

**ETHICS COMMISSION
STATE OF OKLAHOMA**

2008 ETHICS MANUAL

**for
STATE OFFICERS
and
STATE EMPLOYEES**

**Conflicts of Interest
Lobbying Disclosure
Restrictions on Political Activity
Personal Financial Disclosure**

under the
Constitutional
Ethics Rules

July 1, 2008

Legal Authority, Mission, Objectives

The present Ethics Commission ["Commission"] was established under Article XXIX of the Oklahoma Constitution. It is made up of five private citizens, one each appointed by the Governor, President Pro Tempore of the Oklahoma Senate, Speaker of the Oklahoma House of Representatives, Chief Justice of the Oklahoma Supreme Court and the state Attorney General. It employs seven full-time staff members who administer the constitutional duties, the Political Subdivisions Ethics Act and the rules to implement Article XXIX. The annual budget for the agency in fiscal year 2008 is \$602,960.

The Commission is charged, under Article XXIX, with promulgating rules of ethical conduct for state officers and employees, including civil penalties for violations of such rules. Its mandated functions also include rule making with respect to the ethical conduct of campaigns for elective state office and campaigns for initiatives and referenda. It is further charged with investigating and prosecuting violations and recommending civil penalties for such in district court. Under Article XXIX, the Commission promulgated rules which became effective July 1, 1994. Amendments to those rules were presented to the Governor and each House of the State Legislature on the second days of the Legislative Sessions 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008. Amendments were not disapproved by the Legislature and became effective July 1, 1995, 1996, 1997, 1998 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007 respectively.

Effective rules are published in the official statutes of the State at Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2007, Ch. 62, App. Effective rules may be repealed or modified by the Commission subject to the same legislative and gubernatorial action as for newly promulgated rules. Effective Ethics Commission rules may also be repealed or modified by the Legislature under the same procedures.

Assessments of late filing fees are governed by Section 4256 of Title 74 of the Oklahoma Statutes; appeals of assessments are governed by rules adopted by the Commission or its predecessors under the Administrative Procedures Act [OAC 258:1-1-1 et seq.]. The Commission is the depository for campaign registrations and reports, statements of financial interests, as well as lobbyist registrations and reports. It receives information alleging violations of rules and, upon investigation, may prosecute in district court. It issues ethics interpretations on both the Constitutional Ethics Rules and the Political Subdivisions Ethics Act.

OBJECTIVES FOR CONFLICT OF INTEREST AND PERSONAL FINANCIAL DISCLOSURE RULES

- to ensure that a state officer or employee is independent and impartial;
- to ensure that government policy and decisions are made through the established processes of state government;
- to prevent a state officer or employee from using a state office to obtain private benefit;
- to ensure that a state officer or employee avoids action which creates the appearance of using state office to obtain a private or inappropriate benefit; and
- to promote the public's confidence in its government and state officers and employees.
- to require those persons elected, appointed, and employed to administer the government on behalf of the people of the State of Oklahoma to make certain financial disclosures to demonstrate that fair and equitable treatment is given to all governmental decisions.

If you have questions, comments or suggestions on ways to improve these instructions, please contact the

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NEW IN 2007

The following amendments to the Constitutional Ethics Rules, effective July 1, 2007, affecting ethics and conflicts of interest:

- clarify that the \$300 calendar year limit on “things of value,” which can be solicited or accepted by a state officer or state employee, would apply to either the lobbyist or the lobbyist principal or “other persons” on whose behalf the “things of value” are given. The same limit would pertain to all lobbyists contracting with one lobbyist principal; it further would apply to any funds – whether personal, reimbursed or business funds – of either [257:20-1-9(c) & 257:23-1-2(c)];
- prohibit contributions from being made in the Capitol building [257:10-1-3(i)];
- prohibit elected officials from receiving cash, a check or cash equivalent in honoraria [257:20-1-9(h)];
- define “thing of value” to exclude any item valued at less than \$10 to create a de minimus exception [257:1-1-2]; and
- require each house to hold an annual ethics training session to be conducted by the Ethics Commission [HB 2110 §13].

NEW IN 2008

The following amendments to the Constitutional Ethics Rules, affecting ethics and conflicts of interest or procedure, will become effective July 1, 2008:

- would lower the calendar year gift limit for elective officers from \$300 to \$100; would amend the calendar year aggregate limit for gifts from a lobbyist or lobbyist principal to include a stockholder, partner, agent, affiliate, member, employee or officer of the lobbyist principal acting at the specific direction, and on behalf, of the lobbyist or lobbyist principal; would specify that the aggregation requirement would not apply to all lobbyist principals of a contract lobbyist [257:20-1-9(c)]
- would lower the calendar gift year limit for lobbyists or lobbyist principals to elective officers from \$300 to \$100; would lower the disclosure threshold from \$50 for elective officers and \$25 for other state officers and employees to \$10 in the aggregate for both during a six-month period; would amend the aggregate gift limit for a lobbyist or lobbyist principal to include a stockholder, partner, agent, affiliate, member, employee or officer of the lobbyist principal acting at the specific direction, and on behalf, of the lobbyist or lobbyist principal; would specify that the aggregation requirement would not apply to all lobbyist principals of a contract lobbyist [each lobbyist principal would have a separate limit] [257:23-1-2(b)]
- would amend the reporting requirement of lobbyists to include things of value from “other persons” giving on behalf of the lobbyist/lobbyist principal only when “at their specific direction” [257:23-1-2(g)]

Ethics Interpretations issued by the Commission and Informal Opinions issued by the staff are available on the agency website at:

www.ethics.ok.gov

Introduction

The purpose of these materials is to assist state officers and employees in complying with the Ethics Commission rules. The rules restrain conduct which is inappropriate to the office or position held. An important element in understanding and complying with the rules is a review of "key definitions". Once you have in mind those terms which are defined, you can then refer back to the definition when you encounter the term in the rules.

Conflict of Interest provisions affect your ability to do business with the state, use your state position to benefit yourself or others, represent another before a state governmental entity, vote on matters affecting your private interest, and accept things of value from lobbyists or other persons interested in matters before or affecting the governmental entity you serve.

They also place a calendar year limit of \$100 [\$300 for elective officers and \$100 for all others prior to July 1, 2008] on things of value that can be received from such persons. To keep from exceeding the calendar year limit, state officers and employees should promptly and accurately record activities attended and gratuities received.

Again, definitions play a key role in the rules. For example, exclusions in the definition of "anything of value" determine whether recording of the receipt of a gift is necessary.

Lobbying disclosure requires lobbyists and persons interested in matters before or affecting state government to disclose things of value given to state officers or state employees in excess of \$10 [\$50 for elective officers and \$25 for all others prior to July 1, 2008] in the aggregate. Such persons are also subject to the calendar year limit of \$100 [\$300 per elective officers and \$100 for all others prior to July 1, 2008] per person.

Annual filings of personal financial disclosure are required of all state officers and some state employees including the year you leave state service. We recommend you scan the Statement of Financial Interests Form F-1R [if you are compensated by the state] or Form F-2R [if you are not compensated by the state] located in the back of this manual and then carefully read the instructions before completing each section of the statement.

Keep in mind that some sections of your statement must include information on you, your spouse, and your dependent children and other dependent relatives if they were claimed as dependents on your income tax returns. In other words, include information regarding dependent children regardless of where they lived. (Do **NOT** include information about independent adult children who lived at home or away from home.) Include information about other dependent relatives only if claimed by you as dependents for tax purposes.

This booklet contains general information; section-by-section instructions for completing Statements of Financial Interests, consisting of a quotation from the statute, an explanation of the statutory language, and an example; and the forms themselves.

Instructions in this manual are provided to assist state officers and state employees in answering questions concerning conflicts of interest and in the preparation of statements of financial interests and supplements. Care has been taken to make these instructions accurate, yet concise. However, these instructions cannot be substituted for the applicable provisions of the Constitutional Ethics Rules [Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2007, Ch. 62, App.] and Ethics Interpretations. The rules and interpretations are controlling in the event of any conflict with or omission in these instructions.

Key Definitions [257:1-1-2]

Anything of value

The definition of "anything of value" includes, by necessity, the terms "thing of value" and "things of value". These terms, to the extent that consideration of equal or greater value is not received, **INCLUDE** the following:

- a pecuniary item, including money, or a bank bill or note;
- a promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
- a contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- a stock, bond, note, or other investment interest in an entity;
- a receipt given for the payment of money or other property;
- a right in action;
- a gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel, **UNLESS** it is returned or delivered to a charitable organization within 30 days and not claimed as a tax deduction, it is given by a relative listed below who is not serving as an intermediary, or it is accepted by the state or governmental entity under specific statutory authority;
- a loan or forgiveness of indebtedness, unless it is from a bank or other financial institution on terms generally available to the public;
- a work of art, antique, or collectible;
- an automobile or other means of personal transportation;
- real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested in realty, a leasehold interest, or other beneficial interest in realty;
- an honorarium or compensation for services unless the honorarium or compensation is paid for by the state government or secured by the state government under state government contract;
- a rebate or discount in the price of anything of value or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public, unless the rebate or discount is available to the public or to a class consisting of all state government employees, whether or not restricted on the basis of geographic consideration;
- a promise or offer of employment;
- transportation, lodging or entertainment; or
- any other thing of value not excluded below.

The terms "anything of value", "thing of value" and "things of value" **DO NOT INCLUDE:**

- a campaign contribution properly received and reported;
- any books, written materials, audio tapes, videotapes, or other informational promotional material related to the performance of a state officer's or state employee's official duties;
- a gift that:
 - 1) is not used, and

- 2) no later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
- a gift, devise, or inheritance from an individual's spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subparagraph;
 - a plaque or trophy with a value that does not exceed two hundred dollars (\$200);
 - modest items of food and refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal;
 - food and beverage consumed on the occasion when participating in a charitable, civic, or community event, or at any event to which all members of the Legislature are invited, which bears a relationship to the state officer's or state employee's office and the officer or employee is attending in an official capacity;
 - greeting cards and items with little intrinsic value, such as certificates, which are intended solely for presentation;
 - loans from banks and other financial institutions on terms generally available to the public;
 - opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all state government employees, whether or not restricted on the basis of geographic consideration;
 - rewards and prizes given to competitors in contests or events, including random drawings, which are open to the public; rewards and prizes from contests or events which are not open to the public are also excepted if the state officer's or state employee's entry into the contest is required as part of his official duties;
 - pension and other benefits resulting from participation in a retirement plan offered by an employer or former employer of a state officer or state employee;
 - anything which is paid for by the state government or secured by the state government under state government contract;
 - any gift accepted by the state or governmental entity under specific statutory authority. In order to be deemed accepted, the Governor must be notified in writing of any gift received by a governmental entity, or person on behalf of a governmental entity, within ten days of receipt of the gift. Notice of acceptance must be received from the Governor within the next 30 days. Upon lack of a response from the Governor within the 30 days of receipt of the notice, the gift is deemed rejected and must be returned to the donor;
 - anything for which fair market value is paid or secured by written contract to be paid by the state officer or state employee no later than 30 days of receipt;
 - transportation furnished to a state officer or state employee for the purpose of assisting the officer or employee in the performance of the officer's or employee's official duties and from which the officer or employee receives only incidental personal benefits ancillary to said purpose;
 - food, transportation or entertainment provided by a governmental agency or governmental enterprise of a foreign nation as a gesture of hospitality;
 - prescription drugs or similar items given to the recipient for distribution to patients in need of treatment which are not used by the recipient;

- a meal or other food served at a meeting at which the state officer or state employee is an invited guest;
- any gratuity provided at a meeting, conference, or seminar by sponsors, exhibitors, etc., the cost of which is not borne by a registrant to such meeting, conference, or seminar, and which is available to all registrants; and
- any single item with a fair market value not exceeding ten dollars provided to a state officer or state employee during a calendar year; provided, if a donor provides more than one such item to a state officer or state employee during a calendar year, any such additional items shall not be subject to this exception.

Associated	Associated, when used with reference to an entity, includes an entity in which an individual or a member of his or her immediate family is a director, officer, fiduciary, trustee, agent, or partner, or owns or controls, in the aggregate, at least two percent (2%) or a value of five thousand dollars (\$5,000) of the outstanding equity.
Business	Business means any corporation, limited liability company, partnership, limited liability partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted for profit.
Business day	Business day means any day except a Saturday, Sunday or a legal holiday designated in Section 82.1 of Title 25 of the Oklahoma Statutes.
Charitable organization	Charitable organization means an entity described in 501 (c) (3) of Title 26 of the United States Code, 26 U.S.C., Section 501 (c) (3), as it currently exists or as it may be amended.
Compensation	Compensation means an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, pledge, or transfer of money or anything of value; or a contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, pledge, or transfer of money or anything of value, for services rendered or to be rendered [not offset by losses].
Exception to compensation	Compensation does not include reimbursement of expenses if the reimbursement does not exceed the amount expended for the expenses; and is substantiated by an itemization of expenses; or if the reimbursement is authorized by law.
Day	Day means calendar day, except that in instances where a report or other document is required to be filed with the Commission and the calendar day upon which such a report or document must be filed falls on a day other than a business day, any such report or document may be filed on the immediate next business day.
Economic interest	Economic interest means a personal financial interest in a state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services when the person who has the economic interest is taking action to influence the state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services.
Filer	A filer is an individual who is required to file a report or statement pursuant to the Constitutional Ethics Rules.
Gift	Gift means "anything of value", as defined above, to the extent that consideration of equal or greater value is not received in exchange therefor.
Governmental entity	A governmental entity is any department, commission, authority, council, board, bureau,

committee, legislative body, agency, state beneficial public trust, or other establishment of the executive, legislative or judicial branch of the State of Oklahoma.

Exclusion to governmental entity

A governmental entity does **not** include entities of political subdivisions of the State of Oklahoma [counties, municipalities, school boards, vo-tech boards].

Immediate family

An immediate family member includes a child under the age of eighteen (18) years residing in a state officer's or state employee's household, a spouse of a state officer or state employee, and an individual claimed by the state officer or state employee or the state officer's or state employee's spouse as a dependent for tax purposes.

Income

Income means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, gift, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof. Income means "gross" income. Do not subtract losses.

Exclusion to income

Income does **not** include campaign contributions.

Lobbyist

Lobbyist means any individual who is employed or retained by another for financial or other compensation to perform services that include lobbying, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client, except as exempted by Section 4228 of Title 74 of the Oklahoma Statutes or as it may hereafter be renumbered or recodified.

Lobbyist principal

Lobbyist principal means any person who employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of the lobbyist principal; provided, however, it shall not mean any individual members, partners, officers or shareholders of a corporation, association, firm, joint venture, joint stock company, syndicate, business trust, estate, trust, company, partnership, limited partnership, organization, committee, or club, or a group of persons who are voluntarily acting in concert.

Official action

Official action means any judicial, executive, legislative or administrative action which includes, but is not limited to, the promulgation of rules and regulations and the setting of rates.

Organization

Organization means a:

- labor organization;
- collective bargaining organization;
- local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership; or
- trade or professional association that receives its funds exclusively from membership dues or service fees, whether organized inside or outside the state.

Participation

Participation includes decision, approval, disapproval, recommendation, the rendering of advice, or vote.

Particular matter

Particular matter includes a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, inquiry, investigation, charge, accusation, arrest, rulemaking, or legislation.

Person

means an individual, corporation, limited liability company, association, proprietorship, firm, partnership, limited liability partnership, limited partnership, joint venture, joint stock company, syndicate, business trust, estate, trust, company, organization, committee, or club, or a group of persons who are voluntarily acting in concert.

Public member	A public member is a member appointed to a compensated or uncompensated part-time position on a board, commission, council, authority, bureau, committee, state beneficial public trust, or other establishment of the executive, legislative or judicial branch of the State of Oklahoma. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.
Exclusions to public member	<p>A public member does not include:</p> <ul style="list-style-type: none"> • members of advisory bodies to the legislative, executive, or judicial branch of state government; • Postadjudication Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes; • board members of guaranty associations created pursuant to state statute; and • precinct inspectors, judges, clerks and counters.
Registered lobbyist	Registered lobbyist means a person who has filed as a lobbyist with the Commission.
Represent or representation	Represent or representation means any formal or informal attendance before, or any written or oral communication with, or the filing of documents with any governmental entity on behalf of a person or organization whether gratuitous or for compensation.
Securities	Securities are evidences of debts, property or obligations to pay money or of rights to participate in earnings and distribution of corporate trust, and other property, including but not limited to, stocks, bonds, notes, convertible debentures, warrants, or other documents that represent a share in a company or a debt owed by a company.
State employee	<p>State employee means:</p> <ul style="list-style-type: none"> • an elective or appointed officer or an employee of any governmental entity, except members of the House of Representatives or State Senate; and • an employee, other than an adjunct professor, in the service of an institution of higher education comprising the Oklahoma State System of Higher Education.
Exclusion from state employee	A state employee does not include a public member.
State officer	A state officer is an elective, appointed or employed officer, including a public member, in the executive, judicial or legislative branch of the State of Oklahoma.
Substantial financial interest	Substantial Financial Interest means an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of ownership or interest in a business entity, or as a result of salary, gratuity or other compensation or remuneration from any person, partnership, organization or association. The term `substantial financial interest' includes, but is not limited to, an ownership interest of five percent (5%) or more in a business enterprise or an interest in an entity from which dividends of one thousand dollars (\$1,000.00) or more were derived during the preceding calendar year [not offset by losses].

CONFLICTS OF INTEREST

Buying or Selling State Employment or State Office [257:20-1-2]

Candidates for state office, state officers, and state employees are prohibited from directly or indirectly, soliciting, receiving or agreeing to receive anything of value, or campaign contributions, for agreeing to appoint, appointing or procuring the appointment of another person to any state office or agreeing to employ, employing or procuring the employment of another person in any position as a state employee.

Matters within the purview of the Oklahoma Personnel Act, Sections 840 et seq. and 841 et seq. of Title 74 of the Oklahoma Statutes are not included by this rule.

Accountability [257:20-1-3]

All state officers and all state employees:

- shall support, obey, and defend the Constitution and laws of the State of Oklahoma; and
- shall not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to his or her office, other than the compensation allowed by law .

Matters within the purview of the Oklahoma Personnel Act, Sections 840 et seq. and 841 et seq. of Title 74 of the Oklahoma Statutes are not included by this rule.

Misuse of Office [257:20-1-4]

Use of Official Position

No state officer or state employee shall use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law . Except where prohibited by statute, the prohibition does not include:

- writing letters or orally communicating recommendations for hiring, reclassifying, terminating or promoting a state employee.
- an employee of an institution within The Oklahoma System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or involving the authorized use of the facilities, equipment, or services of the institution.

Confidential Information

No state officer or state employee, except in the performance of his or her duties, shall disclose or offer to disclose confidential information acquired by reason of his or her official position to any person, group or others not entitled to receive such confidential information, nor shall he or she use such information for his or her personal gain or benefit.

Other Compensation or Employment

No state officer or state employee shall:

- receive or solicit any compensation that would impair his or her independence of judgment for his or her services as an officer or employee of any state agency, from any source other than the state, unless otherwise provided by law ; or

- accept or solicit other employment which would impair his or her independence of judgment in the performance of his or her public duties.

Provided, the activities prohibited by this subsection shall not include an employee of an institution within The Oklahoma State System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or the authorized use of the facilities or services of the institution.

No legislator or statewide elective officer shall be employed by or receive any commission, fee, or other compensation from the state, except:

- the compensation and allowance for expenses provided by law to such legislator or statewide elective officer;
- compensation from serving in the Oklahoma National Guard or the Oklahoma State Guard; or
- income from government pension or retirement plans.

Compensation from the State

Ownership Prohibited by Certain State Officers in Certain Government Securities [257:20-1-5]

No state officer of a governmental entity shall own any interest in any bond, obligation or security issued by or in the name of such governmental entity, unless such interest is a part of a mutual fund or similar security.

Representation by State Officers and State Employees [257:20-1-6]

Representation by Statewide Elective Officer

A statewide elective officer shall not receive or agree to receive compensation for representing or assisting any person or business in any transaction involving the state; or represent another person for a fee before any state department, agency, board or commission. A statewide elective official shall not be prohibited from:

- practicing law before any court; or
- acting on behalf of a constituent to determine the status of a matter before a state department, agency, board, commission, institution or instrumentality without accepting compensation therefor.

Representation by Legislator

A legislator shall not receive or agree to receive compensation for representing or assisting any person or business in any transaction involving the state; or represent another person, firm, corporation or entity for a fee before any state department, agency, board or commission. A Legislator shall not be prohibited from:

- practicing law before any court; or
- acting on behalf of a constituent to determine the status of a matter before a state department, agency, board, commission, institution or instrumentality without accepting compensation therefor.

Representation before the Ethics Commission

A state officer or state employee shall not represent another person in any matter before the Commission.

Representation before the Governmental Entity Served

A state officer or state employee shall not represent another person before the governmental entity the state officer or state employee serves.

**Exceptions to
Limitations on
Representation**

These restrictions shall not apply to the following:

- purely ministerial matters which do not require discretion on the part of the entity;
- representation by a state officer or state employee in the course of the officer's or employee's official duties;
- self-representation by the state officer or state employee;
- representation by the state officer or state employee in matters arising out of or rules promulgated pursuant to the Oklahoma Personnel Act; or
- representation by the state officer or state employee in a grievance before an institution of the Oklahoma State System of Higher Education so long as such representation is consistent with the rules relating to such grievances.

**Exceptions for
Testimony or as an
Expert Witness**

State officers or state employees are not restricted by the foregoing from testifying under oath to facts that are within the individual's knowledge, or as an expert witness who does not accept compensation other than regularly provided for by law or rule for subpoenaed witnesses.

Votes, Deliberations, and Discussions by Legislators or Statewide Elective Officers [257:20-1-7]

**Restrictions when
Pecuniary Interest or
Reasonably Foreseeable
Benefit Are Possible**

A legislator or statewide elective officer shall not introduce or cause to have introduced, request the introduction of, promote, or vote on any legislation if the statewide elective officer or legislator or a child, adopted child, step-child or spouse of the officer or legislator or a business or entity with which the legislator or officer or a member of the immediate family of the legislator or officer is associated has:

- a pecuniary interest in; or
- a reasonably foreseeable benefit from;

the legislation. A reasonably foreseeable benefit includes detriment to a business competitor to the legislator or statewide elective officer, to a business competitor of a member of the immediate family of the legislator or officer, or to a business competitor of a business or entity with which the legislator or officer or child, adopted child, step-child or spouse of the legislator or officer is associated.

**Exceptions for
Members of a
Profession, Occupation,
or Large Class**

A legislator or statewide elective officer may introduce or cause to have introduced, request the introduction of, promote, or vote on legislation if the only pecuniary interest or reasonably foreseeable benefit that may accrue to the legislator or officer, child, adopted child, step-child or spouse of the legislator or officer, or business or entity with which a legislator or officer or a child, adopted child, step-child or spouse of a legislator or officer is associated is incidental to the legislator's or officer's, child's, adopted child's, step-child's or spouse's or business or entity's position, or which accrues to the legislator or officer, child, adopted child, step-child or spouse of the legislator or officer, or business or entity as a member of a profession, occupation, or large class, whichever is applicable, to no significantly greater extent than the pecuniary interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

Contracts Not Excepted

Nothing in this subsection shall allow a legislator or a member of the immediate family of a legislator, a statewide elective officer, or a business or entity with which the legislator or statewide elective officer is associated to contract with a governmental entity except as provided in Section 257:20-1-10 of the Rules.

Votes, Deliberations, and Discussions by Public Members [257:20-1-8]

Restrictions when Pecuniary Interest or Reasonably Foreseeable Benefit Are Possible

A public member shall not participate in the discussion on, vote on, influence, or attempt to influence an official action of the governmental entity the public member serves on if the public member or a member of the immediate family of the public member or a business or entity with which the public member or a member of the immediate family of the public member is associated, has:

- a pecuniary interest in; or
- a reasonably foreseeable benefit from;

the matter under consideration by the governmental entity of which the public member is a member. A reasonably foreseeable benefit includes detriment to a business competitor of the public member, to a business competitor of a member of the immediate family of a public member or to a business competitor of a business or entity with which the public member or a member of the immediate family of the public member is associated. The public member's abstention must be recorded in the governmental entity's minutes.

Exceptions for Members of a Profession, Occupation, or Large Class

A public member may participate in the discussion on, vote on, or influence or attempt to influence an official action if the only pecuniary interest or reasonably foreseeable benefit that may accrue to the public member or a member of the immediate family of a public member or business or entity with which the public member or member of the immediate family of the public member is associated is incidental to the public member's, immediate family member's or business or entity's position, or which accrues to the public member, immediate family member or business or entity as a member of a profession, occupation, or large class, whichever is applicable, to no significantly greater extent than the pecuniary interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

Contracts Not Excepted

Nothing in this exception shall allow a public member or a member of the immediate family of the public member or a business or entity with which the public member or a member of the immediate family of the public member is associated to contract with the governmental entity over which the public member has jurisdiction.

Restraints on Solicitation or Acceptance of Anything of Value [257:20-1-9]

Influence of Official Act, Fraud, or Official Duty Prohibited

No state officer and no state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for the state officer or employee or for any other person or entity, in return for being:

- influenced in the performance of an official act;
- influenced to commit, aid in committing, collude in, or allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or
- induced to perform or fail to perform an act in violation of the state officer's or state employee's official duty.

Soliciting Individually or on Behalf of a Regulatory Governmental Entity Prohibited

No state officer and no state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive or agree to receive anything of value individually or for or on behalf of a governmental entity from:

- a business entity, its employees, officers or board members, or
- a person who has greater than a ten percent (10%) interest in such entity

if the rates, charges, prices or fees charged by the business entity are subject to regulation by the governmental entity which the officer or employee serves.

Exceptions

This provision does not apply to:

- a campaign contribution properly received and reported, which is exempt from the definition of anything of value in Section 2 of Chapter 1 of this title, or
- anything of value accepted on behalf of the state of Oklahoma pursuant to Subsection (e) of this subsection.

Anything of Value Exceeding \$100 in the Aggregate in a Calendar Year Prohibited [\$300 for elective officers and \$100 for all others prior to July 1, 2008]

No state officer, state employee, or an immediate family member of a state officer or state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive things of value in a calendar year which, in the aggregate, are valued at more than one hundred dollars (\$100) [\$300 for elective officers and \$100 for all others prior to July 1, 2008] from a person who the state officer or state employee knows or should know:

- is a lobbyist or lobbyist principal, except for:
 - 1) things of value received as a result of or arising out of employment by, or doing business with, a lobbyist or lobbyist principal; and
 - 2) things of value received from any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal if the donor is excepted as a relative from the definition of "anything of value", or if there exists between the recipient and the donor a close personal relationship of long standing in which the mutual exchange of gifts on special occasions, such as holidays or anniversaries, has become customary;
- is seeking to do business or doing business with the governmental entity of which the state officer's or state employee's office or employment is a part; or
- has an economic interest in actions or matters before or affecting the governmental entity of which the state officer's or state employee's office or employment is a part.

Aggregation of Gifts Requirement

A thing or things of value given by a lobbyist; the lobbyist principal by whom the lobbyist is employed or retained; or a stockholder, partner, agent, affiliate, member, employee or officer of the lobbyist principal or lobbyist principals by whom the lobbyist is employed or retained are aggregated for purposes of the disclosure threshold and calendar year limits, regardless of how the thing or things of value are funded if, and only if, the thing or things of value are given at the specific direction, and on behalf of, the lobbyist principal. Lobbyists principals of contract lobbyists shall not be aggregated together for purposes of this provision. If more than one lobbyist is retained or employed by a lobbyist principal, the disclosure and calendar year limits of the first lobbyist to register on behalf of the lobbyist principal for a calendar year are aggregated with each additional lobbyist employed or retained by the same lobbyist principal.

Prohibition Versus Limit on Anything of Value

Allowing acceptance of things of value up to \$100 [\$300 for elective officers and \$100 for all others prior to July 1, 2008] in a calendar year can not be interpreted to allow a state officer or state employee to accept things of value in return for being influenced in the performance or non-performance of an official act or official duty or to aid or commit or allow the commission of fraud against a governmental entity.

Exception for Public Members

In addition, the restraints on solicitation or acceptance of things of value do not apply to public members when things of value are received, but are not given as a result of the public member's status as a public member.

Exceptions for State Officers and Employees of Judicial Branch and Corporations

The restraints on solicitation or acceptance of things of value and the disclosure requirements shall not allow :

- a judicial officer, juror, referee, arbitrator or umpire to accept anything of value from a corporation or any other person, knowing that person to be a party in interest or the attorney or counsel of a party in interest to any action or proceeding then pending or about to be brought before him or her pursuant to Section 386 of Title 21 of the Oklahoma Statutes; or
- a corporation to influence election or official duty by contributions of money or anything of value pursuant to Section 40 of Article IX of the Oklahoma Constitution.

Exception for Forms of Compensation, Gifts to State, and Members/ Officers/Directors of Organizations

The restraints on solicitation or acceptance of things of value and the disclosure requirements shall not prohibit the acceptance or require the disclosure of:

- compensation, bonuses, dividends, interest payments, employee benefits, expense reimbursements or other forms of compensation or earnings on investments;
- anything of value which is accepted by the Governor on behalf of the state of Oklahoma or a governmental entity pursuant to Section 381 et seq. of Title 60 of the Oklahoma Statutes; or
- the solicitation or acceptance of anything of value for or from either:
 - 1) a charitable organization or an organization described in Section 501 (c) of Title 26 of the United States Code, 26 U.S.C., Section 501 (c), as it currently exists or as it may be amended; or
 - 2) a tax-exempt professional organization established by state statute or rules passed by the Oklahoma Supreme Court,

by a member, state officer or state employee, who is a member, officer or director of the organization, when receipt of anything of value results from the member, state officer or state employee attending a function, meeting or seminar on behalf of, or as a representative of, the organization.

Prohibition on state officers and state employees borrowing from lobbyists or lobbyist principals

State officers or state employees are prohibited from directly or indirectly borrowing money from a lobbyist, or an immediate family member of a lobbyist, or an entity controlled by or employing a lobbyist. The prohibition does not apply to:

- a loan of money made by a commercial lending institution, in the regular course of business, on the same terms ordinarily available to members of the public, and which is not secured or guaranteed by a lobbyist or lobbyist principal or any other person on behalf of a lobbyist or lobbyist principal; or
- a loan from a father, stepfather, father-in-law , mother, stepmother, mother-in-law , sister, step sister, brother, step brother, child, step child, adopted child or their spouses.

Honoraria

Except for compensation an elective officer is entitled to by law for the performance of official duties, an elective officer is prohibited from soliciting or accepting cash, check or cash equivalent compensation for an article, appearance or speech, or for participation at an event, unless the article, appearance or participation is made as part of the normal course of business in the officer's private occupation.

State Officers' and State Employees' Private Interests in Public Contracts [257:20-1-10]

Prohibition on contracting with state-- Exceptions

No state officer or state employee shall sell, offer to sell or cause to be sold, rent or lease either as an individual or through any business enterprise in which he holds a substantial financial interest, goods, services, buildings or property to the governmental entity with which the officer or employee is associated or to any business entity licensed or regulated by the governmental entity which the officer or employee serves.

Student exception

This section shall not apply to students who are engaged in bona fide work-study programs at institutions of higher education within the Oklahoma State System of Higher Education.

Condemnation exception

The prohibition on contracting with the state [above] does not apply to:

- a state officer if real property is acquired from the state officer by condemnation proceedings; or
- a state employee if real property is acquired from the state employee either by condemnation proceedings or the price to be paid for such property is approved in writing by the appointing authority of the agency acquiring such property and by the governor.

Prohibition on Contracting with Legislators and Statewide Elective Officers

No legislator or statewide elective officer shall sell or cause to be sold, rent or lease either as an individual or through any business enterprise in which he holds a substantial financial interest, goods, services, buildings or property to any governmental entity. No state officer or state employee, acting in his or her official capacity, shall enter into any contract in which the state officer or state employee knows that a person who is then or has been a legislator within the previous year, or a member of such person's immediate family, has a substantial financial interest.

Exceptions for legislator family members and employment contracts with former legislators

The provisions of this subsection shall not apply to:

- a contract of employment with an immediate family member of a legislator, together with any renewal, promotion or lateral transfer of such employment contract to another governmental entity, which is:
 - 1) in existence on July 1, 1994;
 - 2) in existence prior to the legislator's term of office;
 - 3) in existence prior to marriage to the legislator; or
 - 4) with a student employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, and who are regularly enrolled, as defined in Paragraph 11 of Section 840.8 of Title 74 of the Oklahoma Statutes, in an institution of higher education comprising the Oklahoma State System of Higher Education; or
- employment contracts entered into with former legislators.

No legislator or statewide elective officer shall attempt to influence or perform an official function requiring the exercise of discretion relating to a contract with any governmental entity if a member of the legislator's or statewide elective officer's immediate family has a substantial financial interest in such contract.

Exceptions for state employees

Except as prohibited by law, none of the prohibitions against contracting with the state shall apply to:

- contracts with state employees for goods or services valued at less than five thousand dollars (\$5,000); and
- contracts with state employees entered into after public notice by the governmental entity and compliance with competitive bidding procedures; and
- employment contracts entered into with former legislators.

Exceptions for Care of DHS Clients Only

Care of children in need of treatment.

Employees of the Department of Human Services are authorized to contract with qualified former state employees, or the spouses of state employees, or other relatives of state employees, for the purpose of providing direct care or treatment services to clients of the Department who are mentally retarded or have other developmental disabilities or are delinquent, children in need of supervision, or in need of treatment, or deprived. Provided, however, that rates of payment and other terms and conditions of contracts entered into under this exception shall be established by the Commission for Human Services and shall be no more favorable than contracts for such services with persons who were not employed by the Department of Human Services nor related to an individual employed by the Department of Human Services.

Limitations on return to state employment.

A state employee terminating state employment to provide direct care or treatment services to clients of the Department of Human Services who are mentally retarded or have developmental disabilities, are delinquent, children in need of supervision, or in need of treatment, or deprived may not return to state employment for a period of one hundred eighty (180) days after date of termination from contracts with the Department of Human Services for direct care or treatment services to clients of the Department of Human Services who are mentally retarded or have developmental disabilities or are delinquent, children in need of supervision, or in need of treatment, or deprived.

Exceptions for contracting with employees of OU Health Sciences Center.

Notwithstanding provisions to the contrary, employees of the Department of Human Services are authorized to employ or contract with personnel of the University of Oklahoma Health Sciences Center, directly or indirectly, to obtain professional services for the Oklahoma Medical Center or clients of other programs administered by the Department of Human Services.

Exceptions for Foster care, respite care, or services to children.

Notwithstanding the above prohibitions on state officers and state employees contracting with the state, employees of the Department of Human Services are authorized to contract with qualified state employees, or the spouses of state employees, or other relatives of state employees, for the purpose of providing foster care, respite care, and attendant services to children in the custody of the Department.

Actions Taken While Negotiating for Employment [257:20-1-11]

A state officer or a state employee shall promptly disqualify prior to recommending or taking any official action in a matter affecting a person with whom the state officer or state employee is negotiating for employment.

LOBBYING DISCLOSURE

Anything of Value Reporting by Lobbyists--Preservation of Accounts, Books, Etc. [257:23-1-2]

Required Reports

Every lobbyist must file reports with the Ethics Commission concerning the activities specified in 257:23-1-2. The reports must be filed whether or not the person has taken any action which is required to be reported. The reports are due between the first and twentieth day of January and the first and twentieth day of July of each calendar year and cover the activities during the period following the last report.

Disclosure of Things of Value Exceeding \$10

The report must be signed by the lobbyist, who must attest to the report's accuracy and veracity, and the signature shall be notarized. The reports must include the information below for things of value given to a state officer or state employee or the immediate family member of a state officer or state employee by the lobbyist or any lobbyist principal by whom the lobbyist is employed or retained, the costs of which exceed ten dollars (\$10) in the aggregate during a six-month period beginning January 1 and ending June 30 or beginning July 1 and ending December 31.

\$100 Annual Limit on Things of Value and Exceptions [\$300 for elective officers and \$100 for all others prior to July 1, 2008]

Lobbyists or lobbyist principals shall not give things of value which, in the aggregate, are valued at more than \$100 annually [\$300 for elective officers and \$100 for all others prior to July 1, 2008] to any state officer or state employee or the immediate family member of a state officer or state employee, with the following exceptions:

- things of value given by a lobbyist or lobbyist principal as a result of or arising out of employment of, or the lobbyist or lobbyist principal doing business with, a state officer or state employee or the recipient; and
- things of value given by any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal if the donor is excepted as a relative from the definition of "anything of value" or if there exists between the recipient and the donor a close personal relationship of long standing in which the mutual exchange of gifts on special occasions, such as holidays or anniversaries, has become customary.

Aggregation of Gifts Requirement

A thing or things of value given by a lobbyist; the lobbyist principal by whom the lobbyist is employed or retained; or a stockholder, partner, agent, affiliate, member, employee or officer of the lobbyist principal or lobbyist principals by whom the lobbyist is employed or retained are aggregated for purposes of the disclosure threshold and calendar year limits, regardless of how the thing or things of value are funded if, and only if, the thing or things of value are given at the specific direction, and on behalf of, the lobbyist principal. Lobbyists principals of contract lobbyists shall not be aggregated together for purposes of this provision. If more than one lobbyist is retained or employed by a lobbyist principal, the disclosure and calendar year limits of the first lobbyist to register on behalf of the lobbyist principal for a calendar year are aggregated with each additional lobbyist employed or retained by the same lobbyist principal.

Contents of Reports

The information to be reported pursuant to the provisions below are as follows:

- The name and position of the state officer or state employee to whom the thing of value was given;
- The date the thing of value was given;
- The nature of the thing of value given;
- The amount of the expenditure made by the lobbyist or lobbyist principal for the thing of value; and

- The name of the lobbyist principal or lobbyist principals on whose behalf the thing of value was given, if any.

Prohibition against Dividing Costs among Lobbyist Principals or other Lobbyists

For purposes of reporting things of value, a lobbyist giving a thing of value on behalf of more than one lobbyist principal shall not divide the cost of the thing of value by the number of participating lobbyist principals. Nor may a lobbyist divide the cost of a thing of value with other lobbyists for any single expenditure.

Presence of Lobbyist -- Exception for Nominal Things of Value

A lobbyist who gives a thing of value to a state officer or state employee must be present when the thing of value is accepted by the recipient unless the thing of value is of no more than ten dollars (\$10) in value.

Reporting of Things of Value Given on behalf of Lobbyist or Lobbyist Principal

A lobbyist shall also report things of value when given by other persons on behalf of the lobbyist or the lobbyist principal at the specific direction of the lobbyist or lobbyist principal if they were made with the knowledge of the lobbyist. When other persons, including lobbyist principals, give things of value that the lobbyist is required to report, the other persons shall provide a full, verified account of such things of value to the lobbyist at least seven (7) days before the reports of the lobbyists are due to be filed. When exact values are not known and not ascertainable, a good faith estimate of the fair market value shall be reported.

Exception for Campaign Contributions

Campaign contributions, which are required to be reported by a campaign committee, are not required to be reported by lobbyists.

Form for Lobbyist Reporting

Manuals and forms for reporting lobbying activity are available in the office of the Ethics Commission, 2300 N Lincoln Blvd, Rm B5, Oklahoma City, OK 73105-4812, (405) 521-3451 and on the Commission website at www.ethics.ok.gov.

Record keeping Requirements

Each lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made for four (4) years from the date of filing of the reports containing the items.

Exceptions of Reporting

Nothing prohibits the giving or requires the disclosure of the giving of anything of value by:

- a charitable organization or an organization described in Section 501 (c) of Title 26 of the United States Code, 26 U.S.C., Section 501 (c), as it currently exists or as it may be amended; or
- a tax-exempt professional organization established by state statute or rules passed by the Oklahoma Supreme Court,

to a state officer or state employee, who is an officer or director of the organization, when receipt of anything of value results from the state officer or state employee attending a function, meeting or seminar on behalf of, or as a representative of, the organization.

Things of Value to State Officers or State Employees [257:23-1-3]

Any person who:

- is employed or retained by another for financial or other compensation to perform services that include promoting, opposing or attempting to influence any executive or administrative action by a governmental entity, including, but not limited to, the promulgation of rules and regulations and the setting of rates, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client;
- is seeking to do business or doing business with a governmental entity; or

- has an economic interest in actions or matters before or affecting a governmental entity;

shall be required to file the same report required to be filed by lobbyists by Section 2 of this chapter if, and only if, such person gives anything or things of value to a state officer or state employee the cost of which exceeds ten dollars (\$10.00) – \$50 for elective officers and \$25 for all others prior to July 1, 2008 – in the aggregate during a six-month period beginning January 1 and ending June 30 or beginning July 1 and ending December 31. This provision shall not apply, however, to things of value received as a result of or arising out of employment by, or doing business with, a lobbyist or lobbyist principal; and things of value received from any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal as a result of a personal or casual relationship with the recipient. Provided further, this provision shall not apply to things of value given to a public member when not given as a result of the public member's status as a public member.

RESTRICTIONS ON POLITICAL ACTIVITY

Contributions Prohibited within Capitol Building

Tender or Acceptance

A person shall not make or accept a contribution in the State Capitol Building; provided,

- if a contribution is delivered in the mail to an address in the State Capitol Building and the committee for which the contribution is intended returns the contribution to the contributor within six (6) business days of receipt or delivery,

it shall not be deemed to be accepted in violation of this provision.

Restrictions on Classified Employees

All Classified Employees [257:10-1-4(a)]

Classified employees of the state may not use their official authority or influence for the purpose of interfering with an election or a nomination for office or to affect the results of either. In addition, they may not become a candidate for an elective state office in a partisan election. Further, they may not directly or indirectly solicit contributions or other funds for a partisan candidate or party.

Classified state employees may not directly or indirectly solicit, accept, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose or organize or sell tickets to promote or actively participate in a fundraising activity of a candidate in a partisan election or of a party committee.

A classified state employee is not authorized to engage in political activity while on duty, or while in a uniform that identifies him as a state employee, nor is such employee permitted to engage in political activities in the assigned work areas of a state agency.

Additional Restrictions on Political Activities of Classified Employees Who Are Peace Officers [257:10-1-4(b)]

A classified employee of the Oklahoma State Bureau of Investigation or the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who has the power of a peace officer, in addition to the above restrictions, may not:

- serve as an officer of a party committee at the national, state or local level;
- organize or reorganize a party committee;
- solicit votes in support of or in opposition to a candidate for state office in a partisan election or a candidate for party committee office;
- act as a watcher at the polls on behalf of a party committee or a candidate in a partisan election;

- drive voters to the polls on behalf of a party committee or a candidate in a partisan election;
- endorse or oppose a candidate for state office in a partisan election or a candidate for party committee office in a political advertisement, broadcast, campaign, literature or similar material;
- serve as a delegate, alternate or proxy to a party committee convention;
- address a convention, caucus, rally or similar gathering of a party committee in support of or in opposition to a partisan candidate for state office or party committee office;
- initiate or circulate a partisan nominating petition; or
- take any active part in political organization management.

**Political Rights of
Classified State
Employees**
[257:10-1-4(c)]

Classified state employees have the right to register and vote in any election, express an opinion as an individual privately and publicly on political subjects and candidates, display a political picture, sticker, badge or button and participate in the activities of a civic, community, social, labor or professional organization or of a similar organization. They may be members of a party committee or other political action committees and may participate in the organization's activities consistent with the above restrictions.

A classified state employee may serve as an officer of a party committee at the national, state or local level and may attend a political convention, rally, fundraising function or other political gathering or sign a political petition as an individual. He or she may make a voluntary contribution to a committee. He or she may be politically active in connection with a question including, but not limited to, approval of an amendment to the State Constitution, referendum or approval of a municipal ordinance or any other question or issue of a similar character.

A classified state employee may serve as an election judge or clerk or similar position to perform duties as prescribed by state or local law and may otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency or integrity of his administration of state functions.

**No Campaign
Paraphernalia--all
state employees**

No unclassified or classified state employee, with the exception of elective officers, shall wear a campaign button, hat, badge or other campaign paraphernalia during the hours that the employee is officially in work status for a governmental entity.

**Special Rules on State
Employee Contributions**
[257:10-1-5]

No elective officer or his agent may knowingly solicit, directly or indirectly, a contribution from an employee in the officer's governmental entity. A state officer or state employee may not provide an advantage or disadvantage to an employee or applicant for employment under the Merit System of Personnel Administration concerning the applicant's or employee's employment, conditions of employment or application for employment based on the employee's or applicant's contribution or promise to contribute, or failure to make a contribution to a political party or committee.

Related Criminal Statute
[21 O.S. 2001, § 360]

No public employee or public officer, as defined in Section 304 of Title 51 of the Oklahoma Statutes, shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes. No public employee or official shall retaliate against any employee for exercising his or her rights or for not participating in permitted political activities as provided in Ethics Commission Rule 10-1-4. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not longer than two (2) years, or by both said fine and imprisonment.

Use of Public Funds, Property, Time and Personnel [257:10-1-3]

Prohibition on Solicitation of Funds

A person shall not use or authorize the use of public funds, property, or time, to participate or assist in the organization of or preparation for a fundraiser for a campaign or in any solicitation of funds for or against a candidate for state office or a ballot measure.

Prohibition on Production of Campaign Advertising

A person shall not use or authorize the use of public funds, property, or time to produce, print, publish, broadcast, or otherwise disseminate material designed or timed to influence the results of an election for state office or a ballot measure, except political activities or statements inherent to or part of the function of a candidate or an elective officer or in the performance of a state officer's or state employee's duties or as allowed by law, regardless of the lack of specific reference to the election.

Allowed Uses of Public Property

The above prohibitions on solicitation of funds and production of campaign advertising shall not prevent:

- use of a meeting room, auditorium or similar space in a public facility, provided that:
 - 1) if a fee is normally charged for use of the facility, the fee is the same for all candidates for state office, political parties or ballot measure committees for such use;
 - 2) the facility is not required for public purposes during the applicable time period;
 - 3) the same opportunity for use of the facility is given to all candidates for a particular office who request its use on a first-come-first-serve basis;
 - 4) the same opportunity for use of the facility is given to all political parties which request its use on a first-come-first-serve basis; and
 - 5) the same opportunity for use of the facility is given to all ballot measure committees which request its use on a first-come-first-serve basis;
- incidental use of public building sidewalks, common grounds, parking lots and areas within public buildings;
- the handing out of leaflets, brochures, or partisan or nonpartisan campaign materials on sidewalks, common grounds, or parking lots and within public buildings which are not used for the conduct of state government business; or
- any other activity the exercise of which is guaranteed by the Oklahoma Constitution or the United States Constitution.

Prohibited Activity While In Uniform or Official Work Status [257:10-1-4(d)]

A person shall not authorize the use of state officers or state employees to influence campaigns while in a uniform that identifies him or her as a state officer or state employee or during the hours that the state officer or state employee is officially in work status for a governmental entity.

Moratorium on Printing for Elective Officer during Campaign

A person shall not print or distribute or cause to be printed or distributed, at public expense, a new sletter or other mass mailing of promotional material on behalf of an elective officer from the day the officer files a declaration of candidacy through the date of the election for the office.

Limitation on Soliciting State Employee

A person shall not solicit, verbally or in writing, in a facility ordinarily used for the conduct of state government business, a contribution from a state employee.

Limitations on Distributing or Posting Campaign Material

A person shall not distribute or post, or cause to be distributed or posted, in a facility ordinarily used for the conduct of state government business, a communication designed to influence the outcome of an election for state office or a ballot measure.

Exceptions

This section, except for the moratorium on printing for an elective officer during a campaign, does not apply to:

- activities that are part of the ordinary conduct of the governmental entity; and
- nonpartisan voter registration activities.

PERSONAL FINANCIAL DISCLOSURE

Uncompensated Versus Compensated Filers

Form F-1R and F-1S for compensated filers, members of the Ethics Commission and candidates

State officers and state employees who are required to file statements of financial interests *or a statement of no change* **AND** who are compensated [paid for services rendered or to be rendered not to include reimbursement of actual expenses or reimbursement of expenses authorized by law] by the state of Oklahoma file a more extensive financial disclosure ["Form F-1R"] than those who serve without compensation ["Form F-2R"]. Members of the Ethics Commission and candidates, although uncompensated, file the same form as compensated filers ["Form F-1R"].

Form F-1R is the form for compensated filers, candidates and members of the Ethics Commission. Major differences between it and Form F-2R are a requirement to disclose the *name and address, principal business activity and type of income* received from each source of gross income exceeding \$5,000 [do not subtract losses], the *name of the entity* in which securities are held exceeding \$5,000 in value and the *name and address of clients represented before a regulatory state governmental agency* from whom more than \$1,000 is received. The client information must be supplemented on Form F-1S within 10 days of a change. *The statement of no change can be filed in lieu of either the Form F-1R or F-2R.*

Form F-2R for Uncompensated filers and regents

Uncompensated filers [those who receive no payment for services other than actual or lawful reimbursements, except for Ethics Commission members and candidates] and members of boards of regents within the Oklahoma State System of Higher Education, file Form F-2R. This statement requires, among other things, only the category or industry of sources of gross income exceeding \$5,000 [do not subtract losses] and the principal business activity of entities in which securities are held. No information on clients represented before regulatory state governmental agencies is required.

Instruction Manual Versus Rules

When conflict exists, rules control

Instructions in this booklet are provided to assist in the preparation of statements of financial interests required by Chapter 15 of the Constitutional Ethics Rules [257:1-1-1 et seq.]. Care has been taken to make these instructions accurate, yet concise. However, the rules and ethics interpretations are controlling in the event of any conflict with or omission in these instructions. Copies of the rules are available on request.

Who Must Report

State officers

All elective, appointed or employed **officers** [employees who are not officers are not included] in the executive, judicial or legislative branch of the State of Oklahoma are required to file statements of financial interests except for the following:

- members of advisory bodies to the legislative, executive or judicial branch of state government;
- Postadjudication Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes;
- board members of guaranty associations created pursuant to state statute; and
- precinct inspectors, judges, clerks and counters.

Candidates

All candidates seeking nomination or election to elective state office are required to file statements of financial interests. An individual becomes a candidate when the individual:

- has filed a declaration of candidacy for any state office with the Secretary of the State Election Board;
- is nominated as a "substitute candidate" pursuant to Section 1-105 of Title 26 of the Oklahoma Statutes; or
- solicits or accepts contributions, makes expenditures or gives consent to an individual, organization, party committee, or other committee to solicit or accept contributions or make expenditures to secure election to any state office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is accepted or the expenditures are made.

Unopposed candidates are still considered candidates for purposes of this requirement, but persons who have withdrawn declarations of candidacy are not.

Public members

All public members are required to file statements of financial interests. A public member is a person appointed to a compensated or uncompensated part-time position on a board, commission, council, authority, bureau, committee, state beneficial public trust or other establishment of the executive, legislative or judicial branch of the State of Oklahoma. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services. Public members do not include:

- members of advisory bodies to the legislative, executive or judicial branch of state government;
- Postadjudication Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes;
- board members of guaranty associations created pursuant to state statute; and
- precinct inspectors, judges, clerks and counters.

Certain state employees

The chief administrative officer and the first assistant administrative officer of a governmental entity are required to file statements of financial interests. Other state employees required to file are those who determine state policy or make final spending decisions for the state or any state governmental entity. Some considerations to employ in determining whether a state employee determines state policy or makes final spending decisions are:

- employees who make final spending decisions are those who approve claims for payment;
- employees who determine state policy are those with the authority to adopt rules or procedures that are external to the governmental entity with which they are associated. Employees with the authority to adopt only rules or procedures or make personnel decisions internal to the governmental entity with which they are associated are not considered to determine state policy;

What state employees make final spending decisions?

For purposes of personal financial disclosure, a person who makes final spending decisions shall include a person who:

- participates in the review and analysis of bid specifications;
- assists in the review and analysis of bids;
- recommends for selection bidders,
- prepares or approves requisitions for purchases against previously bid statewide or agency issued contracts,
- are in the claim preparation or approval process who can exercise discretion and who can cause previously made purchasing decisions to be reviewed before payment is made.

What state employees do not make final spending decisions?

A person who makes final spending decisions shall not include a person who:

- performs clerical duties related to purchasing and claim processing; or
- is involved in substantive purchasing duties but is restricted to individual purchases of less than twenty-five hundred dollars (\$2,500).

Exemption for adjunct faculty members

A full-time or adjunct faculty member of the Oklahoma State System of Higher Education, who neither determines state policy nor makes final spending decisions for the state or any governmental entity, shall not be required to file a statement of financial interests.

When Statements Are Due

State employees, public members, and state officers

Statements may be filed beginning January 1 and are due by May 15 of each year during the term of your office or employment.

A statement relates to the preceding calendar year and must be filed even though appointment or employment is terminated on or after January 1.

A state officer, public member or state employee shall be granted a thirty-day extension of the time for filing a statement of financial interests by filing with the Ethics Commission a declaration of his/her intent to defer the filing not more than ten days before the date the statement is due.

State employees upon initial employment

For a state employee employed after January 1 but before April 15, the initial statement must be filed by May 15 or thirty (30) days after employment, whichever is later.

For a state employee employed after April 15, the initial statement must be filed thirty (30) days after employment.

Public members or appointees to an elective office upon initial appointment to office

For a public member or an appointee to an elective office who is appointed after January 1 but before April 15, the initial statement must be filed by May 15, thirty (30) days after appointment, or thirty (30) days after assuming the duties of the office, whichever is later.

For a public member or an appointee to an elective office who is appointed after April 15, the initial statement must be filed thirty (30) days after appointment or thirty (30) days after assuming the duties of the office, whichever is later.

Candidates

For a candidate, statements are due *within ten days* of filing a declaration of candidacy. Candidates who have already filed a compensated filer statement ["Form F-1R"] as a state officer, public member or state employee are not required to file a second statement. Please note, however, that having filed an uncompensated filer statement

["Form F-2R"] or a statutory financial disclosure statement ["Form F-1"] will not satisfy the requirement to file a compensated filer statement.

(NOTE: If a filer filed a statement as a candidate during the previous calendar year and was elected, that filer must **also file** by May 15 of the year following his or her election covering the preceding calendar year.

Statement of no change

A statement of no change must include the same information as required by Subsection (a) Paragraphs (1) and (2), or Subsection (b) Paragraphs (1) and (2), and a statement that all required information was reported for the previous calendar year and there has been no change in the information reported for the previous calendar year. It shall be certified.

Not campaign disclosure

Personal financial disclosure does not include disclosure of campaign finance. State candidates are also required to report campaign disclosure information.

Exempt From Reporting

The following people do not need to file statements of financial interests with the Ethics Commission:

- candidates for federal office or officials holding federal government positions;
- a member of an advisory body to the legislative, executive, or judicial branch of state government;
- a member of the Postadjudication Review Board appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes;
- a board member of a guaranty association created pursuant to state statute; and
- precinct inspectors, judges, clerks and counters.

Requests for Extension

30-day extension

File within 10 days before but by due date. Except for candidates for state office, any person who is required to file a statement of financial interests ["Form F-1R" or "Form F-2R"] shall be granted one automatic 30-day extension of his or her time for filing the statement. The extension will not be granted unless it is received not more than 10 days before but by the due date for filing the statement.

NOTE: The 30-day extension is not available to candidates. A candidate's F-1R report must be filed upon filing a Declaration of Candidacy.

Other Key Points

Frequency -- One per calendar year rule -- Exception

Officers and employees required to file Form F-1R or F-2R need file only one report each calendar year. Therefore, if you have filed the same report with the Ethics Commission covering the previous calendar year, you do not have to file another report if you are up for re-election, you decide to run for another office, or are appointed to a position which also makes you subject to financial disclosure. **However, please note that filing the F-2R as an uncompensated filer does not satisfy the requirement to file an F-1R as a compensated filer.**

Corrections

Amend your report as soon as you discover that one previously filed is incomplete or otherwise inaccurate. To amend a report, file the appropriate form and check "amended" in Section 2. Include a cover letter with the amendment explaining the circumstances surrounding the error. Use 8-1/2" x 11" white paper. (Remember,

changes in your financial holdings which happened after the reporting period do not trigger an amendment. These changes will first appear on the report covering the period in which they occurred.)

Attachments

Any attachments must be on 8-1/2" x 11" standard white paper. You must identify any additional pages with your name, the time period covered by the report and the report section number.

SAMPLE:

John Doe

Calendar Year Covered: 2007

Section 9. Fiduciary relationships

<u>Fiduciary relationship</u>	<u>Name of entity</u>	<u>Term of fiduciary relationship</u>
Trustee	Doe Family Trust	Unlimited
Director	Doe Corporation	Five years
President	Doe Manufacturing	Three year contract
Director	Anywhere State Bank	One year

Current events

Significant changes in your life this year -- marriage, divorce, purchase of property, etc. -- do not affect a report covering a previous year. You will report the financial effects of these changes on your next, regular report. You should, however, report changes in name, job status, or mailing address to your agency liaison who advises the Ethics Commission of such changes before reminder notices are mailed for the next report.

Incomplete reports

Filers are required to fill out each section of the F-1R or F-2R that applies to them and their immediate family members. Persons needing extra time to file a complete report should request the automatic 30-day extension. This must be in writing and received by the Ethics Commission within the 10-day period leading up to and including the due date. Persons unable to disclose all the required information (perhaps because a spouse or business with whom they are associated refuses to cooperate) must file all known information and amend the report when complete information is known.

File date

Reports must be received in the Ethics Commission office by 5:00 p.m. of the due date. **Postmarks have no bearing on whether a document is timely filed.** Due to activity on the FAX machine, the Commission will consider a report timely filed if received by facsimile transmission before midnight of the due date. **Be aware that if you wait until the due date, you run the risk of the FAX machine not being available.** Before sending a notarized document by FAX, please shade the seal from side to side, top to bottom with a dull pencil so that it appears on the faxed document. The FAX alone suffices, and it is not necessary to then mail the original report.

Personal copy

Be sure to keep a copy of your report. You will want to refer to it next year and the Ethics Commission may not be able to supply a copy in time for you to meet your reporting deadline.

Compensation

At various points in the report, you will be asked to disclose sources of compensation for you, your immediate family members and businesses with which you are involved. When doing so, it is important to know that, by rule definition "compensation" means payment of any kind in any form for "services rendered or to be rendered" [not offset by losses].

Compensation does **not** include reimbursement of expenses if the reimbursement does not exceed the amount expended for the expenses and is substantiated by an itemization of expenses or if the reimbursement is authorized by law.

Reporting amounts and values

YOU ARE NOT REQUIRED TO REPORT ANY DOLLAR AMOUNTS OR RANGES OF COMPENSATION. If the amount exceeds \$5,000, the source is reported. If it is less than that amount, nothing need be disclosed.

When determining whether **securities** need to be reported, use the **highest fair market value** realized by the security during the reporting period, not the year-end value or the asset's worth when you are completing the report.

Supplements to F-1R ["Form F-1S"]

Compensated filers are required to file, by paper form, a supplement to the Form F-1R called Form F-1S within 10 days of the filer or his or her spouse receiving payments from new clients required to be reported under Section 8 of the F-1R. F-1S forms are also included in the back of this manual.

VIOLATIONS OF RULES--CIVIL PENALTIES

Violations of the Constitutional Ethics Rules reporting provisions carry civil penalties. These are as follows:

Assessments for late filings of statements of financial interests [74 O.S. 2001, § 4256]

Every person failing to file a statement of financial interests on or before the dates due [see chart on page 2] will be assessed by the Ethics Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day the statement remains unfiled; provided, the total amount of such fees assessed per statement cannot exceed One Thousand Dollars (\$1,000.00).

Prosecution of violations in district court [257:1-1-11]

The Commission may recommend to the district court, and the district court, upon finding that a respondent has violated a provision of this title, may assess one of the following penalties:

- **Civil penalties for non-willful violations.** A person who violates a provision of this title shall be liable for a civil penalty:
 - 1) not to exceed one thousand dollars (\$1,000) per violation for inadvertent disclosure violations in registrations, reports or statements filed under Chapters 10, 15, 20 and 23 of the Rules of the Ethics Commission;
 - 2) not to exceed two thousand dollars (\$2,000) per violation;
 - a) for inadvertent failure to file registrations, reports, statements or changes in information relating to committee officer vacancies; or
 - b) for inadvertent non-disclosure violations;
 - 3) for inadvertent violations not included in 1) or 2) above, not to exceed:
 - a) fifteen thousand dollars (\$15,000) per violation; or
 - b) an amount up to three (3) times the amount of the total amount of an unlawful contribution or expenditure, whichever is greater; and
- **Civil penalties for willful violations.** A person who willfully violates a provision of this title shall be liable for one or more of the following civil penalties:
 - 1) **Fine.** A fine not to exceed fifty thousand dollars (\$50,000);
 - 2) **Administrative debarment.** In the case of a state officer or state employee who has violated Chapter 20 of the Rules of the Ethics Commission, the person may be prohibited, for not more than five (5) years, from making an oral or written communication or appearance before, with the intent to influence, the governmental entity in which the former officer or employee served;

- **For violations of Chapter 20 or 23 of the Rules of the Ethics Commission.** The Commission may recommend and the district court may, upon determination of a violation of a provision of Chapter 20 or 23 of the Rules of the Ethics Commission, subject the officer, employee, or lobbyist to the following:
 - 1) forfeiture of gifts, receipts or profits obtained through a violation of Chapter 20 or 23 of the Rules of the Ethics Commission;
 - 2) voiding of a state action obtained through a violation of the Commission's rules;
 - 3) civil penalties as set forth in this subsection; or
 - 4) a combination of the penalties provided for in this paragraph.

Penalties deposited to General Revenue Fund [257:1-1-11(c)]

A forfeiture, fine, reimbursement, penalty, fee, or other property collected by the Commission as a penalty or assessment under this title shall be deposited with the State Treasurer to the credit of the General Revenue Fund. Tangible personal property other than money collected as a penalty or assessment under this title shall be deposited with and liquidated by the State Treasurer and the proceeds thereof deposited to the credit of the General Revenue Fund.

Statement Due Dates

State officer or state employee currently in office	Between Jan. 2 - May 15, 200X
State employee employed after December 31 but before April 15 (initial report)	Between January 2 and May 15, 200X
State employee employed after April 15	Within 30 days of appointment or employment, whichever is latest
State officer or public member appointed on or after Jan. 1 but before April 15 (initial report)	Between January 2 and May 15, 200X
State officer or public member appointed after April 15	May 15, 200X or within 30 days of appointment or assuming duties of the office, whichever is latest
State officer appointed to fill a vacancy in an elective office	May 15, 200X, or within 30 days of appointment or assuming duties of the office, whichever is latest
State officer or state employee terminating state service	Within 60 days of termination state service
REQUEST FOR EXTENSION [state officers and employees only]	May 6-15, 200X
Statement with Extension Due	May 15, 200X
Candidate to become an elective officer	Within 10 days of filing a Declaration of Candidacy

“Day” means a calendar day.

“Business day” means any day except a Saturday, Sunday or a state legal holiday.

In instances where a statement is required to be filed with the Commission, and the day upon which the document must be filed falls on a calendar day other than a business day, any such report or document may be filed on the immediate next business day.

Liaisons

Appointed by each governmental entity	Each governmental entity [except those exempt under the definition of public member] must appoint a liaison to the Ethics Commission who is responsible for filing a list of employees and/or members of governing boards or commissions required to file statements of financial interests. Lists may be filed on the paper form or by computer diskette.
List due date	The list is due at the Ethics Commission on or before December 31 of each year.
Notification of appearance on list	The employee or member so designated shall notify each person identified on the list in writing of his or her obligation to file a statement of financial interests. Only those persons identified on the list shall be required to file a statement of financial interests. The intentional or inadvertent omission by another of a person from the list shall not subject such person to any liability resulting from the omission.
Amendments to list	New employees or appointees should be reported to the Commission as soon as possible. Please designate if the appointment is subject to confirmation.

Section-by-Section Instructions

INSTRUCTIONS FOR FORM F-1R: STATEMENT OF FINANCIAL INTERESTS FOR COMPENSATED FILERS

PLEASE TYPE OR PRINT CLEARLY IN BLACK INK. Reports are public records and may be copied. In addition to compensated state officers and employees, members of the Ethics Commission and candidates also file this statement.

- 1. Name of filer** Include your first, middle and last name; do not put nicknames unless it is added in addition to the name and enclosed in quotes [e.g. "Bill"]; give your birth date as numbers [e.g. 02/22/52]; give your complete mailing address including the zip code [this is essential for you to receive future notices]; give your work place (daytime) telephone number so that we may contact you, if necessary, concerning your report.
- 2. Filing status** Show whether you are filing the first statement for the reporting period [previous calendar year] by checking "Yearly" or, whether it changes information previously filed for this same period by checking "Amended". Check "Final" if you have left public service. **CALENDAR YEAR COVERED.** Calendar year covered is the year which began on January 1 and ended December 31 previous to filing the report.

STATUS. Check your status as a filer. A *chief administrative officer and first deputy* are the director and first assistant director of any governmental entity. A *state employee* is someone who is not the chief administrative officer, first deputy or a state officer **BUT WHO DOES** determine policy or make final spending decisions for **AND WHO IS COMPENSATED BY** any governmental entity. A *state officer* is someone who is an elected, appointed or employed officer in the executive, judicial or legislative branch of Oklahoma government. In this instance, *state officer* **DOES INCLUDE** public members who are compensated by the state and members of the Ethics Commission, even though they are not compensated by the state. *State officer* **DOES NOT INCLUDE** other public members who are not

compensated by the state. A *candidate* is someone running for state office including an incumbent.

ONE REPORT PER YEAR ONLY. Please note that if a state officer, state employee, or incumbent already has a Form F-1R on file for the previous calendar year, it is not necessary to file another one. **However, previously filing a Form F-2R will not exempt the need to file a Form F-1R.**

3. Income from a governmental entity

Include the name and address of any governmental entity from which gross income of more than \$5,000 was received by you, your spouse or your dependents. Do not subtract losses or include income from a former spouse or a spouse from whom you are legally separated. A dependent generally is one claimed as such for income tax purposes.

GOVERNMENTAL ENTITY. Political subdivisions of the state [counties, municipalities, public school or public vocational technical schools] are NOT governmental entities, but such income must be disclosed, if received by the filer, in Section 4.

TYPE. "Type of Income" includes, but is not limited to, dividends, profit sharing, proceeds from sales, rents, royalties, salaries, stock splits and wages.

DO NOT DISCLOSE AMOUNTS. Dollar amounts and ranges of compensation are not required. If gross income does not exceed \$5,000.00, no disclosure need be made.

4. Income from other sources

Include the name, mailing address and a description of the principal business activity of any person (including entities other than a governmental entity of the State of Oklahoma) from whom gross income in cash or in-kind in excess of \$5,000.00 is received [do not subtract losses]. In-kind includes other than monetary income such as goods or services and should be valued at their fair market value.

DO NOT DISCLOSE AMOUNTS. Dollar amounts or ranges of compensation are not required. If gross income does not exceed \$5,000.00, no disclosure need be made; however losses cannot be deducted to determine income.

CERTAIN INCOME FROM RELATIVES. A gift, devise, or inheritance from your spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of such individuals are excluded from disclosure.

CAMPAIGN CONTRIBUTIONS EXCLUDED. Campaign contributions permitted and reported pursuant to the Political Subdivisions Ethics Act and the Constitutional Ethics Rules are excluded from disclosure.

TYPE. "Type of Income" includes, but is not limited to, dividends, profit sharing, proceeds from sales, rents, royalties, salaries, stock splits and wages.

PRIMARY SOURCE ONLY. Only the primary source of this gross income need be reported and not the individual patron, customer, patient, client, oil or gas well, etc.

5. Doing business with lobbyists or lobbyist principals

Identify each lobbyist or lobbyist principal with whom you have done business from which gross income exceeding \$5,000.00 during reporting period has been received [do not subtract losses]. Lobbyists and principals lists are available from the Ethics Commission.

EXEMPTIONS. Lobbyists or lobbyist principals with whom your employer, its subsidiaries or its parent company has engaged in business and a director, stockholder, partner, agent, affiliate member, employee or officer of a lobbyist principal with whom you have engaged in business need not be disclosed.

6. Honoraria

An honorarium is "a payment usually for services on which custom or propriety forbids a price to be set." It is often paid to invited speakers. Identify by name any entity from

which you have received an honorarium or honoraria valued at more than \$200 (over and above payment for your actual expenses) during the reporting period. Except as compensation in performance of official duties, elective officers is prohibited from soliciting or accepting cash, check or cash equivalent compensation for an article, appearance or speech, or for participation at an event, unless the article, appearance or participation is made as part of the normal course of business in the officer's private occupation.

DOLLAR VALUE IS REQUIRED. In this case the amount of the honorarium must be disclosed.

- 7. Securities held** Give the name of every business or entity in which you held securities valued at \$5,000.00 or more during reporting period. In determining whether a security meets the dollar amount for filing, use the highest fair market value the security reached during the reporting period.
- MUTUAL FUNDS.** Mutual funds and similar securities may be identified by the type of investment made by the fund or similar security [e.g. The Pacific Magellan Mutual Fund can be identified as "mutual fund investing in utilities"; a diversified fund can be reported as "mutual fund of general investments"].
- 8. Clients represented before regulatory state governmental agencies** Give the name and address of all clients represented by you or your spouse before a regulatory state governmental agency during the reporting period for which compensation exceeding \$1,000.00 was received.
- NEW CLIENTS DURING THE SUBSEQUENT REPORTING PERIOD.** Supplemental reports ["Form F-1S"] are required to be filed within ten (10) days of you or your spouse contracting with or receiving payments from a new client to be represented before a state governmental regulatory agency during the subsequent reporting period [current calendar year].
- 9. Fiduciary relationships** List any entity for which you served as an officer, director, trustee, or with which you had any other fiduciary relationship during the reporting period **IF** that entity did business with any governmental entity [state government level only] with which you were associated [you or a member of your immediate family served as a director, officer, fiduciary, trustee, agent, or partner] during the reporting period. Give the term of each fiduciary relationship listed.
- 10. Licenses and permits** List all professional or occupational permits or licenses which you held during the reporting period.
- 11. Certification** By signing this report on the line provided, you attest that the information furnished on the form is true or, as represented, to the best of your knowledge. The form is to be signed with your usual signature and dated. Your signature does not have to be notarized.

Type or print clearly in black ink on all reports. Please do not use pencil or light colored ink. Complete all appropriate blanks. If attachments to the reports are submitted, use 8 ½ x 11 inch plain white paper. Use the same headings on the attachments as are used on the form(s). Please do not use continuous computer paper. Your compliance with these requests will make it easier for the Commission to reproduce the reports and to comply with our many requests from the public for copies of the reports.

STATEMENT OF FINANCIAL INTERESTS

For Compensated Filers

FORM F-1R REV 3/08	EC OFFICE USE EXAMPLE
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Please type or print clearly in black ink. Consult Title 74 Oklahoma Statutes, Ch. 62 App., 257:15-1-1 et seq., and Ethics Manual to complete this statement.

1. NAME OF FILER: (No nicknames, please) Harry K. Smythe, III		BIRTH DATE: 05/05/1955
FILER'S COMPLETE MAILING ADDRESS AND WORK PLACE TELEPHONE NUMBER: Mailing address 234 Dovercliff		Work place telephone number 405.391.6621
City Anyplace	State OK	Zip <input type="checkbox"/> Check for address change 73199
		Number Assigned by Ethics Commission [leave blank]

2. FILING STATUS: YEARLY AMENDED FINAL (required within 60 days of end of service) Calendar Year Covered: **2007**
Date Service Ended:

<input type="checkbox"/> Chief administrative officer or first deputy	Date of appointment, employment or assumed duties	Title of office		Governmental entity served
<input checked="" type="checkbox"/> State employee	Date of employment 10/10/1977	Job classification Anti-Pothole Auditor		Governmental entity served OK Turnpike Authority
<input type="checkbox"/> State officer--Ethics Commissioner--Public Member [compensated]	Date appointed, elected or assumed duties of office	Title of office	Term of office	Governmental entity served
<input type="checkbox"/> Candidate for elective state office	Month/year of General Election or Special General Election	Office sought	Term of office sought	Governmental entity to be served if elected

3. Prior year income from Oklahoma state governmental entity. Give the name, mailing address of the entity, and the type of gross income exceeding five thousand dollars (\$5,000) in amount or value received from a state governmental entity by the filer or the filer's spouse or dependents:

Name of governmental entity	Mailing address of entity	Type of income
Oklahoma Turnpike Authority	3500 Martin Luther King, Rm 321	Salary
	Oklahoma City, OK 73111	
OK Army National Guard	HHD 700 Support Battalion	Part-Time Military Pay
	220 NE 23rd, Oklahoma City, OK 73105	
[Spouse and Dependent income – Show ONLY State of Oklahoma – No County, Municipal or School Income]		

4. Prior year income from other sources. Give the name, mailing address, and a description of the principal business activity of a person from whom income in cash or in-kind exceeding five thousand dollars (\$5,000) in amount or value and the type of income received by the filer [do not deduct losses]:

Name of person/entity	Mailing address of person/entity	Principal business activity	Type of income
Legal Eagle Law, P.C.	201 N Main Ste 001	Law Practice	Salary & Profit Sharing
	Anyplace, OK 73199		
Sally's Telephone, Inc.	279 Commerce St	Telecommunications	Dividends
	Hodsear, TX 77555		

5. Doing business with lobbyist or lobbyist principal. Give the name of any registered lobbyist or lobbyist principal with whom the filer has engaged in business from which income exceeding five thousand dollars (\$5,000) in amount or value was received [see manual for exceptions].

John L. Lobbyman, d/b/a Lobbyman L.L.C.

6. Honoraria: Give the name of any entity from which an honorarium or honoraria, valued at more than two hundred dollars (\$200) over and above actual expenses paid to the filer, was received and the value of any such honorarium [cash or cash equivalent honoraria to elective officers prohibited unless made as part of the officer's private occupation]:

Name of entity	Value of honoraria
<i>American Bar Association</i>	<i>\$250.00</i>

7. Securities held. Give the name of every business or entity in which the filer held securities valued at five thousand dollars (\$5,000) or more during the reporting period; provided, however, mutual funds and similar securities need be identified only by the type of investments made by the mutual fund or similar security:

Legal Eagle Law, P.C. Lawyer's Investment Fund Liberty Mutual Life Insurance Policy

Sally's Telephone, Inc. Mutual Fund – General Investments J.P. Reagan Securities

Holdin Trust Co. Inc. Mutual Fund – Utilities Oklahoma City Municipal Bonds

8. Clients represented before regulatory state government agencies. Give the name and address of all clients represented by the filer or the filer's spouse before a regulatory state governmental agency, as listed in Section 3 of Chapter 23 of this title, for compensation exceeding one thousand dollars (\$1,000) in amount or value during the preceding calendar year:

Name of client	Address of client
<i>John D. Doe</i>	<i>1012 Bucksbucket, Anyplace, OK 73199</i>
<i>Jane J. Dough</i>	<i>1012 Bucksbucket, Anyplace, OK 73199</i>
<i>Sally S. Schmoe</i>	<i>515 Puppypatch, Anyplace, OK 73199</i>

9. Fiduciary relationships. List every officership, directorship, trusteeship, or other fiduciary relationship held in an entity doing business with a governmental entity with which the filer is associated during the disclosure period and the term of such officership, directorship, trusteeship, or other fiduciary relationship:

Fiduciary relationship	Name of entity	Term of fiduciary relationship
<i>Trustee</i>	<i>Holdin Trust Co. Inc.</i>	<i>2002 to Present</i>
<i>Director</i>	<i>Bubbleup Oil, L.L.C.</i>	<i>1999 to Present</i>

10. Licenses and permits. List all professional or occupational permits or licenses held by the filer:

Oklahoma Bar Association License to practice law

11. Certification. I hereby certify that the statements contained herein are true and correct to the best of my knowledge.

FILER'S signature

Date

× ***Harry K. Smythe, III***

April 24, 2008

FORM F-1S: SUPPLEMENT TO F-1R FOR COMPENSATED FILERS

PLEASE TYPE OR PRINT CLEARLY IN BLACK INK. Reports are public records and may be copied. Members of the Ethics Commission and candidates also file this supplement.

- 1. Name of filer** Include your first, middle and last name; do not put nicknames unless it is added in addition to the name and enclosed in quotes [e.g. "Bill"]; give your birth date as numbers [e.g. 02/22/22]; give your complete mailing address including the zip code [this is essential for you to receive future notices]; give your work place (daytime) telephone number so that we may contact you, if necessary, concerning your report.

- 2. Filing status** **DUE WITHIN 10 DAYS OF ACTIVITY.** Give the date of the activity requiring the filing of this supplement to the statement of financial interests previously filed.

STATUS. Check your status as a filer. A chief administrative officer and first deputy are the director and first assistant director of any governmental entity. A state employee is someone who is not the chief administrative officer, first deputy or a state officer **BUT WHO DOES** determine policy or make final spending decisions for **AND WHO IS COMPENSATED BY** any governmental entity. A state officer is someone who is an elected, appointed or employed officer in the executive, judicial or legislative branch of Oklahoma government. In this instance, state officer does not include a public member who is not compensated by the state. A candidate is someone running for state office including an incumbent.

- 3. New clients to be represented before regulatory state governmental agencies** Give the name and address of any client with whom you or your spouse contracted or received payments from exceeding one thousand dollars (\$1,000) in amount or value within the previous ten-day period for representation before a regulatory state governmental agency.

- 4. Certification** By signing this report on the line provided, you attest that the information furnished on the form is true or, as represented, to the best of your knowledge.

SUPPLEMENT TO F-1R

For Compensated Filers

Please type or print clearly in black ink. Consult Title 74 Oklahoma Statutes, Ch. 62 App., 257:15-1-1 et seq. and Ethics Manual to complete this statement.

FORM F-1S REV 03/08	EC OFFICE USE EXAMPLE
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1. NAME OF FILER: (No nicknames, please) Robert Lee Hatch		BIRTH DATE: 06/06/1960	
FILER'S COMPLETE MAILING ADDRESS AND WORK PLACE TELEPHONE NUMBER:			
Mailing address 727 Post Oak		Work place telephone number 405.391.1727	
City Anyplace	State OK	Zip 73199	<input type="checkbox"/> Check for address change
			Number Assigned by Ethics Commission [leave blank]

2. **FILING STATUS:** Date of activity requiring this supplement to be filed: **September 12, 2008**

<input type="checkbox"/>	Chief administrative officer or first deputy	Date of appointment employment or assumed duties	Title of office		Governmental entity served
<input type="checkbox"/>	State employee	Date of employment	Job classification		Governmental entity served
<input checked="" type="checkbox"/>	State officer--Ethics Commissioner--Public Member [compensated]	Date appointed, elected or assumed duties of office 01/01/2007	Term of office 01/01 - 01/10	Title of office Director	Governmental entity served OK Employment Security Commission
<input type="checkbox"/>	Candidate for elective state office	Month/year of General Election or Special General Election	Office sought	Term of office sought	Governmental entity to be served if elected

3. **Clients to be represented before regulatory state government agencies.** Give the name and address of any client from whom the filer or the filer's spouse contracted with or received payments exceeding one thousand dollars (\$1,000) in amount or value within the previous ten-day period for representation before a regulatory state governmental agency, as listed in Section 3 of Chapter 23 of this title:

Name of client	Address of client
D. Daisy Dolittle	938 Pennsylvania Ave, Anyplace, OK 73199

4. **Certification.** I hereby certify that the statements contained herein are true and correct to the best of my knowledge.

FILER'S signature	Date
X Robert Lee Hatch	September 17, 2008

File with: Ethics Commission, 2300 N Lincoln Blvd, Rm B5, Oklahoma City, OK 73105-4812
405/521-3451 • FAX 521-4905

INSTRUCTIONS FOR FORM F-2R: STATEMENT OF FINANCIAL INTERESTS FOR UNCOMPENSATED FILERS

PLEASE TYPE OR PRINT CLEARLY IN BLACK INK. Reports are public records and may be copied.

1. Name of filer Include your first, middle and last name; do not put nicknames unless it is added in addition to the name and enclosed in quotes [e.g. "Bill"]; give your birth date as numbers [e.g. 02/22/22]; give your complete mailing address including the zip code [this is essential for you to receive future notices]; give your work place (daytime) telephone number so that we may contact you, if necessary, concerning your report.

2. Filing status Show whether you are filing the first statement for the reporting period [previous calendar year] by checking "Yearly" or, whether it changes information previously filed for this same period by checking "Amended". Check "Final" if you have left public service.

Calendar year covered is the period between January 1 and December 31 previous to the year in which the report is due.

3. Income from governmental entity Include the name and address of any governmental entity from which gross income of more than \$5,000 was received by you, your spouse or your dependents. Do not include income from a former spouse or a spouse from whom you are legally separated. A dependent generally is defined as one claimed as such for income tax purposes.

GOVERNMENTAL ENTITY. Political subdivisions of the state [counties, municipalities, public school or public vocational technical schools] are excluded, but such income must be disclosed, if received by the filer, in Section 4.

DO NOT DISCLOSE AMOUNTS. Dollar amounts and ranges of compensation are not required. If gross income does not exceed \$5,000.00, no disclosure need be made.

4. Income from other sources List the category or industry of sources of gross income from which income in cash or in-kind in excess of \$5,000.00 was received [do not subtract losses]. In-kind includes other than monetary income such as goods or services and should be valued at their fair market value. Some possible categories from which you may have received income include, but are not limited to:

Your principal employment	Child support
Stock or bond dividends over \$5,000 from each source	Trust income
Retirement income	Honoraria
Rent or lease payments received for real estate, houses, buildings	Social Security income
Savings account interest	Strike benefits
Sale of personal property	Other employment
Disability compensation	Commissions on sales
Insurance annuity	Self-employment income
Payment for service on boards or commissions	Welfare assistance
Salary or pay for government office (do not include travel reimbursed expenses even if in excess of \$5,000 annually)	Sale of real estate
	Sale of stock (list category of each stock sold if sale price was \$5,000 or more)
	Partnership income
	Unemployment compensation

Some possible industries from which these categories of income may have been received include, but are not limited to:

Trade association	Insurance
Religion	Local government
Citizen group	Petroleum, natural gas
Advertising, public relations	Manufacturing, aerospace
Construction	Self

Chamber of Commerce
 Education
 Environment
 Agriculture
 Banking and finance
 Fishing, wildlife
 Food, restaurant, liquor
 Health care
 Housing, real estate

Forest products
 Transportation
 Labor Union
 Utilities, energy
 Professional association
 Public employees
 Recreation, sports
 Senior citizens, retirement
 State government

DO NOT DISCLOSE AMOUNTS. Dollar amounts or ranges of compensation are not required. If gross income does not exceed \$5,000.00, no disclosure need be made.

CERTAIN INCOME FROM RELATIVES. A gift, devise, or inheritance from your spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual are excluded from disclosure.

5. Doing business with lobbyists or lobbyist principals

Identify each lobbyist or lobbyist principal with whom you have done business from which gross income exceeding \$5,000.00 during reporting period has been received [do not subtract losses]. Lobbyists and principals lists are available from the Ethics Commission.

EXEMPTIONS. Lobbyists or lobbyist principals with whom your employer, its subsidiaries or its parent company has engaged in business and a director, stockholder, partner, agent, affiliate member, employee or officer of a lobbyist principal with whom you have engaged in business need not be disclosed.

6. Honoraria

An honorarium is "a payment usually for services on which custom or propriety forbids a price to be set." It is often paid to invited speakers. Identify by name any entity from which you have received an honorarium or honoraria valued at more then \$200 (over and above payment for your actual expenses) during the reporting period.

DOLLAR VALUE IS REQUIRED. In this case the amount of the honorarium must be disclosed.

7. Securities held

Give the principal business activity of every business or entity in which you held securities valued at \$5,000.00 or more during reporting period. In determining whether a security meets the dollar amount for filing, use the highest fair market value the security reached during reporting period. Mutual funds and similar securities may be identified by type of investment made by the fund or similar security.

8. Fiduciary relationships

List any entity for which you served as an officer, director, trustee, or with which you had any other fiduciary relationship, during the reporting period **IF** that entity did business with any governmental entity [state government level only] with which you were associated [you or a member of your immediate family served as a director, officer, fiduciary, trustee, agent, or partner] during the reporting period. Give the term of each fiduciary relationship listed.

9. Licenses and permits

List all professional or occupational permits or licenses which you held during the reporting period.

10. Certification

By signing this report on the line provided, you attest that the information furnished on the form is true or, as represented, to the best of your knowledge.

STATEMENT OF FINANCIAL INTERESTS

For Uncompensated Filers

FORM F-2R REV 3/08	EC OFFICE USE EXAMPLE
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Please type or print clearly in black ink. Consult Title 74 Oklahoma Statutes, Ch. 62 App., 257:15-1-1 et seq., and Ethics Manual to complete this statement.

1. NAME OF FILER: (No nicknames, please) Shirley Ann Gude		BIRTH DATE: 07/07/1970
FILER'S COMPLETE MAILING ADDRESS AND WORK PLACE TELEPHONE NUMBER: Mailing address 333 1/3 Goforth Place		Work place telephone number 405.391.0001
City Anyplace	State OK	Zip <input type="checkbox"/> Check for address change 73199

Number Assigned by Ethics Commission
[leave blank]

2. FILING STATUS: YEARLY AMENDED FINAL (required within 60 days of end of service)

Calendar Year Covered: **2007**
Date Service Ended: **12/31/2007**

<input checked="" type="checkbox"/> Public Member	Date appointed, elected or assumed duties of office 01/01/2006	Term of office 1/06 - 12/31/07	Title of office Director	Governmental entity served Dept of Libraries
---	--	--	------------------------------------	--

3. Income from governmental entity. Give the name and mailing address of the entity and the type of gross income exceeding five thousand dollars (\$5,000) in amount or value received from a governmental entity by the filer or the filer's spouse or dependents:

Name of governmental entity	Mailing address of entity	Type of income
Oklahoma Corporation Comm	2101 N Lincoln Boulevard Oklahoma City, OK 73105	Spouse's Salary

4. Income from other sources. List of categories or industries from which gross income in cash or in-kind exceeding five thousand dollars (\$5,000) in amount or value was received by the filer [do not deduct losses]:

- Dividends from Law Practice – Private**
- Interest Income from Certificates of Deposit**
- Sale of Real Estate**
- Income from Mutual Funds**
- Income from Oil and Gas Leases**
- Rental Income from Real Estate Holdings**

5. **Doing business with lobbyist or lobbyist principal.** Give the name of any registered lobbyist or lobbyist principal with whom the filer has engaged in business from which income exceeding five thousand dollars (\$5,000) in amount or value was received [see manual for exceptions]:

Jane J. Lobbywoman

6. **Honoraria:** Give the name of any entity from which an honorarium or honoraria, valued at more than two hundred dollars (\$200) over and above actual expenses paid to the filer, was received and the value of any such honorarium:

Name of entity	Value of honoraria
NONE	

7. **Securities held.** Give the principal business activity of every business or entity in which the filer held securities valued at five thousand dollars (\$5,000) or more during the reporting period; provided, however, mutual funds and similar securities need be identified only by the type of investments made by the mutual fund or similar security:

Law Practice Shareholder	General Investments	BankOK, Mutual Funds
Oil and Gas Leases	Whole Term Life Insurance	401(k) Pension Fund
Debentures	Real Estate Leases	Promissory Note
Family Trust Beneficiary	Certificates of Deposit	

8. **Fiduciary relationships.** List every officership, directorship, trusteeship, or other fiduciary relationship held in an entity doing business with a governmental entity with which the filer is associated during the disclosure period and the term of such officership, directorship, trusteeship, or other fiduciary relationship:

Fiduciary relationship	Name of entity	Term of fiduciary relationship
Director	Pink Widgets, Inc.	1/98 to present
Trustee	Gude Family Trust	2004 to present

9. **Licenses and permits.** List all professional or occupational permits or licenses held by the filer:

License to Practice Law

Oklahoma Certified Public Accountant

10. **Certification.** I hereby certify that the statements contained herein are true and correct to the best of my knowledge.

FILER'S signature

Date

X **Shirley Ann Gude**

02/22/2008

STATEMENT OF NO CHANGE TO PRIOR F-1R OR F-2R

FORM F-3R REV 3/08	EC OFFICE USE EXAMPLE
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Please type or print clearly in black ink. Consult Title 74 Oklahoma Statutes, Ch. 62 App., 257:15-1-1 et seq. and Ethics Manual to complete this statement.

1. NAME OF FILER: (No nicknames, please) Harry K Smythe, III		BIRTH DATE: 05/05/1955
FILER'S COMPLETE MAILING ADDRESS AND WORK PLACE TELEPHONE NUMBER: Mailing address 234 Dovercliff		Work place telephone number 405.391.6621
City Anyplace	State OK	Zip 73199
		Number Assigned by Ethics Commission [leave blank]
2. FILING STATUS: [X] YEARLY		Calendar Year Covered: 2007
[] FINAL (required within 60 days of end of service)		Date Service Ended:

<input type="checkbox"/>	Chief administrative officer or first deputy	Date of appointment employment or assumed duties	Title of office	Governmental entity served
<input checked="" type="checkbox"/>	State employee	Date of employment 10/10/1977	Job classification Anti-Pothole Auditor	Governmental entity served OK Turnpike Authority
<input type="checkbox"/>	State officer--Public Member [board/commission council/authority/public trust]	Date appointed, elected or assumed duties of office Member [compensated]	Term of office	Title of office
<input type="checkbox"/>	Candidate for elective state office	Month/year of General Election or Special General Election	Office sought	Term of office sought

3. I hereby certify that there has been no change in any information reported in my Statement of Financial Interests for the calendar year prior to the calendar year for which this statement is due to be filed.

4. Certification. I hereby certify that the statements contained herein are true and correct to the best of my knowledge.

FILER'S signature	Date
x Harry K. Smythe, III	April 24, 2008

FORM F-3R: STATEMENT OF NO CHANGE FOR COMPENSATED AND UNCOMPENSATED FILERS

PLEASE TYPE OR PRINT CLEARLY IN BLACK INK. Reports are public records and may be copied. All filers, including candidates, may file this statement if a full Form F-1R or F-2R has been filed for a prior year and does not require updating.

1. **Name of filer.** Include your first, middle and last name; do not use nicknames unless it is added in addition to the name and enclosed in quotes [e.g. William "Bill" Jones]; give your numerical birth date [e.g. 04/04/44]; give your complete mailing address including the zip code [this is essential for you to receive future notices]; give your work place (daytime) telephone number so that we may contact you, if necessary, concerning your report.

2. **Filing status.** Show whether you are filing the first statement for the reporting period [previous calendar year] by checking "Yearly" or, whether it changes information previously filed for this same period by checking "Amended". Check "Final" if you have left public service. **CALENDAR YEAR COVERED.** Calendar year covered is the year which began on January 1 and ended December 31 previous to filing the report. Check your status as a filer. A *chief administrative officer and first deputy* are the director and first assistant director of any governmental entity. A *state employee* is someone who is not the chief administrative officer, first deputy or a state officer **BUT WHO DOES** determine policy or make final spending decisions for **AND WHO IS COMPENSATED BY** any governmental entity. A *state officer* is someone who is an elected, appointed or employed officer in the executive, judicial or legislative branch of Oklahoma government. In this instance, state officer does not include a public member who is not compensated by the state. A *candidate* is someone running for state office including an incumbent.

3. **Certification of no change.** This statement certifies that there has been no change in the information to be reported for the current calendar year from that reported by the filer for the previous calendar year.

4. **File with:** Ethics Commission, 2300 N Lincoln Blvd, Rm B5, Oklahoma City, OK 73105-4812 • 405/521-3451 • FAX 521-4905

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