

Margaret Kerr

General Counsel II
Ethics Commission



Oklahoma Ethics Commission



Overview of ethics commission.



Recusals and representation.



Meal and gift rules.



Rules on use of public funds, property, or time for political purposes.



Overview of Commission Services



Rulemaking



Compliance



Investigation



Enforcement



Keep In Mind



Must comply with any rules or policies that are more restrictive than the Ethics Rules.



The commission only enforces its rules.



OKLAHOMA
Ethics Commission



Enforcement

Administrative Measures

- Report reviews.
- Compliance notices.
- Issuance of Compliance Orders.

Legal Measures

- Public settlement agreements.
- Prosecution in district court(civil only).



Conflict of Interest Rules



Prohibit conflicts between a state officer or employee's public duties and private economic interests.

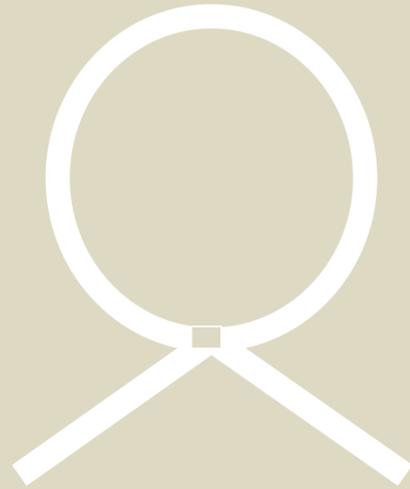


Duty of Impartiality

- You **must be unbiased** as you serve all the people of Oklahoma.



The Three Disqualifications



**Financial
Interest
+
You**



**Financial
Interest
+
Family
Member**



**Business
Relationship
or
Party
Representation**



Disqualification One

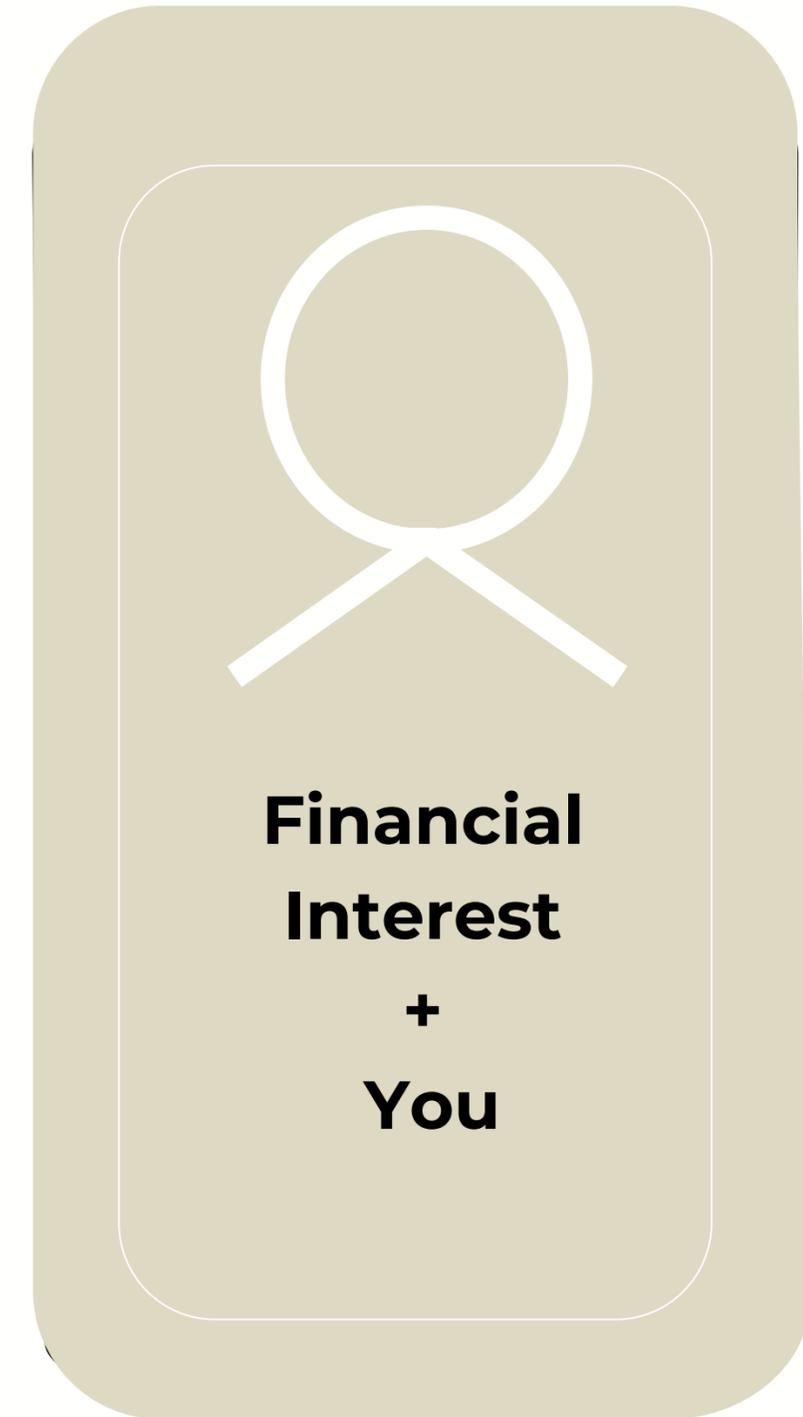
Disqualify if the matter is likely to have a **direct and predictable effect** on your material financial interest.



Close casual link.



Not attenuated or speculative.



Disqualification Two

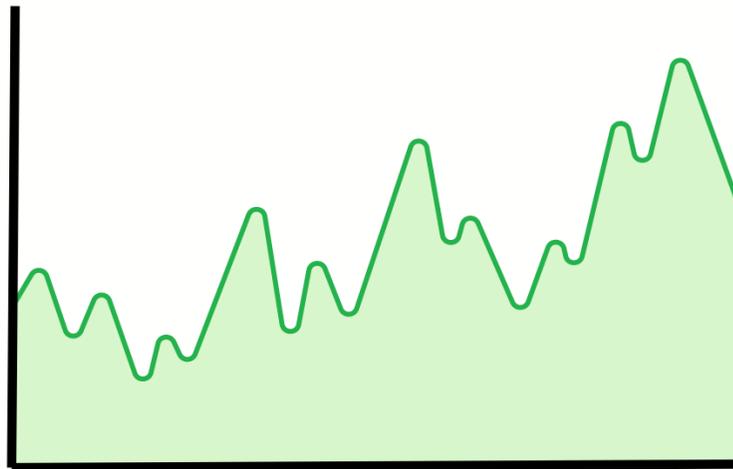
Disqualify if the matter is likely to have a direct and predictable effect on **your family member's** material financial interest.



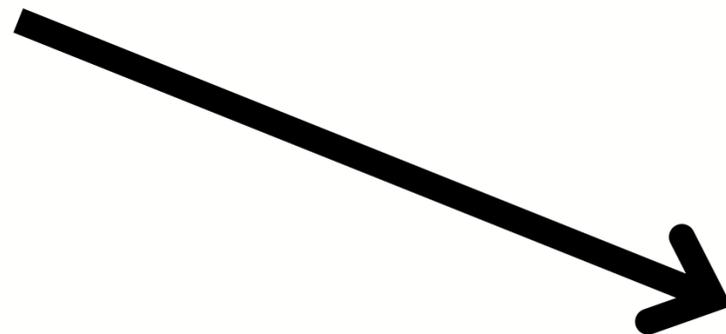
**Financial
Interest
+
Family
Member**



Example One



**Widgets Co.
Stock**

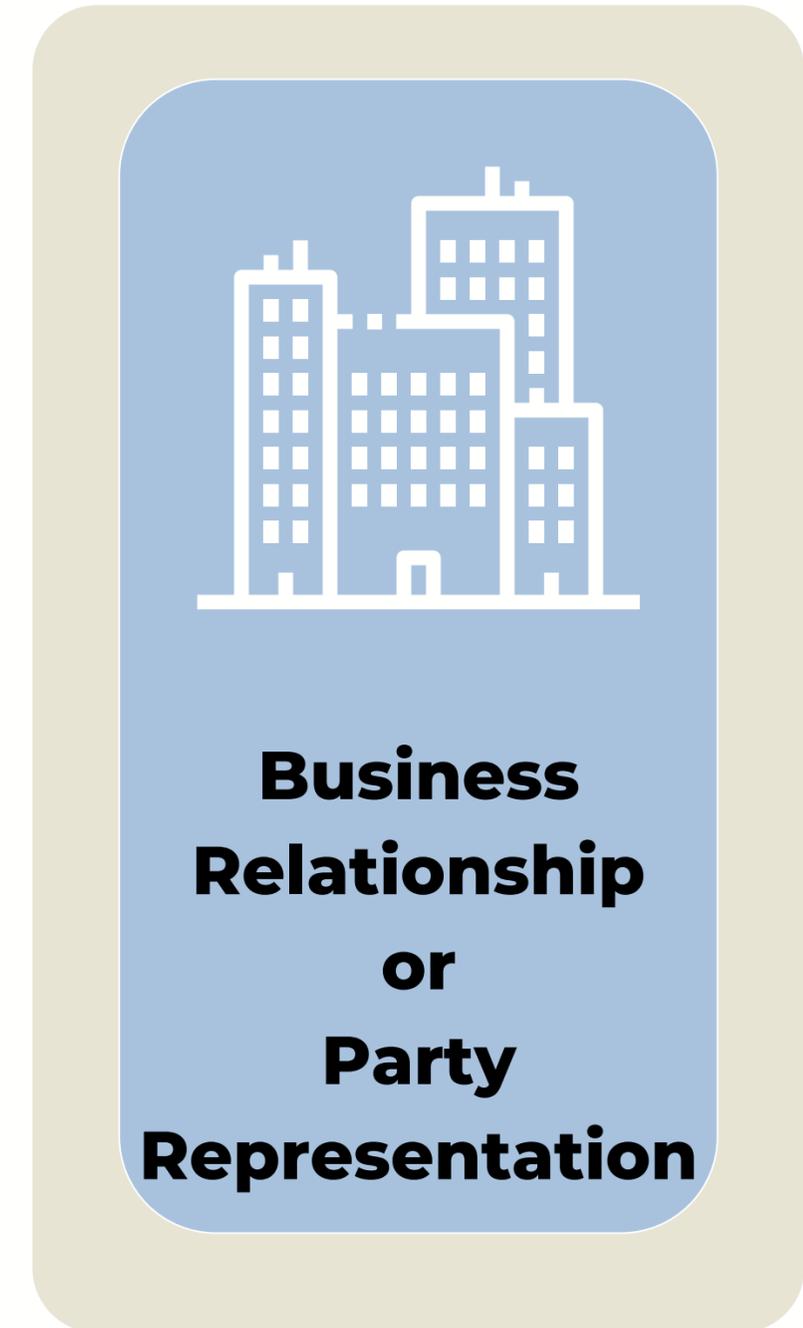


Example Two

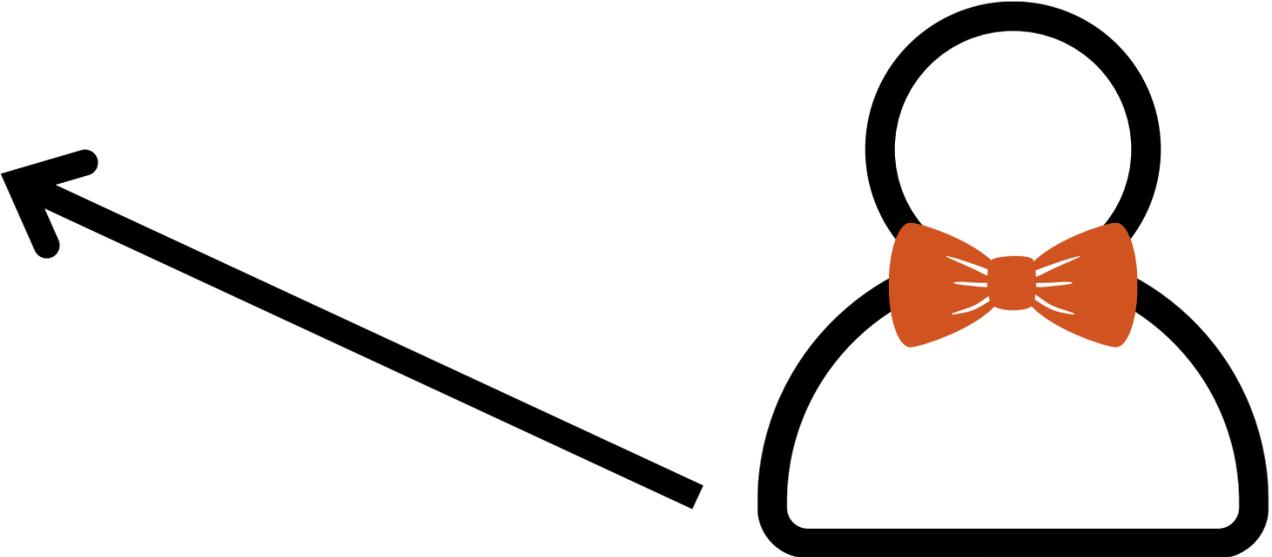
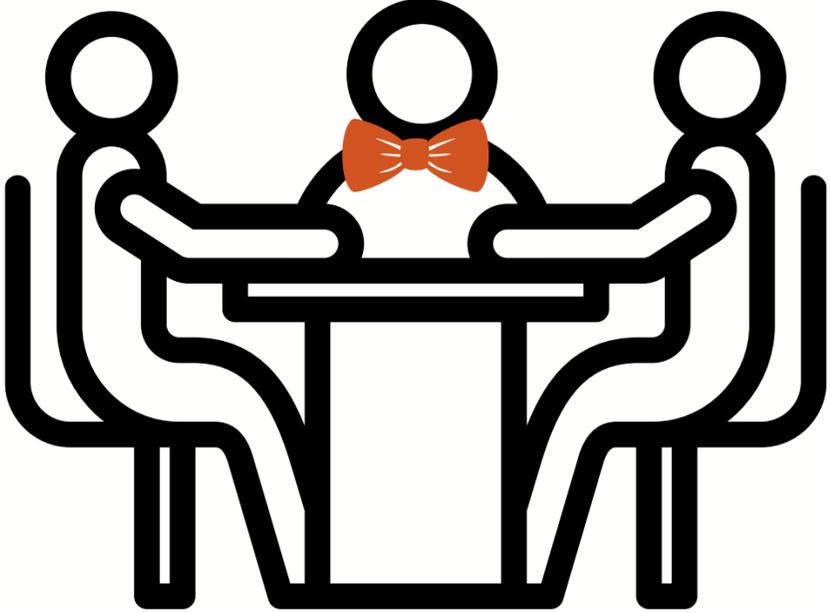
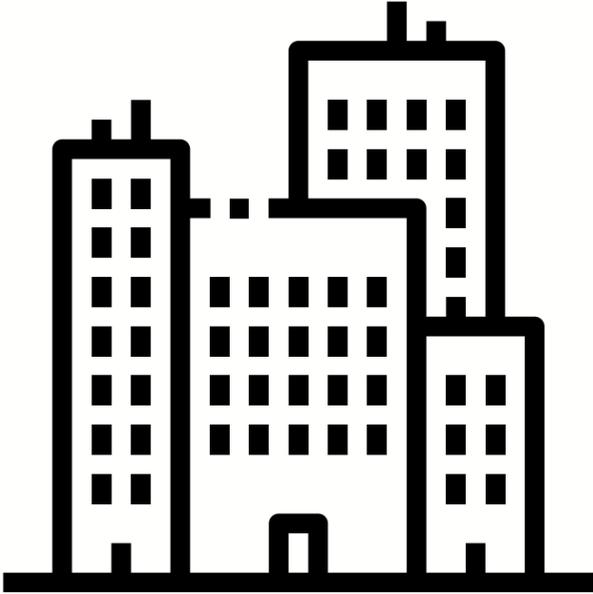


Disqualification Three

Disqualify if you have a business relationship with a party in the matter, or with the person(s) representing the party.



Example Three



When in Doubt, Seek Guidance



Ethics Commission



Executive Director



Misuse of Office

When You Use Your Position for...



The private gain of:

- Yourself or family member(s).
- Those you are affiliated with in a non-governmental capacity.
- Person with whom you are seeking employment or business relations.



Endorsement of a product, service, or enterprise.

Exceptions



As permitted by law or ethics rules.



Customary for your position.



Authorized by contract.



Promotions or solicitations for civic, community or charitable organizations if nothing is received in exchange, except for fundraiser costs associated from the organization.



Endorsement Exceptions



Customary for your position.



Authorized by contract.



A civic, community or charitable promotion or fundraiser.

- As long as you receive nothing for doing so, except for costs associated with participation in a charitable event paid for by the sponsoring charitable organization.



Misuse of Authority

To use your position 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

Exceptions

- As permitted by law or ethics rules.



**No disqualification if the
effect applies equally to all members.**



Representation of Others in Transactions

Exceptions

You cannot receive compensation to represent others in transactions involving the state.



Unless authorized by law.



Unless practicing law in court.



Unless board, commission, or authority member appearing before a different state agency.



Representation of Others in Ethics Matters

Exceptions



Unless authorized by law.

You cannot represent, as an attorney, another in any matter before the Ethics Commission or the agency that employs the state officer or employee.



Gift Restrictions

From Vendors

A seller, prospective seller of property or service to the state.

From Lobbyists

Those compensated to lobby the Gov., the Legislature, or executive agencies on someone's behalf.

From Lobbyists Principals

Those who hire or compensate lobbyists to lobby on their behalf.

To Superiors

An official superior in an agency's chain of command.

At Conferences and Other Events



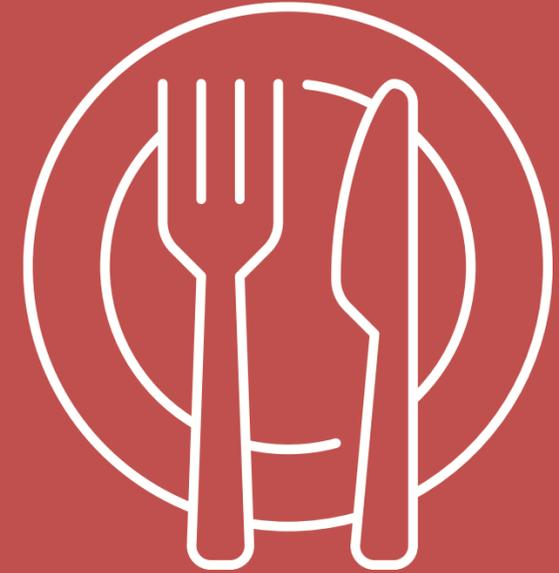
Permissible Agency Gifts



**Personal
Relationship**



**Occasional
Basis**



**Food
or
Refreshment**



Enforcement

Before Purchase Decision

None.

Exception:

Modest items of food or refreshment that are not part of a meal.

After Purchase Decision

- Meals worth up to \$20 each with \$50 aggregate per year.
- Gifts given for family or personal relationship.
- Gifts given to all employees of an agency.
- Informational or promotional materials related to the position.
- Benefits available to the general public.



A state officer or employee and their family members cannot accept gifts during a purchasing decision.



Engaging in a Purchasing Decision



You are engaged in the “purchasing decision” by performing functions in the purchase process for **a single purchase in excess of \$50,000.**



Functions include, but not limited to:

- Preparation of the request for proposal or bid specifications.
- Review and evaluation of bids or proposals.
- Recommendations for selection of successful proposals or bids.
- Approval of requisitions for purchase.



What You can Accept From Lobbyists

Item	Conditions
Meals	Up to \$750 in the aggregate per calendar year
Special Occasion Gift	Value up to \$200 for infrequently occurring occasion of personal significance for the recipient
Trinket Gift	Value up to \$10, one time per calendar year
Modest Food or Refreshment	Must not be part of a meal and given occasionally



What You can Accept From Principals

Item	Conditions
Display Objects	Can include plaques, trophies, or similar items up to \$200 in value and given once per year to acknowledge the public service of state officer or employee
Modest Food or Refreshment	Must not be part of a meal and given occasionally
Tickets	To a bona fide community, civic, or charitable events so long as it is customary and no attendees are designated



Gifts to Superiors are Acceptable When...

- Personal relationship exists.
- Traditional gift giving occurs.
- Special occasion for the superior.
- Personal hospitality offered at a private residence.



Conference Gifts are Acceptable When...



Attending a Conference

- **Gratuities** and **hospitality** given to all participants.



Speaking at a Conference

- **Food, travel, lodging, and free attendance** on the day of the speech or presentation if made available to all speakers.
- Spouse may accept free attendance and participation.



Event Gifts are Acceptable When...



When representing a state entity:

- **Meal**
- **Token or Souvenir** with value commensurate with occasion and no cash or equivalent.



This **does not include** political events.



Waivers for Gifts

Specifics

Apply for a waiver is the 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



State officers or employees participating in emergency rescue or relief efforts may accept goods and services that are provided generally to others participating in emergency rescue or relief efforts.



State Property and Resource Use

Public funds, property, and time are prohibited from being used to:

-  Influence results of an election.
-  Solicit contributions from employees.
-  Campaign during work hours.
-  Use state equipment or services.

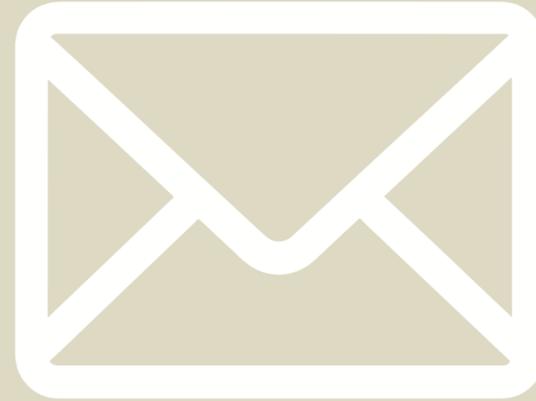


Unsolicited Prohibited Communications



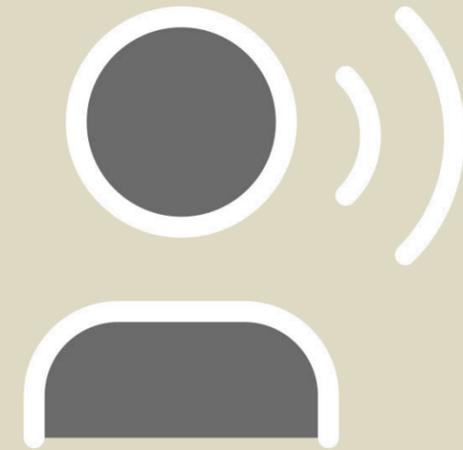
**Do Not
Respond**

1



Unsubscribe

2



**Tell Them
to Stop**

3





OKLAHOMA
Ethics Commission

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The Guardian System: <https://guardian.ok.gov>

