



# OKLAHOMA ETHICS COMMISSION

PHONE: (405) 521-3451 • FAX: (405) 521-4905 • WEBSITE: [WWW.ETHICS.OK.GOV](http://WWW.ETHICS.OK.GOV)

November 16, 2022

**The Commission will issue Compliance Orders for 24 hour reports and IE/EC/SQC Reports for all 2022 elections.**

**This communication is for those who missed a deadline for 24 hour Continuing Reports of Contributions or IE/EC/SQC Reports for the Primary Election, Runoff Primary Election, or General Election.**

The Commission uses an administrative process for certain filings that are not filed timely. While the Commission assesses fees for routine reports within 8-10 days of a deadline, pre-election supplemental reports are different. These reports disclose activity that occurs prior in the last two weeks of an election and are only due if:

1. A candidate committee receives contributions that exceed \$1,000 from a single source and their name is on the upcoming ballot; or
2. An expenditure of \$5,000 or more is made by non-candidate committees (and others) for print or broadcast communications.

The Commission staff is unable to identify in advance how many of these types of reports will be due and verify the reports showing due are required of the filer.

Now the election season is concluded, the Commission staff will issue reports for supplemental reports due prior to the primary election, runoff primary election, and general election for:

1. Continuing Reports of Contributions (CRC); and
2. Independent Expenditure, Electioneering Communications, and State Question Communication Reports (IE/EC/SQC).

PCO Schedule:

1. Primary Election Supplemental Reports: **11/22/2022**;
2. Runoff Primary Election Supplemental Reports: **12/1/2022**;
3. General Election Supplemental Reports: **12/13/2022**.

## **Administrative Process is more efficient and less costly than the formal complaints process.**

The administrative process is a more efficient and a less costly alternative to the formal complaints and investigation procedure. It is managed by staff with late fees assessed according to a fixed schedule that cannot exceed \$1,000. However, the formal complaints and investigations process is conducted with the Commissioners and should be reserved for substantive or repetitive violations of the Rules. The penalties associated with the formal complaints process are assessed by the District Courts and start at \$5,000.

## **Proposed Compliance Order ("PCO") and ALJ Hearing Request Procedure Summary.**

1. **PCOs issued to email addresses and street address on committee's statement of organization for registered entities.** These addresses are required to be kept current. If you need assistance amending the Registration contact Commission staff at (405) 521-3451
2. **Complete & Return Included Form within 30 days:** A form is included with the PCO for the filer to indicate whether they (1) contest the order and want a hearing; or (2) do not contest the order and pay the fee. The most efficient way to return the form is by email to [ethics@ethics.ok.gov](mailto:ethics@ethics.ok.gov) with the subject line: "PCO Form". Compliance Fees assessed to Committees may be paid with Committee Funds.
3. **Entities with Multiple Late Filings will have Multiple PCOs:** Late filings are issued by *report* not by *entity*. Each late filing will be issued a separate PCO according to the assessment

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schedule. Similarly, each hearing requested for a late filing must be made separately within 30 days of the PCO for which a hearing is requested. For example, if 3 CRC reports were due prior to the primary election, 3 separate PCOs will be issued.

4. **Administrative Hearings** will be scheduled before an Administrative Law Judge ("ALJ") so long as the hearing is **requested in writing & received by the Commission within 30 days of the date on the Compliance Order**. Filers have the option to select the ALJ Hearing date that best suits their schedule, if a selection is not made, Commission staff will select a hearing date for them. We will work with each filer to the extent possible for a mutually convenient date for the hearing. Hearing dates may be selected using the link below.

<https://www.eventbrite.com/e/2023-administrative-hearings-tickets-399566934457>

### Proposed Compliance Order Information.

The **Proposed Compliance Order** (see diagram below) will clearly indicate the report that was filed late [1], the name of the entity filing the report [2], the number of days the report was late [3], the amount of the fee being assessed [4], and the date the Proposed Compliance Order was issued [5].

A hearing with an administrative law judge is provided **so long as the request for hearing is received by the Commission within 30 days of the date the Proposed Compliance Order was issued [5]**.

The diagram shows a sample of a Proposed Compliance Order with several key pieces of information highlighted and labeled with callouts:

- DATE**: A red box at the top center points to the word "DATE" in the header.
- 5. Hearings must be requested within 30 days of this date**: A red box on the right side points to the word "DATE" in the header.
- 1. Late Report Name**: A red box on the left side points to "2019 JUNE LOBBYIST REPORT" in the "Re:" line.
- 2. Filing Entity Name**: A red box on the right side points to "JOHN DOE" in the "Re:" line.
- 3. # of Days late**: A red box on the right side points to "1 day(s)" in the green highlighted text at the bottom.
- 4. Amount of Fee**: A red box at the bottom center points to "\$100.00" in the green highlighted text at the bottom.

The text of the Proposed Compliance Order is as follows:

**PROPOSED COMPLIANCE ORDER**

USPS Certified Mail, Return Receipt Requested

JOHN DOE  
123 Street  
City, OK 77777

Re: 2019 JUNE LOBBYIST REPORT for JOHN DOE

Dear Filer:

Pursuant to Ethics Rule 6.19 of Title 74, Appendix I, Oklahoma Statutes, you are hereby ordered to pay a late filing fee. The schedule of late filing fees for Lobbyist or Liaison is published on the Ethics Commission website, [www.ok.gov/ethics](http://www.ok.gov/ethics), and provides for the assessment of late fees of \$100.00 FOR THE FIRST DAY, \$100.00 PER DAY FOR EACH OF THE NEXT FIVE DAYS AFTER THE FIRST DAY AND \$400.00 FOR THE SEVENTH DAY.

2019 JUNE LOBBYIST REPORT was due on 7/15/2019, as provided in Ethics Rule 5.19 or Ethics Rule 5.20. Your Report was filed on 7/16/2019. Your Report was filed 1 day(s) after it was due; therefore you are being assessed a late filing fee of \$100.00.

### Compliance Fee Payments.

Compliance Fees may be paid online using The Guardian System following the directions in the PCO, or, by delivering a check to the Ethics Commission office. For political committees, fees may be paid with campaign funds and reported as an expense in The Guardian System.

**Account inactive?** Entities that no longer have an "active" Guardian System account and wish to pay the fees online will need to contact the Commission at [ethics@ethics.ok.gov](mailto:ethics@ethics.ok.gov) to have their account reactivated.