



OKLAHOMA ETHICS COMMISSION
SETTLEMENT AGREEMENT
Information No. 14-005

This Settlement Agreement (“Agreement”), between the Oklahoma Ethics Commission (“Commission”) and the Oklahoma Secondary Schools Athletics Association (“Respondent” or “OSSAA”), is conditioned on approval by the Commission and will become effective upon such approval.

Commission and Respondent acknowledge as follows:

1. That the Commission is authorized to initiate investigations of possible violations of the Oklahoma Ethics Rules and resolve investigations through Settlement Agreements, pursuant to 74 O.S., Ch. 62, Appendix (the “Ethics Rules”) and Article 29 of the Oklahoma Constitution.
2. That Respondent contends for many years it has engaged in the practice of distributing two high school athletics playoff passes (“playoff passes”) to state legislators.
3. That Respondent contends the playoff passes were distributed so that state legislators could observe and be informed about OSSAA activities, and not for the purpose of influencing any particular legislator or any particular legislation.
4. That beginning in February 2011 and continuing until December 2013, Respondent employed two lobbyists on its behalf, and that after employment of these lobbyists, Respondent continued, in the same manner, its longstanding practice of providing two playoff passes to state legislators upon request during 2011, 2012 and 2013.

5. That Respondent contends it inquired of its lobbyists about whether this practice could continue, and that the lobbyists, as former legislators, were or should already have been aware of this practice, and that the lobbyists failed to advise Respondent of any reporting obligations under Ethics Rule 257:23-1-2(g).

6. That Respondent nevertheless now recognizes that Ethics Rule 257:23-1-2(b) requires disclosure of “things of value” given to an elective officer by lobbyists or lobbyist principals if said “things of value” exceed ten dollars (\$10) in the aggregate, and that Respondent fell within the definition of a “lobbyist principal” under the Rules. That, the two playoff passes distributed to legislators upon request fell under the definition of “things of value” and did exceed \$10.00.

7. That Respondent now recognizes that it was required to provide a full, written, verified account of these things of value to its lobbyists at least seven (7) days before the lobbyists were required to report semi-annually to the Commission, as provided by Ethics Rule 257:23-1-2(g), during 2011, 2012 and 2013, so that the lobbyists could include that information in their reports to the Commission.

8. That Respondent acknowledges the underlying purpose for requiring written disclosure of this information to lobbyists so that lobbyists can file that information with the Commission who then makes it available to the public.

9. That Respondent maintained records of the legislators who requested and received playoff passes and readily produced said records upon request.

10. That to the extent Respondent failed to provide these written reports identifying each of the legislators who had received playoff passes to its lobbyists, said failure was non-willful.

11. That Respondent is voluntarily agreeing to certain measures, as set forth below, to avoid additional disputes, proceedings and expense.

12. That Respondent has cooperated voluntarily in the investigation, produced requested documents without necessity of subpoena, and met with the Commission's investigators without necessity of compelling a deposition.

THEREFORE, the parties agree as follows:

1. Respondent shall pay a civil penalty in the amount of Two Hundred Dollars (\$200) for each lobbyist report over the past three (3) years where the Respondent failed to disclose playoff passes provided to state officers. Therefore, a total of One Thousand Two Hundred Dollars (\$1,200.00) shall be paid to the State of Oklahoma general revenue fund by providing a certified check in that amount to the State Treasurer, receipt of which shall be provided to the Commission, within thirty (30) days of the effective date of this agreement. Should Respondent fail to pay the fine as provided herein, the Commission may enforce this Agreement in the District Court of Oklahoma County, Oklahoma, and Respondent shall pay Commission's attorney fees and costs and applicable interest.

2(a). Respondent shall approve amendments, at Respondent's next Board meeting in June 2014, effective immediately upon adoption, to OSSAA's existing policy regarding playoff passes, removing the provision permitting distribution of passes to current legislators, state officers and state employees when said distribution is based upon the individual's status as a legislator, state officer or state employee.

2(b). Further, Respondent's policy will state that OSSAA will not directly or indirectly through its lobbyist provide playoff passes or any other thing of value to any current legislator, or state officer or employee for a period of three years from and after the date the policy change is effective, even if such gifts are permitted by law, when said gift is based upon the individual's status as a legislator, state officer or state employee. Respondent shall publish the

aforementioned policy change on OSSAA's website for 120 days from the effective date of the policy change.

Pursuant to Section 257:30-1-6(b) of the Ethics Rules, once effective, this Agreement will become a public record and shall be provided to members of the public upon request. This Agreement constitutes the entire agreement between Commission and Respondent with respect to Information 14-005, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR RESPONDENT:



Ed Sheakley, Executive Director

4-29-14
Date

FOR COMMISSION:



Lee Slater, Executive Director

5/9/14
Date

APPROVED BY THE COMMISSION THIS 9th DAY OF May, 2014.