

**IN THE DISTRICT COURT IN AND FOR THE COUNTY OF OKLAHOMA
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 TERRY SCOTT O'DONNELL,)
)
 and)
)
 TERESA McAFEE O'DONNELL,)
)
 Defendants.)

CF - 2021-5624
 Case No. _____

FILED IN DISTRICT COURT
 OKLAHOMA COUNTY
 DEC 17 2021
 RICK WALKEN
 COURT CLERK
 27 _____

INDICTMENT

**FOR: VIOLATION OF A PROVISION OF LAW REGULATING OFFICIAL CONDUCT, 21 O.S. § 343 [3 COUNTS, BEING COUNTS 1, 2 & 6]
 USING ACCESS TO COMPUTERS TO VIOLATE OKLAHOMA STATUTES, 21 O.S. § 1958 [2 COUNTS, BEING COUNTS 3 & 5]
 PERJURY, 21 O.S. § 491 [1 COUNT, BEING COUNT 4]
 OBTAINING A THING OF VALUE EXCEEDING FIFTEEN THOUSAND DOLLARS IN VALUE, 21 O.S. § 1541.1 & 1541.2 [1 COUNT, BEING COUNT 7]
 CONSPIRACY AGAINST THE STATE, 21 O.S. § 424 [1 COUNT, BEING COUNT 8]:**

By the *Order* dated and filed on the 29th day of September, 2021, of the Honorable Ray C. Elliott, District Judge for the Seventh Judicial District, State of Oklahoma, this Oklahoma County Grand Jury, being composed of good and lawful men and woman, was legally drawn and summoned to appear according to law on the 18th day of October, 2021, A.D., and then and there examined, impaneled, sworn and duly-charged according to law by the grand jury's duly-assigned Presiding Judge, the Honorable Don Andrews, District Judge, to diligently inquire into and true presentment make of all public offenses against the State of Oklahoma committed and triable

within the county of Oklahoma County, State of Oklahoma, upon their Oaths and in the name and by the authority of the State of Oklahoma, we do present and find that:

**COUNT 1 -- VIOLATION OF A PROVISION OF LAW REGULATING
OFFICIAL CONDUCT (21 O.S. § 343):**

On or about the 6th day of March, 2019, A.D., the defendant, **TERRY SCOTT O'DONNELL**, in Oklahoma County, Oklahoma, did willfully, knowingly and unlawfully commit the offense of *Violation of a Provision of Law Regulating Official Conduct, to-wit, Oklahoma Constitution art. V, § 24*, the same providing as follows:

“A member of the Legislature, who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon”,

that is to say, that on or about said date, said defendant, in the aforesaid County and State, served Oklahoma House of Representatives District 23 as a State Representative, having been previously been elected and having previously qualified as said officer by subscribing within said County and State as aforesaid the *Oath of Office* required by *Oklahoma Constitution*, art. V, § 1, by stating upon his Oath:

“I, Terry O'Donnell, 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 State Representative to the best of my ability”,

and, then and there, on the date first stated above, and contrary to said *Oklahoma Constitution* art. V, § 24, that regulated his conduct as State Representative, did not disclose his personal or private interest the substantive changes of law proposed in House Bill 2098 of the 57th Oklahoma Legislature, nor abstain from voting thereon, but did instead vote “aye” thereon upon the initial passage of said Bill, the same being a Bill he had authored and had previously had filed with the Clerk of the Oklahoma State House of Representatives, that, among other things:

A. removed a statutory requirement previously imposed by the Legislature in 1987, that had provided:

“No person shall be appointed as a motor license agent unless the person has attested under oath that the person is not related by affinity or consanguinity within the third degree to:

1. Any member of the Oklahoma Legislature;
2. Any person who has served as a member of the Oklahoma Legislature within the two-year period preceding the date of appointment as motor license agent; or
3. Any employee of the Tax Commission”,

by amending and re-writing said provision to provide as follows:

“No person shall be appointed as a motor license agent unless the person has attested under oath that the person is not related by affinity or consanguinity within the third degree to:

1. Any member of the Oklahoma Tax Commission; or
2. Any employee of the Tax Commission”;

B. and further by amending and rewriting a statutory restriction, also enacted in 1987, that had previously provided:

“That the location specified in the application for appointment as a motor license agent not be owned by a member of the Oklahoma Legislature or any person related to a member of the Oklahoma Legislature within the third degree by consanguinity or affinity”,

to state instead:

“That the location specified in the application for appointment as a motor license agent not be owned by a member of the Oklahoma Tax Commission or an employee of the Oklahoma Tax Commission or any person related to a member of the Oklahoma Tax Commission or an employee of the Tax Commission within the third degree by consanguinity or affinity”;

thereby removing certain statutory restrictions upon the Oklahoma Tax Commission’s authority to appoint Motor License Agents previously preventing Representative O’Donnell’s wife, Teresa McAfee O’Donnell, from making an application for Motor License Agent for Catoosa, Oklahoma, during the time defendant **TERRY SCOTT O’DONNELL** served in the Oklahoma Legislature and for

an additional period of two (2) years thereafter, and permitting Teresa McAfee O'Donnell to continue to locate the Catoosa Tag Agency upon real property owned and/or controlled by McAfee Properties, Inc., an Oklahoma corporation, then owned by the Georgia E. McAfee Living Trust, and in which McAfee family members within the third degree of affinity to Representative O'Donnell had a beneficial interest, defendant **TERRY SCOTT O'DONNELL** then and there also knowing full well that Mrs. O'Donnell did then work part-time and for several years previously for Mrs. O'Donnell's seventy-four year old mother, Georgia Ellen McAfee, who was then the Motor License Agent for Catoosa, Oklahoma, and from whom Mr. and Mrs. O'Donnell had jointly enjoyed many thousands of dollars of income that the said Georgia Ellen McAfee had paid Mrs. O'Donnell for work performed for said tag agency, which was then deposited into Mr. and Mrs. O'Donnell's joint checking account and from which defendant **TERRY SCOTT O'DONNELL** did jointly benefit and in which he was interested; that defendant **TERRY SCOTT O'DONNELL** and Mrs. O'Donnell had a reasonable expectation that absent the aforesaid statutory barriers that had existed since 1987 preventing Mrs. O'Donnell from making an application for Motor License Agent, that Mrs. O'Donnell would be appointed successor Motor License Agent to Mrs. McAfee since Mrs. McAfee then already had the legal statutory right to submit a contingent resignation to the Oklahoma Tax Commission

in favor of Mrs. O'Donnell and thereby control the discretion of the Oklahoma Tax Commission regarding the appointment of her successor pursuant to legislation statutorily authorizing such a contingent resignation defendant **TERRY SCOTT O'DONNELL** as State Representative had also unlawfully voted in favor to approve in 2018, and defendant **TERRY SCOTT O'DONNELL** also knew full well that the said Catoosa Motor License Agency itself was a valuable thing as an on-going business that annually produced many tens of thousands of dollars profit to the Motor License Agent, and that he had a personal or private interest in both the present operation of the said Motor License Agency and the future transfer of said Motor License Agency from Georgia Ellen McAfee to his wife, Teresa McAfee O'Donnell; and further, by amending and rewriting in the same legislation another statutory provision that had previously imposed a flat fee limit on Motor License Agents of One Dollar (\$1.00) for each document notarized, to instead effectively increase the maximum amount charged as a fee for performing notarial services to Five Dollars (\$5.00) for each document so notarized, thereby increasing the potential revenue available to Motor License Agents such as his mother-in-law Georgia Ellen McAfee and her employee, Teresa McAfee O'Donnell, for performing such notarial services,

C. and further by rewriting another provision of the same statute to increase the amount charged customers for mailing motor vehicle tags and decals to

customers from a flat fee of One Dollar (\$1.00) for mailing a motor vehicle tag, to authorize the cost of postage plus One Dollar and Twenty-five cents (\$1.25) for mailing a vehicle tag, from charging a flat fee of Fifty Cents (\$0.50) for mailing a vehicle decal to increase to allow the cost of postage plus One Dollar (\$1.00) for the mailing of a vehicle decal, and to increase a flat fee of Fifty Cents (\$0.50) for mailing any other form, title, decal or device provided in the Oklahoma Motor Vehicle Act to include the cost of mailing plus One Dollar (\$1.00), and knowing full well that he had a personal or private interest in both the present operation of the said Motor License Agency by his mother-in-law, Georgia Ellen McAfee, and by his wife, Teresa McAfee O'Donnell, and therefore he had an additional personal or private interest in promoting and obtaining such a change of law;

D. and further, by amending and rewriting in the same legislation yet another statutory provision that had required that Motor License Agencies be open at least four (4) hours per week in the evening hours or on Saturday, subject to the approval of the Oklahoma Tax Commission, by striking and eliminating all of that mandate that formerly had accommodated the public thereby removing that obligation to the public from the then-present operations of the Motor License Agency then operated by his mother-in-law, Georgia Ellen McAfee and his wife, Teresa McAfee O'Donnell, and in which he had an additional personal or private

interest in promoting and obtaining such a change; all of the aforesaid having been committed by defendant **TERRY SCOTT O'DONNELL** contrary to Section 343 of Title 21 of the Oklahoma Statutes, and against the Peace and Dignity of the State of Oklahoma.

COUNT 2 -- VIOLATION OF A PROVISION OF LAW REGULATING OFFICIAL CONDUCT (21 O.S. § 343):

On or about the 22nd day of April, 2019, A.D., the defendant, **TERRY SCOTT O'DONNELL**, in Oklahoma County, Oklahoma, did willfully, knowingly and unlawfully commit the offense of *Violation of a Provision of Law Regulating Official Conduct, to-wit, Oklahoma Constitution art. V, § 24*, the same providing as follows:

“A member of the Legislature, who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon”,

that is to say, that on or about said date, defendant **TERRY SCOTT O'DONNELL**, in the aforesaid County and State, served Oklahoma House of Representatives District 23 as a State Representative, having previously been elected and having previously qualified as said officer by subscribing within said County and State as aforesaid the

Oath of Office required by *Oklahoma Constitution*, art. V, § 1, by stating upon his

Oath:

“I, Terry O’Donnell, 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 State Representative to the best of my ability”,

and, then and there, on the date first stated above, and contrary to said *Oklahoma Constitution* art. V, § 24, that regulated his conduct as State Representative, did not disclose his personal or private interest the substantive changes of law proposed in House Bill 2098 of the 57th Oklahoma Legislature, nor abstain from voting thereon, but did instead vote “aye” thereon upon the final passage of said Bill, the same being a Bill he had authored and had previously had filed with the Clerk of the Oklahoma State House of Representatives, that, among other things:

A. removed a statutory requirement previously imposed by the Legislature in 1987, that had provided:

“No person shall be appointed as a motor license agent unless the person has attested under oath that the person is not related by affinity or consanguinity within the third degree to:

1. Any member of the Oklahoma Legislature;
2. Any person who has served as a member of the Oklahoma Legislature within the two-year period preceding the date of appointment as motor license agent; or
3. Any employee of the Tax Commission”;

by amending and re-writing said provision to provide as follows:

“No person shall be appointed as a motor license agent unless the person has attested under oath that the person is not related by affinity or consanguinity within the third degree to:

1. Any member of the Oklahoma Tax Commission; or
2. Any employee of the Tax Commission”;

B. and further by amending and rewriting a statutory restriction, also enacted in 1987, that had previously provided:

“That the location specified in the application for appointment as a motor license agent not be owned by a member of the Oklahoma Legislature or any person related to a member of the Oklahoma Legislature within the third degree by consanguinity or affinity”;

to state instead:

“That the location specified in the application for appointment as a motor license agent not be owned by a member of the Oklahoma Tax Commission or an employee of the Oklahoma Tax Commission or any person related to a member of the Oklahoma Tax Commission or an employee of the Tax Commission within the third degree by consanguinity or affinity”;

thereby removing the statutory restrictions upon the Oklahoma Tax Commission's authority to appoint Motor License Agents previously preventing Representative O'Donnell's wife, Teresa McAfee O'Donnell, from making an application for Motor License Agent for Catoosa, Oklahoma, during the time defendant **TERRY SCOTT O'DONNELL** served in the Oklahoma Legislature and for an additional period of two (2) years thereafter, and permitting Teresa McAfee O'Donnell to continue to locate the Catoosa Tag Agency upon real property owned and/or controlled by McAfee Properties, Inc., an Oklahoma corporation, then owned by the Georgia E. McAfee Living Trust, and in which McAfee family members within the third degree of affinity to Representative O'Donnell had a beneficial interest, defendant **TERRY SCOTT O'DONNELL** then and there also knowing full well that Mrs. O'Donnell did then work part-time and for several years previously for Mrs. O'Donnell's seventy-four year old mother, Georgia Ellen McAfee, who was then the Motor License Agent for Catoosa, Oklahoma, and from whom Mr. and Mrs. O'Donnell had jointly enjoyed many thousands of dollars of income that the said Georgia Ellen McAfee had paid Mrs. O'Donnell which was then deposited into Mr. and Mrs. O'Donnell's joint checking account and from which Representative O'Donnell did jointly benefit and in which he was interested; that defendant **TERRY SCOTT O'DONNELL** and Mrs. O'Donnell had a reasonable expectation that absent the aforesaid statutory barriers

that had existed since 1987 preventing Mrs. O'Donnell from making an application for Motor License Agent, that Mrs. O'Donnell would be appointed successor Motor License Agent to Mrs. McAfee since Mrs. McAfee then already had the legal statutory right to submit a contingent resignation to the Oklahoma Tax Commission in favor of Mrs. O'Donnell and thereby control the discretion of the Oklahoma Tax Commission regarding the appointment of her successor pursuant to legislation statutorily authorizing such a contingent resignation the defendant as State Representative had also unlawfully voted in favor to approve in 2018, and the defendant also knew full well, that the said Catoosa Motor License Agency itself was a valuable thing as an on-going business that annually produced many tens of thousands of dollars profit to the Motor License Agent, and that defendant **TERRY SCOTT O'DONNELL** had a personal or private interest in both the present operation of the said Motor License Agency and the future transfer of said Motor License Agency from Georgia Ellen McAfee to his wife, Teresa McAfee O'Donnell;

C. and further, by amending and rewriting in the same legislation another statutory provision that had previously imposed a flat fee limit on Motor License Agents of One Dollar (\$1.00) for each document notarized, to instead effectively increase the maximum amount charged as a fee for performing notarial services to Five Dollars (\$5.00) for each document so notarized, thereby increasing the potential

revenue available to Motor License Agents such as his mother-in-law Georgia Ellen McAfee and her employee, Teresa McAfee O'Donnell, for performing such notarial services, and further by rewriting another provision of the same statute to increase the amount charged customers for mailing motor vehicle tags and decals to customers from a flat fee of One Dollar (\$1.00) for mailing a motor vehicle tag, to authorize the cost of postage plus One Dollar and Twenty-five cents (\$1.25) for mailing a vehicle tag, from charging a flat fee of Fifty Cents (\$0.50) for mailing a vehicle decal to increase to allow the cost of postage plus One Dollar (\$1.00) for the mailing of a vehicle decal, and to increase a flat fee of Fifty Cents (\$0.50) for mailing any other form, title, decal or device provided in the Oklahoma Motor Vehicle Act to include the cost of mailing plus One Dollar (\$1.00), and knowing full well that he had a personal or private interest in both the present operation of the said Motor License Agency by his mother-in-law, Georgia Ellen McAfee, and by his wife, Teresa McAfee O'Donnell, and therefore he had an additional personal or private interest in promoting and obtaining such a change of law;

D. and further, by amending and rewriting in the same legislation yet another statutory provision that had required that Motor License Agencies be open at least four (4) hours per week in the evening hours or on Saturday, subject to the approval of the Oklahoma Tax Commission, by striking and eliminating all of that

mandate that formerly had accommodated the public thereby removing that obligation to the public from the then-present operations of the Motor License Agency then operated by his mother-in-law, Georgia Ellen McAfee and his wife, Teresa McAfee O'Donnell, and in which he had an additional personal or private interest in promoting and obtaining such a change; all of the aforesaid having been committed by defendant **TERRY SCOTT O'DONNELL** contrary to Section 343 of Title 21 of the Oklahoma Statutes, and against the Peace and Dignity of the State of Oklahoma.

**COUNT 3 -- USING ACCESS TO COMPUTERS TO VIOLATE OKLAHOMA STATUTES
(21 O.S. § 1958):**

On or about the 29th day of July, 2019, A.D., the crime of *Using Access to Computers to Violate Oklahoma Statutes* was committed in Oklahoma County, State of Oklahoma, by defendants **TERRY SCOTT O'DONNELL**, by willfully, corruptly, deceitfully, fraudulently and feloniously using access to computers to violate Oklahoma Statutes, including the offenses as further alleged in Counts 4, 6, 7 and 8 of this *Indictment* and incorporated as if fully printed herein, by defendant **TERRY SCOTT O'DONNELL** who used a computer to communicate with a computer assigned to the Executive Director of the Oklahoma Tax Commission to email three (3) Portable Document Format (PDF) files to said defendant Mastin, *to wit*: a PDF file named "Tag Agency Documents.pdf" the same being a completed *Application for Motor License Agency* form completed and purportedly signed by defendant **TERRY SCOTT O'DONNELL**'s wife, Teresa McAfee O'Donnell; a PDF file named "McAfee Letter.pdf," being a contingent resignation purportedly offered by Motor License

Agent Georgia Ellen McAfee, dated July 29, 2019, and purportedly signed by Georgia Ellen McAfee, the mother of said Teresa McAfee O'Donnell, Mrs. McAfee being the then Motor License Agent for Catoosa, Oklahoma; and a PDF file of personal check number 5950, dated July 28, 2019, payable to the order of "OTC" in the amount of One Hundred Dollars (\$100.00), that was written upon the joint checking account of Teresa McAfee O'Donnell and defendant **TERRY SCOTT O'DONNELL** at Arvest Bank, with the memo "application fee" noted thereon, and the purported signature of Teresa McAfee O'Donnell, the aforesaid being emailed from defendant O'Donnell's email account shown as "tso@savagelaw.cc" to the Executive Director of the Oklahoma Tax Commission at his email address at the Oklahoma Tax Commission in Oklahoma City, Oklahoma County, State of Oklahoma, attached to an email transmitting the following message:

"Tony,

"Attached is Georgia McAfee's Contingent Letter of Resignation.

"Also attached are a fully completed application for an Oklahoma Motor License Agency; the \$100 Application Fee (copy of check); Affidavit confirming operation of the Motor License Agency as the Primary Source of Income; Estimated budget for the Tag Office; and Affidavit of Compliance with Personal Computer Requirement.

"I will forward you the bonding information to you through a separate email.

"I will bring the check for the Application Fee to the Oklahoma Tax Commission this morning if that is necessary.

"Once you have received this material, please contact me via my cell phone (918) 645-9015.

"Terry S. O'Donnell
Savage, O'Donnell, Affeldt, Weintraub & Johnson
110 W 7th Street, Suite 1010
Tulsa, OK 74119
918 599 8400
918 599 8444Fax";

the aforesaid email and PDF attachments being thereafter forwarded by said Executive Director of the Oklahoma Tax Commission to the Director of the Motor Vehicle Division of the Oklahoma Tax Commission, and said Executive Director of the Oklahoma Tax Commission did thereafter present the same, or cause such Application to be presented to the Tax Commissioners of the Oklahoma Tax Commission for approval of said Teresa McAfee O'Donnell become contracted with the Oklahoma Tax Commission as Motor License Agent for Catoosa, Oklahoma, although approval thereof was barred by *Oklahoma Constitution* art. V, § 23, all of the aforesaid being committed for the purpose of the O'Donnells unlawfully obtaining a thing of value, *to-wit*, a contract with the Oklahoma Tax Commission, an agency of the State of Oklahoma, said contract being of a value exceeding Fifteen Thousand Dollars (\$15,000.00), *to-wit*, authorization to operate an existing Oklahoma Motor License Agency in Catoosa, Oklahoma, locally known as the Catoosa Tag Agency, that had generated Two Hundred Eighty-Eight Thousand, One Hundred Forty-seven Dollars (\$288,147.00) in gross Motor License Agent fees in FY 2016, Two Hundred Ninety Thousand, Fifty Seven Dollars (\$290,057.00) in gross Motor License Agent fees in FY 2017 and Two Hundred Eighty-three Thousand, Three Hundred Twenty-Three Dollars (\$283,323.00) in gross Motor License Agent fees in FY 2018, while the applicant, Teresa McAfee O'Donnell, the wife of defendant **TERRY SCOTT O'DONNELL**, personally estimated the annual cost of running said Motor License Agency would be approximately One Hundred Seventy-seven Thousand Dollars (\$177,000.00), and defendant **TERRY SCOTT O'DONNELL** understood that if appointed Motor License Agent, Mrs. O'Donnell would personally receive and enjoy the difference between the gross revenues of said Motor License Agency together with her husband, defendant **TERRY SCOTT O'DONNELL**, and thereby obtain and enjoy the future profits from the said Catoosa Tag Agency for defendant **TERRY**

SCOTT O'DONNELL and his spouse's use and benefit; all of the same being committed in violation of Section 1958 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma;

COUNT 4 -- PERJURY BY FALSE CERTIFICATION (21 O.S. § 491):

On or about the 29th day of July, 2019, A.D., the crime of **Perjury** was committed in Oklahoma County, Oklahoma, by the defendants, **TERESA McAFEE O'DONNELL** and **TERRY SCOTT O'DONNELL**. That is to say that on or about said date and within said County and State, defendants willfully, corruptly, deceitfully, fraudulently and feloniously tendered to the Oklahoma Tax Commission, an agency of the State of Oklahoma, for consideration by it, a completed *Application for Motor License Agent* form, said *Application* being a mandatory source of information to the Oklahoma Tax Commission about an applicant for Motor License Agent that according to said agency's lawful policy must be completed in order for the applicant to be considered for Motor License Agent, and all of the information included in said *Application* was required to be certified, subscribed and sworn to before a Notary Public by the applicant as to its completeness and correctness, stating:

"I certify that all information given by me in regard to my application for employment as a motor license agent is complete and correct to the best of my knowledge and belief";

and that said sworn, certified information would then be relied upon as true and correct by the Oklahoma Tax Commission's staff and by the Tax Commissioners in determining whether the applicant should be contracted with as a Motor License Agent, that the *Application* so submitted then and there by the said defendants on behalf of defendant Teresa McAfee O'Donnell in reference to defendant **TERESA McAFEE O'DONNELL's** "Employment History" showed that

she currently was an employee of the Catoosa Tag Agency and that her specific duties were to “Manage the daily operation of the office: customer support, problem solving, reporting,” that she supervised “4 clerks,” that her present supervisor was “Georgia McAfee, Tag Agent,” that the exact title of her position was “Assistant Manager/Clerk,” and that the agency could “check” with her “PRESENT supervisor” regarding her “job experience,” when in truth and fact the defendants well and truly knew that defendant **TERESA McAFEE O’DONNELL** did not “manage the daily operation of the office,” but was only a part-time worker therein who did not supervise any other tag agency employees nor hold the title of “Assistant Manager,” and that Georgia Ellen McAfee, the applicant’s tag agent mother and named “supervisor,” was at the very moment of the tendering of said *Application* in hospice care at Mrs. McAfee’s home, and only from time to time semi-conscious, and was in truth and fact unavailable and unable to answer any questions from the Oklahoma Tax Commission about the applicant’s “job experience;” all of the foregoing being then and there committed by said defendants in violation of Section 491 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

**COUNT 5 -- USING ACCESS TO COMPUTERS TO VIOLATE OKLAHOMA STATUTES
(21 O.S. § 1958):**

On or about the 29th day of July, 2019, A.D., the crime of *Using Access to Computers to Violate Oklahoma Statutes* was committed in Oklahoma County, State of Oklahoma, by defendant **TERRY SCOTT O’DONNELL**, by willfully, corruptly, deceitfully, fraudulently and feloniously using access to computers to violate Oklahoma Statutes, including the offenses as further alleged in Counts 4, 6, 7 and 8 of this *Indictment* and incorporated herein as if fully printed, by defendant **TERRY SCOTT O’DONNELL** emailing one (1) Portable Document Format (PDF) file, to wit: a

PDF file named "Bond.pdf" the same being a completed *Bond/Motor License Agent* form together with the company's power of attorney, signed by Jamie Burris on behalf of Old Republic Surety Company for Fifty-five Thousand Dollars (\$55,000.00), binding the same with Teresa M. O'Donnell to the Oklahoma Tax Commission, to secure the faithful performance of Teresa M. O'Donnell in collecting vehicle license fees, vehicle excise tax, title fees, drivers' license fees and boat and motor license fees in Rogers County, Oklahoma; the aforesaid PDF being emailed from defendant **TERRY SCOTT O'DONNELL**'s email account shown as "tso@savagelaw.cc" to the Executive Director or the Oklahoma Tax Commission's office email address at the Oklahoma Tax Commission in Oklahoma City, Oklahoma County, State of Oklahoma, attached to an email transmitting the following message:

"Tony,

"Attached is the Bond required for Teresa's application.

"Please let me know if anything else is needed.

"Thanks.

"Terry S. O'Donnell
Savage, O'Donnell, Affeldt, Weintraub & Johnson
110 W 7th Street, Suite 1010
Tulsa, OK 74119
918 599 8400
918 599 8444 Fax";

the aforesaid email and PDF attachment being thereafter forwarded by said Executive Director of the Oklahoma Tax Commission to the Director of the Motor Vehicle Division of the Oklahoma Tax Commission in support of Teresa McAfee O'Donnell's, *Application for Motor License Agent*, who was defendant **TERRY SCOTT O'DONNELL**'s wife, and said Executive Director did

thereafter present or cause said *Application* to be presented to the Tax Commissioners of the Oklahoma Tax Commission for approval of said Teresa McAfee O'Donnell as Motor License Agent for Catoosa, Oklahoma, although approval thereof was barred by *Oklahoma Constitution* art. V, § 23, all of the foregoing being committed for the purpose of the O'Donnells unlawfully obtaining a thing of value, *to-wit*, a contract with the Oklahoma Tax Commission, an agency of the State of Oklahoma, said contract being of a value exceeding Fifteen Thousand Dollars (\$15,000.00), *to-wit*, authorization to operate an existing Oklahoma Motor License Agency in Catoosa, Oklahoma, locally known as the Catoosa Tag Agency, that had generated Two Hundred Eighty-Eight Thousand, One Hundred Forty-seven Dollars (\$288,147.00) in gross Motor License Agent fees in FY 2016, Two Hundred Ninety Thousand, Fifty Seven Dollars (\$290,057.00) in gross Motor License Agent fees in FY 2017 and Two Hundred Eighty-three Thousand, Three Hundred Twenty-Three Dollars (\$283,323.00) in gross Motor License Agent fees in FY 2018, while the applicant, Teresa McAfee O'Donnell, the wife of defendant **TERRY SCOTT O'DONNELL**, personally estimated the annual cost of running said Motor License Agency would be approximately One Hundred Seventy-seven Thousand Dollars (\$177,000.00), and defendant **TERRY SCOTT O'DONNELL** understood that if appointed Motor License Agent, Mrs. O'Donnell would personally receive and enjoy the difference between the gross revenues of said Motor License Agency together with her husband, defendant **TERRY SCOTT O'DONNELL**, and thereby obtain and enjoy the future profits from the said Catoosa Tag Agency for defendant **TERRY SCOTT O'DONNELL** and his spouse's use and benefit, the same being committed in violation of Section 1958 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma;

COUNT 6 -- VIOLATION OF A PROVISION OF LAW REGULATING OFFICIAL CONDUCT (21 O.S. § 343):

On or about the 1st day of August, 2019, A.D., the defendants, **TERRY SCOTT O'DONNELL** and **TERESA McAFEE O'DONNELL**, in Oklahoma County, Oklahoma, did willfully, knowingly, unlawfully and corruptly commit the offense of *Violation of a Provision of Law Regulating Official Conduct, to-wit, Oklahoma Constitution art. V, § 23*, the same providing in relevant portion as follows:

“No member of the Legislature . . . during the term for which he shall have been elected, or within two years thereafter, be interested, directly or indirectly, in any contract with the State, or any county or other subdivision thereof, authorized by law passed during the term for which he shall have been elected.”,

that is to say, that on or about said date, defendant **TERRY SCOTT O'DONNELL**, in the aforesaid County and State, served Oklahoma House of Representatives District 23 as a State Representative, having been previously elected, and having previously qualified, as said officer by subscribing within said County and State as aforesaid the *Oath of Office* required by *Oklahoma Constitution*, art. V, § 1, by stating upon his Oath:

“I, Terry O'Donnell, 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 State Representative to the best of my ability”,

and, then and there, on the date first stated above, and contrary to said *Oklahoma Constitution* art. V, § 23, that regulated his conduct as State Representative, defendant **TERRY SCOTT O'DONNELL** became directly or indirectly interested in a contract with the State of Oklahoma authorized by law passed during the term for which he was elected, the said contract being a contract awarded on the date first stated herein between the Oklahoma Tax Commission, an agency of the State of Oklahoma, and defendant **TERESA McAFEE O'DONNELL**, the wife of said Representative O'Donnell, for Mrs. O'Donnell to act as a Motor License Agent of the said Oklahoma Tax Commission by becoming an independent contractor with the Oklahoma Tax Commission, the statutory approval of said contract and its terms being allowed under statutes enacted during the elected terms of said Representative O'Donnell, *to-wit*:

- A. In preparation thereto, through the enactment of House Bill 3278 of the 56th Oklahoma Legislature of which Representative O'Donnell was a duly-elected and -qualified member, which authorized the appointment of a successor Motor License Agent to assume the location of an existing Motor License Agency, when the existing Motor License Agent submits a resignation contingent upon the approval of the named successor Motor License Agent, thereby restricting applicants for successor to the person named by the existing Motor License Agent, and upon

which Representative O'Donnell unlawfully voted "aye" for its final passage on May 2, 2018;

B. In further preparation thereto, through the enactment of Senate Bill 1439 of the 56th Oklahoma Legislature of which Representative O'Donnell was a duly-elected and -qualified member, which, among other things, provided discretionary authority to the said Oklahoma Tax Commission, or its designees, to select applicants to be interviewed for Motor License Agent in the place of prior legislation that required all such applicants to be so interviewed, and upon which Representative O'Donnell unlawfully voted "aye" for its final passage on or about May 25, 2018;

C. In further preparation thereto, through the enactment of House Bill 2098 of the 57th Oklahoma Legislature, authored by said Representative O'Donnell, that, among other things, repealed the existing statutory requirement that formerly had required all applicants for Motor License Agents to attest under oath that the applicant was not related by affinity or consanguinity within the third degree to any member of the Oklahoma Legislature, nor related to any person who had served in the Legislature within the two (2) year period preceding the date of appointment of the said applicant, and also removing the statutory prohibition that the location specified in an application for appointment as a Motor License Agent not be owned by a member of the Oklahoma Legislature or any person related to a member of the Oklahoma Legislature within the third degree by consanguinity or affinity, and upon which Representative O'Donnell unlawfully voted "aye" for its final passage on or about March 6, 2019;

all of the aforesaid having been then and there committed by the said defendants contrary to Section 343 of Title 21 of the Oklahoma Statutes, and against the Peace and Dignity of the State of Oklahoma.

COUNT 7 -- OBTAINING A THING OF VALUE EXCEEDING FIFTEEN THOUSAND DOLLARS IN VALUE BY FALSE PRETENSES (21 O.S. § 1541.1 & 1541.2):

On or about the 1st day of August, 2019, A.D., the crime of **Obtaining a Thing of Value Exceeding Fifteen Thousand Dollars in Value by False Pretenses** was committed in Oklahoma County, State of Oklahoma, against the Oklahoma Tax Commission, an agency of the State of Oklahoma, by defendants **TERRY SCOTT O'DONNELL** and **TERESA McAFEE O'DONNELL**, who willfully, corruptly, deceitfully, fraudulently and feloniously offered certain material information as true that was known by them to be untrue, in a verified *Application for Oklahoma Motor License Agency, to-wit:* that defendant **TERESA McAFEE O'DONNELL**, aided and abetted by defendant **TERRY SCOTT O'DONNELL**, represented as true and correct in the aforesaid *Application* that she was "Assistant Manager/Clerk" of the Catoosa Tag Agency, that she supervised "4 Clerks," and that she "Manage[d] the daily operation of the office, customer services support, problem solving, reporting, and that the then-Motor License Agent, Georgia McAfee was resigning as Motor License Agency upon the contingency of said defendant **TERESA McAFEE O'DONNELL** being appointed Motor License Agent, when in truth and fact said defendant **TERESA McAFEE O'DONNELL** was only a part-time employee of the Catoosa Tag Agency whose duties were no different from other employees in said office, and who had no supervisory authority over the other employees of Catoosa Tag Agency, and also knowing that the said Georgia McAfee had died in the early-morning house of July 30, 2019, thus dissolving the

formerly existing agency between Georgia McAfee and the Oklahoma Tax Commission, did not bring said fact to the knowledge of the Tax Commissioners for the Oklahoma Tax Commission, though said Defendants had knowledge that the Tax Commissioners were meeting to consider said Application at their meeting on August 1, 2019, and said defendant **TERESA McAFFE O'DONNELL** did so generally represent herself as a lawful applicant for a contract as a Motor License Agent to the Oklahoma Tax Commission, when in truth and fact such a contract was Constitutionally barred as between the Oklahoma Tax Commission and defendant **TERESA McAFFE O'DONNELL** by *Oklahoma Constitution*, art. V, § 23; all for the purpose of deceiving the Oklahoma Tax Commission and its staff reviewing said *Application* regarding her actual qualifications to become a Motor License Agent for Catoosa, Oklahoma, and thereby obtain a valuable thing, the same being a contract between the Oklahoma Tax Commission and defendant **TERESA McAFEE O'DONNELL** to perform the duties of Motor License Agent in Catoosa, Oklahoma, the said contract being a valuable thing exceeding Fifteen Thousand Dollars (\$15,000.00) in value, the gross revenue received in Motor License Agent fees therefrom exceeding Two Hundred Eighty-Eight Thousand Dollars (\$288,000.00) in FY 2016, exceeding Two Hundred Ninety Thousand Dollars (\$290,000.00) in FY 2017, and Two Hundred Eighty-three Thousand Dollars (\$283,000.00) in FY 2018, while defendant **TERESA McAFEE O'DONNELL** personally estimated the annual cost of running said Motor License Agency would be approximately One Hundred Seventy-seven Thousand Dollars (\$177,000.00), and understood that she, when appointed Motor License Agent, would personally receive and enjoy the difference with her husband, defendant **TERRY SCOTT O'DONNELL**; all of the foregoing having been committed with the intent to beat, cheat and defraud the aforesaid Oklahoma Tax Commission to

award her said valuable contract for said Motor License Agency contrary to the provisions of Sections 1541.1 and 1541.2, of the Oklahoma Statutes, and against the Peace and Dignity of the State of Oklahoma;

COUNT 8 -- CONSPIRACY AGAINST THE STATE (21 O.S. § 424):

During a time period commencing on or about the 25th day of April, 2018, A.D., through an unknown date but including the 1st day of August, 2019, A.D., the crime of **Conspiracy Against the State** was committed in Oklahoma County, Oklahoma, by the defendants, **TERRY SCOTT O'DONNELL, TERESA McAFEE O'DONNELL** and other natural persons. That is to say that at all times prior to and during the entirety of the *Conspiracy*, the *Constitution of the State of Oklahoma* did provide in Article V, § 24, as follows:

“A member of the Legislature, who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon”;

that is to further say that at all times prior to and during the entirety of the *Conspiracy*, the *Constitution of the State of Oklahoma* did provide in Article V, § 23, in relevant part, as follows:

“No member of the Legislature . . . during the term for which he shall have been elected, or within two years thereafter, be interested, directly or indirectly, in any contract with the State, or any county or other subdivision thereof, authorized by law passed during the term for which he shall have been elected”;

and that the foregoing provisions of the *Constitution of Oklahoma* regulate the actions of members of the Oklahoma Legislature; that is to further and also say that at all times prior to and during the entirety of the *Conspiracy*, the Oklahoma Tax Commission is and was an agency of the State of Oklahoma lawfully empowered to contract with qualified eligible persons to serve and perform

duties on behalf of said Oklahoma Tax Commission and the State of Oklahoma consistent with and according to the provisions of the Statutes of the State of Oklahoma as Motor License Agents; the said contracting power as so limited by the *Oklahoma Constitution* being also a lawful function of government. That is to also say that on the first date stated above and thereafter during the entirety of the *Conspiracy*, and within the aforesaid County and State, defendant **TERRY SCOTT O'DONNELL** was a duly-elected and -qualified member of the Oklahoma House of Representatives, serving House District Number 23, and was also an officer of said Oklahoma House of Representatives, and in order to qualify for said offices, both prior to and during the aforesaid period of the *Conspiracy*, did take and sign the following *Oath of Office* required by Article XV, § 1, of the *Constitution of Oklahoma*, providing as follows:

“I, Terry O'Donnell, 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 State Representative to the best of my ability”;

and did also take and sign both prior to and during the aforesaid period of the *Conspiracy*, the following statutory *Oath of Office* required by Section 36 of Title 51 of the Oklahoma Statutes, providing as follows:

“I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and the laws of the United States of America, and the Constitution and the laws of the State of Oklahoma, and that I will faithfully discharge, according to the best of my ability, my office or employment during the time I am State Representative;”

and that such laws requiring State Officers and State Employees to undertake the aforesaid *Oaths*

of Office are a lawful function of government designed to preserve the integrity and fidelity of the persons undertaking to serve the People of the State of Oklahoma as State Officers or State Employees. That is to also say that on the first date stated above and thereafter during the entirety of the *Conspiracy*, and within the aforesaid County and State, the Defendant **TERESA McAFEE O'DONNELL**, was at all times the lawful wife of defendant **TERRY SCOTT O'DONNELL** and consequently related to him within the third degree of affinity, and was first, a part-time employee of the Catoosa Tag Agency under the supervision of her mother, Georgia Ellen McAfee, who was, during a portion of the *Conspiracy*, the duly-authorized Motor License Agent of the Oklahoma Tax Commission for Catoosa, Oklahoma, and then, as further shown below, said defendant **TERESA McAFEE O'DONNELL** corruptly contracted with the said Oklahoma Tax Commission thereby resulting in said defendant **TERRY SCOTT O'DONNELL** to become directly or indirectly interested in a contract with the State of Oklahoma contrary to Article V, § 23 of the *Oklahoma Constitution* to act as the Motor License Agent in the City of Catoosa, Oklahoma. That it is to further say that one part and purpose of the *Conspiracy* was to unlawfully misuse the power invested by the *Oklahoma Constitution* in defendant **TERRY SCOTT O'DONNELL** as a duly-elected and -qualified State Representative to obtain the modification of existing Oklahoma Statutes that represented obstructions to defendant **TERESA McAFEE O'DONNELL** contracting with the Oklahoma Tax Commission to act as Motor License Agent for said State agency, and then, as another part and purpose of the *Conspiracy*, to present as lawful an unlawful, corrupt and fraudulent *Application for Motor License Agent* on behalf of said defendant **TERESA McAFEE O'DONNELL** and thereby so obtain a contract between her and said Oklahoma Tax Commission to perform the duties of Motor License Agent for said Oklahoma Tax

Commission in Catoosa, Oklahoma. That is to further say that the aforesaid defendants **TERRY SCOTT O'DONNELL** and **TERESA McAFEE O'DONNELL**, first with each other, and then later together with other natural persons, did willfully, intentionally, corruptly and feloniously, conspire and agree to impair, obstruct, or defeat the lawful governmental function and Constitutional duties of members of the Oklahoma Legislature to honorably serve without committing prohibited personal conflicts of interest as set forth in Sections 23 and 24 of the *Oklahoma Constitution*, and also by corrupting the lawful government function of governmental contracting by first defendant **TERRY SCOTT O'DONNELL** unlawfully failing to openly disqualify himself from, voting upon, and even authoring, certain legislation in which he and his wife, defendant **TERESA McAFEE O'DONNELL** were each personally interested that:

- A. authorized a Motor License Agent, including said Georgia Ellen McAfee, mother or mother-in-law of said defendants, to submit a resignation as Motor License Agent contingent to the appointment of a stated successor Motor License Agent, and thereby affect and control the discretion of the Oklahoma Tax Commission in its appointment of successor Motor License Agents to a resigning Motor License Agent and give statutory preference to said **TERESA McAFEE O'DONNELL** in an *Application for Motor License Agent* following a contingent resignation in her favor by said defendant's mother;
- B. removed a mandatory statutory requirement that the Oklahoma Tax Commission interview "each applicant" for Motor License Agent, placing in its stead permissive authority to interview applicants for Motor License Agents, thereby reducing the possibility of competing applicants for Motor License Agent possibly causing the Oklahoma Tax Commission to reject a contingent resignation of the Motor License Agent;

C. removed a statutory requirement that all applicants seeking to become a Motor License Agent attest under oath that the applicant was not related within the third degree of affinity or consanguinity to any member of the Oklahoma Legislature, nor a former member of said legislature who had served within the previous two (2) years, that had obstructed defendant **TERESA McAFEE O'DONNELL** from making an *Application for Motor License Agent* since she was in truth and fact related by affinity in the First Degree to a legislator, defendant **TERRY SCOTT O'DONNELL**, due to her lawful marriage to said defendant;

D. removed a statutory prohibition upon an applicant for Motor License Agent locating a Motor License Agency upon property owned by any person related within the third degree of affinity or consanguinity to any member of the Oklahoma legislature, nor a former member who had served within the previous two (2) years, when in fact the Catoosa Tag Agency was then located upon property owned by McAfee Properties, Inc., an Oklahoma Corporation, and all of its stock was owned by the Georgia McAfee Family Trust, whose beneficial owners were all related within the third degree of affinity to defendant **TERRY SCOTT O'DONNELL**;

E. increased the amounts authorized to be charged by Motor License Agents, thereby increasing the revenue collected by the Catoosa Tag Agency and directly benefitting said Georgia Ellen McAfee and directly or indirectly benefitting defendants **TERESA McAFEE O'DONNELL** and **TERRY SCOTT O'DONNELL**;

and then and also to impair, obstruct or defeat the lawful function of government of the said Oklahoma Tax Commission lawfully contracting with eligible persons to perform certain acts for said Oklahoma Tax Commission as Motor License Agents by said defendants knowingly and corruptly submitting, and other natural persons employed by said Oklahoma Tax Commission recommending approval of, an *Application for Motor License Agent* to the said Oklahoma Tax Commission from defendant **TERESA McAFEE O'DONNELL** for the purpose of said defendant

TERESA McAFEE O'DONNELL obtaining a contract with said Oklahoma Tax Commission as Motor License Agent for Catoosa, Oklahoma, that caused defendant **TERRY SCOTT O'DONNELL** to become interested, directly or indirectly, in a contract with the State of Oklahoma contrary to Article V, § 23 of the *Oklahoma Constitution*. And, pursuant to said unlawful agreement, the following overt acts were committed in furtherance of the *Conspiracy*:

1. On or about April 25, 2018, the said defendant **TERRY SCOTT O'DONNELL**, in the consideration upon a vote by the Oklahoma House of Representatives regarding the passage of Senate Bill 1439 of the 56th Oklahoma Legislature, a bill affecting the appointment of Motor License Agents by repealing the mandatory requirement that all Applicants for Motor License Agent be interviewed by the Oklahoma Tax Commission or its designee, and replacing said mandatory requirement with discretionary authority to choose applicants to interview, in which he and his wife **TERESA McAFEE O'DONNELL** were directly or indirectly personally interested, did not disclose his interest in said legislation and not decline to vote thereon, but instead did vote "aye" to approve the passage of said legislation;

2. On or about May 2, 2018, the said defendant **TERRY SCOTT O'DONNELL**, in the consideration upon a vote by the Oklahoma House of Representatives regarding the passage of House Bill 3278 of the 56th Oklahoma Legislature, a bill affecting the appointment of Motor License Agents by permitting an existing Motor License Agent to tender a resignation of the Motor License Agency contingent upon the acceptance of the Motor License Agent's nomination of a successor Motor License Agent, thereby constraining the discretion of the Oklahoma Tax Commission in the appointment of successor Motor License Agents, in which he and his wife **TERESA McAFEE O'DONNELL** were directly or indirectly personally interested, did not

disclose his interest in said legislation and not decline to vote thereon, but instead did vote “aye” to approve the passage of said legislation;

3. On or about January 17, 2019, the said defendant **TERRY SCOTT O’DONNELL**, personally Authored and introduced House Bill 2098 of the 57th Oklahoma Legislature, a bill affecting the appointment of Motor License Agents by proposing the repeal of the then-existing requirement that all Applicants for Motor License Agent attest under Oath that the applicant was not related within the Third Degree of Consanguinity or Affinity to any current member of the Legislature; or being so related to any such member of the Legislature who had served within the previous two (2) years, and which also proposed repealing a then-existing prohibition upon an Applicant for Motor License Agent locating a Motor License Agency upon property owned by a person related within the Third Degree of Consanguinity or Affinity to any member of the Oklahoma Legislature, or to any person who had previously been such a member within two (2) years previously; and which also proposed increasing certain fees that may be charged members of the public for the services of Motor License Agents; and which also altered the mandatory office hours a when Motor License Agent must be open to the public, all in which said **TERRY SCOTT O’DONNELL** and his wife **TERESA McAFEE O’DONNELL** were directly or indirectly personally interested;

4. On or about March 4, 2019, the said defendant **TERRY SCOTT O’DONNELL**, in the consideration upon a vote by the Oklahoma House of Representatives regarding the initial passage of House Bill 2098 of the 57th Oklahoma Legislature, a bill affecting the appointment of Motor License Agents and the operation of Motor License Agencies all as further described in paragraph 3 above, in which he and his wife **TERESA McAFEE O’DONNELL** were directly or indirectly

personally interested, did not disclose his interest in said legislation and did not decline to vote thereon, but instead did vote “aye” to approve the passage of said legislation;

5. On or about April 22, 2019, the said defendant **TERRY SCOTT O’DONNELL**, in the consideration by the Oklahoma House of Representatives upon the final passage of House Bill 2098 of the 57th Oklahoma Legislature, a bill affecting the appointment of Motor License Agents and the operation of Motor License Agencies all as further described in paragraph 3 above, in which he and his wife **TERESA McAFEE O’DONNELL** were directly or indirectly personally interested, did not disclose his interest in said legislation and did not decline to vote thereon, but instead did vote “aye” to approve the passage of said legislation;

6. On or about July 26, 2019, a legislative aide to defendant **TERRY SCOTT O’DONNELL** and acting on his behalf, did contact a staff person in the administration section of the Motor Vehicle Division of the Oklahoma Tax Commission at the behest of said defendant, and did request that the staff person email the *Application* forms for a person to apply to become a Motor License Agent to defendant **TERRY SCOTT O’DONNELL’S** official legislative email address of Terry.Odonnell@okhouse.gov, prompting the staff person to comply at approximately 4:39 p.m. on said date by emailing said *Application* forms to said email address;

7. On or about July 26, 2019, at approximately 5:50 p.m., the defendant **TERRY SCOTT O’DONNELL**, emailed the aforesaid Motor Vehicle Division staff person using his official legislative email address the following message:

“Thank you so much for providing the requested information. I appreciate your help.

“**Representative Terry O’Donnell, District 23**

Majority Whip
Energy & Natural Resources Chair
2300 N. Lincoln Blvd, Rm 433
Oklahoma City, OK 73105
405-557-7379

Terry.ODonnell@okhouse.gov”;

8. On or about July 28, 2019, at approximately 9:54 a.m., the defendant **TERRY SCOTT O'DONNELL** sent an SMS text message from his private cell phone to a high State government official's private cell phone;

9. On or about July 28, 2019, at approximately 9:54 a.m., the same high State government official phoned defendant **TERRY SCOTT O'DONNELL**, with a call duration of five (5) minutes and nineteen (19) seconds;

10. On or about July 28, 2019, at approximately 10:24 a.m., the same high State government official sent an SMS text message from the official's private cell phone to the Executive Director of the Oklahoma Tax Commission's private cell phone;

11. On or about July 28, 2019, at approximately 11:08 a.m., the Executive Director of the Oklahoma Tax Commission sent the same high State government official an SMS text message from that person's private cell phone to the high State government official's private cell phone;

12. On or about July 28, 2019, at approximately 11:11 a.m., the same high State government official sent an SMS text from the high government official's private cell phone to the Executive Director of the Oklahoma Tax Commission's private cell phone.

13. On or about July 28, 2019, at approximately 12:35 p.m., the Executive Director of the Oklahoma Tax Commission telephoned defendant **TERRY SCOTT O'DONNELL** with a call duration of approximately four (4) minutes, forty-nine (49) seconds;

14. On or about July 29, 2019, at approximately 8:41 a.m., defendant **TERRY SCOTT O'DONNELL** emailed the Executive Director of the Oklahoma Tax Commission the following message:

“Tony,

“Attached is Georgia McAfee's Contingent Letter of Resignation.

“Also attached are a fully completed application for an Oklahoma Motor License Agency; the \$100 Application Fee (copy of check); Affidavit confirming operation of the Motor License Agency as the Primary Source of Income; Estimated budget for the Tag Office; and Affidavit of Compliance with Personal Computer Requirement.

“I will forward the bonding information to you through a separate email.

“I will bring the check for the Application Fee to the Oklahoma Tax Commission this morning if that is necessary.

“Once you have received this material, please contact me via my cell phone (918) 645-9015.”

The email was digitally signed “Terry S. O’Donnell,” giving a Tulsa, Oklahoma address and phone numbers of the Savage, O’Donnell, Affeldt, Weintraub & Johnson law firm. Attached to this email were Portable Document Format (PDF) files named “Tag Agency Documents.pdf,” “Check.pdf,” and “McAfee Letter.pdf.” These PDF files were, respectively, a digital copy of an *Application for Motor License Agent* form purportedly signed by defendant **TERESA McAFEE O’DONNELL**, together with related forms associated with such an *Application*; a digital copy of personal check number 5950, dated July 28, 2019, payable to the order of “OTC” in the amount of One Hundred Dollars (\$100.00), written upon the joint checking account of defendant **TERESA McAFEE O’DONNELL** and defendant **TERRY SCOTT O’DONNELL** at Arvest Bank, with the memo “application fee” noted thereon, and the purported signature of defendant **TERESA McAFEE O’DONNELL**; a digital copy of a contingent resignation offered by Motor License Agent Georgia Ellen McAfee, dated July 29, 2019, purportedly signed by Georgia Ellen McAfee, the mother of defendant **TERESA McAFEE O’DONNELL**, Mrs. McAfee being the then Motor License Agent for Catoosa, Oklahoma;

15. On or about July 29, 2019, at approximately 8:53 a.m., the Executive Director of the

Oklahoma Tax Commission forwarded defendant **TERRY SCOTT O'DONNELL's** email without comment to the then-Director of the Motor Vehicle Division of the Oklahoma Tax Commission, together with its PDF attachments;

16. On or about July 29, 2019, at approximately 8:55 a.m., the Executive Director of the Oklahoma Tax Commission responded by email to defendant **TERRY SCOTT O'DONNELL'S** email described above in paragraph 12, stating:

“Thank you. I will let you know if we need anything further.”

17. On or about July 29, 2019, at approximately 9:17 a.m., the Executive Director of the Oklahoma Tax Commission emailed the executive secretary for the Oklahoma Tax Commissioners the following message:

“Please place this on the agenda for tomorrow. I will email information for the Commission packets.

“Discussion and possible action regarding the appointment of Teresa O'Donnell to replace Georgia McAfee as motor license agent in Catoosa.”

18. On or about July 29, 2019, after speaking by phone at approximately 9:55 a.m. for approximately Three minutes, Fifty-nine seconds (3:59) with a person at Thomason, Tyler and Lynch Ins. Co., a firm dealing in surety bonds, at approximately 10:00 a.m., defendant **TERESA McAFEE O'DONNELL** phoned defendant **TERRY SCOTT O'DONNELL**, with a call duration of approximately Four minutes, Thirteen seconds (4:13).

19. On or about July 29, 2019, at approximately 10:23 a.m., defendant **TERESA McAFEE O'DONNELL** phoned defendant **TERRY SCOTT O'DONNELL**, with a call duration of approximately Three minutes (3:00).

20. On or about July 29, 2019, after speaking by phone at approximately 11:21 a.m. for

approximately One minute, Thirteen seconds (1:13) with a person at Thomason, Tyler and Lynch Ins. Co., a firm dealing in surety bonds, at approximately 11:23 a.m., defendant **TERESA McAFEE O'DONNELL** phoned defendant **TERRY SCOTT O'DONNELL**, with a call duration of approximately One minute, Eleven seconds (1:11).

21. On or about July 29, 2019, after a phone connection at approximately 11:24 a.m. for approximately Twenty-five seconds (0:25) with a person at Thomason, Tyler and Lynch Ins. Co., a firm dealing in surety bonds, at approximately 11:28 a.m., defendant **TERESA McAFEE O'DONNELL** phoned defendant **TERRY SCOTT O'DONNELL**, with a call duration of approximately Two minutes, Twenty-four seconds (2:24).

22. On or about July 29, 2019, at approximately 11:31 a.m., defendant **TERRY SCOTT O'DONNELL** phoned the Executive Director of the Oklahoma Tax Commission with a call duration of approximately Two minutes, Thirty-one seconds (2:31).

23. On or about July 29, 2019, after being informed at approximately 1:54 p.m. by an email from the then-Director of the Motor Vehicle Division of the Oklahoma Tax Commission that the surety bond amount for the application for Motor License Agent for Catoosa, Oklahoma would be Fifty-five Thousand Dollars (\$55,000.00), at approximately 2:40 p.m., the Executive Director of the Oklahoma Tax Commission telephoned defendant **TERRY SCOTT O'DONNELL** with a call duration of approximately twenty-nine seconds (0:29).

24. On or about July 29, 2019, after having received a phone call at 4:21 p.m. of Fifty-two seconds (0:52) duration from a person at Thomason, Tyler and Lynch Ins. Co., a firm dealing in surety bonds, at approximately 4:28 p.m., the Executive Director of the Oklahoma Tax Commission phoned a person at said Thomason, Tyler and Lynch Ins. Co., with a call duration of Two minutes, Seven seconds (2:07).

25. On or about July 29, 2019, at approximately 4:53 p.m., defendant **TERRY SCOTT**

O'DONNELL emailed the Executive Director of the Oklahoma Tax Commission the following message:

“Tony,

“Attached is the Bond required for Teresa’s application.

“Please let me know if anything else is needed.”

The email was digitally signed “Terry S. O’Donnell,” giving a Tulsa, Oklahoma address and phone numbers of the Savage, O’Donnell, Affeldt, Weintraub & Johnson law firm. Attached to this email was a Portable Document Format (PDF) file named “Bond.pdf,” the same being a digital copy of an Oklahoma Tax Commission surety bond form dated July 29, 2019, issued to Teresa M. O’Donnell as “principal,” and Old Republic Surety Company as surety to the Oklahoma Tax Commission in the penal sum of Fifty-five Thousand Dollars (\$55,000.00), securing her faithful performance as Motor License Agent, together with a Power of Attorney form from Old Republic Surety Company authorizing the person acting as surety on the aforesaid bond to act on its behalf.

26. On or about July 29, 2019, at approximately 5:06 p.m., the Executive Director of the Oklahoma Tax Commission responded to the email and attachment further described above herein in paragraph 23 from defendant **TERRY SCOTT O'DONNELL**, by emailing defendant **O'DONNELL** the following message:

“Thank you. The Commission meeting for tomorrow was cancelled but they are conducting a special meeting on Thursday. I will keep you updated.”

27. On or about July 29, 2019, at approximately 5:06 p.m., the Executive Director of the Oklahoma Tax Commission forwarded the email and attachment further described above herein in paragraph 23 without comment to the then-Director of the Motor Vehicle Division of the Oklahoma

Tax Commission.

28. On or about July 31, 2019, defendant **TERESA McAFEE O'DONNELL** opened a checking account at RCB Bank, Catoosa entitled "Teresa McAfee O'donnell DBA Catoosa Tag Agency."

29. On or about August 1, 2019, defendant **TERESA McAFEE O'DONNELL** transmitted or caused to be transmitted by facsimile device an Oklahoma Tax Commission "MLA Designation of Representative to be Contacted by the OTC Regarding Depositing Issues form and an Oklahoma Tax Commission "Manager Setup Information" form from the Catoosa Tag Agency to the Oklahoma Tax Commission as part of the banking papers she was required to submit to said agency.

30. On or about August 1, 2019, defendant **TERESA McAFEE O'DONNELL** signed a "Motor License Agent Contract" to perform duties for the Oklahoma Tax Commission as Motor License Agent in the City of Catoosa, Rogers County, Oklahoma.

All of the foregoing being committed in violation of Section 424 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

TRUE BILL ()

NO BILL ()



FOREMAN
OKLAHOMA COUNTY GRAND JURY

Witnesses before the Grand Jury:

Robert Brett Macy*+
Darren Gordon+
Jamie Baas*

Caitlin Bearden*
Jamie Biggs*
Sara Brophy*

Kimberly Brown*
Steve Burrage+
Jan Davis*

Jay Doyle+
Nichole Gillett*
Robert Hofstee*
Virginia Lee Hulsey+
Clark Jolley+
Troye Laird*

Luanne Martindale*
Anthony Lee Mastin+
Tommy Marvell*
Amanda McAllaster*
Charles McCall+
Jana Mixon+

Laura Moore+
Rick Miller+
Kathleen Perez+
Charles Prater+
Han Nguyen*
Becky Welch+

*Witness testified before the 18th Oklahoma Multicounty Grand Jury

+Witness testified before the Oklahoma County Grand Jury

Penalties:

Violation of a Provision of Law Regulating Official Conduct, 21 O.S. §§ 10 & 343: Imprisonment in County Jail for not more than one (1) year and/or a Fine not to exceed \$500.00 (each count).

Using Access to Computers to Violate Oklahoma's Statutes, 21 O.S. § 1958: Imprisonment in the State Penitentiary for not more than five (5) years and/or a Fine not to exceed \$5,000.00 (each count).

Perjury, 21 O.S. §§ 64(B), 491 & 500: Imprisonment in the State Penitentiary for not more than 5 years and a Fine not to exceed \$10,000.00.

Obtaining a Thing of Value Exceeding Fifteen Thousand Dollars in Value, 21 O.S. § 1541.1 & § 1541.2: Imprisonment in the State Penitentiary for not more than Eight (8) years and/or a Fine not to exceed \$5,000.00.

Conspiracy Against the State, 21 O.S., § 424: Imprisonment in the State Penitentiary for not more than ten (10) years and/or a Fine not to exceed \$25,000.00.