

**OKLAHOMA ETHICS COMMISSION
MINUTES FOR REGULAR MEETING
FEBRUARY 9, 2024**

1. Call to Order.

Upon notice, with the agenda being properly posted at the Commission's office at least twenty-four (24) hours prior to the commencement of the meeting and notice being filed in advance with the Office of the Secretary of State, a regular meeting of the Ethics Commission of the State of Oklahoma ["Commission"] was called to order on Friday, February 9, 2024 at 10:00 a.m. Chair Jarred Brejcha ["Brejcha"] opened the meeting, which was held in Room G-3 of the State Capitol Building, Oklahoma City, Oklahoma.

Determination of Quorum.

Roll was called to determine the existence of a quorum for the transaction of business. Commissioners answering present were Justin Meek ["Meek"], Eddie Fields ["Fields"], Gregg Engle ["Engle"], and Brejcha. A quorum of members was declared.

Commissioner Howard Johnson ["Johnson"] was not in attendance.

Staff & Visitors.

Commission staff members present at all, or part of the meeting were Lee Anne Bruce Boone ["Bruce Boone"], Stephanie McCord ["McCord"], and Katie Stagner ["Stagner"].

Observing all or part of the meeting in person: Charles Outlaw, LegisOK; Michael McNutt, NonDoc Media; Geoffrey Long, citizen; Denise Lawson, citizen; Paul Monies, Oklahoma Watch; Barbara Hoberuck, Oklahoma Voice; Bob Nance, citizen; Ric Moore, citizen; Bella Moore, citizen; and Brianna Bailey, journalist.

2. Open Meeting Act Compliance.

Chair Brejcha reviewed the *Affidavit of Posting* of the Agenda for the meeting prepared by the staff and affirmed the meeting and Agenda complied with the Oklahoma Open Meeting Act.

3. Introductions and Announcements.

None.

4. Disqualification & Recusal for Executive Session.

None.

5. Minutes

Motion: Commissioner Engle moved to approve the minutes for the regular meeting and executive session held January 12, 2024.

Second: Commissioner Fields

Roll call vote: Engle - yes, Fields - yes, Meek – yes, Brejcha - yes

Motion carried.

6. Introduction and Explanation of Rulemaking Request R-24-01.

Deputy Director and General Counsel McCord announced The Commission received our first rulemaking request for 2024 from Representative Cody Maynard [“Maynard”]. Deputy Director and General Counsel McCord stated that before we consider drafting a rule, anyone from the public, a citizen, a legislator, etc., can submit a request with the Commission.

General Counsel McCord also announced the steps in rulemaking begins with the introduction and explanation, and The Commission decides if they want to sponsor the rulemaking request. From that point, a study occurs to determine if this is something The Commission can actively put in their rules, how to do that, and receive public comment.

It was further announced before the rule is approved; it will be drafted and that drafts of that rule are provided to the public, and there would be a public hearing. General Counsel McCord said the request today is only in the introduction and explanation stage, is not a request for a final version, and that The Commission will not move forward because Representative Maynard would like to table his rulemaking request for now for revisions.

7. Discussion and Possible Action for Rulemaking Request R-24-01.

None.

8. Executive Director’s Report.

- a. Regarding the Financial Report Update, Director Bruce Boone discussed the December 2023 and January 2024 financial reports and announced the reports are referenced in the materials. She stated we are on sound footing within our current operation budget and a different reporting method is being worked on. Director Bruce Boone said she would like to move to quarterly reporting.
- b. Regarding the Fiscal Year 2025 Budget Request Update, Director Bruce Boone stated our budget was considered by the Senate General Government and Transportation Subcommittee on January 24, 2024, and there was good discussion and support for our budget needs and the budget request was recommended to full Senate appropriations. The following considerations and discussion were made by Director Bruce Boone:
 1. An amount of \$149, 273 would restore us back to Fiscal Year 2016 levels.
 2. A one-time budget request of \$300,000 towards The Guardian System replacement is a difference from \$300,000 to \$1.2 million because they are trying to break it down annually versus the full amount.
 3. An increase in the operational budget of \$177,400 was discussed for our compliance

personnel in a diversionary program.

4. An increase of \$150,000 was discussed in support of a political enforcement subdivision.
 5. The budget was submitted for the Constitutional requirement on the second day of legislative session to the Governor, Speaker of The House and President Pro Tempore which outlined these same requests.
 6. Regarding The Guardian System, Senator Floyd's bill 1488 was considered and approved by the Senate General Government Committee recommending \$2.4 million for replacement of The Guardian System.
 7. After the last commission meeting, CIVIX allowed an extension of the current contract through February 2025 with the same amount we are currently paying. Director Bruce Boone stated she is working with Oklahoma Office of Management and Enterprise Services (OMES) on a Request for Proposal (RFP).
 8. The Commission was asked to speak at the Governor's Task Force on campaign finance and election threats. The budget was also submitted for the Constitutional requirement on the second day of legislative session which outlined the above requests.
- c. Regarding The Legislative Office of Financial Transparency (LOFT), a study was discussed that there would be a rapid response evaluation on The Commission. On January 31, 2024, Director Bruce Boone reached out to their interim director Regina Birchum, to confirm the rapid response and that it is an operational assessment of our agency. Ms. Birchum stated a letter would be coming with details and this has not been received to date.
- d. Regarding the Compliance Update, Director Bruce Boone said the materials are in the packet and there are currently 610 Lobbyists and 1494 Committees with several late filers. The next notices will go out in mid-March.
- e. Regarding The Legislative Update, Director Bruce Boone said The Commission is still completing the analysis of bills for this session and there is concern for a few bills that would add rules or modify existing rules that may conflict with The Constitution with the following considerations:
1. SB 1059: This bill is related to contributions and campaigns.
 2. SB 1796: This bill attempts to create new law prohibiting contributions from certain entities, particularly foreign entities.
 3. SB 188: this bill modifies current ethics rules and could be a logistical and resource issue regarding unopposed candidates and removing filing requirements.
 4. SB 2015 and SB 2024: These bills would allow political parties to receive contributions from corporations, which is in direct conflict of our rules.

Director Brue Boone announced there is also interest in expanding our jurisdiction and enforcement related to municipal campaigns and county school board campaigns and this would take a great deal of funding and resources to fully regulate.

9. Determination to enter Executive Session.

The information to be discussed in agenda item 10 requires confidential communications between the Ethics Commission and its attorney concerning pending claims or actions where disclosure will seriously impair the ability of the Ethics Commission to process the claim or conduct a pending investigation, litigation or proceeding in the public interest. In addition, disclosure of any of the items to be discussed would violate confidentiality requirements of state law. This proposed executive session meets the requirements for executive session pursuant to Title 25 O.S. sections 307 (B)(1), (B)(4), and (B)(7).

- a. Statement by Attorney – the statement is on the agenda and does not need to be read.
- b. Determination, pursuant to Counsel’s advice as set forth above, to enter closed, executive session at the Ethic’s Commission’s office in Room G-27 of the Oklahoma State Capitol.

Motion: Commissioner Fields moved, pursuant to counsel’s advice, to enter closed, executive session in the Ethics Commission’s office in room G-27 of the State Capitol Building to discuss the matters listed for agenda item 10.

Second: Commissioner Meek.

Roll Call vote: Fields - yes, Meek – yes, Engle – yes, Brejcha - yes

Motion carried to go into Executive/Closed session at 10:15 a.m.

10. Executive Session. Chair Brejcha

11. Action to Return to Open Session. Chair Brejcha

Motion: Commissioner Engle moved to return open session at 12:10 p.m.

Second: Commissioner Fields.

Roll call vote: Engle – yes, Fields - yes, Meek – yes, Brejcha- yes.

Motion carried.

12. Announcements, considerations, discussion, and possible action on the disqualification or recusal of a Commissioner or Commissioners pursuant to Ethics Rule 1.6 for any item listed in this agenda for Executive Session, and possible action on the following items considered in Executive Session.

Announcement was made by Deputy Director & Legal Counsel, Stephanie McCord that Commissioner Meek recused himself for Case No. 2019-06. Commissioner Meek and

Commissioner Brejcha recused themselves from C-23-28. This case was not discussed because there was no quorum.

13. Consideration, discussion, and possible action on the following items considered in executive session. Chair Brejcha

- a. **Motion:** Commissioner Engle moved to dismiss Complaint C-22-11.

Second: Commissioner Fields.

Roll call vote: Engle – yes, Fields – yes, Meek – yes, Brejcha – yes

Motion carried.

- b. **Motion:** Commissioner Engle moved pursuant to ethics rule 6.10 to approve the settlement offers collectively resolving the following cases: Case No. 2020-01, Case No. 2023-18, Case No. 2023-19, Case No. 2023-20, Case No. 2023-21, all alleging violations of Campaign Finance Ethics Rule No. 2 and Case No. 2023-22, alleging violations of Conflicts of Interest Ethics Rule No. 4.

Second: Commissioner Fields.

Roll call vote: Engle – yes, Fields – yes, Meek – yes, Brejcha – yes

Motion carried.

- c. Case No. 2022-36 alleging violations of Campaign Finance Ethics Rule 2.

No motion necessary.

- d. **Motion:** Commissioner Engle moved to approve the resignation of Deputy Director and General Counsel McCord effective March 8, 2024.

Second: Commissioner Meek.

Roll call vote: Engle- yes, Meek – yes, Fields – yes, Brejcha – yes

Motion carried.

14. New Business.

None.

15. Adjournment.

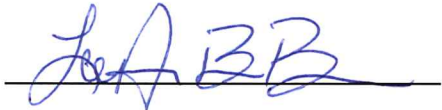
Motion: Commissioner Engle moved to adjourn the February 9, 2024, meeting of the Oklahoma Ethics Commission.

Second: Commissioner Fields.

Roll call vote: Engle – yes, Fields – yes, Meek – yes, Brejcha - yes.

Motion carried.

Meeting ended at 12:14 p.m.

A handwritten signature in blue ink, appearing to read 'L.A. B. B.', written over a horizontal line.

LEE ANNE BRUCE BOONE, Executive Director

Approved on behalf of the Commission:

A handwritten signature in black ink, appearing to read 'Jarred Brejcha', written over a horizontal line.

JARRED BREJCHA, Chair