

**OKLAHOMA ETHICS COMMISSION  
MAY 10, 2024, MINUTES FOR REGULAR MEETING**

**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, May 10, 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, Howard Johnson ["Johnson"], Justin Meek ["Meek"] and Brejcha. A quorum of members was declared.

**Staff & Visitors.**

Commission staff members present at all, or part of the meeting were Executive Director Lee Anne Bruce Boone ["Bruce Boone"] and Tiffany Elczyn ["Elczyn"]. Interim Counsel to the Commission, Thomas Schneider ["Schneider"] from the Oklahoma Attorney General's office was also present.

**Observing all or part of the meeting:** Charles Outlaw, LegisOK; A.J. Ferate, Spencer Fane LLP; Kaitlyn Finley, LOFT; Joseph Pierce, Oklahoma Senate; and Denise Lawson, Attorney.

**2. Open Meeting Act Compliance.**

Chair Brejcha reviewed the *Affidavit of Posting* and affirmed compliance with the Oklahoma Open Meeting Act.

**3. Introductions and Announcements.**

None.

**4. Announcements, consideration, discussion and possible action on the disqualification or recusal of a Commissioner or Commissioners pursuant to Ethics Rule 1.6 for any matter listed on the Commission agenda.**

None.

**5. Consideration, discussion, and possible action on minutes for the regular meeting and executive session held April 12, 2024.**

**Motion:** Commissioner Johnson moved to approve the minutes for the special meeting and executive session held April 12, 2024.

**Second:** Commissioner Meek

**Roll call vote:** Johnson - yes, Meek – yes, Brejcha - yes

**Motion carried.**

**6. Introduction and explanation of the March 31, 2024, Governor’s Task Force Report on Campaign Finance and Election Threats. Executive Director Bruce Boone and/or Task Force Chair, A.J. Ferate**

- a. Discussion and comments by A.J. Ferate, Commissioners and staff
  - i. Report was provided by Task Force Chair, A.J. Ferate. He explained how and why the Task Force was formed. He said the overarching approach was that the Ethics Commission does have the ability to require certain restrictions as a regulatory entity as outlined on page 7 of the Task Force Report. Foreign sources were a very large focus of the Task Force study. The Task Force believes that the regulations that are currently in place are appropriate. They do not go too far nor are they too lenient, but these additional recommended restrictions are very important because they will be able to trigger investigative authority if necessary. The Task Force studied other states that do not have contribution limits and they saw that Independent Expenditures are still there but their importance is significantly diminished. If the Commission was to adopt all the recommendations, the Commission would have to redefine the definition of coordination within Oklahoma.
  - ii. Question by Commissioner Johnson to clarify unlimited contributions. A.J. Ferate explained that as long as the reporting is in place it means individuals can give any amount to a candidate. A.J. Ferate said money is speech and only becomes bad if the contributor is trying to get something in exchange for the contribution. As an example, if I give to an independent expenditure group, you don’t know that I gave but if I give it as an individual, it is reportable from me. It’s already happening but with this scenario you would know who it came from.
  - iii. Question by Commissioner Meek regarding whether the the elimination of contribution limits only applies to Oklahoma citizens? A.J. Ferate responded that this would apply to contributors across the country as long as they are a U.S. citizen.
  - iv. Question by Commissioner Meek as to whether the same unlimited contributions would apply to PAC’s and LLC’s. A.J. Ferate said that it would apply to them. Also, LLC’s and LLP’s would have the ability to give as an entity or as individuals.
  - v. Question by Chair Brejcha on the first set of recommendations which are not labeled ethics reform. He asked what level of disclosure beyond the current reporting requirements can be done? A.J. Ferate explained that it was more of a conflict-of-interest issue that an election board member would need to disclose to the other election board members that they are supporting a specific candidate and have a conversation of that board member possibly recusing.
  - vi. Question by Commissioner Meek about how much coordination will the Ethics

Commission need to have with these other regulator entities? A.J. Ferate said that they did not develop a structure. That is a conversation that needs to happen between those entities. He said that the county election boards are frustrated that they have to handle these reports. People come to them to view these reports and complain to them about the reports when they have no authority regarding enforcement.

- vii. Comment by Director Bruce Boone. She added that in 2014/2015 when local regulation was set up there was legislation enacting the Political Subdivision Act, but that there must be a minimum of a certain amount of money that was budgeted to the Commission for funding enforcement of local political subdivisions, and that funding has never occurred to date. She said this was part of Ethics' budget request this year.
- viii. Comment by Chair Brejcha that the Task Force is recommending that not only do entities have to register in Oklahoma, but they have to have a presence in Oklahoma as well. A.J. Ferate said, yes, if you want to play here, you need to be here. The entities should have presence in Oklahoma if they are going to represent Oklahoma.
- ix. Question by Chair Brejcha. He asked would it be accurate to say that the Governor's Task Force views Unlimited Committees involved in Independent Expenditure's as a threat? A.J. Ferate said that the Task Force goal was to make more information about these entities available to the public.
- x. Question by Commissioner Johnson. He asked to confirm that the Commission does require address, phone number, and treasurer? Is the issue that we don't follow up to make sure that the phone number works, and the address is real? Director Bruce Boone commented that unless there is a complaint or an issue then the information provided is accepted as is. She said that the Commissions funding has limited what we can do. We have been mostly reactive as opposed to proactive. With additional resources more effort can be made.
- xi. Comment by Director Bruce Boone. She said we will be establishing work groups with the Commissioners and she invited A.J. Ferate to come to the public meetings. He responded that he would like to participate as much as they wanted him to and to call him with any questions.
- xii. Comment by Chair Brejcha. He said he sees the dual strategy of making entities that make Independent Expenditures more present, accessible, and accountable to Oklahomans and lessening restrictions on people, organization and parties to make them more competitive. He said the point made about coordination needing a better definition has come up before and I am a believer that we need to do more to provide clarity.

**7. Executive Director's Report. Director Bruce Boone.**

- a. LOFT Review

Director Bruce Boone said the LOFT review has been initiated now. She thanked Kaitlyn Finley with LOFT for attending our meeting today. She explained that we had our entrance conference with LOFT this past week. LOFT will be doing a rapid review and that we have provided some initial information. We will be working a lot with them for the next 90 days. Their report is due in September.

**b. FY '25 Budget Request Update**

- i. Director Bruce Boone said that we were notified that there is agreement between the House, Senate and Governor on our budget request.

**c. The Guardian System Update**

- i. Director Bruce Boone said that we got an executed agreement to extend the Guardian System through June of next year.

**d. The Legislative Update**

- i. Director Bruce Boone said Senate Bill 1488 died on the house floor. Their decision was to deal with the Guardian System through the budget rather than doing it with this bill.

**e. Compliance Update**

- i. Director Bruce Boone said we are still monitoring the Personal Financial Disclosure reports with the deadline of May 15<sup>th</sup>.

**8. Determination to enter Executive Session.**

The information to be discussed in agenda item 9 requires confidential communications between the Ethics Commission and its attorney(s) concerning pending investigations, claims, or actions, the disclosure of which would seriously impair the ability of the Ethics Commission to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest or violate confidentiality requirements of state law. This proposed executive session meets the requirements for executive session pursuant to the Oklahoma Open Meeting Act in Title 25 of the Oklahoma Statutes, § 307 (B)(1), (4), and (7), and required by Ethics Rules 6.5 and 6.9. The statement is on the agenda and does not need to be read.

- a. Determination, pursuant to Counsel's advice as set forth above, to enter closed, executive session at the Ethics Commission's office in Room G-27 of the Oklahoma State Capitol.

**Motion:** Commissioner Meek moved, pursuant to counsel's advice as set forth in subsection 9(a), the Commission go into 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 9.

**Second:** Commissioner Johnson

**Roll Call vote:** Meek – yes, Johnson – yes, Brejcha - yes.

**Motion carried to go into Executive/Closed session at 11:16 a.m.**

**b. Executive Session.**

Cases and Investigations

- i. Employment, hiring, or appointment of a candidate for the position of General Counsel.
- ii. Complaint No. 2024-10, alleging violations of Campaign Finance Ethics Rule
- iii. Complaint No. 2024-11, alleging violations of Conflicts of Interest Rule 4.
- iv. Case No. 2022-25, alleging violations of Campaign Finance Ethics Rule 2.
- v. Case No. 2020-03, alleging violations of Campaign Finance Ethics Rule 2.

**c. Action to Exit Executive Session.**

**Motion:** Commissioner Meek moved to reconvene open session at 12:58 p.m.

**Second:** Commissioner Johnson

**Roll call vote:** Meek – yes, Johnson – yes, Brejcha- yes

**Motion carried.**

- d.** Possible action on the numbered matters (i-v) discussed in Executive Session. Prior to taking action, the Commissioners may consider, discuss, and take 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. Thomas Schneider, Interim Counsel to Commission

- i. Seeing no recusals. Chair Brejcha
- ii. **Motion:** Commissioner Meek moved pursuant to Ethics Rule 6.7 and Rule 4, to open a formal investigation into Complaint C2024-11 based on a reasonable cause to believe that one or more violations of Conflict-of-Interest Rule 4 has occurred.

**Second:** Commissioner Johnson

**Roll call vote:** Meek – yes, Johnson – yes, Brejcha- yes

**Motion carried.**

- iii. **Motion:** Commissioner Meek moved to direct the Executive Director and Interim General Counsel to take action consistent with what was discussed in

Executive Session for Case No. 2022-25.

**Second:** Commissioner Johnson

**Roll call vote:** Meek – yes, Johnson – yes, Brejcha- yes

**Motion carried.**

- iv. **Motion:** Commissioner Meek moved to direct the Executive Director to extend an employment offer for General Counsel as discussed in Executive Session.

**Second:** Commissioner Johnson

**Roll call vote:** Meek – yes, Johnson – yes, Brejcha- yes

**Motion carried.**

**9. New Business.**

None.

**10. Adjournment. Chair Brejcha.**

**Motion:** Commissioner Meek moved to adjourn the meeting.

**Second:** Commissioner Johnson

**Roll call vote:** Meek – yes, Johnson – yes, Brejcha - yes

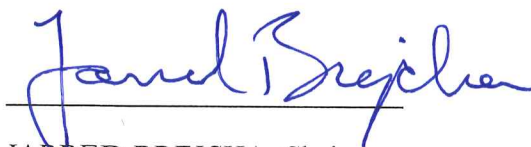
**Motion carried.**

**Meeting ended at 1:02 p.m.**



LEE ANNE BRUCE BOONE, Executive Director

Approved on behalf of the Commission:



JARRED BREJCHA, Chair