

OKLAHOMA ETHICS COMMISSION

OFMA MEETING 2019



Ethics Commission

BACKGROUND

ETHICS COMMISSION

- ▶ Ethics Commission Creation: Vote of the People, Art. 29 of Oklahoma Constitution
- ▶ Constitutionally Required to Promulgate Rules of Ethics Conduct for:
 - Campaigns for State Office
 - Campaigns for Initiative & Referenda
 - State Officers & Employees
- ▶ Limited Statutory Jurisdiction Over Local Elections
- ▶ Civil Jurisdiction
- ▶ 5 Appointed Commissioners & 7 Staff Members



AREAS OF REGULATION



- ▶ Misuse of Office & Misuse of Authority
- ▶ Conflicts of Interest:
 - Matters in Which to Disqualify
 - Representation in Transactions Involving the State
- ▶ Use of State Property, Resources, and Time
 - For Political Purposes

AREAS OF REGULATION



▶ Meals & Gifts

- From Lobbyists
- From Vendors
- From Regulated Community
- To Supervisors
- At Conferences, Professional Events, Civic Events, and Charitable Events

SCOPE OF ETHICS RULES



**Your Agency May Have
Rules/Policies That Are More
Restrictive Than Ethics Rules**

**Follow More Restrictive
Rules/Policies**

**Ethics Commission Only
Enforces Ethics Rules**



WAIVERS

Apply If State Off/Emp. Has Pre-Existing Relationship with Person Whose Status Restricts Certain Activities

Waives Certain Ethics Rules Prospectively

Automatic Waiver If Relationship Between Family Members



Rules on

DISQUALIFICATION

WHEN TO DISQUALIFY



1

Material Financial Interest + You =
Disqualification

2

Material Financial Interest + Family Member =
Disqualification

3

Business Relationship is a Party or Represents
a Party to the Matter = Disqualification

4

Reasonable Person Could Question Your
Impartiality = Disqualification

DIRECT & PREDICTABLE EFFECT



Close Causal Link

Not Attenuated or Speculative



MATERIAL FINANCIAL INTEREST

Generally, Refers to a Significant Financial Interest in Certain Entities/Interests

Refer to the Specific Definition in the Rules and Guide





1

Disqualify if the Matter is Likely to Have a Direct & Predictable Effect on Your Material Financial Interest

Example 1



Widget Co. Stock



Mr. Matthews



State Agency

2

Disqualify if the Matter is Likely to Have a Direct & Predictable Effect on Your Family Member's Material Financial Interest

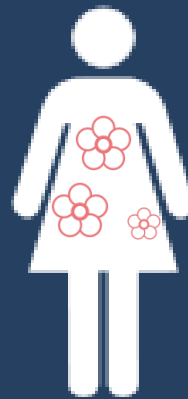
Example 2



Anna's Husband's
Construction Co.



State Agency



Anna



3

Disqualify if you have a business relationship with a party involved in a matter or with someone who represents a party involved in the matter

EXAMPLE 3

Suzi owns an outside
real estate company

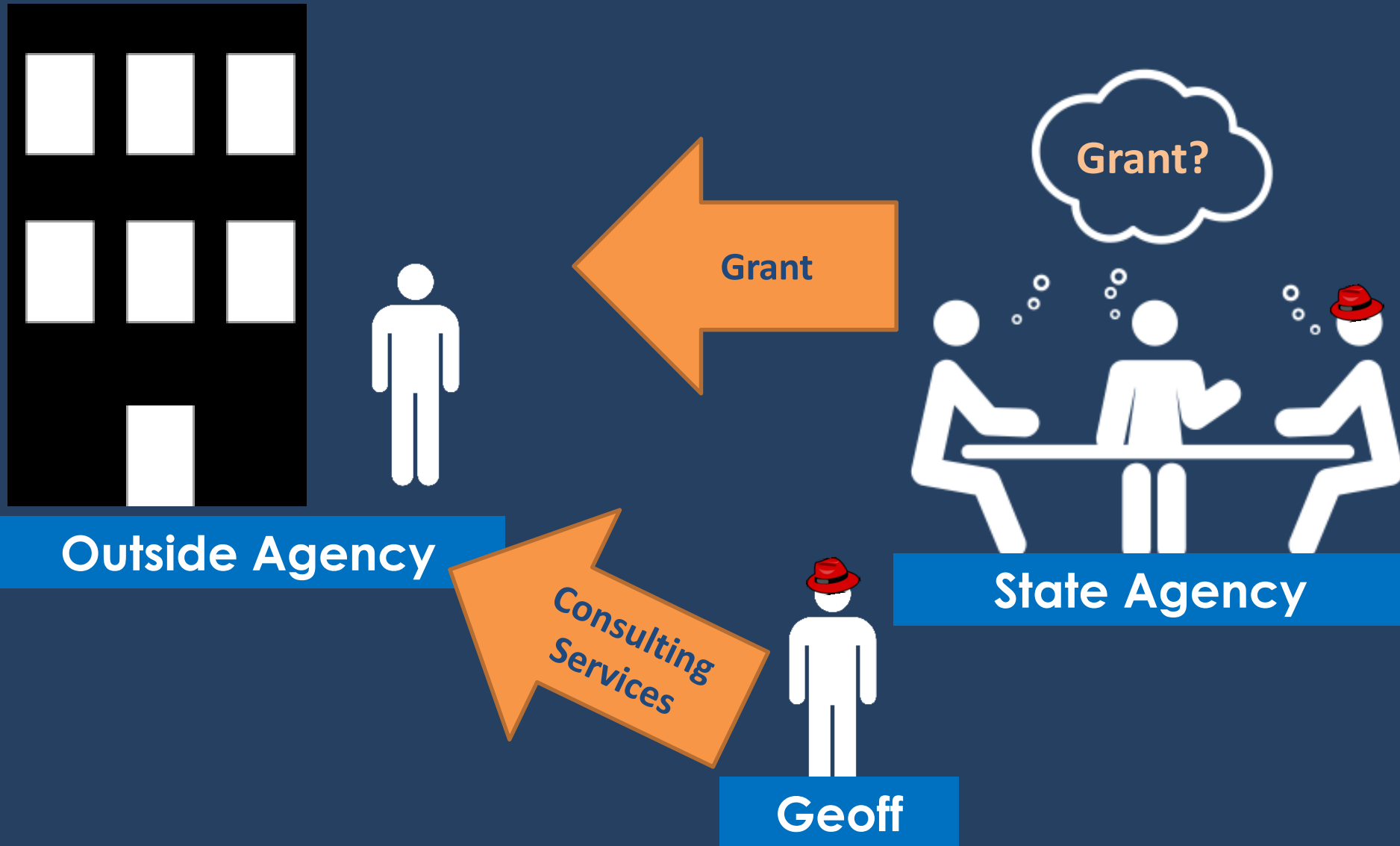


Suzi's Employee



Real Estate License Board

EXAMPLE 4



4

The circumstances would cause a reasonable person with knowledge of the relevant facts to question the state officer's/employee's impartiality

NO DISQUALIFICATION IF...

The Effect Applies
Equally to All
Members



Meals & Gifts from

VENDORS

WHO IS A VENDOR?



**A Seller or Prospective
Seller of Property or
Service to the State**



A State Officer or Employee and Their Family Members Cannot Accept Gifts from a Vendor During a Purchasing Decision.

WHEN IS AGENCY

“Engaged In a Purchasing Decision”?

\$50,000 Floor

- Single Purchase

Perform Functions, such as

- Preparation of RFP or Bid Specs
- Review and Evaluation of Responses
- Recommendations for Selection
- Approval of Requisitions



AFTER A PURCHASING DECISION

You May Accept...



- ▶ Meals up to \$20 per Occasion with \$50 Aggregate Limit Per Calendar Year
- ▶ Modest Items of Food or Refreshment
- ▶ Gift Given Motivated by Family or Personal Relationship
- ▶ Gifts Given to All Employees of Agency or Benefits Made Available to the General Public
- ▶ Informational or Promotional Material Related to Job Performance or Duties

Ethics

RESOURCES

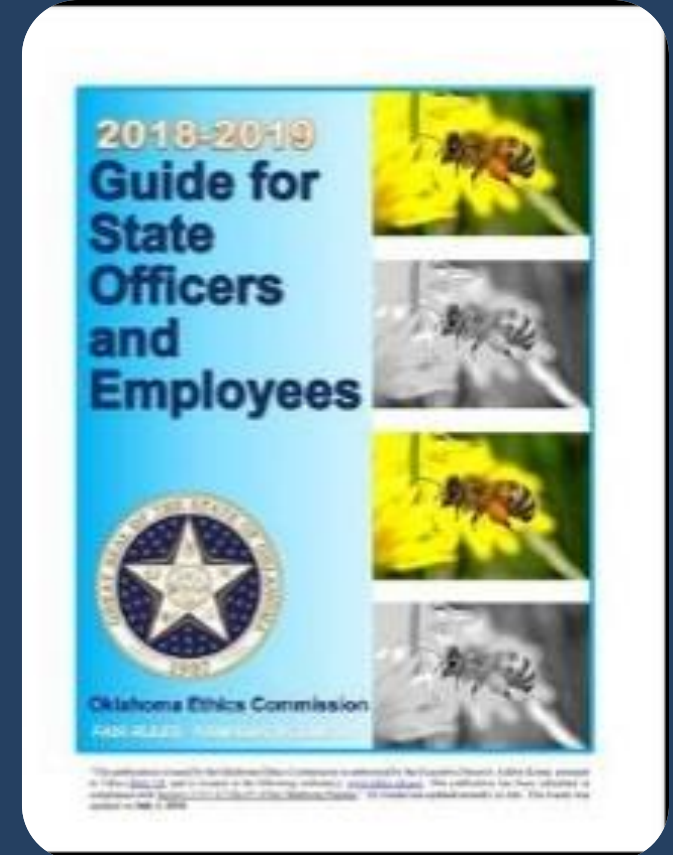
ETHICS RESOURCES

Ethics Website:
www.ethics.ok.gov

Ethics Rules & Guides

Ethics Continuing Edu.
Programs

Can Request an AO to
Interpret Rules (Example: 2017
OK Ethics01)



ETHICS STAFF



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QUESTIONS?