

**OKLAHOMA ETHICS COMMISSION
JANUARY 16, 2025
SPECIAL 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 special meeting of the Ethics Commission of the State of Oklahoma ["Commission"] was called to order on Thursday, January 16, 2025, at 10:00am. Chair Eddie Fields ["Fields"] 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, Eddie Fields ["Fields"], Howard Johnson ["Johnson"], Mike Wilt ["Wilt"], Justin Meek ["Meek"], and Adam Weintraub ["Weintraub"]. 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"], General Counsel Margaret Kerr ["Kerr"], Deputy Director Jeremy Rogers ["Rogers"], Legal Assistant Tiffany Elczyn ["Elczyn"], Compliance Officer Tyler Fixley ["Fixley"], and Assistant Compliance Officer Kayla Brasel ["Brasel"].

Observing all or part of the meeting: Denise Lawson, Attorney; Michael McNutt, NewsOK; Melissa Nash, House; Charles Lindsey-Outlaw, OKDEMS; Montana Macrae-Matilla, Legislative House; Collin Duel, Representative; Joseph Pierce, Senate; Nolan Clay, Media; and Thomas Schneider, Attorney General's Office.

2. Open Meeting Act Compliance.

Chair Fields 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.

No additional recusals.

5. **Consideration, discussion, and possible action on minutes for the regular meeting and executive session held December 6, 2024.**

Motion: Commissioner Weintraub moved to approve the minutes for the regular meeting and executive session held December 6, 2024.

Second: Commissioner Johnson

Roll Call vote: Weintraub – yes, Johnson – yes, Meek – yes, Wilt – yes, Fields – yes

Motion Carried.

6. **Introduction and explanation of a rulemaking request submitted by Representative Collin Duel regarding foreign adversary registration.**

Representative Collin Duel advocates for registration and disclosure by an individual lobbying on behalf of an adversarial nation or a country of concern as defined by the State Department, or an entity that is owned partially or wholly by the adversarial nation or a country of concern, to register and disclose that information. He explains that he does not want to prohibit them, he only wants there to be registration and disclosure.

- a. Comment by Chair Fields that what Representative Collin Duel is explaining is not in the Ethics Rules.
- b. Executive Director Bruce Boone acknowledges that it is not in the rules, but it is anticipated there will be additional rules proposed next year.

Motion: Commissioner Meek moved to authorize staff to begin the rulemaking process regarding the rulemaking request submitted by Representative Collin Duel.

Second: Commissioner Weintraub

Roll Call vote: Meek – yes, Weintraub – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

7. **Consideration and discussion regarding the verbal and written comments to the proposed Rule Amendments submitted at the Public Hearing on December 6, 2024.**

- a. Executive Director Bruce Boone explained that each of the comments made on the proposed rules have been considered for months. There were some concerns about constitutionality in a few of the proposed rules. The Commission has asked Deputy Counsel Schneider to discuss the constitutionality concern.

- b. Deputy Counsel Schneider discussed a previous case in which the Ethics Commission had been sued over the constitutionality of a rule change. It is his recommendation that the Commission stay clear of the incorporation requirement.

8. The following consideration, discussion, explanation, and possible action relate to the proposed Ethics Rules Amendments (ERA) which proposals, comments received and proposed changes submitted, were the subject of the Public Hearing on December 6, 2024.

- a. Consideration, discussion, explanation and possible action on **ERA 2024-01**, and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed that rule 2.2 is a definitional section. There were many recommendations to include a definition for foreign nationals. There is additional language added based upon the FEC definition to ensure the inclusion of an individual and a foreign principal or foreign government. It also includes the exact FEC definition language of coordination regarding independent expenditures. The original language of the definition uses the word “suggestion”. This amendment would incorporate removing the word “suggestion” from the original definition.
 - ii. Comment by Chair Fields to Deputy Counsel Schneider if there would be any issues or if they would be challenged with taking the word suggestion out of the rule.
 - iii. Deputy Counsel Schneider explained that it would narrow what type of behavior or actions that would fall under the independent expenditures.
 - iv. Executive Director Bruce Boone discussed the last section of rule 2.2. The taskforce recommended that the commission add a political caucus committee to the definition of a political party committee. In the proposed rule language, it is referenced as a legislative caucus committee as frequently referenced by other states.

Motion: Commissioner Weintraub moved to adopt the amendment **ERA 2024-01** as discussed today, specifically leaving in the “suggestion” language to mirror the FEC rules and the definition of coordination for an independent expenditure.

Second: Commissioner Wilt

Roll Call vote: Weintraub – yes, Wilt – yes, Johnson – yes, Meek – yes, Fields – yes

Motion Carried.

- b. Consideration, discussion, explanation, and possible action on **ERA 2024-02** and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed rule 2.17. This is a proposal on a change to the general rule of contributions that requires the identification of an individual contributor to a campaign if the campaign contribution is \$200 or more, an increase from \$50. All discussions in the working groups held over the summer regarding increasing this amount were supportive of the change.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-02** as proposed today and discussed.

Second: Commissioner Meek

Roll Call vote: Weintraub – yes, Meek – yes, Johnson – yes, Wilt – yes, Fields – yes

Motion Carried.

- c. Consideration, discussion, explanation and possible action on **ERA 2024-03** and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed that rule 2.20 increases the mandatory reporting for campaign contributions from \$50 to \$200. Any individual will stay anonymous when reporting unless giving more than \$200. The Commission also recommended adding in an inflationary index, which is to be adjusted on a biennial basis.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-03** as proposed today and discussed to clarify the inflationary index to be on a biennial adjustment similar to individual contributions in Rule 2.37(H).

Second: Commissioner Johnson

Roll Call vote: Weintraub – yes, Johnson – yes, Meek – yes, Wilt – yes, Fields – yes

Motion Carried.

- d. Consideration, discussion, explanation, and possible action on **ERA 2024-04** and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed the proposal for rule 2.95 which is adding language to require certification by treasurers and/or deputy treasurers, when applicable, regarding receipt of funds from foreign nationals.

Motion: Commissioner Johnson moved to adopt amendment **ERA 2024-04** as proposed.

Second: Commissioner Wilt

Roll Call vote: Johnson – yes, Wilt – yes, Meek – yes, Weintraub – yes, Fields – yes

Motion Carried.

- e. Consideration, discussion, explanation, and possible action on **ERA 2024-05** and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed rule 2.107. The original proposed amendment contained two different modifications. The first modification is the withdrawal of all previously proposed telephone and domicile requirements. The second modification increases the mandatory reporting amount from \$50 to \$200.

Motion: Commissioner Weintraub moved to adopt amendments **ERA 2024-05** as proposed today and discussed not only to clarify that inflationary index, but also to strike the language regarding telephone and domicile requirements.

Second: Commissioner Meek

Roll Call vote: Weintraub – yes, Meek – yes, Johnson – yes, Wilt – yes, Fields – yes

Motion Carried.

- f. Consideration, discussion, explanation, and possible action on **ERA 2024-06** and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed rule 2.108 which is regarding electioneering communications. The original amendment had domicile requirements which were just removed by the previous motion on the previous rule. It also changes the inflationary index to match that in rule 2.37(H).

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-06** as proposed today and discussed not only to clarify that inflationary index, but also to strike the domicile requirements.

Second: Commissioner Meek

Roll Call vote: Weintraub – yes, Meek – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

- g. Consideration, discussion, explanation, and possible action on **ERA 2024-07** and any proposed amendments thereto, of the Constitutional Ethics Rules.

- i. Executive Director Bruce Boone discussed rule 2.109 which regards state questions. This proposal is a very similar provision to the previous rule just discussed. This would remove the proposed domicile requirements and increase the reporting amount from \$50 to \$200. It also changes the inflationary index to match that in rule 2.108.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-07** as proposed today and discussed not only to clarify that inflationary index, but also to strike the domicile requirements.

Second: Commissioner Meek

Roll Call vote: Weintraub – yes, Meek – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

- h. Consideration, discussion, explanation, and possible action on **ERA 2024-08** and any proposed amendments thereto, of the Constitutional Ethics Rules.

- i. Executive Director Bruce Boone discussed rule 5.6 which removes the requirement of attendance of an event by a lobbyist when gifting tickets or a meal.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-08** as proposed.

Second: Commissioner Meek

Roll Call vote: Weintraub – yes, Meek – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

- i. Consideration, discussion, explanation, and possible action on **ERA 2024-09** and any proposed amendments thereto, of the Constitutional Ethics Rules.

- i. Executive Director Bruce Boone discussed rule 5.7 which increases the aggregate meal limit for legislative liaisons and legislative lobbyists from \$500 to \$750.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-09** as proposed.

Second: Commissioner Wilt

Roll Call vote: Weintraub – yes, Wilt – yes, Johnson – yes, Meek – yes, Fields – yes

Motion Carried.

- j. Consideration, discussion, explanation, and possible action on **ERA 2024-10** and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed rule 5.8 which increases the aggregate meal limit for legislative liaisons and legislative lobbyists from \$500 to \$750. This rule does have optional amendatory language to change the individual gifting limit from \$100 to \$200 to recognize the increased cost of ticket or gift items.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-10** as proposed, increasing the meal limit from \$500 to \$750, and also increasing lobbyist gifts from \$100 to \$200.

Second: Commissioner Meek

Roll Call vote: Weintraub – yes, Meek – yes, Johnson – yes, Wilt – yes, Fields – yes

Motion Carried.

- k. Consideration, discussion, explanation, and possible action on **ERA 2024-11** and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed rule 5.10 which increases the aggregate meal limit for Executive Lobbyists from \$500 to \$750.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-11** as proposed.

Second: Commissioner Meek

Roll Call vote: Weintraub – yes, Meek – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

- l. Consideration, discussion, explanation, and possible action on **ERA 2024-12** and any proposed amendments thereto, of the Constitutional Ethics Rules.
 - i. Executive Director Bruce Boone discussed rule 5.11 which increases the aggregate meal limit for executive lobbyists from \$500 to \$750. This rule does

have optional amendatory language to change the individual gifting limit from \$100 to \$200 to recognize the increased cost of ticket or gift items.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-12** as proposed, and not only increasing the meal limit from \$500 to \$750, but also increasing lobbyist gift limits from \$100 to \$200.

Second: Commissioner Meek

Roll Call vote: Weintraub – yes, Meek – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

m. Consideration, discussion, explanation, and possible action on **ERA 2024-13** and any proposed amendments thereto, if the Constitutional Ethics Rules.

- i. Executive Director Bruce Boone discusses rule 6.4 which was to modify the blackout period to conclude after the primary election if the primary election determines the outcome of the election.

Motion: Commissioner Weintraub moved to adopt amendment **ERA 2024-13** as proposed.

Second: Commissioner Wilt

Roll Call vote: Weintraub – yes, Wilt – yes, Meek – yes, Johnson – yes, Fields – yes

Motion Carried.

9. Consideration, discussion, and possible final action on the Commission's official promulgated rules and rule amendments for Year 2025.

Motion: Commissioner Meek moved to direct the Executive Director to deliver the rule changes to the legislature and governor as required in the Oklahoma Constitution, Article 29.

Second: Commissioner Johnson

Roll Call vote: Meek – yes, Johnson – yes, Wilt – yes, Weintraub – yes, Fields – yes

Motion Carried.

10. Executive Director's Report

a. Lobbyist Refund Summary

- i. Executive Director Bruce Boone discussed an update on the lobbyist refunds. As of the end of December, all refund checks have been issued.

b. Guardian System Replacement Update

- i. Executive Director Bruce Boone discussed that the Commission is working on technical requirements with the new vendor. For the last few weeks, they have been going through demos of the current system. They have been able to utilize John Rose with Maxim Consulting Inc. to serve as project manager.
- ii. Comment by Commissioner Johnson if we were able to keep the name Guardian.
- iii. Executive Director Bruce Boone explained that the name is up for discussion. There is no ownership over the name, so we can keep it or change it to something else to fit the new system.
- iv. Comment by Chair Fields when the new system will be up and running.
- v. Executive Director Bruce Boone explained the new system is scheduled to be running on July 1st.

c. Compliance Report

- i. Executive Director Bruce Boone discussed the personal financial disclosures that are due between January 1, 2025, and May 15, 2025. The pilot diversion program was offered to committees with unfiled late reports to get fines reduced by 50%. They offered this program to over 24 committees, 7 committees signed up to participate, and 4 committees showed up.

d. LOFT Update

- i. Executive Director Bruce Boone discussed the conference with LOFT. This conference will give the commission an opportunity to see the full report with any concerns or suggestions they have for us. We are hoping to see some suggestions for key performance indicators, which is part of their expertise.

e. Budget Update and Request to Legislature for FY 26 Budget

- i. Executive Director Bruce Boone discussed the allotment budget and available cash. One request from the legislature was for \$1 million in additional funding for our software system replacement, which is to be one-time funding. Another request to the legislature is \$300,000 for political subdivisions, which was requested as recurring funds.

- f. Legislative Update
 - i. Executive Director Bruce Boone discussed that Senator Kirt filed legislation that would require all legislative members to have mandatory Ethics training. There might be legislation that would require all state employees to have mandatory Ethics training.

11. Determination to enter Executive Session

The information to be discussed in Executive Session 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 confidential 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 in Room G-3 of the Oklahoma State Capitol.

Motion: Commissioner Johnson moved, pursuant to counsel's advice as set forth in subsection 9(a), the Commission go into executive session in room G-3 of the State Capitol Building to discuss the matters listed for Executive Session.

Second: Commissioner Meek

Roll Call Vote: Johnson – yes, Meek – yes, Wilt – yes, Weintraub – yes, Fields – yes

Motion Carried to go into Executive/Closed session at 11:30 am

b. Executive Session.

Cases and Investigations

- i. Case No. 2024-03, alleging violations of Ethics Rule 2, Campaign Finance.

- ii. Case No. 2024-37 combined with 2024-27, alleging violations of Ethics Rule 2, Campaign Finance.
- iii. Case No. 2024-33 combined with 2024-34, alleging violations of Ethics Rule 4, Conflicts of Interest.
- iv. Case No. 2024-31, alleging violations of Ethics Rule 4, Conflicts of Interest.
- v. Case No. 2022-21, alleging violations of Ethics Rule 2, Campaign Finance.
- vi. Case No. 2024-11 alleging violations of Ethics Rule 4, Conflicts of Interest.
- vii. Case No. 2022-38, alleging violations of Ethics Rule 2, Campaign Finance.
- viii. Complaint Numbers:
C-24-41

c. Action to Exit Executive Session.

Motion: Commissioner Weintraub moved to reconvene open session at 1:47 pm

Second: Commissioner Wilt

Roll Call Vote: Weintraub – yes, Wilt – yes, Johnson – yes, Meek – yes, Fields – yes

Motion Carried.

d. Possible action on the numbered matters (i) 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. General Counsel Kerr

- i. Prior to the meeting, there were no recusals. Seeing no additional recusals.
- ii. Consideration of authorizing possible action regarding the following cases:

1. Motion: Commissioner Meek moved pursuant to Ethics Rule 6.8 to authorize the Executive Director to proceed with **Case No. 2024-03** and pursue enforcement of the subpoena in district court.

Second: Commissioner Johnson

Roll Call Vote: Meek – yes, Johnson – yes, Weintraub – yes, Wilt – yes, Fields – yes

Motion Carried.

2. Motion: Commissioner Weintraub moved pursuant to Ethics Rule 6.9, to allow certain limited information regarding **Case 2024-03** to be made public based on a determination that release of such information is in the public's interest.

Second: Commissioner Johnson

Roll Call Vote: Weintraub – yes, Johnson – yes, Meek – yes, Wilt – yes, Fields – yes

Motion Carried.

- 3. Motion:** Commissioner Meek moved pursuant to Ethics Rule 6.10 to authorize the Executive Director to proceed with **Case No. 2024-37** combined with **Case No. 2023-27** to proceed as discussed in Executive Session and pursue prosecution in district court.

Second: Commissioner Johnson

Roll Call Vote: Weintraub – yes, Wilt – yes, Johnson – yes, Meek – yes, Fields – yes

Motion Carried.

- 4. Motion:** Commissioner Weintraub moved pursuant to Ethics Rule 6.9, to allow certain limited information regarding Case 2024-37 combined with Case 2023-27 to be made public based on a determination that release of such information is in the public's interest.

Second: Commissioner Johnson

Roll Call Vote: Meek – yes, Weintraub – yes, Johnson – yes, Wilt – yes, Fields – yes

Motion Carried.

- 5. Motion:** Commissioner Weintraub moved pursuant to Ethics Rule 6.9, to allow certain limited information regarding Case 2024-33 combined with Case 2024-34 to be made public based on a determination that release of such information is in the public's interest.

Second: Commissioner Johnson

Roll Call Vote: Weintraub – yes, Johnson – yes, Meek – recused, Wilt – recused, Fields – yes

Motion Carried

6. Motion: Commissioner Meek moved to approve the proposed settlement agreement in Case No. 2024-31 and authorize the Executive Director to execute the agreement.

Second: Commissioner Weintraub

Roll Call Vote: Meek – yes, Weintraub – yes, Johnson – yes, Wilt – yes, Fields – yes

Motion Carried.

7. Motion: Commissioner Weintraub moved to dismiss Case No. 2022-21.

Second: Commissioner Johnson

Roll Call Vote: Weintraub – yes, Johnson – yes, Meek – yes, Wilt – yes, Fields – yes

Motion Carried.

8. Motion: Commissioner Weintraub moved to dismiss Complaint C-24-41.

Second: Commissioner Meek

Roll Call Vote: Weintraub – yes, Meek – yes, Wilt – yes, Johnson – yes, Fields – yes

Motion Carried.

12. New Business. Chair Fields

No new business.

13. Adjournment. Chair Fields

Motion: Commissioner Wilt moved to adjourn the meeting.

Second: Commissioner Weintraub

Roll Call Vote: Wilt – yes, Weintraub – yes, Meek – yes, Johnson – yes, Fields – yes

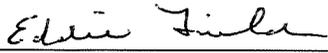
Motion Carried.

Meeting ended at 1:55 pm

A handwritten signature in black ink, appearing to read 'Lee Anne Bruce Boone', 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 'Eddie Fields', written above a horizontal line.

EDDIE FIELDS, Chair