



OKLAHOMA ETHICS COMMISSION

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

In the matter of:)
)
 Committee to Elect Sean Fortenbaugh Ward 6 Lawton) Ethics Commission
 City Council, Sean Fortenbaugh, its Chairperson,) Case No. 2018-14
 Treasurer, and Candidate,)
 Respondents.)

SETTLEMENT AGREEMENT

This matter was initiated by the Oklahoma Ethics Commission (“Commission”) on July 13, 2018, pursuant to Rule 6 of the Oklahoma Ethics Commission Rules and 11 O.S. § 56-110.

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

1. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.
2. Respondents enter voluntarily into this agreement with the Commission.
3. Sean Fortenbaugh (“Fortenbaugh”) formed a candidate committee named “Committee To Elect Sean Fortenbaugh Ward 6 Lawton City Council” (“Candidate Committee”) to accept contributions and make expenditures related to the September 12, 2017 election for Ward 6, Lawton City Councilperson.
4. Fortenbaugh opened a bank account for the Candidate Committee on August 15, 2017.
5. Fortenbaugh registered the Candidate Committee with the Lawton City Clerk on October 1, 2017.
6. The only Contributions and Expenditures Report Fortenbaugh filed covered August 15, 2017 to July 24, 2018. However, under Ethics Rules 2.100 and 2.101, and 11 O.S. § 56-106, Fortenbaugh was required to file the following five reports:

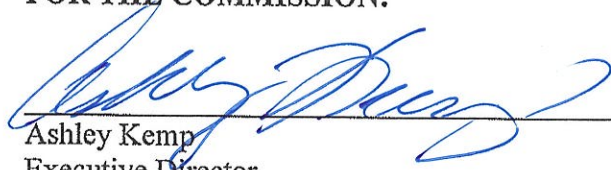
Filing Dates	Period Covered	Type of Report Due
Aug. 29 – Sept. 4, 2017	July 1 - Aug. 28, 2017	Pre-Primary 2017 Report
Oct. 31 – Nov. 6, 2017	Aug. 29 – Oct. 30, 2017	Pre-General 2017 Report
Jan. 1 – Jan. 31, 2018	Oct. 31 – Dec. 31, 2017	Post General 2017 Report
Apr. 1 – Apr. 30, 2018	Jan. 1 – Mar. 31, 2018	1 st Quarter 2018 Report
July 1 – July 31, 2018	Apr. 1 – June 30, 2018	2 nd Quarter 2018 Report

7. One of the contributions Fortenbaugh reported on his contributions and expenditures report was a \$150 monetary contribution received on September 5, 2017, reported as an individual contribution. However, the Candidate Committee's bank records show this contribution was actually a \$150 corporate contribution, drawn on a corporation's bank account.
8. A Candidate Committee is prohibited from accepting a contribution from a corporation, pursuant to Ethics Rule 2.23.
9. The Candidate Committee violated other Ethics Rules, including:
 - a. Rules 2.75 and 2.95, which requires the year of the election to be included in the Candidate Committee's name and on the Candidate Committee's bank account; and
 - b. Rule 2.56, which required the following disclosure language to be included in the Candidate Committee's newspaper advertisements and on the Candidate Committee's large signs: "Authorized and Paid for By Committee To Elect Sean Fortenbaugh Ward 6 Lawton City Council 2017."
10. In order to settle this complaint and investigation, the Candidate Committee and Fortenbaugh agree to take the following actions:
 - a. From the Candidate Committee's bank account, Fortenbaugh will refund the \$150 contribution to the corporation making the contribution, obtain a signed receipt from an officer of the corporation, and provide a copy of the signed receipt to the Commission;
 - b. Use any remaining surplus funds in the bank account, as allowed by Ethics Rule 2.48, obtaining applicable receipts and providing them to the Commission;
 - c. Close the Candidate Committee's bank account, obtain proof the account is closed, and provide proof of closure of the account to the Commission; and
 - d. File a final report with the municipal clerk reflecting all activity in the account since July 24, 2018, and provide proof of filing to the Commission.
11. This 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.
12. 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.

13. This settlement agreement is limited to the facts of this case. This settlement agreement shall not have binding precedential effect for any other matter currently pending before the Commission or that may come before the Commission at a future date.

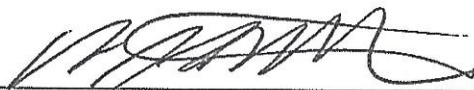
FOR THE COMMISSION:



Ashley Kemp
Executive Director

10/12/18
Date

FOR THE RESPONDENTS :

By 

Sean Fortenbaugh, Chairperson, Treasurer, and Candidate

9-25-18
Date