

LOUISIANA BOARD OF ETHICS
MINUTES
August 20, 2010

The Board of Ethics met on August 20, 2010 at 9:00 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bareikis, Boyer, Hymel, Ingrassia, Leggio, Monroe, Simoneaux and Stafford present. Absent were Board Members Bowman, Lowrey and Schneider. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Tracy Barker, Michael Dupree and Deidra Godfrey.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 04-284 to obtain Orders against George E. Robinson, III and Michael S. Wolf for their failure to pay assessed late fees for the late filing of campaign finance disclosure reports.

On motion made, seconded and unanimously passed, the Board dismissed the hearing against George E. Robinson, III, since Mr. Robinson had paid the assessed late fees.

On motion made, seconded and unanimously passed, the Board continued the public hearing with respect to Michael S. Wolf, since Mr. Wolf had agreed to pay the assessed late fees through a payment plan.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 04-340 in connection with an Order for \$2,600 issued against Kim Kimbrell, a candidate for Justice of the Peace in the October 5, 2002 election, for her failure to pay assessed late fees for the late filing of campaign finance disclosure reports. Ms.

Kimbrell was called and appeared before the Board. On motion made, seconded and unanimously passed, the Board granted the request for rehearing.

Board Members Lowrey and Schneider arrived at the meeting at 9:13 a.m.

After hearing from Ms. Kimbrell, on motion made, seconded and unanimously passed, the Board imposed the \$2,600 late fee against Ms. Kimbrell but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 06-592 to obtain an Order against John D. Zimmer for his failure to pay an assessed late fee for the late filing of a campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board continued the public hearing, since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered (1) a Request for Rehearing in Docket No. 08-297 in connection with a \$60 Order issued against Shawn Barney, an unsuccessful candidate for State Senate, District 3 in the October 20, 2007 election, for his failure to pay the assessed late fee for the late filing of his 10-G campaign finance disclosure report; (2) a Request for Rehearing in Docket No. 08-301 in connection with a \$2,000 Order issued against Shawn Barney, an unsuccessful candidate for State Senate, District 3 in the October 20, 2007 election, for his failure to pay the assessed late fees for the late filing of his Supplemental campaign finance report; and, (3) a Request for Rehearing in Docket No. 09-011 in connection with a \$360 Order issued against Shawn Barney, an unsuccessful candidate for State Senate, District 3 in the October 20, 2007 election, for his failure to pay the assessed late fee for the late filing of his 30-P campaign finance disclosure report. Mr. Barney was called and appeared before

the Board. After hearing from Mr. Barney, on motion seconded and unanimously passed, the Board denied the request for rehearing.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 08-1019 to obtain an Order against Girod Jackson, III for his failure to pay an assessed late fee for the late filing of a campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board continued the public hearing, since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-755 to obtain an Order against Donald L. "Don" Bertrand for his failure to pay an assessed late fee for the late filing of a campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board dismissed the hearing, since the late fee had been paid.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-849 to obtain Orders against Adam Ackel and Gail Masters Reimonenq for their failure to pay assessed late fees for the late filing of campaign finance disclosure reports.

Mr. Ackel was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-8. On motion made, seconded and unanimously passed, the Board ordered Mr. Ackel to pay the assessed \$60 late fee.

On motion made, seconded and unanimously passed, the Board continued the public hearing with respect to Gail Masters Reimonenq, since proper service had not been obtained.

The Board considered a request for rehearing in Docket No. 10-003 regarding an Order

issued to lobbyist Terry Bromell for the failure to pay assessed late fees for the late filing of his September 2009 Executive and/or Legislative Lobbyist Expenditure Reports. Mr. Bromell was called but was not present. On motion made, seconded and unanimously passed, the Board granted the request for rehearing and reduced the late fee to \$100, since Act 857 of the 2010 Louisiana Legislature provides that a person registered as both a legislative and an executive branch lobbyist shall only be fined one amount, rather than a fine for a violation of both acts.

The Board considered a request for rehearing in Docket No. 10-211 regarding an Order issued to lobbyist Terry Bromell for the failure to pay assessed late fees for the late filing of his December 2009 Executive and/or Legislative Lobbyist Expenditure Reports. Mr. Bromell was called but was not present. On motion made, seconded and unanimously passed, the Board granted the request for rehearing and reduced the late fee to \$50, since Act 857 of the 2010 Louisiana Legislature provides that a person registered as both a legislative and an executive branch lobbyist shall only be fined one amount, rather than a fine for a violation of both acts.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 10-004 in connection with a \$600, \$600, \$600 and \$600 Order issued against Kelly Daniels, a candidate for Jefferson Parish Council, District 5 in the April 4, 2009 election, for his failure to pay assessed late fees for the late filing of his 30-P, 10-P, EDE-P and 10-G campaign finance disclosure reports. Mr. Daniels was called and appeared before the Board. After hearing from Mr. Daniels, on motion made, seconded and unanimously passed, the Board denied the request for rehearing.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-006 to obtain an Order against Kevin L. James for his

failure to pay assessed late fees for the late filing of campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board continued the public hearing to the September meeting at Mr. James' request.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-133 to obtain an Order against John "Sassy" Pourciau for his failure to pay assessed late fees for the late filing of campaign finance disclosure reports. Mr. Pourciau was called and appeared before the Board. After hearing from Mr. Pourciau, on motion made, seconded and unanimously passed, the Board imposed the late fees totaling \$1,140 but suspended the entire amount conditioned upon future compliance with the Campaign Finance Disclosure Act and upon receipt within fourteen (14) days of documentation with respect to Mr. Pourciau's medical condition.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-194 to rescind the late fees and an Order issued against Raymond Simmons ordering him to pay assessed late fees totaling \$1,200 for the late filing of his 10-P and 30-P campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board rescinded the Order issued against Raymond Simmons and the late fees totaling \$1,200, since Mr. Simmons was disqualified from the October 20, 2007 election and since he had no activity pursuant to Rule 1204E.

The Board called the public hearing in Docket No. 10-197 to obtain an Order against Charles Lanphier for his failure to pay assessed late fees for the late filing of lobbyist expenditure reports. Mr. Lanphier was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-5. On motion made, seconded and unanimously passed, the Board ordered Mr. Lanphier to pay the

late fees totaling \$100.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-279 to obtain an Order against James A. “Jay” Bankston for his failure to file his Supplemental campaign finance disclosure report which was due by February 17, 2010. On motion made, seconded and unanimously passed, the Board dismissed the hearing, since the required report had been filed and late fees had been assessed.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-280 to obtain an Order against Donald L. Bertrand, a candidate for Lafayette City-Parish Council, District 7 in the October 20, 2007 election, for his failure to file his Supplemental campaign finance disclosure report which was due by February 17, 2010. On motion made, seconded and unanimously passed, the Board dismissed the hearing, since the required report had been filed and late fees had been assessed.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-288 to obtain an Order against Jason M. Decuir for his failure to file his Supplemental campaign finance disclosure report which was due by February 17, 2010. Mr. Decuir was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-6. On motion made, seconded and unanimously passed, the Board ordered Mr. Decuir to file the required report, to pay civil penalties of \$60 per day until the report is filed, not to exceed \$2,000.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-481 to obtain an Order against Rodney J. Strain for his failure to file his Supplemental campaign finance disclosure report which was due by February 17,

2010. On motion made, seconded and unanimously passed, the Board dismissed the hearing, since the required report had been filed and late fees had been assessed.

The Board called the public hearing in Docket No. 10-526 to obtain an Order against Tevester Scott for his failure to pay assessed late fees for the late filing of lobbyist expenditure reports. Mr. Scott was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-5. On motion made, seconded and unanimously passed, the Board ordered Mr. Scott to pay the late fees totaling \$400.

The Board called the public hearing in Docket No. 10-594 to explore charges issued against Charles Leo Miller for his failure to timely file a candidate's personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board dismissed the charges, since Mr. Miller had timely filed the candidate's personal financial disclosure statement under a different name, Leo Miller, rather than the name he used when he qualified, Charles Leo Miller.

The Board called the public hearing in Docket No. 10-595 to explore charges issued against Eddie Sapir for his failure to timely file a candidate's personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board dismissed the charges, since Mr. Sapir's candidate's personal financial disclosure statement was timely filed but inadvertently entered into the database as an annual report.

The Board called the public hearing in Docket No. 10-611 to explore charges issued against Lambert Boissiere, III for his failure to timely file his annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board dismissed the charges, since Mr. Boissiere had filed the required report and late fees had been assessed.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board

considered a request in Docket No. 10-304 for a waiver of the \$2,000 late fee assessed against Terrell Myles, a candidate for Shreveport City Judge, District 2, Division C in the October 4, 2008 election, for filing his Supplemental report 65 days late. Mr. Myles was called but was not present. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee but suspended \$1,800 based on the level of activity, no prior late filings and conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. James Burland, attorney for NORPAC, a political committee that supported candidates in the February 6, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 10-553 in connection with a request for a waiver of the \$3,000 and \$3,000 late fees assessed and the \$5,000 late fee reassessed against the committee for filing the 10-P report 47 days late and the 10-G report 16 days late. After hearing from Mr. Burland, on motion made, seconded and unanimously passed, the Board declined to waive the late fees based on the level of activity reported and prior late filings.

Mr. Billy Ward, Chairman of the Greater Baton Rouge HBA Build PAC, a political committee that supported candidates in the March 27, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 10-701 in connection with a request for a waiver of the \$1,600 late fee assessed against the committee for filing the 10-G report 8 days late. After hearing from Mr. Ward, on motion made, seconded and unanimously passed, the Board declined to waive the late fee based on the level of activity reported.

Mr. Mark Milligan, a candidate for State Representative, District 63 in the May 1, 2010 election, and Mr. Ronald L. Smith, Mr. Milligan's report preparer, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 10-731 in

connection with a request for a waiver of the \$900 and \$2,000 late fees assessed against Mr. Milligan for filing his Special report 15 days late and his 10-G report 43 days late. After hearing from Mr. Milligan and Mr. Smith, on motion made, seconded and unanimously passed, the Board continued the matter to the September meeting.

On motion made, seconded and unanimously passed, the Board agreed to take action on items 29-48 en globo subject to any item being individually designated for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items 29-48 taking the following action:

Adopted for publication, a consent opinion in Docket No. 09-309 in which Tesco Controls, Inc. agrees that a violation of Section 1117 of the Code of Governmental Ethics occurred by virtue of the company providing Mayor Edward Price, City of Mandeville, with golf green fees at a time when Tesco had a business relationship with the City of Mandeville and in which Tesco Controls, Inc. agrees to pay a fine of \$600.

Adopted for publication, a consent opinion in Docket No. 09-318 in which Morris White, the Concordia Parish Director of Emergency Preparedness, agrees that a violation of Section 1119A of the Code of Governmental Ethics occurred by virtue of the employment of his daughter, Glenda White, as the Concordia Parish Deputy Director of Emergency Preparedness while he served as the Director of Emergency Preparedness and in which Mr. White agrees to pay a fine of \$500.

Adopted an advisory opinion in Docket No. 10-564 concluding that no violation of the Code of Governmental Ethics is presented by Heather Stefan, an employee of the Louisiana Workforce Commission (LWC), pursuing part-time employment opportunities as a consultant to labor organizations, both in and out of state, since Ms. Stefan's agency is the Apprenticeship Division of

the LWC and the proposed consulting work for in state labor organizations is unrelated to her current job duties and since the out of state organizations have no affiliation with her agency. The Board further advised that Section 1111C(2)(d) of the Code of Governmental Ethics will prohibit Ms. Stefan from providing any contract services to any person or entity that (1) has or is seeking to have a contractual, business or financial relationship with her agency; (2) conducts operations or activities which are regulated by her agency; or (3) has substantial economic interests which may be substantially affected by the performance or nonperformance of her official duty.

Declined to render an advisory opinion in Docket No. 10-617 regarding whether a company owned in part by a person may enter into a subcontract with a company that has a contract with a board, when a member of that board is also a business partner with that person in another company, but generally advised of the prohibitions in Sections 1112 and 1113 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 10-672 concluding that no violation of the Code of Governmental Ethics is presented by Bryan Gros, a psychologist for the Capital Area Human Service District (CAHSD), serving as president of Mental Health America of Louisiana (MHAL) while MHAL has a contract with CAHSD, since Mr. Gros has no dealings with MHAL as an employee of CAHSD, he has no controlling interest in MHAL and he has delegated his authority to negotiate contracts to the executive director of MHAL.

Adopted an advisory opinion in Docket No. 10-675 concluding that no violation of the Code of Governmental Ethics is presented by Fred Martinez, a member of the Louisiana Emergency Response Network Board (LERN) and the Rural Hospital Coalition, Inc., continuing to serve on both boards if the organizations enter into a contractual relationship, since he is not entering into a

transaction with his agency. The Board further advised that (1) Section 1112B(3) of the Code of Governmental Ethics prohibits Mr. Martinez, as a board member of LERN, from participating in the vote of the board to enter into a contract with the Rural Hospital Coalition, Inc., a company in which he serves as an officer; and, (2) Section 1120 of the Code of Governmental Ethics allows Mr. Martinez to recuse himself from voting on such matters as long as he states on the record his reason for recusal.

Adopted an advisory opinion in Docket No. 10-676 concluding that no violation of the Code of Governmental Ethics is presented by Eric Skrmetta, a member of the Louisiana Public Service Commission (PSC), serving on a nonprofit board which receives a financial donation from a company that is regulated by the PSC. The Board further advised that (1) Section 1112B(3) of the Code of Governmental Ethics prohibits Mr. Skrmetta from participating in matters before the PSC involving the company that is making a financial donation to the nonprofit, on which he serves as a board member; and, (2) Section 1120 of the Code of Governmental Ethics provides that any elected official, who is required to vote on a matter in violation of Section 1112 of the Code, must recuse himself from voting. The elected official is not prohibited from participating in discussion and debate concerning the matter provided that he verbally discloses the nature of the conflict or potential conflict during his participation in the discussion or debate prior to any vote being taken.

Adopted an advisory opinion in Docket No. 10-677 concluding that no violation of the Code of Governmental Ethics is presented by Alton G. Bailey, an employee of the Vernon Parish School Board, running for a position on the Vernon Parish School Board while maintaining his employment as a Head Start teacher with the school board.

Adopted an advisory opinion in Docket No. 10-681 concluding that Section 1121A(1) of the

Code of Governmental Ethics prohibits M. Harrison Boyd, the former Chief Technology Officer for the New Orleans Office of Technology, for a period of two years following the termination of his public employment, from assisting any vendor of the City of New Orleans or any other person with a transaction involving any of the departments in which he was the supervising officer/manager. The Board further advised that no violation of the Code of Governmental Ethics is presented as long as Mr. Boyd is not assisting those vendors or other persons in transactions with those former departments in which he supervised.

Adopted an advisory opinion in Docket No. 10-682 concluding that no violation of the Code of Governmental Ethics is presented by Stacy Landry, the General Manager for Glenn Lege Construction, Inc., serving as a member of the Vermilion Parish School Board while the company has contracts with the Vermilion Parish School Board, since he is a salaried employee with no interest in the company and he does not serve as an officer, partner or trustee of the company. The Board further advised that Mr. Landry, as an employee of the construction company, is prohibited from performing services on behalf of the company in connection with the company's contracts with the school system. Additionally, Section 1112 of the Code of Governmental Ethics would prohibit Mr. Landry, as a member of the Vermilion Parish School Board from participating in any vote of the School Board regarding the construction company. Section 1120 allows Mr. Landry to discuss and debate those matters regarding the company; however, he must recuse himself from participating in voting on any matter before the Vernon Parish School Board which may involve Glenn Lege Construction, Inc. and must file a disclosure statement with the Board of Ethics as required by Section 1114 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 10-690 concluding that no violation of the Code

of Governmental Ethics is presented by Monica Vincent, an employee of the Eastern Louisiana Mental Health System (ELMHS), becoming a provider for the Office of Community Services, as long as she does not serve the same clients that she serves in her employment with the ELMHS. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Ms. Vincent from recommending clients she services through ELMHS to her private practice.

Adopted an advisory opinion in Docket No. 10-691 concluding that no violation of the Code of Governmental Ethics is presented by Euris DuBois, Grand Isle Chief of Police, contracting with BP Oil or one of its subsidiaries for grass cutting services, as long as BP Oil does not have, nor is it seeking to have, a contractual, business or financial relationship with the Grand Isle Police Department.

Adopted an advisory opinion in Docket No. 10-723 concluding that no violation of the Code of Governmental Ethics is presented by Gordon Kinchen, a former employee of the Division of Administration, Office of Information Services (OIS), working for The Shaw Group to serve as a supplemental staff employee assigned to the Disaster Recovery Unit (DRU), since Mr. Kinchen will not be assisting Shaw in any transactions involving his former agency, the OIS.

Adopted an advisory opinion in Docket No. 10-733 concluding that no violation of the Code of Governmental Ethics is presented by P.J. Hahn, Director of the Coastal Zone Management Department in Plaquemines Parish, being reimbursed for his personal scuba diving equipment by a company, Disaster Recovery Corporation (DRC), which has a contractual relationship with Plaquemines Parish, since Mr. Hahn was not performing compensated services for DRC, but rather the services were performed as a part of the duties and responsibilities of his employment with the Coastal Zone Management Department, and the reimbursement is not a "gift" or "gratuity" being

received from a prohibited source.

Adopted an advisory opinion in Docket No. 10-734 concluding that no violation of the Code of Governmental Ethics is presented by Georgia Honore serving as an alderwoman for the Village of Wilson if her husband is elected as mayor of the Village of Wilson. The Board further advised that Section 1112 of the Code of Governmental Ethics would prohibit Ms. Honore or her husband from participating in matters involving the Village of Wilson in which the other has a substantial economic interest in the matter; however, pursuant to Section 1120 of the Code of Governmental Ethics, neither Ms. Honore nor her husband will be precluded from participating in debate and discussion on matters concerning the Village and the spouse, provided the conflict of interest is reflected on the record prior to participation in the debate or discussion.

Adopted an advisory opinion in Docket No. 10-736 concluding that Section 1121 of the Code of Governmental Ethics prohibits Steve L. Cumbaa, a former employee of the Department of Transportation and Development (DOTD), for a period of two years following the termination of his public employment, or any entity in which he is an officer, director, trustee, partner or employee from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction in which he participated in during his public employment. The Board further advised that Mr. Cumbaa is prohibited from rendering any service which he rendered to DOTD during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for or on behalf of DOTD.

Adopted an advisory opinion in Docket No. 10-738 concluding that no violation of the Code of Governmental Ethics is presented by Christopher Crawford, an employee of the Addiction Division of South Central Louisiana Human Services Authority (SCLHSA), working part-time with Options

for Independence Adult Services, since the services offered through Option for Independence are not the same services as those offered by the Addiction Division of the SCLHSA and since the part-time employment would not result in a contract, subcontract, or other transaction under the supervision of the SCLHSA. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Mr. Crawford from recommending clients serviced through the Addiction Division of SCLHSA to Options for Independence.

Adopted an advisory opinion in Docket No. 10-742 concluding that no violation of the Code of Governmental Ethics is presented by Manchac Consulting Group, Inc. entering into future waste/sewer contractual agreements with Ascension Parish where Manchac has assisted Ascension Parish with its selection of a firm to handle the operation and maintenance of its wastewater system, since Manchac will assist and participate, as a member of the Parish's selection team under the advisement of the Ascension Parish Council, in the Parish's selection of a firm to perform work for the Parish. The Board further advised that since Manchac would no longer be a public servant after termination of the contract, Manchac would be prohibited for two years following termination of the contract from assisting another person in transactions regarding its selection committee contract. Additionally, if at the time of the contract, Manchac anticipates receiving work from a proposed firm, there may be issues with Section 1112 of the Code of Governmental Ethics and an advisory opinion should be solicited.

Adopted an advisory opinion in Docket No. 10-744 concluding that no violation of the Code of Governmental Ethics is presented by Craig Coenson, the Medical Director for the Metropolitan Human Service District (MHSD) assisting Federal Qualified Health Center (FQHC), as long as Mr. Coenson is not compensated for providing a service that is substantially related to the services he

provides at the MHSD and patients of the MHSD are not referred to the FQHC.

Adopted an advisory opinion in Docket No. 10-749 concluding the following regarding whether an alderman for the Village of McNary voting on the renewal of the Chief of Police's contract when the Chief of Police, Malcolm English, arrested a member of the alderman's family:

(1) When an alderman is the subject of a lawful protest of illegality or impropriety as expressed by an employee of a municipality, and the continued employment of the subordinate is a matter of a vote by the board, is the involved board member prohibited from voting in that a recusal is required?

The Board concluded that the Code of Governmental Ethics would not prohibit the Alderman from voting on the renewal of Mr. English's contract appointing him as the Chief of Police for the Village of McNary. Section 1112A of the Code provides that no public servant, except as provided in R.S. 42:1120, shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity. In addition, Section 1112B of the Code provides that no public servant, except as provided in R.S. 42:1120, shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any of the following persons has a substantial economic interest: (a) any member of his immediate family; (b) any person in which he has a substantial economic interest of which he may reasonably be expected to know; (c) any person of which he is an officer, director, trustee, partner, or employee; (d) any person with whom he is negotiating or has an arrangement concerning prospective employment; and, (e) any person who is a party to an existing contract with such public servant, or with any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, or who owes any thing of economic value to such public servant, or to any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such public servant.

(2) In the event that the board member will not recuse himself from voting, is a vote by that same board member moot (a nullity)?

The Board concluded that the Code of Governmental Ethics does not authorize the Board to render a vote a nullity when cast in derogation of Section 1112 of the Code of Governmental Ethics.

(3) In the event the vote is a legal nullity, is the municipal clerk enjoined from recording it as a vote against the measure to hire or retain the complainant employee?

The Board declined to render an opinion as this question does not present an issue under the jurisdiction of the Code of Governmental Ethics.

(4) Is the diminishing of compensation prohibited where the contracted terms of service of an appointed chief of police position are consecutive terms?

The Board declined to render an opinion as this question does not present an issue under the jurisdiction of the Code of Governmental Ethics.

(5) Is the diminishing of compensation for the appointed chief of police by the board prohibited when compensation is a stipulation of an employment contract between the employee and the mayor who in turn acts on behalf of the municipality?

The Board declined to render an opinion as this question does not present an issue under the jurisdiction of the Code of Governmental Ethics.

(6) Is the diminishing of compensation for the appointed (contracted) chief of police permitted by a vote of the members of the board of aldermen in the light of a previous complaint made by the chief to his employment authority (here, the mayor) concerning the impropriety or illegality by a member of that board of aldermen?

The Board concluded that the Code of Governmental Ethics would not prohibit the Alderman from voting on the diminishing of Mr. English's compensation as Chief of Police for the Village of McNary. See Section 1112A and Section 1112B of the Code set forth in the answer to question No. 1 .

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the July 15-16, 2010 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for a payment plan in Docket No. 10-284 in connection with late fees totaling \$4,800 assessed against Eddie Clark, a candidate for Monroe City Councilman, District 5 in the April 9, 2009 election, whose EDE-P report was filed 100 days late, 10-G report was filed 92 days late, EDE-G report was filed 430 days late, 40-G report was filed 42 days late and Supplemental report

was filed 147 days late. On motion made, seconded and unanimously passed, the Board approved a payment plan of \$200 per month for the remaining balance of \$1,400 owed by Mr. Clark.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for a payment plan in Docket No. 10-470 in connection with late fees totaling \$3,400 assessed against the Lake Area Voters Association, a political action committee which supported candidates in the February 6, 2010 election, whose 10-G report was filed 5 days late and Annual report was filed 12 days late. On motion made, seconded and unanimously passed, the Board approved a payment plan of \$200 per month for the remaining balance of \$2,700 owed by the committee.

The Board considered a request for an advisory opinion in Docket No. 10-641 regarding (1) whether the position of Judge of First City Court in Orleans Parish is a major or district office; and (2) whether a judge and her spouse are subject to prohibitions in the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board deferred the matter to the September meeting.

The Board considered a request for an advisory opinion in Docket No. 10-713 regarding Larry Henson, the Director of Business Intelligence for the Louisiana Economic Development (LED), teaching a one day seminar in Arlington, Virginia. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Henson receiving an honorarium and having his travel expenses paid by C2ER for teaching the seminar in Virginia, since LED only pays for the dues associated with an LED employee's individual membership into C2ER and there is no business, contractual or financial relationship existing between the LED and C2ER. Additionally, because no relationship exists between LED and C2ER, C2ER is

not a prohibited source of a gift or income to employees of the LED. Further, because C2ER has invited Mr. Henson to give the speech based upon his general knowledge of economic development and his long-standing relationship with C2ER, there is no violation of the Code of Governmental Ethics if C2ER pays for the travel costs and an honorarium associated with Mr. Henson giving the seminar in Arlington, Virginia. Board Member Leggio abstained.

The Board recessed at 10:45 a.m. and resumed back into general business session at 10:57 a.m.

The Board considered a request for an advisory opinion in Docket No. 10-724 regarding whether the lobbying laws apply to the “collaborative working group” created by Act 442 of the 2009 Louisiana Legislature. On motion made, seconded and unanimously passed, the Board concluded that Section 56 of the Lobbyist Disclosure Act (LSA R.S. 24:56F) prohibits a “State Employee” in his official capacity on or on behalf of his employer from lobbying for or against a matter intended to have the effect of law pending before the legislature or any committee thereof. However, because Act 442 of the 2009 Louisiana Legislature specifically mandates that the members of this "collaborative working group" make recommendations to the Chairmen of the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, the members of the Group are not prohibited from performing the group’s stated function of making recommendations to the Legislature.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 10-756 for a waiver of the \$150 late fee assessed against Howard McCarty, a member of the LaSalle Parish School Board, for filing his annual school board disclosure statement three (3) days late. On motion made, seconded and unanimously passed, the Board waived

the \$150 late fee, since Mr. McCarty attached a request to his annual disclosure statement requesting a waiver due to serious illness.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 10-764 for a payment plan in connection with late fees totaling \$600 assessed against Ray Touchet, a candidate for Mayor of the City of Jennings in the April 9, 2009 election, whose EDE-P report was filed 28 days late and 10-G report was filed 197 days late. On motion made, seconded and unanimously passed, the Board approved a payment plan of \$100 per month for the remaining balance of \$600 owed by Mr. Touchet.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for “good cause” waivers of late fees assessed against the following candidates and political committees:

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

Docket No. 10-289 from Thomas Delahaye of a \$400 late fee;
Docket No. 10-698 from Dadrius Lanus of a \$600 late fee and a \$60 late fee;
Docket No. 10-699 from Ken Hill of a \$320 late fee and a \$40 late fee;
Docket No. 10-700 from Charles Rose of a \$320 late fee and a \$360 late fee;
Docket No. 10-704 from Barbara Jackson of a \$1,000 late fee; and,
Docket No. 10-730 from Reginald Laurent of a \$480 late fee.

The Board unanimously declined to waive the late fees totaling \$1,800 assessed against Dadrius Lanus in Docket No. 10-698 but suspended \$1,400 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously reduced the \$2,000 late fee assessed against Jean Doerge in Docket No. 10-703 to \$100 in connection with the electronic filing of her Annual campaign finance disclosure report.

The Board considered a request for a waiver in Docket No. 10-747 of the \$2,000 late fee assessed against Gene Katsanis whose Annual campaign finance disclosure report was filed 110 days late. On motion made, seconded and unanimously passed, the Board continued the matter.

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists:

The Board unanimously waived the late fees assessed against the following:

Docket No. 10-726 from Richard Cortizas, Legislative Lobbyist, of a \$500 late fee; Docket No. 10-754 from R. Michael Lyons, Executive Lobbyist, of a \$150 late fee; and, Docket No. 10-754 from R. Michael Lyons, Legislative Lobbyist, of a \$150 late fee.

The Board unanimously declined to waive the \$450 late fee assessed against Itzel Harriott, Legislative Lobbyist, in Docket No. 10-603 but suspended the late fee conditioned upon future compliance with the Lobbyist Disclosure Act.

The Board unanimously declined to waive the \$150 late fee assessed against Alex Suffrin, Executive Lobbyist, in Docket No. 10-732 but suspended the late fee conditioned upon future compliance with the Lobbyist Disclosure Act.

The Board unanimously agreed to consider the following supplemental agenda items:

The Board considered a request for an advisory opinion in Docket No. 10-678 regarding whether a board member on the Ascension Parish Fire Protection District #1 Board, who also serves as chief for a volunteer fire department, may participate in the Volunteer Incentive Pay Program. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would prohibit the volunteer fire chief, who also serves as a member of the Ascension Parish Fire Protection District #1, from participating in the Volunteer Incentive Pay Program, since Section 1123(1) of the Code of the Governmental Ethics only allows the participation

of a volunteer fire chief on the Ascension Parish Fire Protection District #1 if no compensation is received for such service as fire chief.

The Board considered a request for an advisory opinion in Docket No. 10-737 regarding whether an employee of the New Orleans Redevelopment Authority (NORA) may purchase property from the Louisiana Land Trust (LLT) under the City of New Orleans Lot Next Door (LND) Program. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the NORA employee participating in the Lot Next Door Program, given the special circumstances of the program and considering no preferential treatment is given to participants.

The Board considered a request for an advisory opinion in Docket No. 10-771 regarding whether Crawford Aggregate Industries, LLC, a company owned by Taylor and Melissa deGeneres, may enter into a subcontract with Lou-Con, Inc. to perform services on a contract with the City of Mandeville at a time when David deGeneres, brother of Taylor deGeneres, serves as the City of Mandeville's Director of Public Works. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Crawford Aggregate Industries entering into a subcontract with LouCon, Inc. to perform services on the City of Mandeville Treatment Plant Upgrade project while David deGeneres serve as the Director of Public Works for the City of Mandeville, since Mr. deGeneres' brother and sister-in-law own less than 25% of Crawford Aggregate Industries. The Board further advised that Section 1113A of the Code of Governmental Ethics would prohibit both Taylor and Melissa deGeneres from representing Crawford Aggregate Industries in any project involving the Mandeville City Department of Public Works while David deGeneres serves as the Director of Public Works. In addition, the Board

concluded that Section 1112 of the Code of Governmental Ethics would prohibit David deGeneres, in his capacity as the Director of Public Works for the City of Mandeville, from participating in any transactions involving the Department of Public Works in which his brother and sister-in-law have a substantial economic interest.

Chairman Simoneaux recused himself from consideration of Docket No. 10-780 and vacated the Chair. Vice Chairman Boyer assumed the Chair.

The Board considered a request for an advisory opinion in Docket No. 10-780 regarding the post-employment restrictions placed on Karen Reiners Winfrey, former Deputy Commissioner of Insurance for the Office of Health Insurance (OHI) at the Department of Insurance. On motion made, seconded and unanimously passed, the Board concluded that Section 1121A of the Code of Governmental Ethics prohibits Ms. Winfrey, for a period of two years following her retirement date of July 30, 2010, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving the OHI or from rendering any service on a contractual basis to or for the OHI, since she was the “Agency Head” of the OHI.

Chairman Simoneaux resumed the Chair.

The Board considered a request for an advisory opinion in Docket No. 10-830 regarding various ethics issues involving the Terrebonne Parish Recreation District No. 11. On motion made, seconded and unanimously passed, the Board concluded the following:

(1) Can the ex-spouse of an employee of the District bid on, and be awarded, a construction job?

The Board concluded that the Code of Governmental Ethics would not prohibit the ex-spouse of an employee from bidding on or entering into a construction contract with the District, since the definition of immediate family”in the Code of Governmental Ethics does not include a public servant’s ex-spouse. R.S. 42:1102(13).

(2) Can an employee of the District obtain the work permit being performed by an ex-spouse using the funds of the ex-spouse not the employee or the District?

The Board declined to render an opinion as to this issue as additional information is needed.

(3) Can a salaried employee receive payment by another organization to supervise a facility of the District?

The Board concluded that the Code of Governmental Ethics would prohibit an employee of the District from providing compensated services to a person to supervise a facility of the District. Section 1111A(1) of the Code prohibits a public servant from receiving anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position. In addition, Section 1111C(2)(d) of the Code prohibits a public servant from providing compensated services to a person that has or is seeking a contractual, financial, or other business relationship with the public servant's agency. Therefore, since the organization has a relationship with the District to manage its facilities, an employee is prohibited from receiving compensation for the provision of services to that organization.

(4) Can an employee work directly for another organization [and] get paid for performing work (i.e. umpiring, score keeping, selling concessions, etc.) on District property?

The Board declined to render an opinion as to this issue as additional information is needed.

(5) Is a maximum number of hours that the District can make a salaried employee work?

The Board declined to render an opinion as this does not fall under the jurisdiction of the Board of Ethics.

(6) Can the District use funds to build a restroom for employees only when the restroom would be part of a concession stand where there are products and money?

The Board declined to render an opinion as this does not fall under the jurisdiction of the Board of Ethics.

The Board considered a request for an advisory opinion in Docket No. 10-823 regarding

whether a company wholly owned by Phillip Thomasee, brother-in-law of Scott Angelle, may enter into a professional service contract with the Division of Administration, Office of Facility Planning and Control, at a time when Scott Angelle serves as the Lieutenant Governor of Louisiana. On motion made, seconded and unanimously passed, the Board concluded that Section 1113A of the Code of Governmental Ethics prohibits Thomasee & Associates, Inc., which is owned by the brother-in-law of Scott Angelle, from entering into a professional services contract with the Division of Administration, Office of Facility Planning and Control, while Scott Angelle serves as the Lieutenant Governor of the State of Louisiana, since the Division of Administration, Office of Facility Planning and Control, falls within the executive branch of government.

On motion made, seconded and unanimously passed, the Board agreed to add the consideration of the Affidavit of Notice of Fee Disposition form to the supplemental agenda for consideration. On motion made, seconded and unanimously passed, the Board approved the form and instructed the staff to disseminate the form to the public.

The Board unanimously resolved into executive session and considered the following executive supplemental agenda items:

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EXECUTIVE BUSINESS

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The Board unanimously resolved into general business session.

The Board considered the charges filed in Docket No. 09-146 regarding a company, B&B Fire & Safety Services, Inc., owned by Scott Butaud, son of Vermilion Parish Police Juror Gerald Butaud, entering into a contract with Vermilion Parish. On motion made, seconded and unanimously

passed, the Board dismissed the charges against Mr. Scott Butaud, since he did not own a controlling interest in Duval Capital Partners, the owner of B&B Fire & Safety Services, Inc., at the time the company serviced the Vermilion Parish fire extinguishers.

The Board considered the Order Denying Petition for Reconsideration rendered by the Ethics Adjudicatory Board in Docket No. 09-115 with respect to the matter involving Kevin Ambeau, St. Gabriel Police Chief. On motion made, seconded and unanimously passed, the Board agreed to comply with the decision by the Ethics Adjudicatory Board but to reserve the right to protest in the future on a case by case basis and authorized the staff to seek a Declaratory Judgment within a court of competent jurisdiction.

On motion made, seconded and unanimously passed, the Board agreed to add the designation of Aaron Brooks as trial attorney to the agenda. On motion made, seconded and unanimously passed, the Board designated Aaron Brooks to serve as trial attorney in Docket Nos. 09-692, 10-187 and 08-330.

The Board unanimously adjourned at 12:53 p.m.

Secretary

APPROVED:

Chairman

