

LOUISIANA BOARD OF ETHICS  
MINUTES  
April 8, 2022

The Board of Ethics met on April 8, 2022 at 9:08 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Baños, Ellis, Grand, Lavastida, Roberts, Scott and Speer present. Board Members Bryant, Colomb, Couvillon and Grimley were absent. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, LaToya Jordan, Suzanne Mooney, Charles Reeves and Gregory Thibodeaux.

Clerice “Clo” Lacy appeared before the Board in Docket No. 21-298 to request that the Board reconsider its decision to decline to waive \$1,000 and \$400 campaign finance late fees assessed against her for the 30-P and 10-P campaign finance disclosure reports that were filed 41 and 20 days late, respectively. In its capacity as the Supervisory Committee on Campaign Finance Disclosure, on motion made, seconded and unanimously passed, the Board suspended all but \$100 each based on future compliance.

Board Member Colomb arrived to the meeting at 9:14 A.M.

Rodney D. Miller appeared before the Board in Docket No. 21-758 to request that the Board reconsider its decision to decline to waive a \$720 and \$500 campaign finance late fee assessed against him for the 30-P and 10-P campaign finance disclosure reports that were filed 18 days and 13 days late, respectively. In its capacity as the Supervisory Committee on Campaign Finance Disclosure, on motion made, seconded and unanimously passed, the Board suspended all but \$100 each based on future compliance.

The Board considered a request in Docket No. 21-804 that the Board waive the \$800 campaign finance late fee assessed against Stephanie Bridges, an unsuccessful candidate for Judge,

Criminal District Court, Section K, Orleans Parish, in the November 3, 2020 election, whose 40-G campaign finance disclosure report was filed 8 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure, on motion made, seconded and unanimously passed, the Board declined to waive the \$800 campaign finance late fee.

Joseph R. Sobol, committee chairperson for Crescent City Democratic Association, appeared before the Board on Docket No. 21-1068 to request that the Board waive the \$3,000 (Special), \$2,400 (Special), \$3,000 (10-P), \$3,000 (10-G), \$1,600 (Special), and \$3,000 (40-G) campaign finance late fees, totaling \$16,000 assessed against Crescent City Democratic Association, a political action committee, and Mr. Sobol as its committee's chairperson, in committee with the November 3, 2020 election. The 10-G and 40-G campaign finance reports have not been filed. In its capacity as the Supervisory Committee on Campaign Finance Disclosure, on motion made, seconded and unanimously passed, the Board rescinded the \$3,000 late fee for 40-G report, since the report was not required to be filed; reduced the Special Report to \$2,000 and declined to waive all the other late fees.

Heather Evans appeared before the Board in Docket No. 22-103 regarding a request for an advisory opinion on whether the Code of Governmental Ethics would prohibit her from accepting a part-time position with HYDRIK Wetlands Consultants, LLC ("HYDRIK") while maintaining her employment with the Enforcement Section of the Louisiana Department of Natural Resources ("DNR") - Office of Coastal Management ("OCM") - Interagency Affairs & Field Services Division ("IAFSD"). On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics prohibits Ms. Evans from accepting the part-time employment with HYDRIK while remaining a full-time employee of the Field Services Section of the DNR/OCM/IAFSD.

Tricia Alexander appeared before the Board in Docket No. 22-100 regarding a request to waive the \$1,350 late fee assessed against Ms. Alexander for filing her 2022 lobbying registration 27

days late. On motion made, seconded and unanimously passed, the Board suspended the late fee based on future compliance with the provisions of the Lobbyist Disclosure Act.

Rodney Braxton appeared before the Board in Docket No. 21-462 regarding a request that the Board reconsider its decision to decline to waive a \$2,500 campaign finance late fee assessed against C. Denise Marcelle, an unsuccessful candidate for Mayor-President, Metro Council, City of Baton Rouge, East Baton Rouge Parish in the November 3, 2020 election, whose 10-G campaign finance disclosure report was filed 32 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure, on motion made, seconded and unanimously passed, the Board suspended the \$2,500 late fee to \$400 based on future compliance with the provisions of the Campaign Finance Disclosure Act and payment within 20 days.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G7-G19 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G7-G19, excluding item G7, G8, G16, G17 and G18 taking the following action:

The Board accepted the withdrawal of an advisory opinion request in Docket No. 22-073 from Nancy Buteau, Clerk for the Village of Loreauville in Iberia Parish, regarding the potential hiring of her son by the Village.

The Board considered an advisory opinion in Docket No. 22-074 submitted by Dr. Louis Trachtman, MD, MPH of the Louisiana Office of Public Health - Tuberculosis Control Program ("TCP"), regarding whether the Louisiana Code of Governmental Ethics would prohibit him from accepting an e-gift certificate from the Preventive Medicine residency program at Tulane University School of Medicine, while he is a part-time employee of the TCP. On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of

Governmental Ethics does not prohibit Dr. Louis Trachtman from accepting an e-gift certificate from the Preventive Medicine residency program while he is a part-time employee of the TCP.

The Board considered an advisory opinion request in Docket No. 22-079 from Gary Joynor, on behalf of the Jackson Parish Watershed District, as to whether the former president of the District may assist a contractor performing certain services for the District. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would permit Mr. Smith to provide services to Mr. Ortego involving the District, provided that Mr. Smith is not compensated for such services.

The Board considered an advisory opinion request in Docket No. 22-080 from Grisela A. Jackson, as to whether she may serve on the board of New Orleans College Prep Charter School ("NOCP") after her service on the Orleans Parish School Board. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would permit Grisela A. Jackson to serve on the NOCP board and assist in matters involving the Orleans Parish School Board, provided that Ms. Jackson is not compensated for such services.

The Board considered an advisory opinion request in Docket No. 22-084 from Michelle Neil, legal counsel for Terrebonne Parish Consolidated Government ("TPCG") relative to approving a disqualification plan affecting Gregory Harding, an Athletics Program Coordinator for the Parks and Recreation Department, and his minor son, who would like to be hired as a Scorekeeper/Clock Operator. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would not prohibit the son of Gregory Harding from being employed by the TPCG as a Scorekeeper/Clock Operator in the Parks and Recreation Department at facilities on the east side of the parish while Gregory Harding serves as an Athletics Program Coordinator for the west side of the parish. Further, the Board approved the disqualification plan submitted by the TPCG.

The Board considered an advisory opinion request in Docket No. 22-093 from Julhelene Jackson, an Assistant District Attorney in the 13th Judicial District, as to whether she can also serve as the City Prosecutor for Ville Platte City Court. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would not prohibit Julhelene Jackson from being appointed by the City of Ville Platte to serve as City Prosecutor while she serves as an Assistant District Attorney in the 13<sup>th</sup> Judicial District. The Board further advised that opinions on dual office holding and dual employment laws are within the jurisdiction of the Office of the Attorney General.

The Board considered an advisory opinion request in Docket No. 22-094 from Lynn Dias-Button regarding whether the Code of Governmental Ethics would prohibit her from accepting a part-time position with Blue Cross and Blue Shield of Louisiana ("BCBSLA") while maintaining her employment with the Louisiana Workforce Commission ("LWC") - Unemployment Insurance division ("UI"). On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics does not prohibit Lynn Dias-Button from accepting part-time employment with BCBSLA while remaining a full-time employee of the LWC/UI.

The Board considered an advisory opinion request in Docket No. 22-116 from Marcus Mitchell, a former employee of the Shreveport Police Department, relative to whether his company, Toussaint Research Group, LLC ("TRG"), can contract to provide services to Blue Line Solutions, LLC, ("BLS"), which is a Tennessee - based company, that is seeking a contract with the City of Shreveport. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would not prohibit Marcus Mitchell, or his company, TRG, from contracting with BLS, while BLS is actively seeking a contract with the City of Shreveport to provide enforcement services.

Board Member Colomb left meeting at 10:45 A.M.

The Board considered an advisory opinion request in Docket No. 21-882 from Paul D. Escott, Assistant City Parish Attorney for Lafayette Consolidated Government, regarding Act 340 of 2021 Regular Session that amended Section 1123(34) of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board concluded the following: 1. Appointed members of the Board of Zoning Adjustment are not prohibited by Section 1113B of the Code of Governmental Ethics from submitting an application for the subdivision or re-subdivision of property to either the Lafayette City Planning and Zoning Commission (“City Commission”) or the Lafayette Parish Planning and Zoning Commission (“Parish Commission”), if it involves a zoning variance request and it meets the requirements in Section 1123(34) of the Code of Governmental Ethics. 2. With respect to members of the City Commission, all requirements of Section 1123(34)(a)-(f) of the Code of Governmental Ethics must be met in order for the exception to apply to prevent a violation of 1113B. Additionally, the appointed members of the City Commission must recuse themselves from any debate, discussion, or vote on any matter which would be a violation of Section 1112 of the Code of Governmental Ethics. Further, the public servant’s recusal pursuant to Section 1120.4 of the Code of Governmental Ethics does not cure a potential violation of Section 1113 of the Code of Governmental Ethics where the requirements of the exception in Section 1123(34) of the Code of Governmental Ethics are not met. 3. With respect to members of the Parish Commission, all requirements of Section 1123(34)(a)-(f) of the Code of Governmental Ethics must be met in order for the exception to apply to prevent a violation of 1113B. Additionally, the appointed members of the Parish Commission must recuse themselves from any debate, discussion, or vote on any matter which would be a violation of Section 1112 of the Code of Governmental Ethics. Further, the public servant’s recusal pursuant to Section 1120.4 of the Code of Governmental Ethics does not cure a potential violation of Section 1113 of the Code of Governmental Ethics where the requirements of the

exception in Section 1123(34) of the Code of Governmental Ethics are not met. The Board further noted that with each question, any analysis as to a specific public servant is highly fact specific as to whether a violation of the Code of Governmental Ethics may occur, and each public servant should request an advisory opinion regarding their specific circumstance.

Board Member Colomb returned at 10:52 A.M.

Board Member Baños left the meeting at 10:52 A.M.

The Board considered a disqualification plan in Docket No. 21-988 from Fire Chief Michael Kimble, Baton Rouge Fire Department, relative to the employment of brothers, Jared Robertson and Jerome Robertson. On motion made, seconded and unanimously passed, the Board approved the disqualification plan.

Board Member Baños returned at 10:55 A.M.

The Board considered an advisory opinion request in Docket No. 22-095 from Phillip Jackson, Administrator of the Caddo-Shreveport Sales and Use Tax Commission, regarding his service on his local HOA Board of Directors. On motion made, seconded and unanimously passed, the Board deferred the matter.

The Board considered an advisory opinion request in Docket No. 22-096 regarding whether the post-employment restrictions in the Code of Governmental Ethics would prohibit Jane Dye from terminating her full-time position as Chief Executive Officer of Belle Chase Academy (“Academy”), and accepting a part-time position with the Academy. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would not prohibit Jane Dye from accepting a part-time position with the Academy as a W-2 employee.

The Board considered an advisory opinion request in Docket No. 22-112 from Bradley Mistich as to whether he may provide engineering services to a prospective employer relating to certain transactions with the Louisiana Department of Transportation and Development (“DOTD”).

On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would permit Bradley Mistich to provide services to a prospective employer which may relate to DOTD matters, provided Mr. Mistich did not participate in those matters during his employment with DOTD.

The Board took a recess from 11:13 A.M. to 11:29 A.M.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the March 3rd and March 4th, 2022 meetings.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G21-G25 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G21-G25, taking the following action:

The Board considered a proposed consent opinion in Docket No. 20-817 executed by Evan Alford and Robert Alford for violating Sections 1112(B)(1) and 1113(B) of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the assessment of an enhanced penalty in Docket No. 21-896 regarding Glenn Lazard, candidate for City Council Member, District 5, City of Lafayette, in the October 12, 2019 election, for his failure to file a 40-G campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board instructed the staff to assess civil penalties in accordance with Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 40-G campaign finance disclosure report in the amount of \$10,000.



In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the assessment of an enhanced penalty in Docket No. 21-1047 regarding Chris C. Smith, candidate for Mayor, Town of Arcadia, in the 2018 election, for his failure to file 10-P and 10-G campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board instructed the staff to assess civil penalties in accordance with Sections 1505.4A(4)(a) and 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 10-P and 10-G campaign finance disclosure reports in the amount of \$10,000 for each report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the assessment of enhanced penalties in Docket No. 22-024 regarding G. Denise Dupree, candidate for Council Member, City of Grambling, in the November 6, 2018 election, for her failure to file a 2020 supplemental campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board instructed the staff to assess civil penalties in accordance with Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 2020 supplemental campaign finance disclosure report in the amount of \$10,000 for each report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the assessment of enhanced penalties in Docket No. 22-070 regarding Joshua Hajiakbarifini, candidate for State Representative, District 68, in the October 12, 2019 election, for his failure to file a 2020 supplemental campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board instructed the staff to assess civil penalties in accordance with Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 2020 supplemental campaign finance disclosure report in the amount of \$10,000 for each report.

The Board considered an advisory opinion in Docket No. 22-206 concerning the City Attorney for City of Bossier City entering into a contract with the father of the City's Chief

Administrative Officer. On motion made, seconded and unanimously passed, the Board deferred the matter for further information.

Consideration of legislation introduced during the 2022 Regular Legislative Session. On motion made, seconded and unanimously passed, the Board instructed Kathleen Allen to write an information letter to the committee on details of how HB 281 will impact staff and legislature.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for “good cause” waivers of late fees included in items G28-G30, en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the G28-G30 excluding Docket Nos. 22-045, 22-097 and 22-111 taking the following action:

The Board unanimously declined to waive the campaign finance late fees assessed against the following:

Docket 21-903 Toby Gambarella, 30-P, 16 days late of a \$640 late fee;  
Docket 21-903 Toby Gambarella, 10-G, 16 days late of a \$400 late fee;  
Docket 21-903 Toby Gambarella, 30-P, 6 days late of a \$240 late fee;  
Docket 21-903 Toby Gambarella, 10-P, not filed of a \$1,000 late fee;  
Docket 21-1031 Orville A. Callahan, 30-P, 2 days late of a \$120 late fee;  
Docket 21-1031 Orville A. Callahan, 10-G, 9 days late of a \$540 late fee;  
Docket 21-1031 Orville A. Callahan, 40-G, 8 days late of a \$480 late fee;  
Docket 21-1033 Michael Dedon, 30-P, 10 days late of a \$600 late fee;  
Docket 21-1033 Michael Dedon, 10-G, 15 days late of a \$600 late fee;  
Docket 21-1034 Leroy Daniels, 30-P, 28 days late of a \$600 late fee;  
Docket 21-1034 Leroy Daniels, 10-P, 7 days late of a \$420 late fee;  
Docket 22-020 Michael A. McNab, 10-G, 8 days late of a \$320 late fee;  
Docket 22-071 Robert Owsley, 10-G, 8 days late of a \$480 late fee; and,  
Docket 22-072 Carla Sigler, 10-G, 8 days late of a \$480 late fee.

The Board unanimously reduced the campaign finance late fee to \$400 based on Rule 1205C; and, declined to waive the late fees against the following:

Docket 21-903 Toby Gambarella, 10-G, 26 days late of a \$1,000 late fee.

The Board unanimously reduced to the campaign finance late fee to \$600 based on Rule 1205C; and, declined to waive the late fees against the following:

Docket 22-018 Markeda Cottonham, 30-P, 163 days late of a \$2,000 late fee;  
Docket 22-018 Markeda Cottonham, 10-P, 142 days late of a \$2,000 late fee;  
Docket 22-018 Markeda Cottonham, 10-G, 112 days late of a \$2,000 late fee;  
Docket 22-019 Joshua Cathedrale Lewis, 30-P, 34 days late of a \$2,000 late fee;  
Docket 22-019 Joshua Cathedrale Lewis, 10-P, 13 days late of a \$780 late fee; and,  
Docket 22-019 Joshua Cathedrale Lewis, 10-G, 12 days late of a \$720 late fee.

The Board unanimously suspended all but \$200 of the campaign finance late fee based on future compliance, the late fee against the following:

Docket 22-048 Vincent Jemison, 10-P, 10 days late of a \$600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 22-045, for a waiver of two \$2,000 campaign finance late fees assessed against Cyrus Sylvester, an unsuccessful candidate for Councilman at Large, Eastern Division, St. Bernard Parish, in the October 24, 2015 election, whose 10-P and 10-G campaign finance disclosure reports were filed 2,093 and 2,064 days late, respectively. On motion made, seconded and unanimously passed, the Board reduced the 10-P and 10-G late fees to \$600 each, based on Rule 1205C of the Rules for the Board of Ethics.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 22-097, for a waiver of the \$2,500 campaign finance late fee assessed against Marlin N. Gusman, an unsuccessful candidate for Sheriff, Orleans Parish, in the October 9, 2021 election, whose 180-P campaign finance disclosure report was filed 92 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board considered a waiver request in Docket No. 22-111 for the \$1,300 late fee assessed against Francis Heitmeier for filing his 2022 lobbying registration 26 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board unanimously suspended all of the late fee based on future compliance with the reporting requirements under the Code of Governmental Ethics against the following:

Docket 22-032 Charles Sibernagel, 2019 Tier 2.1, 36 days late of a \$1,500 late fee.

The Board declined to waive the late fee against the following:

Docket 22-033 Phillip David Ridder, Jr., 2019 Tier 2.1, 26 days late of a \$1,300 late fee.

Kathleen Allen made an announcement that Greg Thibodeaux has accepted the Director of Investigation position at the Board of Ethics, David Bordelon has been promoted to Attorney Supervisor, and Lynette Tucker is our new Administrative Coordinator 3 to replace Shannon Dykes.

The meeting adjourned at 12:38 P.M.

---

Secretary

APPROVED:

---

Chairwoman