

**OKLAHOMA ETHICS COMMISSION
SEPTEMBER 13, 2024, MINUTES FOR REGULAR MEETING
AND PUBLIC HEARING**

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, September 13, 2024 at 10:04 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"], and Mike Wilt ["Wilt"]. A quorum of members was declared. Commissioner Justin Meek ["Meek"] joined the meeting at 10:06 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"], Compliance Officer James Mahan ["Mahan"], and Legal Intern Aniston Emory ["Emory"].

Observing all or part of the meeting: David Oakley, LegisOK; Denise Lawson, Attorney; Josph Pierce, Senate; Kaitlyn Finley, LOFT; Melissa Dacques, Tulsa World; Micheal McNutt, NonDoc; Sarah Hague, Vote Mama; Mickey Dollens, House.

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 Compliance Officer, James Mahan, and our new Legal Intern, Aniston Emory.

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 August 9, 2024.

Motion: Commissioner Johnson moved to approve the minutes for the regular meeting and executive session held August 9, 2024.

Second: Commissioner Meek

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

Motion carried.

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

a. Budget Update

- i. Director Bruce Boone discussed the budget update for fiscal year 2025. She said that they just got their budget expenses and encumbrances. Because it’s early in the year, they have not spent a lot in terms of year to date. On the graph, the annual budget is in blue, and the actual expenses and encumbrances that have been spent are in gray. It shows the expenses by category of spending for division ten, broken down by administration, miscellaneous, payroll, professional services, and travel. Payroll is the largest portion of our budget. They have quite a bit of expenses in miscellaneous and administration, due to the addition of new staff and the website development. Even though the website development was a gift given by Commerce, they must reflect the money coming in and going back out. They have different expenses under administration where we are paying for IT services as well. The last page shows the revenues collected so far. Purchases for fiscal year 2025 are in these Revolving Class Funds. The cash balance of Class Fund 200 at the end of August was \$595,461. They haven’t had revenue collections yet in Class Fund 211, but there is a balance of \$207,162.54. They did have an overage in Class Fund 211, it has a cap of \$150,000 so \$33,000 was transferred to the state general revenue fund.

b. Compliance Update

- i. Director Bruce Boone said that the important thing to note about compliance orders right now, is that things are very much status quo. They are in kind of a good lull period, because they are between that August Pre-Runoff reports and November General Election reports. We are also in a lull period for lobbyists because most of them do not have to report again until next year. Everything is business as usual for an election year.

c. RFP Update

- i. Director Bruce Boone said that she wanted to give an update on the Request for Proposal. They did receive 5 bids and all the bids qualified, all of them met what

they needed too in terms of the criteria, and all were invited for a demonstration which we held this week. They invited the commissioners, the legislature, and various members who file to attend. They did have some senate legal assistant staff and lobbyists join and provide feedback. They did make the demo presentations open so that the people who are impacted by the system could participate in those demos. They are about to review cost information for those and once that is reviewed, then there will be a ranking of those bidders according to all the evaluations that are received. Then they will move forward, if everything is acceptable, into negotiations with at least one of those vendors. She anticipates that they might have a contract to review by our next meeting, but that is the state of where things are.

- ii. Questions by Commissioner Fields whether if there was any kind of general feedback that they got from lobbyists or legislative members who saw the demonstration.
- iii. Comment by Director Bruce Boone that excitement was the general feedback. Excitement about the possibility of the new system and what the possibilities are. They said it looked easy to use.
- iv. Comment by Commissioner Meek that he was able to sit in on two of the presentations, and that at least one of them looked much easier to use than what we currently have.
- v. Question by Commissioner Fields as to whether the presentations made included subdivisions across the state.
- vi. Comment by Director Bruce Boone that the subdivisions were one of the elements of the presentations and different vendors spoke in different ways as to what they could do. It is listed as part of the requirements.
- vii. Question by Commissioner Johnson as to whether they were all within the cost limitations that we have.
- viii. Comment by Director Bruce Boone that the final cost is still to be determined. The base numbers are within our limitations, but the ongoing costs and negotiations are still to be had.

d. Website Demonstration

- i. Director Bruce Boone did a website demonstration for the new Oklahoma Ethics Commission website. She showcased the new State of Oklahoma branding that all agencies are being asked to use. She explained that a lot of the new website is the same as the old website in terms of content which they do have plans to revise on an ongoing basis. They wanted to do a new look and feel and make the mechanics that support the website underneath a lot simpler to maintain and to be able to update. On the first page, there are some simple buttons to make it easy

to navigate, to be able to easily locate what the people might be interested in, and what most people come to our website looking for and the agenda posting is at the bottom. The draft advisory opinion that is on the agenda is also on there. She showed the “about us” page with the Commissioners and the Ethics Commission staff. Another thing to highlight is a section on filing a complaint and what happens when someone files a complaint. There is information for campaigns, for the candidates, and the lobbyists. They tried to make it more user friendly.

- ii. Question by Commissioner Johnson as to what happens when someone files a complaint during a blackout period?
- iii. Comment by Director Bruce Boone that it’s not accepted so they would have to file it after the general election.
- iv. Question by Commissioner Fields regarding other than the odds and ends, is the website up and running?
- v. Comment by Director Bruce Boone that the website is up and running, and they plan to take a page at a time, and then work on it internally because now they have the tools we need. AEM is the management structure for it, so they are still seeking some training to do that, but they will have at least two to three people that are well-versed in it and then they will be able to easily make changes.

e. Consideration, discussion, and possible action on shifting date of December meeting to December 6, 2024. Director Bruce Boone

- i. Director Bruce Boone wanted to talk about the December meeting date. The December meeting date is December the 13th and that week is the week of COGEL which is our staff leadership teams internal conference about governmental ethics laws and it is a great opportunity to receive training and to network. If it is agreeable, we would like to suggest shifting that meeting to December 6th.

Motion: Commissioner Wilt moved to change the December Ethics Commission meeting from Friday, December 13th, 2024, to Friday December 6th, 2024.

Second: Commissioner Johnson

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

Motion Carried

7. Hearing on Advisory Opinion Request No. 23-01, request from Senator Jessica Garvin, pursuant to Okla. Const. art. XXIX, § 5, and Okla. Ethics Rule 1.7. Chair Fields

- a. Pursuant to Okla. Ethics R. 1.7, the notice of hearing concerning Advisory Op. Req. No.

23-01 was provided at least thirty (30) days in advance of this hearing, on August 12, 2024; the draft advisory opinion prepared by the Commission employees and any written comments received, were made public on the Oklahoma Ethics Commission's website and posted on the door at least five (5) days in advance of this hearing.

- i. General Counsel Kerr said the notice of the hearing concerning the advisory opinion 23-01 was provided at least 30 days in advance on August 12th. The draft advisory opinion prepared by the commission staff was made public on the Oklahoma Ethics Commission website and was posted on the door at least 5 days in advance and we will now open the hearing. The purpose of the hearing is to receive written and oral comments from the public regarding the draft advisory opinion. Members of the public may present an oral argument, date and views on the opinion and during this time the commissioners are admonished to receive the public comment about the opinion without comment. At this time, we will allow any members of the public that have come to give comment regarding the draft advisory opinion.
- b. Public comment. Members of the public are permitted to present oral argument, data, and views on the proposed advisory opinion.
 - i. Sarah Hague stands up to introduce herself. She is from the Vote Mama Foundation and is the chief program officer. Sarah Hague said she is here to submit strong support of this advisory opinion request submitted by Senator Garvin. She said childcare obligations are one of the major factors that families consider when making their decision to run for office. In many states it costs more to send an infant to childcare than it does a mortgage payment, and this is just not an expense families can take on, especially while running for office. Vote Mama Foundation is the only organization advocating to pass the usage of campaign funds for childcare in all 50 states. In 2018, founder and CEO, Liuba Grechen Shirley made a request to the Federal Election Commission to allow the use of federal candidates to use their campaign funds on childcare and that decision was unanimous. The Vote Mama Foundation is going state to state to make this request to allow candidates to use their campaign funds on childcare. To date, 33 states have allowed the use of campaign funds to be used on childcare expenses and since 2018, they have seen over 2,000% increase in usage by state candidates. Over \$1,000,000 has been spent by federal and state candidates on childcare expenses and to date, they have seen no incidents of abuse. Their research underscores that when candidates can use campaign funds on childcare, they will. Regardless of political ideology. Democrats, Republicans, Senate, House, even presidential candidates have used their campaign funds on childcare expenses. Even better this is a commonsense solution that poses no cost to taxpayers or state governments.
- c. Consideration, comments and discussion by Commissioners and staff regarding the draft Advisory Opinion in response to Advisory Opinion Request No. 23-01.
 - i. Question by General Counselor Kerr, does anyone have any comments or

questions about the advisory opinion?

- ii. Question by Chair Fields, if the dependent care also includes an adult child that you have custody of that is dependent on your ability to provide that care?
- iii. Comment by Sarah Hague, yes, and an aging parent as well that requires care.
- iv. Question by Chair Fields, it covers while running for office, what if they win the race and are now an elected official, it will apply to them as elected officials as well?
- v. Comment by Sarah Hague, yes, for official duties as well. If there is a late-night vote at the capital and childcare centers are closed, and you need to get a sitter to be able to participate in your official duties, you would be able to use your campaign funds to cover those expenses.
- vi. Comment by General Counselor Kerr, the phrase used in the draft advisory opinion is dependent care, which most of the time we think of it with minor children, but certainly that can extend to perhaps a disabled child that is past the age of 18, but for whom that person is responsible for their care.
- vii. Comment by Sarah Hague, Oklahoma would not be the first state to allow both of those acceptances. 12 states allow for campaign funds to be used on official duties and 9 allow for dependent care out of the 33 states that allow campaign funds to be used.
- viii. Question by Commissioner Johnson, would it also apply to another family member or a spouse that was disabled that would need constant care?
- ix. Comment by General Counselor Kerr that it is intended for anyone whom the candidate has primary responsibility for care.

d. **Possible action on Advisory Opinion Request No. 23-01. Chair Fields**

Motion: Commissioner Johnson would like to move to adopt the advisory opinion request 23-01.

Second: Commissioner Meek

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

Motion carried to adopt advisory opinion 23-01

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 Wilt

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

Motion carried to go into Executive/Closed session at 10:32 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. 2022-19, alleging violations of Ethics Rule 2, Campaign Finance.
- iv. Case No. 2022-26, alleging violations of Ethics Rule 2, Campaign Finance.
- v. Case No. 2022-30, alleging violations of Ethics Rule 2, Campaign Finance.
- vi. Case No. 2022-32, alleging violations of Ethics Rule 2, Campaign Finance.
- vii. Case No. 2022-12, alleging violations of Ethics Rule 2, Campaign Finance.
- viii. Case No. 2022-25, alleging violations of Ethics Rule 2, Campaign Finance.
- ix. Case No. 2024-30, alleging violations of Ethics Rule 4, Conflicts of Interest.
- x. Case No. 2024-11, alleging violations of Ethics Rule 4, Conflicts of Interest.
- vii. Complaint Nos.

C-24-26

C-22-33

C-24-32

C-24-31

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

Motion: Commissioner Meek moved to reconvene open session at 1:32 p.m.

Second: Commissioner Johnson

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

Motion carried.

e. 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. Prior to the meeting, Commissioner Wilt recused himself from 2022-19 and Commissioner Johnson from 2022-33. Seeing no additional recusals.

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

I. **Motion:** Commissioner Meek moved to accept the proposed settlement agreement from the Oklahoma Quarter Horse Racing PAC Case No. 2022-04 as discussed in executive session.

Second: Commissioner Wilt

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

Motion carried.

iii. **Motion:** Commissioner Meek moved to dismiss Case No. 2022-19 alleging violation of campaign finance, Ethics Rule 2.

Second: Commissioner Johnson

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

Motion carried.

iv. **Motion:** Commissioner Meek moved to dismiss Case No. 2022-30, alleging violation of campaign finance, Ethics Rule 2.

Second: Commissioner Wilt

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

Motion carried.

- v. **Motion:** Commissioner Meek moved to dismiss Case No. 2022-32, alleging violation of campaign finance, Ethics Rule 2.

Second: Commissioner Wilt

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

Motion carried.

- vi. **Motion:** Commissioner Meek moved pursuant to Ethics Rule 6.10, to direct the Executive Director and General Counsel to attempt to engage in settlement discussions for Case No. 2024-30.

Second: Commissioner Johnson

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

Motion carried.

- vii. **Motion:** Commissioner Meek moved to dismiss complaint C-22-33.

Second: Commissioner Wilt

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

Motion carried.

- viii. **Motion:** Commissioner Meek moved to open a formal investigation regarding complaint C-24-32.

Second: Commissioner Wilt

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

Motion carried.

- ix. **Motion:** Commissioner Meek moved pursuant to Ethics Rule 6.7 to open a formal investigation into complaint C-24-26 based on reasonable cause that one or more violations of Ethics Rules has occurred.

Second: Commissioner Wilt

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

Motion carried.

- x. **Motion:** Commissioner Meek moved pursuant to Ethics Rule 6.7 to open a formal investigation into complaint C-24-31 based on reasonable cause that one or more violations of Ethics Rules has occurred.

Second: Commissioner Johnson

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

Motion carried.

8. New Business.

No new business.

9. Adjournment. Chair Fields.

Motion: Commissioner Wilt moved to adjourn the meeting.

Second: Commissioner Johnson

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

Motion carried.

Meeting ended at 1:40 p.m.

LEE ANNE BRUCE BOONE, Executive Director

Approved on behalf of the Commission:

EDDIE FIELDS, Chair