



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, July 13, 2020
9:00 a.m.

- MEMBERS PRESENT:** Allen McCall, Larry Morris, Kelly Doyle, and Adam Luck. All Board Members appeared remotely via Zoom Webinar as panelist as authorized under HB 661.
- MEMBERS ABSENT:** Chairman Robert Gilliland – Excused
- STAFF:** Melinda Romero and Kyle Counts. All staff appeared remotely as panelist via Zoom Webinar.
- GUESTS:** None

I. Call to Order – Vice-Chairman Adam Luck

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:00 a.m. by Vice-Chairman Adam Luck, serving as Acting Chair, on Monday, July 13, 2020, on the Zoom Webinar ID#98494963207.

A. Roll Call

The members attending as panelists via Zoom Webinar were Allen McCall, Larry Morris, Kelly Doyle, and Adam Luck. The voting order was announced as Kelly Doyle, Adam Luck, Allen McCall, and Larry Morris. Robert Gilliland was out with an excused absence for medical reasons.

B. Pledge of Allegiance

Since the meeting was virtual and no flag was present, there was no Pledge of Allegiance.

C. Assurance of Compliance with Open Meeting Act

General Counsel Kyle Counts provided assurance of compliance with the Open Meeting Act. The business meeting of the Pardon and Parole Board was convened via Zoom Webinar in accordance with the Oklahoma Open Meeting Act as amended under HB 661. This meeting was preceded by advance notice of the date, time, and place filed with the Oklahoma Secretary of State on November 13, 2019. Notice of this meeting was also given at least twenty-four (24) hours in advance of the meeting by posting notice of the date, time, virtual meeting place, and agenda of the meeting at 7:30 PM. on July 9, 2020, on our website, www.ok.gov/ppb. The meeting is in compliance with the Open Meeting Act.

II. Business Meeting

A. Discussion and Possible Action on June Special Meeting Minutes

The June special meeting minutes were provided to the Board for review. Allen McCall made a motion to approve the June special meeting minutes, Larry Morris seconded. The board approved the motion 4-0.

B. Discussion and Possible Action on Agency Updates

1. Personnel Updates: New Hires and Separations– Deputy Director, Melinda Romero

Deputy Director Romero shared that there have been no new hires or separations since the last Board meeting.

2. Administrative Staff Activities – Deputy Director, Melinda Romero

Deputy Director Romero shared that the agency FY 21 Galt purchase order approved by Secretary Keating, allowing the agency to utilize temporary staff services into the next fiscal year. Due to Covid, the agency reached out to building management to provide additional sanitation services and the staff is working from home as much as schedules will allow. Deputy Director Romero shared that there was an issue with notifications as Stage I notifications were not sent out due to a new process implemented in May, and not being aware of the steps that needed to be taken. The docket will need to be passed to August. The Board discussed the notification issue and why the notice did not go out. The Board also discussed whether the agency is sacrificing quality in exchange for keeping the numbers high. The latter discussion was tabled until the August meeting when all five Board members could be present.

3. Legal Update – General Counsel, Kyle Counts

General Counsel Kyle Counts provided an update on an application for an actual innocence pardon. Mr. Counts reported that he reached out to the Attorney General's office and an administrative law judge was assigned. The evidentiary hearing will be held in October or November, and Mr. Counts will be speaking with the ALJ in August about procedure. Mr. Counts provided an update on Open Records Act requests, stating the agency has received several since the last meeting. Mr. Counts has responded to the first of two from the Oklahoma District Attorneys Association and is reviewing the remaining requests. Mr. Counts stated he would keep the Board updated and reach out to Board members as necessary. Mr. Counts stated that the agency continues to receive recusal requests from district attorneys for Board members Ms. Doyle and Vice-Chairman Luck. Several similar letters were sent, many of which were provided to the Board, but some were received after the deadline. The Board also received recusal letters concerning Judge McCall. Mr. Counts updated the Board on revocations, stating that he held no hearings in the past month due to Covid, but that he did make recommendations to the Governor's office for the six who waived their hearings. Mr. Counts stated he believes hearings will resume at the end of July.

III. Discussion and Possible Action on Policies and Procedures for Death Row Inmates Who Apply for Standard Two Stage Commutation – General Counsel, Kyle Counts

Mr. Counts briefed the Board on the background and the Board's previous attorney's opinion that death row inmates were ineligible for consideration under the two-stage commutation process. Mr. Counts advised the Board that when he reviewed the law, he independently reached the conclusion that inmates are eligible and believed that it was unnecessary to ask for an Attorney General Opinion. Mr. Counts reported to the Board that Attorney General Mike Hunter concurred that death row inmates are eligible for two-stage commutation, and advised of the need to implement

emergency rules. The Board discussed the emergency rulemaking process and what they would like addressed in those rules. Mr. Counts advised that no formal vote was required and that he would update the Board with proposed rules at either the August or September meeting.

IV. Discussion and Possible Action on Executive Director Steven Bickley's Request for an Extended Leave of Absence – Vice-Chairman Adam Luck

The Board discussed Mr. Bickley's request for leave, his stated reasons for leave, and staff concerns about Mr. Bickley's leadership that had been conveyed to some Board members. The Board agreed that those concerns should be communicated to all Board members and implored staff to be honest and forthcoming with those concerns. The Board discussed the proper way to communicate concerns and possible changes to policy or rules to address staff complaints. The Board discussed how to continue this conversation whether in executive session or otherwise, and shared a general sense of urgency. Vice-Chairman Luck made a motion to approve Mr. Bickley's leave, Ms. Doyle seconded. The vote was tied 2-2, resulting in the request being denied. Vice-Chairman Luck suggested continuing the conversation in an executive session and explained how the executive session works through videoconference.

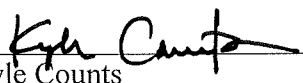
V. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda – Vice-Chairman Adam Luck

Vice-Chairman Luck asked staff to prepare the Board for elections of Chairman and Vice-Chairman at the August meeting and ensure that it's on the agenda. Vice-Chairman Luck also asked that tie votes be carried over either to the end of the week or to the August meeting so that Chairman Gilliland can cast the tie-breaking vote. Vice-Chairman Luck advised that Judge McCall would continue to hold the hearings during this month at the request of Chairman Gilliland, but Ms. Doyle would ask the questions on personal appearances for at least one of the facilities.

VI. Adjournment of Business Meeting – Vice-Chairman Adam Luck

The meeting was adjourned at 10:18 a.m.

Respectfully Submitted,



Kyle Counts
General Counsel

The minutes for the July 2020 Pardon and Parole Board Business Meeting were approved by a majority vote on the 10th day of August 2020.