



OFFICE OF THE ATTORNEY GENERAL  
OKLAHOMA INTERCOLLEGIATE LEGISLATURE

OPINION 2016-21F

-April 8, 2016

Honorable Delegates and Members,

There has been another official legally binding opinion requested. The question submitted is “Are the reasons listed in regards to the impeachment process (willful neglect of duty, corruption in office, gross misconduct, dereliction of duty, or incompetence) necessarily legal, or are the grounds for impeachment strictly limited to what is deemed to be illegal as defined under the Constitution and Statutes of OIL?”

My opinion is that the terms listed are in fact legal under their own standing, but that we need to specifically define them. Allow me to do so.

First, let us start with willful neglect of duty. It is my opinion that willful neglect of duty should be defined as more than a mere act of the will, and carries with it the idea of premeditation, obstinacy, and intentional wrongdoing. Every voluntary act of a human being is intentional; but, generally speaking, a voluntary act becomes willful in law only when it involves some degree of conscious wrong or evil purpose upon the part of the actor, or at least an inexcusable carelessness on his part, whether the act be right or wrong.

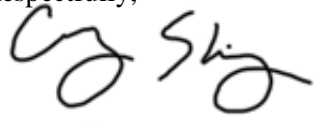
Next, allow me to define corruption in office. I’m going to define this term as the improbity or decay in the decision-making process in which a decision-maker consents to deviate or demands deviation from the criteria which should rule his or her decision-making, in exchange for a reward or for the promise or expectation of a reward, while these motives influencing his or her decision-making cannot be part of the justification of the decision. To put it simply, Corruption is the misuse of public power for private gain.

Now for gross misconduct. I’m going to define this term as the dereliction of duty or unlawful or improper behavior. Conduct is gross misconduct if it is so outrageous that it shocks the conscience. An act which deliberately or willfully threatens the Organization’s Constitution or Statutes, or shows a repeated disregard for the officer’s obligations to the Organization or disregards the standard of behavior which the delegates and members of the Organization has a right to expect of its officers, constitutes gross misconduct.

It is in my opinion that dereliction of duty shall be defined as a failure to act when under an obligation to do so or a refusal to do that which it is your legal duty to do.

Now onto incompetence. This term should be defined as the lack of ability, knowledge, legal qualification, or fitness to discharge a required duty of one's office.

Respectfully,

A handwritten signature in black ink, appearing to read "Corey Shirey". The signature is written in a cursive, flowing style with some loops and a long tail on the final letter.

Corey Shirey

Attorney General