

December 2, 2024

Via E-Mail: margaret.kerr@ethics.ok.gov

Margaret C. Kerr
General Counsel
Oklahoma Ethics Commission
2300 N. Lincoln Blvd., Room G-27
Oklahoma City, OK 73105

RE: RESPONSE TO INVESTIGATIVE SUBPOENA DUCES TECUM ISSUED TO WALTERS FOR STATE SUPERINTENDENT 2022

Dear Ms. Kerr:

We represent Ryan Walters and the Walters for State Superintendent 2022 Committee in connection with the Investigative Subpoena Duces Tecum (“Subpoena”) issued by the Oklahoma Ethics Commission (the “Commission”) on October 14, 2024. This correspondence serves as our formal response to the Subpoena.

1. The March 2024 Settlement Agreement Resolved Any Investigation Into this Matter.

The Subpoena states that it pertains to an investigation into Walters for State Superintendent 2022 for alleged violations of Ethics Campaign Finances Rules. But the Subpoena does not reference the specific Rules alleged to have been violated or explain how the referenced October 2024 investigation differs from the investigation concerning alleged contribution violations of the Ethics Campaign Finances Rules settled on March 6, 2024. Thus, it is Mr. Walters and the Walters for State Superintendent 2022 Committee’s understanding that the Settlement Agreement with the Commission in March 2024 resolved any investigation into this matter. The Subpoena and any other attempt to reopen or revisit those settled issues with a new investigation or otherwise is improper and inconsistent with the terms and conditions of the Settlement Agreement.

2. The Subpoena’s Document Requests are Impermissibly Overbroad and Vague.

The Subpoena also impermissibly requests “all documents” from the Walters for State Superintendent 2022 Committee related to numerous broad categories spanning over four years. Because the Subpoena fails to identify the specific conduct under investigation or articulate a clear nexus between the requests and the alleged violations, the Subpoena fails to comply with constitutional and procedural requirements. This lack of specificity also renders it impossible for Mr. Walters and the Walters for State Superintendent 2022 Committee to determine the relevance of the requested documents. Furthermore, these requests are impermissibly overbroad, unduly burdensome, and not reasonably tailored to the alleged conduct or violations being investigated.

3. Non-Existence of Responsive Documents.

Without waiving the foregoing objections and despite conducting a reasonable inquiry, Mr. Walters and the Walters for State Superintendent 2022 Committee do not possess or control the documents requested in the Subpoena. As such, Mr. Walters and the Walters for State Superintendent 2022 Committee lack any responsive documents to produce.

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In sum, given the Settlement Agreement resolving any investigation into this matter, the Subpoena's failure to articulate the basis for the current inquiry, the impermissible breadth of the requests, Mr. Walters and the Walters for State Superintendent 2022 Committee respectfully object to the Subpoena's requests and also lack any responsive documents to produce. But we remain available to discuss these issues further if the Commission wishes to narrow the scope of its requests or provide further clarification regarding the subject matter of the investigation.

Sincerely,

/s/ Timothy Davis

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