



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, March 7, 2022
9:00 a.m.

- MEMBERS PRESENT:** Richard Smothermon, Scott Williams, Larry Morris, and Edward Konieczny
- MEMBERS ABSENT:** None
- STAFF:** Tom Bates, Melinda Romero, Leroy Long, and Kyle Counts
- GUESTS:** Dr. Ross L. Fisher, Chief Medical Officer, Department of Corrections

I. Call To Order – Larry Morris, Acting Chair

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:00 a.m. by Board Member Larry Morris, on Monday, March 7, 2022.

A. Roll Call

The members attending were Richard Smothermon, Scott Williams, Larry Morris, and Edward Konieczny. The voting order was announced as Larry Morris, Richard Smothermon, Edward Konieczny and Scott Williams.

B. 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 in accordance with the Oklahoma Open Meeting Act. This meeting was preceded by an advance notice of the date, time, and place filed with the Oklahoma Secretary of State on November 16, 2021. 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 on March 3, 2022 on the Pardon and Parole Board's website, www.ok.gov/ppb. The meeting is in compliance with the Open Meeting Act.

II. Business Meeting –Tom Bates, Executive Director, Melinda Romero, Deputy Director, Leroy Long, Field Director, and Kyle Counts, General Counsel

A. Discussion and Possible Action on February Business Meeting Minutes

The February business meeting minutes were provided to the Board for review. Richard Smothermon made a motion to approve the February business meeting minutes, Edward Konieczny seconded. The Board carried the motion 4-0.

B. Discussion and Possible Action on February Parole Meeting Minutes

The February parole minutes were provided to the Board for review. Richard Smothermon made a motion to approve the February meeting minutes, Edward Konieczny seconded. The Board carried the motion 4-0.

C. Discussion and Possible Action on Agency Updates:

1. Personnel Updates – New Hires and Separations

Deputy Director Melinda Romero reported no new hires and no new separations. Mrs. Romero stated there are two vacant administrative assistant positions and plans on getting the position filled before the April meeting.

2. Field Updates

Field Director Leroy Long reported there is a new supervisor hire, Erika Denton for the Western District. Mr. Long also reports the April docket is complete.

3. Legal Updates

General Counsel Kyle Counts gave a brief update on revocations. Mr. Counts is updating the employee handbook to be consistent with legislative changes. Mr. Counts stated that the trial regarding the execution protocol had concluded and that clemency hearings could resume in May, depending on when Judge Friot issues his ruling.

4. Director's Update

Executive Director Tom Bates reported that Ms. Doyle turned in her resignation to the Governor's office. Mr. Bates stated that on the behalf of the staff she is thanked for her service to the Board.

Mr. Bates also congratulated Erika Denton on her new position. Mr. Bates stated in a few months the agency handbooks should be finalized and he hopes to present them in the near future.

Mr. Bates reported they are continuing to work on technology updates for the pardon application process and investigative reports.

III. Training and Discussion on Medical Parole – Dr. Ross L. Fisher, Chief Medical Officer, Department of Corrections

Dr. Ross L. Fisher, Chief Medical Officer, Department of Corrections came into provide Board member training regarding the medical parole process.

IV. Discussion and Possible Action on Rescheduling of Future Meetings – Tom Bates

The discussion was requested by Kelly Doyle and is now moot. Mr. Bates advised the Board that it is possible to move meetings but provided a copy of all the deadlines that are impacted when meetings are moved. Mr. Bates asked that Board members notify Melinda and him as they are aware of conflicts so that the calendar can accommodate the different schedules.

V. Discussion and Possible Action on Amending Policy 113 – Kyle Counts

The legislature passed legislation last year, House Bill 1146. Mr. Counts states he amended the PPB's Policy 113 concerning progressive discipline policy in line with guidance from OMES.

The Amended Policy 113 was provided to the Board for review. Larry Morris made a motion to approve the Amended Policy 113, Scott Williams seconded. The Board carried the motion 4-0.

VI. Discussion and Possible Action on Policy for Actual Innocence Pardons – Kyle Counts

Mr. Counts reminded the Board that the procedure for actual innocence pardons needed to be amended as the Attorney General would not be able to provide an administrative law judge to preside over evidentiary hearings. The new procedure would require either a judicial finding of actual innocence or a recommendation for innocence pardon from the prosecuting authority. Mr. Smothermon questioned including language regarding its own evidentiary standard when the Board is deferring to a judicial determination. Mr. Konieczny suggested just striking that language.

The Amended Procedure for Actual Innocence Pardons was provided to the Board for review. Richard Smothermon made a motion to approve the Amended Procedure for Actual Innocence Pardons with the five words "by clear and convincing evidence" stricken in 004-10(J)(1)(b), Ed Konieczny seconded. The Board carried the motion 4-0.

VII. Discussion and Possible Action on Legislative Update – Kyle Counts

The Board went over a summary of pending legislation, including House Bill 3903 and how it would impact clemency hearings. The Board discussed how the legislation would affect its work and its compatibility with the Board's existing administrative rules.

VIII. Discussion and Possible Action on Resolution of Appreciation for Adam Luck – Larry Morris

Larry Morris reads a resolution of appreciation for Adam Luck and the service to Pardon and Parole Board:

Whereas, Adam Luck, was appointed to the Oklahoma Pardon and Parole Board from February 26, 2019 to January 14, 2022, was elected to Chair the Board in April of 2021, and honorably fulfilled all the duties of membership and leadership during his tenure.

Be it resolved, that the Oklahoma Pardon and Parole Board does hereby extend its sincerest appreciation to Adam Luck, commends him for his service and leadership, and wishes him good fortune and favor in all of his future endeavors.

Scott Williams moved to adopt the resolution and Richard Smothermon seconded. The Board carried the motion 4-0.

IX. Discussion and Possible Action on Election of a Chairperson – Larry Morris

The election of a chairperson was discussed by the Board Members. Larry Morris made a motion to

elect Scott Williams as Chairperson and Edward Konieczny seconded. The Board carried the motion 3-0, with Scott Williams abstaining.

X. Discussion and Possible Action on Election of a Vice-Chairperson – Larry Morris

XI. The election of a Vice-Chairperson was discussed by the Board Members. Larry Morris made a motion to elect Richard Smothermon as Vice-Chairperson and Edward Konieczny seconded. The Board carried the motion 3-0, with Richard Smothermon abstaining.

XII. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda – Larry Morris

None

XIII. Adjournment of the Business Meeting – Larry Morris

The meeting was adjourned at 9:55 a.m.

Respectfully Submitted,

Sicilia Talavera
Executive Assistant

The minutes for the March 2022 Pardon and Parole Board Business Meeting were approved by a majority vote on the 11th day of April 2022.