

# Oklahoma State Senate

**Andrew Rice**  
Senator District 46



Phone: (405) 521-5610  
Fax: (405) 530-2328

State Capitol Building  
2300 North Lincoln  
Oklahoma City, OK 73105

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Attorney General Scott Pruitt  
Office of the Attorney General  
313 NE21st Street  
Oklahoma City, OK 73105

Dear Attorney General Pruitt:

Please accept this letter as a request for a formal opinion of the Attorney General of Oklahoma pursuant to 74 Okla. Stat. (Supp. 2010) §18b(A)(17) to answer the following:

1. May a person perform official duties of a state agency with compensation paid by a private person or entity?
2. If the answer to Question No. 1 is "yes", is the state agency responsible for the acts and omissions of such a person?
3. If the answer to Question No. 1 is "yes", is such a person an "employee" for purposes of the Governmental Tort Claims Act?
4. If the answer to Question No. 1 is "yes", may such a person command state employees of the agency as subordinates?
5. If the answer to Question No. 4 is "yes", is the state agency responsible for the acts or omissions of a state employee when carrying out the commands of such a person?
5. If the answer to Question No. 1 is "yes", may such a person utilize state property and, if so, under what limitations?
6. If the answer to Question No. 1 is "yes", is such a person covered for workers' compensation benefits by the state agency?

7. If the answer to Question No. 1 is "yes", is such a person entitled to any benefit to which a state employee performing similar functions would be entitled (*e.g.*, health benefits, retirement benefits, longevity benefits)?

8. If the answer to Question No. 1 is "yes", are the acts and omissions of such a person covered by the sovereign immunity of the State of Oklahoma for purposes of the Eleventh Amendment to the Constitution of the United States?

9. If the answer to Question No. 1 is "yes", is such a person subject to the same controls and accountability as an employee of the agency whose compensation is paid by the agency?

10. If the answer to Question No. 1 is "yes", how is such a gift accepted by the State of Oklahoma?

In answering these questions please consider, among other things, Okla. Const., Art. 15 §1 (Constitutional Oath of Office), 74 Okla. Stat. (2001) §840-2.8 (Oklahoma Personnel Act), and O.A.C. 257:20-1-3 (Rules of the Oklahoma Ethics Commission).

Sincerely,



SENATOR ANDREW RICE  
522 State Capitol Building  
2300 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
405-521-5610