



STATE OF OKLAHOMA

**WORKERS' COMPENSATION COMMISSION**

M I N U T E S

of the

WORKERS' COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

February 25, 2015

Special Public Meeting

MINUTES OF THE MEETING OF THE WORKERS' COMPENSATION COMMISSION FOR THE STATE OF OKLAHOMA

NOTICE OF THIS MEETING WAS FILED WITH THE SECRETARY OF STATE ON THURSDAY, FEBRUARY 19, 2015.

The members of the Workers' Compensation Commission for the state of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on February 25, 2015.

Members present: Chairman Troy Wilson, Commissioner Denise Engle, and Commissioner Bob Gilliland.

Others in attendance on behalf of the Commission: Rick Farmer, Clif Cypert, Neal Leader, Kim Bailey, and Holly Miller.

Chairman Wilson expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum and the Statement of Compliance with the Open Meetings Act was read. The meeting was called to order at approximately 9:30 a.m.

**Approval of Minutes**

Chairman Wilson presented the minutes of the February 18, 2015 public meeting for approval.

***Motion:*** Chairman Wilson moved to approve the minutes of the February 18, 2015 special public meeting.

***Second:*** Commissioner Engle.

Commissioner Gilliland stated that he was not in attendance at that meeting and abstained to vote.

Those voting aye: Commissioner Engle, Chairman Wilson.

Abstain: Commissioner Gilliland.

**The motion carried.**

Chairman Wilson presented the minutes of the February 19, 2015 public meeting for approval.

***Motion:*** Chairman Wilson moved to approve the minutes of the February 19, 2015 regular public meeting.

***Second:*** Commissioner Engle.

Commissioner Gilliland was not in attendance at the February 19 public meeting and abstained.

Those voting aye: Commissioner Engle, Chairman Wilson.

Abstain: Commissioner Gilliland.

**The motion carried.**

Chairman Wilson tabled Agenda Item 1 and Agenda Item 2 for this meeting, and continued with Agenda Item 3 regarding possible Executive Session for confidential communications between the commission

and its attorneys concerning ongoing investigation by Commission's Compliance Division and the related ongoing bankruptcy involving Texoma Peanut Company, Pursuant to Title 25 O.S. § 307(B)(4).

Pursuant to 25 O.S. § 307(B)(4), an Executive Session was proposed for the purpose of conducting confidential communications between the Commission and its attorneys concerning ongoing investigation by the Commission's Compliance Division and the bankruptcy involving the Texoma Peanut Company, a former self-insured.

The Commission's counsel from the Attorney General's Office advised that public disclosure of the communications relating to this investigation and bankruptcy will seriously impair the ability of the Commission and its counsel to take appropriate action related to the ongoing investigation and bankruptcy proceeding and to protect the employees of Texoma Peanut Company.

Chairman Wilson next discussed the need to convene in Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of the Candidate A, Candidate B and/or Candidate C for the position of Commission Law Clerk and/or for a position in Insurance Services; Candidate D for a position in Insurance Services; and for the purpose of discussing employment evaluations, promotion, or performance of Commission's Administrative Law Judges: Shane Curtin, Mike Egan, Tara Inhofe and Tish Sommer.

**Motion:** Chairman Wilson moved to (i) determine that disclosure of the communications will seriously impair the ability of the commission to take appropriate action in the ongoing investigation and bankruptcy proceeding of Texoma Peanut Company; and the above-referenced pending claims against the commission in Agenda Item No. 3; and (ii) Go into Executive Session for purposes of:

- a. Discussing the ongoing compliance investigation and ongoing bankruptcy of Texoma Peanut and pending claims against the Commission referenced in Agenda Item No. 3, under §307(B)(4); and
- b. Discussing the hiring, salary or employment of Candidate A, Candidate B and/or Candidate C for Commission Law Clerk and/or a position in Insurance Services; Candidate D for a position in Insurance Services; and employment evaluations, promotion, or performance of the Administrative Law Judges Shane Curtin, Mike Egan, Tara Inhofe and Tish Sommer, under § 307(B)(1).

**Second:** Commissioner Engle.

Those voting aye: Commissioner Engle, Commissioner Gilliland, and Chairman Wilson.

Absent: Commissioner Gilliland.

**The motion carried.**

#### **Vote to Reconvene in Open Session**

**Motion:** Commissioner Gilliland moved to reconvene the public meeting in Open Session.

**Second:** Commissioner Engle.

Those voting aye: Commissioner Engle, Commissioner Gilliland, and Chairman Wilson.

**The motion carried.**

**Discussion and action from Executive Session**

***Motion:*** Commissioner Gilliland moved to offer Candidate A the position of Law Clerk within the salary range discussed in Executive Session. If Candidate A does not accept the position, the Commission will make the offer to Candidate B under the same condition as stated above.

***Second:*** Commissioner Engle.

Those voting aye: Commissioner Engle, Commissioner Gilliland, and Chairman Wilson.

**The motion carried.**

**Announcement**

Chairman Wilson announced that the Commission's next appellate session is today at 12:30 p.m. and the next regular meeting has been rescheduled for Thursday, March 23, 2015 at 1:30 p.m.

**Adjournment**

***Motion*** to adjourn: Chairman Wilson.

***Second:*** Commissioner Gilliland.

Those voting aye: Commissioner Engle, Commissioner Gilliland, and Chairman Wilson.

**The motion carried.**