

**COUNCIL ON JUDICIAL COMPLAINTS  
OF THE STATE OF OKLAHOMA**

IN THE MATTER OF A REQUEST       )  
FOR DECLARATORY RULING       )  
DATED APRIL 8, 2025       )

No. DR-2025-001

**DECLARATORY RULING**

Pursuant to OKLA. ADMIN. CODE § 376:1-1-14, the Oklahoma Council on Judicial Complaints (“COJC”) issues the following declaratory ruling:

**I.     Introduction.**

The COJC is an Executive Branch agency whose mission is to receive and investigate complaints alleging misconduct by Oklahoma judges, and to recommend discipline in appropriate cases. *See* OKLA. STAT. tit. 22, § 1651 (2021).

On April 8, 2025, Requestor submitted a written request for declaratory ruling, asking that COJC explain its interpretation of certain of its administrative rules. After describing what they claimed<sup>1</sup> was the factual background to their request, Requestor sought the following rulings:

1.     Under OAC 376:1-1-9(4), does “all complaints received” include complaints that are (a) exactly the same as a previously filed complaint; or (b) mostly the same but contain new allegations or evidence?
2.     If “all complaints” includes either of the above, must the Council investigate the complaint in its entirety, or only the new allegations and evidence? For example, if new material could alter the context of the whole case, is the full complaint re-evaluated?<sup>2</sup>

**II.    Analysis.**

**A.     Applicable law.**

Pursuant to OKLA. ADMIN. CODE § 376:1-1-14, “[a]n individual may file a request for interpretation or applicability of a specific rule adopted by the Council on Judicial Complaints.” OKLA.

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<sup>1</sup> COJC disputes the accuracy of several assertions made in Requestor’s written request for ruling. However, COJC does not find it necessary to resolve those disputes in order to issue this ruling.

<sup>2</sup> Requestor also asked how COJC determined its response to this question.

ADMIN. CODE § 376:1-1-9 and OKLA. ADMIN. CODE § 376:10-1-12 are rules adopted by the COJC and therefore are properly the subject of a request for declaratory ruling pursuant to OKLA. ADMIN. CODE § 376:1-1-14.

OKLA. ADMIN. CODE § 376:1-1-9 provides as follows:

376:1-1-9. Duties of the Administrative Secretary

The duties of the Administrative Secretary include, but are not limited to, the following:

- (1) Coordinate the administrative functions of the Council as directed by the Council.
- (2) Perform all duties and obligations specified in the Oklahoma statutes and in these rules.
- (3) Provide forms to any person desiring to file a judicial complaint.
- (4) Process and file all complaints received.
- (5) Keep a record of all meetings and maintain a proper account of all business of the Council.
- (6) Prepare the budget and process all financial matters on behalf of the Council.
- (7) Purchase supplies and equipment, as directed by the Council.
- (8) Employ and supervise employees, as directed by the Council.
- (9) Keep the records of the Council.
- (10) Ensure compliance with all statutory requirements.

(*Emphasis added*). OKLA. ADMIN. CODE § 376:10-1-12 provides as follows:

376:10-1-12. Disposition

(a) After the complaint has been investigated to the extent desired by the majority of the Council, disposition as to the merits of the complaint shall be made by a majority vote.

(b) The complainant and the judge will be advised by mail of the Council's disposition of the complaint.

(c) Notification shall be made within (20) days of disposition.

(d) If the complaint has not been disposed within one hundred and twenty (120) days of the filing of the complaint, the complainant and the judge shall be provided with a status report reflecting that the investigation is continuing or has been completed.

(e) Neither a Council member nor the Administrative Secretary shall have any further communication with any party involved in the complaint regarding the merits of or action taken on the complaint.

(*Emphasis added*). "Complaint" is defined as "an alleged violation of the Code of Judicial Conduct or of state law brought against a judge." OKLA. ADMIN. CODE § 376:1-1-2. An administrative agency's

interpretation of its own administrative rules and regulations, if their meaning is ambiguous, is usually given great deference. *See Bell v. Phillips Petroleum Co.*, 1982 OK 28, ¶ 24, 641 P.2d 1115, 1121-22 (“When more than one meaning may be attributed to the terms of a regulation, we look to the interpretation given to the regulation by those charged with the duty of executing it. When choosing between two or more possible meanings, controlling weight may be given to the long-continued administrative usage unless it is plainly erroneous or inconsistent with the language. Deference to an agency’s interpretation is even more clearly in order when the construction is that of an administrative regulation rather than a statute.”).

#### **B. Interpretation of “all complaints received.”**

Requestor’s first requested ruling essentially asks whether OKLA. ADMIN. CODE § 376:1-1-9(4) applies to complaints that are similar to, or exactly the same as, a previously-filed complaint. COJC answers this question in the affirmative -- COJC interprets OKLA. ADMIN. CODE § 376:1-1-9(4) to require COJC staff to “process and file” all complaints received, even those that are similar to or the same as a prior complaint. However, the procedure for processing and filing a complaint differs depending on whether the complaint relates to a prior complaint that is already on file.

When COJC receives an entirely new complaint, its staff files the complaint and assigns the matter a new case number.

Sometimes COJC receives additional information or allegations from a complainant that specifically relates to a complaint that has already been filed and assigned a case number. For example, a complainant may file an initial complaint on COJC’s standard complaint form, then provide additional information, allegations, or evidence supporting their complaint via subsequent e-mails.<sup>3</sup> In those instances, COJC staff files the new information, but does not assign it a new case number but rather relates the filing to the pre-existing case number.

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<sup>3</sup> Some of that new information may constitute a “complaint” as that term is used in OKLA. ADMIN. CODE § 376:1-1-9(4).

In other instances, COJC may receive information that is exactly or substantively the same as a complaint that has already been filed and assigned a case number. For example, a complainant may file an initial complaint on COJC's standard complaint form, then once notified that their complaint has been dismissed, file a remarkably similar complaint containing the same substantive allegations in an apparent attempt to have the COJC revisit its prior decision. In those instances, COJC staff files the new complaint, but does not assign it a new case number.

The facts surrounding complaints submitted to COJC by Requestor illustrate the scenarios described above. Requestor submitted an initial complaint against a particular judge on COJC's standard form, which COJC staff filed and assigned a case number. Requestor then supplemented via e-mail to provide additional factual allegations and evidence in support of their complaint; COJC staff filed this additional information, but did not assign it a new case number but rather placed it in the file of the already-opened case. Shortly after being notified of COJC's disposition of the initial complaint, Requestor submitted two additional complaints against the same judge. Although these two additional complaints were both written on COJC's standard form and purported to be new complaints, one appeared to be exactly the same in all respects as the initial complaint, and the other was slightly re-worded but contained no substantive factual allegations not already contained in the initial complaint or otherwise discovered by COJC in its initial investigation.<sup>4</sup> COJC staff filed these two additional complaints (along with communications with Requestor relating to them), but did not assign them new case numbers because they were the same (or, the same in substance) as the initial complaint.

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<sup>4</sup> COJC staff painstakingly reviewed the third complaint to attempt to identify any new factual information or allegations that were not contained in the first complaint or otherwise uncovered in their investigation of the first complaint, but could identify none. COJC staff also spoke on the phone with Requestor to inquire if they could identify any new information contained in the third complaint, but Requestor also could identify no new information.

Thus, while COJC staff processes and files all complaints received -- even those that are similar to or the same as a prior complaint -- it does not assign them a new case number if they merely supplement or duplicate an existing complaint.

### **C. Investigation of duplicative complaints.**

Requestor's second requested ruling essentially asks, with respect to complaints that are similar to or the same as a prior complaint, must COJC investigate only the new allegations, or must it re-investigate the entire complaint including the duplicative portions thereof. COJC interprets its rules -- including OKLA. ADMIN. CODE § 376:1-1-9 and OKLA. ADMIN. CODE § 376:10-1-12 -- to require investigation of material containing new factual allegations of judicial misconduct, but not to require re-investigation of allegations that are merely duplicative of claims that it previously investigated.

There are legal and practical reasons why COJC interprets its rules in this manner. Legally, COJC is obligated to effectuate the judicial complaint process efficiently. *See* OKLA. ADMIN. CODE § 376:1-1-1 (“(b) Rules have been adopted by the Council to implement the requirements of the statutes and to provide efficient and impartial administration of the judicial complaint process.”) (*Emphasis added*). Complainants also have no legal right to appeal COJC's dismissal of a complaint. *See, e.g., Gist v. Council on Judicial Complaints*, No. 111,331 (Order Jan. 14, 2013) (“On the Court's own motion, this appeal is hereby dismissed because there is no statutory provision which permits an appeal from a decision by the Council on Judicial Complaints to dismiss a complaint.”). To allow a complainant to dictate the re-investigation of an entire complaint based on nothing but the submission of the same information (or even a small amount of new information) would be contrary to law because it would be inefficient and the functional equivalent of allowing limitless appeals.

Practically, COJC consists of three Council members and three full-time staff members; while those resources are sufficient to investigate and act on the numerous<sup>5</sup> new complaints it receives each

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<sup>5</sup> The exact number of complaints received by COJC is confidential. *See* OKLA. ADMIN. CODE § 376:10-1-14.

year, COJC is not sufficiently staffed or funded to allow it to adequately address all new complaints *and* re-investigate complaints that it has previously addressed. Continuously re-investigating and re-evaluating previously decided complaints would divert COJC's scarce resources away from new complaints.<sup>6</sup>

There are individuals who have submitted dozens, or even hundreds, of documents and communications to COJC that make essentially the same allegations against the same judge, and many of these individual submissions could fit the definition of a "complaint." The legitimate business of COJC would grind to a halt if it were required to re-perform its prior investigations each time another of these duplicative complaints arrived; COJC does not interpret its rules to require such an unreasonable result. *See State ex rel. Protective Health Services State Dept. of Health v. Vaughn*, 2009 OK 61, ¶6, 222 P.3d 1058. ("Administrative rules, like statutes are given a sensible construction bearing in mind the evils intended to be avoided.").

### III. Conclusion.

In conclusion, (1) COJC interprets OKLA. ADMIN. CODE § 376:1-1-9(4) to require its staff to "process and file" all complaints received -- even those that are similar to or the same as a prior complaint -- although COJC staff follows different procedures depending on the circumstances and content of the complaint; and (2) COJC interprets its rules to require investigation of new factual allegations of judicial misconduct, but not to require re-investigation of duplicative evidence and allegations.

The interpretations contained in this declaratory ruling apply to all complaints, and are not limited only to the Requestor. *See* OKLA. ADMIN. CODE § 376:1-1-14(g). COJC thanks the Requestor for their participation in this process.

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<sup>6</sup> There may be instances when, in COJC's discretion, new evidence or allegations would change the context of a prior complaint such that re-opening or re-evaluating a prior investigation would be warranted.

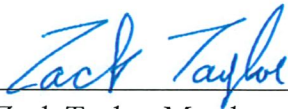
DONE BY ORDER OF THE OKLAHOMA COUNCIL ON JUDICIAL  
COMPLAINTS THE 19th DAY OF JUNE, 2025.



Rick Rose, Chairman

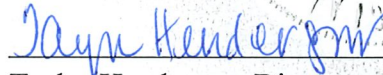
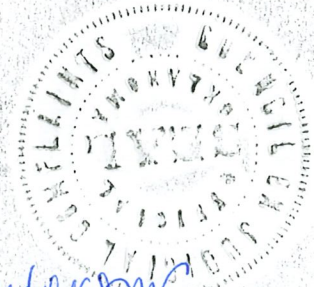


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