

LOUISIANA BOARD OF ETHICS
MINUTES
March 4, 2022

The Board of Ethics met on March 4, 2022 at 9:06 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 Baños, Bryant, Colomb, Couvillon, Ellis, Grand, Grimley, Lavastida, Roberts and Speer present. Board Member Scott was absent. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, LaToya Jordan, Suzanne Mooney, Charles Reeves and Gregory Thibodeaux.

Kathy Reznik Benoit appeared before the Board on Docket No. 21-458 to request that the Board reconsider its decision to decline to waive \$240 and \$1,442.88 campaign finance late fees assessed against her for the 10-P and 10-G campaign finance disclosure reports that were filed 4 and 35 days late, respectively. After hearing from Mrs. Benoit, on motion made, seconded and unanimously passed, the Board with respect to the 10-G, reaffirmed reduction to \$1,442.88 based on Rule 1205C of the Campaign Finance Act, and for each of the 10-P and 10-G reports, suspended all based on future compliance.

The Board deferred Docket No. 21-758 regarding a request to reconsider its decision to decline to waive the \$720 and \$500 campaign finance late fees assessed against Rodney D. Miller, an unsuccessful candidate for Mayor, Town of Livingston, Livingston Parish, in the November 3, 2020 election, whose 30-P and 10-P campaign finance disclosure reports were filed 18 and 13 days late, respectively.

Vickie Tolliver Auguste appeared before the Board on Docket No. 21-800 to request that the Board reconsider its decision to decline to waive a \$500 and \$100 campaign finance late fee assessed against her for the 10-P and 10-G campaign finance disclosure reports that were filed 5 days and 1

day late, respectively. After hearing from Mrs. Auguste, on motion made, seconded and unanimously passed, the Board suspended all fees based on future compliance.

The Board considered a request in Docket No. 22-047 that the Board waive the \$400 and two (2) \$100 campaign finance late fees, for a total of \$600, assessed against David Gregory Nowak, unsuccessful candidate for Council Member at Large, Division 2, Orleans Parish, in the October 14, 2017 election, whose 30-P, 10-P and 10-G campaign finance disclosure reports were filed 4 days, 1 day and 1 days late, respectively. On motion made, seconded and unanimously passed, the Board declined to waive the campaign late finance fees.

Brad Cadeur, Executive Director, Sewerage District 1, appeared before the Board on Docket No. 22-029 to discuss his advisory opinion request regarding whether a trailer park owned by the chairperson of the board of the Sewerage District No. 1 of Iberia Parish may dedicate a sewer treatment plant to the district, and whether the chairperson could participate in such transaction in his capacity as a board member. On motion made, seconded and unanimously passed, the Board adopted the updated draft concluding that the Code of Governmental Ethics would prohibit the trailer park from dedicating a sewerage treatment plant to the District while Mr. Thibodeaux serves on the District Board. Further, the Code of Governmental Ethics would prohibit Mr. Thibodeaux from participating in the debate, discussion and vote on such contemplated transaction.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G6-G15 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G6-G15, excluding item G8, G9, G12, G13 and G15 taking the following action:

The Board considered an advisory opinion request in Docket No. 22-009 submitted by Sandra Duck, who is the former CEO of the Central Louisiana State Hospital (“CLSH”), regarding whether

the Code of Governmental Ethics would prohibit Jeremy Nunnally from serving as chaplain for “CLSH” on a contractual basis while he is employed as a CLSH Police Officer. On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics does not prohibit Mr. Nunnally from serving as CLSH’s chaplain on a contractual basis while maintaining his employment as a CLSH Police Officer.

The Board allowed the withdrawal of an advisory opinion request in Docket No. 22-010 from Jacob D. Coco, Police Juror, District 9, Avoyelles Parish.

The Board considered a request for approval of a disqualification plan in Docket No. 22-028 David North, Jr., DOTD District 4 Engineer Administrator, regarding William and Lori Whatley, employees of DOTD District 4. On motion made, seconded and unanimously passed, the Board approved the proposed disqualification plan.

The Board considered an advisory opinion request in Docket No. 22-038 submitted by Anthony Baker, regarding whether the Code of Governmental Ethics would prohibit him from working for his father's company part-time while employed by the Louisiana Department of Transportation and Development ("DOTD"). On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics does not prohibit Anthony Baker from working part-time for his father’s company, Baker HCIS, LLC, while Anthony Baker is employed by the DOTD-Operations Division-Bridge Maintenance and Inspection Section.

The Board considered an advisory opinion request in Docket No. 22-011 regarding whether the Code of Governmental Ethics would prohibit Bryan Burns' company, West 30's Redemption Company, from continuing to e-mail members of the Covington Board of Adjustment its quarterly newsletter. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion concluding that the Code of Governmental Ethics would not prohibit West 30’s

Redemption Company from continuing to e-mail members of the Covington Board of Adjustment its free quarterly newsletter.

The Board considered an advisory opinion request in Docket No. 22-012 regarding whether regarding New Orleans City Councilman, Oliver Thomas, being employed at WBOK as a talk show host. On motion made, seconded and unanimously passed, the Board deferred the matter until next month's meeting.

Board Member Colomb left the meeting at 10:09 A.M.

The Board considered an advisory opinion request in Docket No. 22-030 from James Graham with the Healthy School Food Collaborative, a non-profit organization, with regard to consulting services offered to schools and food service management companies. On motion made, seconded and unanimously passed, the Board adopted the revised opinion concluding under the facts presented, the Healthy School Food Collaborative is not a "public employee" subject to the Code of Governmental Ethics.

Board Member Colomb returned to the meeting at 10:13 A.M.

The Board considered an advisory opinion request in Docket No. 22-031 relative to Kristy Touchet, a board member of the Vermilion Charter Foundation ("VCF"), and her employment with SchoolMint, a business entity that provides school administrative software. On motion made, seconded and unanimously passed, the Board adopted the amended advisory opinion, concluding that once the VCF's charter is approved, the Code of Governmental Ethics prohibits Kristy Touchetno from receiving any thing of economic value from her employer, SchoolMint, should SchoolMint provide administrative software services to the Vermilion Charter Academy. The Board further concluded that, should Ms. Touchet resign her position after the charter is approved and executed, she could remain employed with SchoolMint, provided that she does not assist it in a transaction involving the Vermilion Charter Academy.

The Board considered an advisory opinion request in Docket No. 22-041 regarding whether the Code of Governmental Ethics would prohibit Tracy Wells from qualifying as a candidate in the Mayor's race for the City of Hammond while her spouse, Devon Wells, serves as a Hammond City Councilman. On motion made, seconded and unanimously passed, the Board concluded that there are no provisions in the Code of Governmental Ethics which prohibit spouses from running as candidates for elected office to the same political subdivision. However, in the event both are elected to positions with the City of Hammond, both will be prohibited by Section 1112B(1) from participating in any transaction involving the City of Hammond in which either would have a substantial economic interest and would need to recuse themselves from participating in such matters pursuant Section 1120 of the Code of Governmental Ethics.

The Board considered the following general business agenda items:

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

On motion made, seconded and unanimously passed, the Board agreed to take action on items G16-G23 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G16-G23, excluding item G23 taking the following action:

The Board considered a proposed consent opinion in Docket No. 21-052 regarding Jennifer Lance, while employed with the LSU Health Sciences Center-Shreveport, entering into transactions with her agency. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the assessment of an enhanced penalty in Docket No. 21-927 regarding Brandon Perkins,

candidate in the October 12, 2019 election for Calcasieu Parish Police Jury, District 10, for his failure to file 10-G campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 10-G campaign finance disclosure report in the amount of a \$10,000 civil penalty.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the assessment of an enhanced penalty in Docket No. 21-1048 regarding Terry W. Sercovich, candidate for District Attorney, 25th Judicial District Court, in the November 3, 2020 election, for his failure to file a 10-G campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 10-G campaign finance disclosure report in the amount of a \$10,000 civil penalty.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the assessment of enhanced penalties in Docket No. 21-1049 regarding Lucian J. McKinney, Jr., candidate for City Marshal, City Court, City of Ville Platte, in the July 11, 2020 election, for his failure to file 30-P, 10-P and 10-G campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Sections 1505.4A(4)(a) and 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 30-P, 10-P and 10-G campaign finance disclosure reports in the amount of a \$10,000 civil penalty per report.

The Board considered an advisory opinion in Docket No. 21-1055 submitted by Stewart Eastman, regarding whether the Code of Governmental Ethics ("Code") would prohibit him from submitting his work of art to the Abita Springs Trailhead Museum ("Museum") independent selection committee to be juried and potentially sold at the En Plein Air exhibition. On motion made, seconded

and unanimously passed, the Board adopted the advisory opinion concluding that based on the facts presented, the Code of Governmental Ethics prohibits Stewart Eastman from submitting his work of art to the Museum's independent selection committee to be juried and potentially sold at the En Plein Air exhibition.

The Board considered a Memorandum concerning the dollar amount for the food and drink limit that can be provided to a public servant per event. On motion made, seconded and unanimously passed, the Board promulgated a rule which increases the current value of food and drink limit to \$70 per event beginning July 1, 2022.

Kathleen Allen discussed the fact that staff will update the Board periodically on legislation introduced during the regular session that affects the laws administered by the Board. Staff will return this item to the next agenda with an update of all legislation filed to date.

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, Personal Financial Disclosure Waiver Chart, Untimely Waiver Requests, and Waiber Requests Reconsiderations, 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, Personal Financial Disclosure Waiver Chart, Untimely Waiver Requests, and Waiver Requests Reconsiderations excluding Docket Nos. 21-1063, 22-020, 22-036. 22-022, 22-046 and 21-373 taking the following action:

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

Docket 21-809 C.Shelburne Sentell, 30-P, 10 days late of a \$600 late fee;
Docket 22-016 Good Government Coalition, MO (May 2019), 8 days late of a \$1,600 late fee;
Docket 22-016 Good Government Coalition, MO (June 2019), 1 day late of a \$200 late fee;

Docket 22-016 Good Government Coalition, MO (Dec. 2019), 34 days late of a \$3,000 late fee; Docket 22-021 Charles “Chuck” Lamarche, SUPP 2020, 13 days late of a \$520 late fee; and, Docket 22-049 J. Andrew Murrell, 10-G, 90 days late of a \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 21-1063, for a waiver of three \$3,000 campaign finance late fees assessed against Communication Workers of America, a political action committee, its committee's chairperson, Christopher Shelton, and treasurer, Sara Steffens, in the November 3, 2020 election, whose 30-P, 10-P and 10-G campaign finance disclosure reports were filed 51, 30 and 159 days late, respectively. On motion made, seconded and unanimously passed, the Board deferred until next meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 22-020, for a waiver of the \$320 campaign finance late fee assessed against Michael A. McNab, an unsuccessful candidate for Justice of the Peace, Justice of the Peace Ward F, St. Bernard Parish, in the November 3, 2020 election, whose 10-G campaign finance disclosure report was filed 8 days late. On motion made, seconded and unanimously passed, the Board deferred until next meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 22-036, for a waiver of the \$480 campaign finance late fee assessed against Thomas "Tom" Sullivan, Jr., a successful candidate for Clerk of Court, Livingston Parish, in the October 24, 2015 election, whose 2017 Supplemental campaign finance disclosure report was filed 8 days late. On motion made, seconded and unanimously passed, the Board suspended all of the \$480 late fee based on future compliance.

The Board unanimously suspended all of the late fees but \$1,050 based on future compliance with the reporting requirements under the Code of Governmental Ethics against the following:

Docket 21-680 Michael Hollis, 2018 Tier 2.1, 484 days late of a \$1,500 late fee.

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

Docket 21-790 Rose Pierre LeGaux, 2018 Tier 2, 298 days late of a \$2,500 late fee.

The Board considered an untimely waiver request in Docket No. 22-022 regarding the \$1,800, \$540 and \$600 campaign finance late fees, totaling \$2,940, assessed against Matthew McCoy, an unsuccessful candidate for Councilman, Metro District 4, East Baton Rouge Parish, in the November 3, 2020 election, whose 30-P, 10-P and 10-G campaign finance disclosure reports were filed 30, 9 and 12 days late, respectively. On motion made, seconded and unanimously passed, the Board considered the request. On motion made, seconded and unanimously passed, the Board suspended all but \$300 of the \$1,800 late fee and suspended all but \$100 of each of the \$540 and \$600 late fees based on future compliance.

The Board considered an untimely waiver request in Docket No. 22-046 regarding the \$600 campaign finance late fee assessed against Jason Lee Fowler, Jr., a candidate for State Representative, 18th Representative District in the February 23, 2019 election, whose 30-P campaign finance disclosure report was filed 20 days late. On motion made, seconded and unanimously passed, the Board considered the request. On motion made, seconded and unanimously passed, the Board suspended all but \$200 of the late fee based on future compliance since the filer demonstrated a limited ability to pay due to financial hardship.

The Board considered a reconsideration of a waiver request in Docket No. 21-629 regarding the Board's decision to decline to waive the \$3,000 campaign finance late fees assessed against Black Organization for Leadership Development, in its capacity as a political action committee, its committee's chairperson, Darren Mire, and treasurer, Priscilla Edwards, in the November 3, 2020 election, whose 10-G campaign finance disclosure report was filed 11 days late. On motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fees.

The Board considered a request to reconsider its decision in Docket No. 21-759 to decline to waive a \$300 campaign finance late fee assessed against Derrick Edwards, an unsuccessful candidate for Louisiana State Treasurer in the October 12, 2019 election, whose 2020 Supplemental campaign finance disclosure report was filed 3 days late. On motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fee.

The Board considered a request to reconsider its decision in Docket No. 21-811 to decline to waive a \$400 campaign finance late fee assessed against HAFA PAC Corporation, a political action committee, its committee's chairperson, Derek Babcock, and treasurer, Sandy Davis, whose February 2020 Monthly Report was filed 2 days late. On motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fee.

The Board considered a request to reconsider its decision in Docket No. 21-373 to decline to waive a \$240 campaign finance late fee assessed against Everett Baudean, an unsuccessful candidate for Councilman, Metro District 7, East Baton Rouge Parish, in the November 3, 2020 election, whose 10-P campaign finance disclosure report was filed 4 days late. On motion made, seconded and unanimously passed, the Board suspended the \$240 late fee based on future compliance.

The meeting adjourned at 10:54 a.m.

Secretary

APPROVED:

Chairwoman