

CITY OF TULSA ETHICS ADVISORY COMMITTEE

ADVISORY OPINION 2009-02

The City Attorney, on behalf of an anonymous citizen of Tulsa¹, filed a request for Advisory Opinion whether Michael Slankard, a member of the Ethics Advisory Committee (EAC) violated the Ethics Code by not recusing himself from discussion relating to a previous matter involving Mayor Kathy Taylor and Councilor David Patrick on September 16, 2008.²

FACTS:

Michael Slankard is and has been a member of EAC since its inception in 2006. In 1998 he was a candidate for the City Council from District 3, currently held by David Patrick. Mr. Slankard also supported Roscoe Turner as Councilor from District 3 in 2004.³ On September 16, 2008 a matter came before EAC at the request of Mr. Slankard to inquire into the use by Mr. Patrick of an airplane owned by or controlled by the Mayor. That matter was presented to the EAC which determined there was no violation by either the Mayor or Councilor Patrick arising out of that transaction. Mr. Slankard seconded the motion that the Committee take no action on the matter.

By reason of the prior political relationship between Mr. Slankard, David Partick and Roscoe Turner, the anonymous Tulsa citizen contends Mr. Slankard had a personal interest in the matter before the committee on September 16, 2008 and by reason thereof should have recused from any participation in that matter under Sections 600 and 603 of the Ethics Code.

Mr. Slankard denied he had a personal interest as defined by the Ethics Code and stated he had no conflict of interest. The minutes of the September 16 meeting reflect that Mr. Slankard, when he initiated the inquiry, did not believe there was an ethics violation by the Mayor or Councilor Patrick per se but he wanted to make sure there was transparency with the issue.

¹ Although the Committee proceeded in this matter, it has been its policy to not act upon anonymous requests. In this case the anonymous Tulsa citizen is the real party in interest, notwithstanding the City Attorney is sponsoring the request. Anonymous requests fail to meet the requirements of EAC Procedures for Advisory Opinions, Rule No. 2, adopted January 24, 2006

² An initial inquiry was made of both the City Attorney and Michael Slankard if each is waiving any objection or complaint based upon the fact that the other members of the Ethics Advisory Committee might have a personal interest with Mr. Slankard arising out of working together for several years on the Committee, that is not shared by the public, thus requiring recusal by all such members. Both parties waived any objection and requested the Committee to proceed to hear the arguments of the parties and render an opinion.

³ Mr. Slankard is a political supporter of Roscoe Turner at the present time.

Mr. Patrick was quoted in the Tulsa World as saying he had nothing to do with filing this request, and that he had no objections to Mr. Slankard and did not think he acted inappropriately.

QUESTION:

By reason of his prior political relationship with David Patrick and Roscoe Turner, was Michael Slankard required under the Ethics Code to recuse himself from discussion of the matter before EAC on September 16, 2008?

ANSWER: NO.

DISCUSSION:

The Ethics Code has as its policy⁴ that public officials be independently impartial and responsible to the people; that no City official should have any interest, financial, personal or organizational, direct or indirect, or engage in any business transaction or activity, or incur any obligation that is in conflict with the proper discharge of their duties in the public interest. Under Section 601 of the Ethics Code, Michael Slankard is a “City Official”.

Section 601 defines “Personal Interest” as a “direct or indirect interest, matter, or relationship not shared by the general public, which could be reasonably expected to impair the City official’s objectivity or independence of judgment.”

It is the unanimous opinion of EAC that the prior political involvement between Michael Slankard and either Roscoe Turner or David Patrick did not create a personal interest as defined by Section 601. Such a political relationship, one existing prior to Mr. Slankard becoming a member of EAC, is not one “not shared by the general public”. In addition there is no evidence that Mr. Slankard’s objectivity or independence of judgment was impaired in the September 16 matter.

The Committee therefore finds, by unanimous vote⁵ of all members present, that Michael Slankard did not violate the Ethics Code under these facts. The Committee does not believe Mr. Slankard had a duty to recuse himself under Section 603 of the Ethics Code⁶

The request for advisory opinion also asked for an opinion that if Mr. Slankard did violate the Ethics Code, whether that violation would or should result in his removal from the Committee. Since the Committee finds there was no violation, this inquiry is moot. However, this Committee does not have jurisdiction over disciplinary action for a

⁴ Ethics Code Sec. 600.

⁵ Mr. Slankard recused himself from discussion of the Request for Opinion, except to state his case in his defense. He took no part in the discussion or vote. Member Thomas Brett was absent and did not participate in the discussion or vote. The remaining five members voted unanimously to approve this Advisory Opinion.

⁶ Section 602 states ‘no City official shall participate in any City business in which they have a related personal, financial or organizational interest.’

violation of the Ethics Code. A complaint asserting a violation of the Ethics Code is required to be filed in writing with the City Clerk and then forwarded to the appropriate Appointing Authority for investigation and action.⁷

This Advisory Opinion is unanimously adopted this 7th day of April, 2009.⁸

ETHICS ADVISORY COMMITTEE

Roger R. Scott, Chairman.

⁷ Section 609 B, Ethics Code

⁸ This Advisory Opinion (as are all EAC Advisory Opinions) is limited to the facts presented to the Committee and is not to be construed or considered in other contexts.