



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, April 11, 2022
9:00 a.m.

MEMBERS PRESENT: Richard Smothermon, Scott Williams, Larry Morris, Edward Konieczny, and Cathy Stocker

MEMBERS ABSENT: None

STAFF: Tom Bates, Melinda Romero, Leroy Long, and Kyle Counts

GUESTS: None

I. Call To Order – Scott Williams, Chair

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:00 a.m. by Chairman Scott Williams on Monday, April 11, 2022.

A. Roll Call

The members attending were Richard Smothermon, Scott Williams, Larry Morris, Edward Konieczny, and Cathy Stocker. The voting order was announced as Edward Konieczny, Larry Morris, Richard Smothermon, and Scott Williams. Cathy Stocker abstained from voting at the April 2022 meeting.

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 April 7, 2022, on the Pardon and Parole Board's website, www.ok.gov/ppb. The meeting is in compliance with the Open Meeting Act.

C. Welcome to new Board member, Cathy Stocker

Chairman Scott Williams introduced newly appointed Board member Cathy Stocker. Ms. Stocker introduced herself and the Board welcomed her.

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 March Business Meeting Minutes

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

B. Discussion and Possible Action on March Parole Meeting Minutes

The March parole minutes were provided to the Board for review. Richard Smothermon made a motion to approve the March 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 two new hires for the administrative assistant positions, Nikki Ennis and Michelle Caudle. Mrs. Romero also reported a new hire for the Investigator position, Alexandria Peterson. Mrs. Romero reported no new separations.

2. Field Updates

Field Director Leroy Long reports that there are now 12 investigators and two investigator supervisors. Mr. Long also reports the investigator handbook is now complete and ready for the Board to review. Mr. Long states the May Docket is now complete.

3. Legal Updates

General Counsel Kyle Counts gave an update on the legislation affecting the Pardon and Parole Board. Mr. Counts stated two house bills that were in the memo provided last month had progressed. House Bill 3918 adds a new section to the commutation statute. It would require that if a commutation is granted or denied, notice must be given to the DA and the Court Clerk within 30 days. The notice must include the month and year that the Pardon and Parole Board recommended commutation, the Governor's decision, the new sentence(s), and victim notifications.

Mr. Counts also reported another House Bill had progressed. House Bill 4369 would expand administrative parole to include anyone within six months of discharging and also creates a new section allowing a parolee or probationer to earn additional credits while out of custody. They could get up to 30 days additional credit per month of compliance. Mr. Counts stated that this bill was passed on March 23, 2022, and the Senate Public Safety passed it out of committee on April 4, 2022

Mr. Counts reported that there's been a decline in revocations. He states that in January there were 17 revocations, 12 in February, and 13 in March. Mr. Counts also stated there are only five revocation hearings for April, but none have been scheduled yet and will give an update for next month.

Mr. Counts reports on Litigation, there are no new lawsuits involving Pardon and Parole Board for 2022.

Mr. Counts also informed the Board that in the Gossip litigation regarding the execution protocol, the transcript for the case was filed on Friday, and the parties now have 30 days to make their post-trial filings Mr. Counts stated they will not be due until May 9 so he likely will not have an update again until June.

4. Director's Update

Executive Director Tom Bates welcomed new Board Member, Cathy Stocker. Mr. Bates reported that Board is required to submit annual reports to the legislature regarding activities and pass rates and votes from various Board Members.

Mr. Bates stated that Deputy Director Melinda Romero prepared and submitted the 2019 report and had drafted 2020 and 2021, but some board members questioned the way data was calculated. He stated that there is a contract now with Dr. David McLeod, a professor at Oklahoma University. He and his team will go through the data and prepare these reports. Mr. Bates stated that Dr. David McLeod has the capability to prepare the data keeping it to the statutory requirement which is very beneficial to the Board Members, Stakeholders and Governor's Office Legislature and others. Mr. Bates hopes that the reports will be available as early as the May meeting for the Board to review.

Mr. Bates also reported that General Counsel Kyle Counts will present a refresher on Commutations regarding the purpose and process.

III. Discussion and Possible Action on Resolution of Appreciation for Kelly Doyle

Whereas, Kelly Doyle was appointed to the Oklahoma Pardon and Parole Board from February 26, 2019, to March 3, 2022 and honorably fulfilled all the duties of the membership during her tenure.

Be it resolved, that the Oklahoma Pardon and Parole Board does here by extended sincere appreciation to Kelly Doyle, commends her for her service, and wishes her good fortune and favor in all her future endeavors.

Adopted the 11th day of April 2022 Oklahoma Pardon and Parole Board at a regularly scheduled meeting.

Edward Konieczny moved to adopt the resolution and Larry Morris seconded. The Board carried the motion 4-0.

- IV. Discussion and Possible Action on Rescheduling of Future Meetings – Tom Bates**
The Board discussed accommodating future meeting dates that may conflict with board members on their schedules. Due to deadlines the July Meeting is unable to be rescheduled. 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 Pardon Policies and Procedures – Richard Smothermon, Vice-Chairman**
The Board discussed potentially setting a policy regarding applicants who have not been off supervision for at least five years. Mr. Counts advised that the Board rules allow for eligibility on probation or parole after five consecutive years of success. Mr. Counts stated that success on probation or parole can include the requirement that the applicant not be on active supervision.
- VI. Training and Discussion on Commutations – Kyle Counts**
General Counsel Kyle Counts presented a refresher training on commutations, the current process, and proposed possible changes based off the past practices from the Board.
- VII. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda**
None
- VIII. Adjournment of the Business Meeting**
The meeting was adjourned at 9:47 a.m.

Respectfully Submitted,

Sicilia Talavera

Sicilia Talavera
Executive Assistant

The minutes for the April 2022 Pardon and Parole Board Business Meeting were approved by a majority vote on the 2nd day of May 2022.