

**DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

THE BOARD OF COUNTY)	
COMMISSIONERS OF OKLAHOMA)	
COUNTY,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
DAVID B. HOOTEN, CLERK OF)	
OKLAHOMA COUNTY,)	
)	
Defendant.)	

**PETITION FOR INTERIM SUSPENSION AND REMOVAL OF DAVID B.
HOOTEN FROM THE OFFICE OF COUNTY CLERK**

COMES NOW the Plaintiff, the Board of County Commissioners of Oklahoma County and for their cause of action against Defendant, David B. Hooten, Clerk of Oklahoma County, asserts and states as follows:

JURISDICTION

1. This Court has jurisdiction to consider and grant Plaintiff's request pursuant to Title 22, Section 1181 *et seq.*

PARTIES AND VENUE

2. Plaintiff is the Board of County Commissioners of Oklahoma County, the duly constituted body corporate and politic of Oklahoma County.

3. Defendant David B. Hooten is the duly elected and acting Clerk of Oklahoma County.

4. The acts which form the basis for interim suspension and removal occurred in Oklahoma County and, therefore, venue is proper.

STATEMENT OF THE FACTS

5. Defendant David B. Hooten was sworn in as Oklahoma County Clerk in January 2016.

6. In 2017, Defendant Hooten hired CJ Cavin to be the Digital Media Correspondent. The duties of the position of Digital Media Correspondent included responsibility for social media.

7. CJ Cavin was the former campaign manager for Defendant Hooten during his campaign for County Clerk.

8. On multiple occasions, Defendant Hooten requested Cavin to perform campaign functions while working in the County Clerk's Office and being paid with public funds. Cavin declined.

9. Defendant Hooten was elected to serve a second term as Oklahoma County Clerk and sworn in therefore in January 2020.

10. Garridy Hamilton was a campaign worker for Defendant Hooten during his second campaign for County Clerk.

11. On January 19, 2021, Defendant Hooten requested the Board of County Commissioners to approve a contract for social media services to be performed by Garridy Hamilton. By its terms, the contract expired June 30, 2021.

12. Despite the expiration of the contract and without lawful authority, Defendant Hooten extended the agreement with Garridy Hamilton and continued to pay

him his contracted rate between July 1, 2021 and April 4, 2022. In each instance, payment was made by purchase order approved by the Board of County Commissioners as part of the claims list considered by the Board as a Recurring Agenda Item.

13. In June 2021, Defendant Hooten announced his candidacy for the Office of State Treasurer.

14. According to filings with the Oklahoma Ethics Commission, Garridy Hamilton is Defendant Hooten's campaign manager in his run for State Treasurer.

15. On May 2, 2022, Defendant Hooten hired Garridy Hamilton to be a full-time employee of the Oklahoma County Clerk's Office.

16. On information and belief, Defendant Hooten has utilized public property and/or public funds to support his political campaign by allowing Garridy Hamilton to perform campaign-related work while working as an employee or contractor of the Oklahoma County Clerk's Office and being paid with public funds.

17. During his first term of office as Oklahoma County Clerk, Defendant Hooten hired a number of employees including his former golf caddie and a high school golf coach. On information and belief, during his first term of office and extending into his second term, Defendant Hooten has allowed these employees and possibly others to work from home or other remote locations without supervision or other evidence that duties have been performed by these employees in exchange for their salary payments with public funds.

18. In 2017, Defendant Hooten began joining, S.C., a female employee of the Clerk's Office, on her daily walks.

19. S.C. did not invite Defendant Hooten to join her in her walks but felt that she could not reject him because he was her employer.

20. S.C. describes Defendant Hooten as a powerful person who will not accept no as an answer. She describes that it is his way and that is the only way that it is.

21. S.C. believed Defendant Hooten to be watching her movements in the office on cameras that he had installed. When S.C. attempted to leave for a walk without detection, Defendant Hooten would appear and join her.

22. While walking on one occasion, Defendant Hooten asked S.C. to install an application on her smart phone that would allow him to track her movements. S.C. declined.

23. S.C. reported to other co-workers that she did not feel comfortable walking with Defendant Hooten.

24. During the same period in 2017, Defendant Hooten co-signed for a new vehicle for a female employee, M.H. After the vehicle had been purchased and they returned to the office, Defendant Hooten asked, "How many times do you think I can make you cum before we get back to the office?"

25. Defendant Hooten's sexual advances made M.H. uncomfortable.

26. Defendant Hooten stopped intruding on the daily walks of S.C. after it came to light that he had co-signed on the car loan for M.H., but only because he believed himself to be under investigation for improper conduct with M.H.

27. During working hours on multiple occasions, Defendant Hooten approached a female county employee, R.T. Defendant Hooten invited R.T. to lunch on multiple occasions.

28. Defendant Hooten offered to fund the opening of a hair salon for R.T., but she declined.

29. Defendant Hooten's conduct made R.T. uncomfortable and she requested him to stop.

30. On April 26, 2022, Defendant Hooten had a meeting with three female employees of the County Clerk's Office, R.C., S.C., and M.S.

31. During the meeting on April 26, 2022, Defendant Hooten told R.C., S.C., and M.S. that he was requiring them to attend a team building activity during the workday. Defendant Hooten would not disclose where he was taking them, but the women were told that alcohol and gambling would be involved. Defendant Hooten further advised that they should dress comfortably because strenuous physical activity was planned and they could be expected to be sore the next day.

32. During the meeting on April 26, 2022, Defendant Hooten told R.C., S.C., and M.S. that he had been genetically altered so that alcohol had no effect on him, but that he hoped the alcohol would affect them.

33. During the meeting on April 26, 2022, Defendant Hooten told R.C., S.C., and M.S. that attendance at the team building activity was mandatory and that a failure to attend would result in their termination.

34. Following the meeting on April 26, 2022, S.C. and M.S. reported to multiple persons that they were not comfortable with attending the team building event planned by Defendant Hooten.

35. On information and belief, other female county employees have been subjected to inappropriate and unwelcome comments and actions by Defendant Hooten.

FIRST GROUND FOR REMOVAL – OPPRESSION IN OFFICE

36. The allegations contained in paragraphs 1-34 are adopted and restated herein.

37. Section 1181 of Title 22 of the Oklahoma Statutes provides that a county officer may be removed from office for Oppression in Office.

38. Oppression in office is the “excessive use of authority.” *State v. Colclazier*, 106 P.3d 138, 141 (Okla. 2002). There is no requirement that the conduct of the official be illegal, done in bad faith, or with an improper motive. *Id.* Rather, Oppression in Office is shown where an official intentionally commits any act which they knew or should have known was obviously or seriously wrong under the circumstances. *Id.*

39. Defendant Hooten’s conduct constitutes Oppression in Office and, therefore, he is subject to interim suspension and removal from his office as Clerk of Oklahoma County.

SECOND GROUND FOR REMOVAL – CORRUPTION IN OFFICE

40. The allegations contained in paragraphs 1-38 are adopted and restated herein.

41. Section 1181 of Title 22 of the Oklahoma Statutes provides that a county officer may be removed from office for Corruption in Office.

42. An official is guilty of Corruption in Office when they unlawfully and wrongfully use their office to procure a benefit for themselves contrary to duty and the rights of others.

43. Defendant Hooten's conduct constitutes Oppression in Office and, therefore, he is subject to interim suspension and removal from his office as Clerk of Oklahoma County.

THIRD GROUND FOR REMOVAL – WILLFUL MALADMINISTRATION

44. The allegations contained in paragraphs 1-42 are adopted and restated herein.

45. Section 1181 of Title 22 of the Oklahoma Statutes provides that a county officer may be removed from office for Willful Maladministration.

46. An official is guilty of Willful Maladministration when he commits acts or omissions that are in neglect of his duties. For purposes of Willful Maladministration, the acts or omissions must have been committed with evil or bad intent or inexcusable recklessness, thoughtlessness or poor judgment is not sufficient. *Shields v. State*, 89 P.2d 756, 761 (Okla. 1939).

47. Defendant Hooten's conduct constitutes Willful Maladministration and, therefore, he is subject to interim suspension and removal from his office as Clerk of Oklahoma County.

RELIEF REQUESTED

48. Order the immediate suspension of Defendant Hooten pending ultimate resolution of these proceedings for the protection of the employees of the Oklahoma County Clerk's Office and the citizens of Oklahoma County.

49. Declare that the actions taken by Defendant Hooten constitute Oppression in Office and order him removed as Oklahoma County Clerk.

50. Declare that the actions taken by Defendant Hooten constitute Corruption in Office and order him removed as Oklahoma County Clerk.

51. Declare that the actions taken by Defendant Hooten constitute Willful Maladministration and order him removed as Oklahoma County Clerk.

52. All other equitable relief to which this Court finds Plaintiff entitled.

Respectfully submitted,

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