

Second Legislative Day

Thursday, September 9, 2004

The House was called to order by Speaker Pro Tempore Hilliard.

The roll was called with 96 Members present.

The following Members were excused: O'Neal, Stanley.—2.

Vacancies: Districts 42, 78, 82.—3.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Representative Greenwood.

The Journal for the last legislative day was approved.

Speaker Adair Presiding

RESIGNATION

The following communication was received by the Office of the Speaker and ordered printed in full as follows:

June 28, 2004

The Honorable Larry E. Adair, Speaker
Oklahoma House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, OK 73105

Dear Speaker Adair:

The purpose of this letter is to advise you that I am resigning my position as the State Representative of House District #42, effective June 30, 2004.

It has been a privilege and a pleasure to serve with you and to serve the people of House District #42 and all of the citizens of Oklahoma.

Sincerely,

Representative Bill Mitchell

RESIGNATION

The following communication was received by the Office of the Speaker and ordered printed in full as follows:

July 8, 2004

Larry E. Adair, Speaker
Oklahoma House of Representatives
Room 401, State Capitol Bldg.
2300 N. Lincoln Blvd.
Oklahoma City, Oklahoma 73105

Dear Mr. Speaker:

This letter is to inform you that I am resigning my position as the State Representative of House District 82 effective July 29, 2004.

It has been a privilege and a pleasure to serve the people of House District 82 and the citizens of Oklahoma.

Sincerely,

Leonard Sullivan
State Representative

COMMITTEE REPORT

Representative Toure submitted and explained the following Report from the Special Committee to Investigate the Insurance Commissioner created pursuant to **HR 1001**, First Extraordinary Session, Forty-ninth Legislature:

**Special Committee to Investigate
the Insurance Commissioner
Oklahoma House of Representatives
Final Report
August 30, 2004**

Mr. Speaker:

We, the members of the Special Committee to Investigate the Insurance Commissioner, of the First Extraordinary Session of the Forty-ninth Legislature, beg leave to submit the following report:

On March 30, 2004, and on May 19, 2004, the House of Representatives passed resolutions in regular and special session, which authorized the appointment of a special investigating committee 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 him. The Committee was appointed by the Honorable Larry E. Adair, Speaker of the House of Representatives.

I.

Grounds for Impeachment

Section 1 of Article VIII of the Oklahoma Constitution enumerates the grounds under which certain public officials may be impeached and provides in pertinent part as follows:

“The Governor and other elective state officers, including the Justices of the Supreme Court, shall be liable and subject to impeachment for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office. . . .”

II.

Committee Procedure

The Committee met nineteen times in both public and executive sessions beginning April 5, 2004, and ending August 30, 2004. At the first meeting, the Committee adopted certain Rules of Procedure which were supplied to each witness prior to their testifying before the Committee.

Thirty-eight witnesses appeared before the Committee. Every effort was made by the Committee to hear all evidence which would be relevant to the charge given to the Committee by the House of Representatives. Attempts were made to subpoena several witnesses located outside the jurisdiction of the Committee, but efforts to serve the subpoenas were not successful. In addition, Carroll Fisher and Opal Ellis were subpoenaed to appear before the Committee. However, in written statements to the Committee, Carroll Fisher and Opal Ellis declined to testify claiming their constitutional right not to incriminate themselves and did not appear before the Committee.

The Committee adopted a burden of proof of clear and convincing evidence as a standard to guide the decision making of the Committee.

Pursuant to the order of Robert D. Simms, Presiding Judge of the Multicounty Grand Jury, redacted Grand Jury transcripts, records, and documents received by the Committee were permitted to be disclosed only to the members and staff of the Committee and shall not be open for public inspection. Also pursuant to the request of the Ethics Committee and to Section 257:30-1-6 of the Rules of the Ethics Commission, certain records and

documents received by the Committee from the Ethics Commission shall remain confidential and not open for public inspection.

III.

Allegations Investigated

A.

CARROLL FISHER MISHANDLED MONEY RAISED IN CONNECTION WITH AN INSURANCE CONTINUING EDUCATION PROGRAM.

With regard to the allegation that Carroll Fisher embezzled money raised in connection with an insurance continuing education program, the committee took testimony and received documents from the following witnesses:

1. Tommy Butler - Criminal Investigator for the Multi-County Grand Jury Unit of the Office of the Attorney General;
2. David Hanigar - Auditor with the Office of the State Auditor and Inspector;
3. Charlie Swinton - Senior Vice President of BancFirst;
4. Nancy Tackett - Fiscal and Personnel Director for the Oklahoma Insurance Department;
5. Phil Combs - Claims Adjuster for GHS Insurance Company, a subsidiary of Blue Cross/Blue Shield;
6. Bert Marshall - Public Affairs Unit of Blue Cross/Blue Shield;
7. Marilyn Kreidler - Former Director of the Nigh Center at University of Central Oklahoma;
8. Jerry Scribner - Assistant State Treasurer of Oklahoma;
9. Phil Marsh - Director of Agent Licensing for the Oklahoma Insurance Department;
10. Stephen Garrett - Senior Vice President and General Counsel of American Fidelity Insurance Company;
11. Robert Thomas, Jr. - Vice President and Associate General Counsel for Mega Life and Health Insurance Company;
12. Justin Whitefield - Former General Counsel of Oklahoma Farm Bureau Mutual Insurance Company; and
13. Randy Compton - Certified Public Accountant.

Pursuant to this allegation, the Committee finds: Carroll Fisher, while acting in his official capacity as Insurance Commissioner, initiated and coordinated an official program of his office called "Continuing Education Day a/k/a/ C.E. Day" in which monies were solicited and collected from so-called sponsors and persons desiring to attend such program. No receipts were given for the monies collected pursuant to the C.E. Day program. Instead of depositing the monies collected with the State Treasurer, as required by state law, the monies were deposited into multiple personal bank accounts. The deposit of such monies into personal bank accounts is in violation of state law. Specifically, Section 7.1 of Title 62 of the Oklahoma Statutes provides in part:

There is hereby created in the official depository in the State Treasury an agency clearing account for each state officer department, board, commission, institution or agency of the state . . . It shall be the duty of each state agency, officer or employee, to deposit in the agency clearing account . . . all monies of every kind .

In addition, at the time of the events set forth in this allegation, Section 341 of Title 21 of the Oklahoma Statutes provided in part as follows:

Every public officer of the state . . . receiving any money or other thing of value on behalf of or for account of this state or any department of the government of this state . . . who . . . willfully omits or refuses to pay over to the state . . . any money or interest, profit or perquisites arising therefrom, received by him under any duty imposed by law so to pay over the same shall, upon conviction thereof, be deemed guilty of a felony . . .

The actions and conduct of Insurance Commissioner Carroll Fisher in the mishandling of the C.E. Day program monies demonstrate his inability to manage the duties of the office of State Insurance Commissioner and therefore constitute the impeachable offenses of wilful neglect of duty and incompetency.

B.

CARROLL FISHER IMPROPERLY SOLICITED MONIES FROM ENTITIES HE REGULATED FOR A CHARITY HE ESTABLISHED.

With regard to the allegation that Carroll Fisher improperly solicited monies from entities he regulated for a charity he established, the Committee took testimony and received documents from the following witnesses:

1. Jack Davis - Chief Investigator for the Office of the Attorney General;
2. Tommy Butler - Criminal Investigator for the Multi-County Grand Jury Unit of the Office of the Attorney General;
3. Pete White - Attorney
4. Phil Combs - Claims Adjuster for GHS Insurance Company, a subsidiary of Blue Cross/Blue Shield;
5. Bert Marshall - Public Affairs Unit of Blue Cross/Blue Shield;
6. Phil Marsh - Director of Agent Licensing for the Oklahoma Insurance Department;
7. Stephen Garrett - Senior Vice President and General Counsel of American Fidelity Assurance Company;
8. Robert Thomas, Jr. - Vice President and Associate General Counsel for Mega Life and Health Insurance Company;
9. Justin Whitefield - Former General Counsel of Oklahoma Farm Bureau Mutual Insurance Company; and
10. Randy Compton - Certified Public Accountant.

As for this allegation, the Committee finds: Standing alone, this conduct does not in itself, constitute an impeachable offense. However, the conduct, when considered with other conduct presented in this report, exhibits a continuing pattern of activity which constitute the impeachable offenses of incompetency and corruption in office.

C.

CARROLL FISHER USED THE POSITION OF INSURANCE COMMISSIONER TO OBTAIN, DURING A POLITICAL CAMPAIGN, THE CONFIDENTIAL EMPLOYMENT APPLICATIONS AND DOCUMENTS OF HIS OPPONENT AND WRONGFULLY RELEASED SUCH CONFIDENTIAL INFORMATION TO THE PUBLIC.

With regard to the allegations that Carroll Fisher used the position of Insurance Commissioner to obtain, during a political campaign, the confidential employment

applications and documents of his opponent, the Committee took testimony and received documents from the following witnesses:

1. Rhonda Langley - Investigator for the Office of the Attorney General;
2. Greg Shields - Chief Investigator for the Fraud Unit of the Oklahoma Insurance Department;
3. Kim Decker - Governmental Affairs Representative for Farmers Insurance Company;
4. Wes Combs - Former Assistant General Counsel for the Oklahoma Insurance Department;
5. Frank Stone - Assistant Insurance Commissioner and Chief Actuary for the Oklahoma Insurance Department; and
6. George Phillips - General Counsel of the Oklahoma Insurance Department.

As for this allegation, the Committee finds: Carroll Fisher, while acting in his official capacity as Insurance Commissioner, obtained and then disseminated to the public the confidential employment application and accompanying documents of a political opponent. At the time of the request and at the time of the release of such information by the Commissioner, he was under a statutory duty not to disclose such confidential information.

By obtaining this confidential information and then releasing it to the public, Carroll Fisher gained a political advantage to the detriment of his political opponent. Therefore, the Committee finds that Insurance Commissioner Carroll Fisher's use of his official office and position to obtain and publicly disseminate confidential information to acquire an advantage and gain a benefit over his political opponent constitutes the impeachable offenses of wilful neglect of duty and corruption in office.

D.

CARROLL FISHER SOLICITED AND ACCEPTED GIFTS, IN THE FORM OF ARTWORK AND FURNITURE, FROM ENTITIES REGULATED BY THE INSURANCE DEPARTMENT.

With regard to the allegation that Carroll Fisher solicited and accepted gifts, in the form of artwork and furniture, from entities regulated by the Insurance Department, the Committee took testimony and received documents from the following witnesses:

1. Charlie Swinton - Senior Vice President of BancFirst;
2. Steve Simpson - Vice President of Brown Furniture Company of Shawnee;
3. Troy Wesnidge - Custom Furniture Manufacturer;
4. Angela Ables - Attorney
5. Charlie Morgan - Senior Vice President for Marketing and Government Relations for National American Insurance Company;
6. Nancy Tackett - Fiscal And Personnel Director for the Oklahoma Insurance Department;
7. Jay Galt - Former General Counsel for the Oklahoma Farmers Union Insurance Company;
8. Phillip Klutts - Former President of Oklahoma Farmers Union Insurance Company;
9. James Hodges - Owner of Hodges Restaurant Supply Company;
10. Jean Budd - Interior Designer and Owner of Interior Concepts;
11. Brian Renz - Senior Vice President of BancFirst;

12. Steven Najjar - Executive Vice President and General Counsel for Hanover and Sterling Holdings, Inc.;
13. Carol Palmer - Office Manager for the Assistant Receiver's Office;
14. Marcia Brejda - Former Financial Analyst for the Oklahoma Insurance Department;
15. Stephen McCaleb - Former Assistant General Counsel for the Oklahoma Insurance Department;
16. Jim Chastain - Former Assistant General Counsel for the Oklahoma Insurance Department;
17. Karl Kramer - Assistant General Counsel for the Oklahoma Insurance Department; and
18. John Beers - Chief Examiner for the Financial Division of the Oklahoma Insurance Department.

As for this allegation, the Committee finds: A "Form A" application by an entity controlled by Gene Phillips Group of Texas to acquire American Reserve Life Insurance Company, an Oklahoma domestic insurer, was denied by the Oklahoma Insurance Department in 1996 on the grounds that the applicant lacked capacity and integrity. After Carroll Fisher was elected Insurance Commissioner, the Gene Phillips Group re-filed the Form A application. The staff of the Oklahoma Insurance Department recommended that the Form A application be denied on the grounds last stated. The Chief Examiner of the Oklahoma Insurance Department conveyed the recommendation to Carroll Fisher. Carroll Fisher told the Chief Examiner that the Form A application would be approved regardless of such grounds. When told that the independent hearing examiner would likely not approve the application, Carroll Fisher removed the independent hearing examiner and acted as the hearing examiner and subsequently approved the application. At or about the same period of time, Carroll Fisher solicited and thereafter accepted approximately \$20,000 of furnishings and furniture from the Gene Phillips Group, for Carroll Fisher's office within the Insurance Department. Thereafter, Carroll Fisher acted as the hearing examiner whenever an entity controlled by the Gene Phillips Group filed an application to acquire control of other insurers. Carroll Fisher never sat as the hearing examiner on any application filed by anyone other than the Gene Phillips Group. Further, the foregoing represents a pattern and practice of and by Carroll Fisher in the solicitation and acceptance of furnishings and furniture from entities regulated by the Insurance Commissioner. The solicitation and acceptance of items of substantial value in exchange for favorable rulings constitutes an impeachable offense of corruption in office.

E.

CARROLL FISHER HAD DISTRIBUTED THOUSANDS OF "FRIENDS OF FISHER" STICKERS TO MEDICAL PROFESSIONALS ALONG WITH INSTRUCTIONS TO AFFIX THEM TO INSURANCE CLAIMS SUBMISSIONS OR PROBLEM CLAIMS CORRESPONDENCE TO OBTAIN FASTER CLAIMS PROCESSING SERVICE.

With regard to the "Friends of Fisher" sticker allegations, the Committee received documents from the following witness:

1. Marilyn Hughes - Executive Director of the Ethics Commission.

As for this allegation, the Committee finds: The evidence does not reflect activity which constitutes or rises to the level of an impeachable offense.

F.

CARROLL FISHER AUTHORIZED THE ISSUANCE OF 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.

With regard to the allegation that Carroll Fisher authorized the issuance of a check for over \$35,000.00 to a Florida attorney for "attorney fees and expenses," the committee took testimony and received documents from the following witness:

1. Steven Silverstein - Former Chairman of Heritage National Insurance Company; and
2. George Phillips - General Counsel of the Oklahoma Insurance Department.

As for this allegation, the Committee finds: The evidence available to the Committee at this time does not reflect activity which constitutes or rises to the level of an impeachable offense.

G.

CARROLL FISHER DEPOSITED A \$1,000.00 CAMPAIGN CONTRIBUTION CHECK INTO HIS OWN PERSONAL CHECKING ACCOUNT.

With regard to the allegation that Carroll Fisher deposited a \$1,000.00 campaign contribution check into his own personal checking account, the Committee took testimony and received documents from the following witnesses:

1. Tommy Butler - Criminal Investigator for the Multi-County Grand Jury Unit of the Office of the Attorney General;
2. David Hanigar - Auditor with the Office of the State Auditor and Inspector; and
3. Randy Compton - Certified Public Accountant.

As for this allegation, the Committee finds: The Committee received evidence that Carroll Fisher, while acting in his official capacity as Insurance Commissioner, received a \$1,000.00 check from an individual which was clearly intended as a campaign contribution for Carroll Fisher. On May 22, 2003, Carroll Fisher deposited the check into his personal bank account and subsequently drew on such balance. Carroll Fisher failed to report the campaign contribution to the Oklahoma Ethics Commission as required by law. State law and the rules of the Oklahoma Ethics Commission also prohibit the conversion of campaign funds for personal use. Insurance Commissioner Carroll Fisher's use of campaign funds for his personal benefit and failing to report such contribution constitute the impeachable offense of corruption in office.

IV.**Conclusion**

The Committee finds that the above allegations and the evidence presented relating thereto involving the actions of Insurance Commissioner Carroll Fisher constitute wilful neglect of duty, corruption in office, and incompetency. The Committee recommends the House of Representatives of the First Extraordinary Session of the Forty-ninth Legislature vote Articles of Impeachment against Carroll Fisher, Insurance Commissioner.

V.

Recommendations

The Committee makes the following recommendation to the Honorable House of Representatives;

1. That the following matters should be prepared, introduced and enacted as legislation in the First Session of the Fiftieth Legislature:

a. That the office of the Insurance Commissioner be changed from an elected office to an appointed office;

b. That all appointed or elected state officers be prohibited from soliciting or receiving any gifts from persons or entities regulated by such officers;

c. That the statutes be amended to prohibit the Insurance Commissioner from sitting as a hearing examiner within the Insurance Department; and

d. That all gifts to the state or any agency thereof shall be approved by the Governor before the delivery of such gift.

2. That this report be received, accepted, and approved.

3. That this report in its entirety shall be published in the Journal of the House of Representatives.

Respectfully submitted, on this 30th day of August, 2004,

Representative Opio Toure, Chair

Representative Frank Davis

Representative Larry Ferguson

Representative Ray McCarter

Representative John Nance

Representative Larry Rice

Representative Paul Roan

Representative Larry Roberts

Speaker Adair announced that the vote would now occur on adoption of the Committee's Report, which Report was declared adopted upon roll call as follows:

Aye: Adkins, Armes, Askins, Balkman, Bengé, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, Mass, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.-95.

Excused: O'Neal, Stanley.--2.

Constitutional Priv: Reynolds.--1.

Vacancy: Dist. 42, 78, 82.--3.

Speaker Adair announced the vote and declared that the question of adoption of the Report, having received a majority vote of those members present and voting, a quorum being present, was adopted.

ARTICLES OF IMPEACHMENT

At 9:52 a.m., pursuant to the Report of the Special Committee to Investigate the Insurance Commissioner created pursuant to **HR 1001**, First Extraordinary Session, Forty-ninth Legislature and adopted by the House of Representatives on Thursday, September 9, 2004, the House of Representatives proceeded with the business of consideration of the Articles of Impeachment.

House of Representatives
First Extraordinary Session of the Forty-ninth Legislature (2004)

ARTICLES OF IMPEACHMENT

Carroll Fisher was elected to the Office of Insurance Commissioner for the State of Oklahoma in 1998 and again in 2002, and he took the following oath of office required by Section 1 of Article XV of the Oklahoma Constitution:

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and that I will 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; I further swear (or affirm) that I will faithfully discharge my duties as _____ to the best of my ability."

While in office as Insurance Commissioner of the State of Oklahoma, Carroll Fisher, unmindful of his oath of office, and in violation of the Constitution and the laws of this state, has been guilty of willful neglect of duty, incompetency, and corruption in office. The House of Representatives hereby exhibits and presents to the Honorable Senate of the State of Oklahoma, Articles of Impeachment against Carroll Fisher, Insurance Commissioner, for cause, and upon grounds, and in particular as follows, to wit:

ARTICLE I

That Carroll Fisher, while acting in his official capacity as Insurance Commissioner, initiated and coordinated an official program of his office called "Continuing Education Day" a/k/a "C.E. Day" in which monies were solicited and collected from so-called sponsors and persons desiring to attend such program. No receipts were given for the monies collected pursuant to the C.E. Day program. Instead of depositing the monies collected with the State Treasurer, as required by state law, the monies were deposited into multiple personal bank accounts. The deposit of such monies into personal bank accounts is in violation of state law. Specifically, Section 7.1 of Title 62 of the Oklahoma Statutes provides in part:

"There is hereby created in the official depository in the State Treasury an agency clearing account for each state officer, department, board, commission, institution or agency of the state...It shall be the duty of each state agency, officer or employee, to deposit in the agency clearing account...all monies of every kind..."

In addition, at the time of the events set forth in this allegation, Section 341 of Title 21 of the Oklahoma Statutes provided in part as follows:

“Every public officer of the state...receiving any money or other thing of value on behalf of or for account of this state or any department of the government of this state...who...willfully omits or refuses to pay over to the state...any money or interest, profit or perquisites arising therefrom, received by him under any duty imposed by law so to pay over the same shall, upon conviction thereof, be deemed guilty of a felony...”

The actions and conduct of Insurance Commissioner Carroll Fisher in the mishandling of the C.E. Day program monies demonstrate his inability to manage the duties of the office of State Insurance Commissioner and therefore constitute the impeachable offenses of willful neglect of duty and incompetency.

ARTICLE II

That Carroll Fisher, while acting in his official capacity as Insurance Commissioner, improperly solicited monies for a charity he established from entities he regulates. This conduct exhibits a continuing pattern of activity which constitutes the impeachable offenses of incompetency and corruption in office.

ARTICLE III

That Carroll Fisher, while acting in his official capacity as Insurance Commissioner, obtained and then disseminated to the public the confidential employment application and accompanying documents of a political opponent. At the time of the request and at the time of the release of such information by the Commissioner, he was under a statutory duty not to disclose such confidential information.

By obtaining this confidential information and then releasing it to the public, Carroll Fisher gained a political advantage to the detriment of his political opponent. Insurance Commissioner Carroll Fisher’s use of his official office and position to obtain and publicly disseminate confidential information to acquire an advantage and gain a benefit over his political opponent constitutes the impeachable offenses of willful neglect of duty and corruption in office.

ARTICLE IV

That a “Form A” application by an entity controlled by the Gene Phillips Group of Texas to acquire American Reserve Life Insurance Company, an Oklahoma domestic insurer, was denied by the Oklahoma Insurance Department in 1996 on the grounds that the applicant lacked capacity and integrity. After Carroll Fisher was elected Insurance Commissioner, the Gene Phillips Group refiled the Form A application. The staff of the Oklahoma Insurance Department recommended that the Form A application be denied on the grounds last stated. The Chief Examiner of the Oklahoma Insurance Department conveyed the recommendation to Carroll Fisher. Carroll Fisher told the Chief Examiner that the Form A application would be approved regardless of such grounds. When told that the independent hearing examiner would likely not approve the application, Carroll Fisher removed the independent hearing examiner and acted as the hearing examiner and subsequently approved the application. At or about the same period of time, Carroll Fisher solicited and thereafter accepted approximately Twenty Thousand Dollars (\$20,000.00) of furnishings and furniture from the Gene Phillips Group, for Carroll Fisher’s office within the Insurance Department. Thereafter, Carroll Fisher acted as the hearing examiner whenever an entity controlled by the Gene Phillips Group filed an application to acquire control of other insurers. Carroll Fisher never sat as the hearing examiner on any

application filed by anyone other than an entity controlled by the Gene Phillips Group. Further, the foregoing represents a pattern and practice of and by Carroll Fisher in the solicitation and acceptance of furnishings and furniture from entities regulated by the Insurance Commissioner. The solicitation and acceptance of items of substantial value in exchange for favorable rulings constitutes an impeachable offense of corruption in office.

ARTICLE V

That Carroll Fisher, while acting in his official capacity as Insurance Commissioner, received a one-thousand-dollar check from an individual which was clearly intended as a campaign contribution for Carroll Fisher. On May 22, 2003, Carroll Fisher deposited the check into his personal bank account and subsequently drew on such balance. Carroll Fisher failed to report the campaign contribution to the Oklahoma Ethics Commission as required by law. State law and the rules of the Oklahoma Ethics Commission also prohibit the conversion of campaign funds for personal use. Insurance Commissioner Carroll Fisher's use of campaign funds for his personal benefit and failing to report such contribution constitute the impeachable offense of corruption in office.

Representative Toure explained Article I of the Articles of Impeachment against Carroll Fisher, Insurance Commissioner.

Speaker Adair announced that the vote would now occur on Article I of the Articles of Impeachment.

The question being, "Shall Article I of the Articles of Impeachment be adopted?"

The roll was ordered called and resulted as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--92.

Nay: Cox, Hefner, Mass.--3.

Excused: O'Neal, Stanley.--2.

Constitutional Priv: Reynolds.--1.

Vacancy: Dist. 42, 78, 82.--3.

The Speaker announced the vote and declared the question, having received a majority vote of those members present and voting, a quorum being present, was adopted.

Representative Toure explained Article II of the Articles of Impeachment against Carroll Fisher, Insurance Commissioner.

Speaker Adair announced that the vote would now occur on Article II of the Articles of Impeachment.

The question being, "Shall Article II of the Articles of Impeachment be adopted?"

The roll was ordered called and resulted as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hiatt, Hilliard, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--90.

Nay: Cox, Erwin, Hefner, Hutchison, Mass.--5.

Excused: O'Neal, Stanley.--2.

Constitutional Priv: Reynolds.--1.

Vacancy: Dist. 42, 78, 82.--3.

The Speaker announced the vote and declared the question, having received a majority vote of those members present and voting, a quorum being present, was adopted.

Representative Toure explained Article III of the Articles of Impeachment against Carroll Fisher, Insurance Commissioner.

Speaker Adair announced that the vote would now occur on Article III of the Articles of Impeachment.

The question being, "Shall Article III of the Articles of Impeachment be adopted?"

The roll was ordered called and resulted as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves,

Greenwood, Hamilton, Harrison, Hastings, Hiatt, Hilliard, Ingmire, Jones, Kirby, Lamons, Langmacher, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--88.

Nay: Cox, Erwin, Hefner, Hutchison, Leist, Mass, Smith.--7.

Excused: O'Neal, Stanley.--2.

Constitutional Priv: Reynolds.--1.

Vacancy: Dist. 42, 78, 82.--3.

The Speaker announced the vote and declared the question, having received a majority vote of those members present and voting, a quorum being present, was adopted.

Representative Toure explained Article IV of the Articles of Impeachment against Carroll Fisher, Insurance Commissioner.

Speaker Adair announced that the vote would now occur on Article IV of the Articles of Impeachment.

The question being, "Shall Article IV of the Articles of Impeachment be adopted?"

The roll was ordered called and resulted as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Erwin, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hiatt, Hilliard, Hutchison, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--92.

Nay: Cox, Hefner, Mass.--3.

Excused: O'Neal, Stanley.--2.

Constitutional Priv: Reynolds.--1.

Vacancy: Dist. 42, 78, 82.--3.

The Speaker announced the vote and declared the question, having received a majority vote of those members present and voting, a quorum being present, was adopted.

Representative Toure explained Article V of the Articles of Impeachment against Carroll Fisher, Insurance Commissioner.

Speaker Adair announced that the vote would now occur on Article V of the Articles of Impeachment.

The question being, "Shall Article V of the Articles of Impeachment be adopted?"

The roll was ordered called and resulted as follows:

Aye: Adkins, Armes, Askins, Balkman, Benge, Blackburn, Blackwell, Bonny, Boren, Braddock, Brannon, Calvey, Carey, Cargill, Case, Claunch, Coleman, Covey, Cox, Dank, Davis, Deutschendorf, DeWitt, Dorman, Eddins, Ellis, Ericson, Ferguson, Gilbert, Graves, Greenwood, Hamilton, Harrison, Hastings, Hefner, Hiatt, Hilliard, Ingmire, Jones, Kirby, Lamons, Langmacher, Leist, Lindley, Liotta, Maddux, McCarter, McClain, McIntyre, Miller (Doug), Miller (Ray), Morgan (Danny), Morgan (Fred), Nance, Nations, Newport, Paulk, Perry, Peters, Peterson (Pam), Peterson (Ron), Pettigrew, Phillips, Piatt, Plunk, Pope, Rice, Roan, Roberts, Roggow, Smaligo, Smith, Smithson, Staggs, Steele, Sweeden, Taylor, Tibbs, Toure, Trebilcock, Turner, Tyler, Vaughn, Walker, Wells, Wilson, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--92.

Nay: Erwin, Hutchison, Mass.--3.

Excused: O'Neal, Stanley.--2.

Constitutional Priv: Reynolds.--1.

Vacancy: Dist. 42, 78, 82.--3.

The Speaker announced the vote and declared the question, having received a majority vote of those members present and voting, a quorum being present, was adopted.

Speaker Adair stated that all Articles of Impeachment against Carroll Fisher, Insurance Commissioner of the State of Oklahoma, presented to the House of Representatives on Thursday, September 9, 2004, have been adopted by the House of Representatives.

MOTION

Representative Rice moved that the House stand at ease to the Call of the Chair, which was the order.

Speaker Adair Presiding**RESOLUTION**

The following was introduced and read:

HR 1003 – By Rice.

A Resolution regarding Articles of Impeachment against Carroll Fisher, Insurance Commissioner; authorizing Board of Managers; empowering Board of Managers to employ staff.

RESOLUTION FOR CONSIDERATION

HR 1003 was called up for consideration.

Upon motion of Representative Rice, **HR 1003** was considered and adopted.

HR 1003 was referred for enrollment.

ENGROSSED AND ENROLLED MEASURE

HR 1003 was reported correctly enrolled, properly signed, in open session, and ordered transmitted to the Secretary of State.

APPOINTMENT OF BOARD OF MANAGERS

Speaker Adair announced that pursuant to 51 O.S. 2001 § 58, the following Members were appointed as a Board of Managers to prosecute the impeachment charges against Insurance Commissioner, Carroll Fisher:

Frank Davis, Chair
John Carey
Larry Ferguson
Ron Langmacher
Fred Morgan
Larry Roberts

Upon motion of Representative Rice, the above appointments were confirmed.

APPOINTMENTS

The Speaker announced the following appointments:

June 17, 2004 – Representatives Braddock and Nations appointed as Members of the Task Force on Deregulation of the Telecommunications Service Provider Industry. (**SCR 74**, 2004)

June 17, 2004 – Representative Deutschendorf appointed as Co-Chair and Representative Perry appointed as a Member of the Electronic and Information Technology Accessibility Advisory Council. (**HB 2197**, Section 4, 2004)

June 28, 2004 – Representatives Covey, Hiett and Wells appointed as Members of the Wind Power Assessment Committee. (**SB 1212**, Section 1, 2004)

June 28, 2004 – Representative Hamilton appointed as a Member of the Advisory Council on Cord Blood. (**HB 2306**, Section 2, 2004)

June 29, 2004 – Representative Toure appointed as Chair and Representative Harrison appointed as a Member of the Integrated Justice Information Systems Steering Committee. (**HB 2109**, Section 1, 2004)

June 29, 2004 – Representatives Braddock, Carey, Case, Ingmire and Miller (Ray) appointed as Members of the Joint Committee on Interstate Cooperation. (74 O.S. 423)

June 29, 2004 – Representatives Staggs and Walker appointed as Members of the Public Retirement Systems Benefit Design and Equity Task Force. (**HB 2536**, Section 1, 2004)

July 1, 2004 – Representative Askins appointed as Chair of the House Appropriations and Budget Committee replacing former Representative Mitchell.

July 7, 2004 – Representative Eddins appointed as Vice-Chair of the Legislative Oversight Committee on State Budget Performance, replacing former Representative Mitchell. (**HB 1256**, Section 3, 2003)

July 7, 2004 – Representative Blackburn appointed as Chair of the Joint Legislative Committee for Review of Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases. (**SB 1180**, Section 1, 1994)

July 7, 2004 – Representative Sweeden appointed as Co-Chair and Representatives Armes and Braddock appointed as Members of the Waste Tire Recycling Indemnity Fund Joint Task Force. (**SCR 66**, 2004)

July 7, 2004 – Representatives Turner and Deutschendorf appointed as Co-Chairs and Representatives Askins, Balkman, Blackwell, DeWitt, Jones, Lamons, McClain, Smith, Steele, Taylor and Walker appointed as Members of the Special Committee to Study Rural Housing.

July 9, 2004 – Representative Roberts reappointed to the Oklahoma Educational Technology Trust. (Appointment by Representative Staggs as Chair of the Common Education Committee)

July 15, 2004 – Representative Blackwell appointed as a Member of the Task Force on School District General Fund Carryover Standards. (Appointment by Representative Hiatt as Minority Floor Leader)(**SB 1114**, Section 3, 2004)

July 26, 2004 – Representative Toure reappointed as a Member of the Affirmative Action Review Council. (**HB 2331**, Section 25, 1994)

August 5, 2004 – Representative Morgan (Danny) appointed as Co-Chair of the Public Utility Purchased Power Study Commission. (**SCR 73**, 2004)

August 9, 2004 – Representative Braddock appointed as Chair and Representative Nance appointed as a Member of the Methamphetamine Education Task Force. (**HB 1427**, Section 1, 2004)

August 9, 2004 – Representative Eddins appointed as Vice-Chair and Representatives Gilbert, Hamilton, Lindley, Steele and Winchester appointed as Members of the Joint Legislative Task Force on Patient Safety. (**HB 1569**, 2004)

August 9, 2004 – Representative Winchester appointed as a Member of the Breast and Cervical Cancer Prevention and Treatment Advisory Committee. (**SB 1609**, Sections 1-5, 2004)

August 11, 2004 – Representative Hamilton appointed as Chair of the Joint Legislative Committee for Review of Coordination of Efforts for Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases, replacing Representative Blackburn. (**SB 1180**, Section 1, 1994)

August 11, 2004 – Representative McCarter appointed as Vice-Chair and Representative Brannon appointed as a Member of the Task Force on School District General Fund Carryover Standards. (**SB 1114**, 2004)

August 17, 2004 – Representatives Staggs and Toure reappointed as Members of the Minority Teacher Recruitment Advisory Committee. (**HB 2557**, Section 1, 1998)

August 18, 2004 – Representative Lindley appointed as Chair of the Advancement of Hispanic Students in Higher Education Task Force. (**HB 2145**, Section 1, 2004)

August 18, 2004 – Representative Hamilton appointed as a Member of the Advisory Council on Pain Management. (**HB 2305**, Section 1, 2004)

August 23, 2004 – Representative Harrison appointed as a Commissioner of the State of Oklahoma to the national Conference of Commissioners on Uniform State Laws, replacing Representative Askins. (74 O.S. 471)

August 24, 2004 – Representative Ingmire appointed as Vice-Chair of the Oklahoma Sentencing Commission. (22 O.S. 1503)

Representative Rice moved that when the clerk's desk is clear, the House stand adjourned to the Call of the Chair, which was the order.

Pursuant to the motion of Representative Rice, the House was adjourned at 10:35 a.m., to reconvene at the Call of the Chair.

ADDENDUM

The following communication was received from the Office of the Governor on September 24, 2004:

Honorable Brad Henry
Governor of the State of Oklahoma

Dear Sir:

It is with deep regret that I notify you that I effective this date resign as the State Insurance Commissioner.

/s/ Gordon Carroll Fisher
State Insurance Commissioner