

LOUISIANA BOARD OF ETHICS  
MINUTES  
September 16, 2011

The Board of Ethics met on September 16, 2011 at 9:00 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 Backhaus, Blewer, Bowman, Hymel, Leggio, Lowrey, Monroe, Simoneaux and Stafford present. Absent were Board Members Ingrassia and Schneider. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Alesia Ardoin, Tracy Barker, Aneatra Boykin, Michael Dupree, Brent Durham and Deidra Godfrey.

Ms. Allen advised the Board that Joel Miller, Sr., a candidate for Bogalusa Councilman, District 4, qualified to run for office in Washington Parish under the name “Joe Al Miller” in the October 22, 2011 election.

Board Member Schneider arrived at the meeting at 9:05 a.m.

On motion made, seconded and unanimously passed, the Board agreed to add this matter to the agenda. On motion made, seconded and unanimously passed, the Board instructed the staff to forward the information regarding the use of another name by Mr. Joel Miller, Sr. to qualify to run for office in Washington Parish to the Secretary of State’s election compliance section.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-811 for a waiver of the \$1,200 late fee assessed against Charles L. Porter, a candidate for 16th Judicial District Court Judge, in the October 5, 2002 election, whose Supplemental campaign finance disclosure report was filed 20 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee, since Judge Porter paid the \$1,200 assessed late fee.

On motion made, seconded and unanimously passed, the Board adopted the following general business agenda items:

Adopted for publication, a consent opinion in Docket No. 10-371 in which Roy Mack, the former President/Executive Director of the New Orleans Regional Business Park (NORBP), agrees that a violation of Sections 1112A and 1113A of the Code of Governmental Ethics occurred by the selection of his consulting company to provide services to the NORBP while he served as the President/Executive Director and in which Mr. Mack agrees to pay a fine of \$1,000 to be paid in monthly installments due on the 30<sup>th</sup> of each month until the imposed fine has been satisfied.

Absent specific information, declined to render an advisory opinion in Docket No. 11-933 regarding post-employment restrictions that may be applicable to Randy Veillon, a former employee of Louisiana Economic Development Corporation.

Adopted an advisory opinion in Docket No. 11-1074 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Curtis Fogleman, an employee of the Utilities Division with the City of Alexandria, from being employed with 3cGeo, since the company serves as a subcontractor with Mr. Fogleman's agency, the Utilities Division of the City of Alexandria, and is therefore a prohibited source of income for him. The Board further concluded that, as the administrator for the contract with Sanborn, Mr. Fogleman is in a position to substantially affect the substantial economic interests of 3cGeo as a subcontractor on that contract. Board Member Lowrey recused himself.

Adopted an advisory opinion in Docket No. 11-1095 concluding that Section 1119B of the Code of Governmental Ethics prohibits Nicole Guidry from being employed by the Iberia Parish Hospital in a non-medical administrative position while her father, Curtis Jordan, serves on the

board of commissioners for the Iberia Parish Hospital District. The Board further concluded that a physician practice supervisor does not qualify as an allied health professional.

Adopted an advisory opinion in Docket No. 11-1097 concluding that no violation of the Code of Governmental Ethics is presented by Jacob Demoruelle, a firefighter for the City of Ville Platte, providing A/C services to Evangeline Parish Fire District 2, since the Evangeline Parish Fire District 2 is not a person, but rather a governmental entity.

Adopted an advisory opinion in Docket No. Docket No. 11-1167 concluding that no violation of the Code of Governmental Ethics is presented by Natasha McCoy, the former Program Manager and Program Monitor of the Diabetes Prevention and Control Program in the Department of Health and Hospitals (DHH), individually or through her company, providing consulting services to the Louisiana Diabetes Foundation. The Board further concluded that Sections 1121A and 1121C of the Code of Governmental Ethics prohibit Ms. McCoy, for a period of two years following the termination of her employment with DHH, from being compensated to assist the Louisiana Diabetes Foundation, or any other person, in a transaction or appearance involving the Diabetes Prevention and Control Program and Ms. McCoy's company, NM2C, LLC, is prohibited from being compensated to assist the Foundation, or any other person, in a transaction involving the Diabetes Prevention and Control Program in which Ms. McCoy participated during her tenure with the program.

Adopted an advisory opinion in Docket No. 11-1180 concluding that no violation of the Code of Governmental Ethics is presented by the employment of Taeshaun Walters by Delgado Community College while her mother, Dr. Carmen Walters, serves as the Assistant Vice Chancellor of Human Resources at Delgado, since Dr. Walters is not an agency head. The Board further

approved the proposed disqualification plan submitted by Delgado to disqualify Dr. Walters from participating in any matters in which her daughter would have a substantial economic interest.

Adopted an advisory opinion in Docket No. 11-1181 concluding that no violation of the Code of Governmental Ethics is presented by Donna Sullivan-Rowe, an employee of the Early Steps Program with the Department of Health and Hospitals/OCDD, being hired by the Louisiana School for the Deaf and Visually Impaired while she is currently employed with the Early Steps Program with DHH/OCDD, since neither of the proposed positions are under the supervision of the other. The Board further advised that the Attorney General's Office should be consulted for advice associated with Dual Office Holding laws.

Adopted an advisory opinion in Docket No. 11-1182 concluding that no violation of the Code of Governmental Ethics is presented by members of the Board of Examiners for Sanitarians receiving per diem for emergency conference call meetings or emergency e-mail meetings, since the interest a public servant has in his per diem is not under the definition of "substantial economic interest" for purposes of Section 1112 of the Code of Governmental Ethics. The Board further advised that although the request does not present Ethics Code issues, it may present an issue concerning the proper use of public funds, which is under the jurisdiction of the Attorney General's Office, and suggested that the requesting party should contact the Attorney General for additional information.

Ms. Mattie Ann Fincher Coxe, the former Environmental Impact Manager for the Louisiana Housing Finance Agency (LHFA), appeared before the Board in Docket No. 11-1209 in connection with a request for an advisory opinion regarding the applicability of the post employment restrictions if she pursues employment as an environmental consultant. After hearing from Ms. Coxe, on motion

made, seconded and unanimously passed, the Board deferred the matter to the October meeting to obtain additional information.

Adopted an advisory opinion in Docket No. 11-1212 concluding that no violation of the Code of Governmental Ethics is presented by Catherine Lemelle receiving funding from the Louisiana Community Development Block Grant (LCDBG) Program, administered by the Louisiana Office of Community Development, for the installment of improvements on her private property while her son, Wilbert Lemelle, serves as an alderman for the Village of Fenton, since Ms. Lemelle will not be in anyway interested in any transaction that is under the supervision of her son's agency and, since

Ms. Lemelle is not related to nor has an interest in any of the potential contractors, she does not have an interest that can be affected by the Board of Alderman's selection of a construction contractor. The Board further concluded that since the construction contract will be awarded to the lowest bidder, Ms. Lemelle does not have an interest that is of greater benefit to her than to the other applicants approved for the home improvements. Therefore, there is no violation of Section 1112 of the Code of Governmental Ethics if Mr. Lemelle participates in the vote to approve the selected construction contractor or the resolution to have the contracts executed.

Adopted an advisory opinion in Docket No. 11-1221 concluding that no violation of the Code of Governmental Ethics is presented by Louise J. Mitchell receiving funding from the Louisiana Community Development Block Grant (LCDBG) Program, administered by the Louisiana Office of Community Development, to make handicap accessible improvements to her privately owned property while her daughter, Vernell Mitchell, served as an alderman for the City of Jeanerette, since Vernell Mitchell is no longer a member of the Board of Aldermen and did not

participate in any transactions, while serving as an Alderman, that involved the grant program.

Adopted an advisory opinion in Docket No. 11-1226 concluding that Section 1113A of the Code of Governmental Ethics prohibits Norma Kay Ramos, a member of the Rapides Parish Water District Board of Commissioners, from being reappointed to the Rapides Parish Water District #3 Board of Commissioners by the Rapides Parish Police Jury while her son-in-law, Davron "Bubba" Moreau, serves as a member of the Rapides Parish Police Jury, since her reappointment is a transaction involving the Rapides Parish Police Jury.

Adopted an advisory opinion in Docket No. 11-1229 concluding that no violation of the Code of Governmental Ethics is presented by the Plaquemines Parish Coroner providing medical services through his private practice in the form of pre-employment physicals, drug testing, and treatment of workers' compensation cases, since the Coroner's office is separate from that of the parish government. The Board further advised that no violation of Section 1111C(I)(a) of the Code of Governmental Ethics is presented, since the duties of the Coroner are substantially different from those the Coroner will be providing through his private practice.

Adopted an advisory opinion in Docket No. 11-1230 concluding that no violation of the Code of Governmental Ethics is presented by State Bank and Trust serving as a depository for Lafourche Parish Government if James Cantrelle, Sr., a shareholder/member of the bank's board of directors, is elected as Lafourche Parish President, since La. R.S. 39:1233.1 provides an express exception to the prohibition contained in Section 1111C(2)(d) of the Code of Governmental Ethics. The Board further advised that the statute requires the public servant to recuse himself from voting in favor of the bank, file such recusal within the records or minutes, and forward a Bank/Local Depositing Authority Recusal Disclosure Statement to the Board of Ethics.

Adopted an advisory opinion in Docket No. 11-1232 concluding that no violation of the Code of Governmental Ethics is presented by Dr. James C. Smith, a former employee at Southeast Louisiana Hospital, providing services to clients of the Department of Children and Family Services (DCFS) or Louisiana Rehabilitation Services (LRS), as long as he does not treat any clients he treated during his previous employment with Southeast Louisiana Hospital, for two years following the termination of said employment. The Board further advised that Section 111 1(C)(1)(a) of the Code of Governmental Ethics is no longer applicable to Dr. Smith, since he is no longer a public servant effective September 8, 2011.

Adopted an advisory opinion in Docket No. 11-1236 with respect to whether Britt Latiolais may continue his employment with Cintas if he is elected to the Lafayette Parish Consolidated Government (LCG) Council while Cintas has a contract with the Lafayette Parish Consolidated Government concluding the following:

(1) The Board concluded that the Code of Governmental Ethics would not prohibit Mr. Latiolais's continued employment with Cintas if he is elected to the Lafayette Parish Consolidated Government Council and that Cintas is not prohibited from continuing its contractual relationship with LCG. Ethics Board Docket No. 82 -02D provides an exception to Section 111 1 C(2)(d) of the Code when certain factors are met: (1) the employee must be a salaried or wage-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company; and (4) the public servant must be neither an officer, director, trustee, nor partner in the company. It appears the factors set forth in Ethics Board Docket No.

82 -02D are met herein. In addition, Mr. Latiolais will need to file an annual financial disclosure statement pursuant to La. R.S. 42:1114 disclosing the income he receives from Cintas, which would be in addition to any disclosure requirements under La. R.S. 1124.2.

(2) The Board concluded that Section 1113A of the Code of Governmental Ethics would prohibit Mr. Latiolais from servicing the account Cintas has with the Lafayette Parish Consolidated Government.

(3) The Board concluded that Section 1112B(3) of the Code of Governmental Ethics would prohibit Mr. Latiolais from participating in matters involving Cintas that may come before the Lafayette Parish Consolidated Government Council. The Board further advised that, to avoid a violation of La. R.S. 1112B(3), Mr. Latiolais may recuse himself from matters involving Cintas that may come before the LCG pursuant to Section 1120 of the Code of Governmental Ethics. 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.

(4) The Board concluded that the Code of Governmental Ethics would require Mr. Latiolais to disclose income he receives from Cintas on a Tier 2 candidate personal financial disclosure statement, which must be filed within ten (10) days of qualifying to run for the office pursuant to La. R.S. 18:1495.7A. Further, the same information will need to be disclosed on a Tier 2 annual personal financial disclosure statement, which must be filed on or before May 15 of each year Mr. Latiolais holds office and



the year following termination of the holding of such office pursuant to La. R.S. 42:1124.2.

(5) The Board concluded that La. R.S. 42:1124.2 will not require the disclosure of any other benefits that Mr. Latiolais receives from Cintas.

Adopted an advisory opinion in Docket No. 11-1247 concluding that no violation of the Code of Governmental Ethics is presented by Jill DeLuca-DiMarco, a supervisor for the Children and Family Unit at the Jefferson Parish Human Services Authority, becoming a provider for the Department of Children and Family Services (DCFS), as long as she does not serve the same clients she services in her employment at the Human Services Authority. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Ms. DeLuca-Dimarco from recommending clients she serves at the Human Services Authority to her private practice for services.

Adopted an advisory opinion in Docket No. 11-1249 concluding that no violation of the Code of Governmental Ethics is presented by Charlie Simmons and Denver Thompson, employees of the West Monroe City Fire Department, starting a fire extinguisher company; however, Section 1111C(1)(a) of the Code of Governmental Ethics prohibits Mr. Simmons and Mr. Thompson from conducting any business within West Monroe city limits , since they inspect fire extinguishers within the city limits of West Monroe through their employment with the West Monroe City Fire Department. The Board further advised that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Mr. Simmons and Mr. Thompson from conducting business with any person who has, or is seeking to have, a business, financial, or contractual relationship with their agency, the West Monroe Fire Department.

Granted the request to withdraw a request for an advisory opinion in Docket No. 11-1251 regarding Danielle Magee, an employee of the Northshore Technical College, becoming a provider of services to the Department of Children and Families Services serving Washington and St. Tammany Parishes, since Ms. Magee did not meet the qualifications for the proposed employment.

Granted the request to withdraw a request for an advisory opinion in Docket No. 11-1252 regarding whether Ronald Minsky, President of the Fifth Louisiana Levee Board of Commissioners, may represent private landowners in East Carroll Parish in securing funds from FEMA for reconstruction of a front line levee, since Mr. Minsky decided not to represent the individuals in connection with securing the FEMA funds.

Adopted an advisory opinion in Docket No. 11-1327 concluding that no violation of the Code of Governmental Ethics is presented by Dr. Kenneth Odinet, Lafayette Parish Coroner, owning less than 25% of a private hospital providing treatment to drug and alcohol addicted patients which receives referrals from Deputy Coroners of Lafayette Parish, since Dr. Odinet will own less than 25% of the private hospital, he does not participate in the referral process by the deputy coroners, and the private hospital will not be entering into a business relationship with the Coroner's office.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the August 18-19, 2011 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1154 for a payment plan in connection with late fees totaling \$380 assessed against Alice Horton, a candidate for Shreveport City Council in the September 30, 2006 election, whose 10-P and EDE-P campaign finance disclosure reports were each filed 7 days

late. On motion made, seconded and unanimously passed, the Board approved the payment plan in the amount of \$25 per month until the late fee assessment is paid in full.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1269 for a waiver of the \$1,000 late fee assessed against Shreveport Committee on Political Education, a political action committee who supported candidates in the October 2, 2010 election, whose 40-G campaign finance disclosure report was filed 175 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee based on prior late filings and level of activity.

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

The Board unanimously waived the \$500 late fee in Docket No. 11-1200 assessed against Kaysen Bala for failure to timely file his April 2011 Executive lobbying expenditure report, since Mr. Bala registered as a lobbyist out of caution and on the advice of his account executive but never made any expenditures and had since terminated as a lobbyist.

The Board unanimously waived the \$50 late fee in Docket No. 11-1284 assessed against Steven Duke for failure to timely file his April 2011 Legislative and Executive lobbying expenditure reports, since Mr. Duke’s report was filed one day late due to his wife’s surgery and hospitalization.

The Board unanimously declined to waive the \$50 late fee in Docket No. 11-1285 assessed against Robert Morgan for failure to timely file his May 2011 Legislative, Executive and Local lobbying expenditure reports.

The Board unanimously declined to waive the \$50 late fee in Docket No. 11-1286 assessed against Dorinda Bordlee for failure to timely file her June 2011 Executive lobbying expenditure

report.

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

The Board considered a request for an advisory opinion in Docket No. 11-1259 regarding employees, officers, directors, owners or others associated with a governmental or private ambulance provider and members of the Louisiana Ambulance Alliance (LAA) Board of Directors being appointed to the Statewide Ambulance Service District Board of Commissioners. On motion made, seconded and unanimously passed, the Board deferred the matter to the October meeting.

The Board considered a request for an advisory opinion in Docket No. 11-1084 regarding whether the Monroe Police Department may continue to use the psychological services of Dr. McKay Bonner following her recent marriage to a police officer employed by the Department. On motion made, seconded and unanimously passed, the Board concluded that, based upon the Monroe Police Department's organizational chart and information that was provided, Corporal Mark Johnson's agency is the Special Services Division of the Monroe Police Department. Section 1113A of the Code of Governmental Ethics prohibits the Special Services Division from entering into any contracts or other transactions with Dr. Bonner or her company, Bonner Solutions & Services. As such, Section 1113A of the Code of Governmental Ethics would prohibit Dr. Bonner from performing fitness evaluations for anyone within the Special Services Division, and from performing any pre-employment evaluations for any person who may be employed within the Special Services Division. The Board further advised that Section 1113A of the Code of Governmental Ethics would not prohibit the Department from contracting with Dr. Bonner and her company to provide services for individuals employed within other departments of the MPD. In addition, the Board concluded that Section 1112 of the Code of Governmental Ethics would prohibit Corporal Mark S. Johnson

from referring, or recommending that anyone be referred, to Dr. Bonner or to Bonner Solutions & Services for the performance of any services for which his wife or her company may be compensated.

The Board considered a request for an advisory opinion in Docket No. 11-1101 regarding whether Annette Sharp, an employee of the Department of Environmental Quality (DEQ), may be reimbursed for travel expenses from the federal government for attending a meeting of the USDA Agricultural Air Quality Task Force of which she is an appointed member. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Sharp receiving reimbursement for travel expenses from the federal government to attend the meeting of the USDA Agricultural Air Quality Task Force of which she is a member, since she was attending the meeting in her capacity as an appointed member of the Task Force and not in her capacity as an employee of the DEQ. The Board further advised that previous opinions have held that receipt of travel expenses from a public entity is not prohibited by the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 11-1324 regarding whether the Louisiana Pest Control Association may donate funds to the Louisiana Department of Agriculture & Forestry (LDAF), pesticide department, to defray expenses incurred when employees attend educational or professional development seminars or conferences. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the Louisiana Pest Control Association d /b /a the Louisiana Pest Management Association sponsoring employees of the LDAF pesticide department to help them defray the costs of registration, lodging, and travel to attend educational and professional

development seminars and conferences pursuant to the exception in Section 1123(41) of the Code of Governmental Ethics which allows a public servant to receive complimentary admission, and reasonable transportation and lodging for an educational or professional development seminar within the U.S. or Canada, provided that (i) the public servant is requested or invited to attend by the sponsoring civic, nonprofit, educational, or political group or organization, (ii) the sponsor is not a person from whom the public servant is prohibited from receiving or accepting a gift pursuant to R.S. 42:1115(A)(2), (iii) the seminar or conference is related to the public service of the public servant and is designed to enhance the knowledge or skill of the public servant as it relates to the performance of his public service, and (iv) the public servant's agency head approves the acceptance. The Board further concluded that no violation of the Code of Governmental Ethics is presented by the Louisiana Pest Control Association d/b/a the Louisiana Pest Management Association making an unconditional donation to LDAF, which LDAF could use to defray the costs of registration, lodging, and travel for employees to attend educational and professional development seminars and conferences, as long as LPMA is not a prohibited source; that is, LPMA does not have or is not seeking to have a contractual, business or financial relationship with the LDAF; it is not seeking, for compensation, to influence the passage or defeat of legislation by LDAF; it does not conduct operations or activities that are regulated by the LDAF; nor does LPMA have a substantial economic interest which may be substantially affected by the performance or nonperformance of the LDAF employees. La. R.S. 42:1115A states that no public servant shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships

with the public servant's agency, or is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

The Board considered a request for an advisory opinion in Docket No. 11-1328 regarding whether Karla Venkataraman, the Executive Manager of Out of Home Services for the Department of Children and Family Services (DCFS), may travel with a representative of Louisiana Baptist Children's Home (LBCH) for a site visit in Houston of a foster care community program. On motion made seconded and unanimously passed, the Board concluded that Section 1115A of the Code of Governmental Ethics would prohibit Ms. Venkataraman from sharing a hotel room with the LBCH representative without paying for her share and from receiving any travel expenses from LBCH to visit the foster care community program in Houston, Texas, since LBCH is seeking to have a business relationship with DCFS and Ms. Venkataraman will be helping to implement the program with LBCH. The Board further concluded that since Ms. Venkataraman is going on the trip in her capacity as an employee of DCFS, Section 1111A of the Code of Governmental Ethics would prohibit her from receiving any thing of economic value from LBCH.

The Board accepted for filing, the ethics disclosure statements filed in Docket No. 11-1351 for August, 2011.

The Board unanimously adjourned at 10:25 a.m.

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Secretary

APPROVED:

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Chairman





