



**GENTNER DRUMMOND
ATTORNEY GENERAL**

April 12, 2024

Via Hand Delivery and Email

OSBI Commission
OSBI Headquarters
6600 North Harvey Place
Oklahoma City, OK 7311
OSBI.commissioners@osbi.ok.gov
vregalado@tcsso.org

Re: 24-MC-001, OSBI Case Summary/Director Aungela Spurlock

Chairman Regalado,

On February 26, 2024, you forwarded a request from the OSBI Commission (the "Commission") that you chair to investigate complaints lodged against OSBI Director Spurlock related to disciplinary action taken against now retired Special Agent Kimmons.¹ The three written complaints by Mr. Kimmons and his wife (collectively the "Kimmons complaints") alleged criminal wrongdoing and policy violations by Director Spurlock.

I determined that the appropriate scope of review by my office was to investigate for any evidence of criminal acts or omissions. Determinations and interpretations of OSBI internal policy are the purview of the OSBI administration and, in this instance, the Commission.

I directed my office's Criminal Justice Division (CJD) to thoroughly review and investigate the Kimmons complaints. Over the past six weeks agents and attorneys within the CJD have done exactly that. The investigation included interviews of all witnesses with potentially relevant information and the review of numerous documents including a transcript of the executive session from the February 21, 2024, meeting of the Commission where Mr. Kimmons, Mrs. Kimmons, and Director Spurlock separately and individually addressed the Kimmons complaints to the Commission.

After an extensive review of all available evidence, I have determined that no evidence of criminal wrongdoing by Director Spurlock exists. The Kimmons complaints alleged: The encouragement of fraud by requiring a doctor's note in order for Mr. Kimmons to use sick leave for his absence from work until he reached his desired retirement date. The evidence indicates that the use of sick leave was initially requested by Mr. Kimmons' attorney and that the request

¹ Per a transcript provided by OSBI's Chief Legal Counsel, the Commission meeting authorizing the referral occurred on February 21, 2024.

for a doctor's note was consistent with OSBI policy to require a doctor's note for medical absences exceeding three days. This complaint is unfounded.

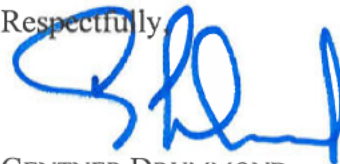
- (1) "Blackmail" or "extortion" for including as a condition of the employment separation agreement between OSBI and Mr. Kimmons that "the complaint filed with the Commission against the Director by Mr. Kimmons' wife will be withdrawn and there will be no further complaints filed, nor will any information be discussed with or leaked to the press regarding the OSBI, or the Director." While I do not condone a state agency conditioning a separation agreement upon the withdrawal of complaints made against the agency's director or upon agreeing not to share non-confidential information with the media, under the circumstances present here, doing so did not constitute a crime. Additionally, the evidence indicates that this condition was requested by OSBI's Chief Legal Counsel not by Director Spurlock. While Director Spurlock may have been made aware of the request at some point during the negotiations with Mr. Kimmons' attorney, no evidence exists that this request was made at the direction of Director Spurlock.

The Kimmons complaints also allege that Mr. Kimmons was "harassed" and "intimidated" by the OSBI at Director Spurlock's direction. The implication of the Kimmons complaints is that Mr. Kimmons was targeted for termination by Director Spurlock. While involuntary separation from employment after many years of commendable service understandably produces feelings of anger and questions regarding the fairness of the process, the evidence fails to support their accusations.

The circumstances leading to Mr. Kimmons' forced separation from OSBI justified Director Spurlock's decision. The evidence from other witnesses and documentation corroborates Director Spurlock's assertion that her motivation in negotiating the timing of Mr. Kimmons' retirement was to allow Mr. Kimmons' to "retire and go out with a little grace."

The investigation by my office did not reveal any criminal acts or omissions or any misconduct by Director Spurlock. The findings contained within this correspondence conclude the Attorney General's review of the Kimmons complaints as requested by the Commission.

Respectfully,



GENTNER DRUMMOND
Attorney General