

OKLAHOMA ATTORNEY GENERAL

Chief of Staff: Melissa Houston

Chief Financial Officer: Curt McMurphy

FY'15 Projected Division/Program Funding By Source						
	Appropriations	Federal	Revolving	Local	Other*	Total
Administration	\$206,329		\$2,460,845		\$2,233,127	\$4,900,301
Civil Rights	\$616,138		\$212,982			\$829,120
Criminal Appeals	\$2,092,663		\$48,000		\$86,000	\$2,226,663
General Counsel	\$267,000		\$3,173,115			\$3,440,115
Litigation	\$2,148,019				\$1,463,600	\$3,611,619
Medicaid Fraud		\$2,291,589	\$5,048,491		\$150,000	\$7,490,080
Multi-County Grand Jury	\$1,066,729	\$25,000			\$893,700	\$1,985,429
Public Protection	\$726,000		\$1,312,470		\$1,050,000	\$3,088,470
Public Utilities	\$492,460				\$33,550	\$526,010
Solicitor General	\$3,519,773		\$9,100		\$34,600	\$3,563,473
Tobacco Enforcement	\$192,886				\$494,337	\$687,223
Victims' Services	\$4,564,099	\$1,628,851	\$988,171		\$10,000	\$7,191,120
Workers' Compensation	\$266,000		\$1,784,472		\$30,000	\$2,080,472
Legal Aid (pass-through)	\$904,726					\$904,726
Justice Reinvestment	\$2,000,000					\$2,000,000
Information Services					\$1,170,935	\$1,170,935
Total	\$19,062,821	\$3,945,440	\$15,037,646	\$0	\$7,649,849	\$45,695,756

Case settlements make up 100% of "Other" funding and approximately 17% of total funding.

FY'14 Carryover by Funding Source						
	Appropriations	Federal	Revolving	Local	Other*	Total
FY'14 Carryover	\$2,772,238	\$0	\$5,472,468	\$0	\$3,870,230	\$12,114,936

Case settlements make up the majority of the "Other" carryover funding.

What Changes did the Agency Make between FY'14 and FY'15	
1.) Are there any services no longer provided because of budget cuts?	N/A
2.) What services are provided at a higher cost to the user?	N/A
3.) What services are still provided but with a slower response rate?	N/A
4.) Did the agency provide any pay raises that were not legislatively/statutorily required?	Yes

FY'16 Requested Division/Program Funding By Source						
	Appropriations	Federal	Revolving	Other	Total	% Fav/(UnF)
Administration				\$4,879,800	\$4,879,800	0%
Civil Rights	\$484,000			\$284,982	\$768,982	7%
Criminal Appeals	\$2,115,000			\$134,150	\$2,249,150	-1%
General Counsel			\$3,462,600		\$3,462,600	-1%
Litigation	\$2,174,000			\$1,464,250	\$3,638,250	-1%
Medicaid Fraud		\$2,080,708	\$4,678,197	\$150,000	\$6,908,905	8%
Multi-County Grand Jury	\$1,134,000	\$25,000		\$843,700	\$2,002,700	-1%
Public Protection	\$670,000		\$424,000	\$1,916,600	\$3,010,600	3%
Public Utilities	\$459,000			\$33,550	\$492,550	6%
Solicitor General	\$3,068,909			\$262,791	\$3,331,700	7%
Tobacco	\$194,000			\$510,000	\$704,000	-2%
Victims' Services	\$4,564,099	\$1,628,851	\$541,615	\$427,923	\$7,162,488	0%
Workers' Compensation	\$266,000		\$1,346,136	\$448,000	\$2,060,136	1%
Legal Aid	\$904,726				\$904,726	0%
Justice Reinvestment	\$2,000,000				\$2,000,000	0%
Information Services				\$975,000	\$975,000	17%

Total	\$18,033,734	\$3,734,559	\$10,452,548	\$12,330,746	\$44,551,587	3%
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Case settlements make up 100% of "Other" funding and approximately 28% of total funding.

FY'16 Top Five Appropriation Funding Requests

	\$ Amount
Water Rights	\$ 2,500,000
Office of Civil Rights	\$ 575,000
Tobacco Settlement Compliance	\$ 500,000
Justice Reinvestment Grant	\$ 2,000,000
Total Increase above FY-15 Funding	\$ 5,575,000

How would the agency handle a 3% appropriation reduction in FY'16?

Vacant positions would not be filled timely, current rates for services performed would be increased, state agency and government clients may choose to outsource legal advise where possible, domestic violence shelter funding and services would decrease, and OAG core services would decline.

How would the agency handle a 5% appropriation reduction in FY'16?

Vacant positions would not be filled timely, current rates for services performed would be increased, state agency and government clients may choose to outsource legal advise where possible, domestic violence shelter funding and services would decrease, OAG core services would decline and justice reimbursement funding would be reduced.

Is the agency seeking any fee increases for FY'16?

	\$ Amount
N/A	\$0
	\$0
	\$0

What are the agency's top 2-3 capital or technology (one-time) requests, if applicable?

N/A

Federal Government Impact

1.) How much federal money received by the agency is tied to a mandate by the Federal Government?

None

2.) Are any of those funds inadequate to pay for the federal mandate?

N/A

3.) What would the consequences be of ending all of the federal funded programs for your agency?

There would be an approximate 30% reduction in shelter funding across the State.

4.) How will your agency be affected by federal budget cuts in the coming fiscal year?

N/A

5.) Has the agency requested any additional federal earmarks or increases?

No

Division and Program Descriptions

Administration

Administration is primarily responsible for agency management and direction. Administration is responsible for setting the agency's mission and its

goals and performance measures needed to obtain that mission. Administration also houses the centralized functions of the agency essential to all units and sections. This would include finance, accounting, file clerks, receptionist, and senior management. Administration makes sure that the day to day needs, such as proper supplies and support of all staff are met so they may accomplish the goals set by their units/sections and by the agency as a whole. This program also establishes the direction the agency will go in reaching out to the citizens of Oklahoma. Administration plans on continuing the identification and implementation of new legal solutions to persistent problems. Also to look for innovative ways to maintain employee morale and improve work product.

Solicitor General

The purpose of the Office of Solicitor General is to protect special interests of the State of Oklahoma. The Solicitor General is the chief appellate lawyer for the State of Oklahoma and serves as one of the top legal advisors to the Attorney General.

Legal Services

The Legal Services Division consists of the Public Utility Unit, Civil Rights, General Counsel, Litigation, Criminal Appeals and Public Protection. The overall mission of the Legal Services Division is to provide the core statutory legal services to agencies and the citizens of the State of Oklahoma.

Public Utilities-The Attorney General's Public Utility Unit represents ratepayers in utility rate related matters in all state or federal proceedings in the areas of natural gas, electric power, and telecommunications.

Civil Rights-The Office of Civil Rights Enforcement was created by the State legislature to replace the Human Rights Commission and is the only state office with the authority to investigate and enforce the mandates of the Oklahoma Anti-Discrimination Act.

General Counsel-The General Counsel Unit provides legal advice and counsel to approximately 325 state officers, agencies, boards and commissions. On an ongoing basis, the unit provides advice and counsel to 125-150 of these entities. The section also prepares official Attorney General Opinions in response to questions of law from state officers, represents agencies and officers in administrative and civil actions (including appeals), reviews Inter-local agreements submitted pursuant to the Inter-local Cooperation Act, and reviews, (in the Attorney General's capacity as ex officio Bond Commissioner), approximately 150 bond issues annually for compliance with the laws of the State of Oklahoma.

Litigation-The Litigation Unit represents state agencies, officers and employees when they are sued in any civil action. The section also brings civil actions to recover monies wrongfully taken from the state, and it defends and intervenes in cases wherein a party challenges the constitutionality of the State Constitution and State Statutes.

Criminal Appeals-The Criminal Appeals Unit upholds the convictions of the guilty and ensures that the punishment imposed by judges and juries are carried out, provides quality responses that will aid the courts in ruling on issues of law and in the development of new legal precedents, provides training to judges and prosecutors to reduce errors made at trial, provides updates on legal issues through fielding inquiries, seminars and legal publications, represents the State's prison wardens by filing responses to petitions for writ of habeas corpus filed in federal courts by Oklahoma's prisoners; represents judges who are sued through writs of mandamus and prohibition, informs crime victims on the status of death penalty cases as they progress through the appellate process.

Public Protection- The mission of the Public Protection Unit is to protect consumers from fraudulent and unfair practices through law enforcement and education. The vision of the Public Protection Unit is to be a responsive cutting edge organization dedicated to protecting the public and solving community problems through the education of consumers, fair enforcement of consumer laws and cooperation and coordination with other law enforcement agencies. The Public Protection Unit enforces the Oklahoma Consumer Protection Act, the Home Repair Fraud Act, state and federal antitrust laws, and other consumer laws. The Unit administers Oklahoma's "Do Not Call" registry and program. The PPU provides educational programs and materials on consumer issues.

Tobacco Enforcement

Under the Master Settlement Agreement (MSA), that was entered into with major tobacco companies, Oklahoma is projected to receive an annual payment between \$72,000,000 and \$74,000,000.00. Under the MSA Oklahoma was required to enact a statute that requiring non-participating manufacturers to fund an escrow statute based upon their sales within the state. If Oklahoma failed to enforce the provisions of that statute in any given year, it could lose a substantial portion of its annual payment. The companies that joined the Master Settlement Agreement filed an arbitration proceeding against Oklahoma and other states arguing that they failed to enforce their escrow statutes and caused them to suffer a market share loss. The arbitration panel ruled that in determining whether a state enforced its escrow statute it considered the collection rate of escrow owed; the reliability of data reported by tobacco manufacturers and distributors; resources allocated to enforcement of the escrow statute; lawsuits filed against non-compliant companies; prevention of future sales by non-compliant manufacturers and efforts to become aware of other states' enforcement efforts and legislation. Oklahoma settled potential arbitrations for years 2003 through 2013. As a result of that settlement, the state agreed to enhance its enforcement efforts. The Attorney General's Tobacco Enforcement Unit collects monthly cigarette sales reports from tobacco distributors; conducts audits, as necessary of those reports; conducts inspection of tobacco retailers for non-compliant cigarettes; reviews Pact Act reports submitted by Tobacco Product Manufacturers; reviews applications from Tobacco Product manufacturers to be listed on the Oklahoma Attorney General's Tobacco registry; files lawsuits against non-compliant manufacturers and brings actions against individuals selling contraband tobacco products. The goal of the Tobacco Enforcement Unit is to have all cigarette products correctly reported and escrow paid on all sales by non-participating manufacturers, to prevent Oklahoma from losing any part of its annual MSA payment.

Multi-County Grand Jury

The MCGJ Unit serves as legal advisor to the Multi-County Grand Jury, processes and assigns District Attorney Recusals Statewide, prosecutes special cases initiated within the unit, assists in special prosecutions with State District Attorneys and Attorney General investigations, is legal advisor for County Grand Juries where DA has been disqualified, investigates and acts upon Title 51 Citizen Complaints, and represents Medical Examiners in 751 hearings.

Medicaid Fraud

The MFCU has two missions: 1) Investigate and prosecute Medicaid provider fraud; 2) Investigate and prosecute abuse, neglect and financial exploitation in Oklahoma nursing facilities that receive Medicaid funds. With the implementation of the Affordable Care Act, Medicaid will become a larger program and will likely entail the increase of the unit. The MFCU recouperates and transfers between \$1mm-\$5mm annually to the General Fund.

Workers' Compensation

The Workers' Compensation Fraud Unit investigates and prosecutes cases of workers' compensation fraud in Oklahoma.

Insurance Fraud

The Insurance Fraud Unit investigates and prosecutes cases of insurance fraud in Oklahoma.

Victims' Services

The Victim Services Unit works to improve services for crime victims. The unit oversees funding and certification for domestic violence and sexual assault programs across the State. The unit also provides statewide and regional training for law enforcement officers, prosecutors, victim advocates, health care professionals, and various other service providers. The Victims Services Unit also provides appellate notification and advocacy to survivors and victim's families in death penalty cases.

FY'16 Budgeted FTE						
	Supervisors	Classified	Unclassified	\$0 - \$35 K	\$35 K - \$70 K	\$70 K - \$\$\$
Administration	6		28	8	13	7
Civil Rights	1		5	1	2	2
Criminal Appeals	1		21	2	9	10
General Counsel	1		31	2	6	23
Litigation	1		23	2	10	11
Medicaid Fraud	1		25	2	18	5
Multi-County Grand Jury	3		13	2	7	4
Public Protection	2		16	3	10	3
Public Utilities	1		5	0	3	2
Solicitor General	1		6	0	3	3
Tobacco	1		6	0	5	1
Victims' Services	1		7	1	5	1
Workers' Compensation	2		20	2	16	2
Total	22	0	206	25	107	74

FTE History					
	2015 Budgeted	2014	2010	2009	2004
Administration	26	27	26	26	
Civil Rights	8	0	0	0	
Criminal Appeals	23	20	18	20	
General Counsel	30	26	23	26	
Litigation	26	26	23	26	
Medicaid Fraud	30	24	20	22	
Multi-County Grand Jury	13	11	9	10	
Public Protection	17	18	15	16	
Public Utilities	5	5	4	5	
Solicitor General	4	4	3	4	
Tobacco	5	16	5	5	
Victims' Services	8	8	7	7	
Workers' Compensation	19	18	15	15	
Total	213	203	168	182	0

These numbers/
statistics
unavailable
- 11/9/12

Performance Measure Review					
	FY'13	FY'12	FY'11	FY'10	FY'09
State Legal Team Continue to be the State's most knowledgeable and economical legal team.					
Legal Liability Training Offer instruction, training and education to state agencies through seminars and educational material directed at helping agencies avoid legal liability.					

Revolving Funds (200 Series Funds)			
	FY'12-14 Avg. Revenues	FY'12-14 Avg. Expenditures	Jan '15 Balance
200-Attorney General Revolving Fund			
74 O.S. § 20, 62 O.S. § 15, 68 O.S. § 360.4, 74 O.S. § 181, and 82 O.S. § 1020.16, - The fund is used to deposit funds from attorney contracts with other agencies, sale of Opinion copies and for case settlements. The fund is used for payroll and operating expenditures for the OAG.	\$4,176,193	\$6,837,784	\$784,966
205-Telemarketer Revolving Fund			
15 O.S. § 775B.7 - This fund is from telemarketing companies that purchase the Do Not Call list. Funds are used for the purpose of implementing, administering, and/or enforcing the provisions of the Telemarketer Restriction Act.	\$122,866	\$118,366	\$196,854
210-Charitable Solicitations Revolving Fund			
18 O.S. § 552.7 - Fees from registrations of professional fundraisers. 18 O.S. § 552.9 - Fees from registration of solicitors working for professional fundraisers. Funds are used to help retain one full time lawyer for the enforcement of all statutes governing charitable organizations and contributions	\$43,747	\$50,000	\$168,537
220-Workers' Compensation Revolving Fund			
74 O.S. § 19.2 - This fund is used strictly for payroll and operating expenditures in the Workers' Comp Fraud Unit.	\$798,021	\$684,566	\$145,469
225-Insurance Fraud Revolving Fund			
74 O.S. § 19.3 - This fund is used strictly for payroll and operating expenditures in the Insurance Fraud Unit.	\$426,002	\$493,862	\$567,724
240-Court Appointed Special Advocate			
47 O.S. § 1135.5 (OSCN 2012) 12 - Crime Victims Awareness License Plates funds are used to contract with statewide nonprofit organizations to provide services to crime victims. The amount is given entirely to the CASA programs.	\$214,090	\$182,125	\$98,436
245-Medicaid Fraud Revolving Fund			
74 O.S. § 19.3 - This fund is used strictly for payroll and operating expenditures in the Insurance Fraud Unit. Any funds exceeding one-half of the Medicaid Fraud Unit expense budget are sweep annually with 75% going to the State General Fund and 25% to the Attorney General Evidence Fund.	\$4,780,291	\$2,770,075	\$1,814,279
250-Legal Services Revolving Fund			
12 O.S. § 14 921.1 G - Funds appropriated to provide legal representation to indigent persons in this state in civil legal matters.	\$904,843	\$904,843	\$225,979
255-Domestic Violence, Sexual Assault Fund			
68 O.S. § 2368.22 - Beginning with the 2011 tax year, Oklahoma income tax returns allow a donation from tax refunds for the benefit of domestic violence and sexual assault services in Oklahoma. Revenue from sale of special license plates is also deposited in this fund.	\$11,822	\$0	\$13,050
260-Victims' Services Revolving Fund			

28 O.S. Supp 2007 § 153 F - A fund established for the OAG to collect \$3 fine fees from offenders to be used for domestic violence prevention in the state. Each month the counties add to the fund the amount due and the OAG's office remits the funds to women's shelters and other public centers which provide services to victims of domestic violence, sexual assault, and other violent crimes.	\$486,047	\$601,398	\$114,231
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