

8. Consideration, discussion, and possible action on registration and administration fees for The Guardian System for FY 2025 for the following entities. Chair Fields

a. Annual fee for lobbyists, legislative liaisons, and lobbyist principals.

Director Bruce Boone discussed that the Commissioner’s needed to consider a motion on returning the fee for the lobbyists, legislative liaisons, and lobbyist principals back to \$100 instead of \$125 to match statutory law.

Motion: Commissioner Meek moved to return the fee back to \$100 for lobbyists, legislative liaisons, and lobbyist principals.

Second: Commissioner Johnson

Roll Call Vote: Meek – yes, Johnson – yes, Wilt – yes, Weintraub – yes, Fields - yes

9. Chair Election. Nomination, consideration, and possible action on election of Commission Chair beginning the adjournment of this meeting.

Motion: Commissioner Meek moved to reelect Fields as Chair for the term that expires October 2025.

Second: Commissioner Johnson

Roll Call Vote: Meek – yes, Johnson – yes, Wilt – yes, Weintraub – yes, Fields - abstain

Motion Carried.

10. Vice Chair Election, Nomination, consideration, and possible action on election of Commission Vice-Chair beginning adjournment of this meeting.

Motion: Commissioner Weintraub moved to nominate Commissioner Meek to be Vice Chair for the term that expires October 2025.

Second: Commissioner Wilt

Roll Call Vote: Weintraub – yes, Wilt – yes, Johnson – yes, Meek – abstain, Fields – yes

Motion Carried.

11. Consideration, discussion, and possible action on dates, times, and locations for meetings of regularly scheduled Commission meetings for calendar year 2025 in accordance with Title 25 O.S. §311. Director Bruce Boone

Director Bruce Boone discussed moving the Commission meetings from Friday to Thursday. The dates as listed in the agenda are the second Thursdays of the month for the next calendar year, except for December which conflicts with the COGEL conference.

Motion: Commissioner Johnson moved to approve date recommendations.

Second: Commissioner Wilt

Roll Call Vote: Johnson – yes, Wilt – yes, Meek – yes, Weintraub – yes, Fields – yes

Motion Carried.

12. New Business. Chair Fields

No new business.

13. Adjournment. Chair Fields

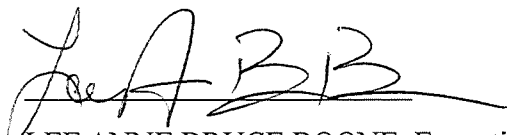
Motion: Commissioner Wilt moved to adjourn the meeting.

Second: Commissioner Weintraub

Roll Call Vote: Wilt – yes, Weintraub – yes, Johnson – yes, Meek – yes, Fields – yes

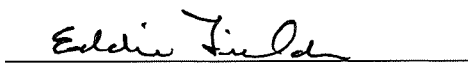
Motion Carried.

Meeting ended at 12:53pm



LEE ANNE BRUCE BOONE, Executive Director

Approved on behalf of the Commission:



EDDIE FIELDS, Chair