

STATE OF OKLAHOMA

1st Extraordinary Session of the 49th Legislature (2004)

HOUSE

RESOLUTION HR1001:

Trebilcock

AS INTRODUCED

A Resolution relating to a study and investigation of Carroll Fisher, Insurance Commissioner of the State of Oklahoma; creating a Special Investigating Committee; stating purpose; providing for appointment of committee members; authorizing certain contracts; specifying authority and duties of the committee; providing for service of process and witness fees; and requiring report of findings and recommendations.

WHEREAS, Section 1 of Article VIII of the Oklahoma Constitution states that the grounds for impeachment are wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office; and

WHEREAS, the Insurance Commissioner is the chief officer of the Insurance Department which is charged with the execution of all laws in relation to insurance and insurance companies doing business in this state; and

WHEREAS, Carroll Fisher, the Insurance Commissioner, has been charged with embezzling money raised in connection with an insurance education program and with operating a charity illegally; and

WHEREAS, such charges have brought to the attention of the members of the House of Representatives that Carroll Fisher, the Insurance Commissioner, may have committed impeachable offenses; and

WHEREAS, the Ethics Commission reprimanded Carroll Fisher, the Insurance Commissioner, for violating ethics rules during his reelection campaign in 2002. He used his position during the campaign to obtain confidential employment applications and documents of his opponent from Farmers Insurance Group; and

WHEREAS, Carroll Fisher, the Insurance Commissioner, solicited and accepted gifts, in the form of artwork and furniture, totaling more than \$30,000.00 in value from entities regulated by the Insurance Department thereby violating his oath of office to not "...knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law..."; and

WHEREAS, Carroll Fisher, the Insurance Commissioner, distributed thousands of "Friends of Fisher" stickers to medical professionals along with instructions to affix them to insurance claim submissions or problem claim correspondence to obtain faster claims processing service; and

WHEREAS, Carroll Fisher, the Insurance Commissioner, wrote a check for over \$35,000.00 to a Florida attorney for "attorney fees and expenses" from the account of an insurance company that was forced into conservatorship by the Insurance Commissioner. The check was written two weeks after Carroll Fisher and the Florida attorney attended the Super Bowl together in New Orleans; and

WHEREAS, honest and faithful conduct of the Executive branch of state government and the confidence of the citizens in the office of the Insurance Commissioner are of paramount importance to all citizens of this state; and

WHEREAS, the Legislature has the duty to ensure the people of the State of Oklahoma that their public officials are performing their constitutional and statutory duties and obligations; and

WHEREAS, it is a proper constitutional function of the Legislature to conduct studies and investigations on the conduct and administration of state officials in the discharge of their duties and on the merits of these acts in regard to public policies of the state, and to prepare and submit suggested remedies, including impeachment.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST EXTRAORDINARY SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

THAT there is hereby created a Special Investigating Committee of the House of Representatives. The purpose of the Special Investigating Committee shall be to conduct a comprehensive and detailed study and investigation of the activities of Carroll Fisher, the Insurance Commissioner of the State of Oklahoma, to determine whether Articles of Impeachment should be preferred against the Insurance Commissioner. The persons serving as members of the Special Investigating Committee created pursuant to Enrolled House Resolution No. 1040 of the 2nd Session of the 49th Oklahoma Legislature shall be appointed by the Speaker as the membership of the Special Investigating Committee created pursuant to this Resolution.

THAT the Special Investigating Committee, with the approval of the Speaker of the House of Representatives, may contract with attorneys, investigators, court reporters, and such other personnel as may be necessary to carry out the responsibilities of the Special Investigating Committee.

THAT the Special Investigating Committee shall be empowered to issue all process known to courts of record, including the power to subpoena witnesses, documents, and records; administer oaths; take and record testimony; and to request punishment for contempt for any disobedience of process and any contumacious or disorderly conduct as provided in Section 42 of Article V of the Constitution of the State of Oklahoma.

THAT for the purpose of serving all process directed by the Special Investigating Committee, the Sergeant at Arms and the Assistant Sergeants at Arms of the House of Representatives are designated as service officers to serve without additional compensation, except for necessary travel expense that may be incurred in the performance of their duties as service officers.

THAT witness fees, as required by the laws of this state, shall be paid from funds appropriated for the operation of the House of Representatives.

THAT the Special Investigating Committee may make such interim reports to the House of Representatives in open session from time to time as the Chair of the Committee shall deem advisable prior to the submission of the report of the Committee.

THAT the Special Investigating Committee, at the conclusion of its investigation, shall submit a written report to the House of Representatives, which shall include its findings and its recommendations for any action deemed necessary.

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