

LOUISIANA BOARD OF ETHICS
MINUTES
March 5, 2021

The Board of Ethics met on March 5, 2021 at 9:08 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 Bruneau, Colomb, Couvillon, Dittmer, Ellis, Grand, Lavastida, McAnelly, Meinert, and Smith present. Board Member Roberts was absent. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, Latoya Jordan, Suzanne Mooney, Charles Reeves and Greg Thibodeaux.

Mr. Wallace Sibley, Executive Director, Quad Area Community Action Agency, Inc., and Chris Dunn, employee of Louisiana Housing Corporation, appeared before the Board in connection with an advisory opinion request in Docket No. 21-053 relating to potential employment by Quad Area Community Agency. After hearing from Mr. Sibley and Mr. Dunn, on motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would permit Mr. Dunn to be employed by Quad Area Community Action Agency, Inc. to provide services, including transactions between Louisiana Housing Corporation and Quad Area Community Action Agency, Inc., provided that Mr. Dunn does not assist Quad Area Community Action Agency, Inc. in specific transactions that he participated in during his time at Louisiana Housing Corporation.

The Board considered an advisory opinion request in Docket No. 20-807 regarding if the Code of Ethics would prohibit Ms. Jill DeSouge's son, Brody DeSouge, independently or as an employee of KA-JI Construction from being employed with RAWL, or similar situated contractor with Tangipahoa Parish, while Ms. Jill DeSouge is employed with the Parish

Accounting Department. On motion made, seconded and unanimously passed, the Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit KA-JI Construction, LLC from accepting compensation from parish contractors for services rendered by KA-JI or from Brody DeSouge, since Jill DeSouge's agency, Parish Accounting Department, has a financial relationship with RAWL in processing checks to the contractors. However, neither Sections 1111C(2)(d) and 1113A of the Code of Governmental Ethics would prohibit Jill DeSouge's son, Brody DeSouge, from being employed by RAWL or other contractors, other than KA-JI to haul material to a landfill provided the parish contractor pays him directly and the subcontract is not under the supervision or jurisdiction of Ms. DeSouge's agency, the Parish Accounting Department.

The Board considered an advisory opinion request in Docket No. 21-004 regarding whether the Code of Governmental Ethics would prohibit Joe Magee from serving as the Administrator of the Desoto Parish Emergency Medical Services (EMS) and being appointed to serve on the Desoto Parish Fire District 2 Board. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion with updated language concluding that the Code of Governmental Ethics would not prohibit Mr. Magee from serving as the Administrator of EMS and on the Desoto Parish Fire District 2 Board because Mr. Magee does not have a personal substantial interest in the cooperative endeavor agreement. However, Mr. Magee should be advised that this opinion request may present an issue associated with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General. The Board advised staff to send a copy of the request and opinion to the Attorney General's Office.

Chairman McAnelly suggested the staff to contact the Attorney General's Office and invite them to appear at the April Board meeting.

The Board considered an advisory opinion request in Docket No. 21-028 from Ashley Deshotels Solomon, Director of Governmental and Ethics Compliance for Jefferson Parish, as to the Department of General Services providing lunch to its employees. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion with updated language concluding that Ashley Deshotels' request presents no issues under the Code of Governmental Ethics if the Department of General Services purchases the meals since the employees would be duly entitled to the meals for meeting the goals. Further, if the lunches are paid for by the Department's Director, they must be present when the meal is consumed.

The Board considered an advisory opinion request in Docket No. 21-055 regarding whether the post-employment restrictions in the Code of Governmental Ethics would prohibit Dr. Tucker, a former Assistant Warden 4 at David Wade Correctional Center, from entering into a contract with the Department of Corrections after her retirement. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion concluding that Section 1121(B) of the Code of Governmental Ethics prohibits Dr. Tucker from rendering the same services under contract within two years from January 12, 2021. Dr. Tucker is prohibited from contracting with the Department of Corrections to provide the same services that Dr. Tucker rendered to David Wade Correctional Center and SHISAP during Dr. Tucker's public service.

On motion made, seconded and unanimously passed, the Board allowed the withdrawal of an advisory opinion request in Docket No. 21-057, submitted by Twahna Harris who later requested the advisory opinion to be withdrawn.

The Board considered an advisory opinion request in Docket No. 21-059, submitted by Christi Disher, regarding whether the Louisiana Code of Governmental Ethics would prohibit Ms. Disher's broadband internet services company from entering into service agreements with Chicot

State Park and, potentially, the Louisiana Office of State Parks to provide internet services for all RV campgrounds. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion, concluding that based on the facts presented, the Louisiana Code of Governmental Ethics will not prohibit Ms. Disher's broadband internet services company from entering into a service agreement with Chicot State Park and/or the Louisiana Office of State Parks since these contracts are not with Ms. Disher's agency which is Longfellow-Evangeline State Historic Site.

Board Member Dittmer recused himself from Docket No. 21-060.

The Board considered an advisory opinion request in Docket No. 21-060 from Fairway Consulting and Engineering regarding whether it can contract to provide general engineering services to the City of Mandeville when the owner's wife serves as the Magistrate of the Mayor's Court as an independent contractor. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion concluding that the Code of Governmental Ethics would not prohibit Fairway Consulting and Engineering, LLC from contracting with the City of Mandeville Department of Public Works since the Mandeville's Mayor's Court is a separate agency from the Mandeville Department of Public Works.

The Board considered an advisory opinion request in Docket No. 21-068 from Stephen B. Morris, M.D., member of the Lafourche Parish Hospital Service District No. 2. Board, regarding leasing an office to Ochsner Clinic Foundation. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion with updated changes concluding that the Code of Governmental Ethics does not prohibit Dr. Stephen B. Morris from entering into a lease agreement with Ochsner since Dr. Morris has met the requirements for the exception contained in Section 1123(18)(a) of the Louisiana Code of Governmental Ethics. Additionally, pursuant to

Section 1114 of the Code of Governmental Ethics, Dr. Morris will be required to file with the Board an annual disclosure statement by May 15th of each calendar year disclosing certain financial information related to his lease agreement with Ochsner.

The Board recessed from 10:43 a.m. to 11:07 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 February 4th and 5th, 2021 meetings. Board Member Bruneau stated that Executive Secretary, Carolyn Landry, did an excellent job on the Board Minutes.

The Board considered a proposed consent opinion in Docket No. 18-757 signed by (1) Ron Bourgeois and REECO Rental & Supply; and (2) Ronnie Chiasson and Sunbelt Fire Inc. regarding prohibited transactions with the Lafourche Parish Volunteer Fire Department - Thibodaux. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion and dismissed the pending charges before the Ethics Adjudicatory Board the following (1) in which Mr. Ron Bourgeois and REECO Rental and Supply Inc. signed and paid the \$1,500 civil penalty and (2) in which Ronnie Chiasson and Sunbelt Fire Inc. signed and paid the \$1,500 civil penalty. In the event of a failure to pay, the Board of Ethics may file suit to compel immediate payment of any balance due.

The Board considered an advisory opinion request in Docket No. 21-030 from the Franklin Parish Police Jury relative to a cooperative endeavor agreement between the parish and the wife and daughter of Kent Thornton, a parish employee. After detailed discussion regarding the right to donate movable dirt and if the land in Franklin Parish is available to use, on motion made, with no second, the motion died. On motion made, seconded and unanimously passed, the Board deferred to the April board meeting instructing staff to make several changes.

The Board considered an advisory opinion request in Docket No. 21-048 submitted by Samuel B. Gabb, regarding whether the Louisiana Code of Governmental Ethics would prohibit an immediate family member of a Calcasieu Parish Police Jury employee from executing a written servitude with the Calcasieu Parish Police Jury. On motion made, seconded and unanimously passed, the Board concluded with a date change of 3/5/2021 that the Code of Governmental Ethics would not prohibit Mrs. Derouen from executing a written servitude with the Calcasieu Parish Police Jury and receiving the appraised value as compensation since there is no violation of Section 1113(A) if the servitude is expropriated. Mrs. Derouen would be required to disclose the income that she receives from the good faith offer of the Calcasieu Parish Police Jury pursuant to Section 1114 of the Code of Governmental Ethics.

On motion made, seconded and unanimously passed, the Board approved to promulgate a rule which increases the current value of the food and drink limit from \$63 to \$65 per event beginning July 1, 2021.

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 assessed against candidates and committees included in the Campaign Finance Waiver Chart 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 Campaign Finance Waiver Chart, excluding Docket Nos. 20-856, 21-038, and 21-041 taking the following action:

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

Docket No. 20-511 from Terrell “T-Bone” Wilson, 40-G of a \$660 late fee;
Docket No. 20-511 from Terrell “T-Bone” Wilson, 30-P of a \$1,000 late fee; and,
Docket No. 20-099 from Ralph “Big Guy” Johnson, Sr., 10-G of a \$1,000 late fee.

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

considered waiver request in Docket No. 20-856 regarding Robert E. Jones, III, a successful candidate for Judge, Orleans Parish, in the November 6, 2018 election, whose 2019 Annual campaign finance disclosure report for a future election was filed 10 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered waiver request in Docket No. 21-038 regarding Mark David Chiasson, a candidate for City Judge, City Court, City of Thibodaux, Lafourche Parish, in the November 3, 2020 election, whose 30-P campaign finance disclosure report was filed 9 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$540 late fee.

Board Member Couvillon recused herself from voting on Docket No. 21-041.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered waiver request in Docket No. 21-041 regarding Charles Glenn Fallin, a candidate for District Judge, 2nd Judicial District Court, Div. C, Bienville Parish, in the November 3, 2020 election, whose 30-P campaign finance disclosure report was filed 8 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$480 late fee.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the Personal Financial Disclosure Waiver Chart 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 Personal Financial Disclosure Waiver Chart, excluding Docket Nos. 20-888, and 21-031 taking the following action:

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

Docket 20-663 Cynthia Green, 2017 Tier 2.1, 131 days late of a \$1,500 late fee;
Docket 20-894 John Tullos, 2018 Tier 3, 72 days late of a \$1,500 late fee;
Docket 20-895 Linda Bailey, 2018 Tier 3, 79 days late of a \$1,500 late fee;
Docket 20-896 Leland Adams, Sr., 2018 Tier 3, 38 days late of a \$1,500 late fee;
Docket 20-897 LaJuana Crain, 2018 Tier 3, 188 days late of a \$1,500 late fee;
Docket 20-898 Gregory Prudhomme, 2018 Tier 3, 70 days late of a \$1,500 late fee;
Docket 20-900 Shanithia Gay, 2018 Tier 3, 22 days late of a \$1,100 late fee;
Docket 20-907 Harrison Leak IV, 2018 Tier 2.1, 16 days late of a \$800 late fee;
Docket 21-007 Donna Wyatt, 2018 Tier 3, 15 days late of a \$750 late fee;
Docket 21-010 Katherine Werner, 2018 Tier 3, 8 days late of a \$1,500 late fee;
Docket 21-032 Joseph Barron, 2018 Tier 3, 140 days late of a \$1,500 late fee; and,
Docket 21-034 Gene Barber, 2018 Tier 3, 135 days late of a \$1,500 late fee.

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

Docket 20-892 Anthony Rainey, 2018 Tier 2, 259 days late of a \$2,500 late fee.

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

Docket No. 20-893 Arnel Cosey, 2018 Tier 2.1, 109 days late of a \$1,500 late fee.

The Board unanimously suspended all but \$650 based on future compliance with the reporting requirements under the Code of Governmental Ethics. The \$650 is payable within 20 days and if payment is not received within 20 days, the full amount of the late fee becomes due and owing against the following:

Docket 20-910 David St. Etienne, 2017 Tier 2.1, 174 days late of a \$1,500 late fee.

The Board considered a request in Docket No. 20-888 for a waiver of two \$1,500 late fees assessed against Robert Thomas, Southeast Louisiana Flood Protection Authority/West, for filing both of his 2017 and 2018 Tier 2.1 Annual personal financial disclosure statements 157 days late. On motion made, seconded and unanimously passed, the Board suspended all \$1,500 late fee based on future compliance with the reporting requirements under the Code of Governmental Ethics for Mr. Thomas' 2017 report and declined to waive the \$1,500 late fee for Mr. Thomas' 2018 report.

The Board considered a request in Docket No. 20-031 for a waiver of the \$1,500 late fee assessed against David Bocage, Mary McLeod Bethune Charter School Board, for filing his 2018 Tier 3 Annual personal financial disclosure statement 26 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$500 based on future compliance with the reporting requirements under the Code of Governmental Ethics

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the Untimely-Waiver Request chart 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 Untimely Waiver Chart, taking the following action:

The Board unanimously considered the untimely request and suspended all late fees assessed against the following:

Docket No. 20-890 from Jody P. Charbonnet, for 2018 Tier 2.1 of a \$1,500 late fee; Docket No. 20-899 from Stacey Guy Allee, for 2018 Tier 2.1 of a \$1,500 late fee; and, Docket No. 20-908 from Jesse Cobb Stewart, for 2018 Tier 3 of a \$100 late fee.

The Board unanimously declined to consider the following untimely waiver request:

Docket No. 21-033 from Tommy Anthony Thibodeaux, for 2017 Tier 2.1 of a \$3,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for reconsideration waivers of late fees assessed against individuals 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 reconsideration waiver request, taking the following action:

The Board unanimously considered the reconsideration waiver request and affirmed the Board's prior decision to decline to waive all late fees assessed against the following:

Docket No. 20-639 from Melodie Johnson, for 2019 40-G of a \$3,000 late fee.

The Board considered Supplemental Agenda.

The Board considered an advisory opinion in Docket No. 21-098 regarding the 23rd Judicial District Court contracting with a former court reporter, Gina Lee, following her employment with the 23rd Judicial District Court-Division D. On motion made, seconded and unanimously passed, the Board concluded the Code of Governmental Ethics does not prohibit Gina Lee from contracting with the 23rd Judicial District Court to provide court reporting services in divisions other than Division D on a substitute or ad hoc basis. However, the Code of Governmental Ethics does prohibit Ms. Lee, for a period of two years from the end of her employment, from providing court reporting services on any matters in which Ms. Lee participated while employed in the 23rd Judicial District Court and prohibits Ms. Lee from rendering court reporting services to Division D on a contractual basis.

The Board considered an advisory opinion request in Docket No. 21-099 regarding whether Benjamin Rayburn, the former Assistant Commissioner for the Office of Agricultural and Environmental Sciences of the Louisiana Department of Agriculture and Forestry, may accept employment with Keppco Commercial Pest Control Company within two years of the termination of his employment. On motion made, seconded and unanimously passed, the Board concluded that Benjamin Rayburn would not be prohibited from accepting employment with Keppco Commercial Pest Control Company. However, Mr. Rayburn would be prohibited from assisting Keppco, for two years from August 15, 2020, in any transaction or in any appearance in

connection with any transaction in which Mr. Rayburn participated while serving as the Assistant Commissioner involving the Louisiana Department of Agriculture and Forestry.

The Board unanimously resolved into executive session at 11:58 a.m. to consider complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

EXECUTIVE SESSION

The Board unanimously resolved into general business session at 12:05 P.M.

On motion made, seconded and unanimously passed, the Board unanimously adjourned at 12:08 P.M.

Secretary

Chairman