



# OSRHE: Regents Education Program

November 14, 2022



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# Ethics Laws in Oklahoma

**1907-1990**

All Ethics Laws regulated  
by Legislature

**1990: SQ 627 Passes**

Art. 29 added to Const'n  
creating independent  
Ethics Commission

State Officers  
& Employees

&

State  
Campaigns

Civil laws via  
"Ethics Rules"

Criminal Laws  
via Statutes

Must investigate  
& *may* prosecute  
using civil lawsuit

Ethics  
Commission

Legislature

Enforced by  
AG & DAs



Regents are State Officers &  
serve in a position of **Trust**



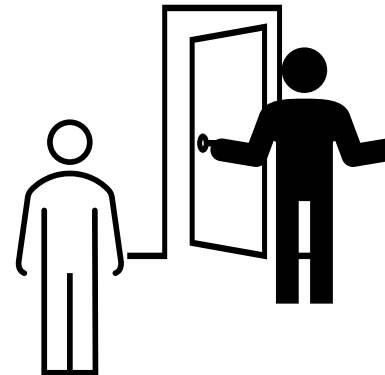
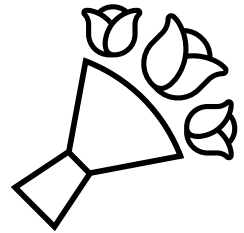
# Be Aware: Interactions & Interests



# Gifts, Favors, Kindnesses

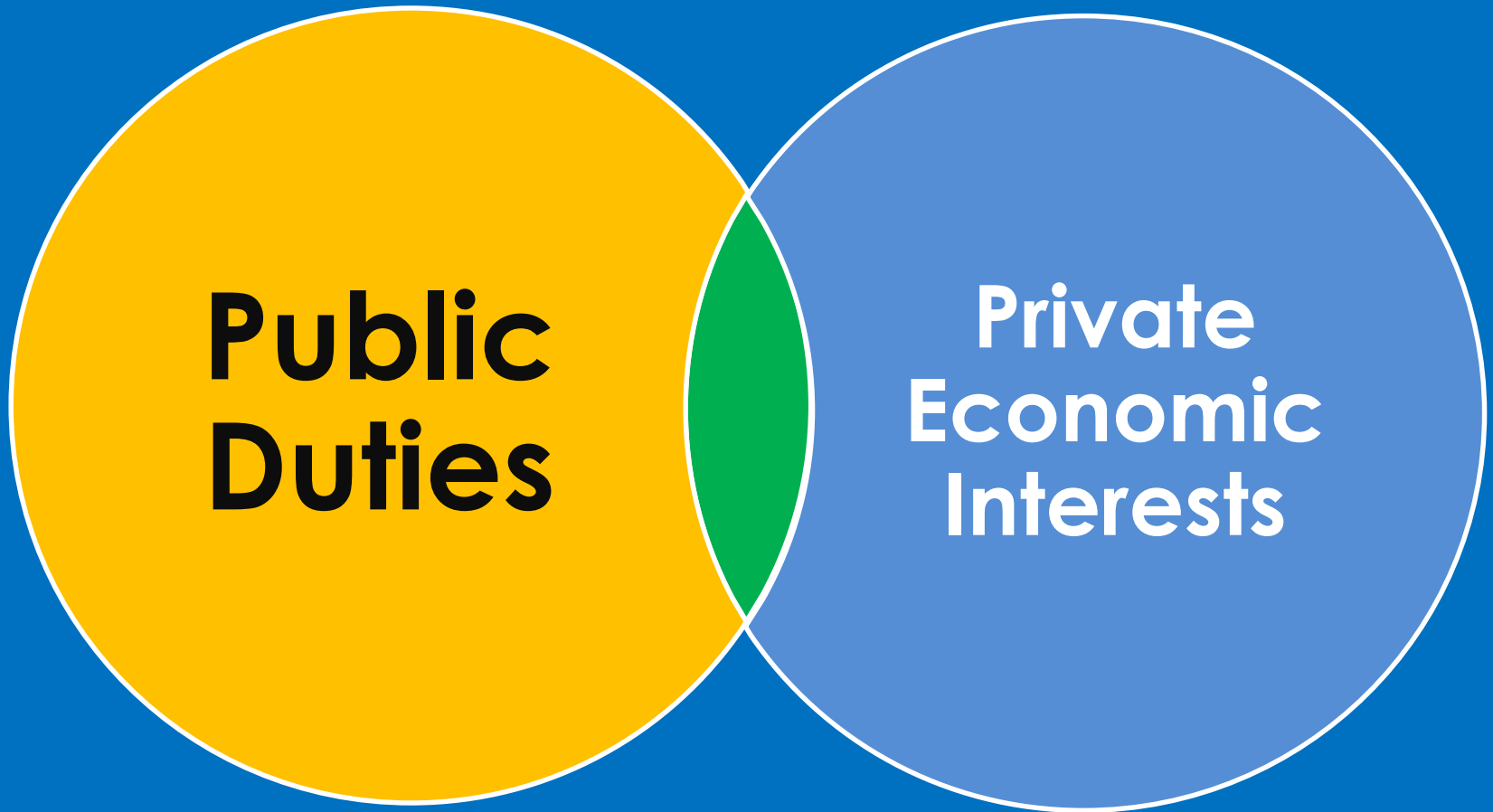
## Ask & Answer (For yourself):

- Do they influence your behavior?
- Do they influence others behavior?
- The bigger the act, the bigger the influence?
- Does “giver’s” motivation matter to recipient?



# Purpose of COI Ethics Rules

Avoid Conflicts between:



# Gifts, Favors, Kindnesses

## Psychology of Gifts

### Obligation of Reciprocity

Perception: Affects  
others but not me.

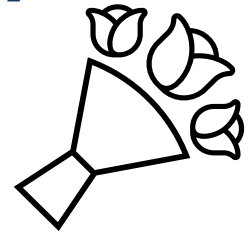
Smaller acts have  
larger impact

Motivational  
Awareness does not  
matter.

Punishing behaviors  
if can act, but don't

## Ask & Answer (For yourself):

- Do they influence your behavior?
- Do they influence others behavior?
- The bigger the act, the bigger the influence?
- Does “giver's” motivation matter to recipient?



# Ethics Rules vs. Entity Policies

State entities may have own policies

Conflict? Follow whichever is most restrictive

Ethics Commission Only Enforces Ethics Rules



Ethics Rules require state officers and employees **not** participate in matters where impartiality may **reasonably** be questioned.

# Disqualify when:

1

Affects Material Financial Interest of You or family member (spouse, children, parents, siblings)

2

A business relation is a Party to or Represents a Party to a Matter

3

Reasonable person with knowledge of facts would question impartiality

**Unsure? Ask Commission**

# NO DISQUALIFICATION IF...

The Effect  
Applies  
Equally to  
All Members



# Quiz:

University X Regent John Doe is a partner in an audit firm that does governmental audits and often partners with Bill Smith for larger audits. An audit for University X needs an independent 3<sup>rd</sup> party audit. Bill Smith bids on the audit. May Regent Doe participate in the decision for the Audit?

# IT IS A MISUSE OF OFFICE

to use your position for...Private Gain



**Personal**



**Family Member(s)**



**Persons with Whom You are Seeking  
Employment or Business Relations**

**Those You are Affiliated with in  
a Non-Governmental  
Capacity**

# IT IS A MISUSE OF OFFICE

to use your position for...



Endorsement of a  
Product, Service or  
Enterprise

# UNLESS THE ACT OR ENDORSEMENT IS...

**Customary for Your  
Position**

**Authorized by  
Contract**



## But what about...

### A Civic, Community or Charitable Promotion or Fund-Raiser

- As long as you receive nothing for doing so Except Charitable Event Costs:
  - May only be paid by the sponsoring charitable organization
  - Sponsoring Charity cannot be reimbursed



# Quiz:

Coach Sally Smith is invited to play in Charity XYZ's golf tournament. One of the major sponsors has offered to pay Coach Smith's costs to attend. Can Coach Smith Attend?

# IT IS A MISUSE OF AUTHORITY

to use your position or permit use of authority of office to *coerce* or *induce* another to provide any benefit to...



You



Your Family  
Member(s)



Persons You are Associated  
With In a Non-  
Governmental Capacity

# REPRESENTATION BEFORE STATE ENTITIES

# REPRESENTATION IN TRANSACTIONS INVOLVING THE STATE

Cannot Receive **Compensation** to Represent Others in Transactions Involving the State of Oklahoma

Unless Lawyer in the Practice of Law in Any Court

Unless Board, Commission, or Authority Member Appearing Before a Different State Agency

Unless Authorized by Law

# REPRESENTATION OF OTHERS BEFORE AGENCY, BOARD, COMMISSION

**No Representation Before own State Entity**

**Unless Authorized by Law**

**State Officials cannot represent others before the Ethics Commission**

# Quiz:

University ABC Regent Jane Doe is a lawyer in private practice. She gets asked to represent a client before the Widget Regulation Agency. May Jane Doe do so?

**MEALS & GIFTS FROM  
VENDORS**

# WHO IS A VENDOR?

- A Seller; or
- Prospective Seller
- of Property/Service to the State





# Rules distinguish between

Activities involving  
Prospective Vendors

Activities involving  
Current Vendors



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

# WHEN IS AGENCY

“Engaged In a Purchasing Decision”?

## \$50,000 Floor

- Single Purchase

## Perform Functions, such as

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



# AFTER A PURCHASING DECISION

## a State Officer or Employee May Accept...




Meals: up to **\$20** with **\$50 Aggregate** Limit Per/ Yr



Gift given for family or personal relationship rather than status of state officer or employee



Gifts Given to All Employees of Agency



Books, written materials, audio tapes, videotapes and other informational or promotional material related to position



Benefits Available to General Public

# MODEST ITEMS OF FOOD OR REFRESHMENT



**Meals & Gifts from**

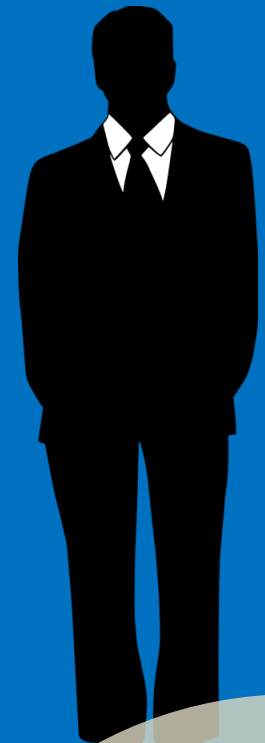
**LOBBYISTS**

# TYPES OF LOBBYISTS

Legislative  
Lobbyists

Legislative  
Liaisons

Executive  
Lobbyists



# MEALS & GIFTS by LOBBYISTS

\$500

In the Aggregate Per Calendar Year for Meals

\$100

For “Infrequently Occurring Occasions of Personal Significance” (Taken from \$500 Max.)

\$10

Trinket Gift Given One Time Per Calendar Year (Reported Separately & Not Taken from \$500 Max.)



# ADD'L REQUIREMENTS FOR GIFTS FROM LOBBYISTS

- ▶ Non-Meal Gift must be for a major life event that is significant to the recipient
- ▶ Annual events do not count (no b-day gifts)
- ▶ Contemporaneous with the occasion or at times when such gifts are traditionally given
- ▶ Lobbyist must be present at the meal or event with the recipient

# PLAQUES, TROPHIES, OR SIMILAR ITEM FOR DISPLAY FROM LOBBYIST PRINCIPAL

\$200 Max.

1/per State Officer  
or Employee

In Acknowledgement  
of Public Service



# MODEST ITEMS OF FOOD OR REFRESHMENT



**Modest  
Items**



**Given  
Occasionally**



**Not Part  
of Meal**

# Who's lobbying me?

- 1 Go to [www.Ethics.OK.Gov](http://www.Ethics.OK.Gov) and click on "The Guardian System" button.
- 2 Go to "Search" tab and select "Lobbyists" from menu.



# Various Search Criteria

## Lobbyist Search

Enter information about the Lobbyist(s) for which you are searching and click the Search button

Lobbyist ID

Last Name

First Name

Name Search Type

Starts With ▼

Lobbyist Type

Lobbyist Status

Active ▼

Submitted Reports Starting

MM/DD/YYYY

Submitted Reports Through

MM/DD/YYYY

Submitted Report Type

All ▼

Including "Agency to be lobbied"

Note: Could be listed as University or Regents for University

Agency to be Lobbied

UNIVERSITY OF OKLAHOMA

Tickets to **bona fide community, civic, or charitable events** may be accepted even when tickets were provided by a lobbyist principal so long as

- **No designation of attendees;**  
**&**
- **Is customary**



**Meals & Gifts**

**INTRA-AGENCY**



Gifts to & Solicitation  
of Gifts for a Superior  
**ARE PROHIBITED**



# PERMISSIBLE GIFTS

## Within an Agency



**Personal  
Relationship**



**Occasional  
Basis when Gifts  
are Ordinarily  
Exchanged  
(\$20 max. per  
occasion) – NO  
CASH**



**Food or Refreshment  
Shared Amongst  
Agency**

# PERMISSIBLE GIFTS

Within an Agency



Infrequently Occurring  
Occasion of Personal  
Significance



Personal Hospitality at  
Private Residence  
(Customary Gift)

# WAIVERS – Gifts

Apply for Waiver If State Officer or Employee Has a Pre-Existing Relationship with Person Whose Status Restricts Certain Activities

Pre-existing means before state service

Waives Certain Ethics Rules Prospectively

Automatic Waiver If Relationship Between Family Members



**Meals, Gifts & Services**

**CONFERENCES**

# Conference Attendees May Accept...



**Gratuities &  
hospitality,  
if given to all  
participants.**

# Conference Speakers or Panelists May Accept...



**If available to all other Speakers or Panelists.**

**Free attendance on day of speech or panel.**

# Conference Speakers or Panelists May Accept...



**If available to all other Speakers or Panelists.**  
Free attendance on day of speech or panel.

- **Spouse may also accept free attendance & participation but not travel.**

# Attendees Representing the State Entity at a Professional, Civic or Community Event May Accept...



**Meal**



**Token or Souvenir**

- ❖ Value of token commensurate with occasion
- ❖ Not \$\$ or \$\$ equivalent (Gift Cards)
- ❖ Does not include political events



# PRIVATE BUSINESS ACTIVITIES

You Can Accept...



Meals



Transportation



Lodging

- So long as not given or enhanced because of position with the state.

**Receiving**

**SCHOLARSHIPS & GRANTS**

**Scholarships, Grants & Subsidies for Educational or Training Events Cover the Costs of the Benefits Made Available to the Other Participants.**

# NO REPORT REQUIRED

**When Scholarship or  
Grant Is Provided by**

- **Federal, State or Foreign Government, or**
- **By an Entity to Which the State of OK Pays Membership Dues**

# REPORT IS REQUIRED

When the Scholarship or Grant Is  
Provided by

- **Bona Fide Governmental, Professional or Business Organization**

**30**

**Days from last day  
of Conference**

# SPECIAL COMMITTEE REPORTING

1

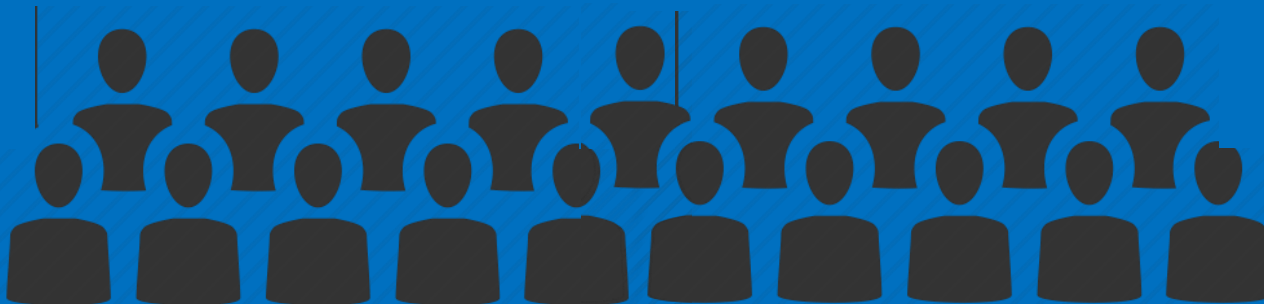
When an Agency Sponsors a Conference, Seminar or Other Event

2

For which State Officers or Employees Solicit Funds, Goods or Services

3

Report required listing contributions & expenditures w/in 180 days



# Political ACTIVITIES

Rules 2.3 & 2.17

**Generally, state officers and employees must refrain from using public resources:**

- funds,**
- property, or**
- time**

**for political purposes.**



# **PUBLIC FUNDS, PROPERTY & TIME ARE PROHIBITED FROM BEING USED TO**



**Influence Results of an Election — Candidates or State Question  
(includes posting of materials designed to influence state  
election)**



**Soliciting, accepting, or receiving funds for political  
committees**



**Does not include advocacy for or against legislation —  
however, such action may trigger registration and reporting  
requirements with Commission (Legislative Liaisons)**

**E-mail use policies may minimize issues with  
potential lobbying concerns**

# However:

- Other than the state capitol - public meeting rooms, auditoriums, parks, colleges, and educational campuses may be used for political purposes, if available upon equal terms to all without preference or favoritism:
- a fee is charged if it is customary for use of the space;
- the facility will be made available upon request to all political committees and state candidates in the order in which requests were received.

# IF YOU RECEIVE UNSOLICITED, PROHIBITED COMMUNICATION

1

**Do Not Respond**

2

**Unsubscribe**

3

**Tell Them to Stop**

# EXCEPTION TO ALL MEAL & GIFT RULES



**Emergency Rescue or  
Relief Efforts**

# ETHICS WEBSITE

- ▶ Access Ethics Rules & Guides
- ▶ Review Commission Meeting Dates, Agendas, and Minutes
- ▶ Subscribe to Receive Emails and/or Text Messages
- ▶   @EthicsOKgov



**Officers & Employees Guide**

Traveling Oklahoma Route 66

**2019-2020**  
Oklahoma Ethics Commission  
FAIR RULES. FIRM ENFORCEMENT.

[www.ethics.ok.gov](http://www.ethics.ok.gov)

**Q**UESTIONS?