

**OKLAHOMA ETHICS COMMISSION
AUGUST 9, 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, August 9, 2024 at 10:00 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"] 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"] and Compliance Officer Travis Rollins ["Rollins"].

Observing all or part of the meeting: Charles Outlaw, LegisOK; Denise Lawson, Attorney; Travis Pickens, Attorney; Kathy Pendarvis, Attorney; Tracy Osburn, Attorney; Leisa Weintraub, Attorney; and Michael McNutt, NonDoc.

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.

Director Bruce Boone introduced our new Commissioner, Adam Weintraub, our new Deputy Director, Jeremy Rogers, and our new Compliance Officer, Travis Rollins.

4. Administration of Oath of Office to newly appointed Commissioner Adam Weintraub. Justice Noma Gurich

5. 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 recusals.

6. **Consideration, discussion, and possible action on minutes for the regular meeting and executive session held July 12, 2024.**

Motion: Commissioner Wilt moved to approve the minutes for the regular meeting and executive session held July 12, 2024.

Second: Commissioner Johnson

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

Motion carried.

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

a. Budget Update

- i. Director Bruce Boone discussed the budget update for fiscal year 2025. She said the budget is balanced. The \$150,000 funding for political subdivisions is a brand-new one-time allocation. Since it was not allocated as recurring funds, she could not allocate a full-time position to it. She will use the allocation for temporary legal staffing to help with political subdivision complaints, and for travel expenses for staff to go out regionally to educate candidates, officeholders, and local county election boards, school boards and municipal clerks about what should be filed and how it will work in the future. She plans to make the Ethics Commission's new reporting system the repository for the political subdivision reports instead of keeping them locally.

b. Compliance Update

- i. Director Bruce Boone said that there are currently 1,552 entities actively filing in the Guardian System. There was only one reporting issue with June's lobbyist report. There were 24 late filers for committee 2nd Quarter reports and 9 final compliance orders.

c. Website Development

- i. Director Bruce Boone said they should be finished with the website in the next two weeks. She said it will be mobile friendly. It will have the new logo and be cohesive with other state agencies.

d. Task Force Workgroup Update

- i. Consideration, discussion, and possible action on Task Force Workgroup establishment.
- ii. Director Bruce Boone said at all the working group meetings she has led a brief presentation regarding the Governor's Task Force requests, the current state of our rules, and how other states and the federal government are defining those

rules. The first meeting was held in Tulsa on June 25th. There were about 20 attendees. That group focused on potentially defining coordination under the rules. The second meeting was held July 11th at the State Capitol with about 15 attendees. Some members of the state legislature attended. Written comments were due at the end of July. Written comments from the former Chair Brejcha and Vice Chair Engle were received. The last working group meeting was a small group held July 18th regarding cumulative reporting and contribution limits.

- iii. Comments by Commissioner Johnson that there was a consensus in raising the threshold for the report requirement for individuals from \$50 to \$200. The attendees felt the higher amount would encourage small donors and there was universal opposition to the idea of unlimited contributions.
- iv. Comment by Director Bruce Boone that General Counsel Kerr did submit comments in writing to her regarding the last group meeting. She added that there was also concern about expanding the contribution limits to the limits recommended by the Governor's Task Force. The attendees seemed to want a more moderate amount. Over the next month the General Counsel and Executive Director Bruce Boone will assist in proposing some possible changes to the rules based on those comments they heard and the feedback that was given. Then after getting the Commissioners feedback on those possible changes, they will make the rule proposals.

8. Consideration and discussion of Advisory Opinion AOR-23-01, request from State Senator Jessica Garvin regarding dependent care expenses. Margaret Kerr, General Counsel.

- a. General Counsel Kerr said in 2023 the commission approved the then Executive Director to move forward to schedule and provide notice of a hearing and a draft advisory opinion. The current Executive Director and General Counsel Kerr are prepared to move forward and submit a draft advisory opinion for consideration and comments and to provide the 30 days' notice for the hearing on September 13, 2024, which will be the next Commission meeting. Notice will be given 5 days prior to the hearing that the draft opinion is available for review and public comment. The public can attend the hearing and provide oral comments or submit written comments prior to the hearing.
- b. Question by Chair Fields if the draft opinion will be available online and if we will take online comments. Commissioner Wilt inquired about the definition of a "dependent" and some discussion was held regarding who this might include.
- c. Comment by Executive Director Bruce Boone that it will be available online and they can send comments to the Ethics Commission email address.

9. 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 confidentially 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 at the Ethic's Commission's office in Room G-27 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 the Ethics Commission's office in room G-27 of the State Capitol Building to discuss the matters listed for Executive Session.

Second: Commissioner Wilt

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

Motion carried to go into Executive/Closed session at 10:27 a.m.

b. **Executive Session.**

Cases and Investigations

- i. Consideration of authorizing possible action regarding change order for The Guardian System needed to conform to the requirements of the Oklahoma Judicial Security & Privacy Act.
- ii. Case No. 2022-04, alleging violations of Ethics Rule 2, Campaign Finance.
- iii. Case No. 2022-12, alleging violations of Ethics Rule 2, Campaign Finance.
- iv. Case No. 2022-21, alleging violations of Ethics Rule 2, Campaign Finance.
- v. Case No. 2022-25, alleging violations of Ethics Rule 2, Campaign Finance.
- vi. Case No. 2024-11, alleging violations of Ethics Rule 4, Conflicts of Interest.
- vii. Complaint Nos.
 - C-22-14 C-22-50
 - C-22-33 C-24-30
 - C-22-34
 - C-22-45

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

Motion: Commissioner Wilt moved to reconvene open session at 12:55 p.m.

Second: Commissioner Johnson

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

Motion carried.

d. Possible action on the numbered matters (i-vii) 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. Seeing no recusals. General Counsel Kerr
- ii. Consideration of authorizing possible action regarding change order for the Guardian System needed to conform to the requirements of the Oklahoma Judicial Security & Privacy Act.

Motion: Commissioner Wilt moved to approve the change order for the Guardian System and authorize the Executive Director to sign the said change order.

Second: Commissioner Weintraub

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

Motion carried.

- iii. **Motion:** Commissioner Wilt moved pursuant to Ethics Rule 6.10, to proceed with Case No. 2022-04 and engage in settlement negotiations as discussed in Executive Session.

Second: Commissioner Johnson

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

Motion carried.

- iv. **Motion:** Commissioner Wilt moved in pursuant to rule 6.10, to expand the investigation of Case No. 2022-12.

Second: Commissioner Johnson

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

Motion carried.

- v. **Motion:** Commissioner Wilt moved pursuant to Ethics Rule 6.10, to authorize the Executive Director to proceed with Case No. 2022-25 as discussed in Executive Session

Second: Commissioner Weintraub

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

Motion carried.

- vi. **Motion:** Commissioner Wilt moved pursuant to Ethics Rule 6.7 to dismiss Complaint C-22-14.

Second: Commissioner Weintraub

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

Motion carried.

- vii. **Motion:** Commissioner Wilt moved pursuant to Ethics Rule 6.7 to dismiss Complaint 22-34.

Second: Commissioner Johnson

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

Motion carried.

- viii. **Motion:** Commissioner Wilt moved pursuant to Ethics Rule 6.7 to dismiss Complaint C-22-45.

Second: Commissioner Weintraub

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

Motion carried.

- ix. **Motion:** Commissioner Wilt moved pursuant to Ethics Rule 6.7 to dismiss Complaint C-22-50.

Second: Commissioner Johnson

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

Motion carried.

- x. **Motion:** Commissioner Wilt moved pursuant to Ethics Rule 6.7, to open a formal investigation into Complaint C-24-30

Second: Commissioner Weintraub

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

Motion carried.

10. New Business.

Executive Director Bruce Boone said she was notified that the person in charge of our RFP is no longer with OMES and so we have a delay in our RFP. She said there are about 50 questions outstanding by vendors that will be answered in the next week. Vendors will be given an additional two weeks. The new deadline for RFP submissions will be August 30th.

11. Adjournment. Chair Fields.

Motion: Commissioner Johnson moved to adjourn the meeting.

Second: Commissioner Wilt

Roll call vote: Johnson – yes, Wilt – yes, Weintraub – yes, Fields – yes

Motion carried.

Meeting ended at 1:04 p.m.



LEE ANNE BRUCE BOONE, Executive Director

Approved on behalf of the Commission:



EDDIE FIELDS, Chair