

LOUISIANA BOARD OF ETHICS
MINUTES
October 15, 2010

The Board of Ethics met on October 15, 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, Bowman, Boyer, Hymel, Ingrassia, Leggio, Lowrey, Simoneaux and Stafford present. Absent were Board Members Monroe and Schneider. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Tracy Barker, Aneatra Boykin, Michael Dupree and Deidra Godfrey.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket Nos. 07-859 and 07-922 in connection with an Order for \$6,000 and an Order for \$8,000 issued against Ralph Wilson, a candidate for State Representative in the October 20, 2007 election, for his failure to timely file his 30-P, 10-P, EDE-P and 10-G campaign finance disclosure reports. Mr. Wilson was called and appeared before the Board.

Board Member Monroe arrived at the meeting at 9:06 a.m.

On motion made, seconded and unanimously passed, the Board granted the request for rehearing. After hearing from Mr. Wilson, on motion made, seconded and unanimously passed, the Board imposed the late fees totaling \$14,000 but suspended \$10,000 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously deferred the appearance in connection with request for rehearing to later in the meeting in Docket No. 08-1105, since Mr. Lionel Burns was delayed in traffic.

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

considered a request for rehearing in Docket No. 08-301 in connection with an Order for \$2,000 issued against Mark Cockerham, a candidate for Lafayette Parish School Board, District 7 in the October 20, 2007 election, for his failure to file his Supplemental campaign finance disclosure report that was due on February 15, 2008. Mr. Cockerham was called and appeared before the Board. On motion made, seconded and unanimously passed, the Board granted the request for rehearing. After hearing from Mr. Cockerham, on motion made, seconded and unanimously passed, the Board imposed the \$2,000 late fee but suspended \$1,800 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket Nos. 09-163 and 09-849 in connection with an Order for \$1,140 and an Order for \$600 issued against Mark Sigur, a candidate for State Representative, District 76 in the October 20, 2007 election, for his failure to pay assessed late fees for the late filing of his 10-G and his Supplemental campaign finance disclosure reports. Mr. Sigur was called and appeared before the Board. On motion made, seconded and unanimously passed, the Board granted the request for rehearing. After hearing from Mr. Sigur, on motion made, seconded and unanimously passed, the Board imposed the late fees totaling \$1,740 but suspended \$1,440 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. 09-216 to obtain an Order against Mark Cockerham for his failure to file a 2009 Supplemental campaign finance disclosure report in connection with the October 20, 2007 election which was due by February 17, 2009. On motion made, seconded and unanimously passed, the Board dismissed the hearing, since Mr. Cockerham was not required to file a

Supplemental report for 2009.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-135 to obtain an Order against the Baton Rouge Tea Party for its failure to pay the 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. 10-281 to obtain an Order against Bernard Blair for his failure to file his 2009 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 Mr. Blair filed the required report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket Nos. 08-1105, 10-282 and 08-1104 in connection with an Order for \$7,500, an Order for \$2,500 and an Order for \$7,500 issued against Lionel Burns, a candidate for Orleans Parish Criminal District Court Judge in the October 4, 2008 election, for his failure to pay assessed late fees and a fine for the late filings of his EDE-P and 10-G campaign finance disclosure reports, failure to pay assessed late fees for the late filing of his Supplemental campaign finance disclosure report and failure to pay assessed late fees and a fine for the late filing of his 30-P and 10-P campaign finance disclosure reports. Mr. Burns was called and appeared before the Board. On motion made, seconded and unanimously passed, the Board granted the request for rehearing. After hearing from Mr. Burns, on motion made, seconded and unanimously passed, the Board imposed the late fees totaling \$17,500 but suspended \$15,500 conditioned upon future compliance

with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 10-294 in connection with an Order for \$4,000 issued against Tiffany Foxworth, a candidate for East Baton Rouge Parish Councilman in the April 22, 2008 election, for her failure to pay an assessed late fee and a fine for her failure to file her Supplemental campaign finance disclosure report. Ms. Foxworth was called but was not present. On motion made, seconded and unanimously passed, the Board deferred the matter and instructed the staff to determine whether or not Ms. Foxworth is on active military duty.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-462 to obtain an Order against Jalila J. Bullock for her failure to pay an assessed late fee in connection with the late filing of her Supplemental campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board dismissed the hearing, since Ms. Bullock had entered into a payment plan with respect to the outstanding late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-474 to obtain an Order against James J. Trainor for his failure to pay an assessed late fee for the late filing of his 30-P campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board continued the public hearing, since proper service had not been obtained.

The Board called the public hearing in Docket No. 10-592 to explore charges issued against Bruce McCarthy for his failure to file his personal financial disclosure statement within ten (10) days of qualifying for the March 27, 2010 election. On motion made, seconded and unanimously passed,

the Board dismissed the hearing, since Mr. McCarthy filed the required report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-180 to obtain an Order against Alicia Plummer for her failure to file her 30-P and 10-P campaign finance disclosure reports which were due by January 7, 2010 and January 27, 2010. 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. 10-769 to obtain an Order against Guy Cormier for his failure to pay an assessed late fee for the late filing of his Annual campaign finance disclosure report and to consider Mr. Cormier's request for a waiver of the \$1,500 late fee. Mr. Cormier was called but was not present. On motion made, seconded and unanimously passed, the Board declined to consider Mr. Cormier's request to waive the \$1,500 late fee, since the request was not timely submitted. The Board further ordered Mr. Cormier to pay the reduced \$100 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-768 to obtain an Order against James Perry for his failure to pay an assessed late fee for the late filing of his 10-G 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. 10-470 to obtain an Order against Lake Area Voters Association PAC for its failure to pay assessed late fees in connection with the late filing of the committee's Annual and 10-G campaign finance disclosure reports. On motion made, seconded and

unanimously passed, the Board dismissed the hearing, since Lake Area Voters Association PAC had entered into a payment plan with respect to the outstanding late fees.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-645 to obtain an Order against Pride Doran 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 Mr. Doran filed the required report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-585 to obtain an Order against Thomas Robichaux for his failure to file his EDE-P and 10-G campaign finance disclosure reports which were due by May 11, 2010 and May 19, 2010. Mr. Robichaux 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. Robichaux to pay civil penalties of \$60 per day per report until the reports are filed, not to exceed \$2,000 per report.

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

The Board called the public hearing in Docket No. 10-597 to obtain an Order against Edward Schmidt, Jr. for his failure to pay the assessed \$2,300 late fee for his failure to timely file his personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board continued the hearing at the request of Mr. Schmidt's attorney.

Ms. Sonia Mallett, attorney for the New Orleans Aviation Board (NOAB), appeared before the Board in Docket No. 10-822 in connection with a request for an advisory opinion regarding employees of the NOAB, who are affected by the privatization of the operation of the New Orleans

Louis Armstrong International Airport, accepting employment with the private operator that may take over the day-to-day operations of the airport. After hearing from Ms. Mallett, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by those employees of NOAB affected by the privatization of the New Orleans Louis Armstrong International Airport from being employed by the venter who is selected to perform the privatized services, since, based on the unique circumstances as presented, the NOAB will no longer provide the services once they are privatized and since the employees affected by the privatization did not participate in the decision to privatize the services.

Mr. Charles W. DeWitt, a candidate for State Representative, District 25 in the October 4, 2003 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in in Docket No. 10-874 in connection with a request for a waiver of the \$2,000 and \$240 late fees assessed against him for filing his Annual reports 529 days late and 896 days late. After hearing from Mr. DeWitt, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$2,240. Board Member Lowrey recused himself.

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

Mr. Kenneth Campbell appeared before the Board in Docket No. 10-910 in connection with a request for an advisory opinion regarding whether state and local elected officials may receive complimentary admission, travel, lodging and meals to attend the Black Alliance for Educational Options (BAEO) conference on Education Policy and Parental Choice. After hearing from Mr. Campbell, on motion made, seconded and unanimously passed, with Board Member Simoneaux abstaining, the Board concluded the following:

1. Legislators and Legislative Aides:

The Board concluded that R.S. 42:1115A(2) of the Code would prohibit members of the legislature as well as their legislative aides from accepting complimentary admission from BAEO to attend its annual seminar. However, the legislators and their respective legislative aides may receive food and drink not to exceed fifty-four (\$54.00) pursuant to R.S. 1115.1.

2. Mayor George Grace:

The Board concluded that since BAEO is not seeking to influence the passage or defeat of legislation by the Mayor George Grace's agency, the City of St. Gabriel, Mayor Grace is not prohibited from receiving complimentary admission, lodging and transportation from BAEO to attend its annual seminar as long as Mayor Grace complies with the provisions of Section 1123(41) of the Code. Further, Mayor Grace may receive food and drink not to exceed fifty-four (\$54.00) pursuant to R.S. 1115.1.

3. East Baton Rouge Metro Council Members:

The Board concluded, that based on the information submitted, since BAEO is not seeking to influence the passage or defeat of legislation by the East Baton Rouge Metro Council Members' agency, the City of Baton Rouge, the East Baton Rouge Metro Council Members are not prohibited from receiving complimentary admission, lodging and transportation from BAEO to attend its annual seminar as long as the East Baton Rouge Metro Council Members comply with the provisions of Section 1123(41) of the Code. In addition, the Metro Council Members may receive food and drink not to exceed fifty-four (\$54.00) pursuant to R.S. 1115.1.

4. Deputy Director of Governmental Affairs for the Department of Education:

The Board concluded that, based on the information submitted, since BAEO is not seeking to influence the passage or defeat of legislation by the Department of Education, the Deputy Director of Governmental Affairs of the State Department of Education is not prohibited from receiving complimentary admission, lodging and transportation from BAEO to attend its annual seminar as long as the Deputy Director of Governmental Affairs of the State Department of Education complies with the provisions of Section 1123(41) of the Code. In addition, the Deputy Director of Governmental Affairs of the State Department of Education may receive food and drink not to exceed fifty-four (\$54.00) pursuant to R.S. 1115.1.

5. Legislative and Executive Lobbying Expenditure Reports:

R.S. 24:51(2) defines “expenditure” to mean the gift or payment of money or any thing of economic value for the purchase of food, drink, or refreshment for a legislator, for the spouse or minor child of a legislator, or for a public servant, other than a legislator, in the legislative branch of state government and any gift or payment as permitted by R.S. 42:1123(13) and (16) for the purpose of lobbying when the lobbyist or principal accounts, or would be expected to account, for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyists, his employer’s, or the principal’s trade or business. R.S. 49:72(5) defines “expenditure” to mean the gift or payment of money or any thing of economic value for the purchase of food, drink, or refreshment for an executive branch official or for the spouse or minor child of an executive branch official and any gift or payment permitted by R.S. 42:1123(13) for the purpose of lobbying when the lobbyist or principal accounts, or would be expected to account, for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyists, his employer’s, or the principal’s trade or business.

The Board concluded that the Executive and Legislative Lobbying Acts would require both Carla Hampton, Louisiana Coordinator for BAEO, and Shree’ Medlock, the Louisiana State Director for BAEO, to disclose any expenditures for the purchase of food, drink, or refreshment on their respective lobbying expenditure reports made on behalf of any statewide and local elected official/employee attending the BAEO seminar.

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. 09-120 in which Larry Elkins, the Superintendent of the Highway Department for the Morehouse Parish Police Jury, agrees that violations of Sections 1111A and 1115 of the Code of Governmental Ethics occurred by his receipt of and acceptance of two (2) \$500 gift cards from Louisiana Machinery at a time when Louisiana Machinery was seeking a business relationship with the Highway Department and in which Mr. Elkins agrees to pay a fine of \$1,500 payable in \$100 monthly increments.

Adopted for publication, a consent opinion in Docket No. 09-139 in which Winifred Johnston, in his capacity as a member of the Bossier Parish Police Jury, agrees that (1) a violation of Section

1111C(2)(d) of the Code of Governmental Ethics occurred by his providing electrical subcontract services, through Johnston's Air Conditioning, Electrical, Heat and Refrigeration Service, to JPD Construction, LLC at a time when JPD Construction, LLC had a contractual relationship with the Bossier Parish Police Jury; and, (2) a violation of Section 1113A of the Code of Governmental Ethics occurred by his installing a computer line, through Johnston's Air Conditioning, Electrical, Heat and Refrigeration Service, at the Bossier Parish Plain Dealing Library and in which Mr. Johnston agrees to pay a fine of \$3,000 of which \$1,500 is to be suspended conditioned upon future compliance with the Code of Governmental Ethics and in which Mr. Johnston agrees to attend an Ethics training class within one year of the publication date of the consent opinion.

Adopted for publication, a consent opinion in Docket No. 09-773 in which Daniel Alsup, a Deputy with the Winn Parish Sheriff's Office, agrees that a violation of Section 1119A of the Code of Governmental Ethics occurred by virtue of his employment with the Winn Parish Sheriff's Office while his father, Paul Alsup, served as Chief Criminal Deputy of the Criminal Division with the Winn Parish Sheriff's Office and in which Mr. Alsup agrees to pay a fine of \$500 of which \$250 is to be suspended conditioned upon future compliance with the Code of Governmental Ethics.

Adopted for publication, a consent opinion in Docket No. 09-776 in which Tommie Gordon, as Executive Director of the Iberville Council on Aging, agrees that violations of Sections 1112B(1) and 1119A of the Code of Governmental Ethics occurred by virtue of his hiring and supervising his sister, Antonia Lewis, while he served as the Executive Director and in which Mr. Gordon agrees to pay a fine of \$500 to be suspended upon future compliance with the Code of Governmental Ethics.

Granted the request to withdraw a request for an advisory opinion in Docket No. 10-746 regarding Caleb Cooley, son of the Beauregard Parish School Superintendent Tim Cooley, applying

for a position with the Beauregard Parish School system as a certified teacher, since Caleb Cooley had been hired as a physical education teacher which was in his area of certification.

Adopted an advisory opinion in Docket No. 10-775 concluding that no violation of the Code of Governmental Ethics is presented by the wife of the Tensas Parish Constable, Ward I serving as the Tensas Parish Justice of the Peace, Ward I, since the Constable's provision of services is not a transaction with the Office of the Justice of the Peace and since a Justice of the Peace is defined as a judge by the Judicial Code and is exempt from the provisions of the Code of Governmental Ethics.

The Board recessed at 11:07 a.m. and resumed back into general business session at 11:18 a.m.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted an advisory opinion in Docket No. 10-777 concluding that Amos Cormier is required to submit a check drawn from his political committee's account for the \$100 fee for the Statement of Organization pursuant to Section 1491.1E of the Campaign Finance Disclosure Act and LAC 52I, Rule 1603C.

Adopted an advisory opinion in Docket No. 10-824 concluding that members of the Board of Commissioners of the Greater Baton Rouge Airport District are not required to file personal financial disclosure statements, since the Board of Commissioners has not been vested with the authority to make the expenditures that would subject its members to the personal financial disclosure filing requirements.

Adopted an advisory opinion in Docket No. 10-840 concluding that Section 1112 of the Code of Governmental Ethics prohibits Rene T. Williams, the Chief Deputy Clerk of Court in East Carroll Parish, from participating in the tabulation of votes or any other matter in connection with the election in which her husband, Wydette Williams, is involved and that Section 1116B of the Code of

Governmental Ethics prohibits Ms. Williams from compelling or coercing employees of the Clerk of Court's office or any other person to support her husband's candidacy.

Adopted an advisory opinion in Docket No. 10-842 concluding that Lorrie Toups, the Jefferson Parish Accounting Director, is required to file an affidavit pursuant to Section 1123(41) of the Code of Governmental Ethics in connection with reimbursement of expenses paid to her for her attendance at the National Conference of the Louisiana Government Finance Officers Association. The Board further advised that Ms. Toups would be required to disclose the cost of any complimentary lodging received in connection with her attendance at other conferences held by the Association.

Adopted an advisory opinion in Docket No. 10-849 concluding that no violation of the Code of Governmental Ethics is presented by Mary Antoon, an employee of the Louisiana Housing Finance Agency (LHFA), serving on the board of the Louisiana Mortgage Lenders Foundation; however, Section 1112 of the Code of Governmental Ethics prohibits Ms. Antoon from participating in transactions involving the LHFA in which the Foundation has a substantial economic interest.

Adopted an advisory opinion in Docket No. 10-864 concluding that no violation of the Code of Governmental Ethics is presented by Jensen Young, an employee of the LSU AgCenter, being reimbursed by TerraNova Strategies of North Carolina for expenditures made in connection with a fundraiser for a non-connected political committee. The Board further declined to render an advisory opinion with respect to whether the campaign finance disclosure laws apply to the national political committee, since the Board had not been provided with enough information to determine whether the non-connected political committee is subject to the Campaign Finance Disclosure Act.

Adopted an advisory opinion in Docket No. 10-867 concluding that no violation of the Code

of Governmental Ethics is presented by Reznick Group, P.C. serving as a prime contractor in a contract with the Office of Community Development/Disaster Recovery Unit (OCD/DRU) to administer Grant Management Services, as long as the RFP is open to the general members of the public to bid on and Reznick nor any of its employees participated in the drafting of the RFP request.

Adopted an advisory opinion on Docket No. 10-879 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits J.E. “Jay” Marx, III, a member of the Monroe City Council, and his company, Southern Hardware & Supply Co., Ltd., from selling goods and equipment to Gardner Denver Thomas, Inc. (GDT), since GDT has an existing cooperative endeavor agreement with the City of Monroe.

Adopted an advisory opinion in Docket No. 10-890 concluding that no violation of the Code of Governmental Ethics is presented by Paula Rodriguez, a former employee of the Louisiana School for the Deaf, entering into contracts with state agencies to serve as an interpreter, since Section (2) of Section 1121B of the Code of Governmental Ethics allows a former employee of the Louisiana School for the Deaf to render sign language and interpreting services on a contractual basis to or for the Louisiana School for the Deaf within the prohibited 2 year post-employment period.

Adopted an advisory opinion in Docket No. 10-891 concluding that no violation of the Code of Governmental Ethics is presented by the Department of Children and Family Services (DCFS) child welfare supervisors from entering into professional service contracts with Northwestern State University (NSU) to provide NSU with analysis and refinement of the child welfare competencies for the Bachelors of Social Work and Masters of Social Work students, as well as the development of assessment measures to determine if the competencies are being met, since the DCFS employees would be contracting with NSU, rather than their agency, for services which fall outside the scope

of their job duties.

Adopted an advisory opinion in Docket No. 10-892 concluding that no violation of the Code of Governmental Ethics is presented by Dominick Impastato, III, an appointee of the City of Kenner Police & Fire Civil Service Board, being appointed to the Kenner Housing Authority Board.

Adopted an advisory opinion in Docket No. 10-893 concluding that no violation of the Code of Governmental Ethics is presented by the Chancellors and System President of the Louisiana Community and Technical College System receiving complimentary admission to the American Association of Community Colleges 2011 annual conference, since the Chancellors and System President would be receiving the complimentary admission to an educational or professional development seminar and provided that all of the requirements of Section 1123(41)(a) are present, and the public servants file the affidavits required by Section 1123(41)(b).

Adopted an advisory opinion in Docket No. 10-903 concluding that no violation of the Code of Governmental Ethics is presented by Tiffanie Lewis, an employee of the Department of Education, resigning from her employment with the Department of Education and accepting employment as the Executive Director of Harvest Preparatory Academy, since Ms. Lewis will not be assisting Harvest Academy in a transaction in which she participated as an employee of the Department of Education. The Board further advised that Section 1121B of the Code of Governmental Ethics prohibits Ms. Lewis, for a period of two years following her resignation from the Department of Education, from assisting Harvest Preparatory Academy with the Department of Education's 9th grade initiative program.

Adopted an advisory opinion in Docket No. 10-907 concluding that Section 1121B of the Code of Governmental Ethics prohibits Otto Zeulke, III, an Environmental Scientist formerly

employed by the Department of Environmental Quality (DEQ), for a period of two years following his termination of employment with the Air Analyst Section of DEQ, from assisting another person in a transaction with the Air Analyst Section of DEQ in which he participated in as an employee of DEQ. The Board further advised that Mr. Zuelke is prohibited for a period of two years following his termination of employment with Air Analyst Section of DEQ from contracting or subcontracting back with the Air Analyst Section of DEQ to perform any service that he performed as an employee of the Air Analyst Section of DEQ.

Adopted an advisory opinion in Docket No. 10-914 concluding that no violation of the Code of Governmental Ethics is presented by REAL Carpet Cleaning of Natchitoches, LLC, which is owned in part by Virginia Brossett, transacting business with Northwestern State University (NSU) while Ms. Brossett is employed as the Associate Bursar in the Office of Student Accounting at NSU, since REAL Carpet Cleaning of Natchitoches is not contracting with Ms. Brossett's agency, the Office of Student Accounting.

Adopted an advisory opinion in Docket No. 10-919 concluding that no violation of the Code of Governmental Ethics is presented by Amanda Chapoton, a former employee of Jetson Center for Youth through the Office of Juvenile Justice and the LSU Health Sciences, becoming a contractual provider with the Office of Community Services/Department of Social Services, since Ms. Chapoton will not be contracting with her former agencies, the Jetson Center for Youth through the Office of Juvenile Justice and LSU Health Sciences, nor will she be assisting a person in transactions before her former agencies.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the

September 16-17, 2010 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for reconsideration in Docket No. 10-704 of a waiver request regarding the \$1,000 late fee assessed against Barbara Jackson, who made expenditures in connection with the recall election of New Orleans City Councilwoman Stacy Head, whose Proposition/Recall report was due by March 5, 2010 and was 287 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,000 late fee, since Ms. Jackson is wheelchair bound and on a fixed disability income and this was the first time that she participated in the recall of a candidate.

The Board considered a request for an advisory opinion in Docket No. 10-853 regarding Chance Parent, Network Administrator for the Walker Police Department, becoming a commissioned officer. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Parent becoming a commissioned officer for the Walker Police Department while he has a contract with the police department. The Board further advised that upon the expiration of the existing contract, Section 1113 of the Code of Governmental Ethics would prohibit Mr. Parent from entering into a new contract or from renewing the existing contract under new terms.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for a payment plan in Docket No. 10-896 in connection with late fees totaling \$2,000 assessed against Brian McNabb, a candidate for State Representative, District 69 in the October 20, 2007 election, for filing his Supplemental campaign finance disclosure report 195 days late. On motion made, seconded and unanimously passed, the Board approved the payment plan allowing Mr. McNabb to make an initial payment of \$200 and thereafter to make monthly payments

of \$150.

The Board considered an advisory opinion in Docket No. 10-901 regarding whether the employees of the Greater Lafourche Port Commission may accept an AT&T “Employee Discount” of 15% off the employees’ personal cell phone service through AT&T when AT&T has a contractual relationship with the Port. On motion made, seconded and passed by a vote of 9 yeas by Board Members Bareikis, Bowman, Boyer, Hymel, Ingrassia, Leggio, Lowrey, Monroe and Stafford and 1 nay by Board Member Simoneaux, the Board concluded that Section 1115 of the Code of Governmental Ethics prohibits the Port’s employees from receiving the discount from AT&T on their personal cell phone services, since AT&T has a contractual relationship with the Port.

The Board considered a request for an advisory opinion in Docket No. 10-931 regarding the propriety of Providence Engineering & Environmental Group procuring management of federal grant funds awarded to the State of Louisiana when it has contracts with local governments to manage federal grant funds. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Providence Engineering & Environmental Group being awarded the contract and in turn awarding subcontracts to Providence Technical Services, LLC (PTS) and GSE Associates, LLC (GSE), to assist only those local governments with services for which Providence does not have a contract to provide those same services.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for an advisory opinion in Docket No. 10-932 from G. Thomas Arbour, a candidate in the October 2, 2010 election, regarding the interpretation of R.S. 18:1485C of the Campaign Finance Disclosure Act with respect to electronic filing requirements. On motion made,

seconded and unanimously passed, the Board concluded that the \$25,000 amount includes the amount of contributions and loans received in the aggregate and therefore, a candidate is required to electronically file his campaign finance disclosure reports when the total amount of any contributions received plus any loans received exceeds \$25,000

The Board considered the proposed meeting dates for 2011. On motion made, seconded and unanimously passed, the Board adopted the proposed 2011 meeting dates.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 10-863 for a waiver of the \$2,500 late fee assessed against Roland Belsome, a candidate for Judge, Court of Appeal, 4th Circuit in the October 2, 2010 election, whose 180-P report was due by April 5, 2010 and was filed 25 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee based on the level of activity and Judge Belsome's prior late filing of his EDE-P campaign finance disclosure report in connection with the October 4, 2008 election.

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

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

Docket No. 10-875 from Douglas Wood, Executive Lobbyist, of a \$50 late fee; and, Docket No. 10-933 from Myron Lambert, Legislative Lobbyist, of a \$50 late fee.

The Board unanimously rescinded the \$50 late fee assessed against Douglas Wood, Legislative Lobbyist, in Docket No. 10-875.

The Board considered a request in Docket No. 10-766 for a waiver of the \$600 late fee assessed against William Cefalu for filing his Tier 2 personal financial disclosure statement 6 days late.

On motion made, seconded and unanimously passed, pursuant to the waiver guidelines, the Board declined to waive the \$600 late fee but suspended the entire amount conditioned upon future compliance with the Code of Governmental Ethics.

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

The Board considered a consent opinion in Docket Nos. 08-319 and 09-309 regarding Eddie Price, former Mayor of the City of Mandeville, receiving funds from the Mandeville Police gift fund and his use of a city credit card for personal charges. On motion made, seconded and unanimously passed, the Board adopted for publication the proposed consent opinion, consolidating Docket No. 08-319 and Docket No. 09-309, in which Eddie Price agrees that (1) a violation of Section 1115A(1) of the Code of Governmental Ethics occurred by virtue of his receipt of a hunting trip to Mississippi, a hunting trip to Canada, a golf trip to Augusta, Georgia and a golf trip to Pebble Beach, California from persons that had or were seeking to obtain a contractual relationship with the City of Mandeville while he served as the Mayor for the City of Mandeville; and, (2) a violation of Section 1111A(1) of the Code of Governmental Ethics occurred by his receipt of gifts which were paid for from a fund collected by the Mandeville Police Department and his personal use of a credit card issued to the City of Mandeville while he served as Mayor for the City of Mandeville and in which no additional penalty will be imposed upon Mr. Price for violating the Code of Governmental Ethics due to Mr. Price's guilty plea to federal charges of corruption and income tax evasion resulting in a sentence of 64 months imprisonment in federal prison.

The Board considered a request to withdraw a request for an advisory opinion in Docket No. 10-641 regarding (1) whether a candidate for 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 contained in the

Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board allowed the withdrawal request, since the candidate, Angela Imbornone, was unsuccessful in her election bid and the issues was moot.

The Board considered a request for an advisory opinion in Docket No. 10-936 regarding whether the Chamber of Southwest Louisiana may purchase tickets to attend functions and make donations to events put on by the Lake Charles Convention and Visitors Bureau. On motion made, seconded and unanimously passed, the Board concluded the following:

1. *Can the Chamber purchase tickets to attend this luncheon from the Bureau acting on behalf of the Port?* Yes. There is no prohibition in the Ethics Code which would prohibit the Chamber from purchasing tickets to attend such a luncheon.

If so, can the Chamber give or sell those tickets to a legislator, local or state official or public employee? A legislator, local or state official may not receive a complimentary ticket, or admission to the event. However, there is no prohibition in the Ethics Code which would prohibit the Chamber from selling tickets to a legislator, state or local public official.

If the Chamber co-sponsors the luncheon or reception who would be responsible for reporting the expenses related to the executive branch or legislators in attendance? If there is no admission fee to attend the luncheon, the person who makes the expenditure on a legislator or executive branch officials is responsible for reporting the expenditure to the Ethics Board. If there is an admission fee to attend the luncheon, of which the public officials pays, no party would be required to report the amount spent on food or drink,

as consideration would have been given for the food and drink in the admission fee.

Can the elected/public officials reimburse the Chamber host for tickets to a luncheon or reception originally purchased by the Bureau acting on behalf of the Port? Yes. In order to attend an event, the public servant would necessarily have to purchase or reimburse the ticket holder the required admission fee. Section 1111A prohibits a public servant from receiving any thing of economic value other than the remuneration and benefits he is entitled to receive for the performance of his public duties.

2. Can the Chamber give a lump sum of money to the Bureau to coordinate events, purchase tickets to attend a luncheon, reception and possibly co sponsor a suite where food and beverages are served for the purpose of entertaining invited guests, which would include legislators and local and state officials? Yes, there is no prohibition in any of the laws under the jurisdiction of the Board which would prohibit a person from sponsoring such an event.

Should the amount of money for each individual event be specified? Would the Chamber's lobbyist have to report the amount of money given to the Bureau since it is a public entity? The only items which are reportable on a lobbyist's monthly report are "expenditures." "Expenditure" is a term that is defined in both the legislative and executive lobbyist disclosure acts, as an amount of money spent on food or drink for a legislator or executive branch official, or their minor child or spouse, for the purpose of lobbying, if the

lobbyist or principal would be required to account for the expense as a normal business expense related to the conduct of the lobbyist or his employer. Therefore, the amount given to an organization to help the organization sponsor an event is not reported on a lobbyist expenditure report.

If the entities involved have lobbyists would the lobbyists have to be present at the lunch or reception or suite for the duration of the function? How should the lobbyist report the expenses for such event? If the lobbyist makes an expenditure, he must do so in the presence of the public servant and remain with the public servant, while the public servant consumes the food and drink. A lobbyist is responsible for reporting all expenditures made on legislators or executive branch officials on a monthly basis through the use of the Board's "lobbyist Online Filing System."

Can elected/public officials attend a function in the suite or a reception hosted by the Chamber and other publicly events entities as guests if the cost is more than \$53 per occasion? Would each lobbyist have to report the total expense of each event or their portion of the cost? Public servants would not be able to attend the event without paying the entry fee if there is a cost associated with attendance. If the public servant pays for admission to the event, the person hosting the event does not have to report the amount of money spent on food or drink, as the costs associated with the food or drink are contained within the admission fee. If there is no cost to attend the event, and the lobbyist makes an expenditure on a public servant, then such

expenditure would be required to be reported. Section 1115.1 prohibits a person from purchasing more than \$54 of food for a public servant at an event.

The Board considered the Personal Financial Disclosure Forms pursuant to Sections 1124, 1124.2, 1124.2.1 and 1124.3, Gubernatorial Transition/Inauguration Disclosure statement pursuant to Section 1125 of the Code of Governmental Ethics and proposed rules for lobbying in Docket No. 10-832. On motion made, seconded and unanimously passed, the Board approved the forms and directed the staff to begin the promulgation process where needed.

The Board considered a request for an advisory opinion in Docket No. 10-937 regarding the propriety of Laurie Walsh being named as the Interim Executive Director of the West Feliciana Parish Tourist Commission when she owns a bed and breakfast inn that is required to remit an occupancy tax to the Commission. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Walsh serving as the Executive Director of the Tourist Commission, since the tourist commission's receipt of the occupancy statute from the Ms. Walsh's inn would not constitute a contractual or other business or financial relationship under Section 1111C(2)(d) of the Code of Governmental Ethics. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Ms. Walsh from participating in matters involving her inn that come before the Tourist Commission.

Ms. Allen provided an overview of the agency's budget for Fiscal Year 2010-2011 and 2011-2012.

The Board unanimously resolved into executive business session.

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EXECUTIVE SESSION

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The Board unanimously resolved into general business session.

The Board considered additional information in Docket No. 09-068 in connection with charges filed against Thomas Watson for entering into a transaction with the Livingston Parish Council while he was serving as a member of the council. On motion made, seconded and unanimously passed, the Board dismissed the charges against Mr. Watson.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered additional information in Docket No. 08-1003 in connection with charges issued against Vincent Bailey and Metro Citizens for its failure to disclose expenditures in connection with its opposition to Russell Saluto and its support of Patrick DeJean, candidates for Jefferson Parish Justice of the Peace in the October 4, 2008 election. On motion made, seconded and unanimously passed, the Board dismissed the charges against Vincent Bailey and Metro Citizens, since the report was filed disclosing all expenditures made in connection with the election.

Ms. Allen advised the Board that she received correspondence from Representative Rick Gallot, Chairman of the Committee on House and Governmental Affairs, noticing the upcoming joint House and Senate Governmental Affairs Committee meeting at 9:00 a.m. on November 17, 2010. Pursuant to House Concurrent Resolution No. 83 of the 2010 Regular Session by Representative Rickey Hardy, the joint Committee has been requested to study possible strategies to discourage the mishandling, misuse, and misappropriation of public funds by public officials and procedures to recover the same. Ms. Allen advised the Board that input and recommendations had been solicited

from representatives of several agencies, including the Ethics agency.

On motion made, seconded and unanimously passed, the Board adjourned at 1:11 p.m.

Secretary

APPROVED:

Chairman

