



OKLAHOMA ETHICS COMMISSION

PHONE: (405) 521-3451 • FAX: (405) 521-4905 • WEBSITE: WWW.ETHICS.OK.GOV

In the matter of:

**Associated General Contractors Oklahoma PAC,
(AGC-OK-PAC), Ethics ID 7676,
Respondent.**

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**Ethics Commission
Case No. 2017-12**

SETTLEMENT AGREEMENT

This matter was initiated pursuant to contact from legal counsel for the Associated General Contractors Oklahoma PAC (AG-OK-PAC), a limited political action committee (“PAC”), affiliated with the Associated General Contractors of Oklahoma-Building Chapter. Legal counsel for the PAC advised he was working with the PAC and had discovered issues with some of the contributions to the PAC, and further advised the PAC wanted to voluntarily come into compliance with the Ethics Rules. Legal counsel sent bank records for the PAC dating back to 2013 for review by the Ethics Commission (“Commission”).

NOW, THEREFORE, the Commission and the Respondent agree as follows:


1. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding.
2. Respondent enters voluntarily into this agreement with the Commission.
3. In reviewing the PAC’s bank statements back to 2013, it appears contributions and expenditures were properly reported. The problems identified fall into four categories:
 - a. \$12,845 in contributions were deposited in the affiliate’s account instead of the PAC account, in violation of Ethics Rule 2.95, requiring all contributions to be deposited in the PAC’s depository account;
 - b. \$3,200 in cash contributions in excess of \$50.00 were received, in violation of Ethics Rule 2.19, which limits cash contributions to \$50.00 or less;
 - c. \$9,215 in improper corporate contributions were received by the PAC, in violation of Ethics Rule 2.23, which prohibits corporate contributions; and
 - d. \$3,650 in contributions were not deposited within 10 days of receipt by the PAC, in violation of Ethics Rule 2.22.
4. Refunds to contributors have been made by AGC-OK-PAC, and all reporting is up-to-date as of the date executed.

5. In consideration of these factors, Respondent agrees to the following:
- a. AGC-OK PAC will pay a total of Twelve Thousand Dollars (\$12,000.00), which will be apportioned as follows:
 - i. Nine Thousand Dollars (\$9,000.00) will be paid as a civil penalty to the State of Oklahoma general revenue fund by providing a certified or cashier's check to the State Treasurer within thirty (30) days of the Effective Date of this Settlement Agreement. Proof of the deposit shall be provided to the Commission no later than ten (10) days after payment is received by the State Treasurer.
 - ii. One Thousand Dollars (\$1,000.00) will be paid as a compliance fee to the Ethics Commission within thirty (30) days of the Effective Date of this Settlement Agreement. This will resolve the Proposed Compliance Order issued November 9, 2017, and the related administrative proceeding will be dismissed with prejudice.
 - iii. One Thousand Dollars (\$1,000.00) will be paid as a compliance fee to the Ethics Commission within thirty (30) days of the Effective Date of this Settlement Agreement. This will resolve the Proposed Compliance Order issued February 8, 2018, and the related administrative proceeding will be dismissed with prejudice.
 - iv. One Thousand Dollars (\$1,000.00) will be paid as attorney fees and costs to the Ethics Commission within thirty (30) days of the Effective Date of this Settlement Agreement.
 - b. AGC-OK-PAC will file with the Commission any Contribution and Expenditure reports due and will dissolve within thirty (30) days of the Effective Date of this Settlement Agreement;
 - c. The Associated General Contractors of Oklahoma-Building Chapter agrees not to form a new affiliated PAC for six (6) months after the Effective Date of this Settlement Agreement;
 - d. The current officers of the AGC-OK-PAC agree to attend an Ethics Commission continuing education program relating to limited PACs within six (6) months of

the Effective Date of this Settlement Agreement, unless the time is reasonably extended by the Executive Director;

- e. Prior to the Associated General Contractors of Oklahoma-Building Chapter forming a new affiliated PAC, officers of the new affiliated PAC, if different from the current officers of the AGC-OK-PAC, will attend an Ethics Commission continuing educations program related to limited PACs.
6. This Settlement Agreement shall become effective as of the date that all parties have executed this agreement and the Commission has approved this agreement at an official meeting (“Effective Date”).
7. The Ethics Commission releases the AGC-OK-PAC, Associated General Contractors of Oklahoma-Building Chapter, and their officers, employees, and agents from liability for actions alleged in this Settlement Agreement. This settlement agreement is limited to the facts of this case. This settlement agreement shall not have binding precedential effect for any matter that may come before the Commission at a future date.
8. The Commission is taking into account that Respondent voluntarily, without Commission intervention, refunded improper contributions and amended its quarterly reports and voluntarily self-reported violations to the Commission.
9. This agreement constitutes the entire agreement between the parties on the matters raised within, 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 within this written agreement shall be enforceable.
10. The undersigned legal counsel represents and warrants he is duly authorized and has legal capacity to execute and deliver this agreement on behalf of the Associated General Contractors of Oklahoma PAC and Associated General Contractors of Oklahoma-Building Chapter.
11. Pursuant to Ethics Rule 6.9, once effective, this agreement will become a public record, and will be available to the public on the Commission’s website or upon request through a request under the Oklahoma Open Records Act, 51 O.S. §§ 24A.1-24A.30.

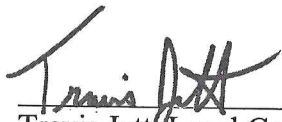
FOR THE COMMISSION:



Ashley Kemp
Executive Director

5/11/18
Date

**FOR ASSOCIATED GENERAL CONTRACTORS
OF OKLAHOMA-BUILDING CHAPTER AND
ASSOCIATED GENERAL CONTRACTORS
OKLAHOMA PAC (AG-OK-PAC):**



Travis Jett
Legal Counsel

5/9/18
Date

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