

LOUISIANA BOARD OF ETHICS  
MINUTES  
August 19, 2011

The Board of Ethics met on August 19, 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, Hymel, Ingrassia, Leggio, Monroe, Simoneaux and Stafford present. Absent were Board Members Bowman, Lowrey 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.

The Board considered a request for reconsideration of the Board's denial to waive a \$1,500 late fee assessed against Freddie Phillips in Docket No. 10-1175 for filing his 2008 Tier 2.1 personal financial disclosure statement 43 days late. On motion made, seconded and unanimously passed, the Board declined to reconsider the request and agreed to a payment plan of \$250 per month.

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 continued the matter at the request of Judge Porter.

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

Board Member Monroe left the room.

Mr. Jackie R. Johnson, a candidate for Mayor of the City of Winnsboro in the March 27, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-1123 in connection with a request for a waiver of

the \$1,000, \$1,000, \$1,000, \$1,000, \$1,000, \$1,000, and \$1,000 (\$7,000 total) late fees assessed against him for filing his Supplemental, (4) Specials, 10-G, and EDE-G campaign finance disclosure reports 95, 401, 397, 393, 392, 395, and 375 days late. After hearing from Mr. Johnson, on motion made, seconded and passed by a vote of 6 yeas by Board Members Blewer, Hymel, Leggio, Lowrey, Simoneaux and Stafford and 2 nays by Board Members Backhaus and Ingrassia, the Board declined to waive the late fees totaling \$7,000 but suspended \$5,000 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Board Member Monroe returned to the meeting.

Mr. James Burland and Mr. Norman Ferachi, Chairman of the Louisiana Council on Legislative Action, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 11-1128 for a waiver of the \$2,000 late fee assessed against LA Council on Legislative Action, a political action committee, whose 180-P campaign finance disclosure report was filed 10 days late. After hearing from Mr. Burland and Mr. Ferachi, on motion made, seconded and passed by a vote of 6 yeas by Board Members Hymel, Ingrassia, Leggio, Lowrey, Simoneaux and Stafford and 3 nays by Board Members Backhaus, Blewer and Monroe, the Board declined to waive the \$2,000 late fee but suspended \$1,500 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Robert Rieger, attorney for the LA Credit Union Legislative Action Council, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 11-1130 for a waiver of the \$1,400 late fee assessed against LA Credit Union Legislative Action Council, a political action committee, whose 180-P campaign finance disclosure report was filed 7 days late. After hearing from Mr. Rieger, on motion

made, seconded and passed by a vote of 7 yeas by Board Members Blewer, Hymel, Ingrassia, Lowrey, Monroe, Simoneaux and Stafford and 2 nays by Board Members Backhaus and Leggio, the Board rescinded the entire late fee.

Mr. Charles Vandersteen, Executive Director of FORPAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 11-1113 for a waiver of the \$1,600 late fee assessed against FORPAC, a political action committee, whose 180-P campaign finance disclosure report was filed 8 days late. After hearing from Mr. Vandersteen, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,600 late fee but suspended \$1,100 conditioned up on future compliance with the Campaign Finance Disclosure Act.

Ms. Joyce Matthews, attorney for a company who is considering employing Otis Randle, appeared before the Board in connection with a request for an advisory opinion in Docket No. 11-1155 regarding the application of the post employment restrictions to Mr. Randle, former Regional Manager of the Northwest Regional Office of the Louisiana Department of Environmental Quality.

Board Member Leggio was excused from the meeting at 10:18 a.m.

After hearing from Ms. Matthews, on motion made, seconded and unanimously passed, the Board deferred the matter pending receipt of additional information and instructed the staff to invite Mr. Randle to appear before the Board.

Mr. Keith Gautreau, an Infrastructure Analyst with the Office of Community Development/Disaster Recovery Unit, and Mr. Rowdy Gaudet, Office of Community Development Infrastructure Director, appeared before the Board in Docket No. 11-1245 in connection with a

request for an advisory opinion regarding whether Mr. Gautreau may work with the Office of Community Development /Disaster Recovery Unit (OCD /DRU), Infrastructure Division, through a staff supplement contract with Shaw Corporation on his retirement from the OCD/DRU, Infrastructure Division. After hearing from Mr. Gautreau and Mr. Gaudet, on motion made, seconded and unanimously passed, the Board concluded that Section 1121B of the Code of Governmental Ethics would prohibit Keith Gautreau from working with the Office of Community Development /Disaster Recovery Unit, Infrastructure Division, through a staff supplement contract with Shaw Corporation for a period of two years following his retirement from the OCD /DRU, Infrastructure Division, since Mr. Gautreau would be rendering the same services he rendered while employed with the Infrastructure Division through the staff supplement contract with Shaw and also assisting Shaw with the Infrastructure Division on projects Mr. Gautreau managed while employed with the Infrastructure Division.

On motion made, seconded and unanimously passed, the Board agreed to reconsider the matter in Docket No. 10-1175 regarding a \$1,500 late fee assessed against Freddie Phillips for his failure to timely file his 2008 Tier 2.1 personal financial disclosure statement. Mr. Phillips appeared before the Board in Docket No. 10-1175 in connection with a request for reconsideration of the Board's denial to waive a \$1,500 late fee assessed against him for filing his 2008 Tier 2.1 personal financial disclosure statement 43 days late. After hearing from Mr. Phillips, on motion made, seconded and unanimously passed, the Board reaffirmed it's prior decision to decline to reconsider the request and agreed to a payment plan of \$250 per month.

Mr. Paul B. Distefano and his attorney, Mr. Thomas Delahaye, appeared before the Board in Docket No. 11-1065 in connection with a request for a waiver of the \$550 late fee assessed

against him for filing his amended 2009 Tier 3 personal financial disclosure statement 11 days late. After hearing from Mr. Distefano and Mr. Delahaye, on motion made, seconded and unanimously passed, the Board, pursuant to the waiver guidelines, declined to waive the \$550 late fee but suspended \$250 conditioned upon future compliance with the Code of Governmental Ethics.

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

On motion made, seconded and unanimously passed, the Board agreed to take action on items 7-9 en globo. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items 7-9 taking the following action:

Adopted for publication, consent opinions in Docket No. 10-227 in which (1) Kim Rugon agrees that a violation of Section 1119A of the Code of Governmental Ethics occurred by the employment of her brother, Harold Evans, within her agency, the Technical Division of Delgado Community College, while she served as the Executive Dean of the Technical Division and in which no fine is imposed; and, (2) Harold Evans agrees that a violation of Section 1119A of the Code of Governmental Ethics occurred by virtue of his employment within the Technical Division of Delgado Community College while his sister, Kim Rugon, served as the Executive Dean of the Technical Division and in which no fine is imposed.

Adopted for publication, a consent opinion in Docket No. 10-345 in which Jamie Ainsworth agrees that violations of Sections 113A(1)(a), 1115A(1) and 1115B(1) of the Code of Governmental Ethics occurred by her appointment to the Louisiana Youth Prevention Services (LYPS) Board by the Executive Director Jim Champagne while she also was an employee with the Louisiana Highway Safety Commission (LHSC) and by her receipt of two checks from LYPS while LYPS was regulated

by and had a business relationship with the LHSC and in which Ms. Ainsworth agrees to pay a fine of \$750.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted for publication, a consent opinion in Docket No. 10-520 in which the John L. “Jay” Dardenne, Jr. Committee agrees that a violation of Section 1505.2.H of the Campaign Finance Disclosure Act occurred by receiving contributions in connection with the candidate’s October 2, 2010 election in excess of the contribution limit and in which the committee agrees to pay a fine of \$2,500.

Adopted an advisory opinion in Docket No. 11-620 concluding that no violation of the Code of Governmental Ethics is presented by Reid Falconer, a member of the St. Tammany Parish Council, through a company owned by him and his immediate family members, applying to the St. Tammany Parish Planning Director for approval of a minor subdivision of a piece of property.

Adopted an advisory opinion in Docket No. 11-727 concluding that no violation of the Code of Governmental Ethics is presented by Rhino Graphics continuing to sell tee shirts to the Vidalia Fire Department if the father of the owner of Rhino Graphics, Larry Chauvin is employed as the Coordinator for Special Programs with the City of Vidalia, since the transaction of purchasing the tee shirts for the Fire Department is not handled through Larry Chauvin’s agency.

Adopted an advisory opinion in Docket No. 11-812 concluding that the Code of Governmental Ethics does not require members of the Louisiana Statewide Independent Living Council to file annual personal financial disclosure statements, since the Louisiana Statewide Independent Living Council does not have the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year.

Adopted an advisory opinion in Docket No. 11-887 concluding that no violation of the Code

of Governmental Ethics is presented by Quadel Consulting Corporation serving as a prime contractor on a contract with the OCD/Disaster Recovery Unit's Short Term Assistance Program, since the current contracts that Quadel has with OCD are separate and distinct from the Process Improvement and Monitoring Program, and Quadel did not participate in the drafting of the RFP for this contract nor do they have any current or prior agreements with the Process Improvement and Monitoring Program. Quadel would not have a greater benefit than any other company that submitted a proposal in response to the RFP.

Granted the request to withdraw a request for an advisory opinion in Docket No. 11-907 as to whether Lynda Evans and Frances Annette Mire, members of the Shenandoah Estates Crime Prevention and Improvement District, are required to file annual personal financial disclosure statements pursuant to La R.S. 42:1124.2.1.

Adopted an advisory opinion in Docket No. 11-1010 concluding that no violation of the Code of Governmental Ethics is presented by Tim Pampell, an employee of the Office of State Parks, retaining the services of an architect that has a contractual relationship with the Office of State Parks, since he is not providing services to the firm but is instead paying the firm for its services. The Board further advised that as long as Mr. Pampell pays the fair market value for the services, then no violation of the Code of Governmental Ethics is presented.

Declined to render an advisory opinion in Docket No. 11-1011 regarding the appointment of Charles Balthrop, a member of the Town of New Llano Council, to the Vernon Parish Fire District Board No.1, by the Town of New Llano, since the matter involved past conduct. The Board instructed the staff to generally advise the Town of the provisions contained in Section 1113A(1)(b)(ii) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 11-1024 concluding that Section 1112 of the Code of Governmental Ethics prohibits Lloyd Brown, a member of the Iberia Parish Council, from participating in the vote regarding a variance in which his family member has an interest.

Chairman Simoneaux vacated the Chair. Vice Chairman Monroe assumed the Chair.

Adopted an advisory opinion in Docket No. 11-1025 concluding that no violation of the Code of Governmental Ethics is presented by Barbara Lacen-Keller, an employee in New Orleans Councilmember Stacy Head's office, requesting a fee waiver from the city council, since Ms. Lacen-Keller's agency is Councilman Head's District Office.

Adopted an advisory opinion in Docket No. 11-1026 concluding that (1) the Melrose Place Crime Prevention District is a board or commission as defined by Section 1124.2.1 D(1)(a) of the Code of Governmental Ethics, since the District was created by state statute as a political subdivision of the state and that the members of the District do not have "the authority to expend, disburse or invest" within the meaning of R.S. 42:1124.2.1 of the Code of Governmental Ethics until it receives funding of \$10,000 or more; (2) the members of the District's Board of Commissioners are required to begin filing on or before May 15, 2012, since funding of \$10,000 or more will be received in August 2011; and, (3) the members who resign prior to the receipt of funds are not required to file the year following termination. However, those members who resign after August 2011, but before May 15, 2012, will be required to file the year following termination on or before May 15, 2012.

Adopted an advisory opinion in Docket No. 11-1034 concluding that Section 1111C(2)(d) of the Code of the Governmental Ethics prohibits the wife of Mike Vallery, an employee of the Department of Culture, Recreation and Tourism, from being hired by Task Force, LLC while Mr. Vallery is the manager of the Poverty Point Reservoir State Park, since Mr. Vallery's wife would

be receiving compensation from a company that has a business relationship with his agency.

Adopted an advisory opinion in Docket No. 11-1050 concluding that no violation of the Code of Governmental Ethics or the Campaign Finance Disclosure Act is presented by Carla Butler serving as the mayor's campaign chair on a voluntary basis while she has a contract with City of St. Gabriel to perform general business consultant services.

Chairman Simoneaux resumed the Chair.

Adopted an advisory opinion in Docket No. 11-1052 concluding that no violation of the Code of Governmental Ethics is presented by Cindy Martin continuing to hold her position of Executive Director of the Independence Housing Authority if her husband is elected mayor of the Town of Independence, since Ms. Martin has been employed with the Housing Authority since 1992 and she meets the exception to 1119B(1) found in 1119C(2) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 11-1081 concluding that no violation of the Code of Governmental Ethics is presented by Lt. Stacey Barrett, an employee of the Louisiana State Police, providing training services to the LSU Division of Workforce Development, since the work is outside the scope of her normal duties and responsibilities for the Louisiana State Police.

Adopted an advisory opinion in Docket No. 11-1082 concluding that Section 1113B of the Code of Governmental Ethics prohibits Andy Perrin, a member of the Board of Adjustments for Lafayette Parish Consolidated Government, from representing clients before the Board of Adjustments, since Perrin is an agency head. The Board further concluded that if Mr. Perrin steps down from his position with the Board of Adjustments, Section 1121A(1) of the Code of Governmental Ethics will prohibit him from assisting any person in any transaction with the Board of Adjustments for a period of two years following his termination of employment with the agency.

Adopted an advisory opinion in Docket No. 11-1083 concluding that Section 1113B of the Code of Governmental Ethics prohibits Ronny Haisty, a member of the Ouachita Expressway Authority, from consulting on a project with the Louisiana Department of Transportation and Development to prepare the Ouachita Bridge Environmental Impact Statement, since the Authority will use the statement once prepared for the Ouachita Bridge Project, which is under the supervision and jurisdiction of the Authority.

Adopted an advisory opinion in Docket No. 11-1089 concluding that no violation of the Code of Governmental Ethics is presented by the spouse of Gretchen Caillouet, the Director for the Department of Grants and Development for Lafourche Parish, providing legal services for the Parish as long as Mr. Caillouet does not enter into any transactions with Mrs. Caillouet's agency, the Department of Grants and Development. The Board further advised that Section 1114 of the Code of Governmental Ethics requires Mr. Caillouet to file disclosure reports with the Board.

Adopted an advisory opinion in Docket No. 11-1090 concluding that no violation of the Code of Governmental Ethics is presented by Polly Campbell serving on the board for Families Helping Families of Southeast Louisiana (FHF of SELA) and on the board of the Metropolitan Human Services District (MHSD). The Board further advised that Section 1112B(3) of the Code of Governmental Ethics would prohibit her from participating in transactions which are under the supervision or jurisdiction of the MHSD that the FHF of SELA has a substantial economic interest. In order to avoid a potential violation of Section 1112, Ms. Campbell must recuse herself from participating in such matters in accordance with Section 1120.4(A) of the Code of Governmental Ethics. As such she would also be prohibited from participating in the discussion and debate concerning the matter pursuant to Section 1120.4(B) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 11-1093 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Troy Trahan, a member of the Lake Arthur Town Council, from selling insurance to businesses that have business relationships with the Town of Lake Arthur, since Mr. Trahan's agency is the Town of Lake Arthur and all of the agencies within the supervision of the Town. The Board further advised that Legacy Insurance, a company in which Mr. Trahan has a 50% ownership, is prohibited from selling insurance to those companies or businesses that lease property from the Town, sell equipment to the Town, or serve as vendors to a Town hosted festival.

Granted the request to withdraw a request for an advisory opinion in Docket No. 11-1094 regarding whether Charlie Gauthier, an employee of the Office of State Parks, may purchase a travel trailer from a subcontractor.

Adopted an advisory opinion in Docket No. 11-1096 concluding that no violation of the Code of Governmental Ethics is presented by the employees of West Baton Rouge Parish and the City of Port Allen departments of public works receiving additional compensation for work provided for the West Baton Rouge Parish Assessor's Office, since the contract will provide for the work to be completed by those employees of the Public Works Office and the payment to the public employees for the services provided will come from their respective agencies. The services would become a part of their duties and responsibilities as public works employees and the compensation would be payments that the employees are duly entitled to receive.

Adopted an advisory opinion in Docket No. 11-1099 concluding that no violation of the Code of Governmental Ethics is presented by Holly Boffy continuing her employment with Associated Professional Educators of Louisiana (A+PEL) if she is elected to the BESE Board, since

A+PEL does not have a contractual, financial or other business relationship with BESE and is not devoted substantially to the responsibilities, programs, or operations of the BESE. However, Ms. Boffy would need to recuse herself from any matter that may come before the BESE Board involving A+PEL.

Adopted an advisory opinion in Docket No. 11-1177 concluding that Section 1119 of the Code of Governmental Ethics prohibits the brother of Jerome Nation, a member of the Farmerville Town Council, accepting employment with the Town, since Jerome Nation, as a member of the town council, is an agency head.

Adopted an advisory opinion in Docket No. 11-1208 concluding that Sections 27:96A and 261A will prohibit Howard Castay, the owner of Hub Cast Media, Inc, and Castay Media, LLC , from entering into business transactions with any riverboat, racetrack and land-based casino gaming licensees or operators in the State of Louisiana if he is elected as a State Representative. The Board further advised that this prohibition does not apply to Indian owned casinos.

The Board considered the following general business agenda items:

The Board accepted for filing, the ethics disclosure statements filed in Docket No. 11-1224 for July 2011.

On motion made, seconded and unanimously passed, the Board approved the minutes of the July 14-15, 2011 meetings.

The Board considered a request for an advisory opinion in Docket No. 11-1028 as to the propriety of Gavin Abshire and River West Enterprises, a company that provides project management services to the Lake Charles Harbor & Terminal District (LCHTD), contracting with companies that have contracts with the District. On motion made, seconded and unanimously

passed, the Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Mr. Abshire and River West Enterprises from providing compensated project management services to engineering firms and contractors who have projects with the LCHTD that he is administering on behalf of the LCHTD, since, as project manager, Mr. Abshire is in a position to substantially affect the economic interests of the engineering firms and contractors who have projects with the LCHTD that River West is charged with administering. The Board further concluded that Mr. Abshire and River West are not prohibited from providing compensated project management services for projects that do not involve the LCHTD to lessees of the LCHTD, since you Mr. Abshire does not provide services involving leases or the management of leases for the LCHTD and he is not in a position to substantially affect the economic interests of lessees of the LCHTD.

The Board considered a request for an advisory opinion in Docket No. 11-1159 regarding whether Dr. Rhenda Hodnett, a Child Welfare Executive Manager employed by the Department of Children and Family Services (DCFS), Child Welfare Section, may teach at the LSU School of Social Work. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Dr. Hodnett accepting an adjunct faculty position with the LSU School of Social Work as long as the classes she proposes to teach are not related to the Child and Welfare Section and the policies studies and/or implemented.

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

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

Docket No. 11-1109 from Larry Rolling of a \$400 late fee;

Docket No. 11-1112 from Ronald “T” Doucet of a \$2,000 late fee;

Docket No. 11-1117 from Larry “Keith” Guice of an \$800 late fee;  
Docket No. 11-1120 from Jan-Scott Richard of a \$400 late fee;  
Docket No. 11-1121 from Gregory Young of three \$1,000 late fees, a \$400 late fee,  
an \$800 late fee, a \$680 late fee and a \$360 late fee;  
Docket No. 11-1122 from Ralph “Big Guy” Johnson, Sr. of a \$500 late fee; and,  
Docket No. 11-1124 from Marie Williams of a \$2,500 late fee.

On motion made, seconded and passed by a vote of 6 yeas by Board members Backhaus, Hymel, Ingrassia, Lowrey, Simoneaux and Stafford and 2 nays by Board Members Blewer and Monroe, the Board unanimously declined to waive the \$1,400 late fee in Docket No. 11-1107 assessed against Sudden Link LA, a political action committee, whose 180-P campaign finance disclosure report was filed 7 days late, but suspended \$900 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously rescinded the \$1,000 late fee assessed against Jonathan D. Goins in Docket No. 11-1111, since he submitted information indicating the report was filed timely.

The Board unanimously declined to waive the \$1,600 late fee in Docket No. 11-1114 assessed against LA Veterinary Medical Association, a political action committee, whose 180-P campaign finance disclosure report was filed 8 days late, but suspended \$1,100 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously declined to waive the \$1,600 late fee in Docket No. 11-1116 assessed against LA Home Builders Association, a political action committee, whose 180-P campaign finance disclosure report was filed 8 days late, but suspended \$1,100 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously declined to waive the \$1,600 late fee in Docket No. 11-1118 assessed against LAMOA, a political action committee, whose 180-P campaign finance disclosure report was filed 8 days late, but suspended \$1,100 conditioned upon future compliance with the

Campaign Finance Disclosure Act.

The Board unanimously declined to waive the \$400 late fee in Docket No. 11-1119 assessed against L. John Monteleone, a candidate for Youngsville City Council, Div. A in the October 2, 2010 election, whose EDE-P campaign finance disclosure report was filed 169 days late, but suspended \$300 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously declined to waive the \$750, \$1,000, \$400, \$400, and \$120 late fees in Docket No. 11-1125 assessed against Tim De'Clouet, a candidate for Mayor of the City of Jeanerette in the April 2, 2011 election, whose 30-P, 10-P, EDE-P, 10-G, and EDE-G, campaign finance disclosure reports were filed 67, 47, 27, 23, and 3 days late, but suspended all but \$100 for each report conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously declined to waive the \$3,000 late fee in Docket No. 11-1126 assessed against Tidewater PAC, a political action committee, whose 180-P campaign finance disclosure report was filed 23 days late, but suspended \$2,500 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously declined to waive the \$3,000 late fee assessed and the \$2,250 late fee reassessed in Docket No. 11-1127 against LA Association of Conservation Districts, a political action committee, whose 180-P campaign finance disclosure report was filed 16 days late, but suspended all but \$500 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously rescinded the \$400 late fee assessed against Paul M. Smith in Docket No. 11-1129, since he submitted documentation indicating that he was medically unable to timely file his campaign finance disclosure reports.

The Board considered requests for “good cause” waivers of late fees assessed against the following individuals in connection with the failure to timely file personal financial disclosure statements:

The Board unanimously reaffirmed its prior decision in Docket No. 11-541 to decline to waive the \$550 late fee assessed against Kenneth Thompson for filing his candidate personal financial disclosure statement 11 days late, but suspended \$250 conditioned upon future compliance with the Code of Governmental Ethics.

The Board unanimously reaffirmed its prior decision in Docket No. 11-645 to decline to waive the \$1,500 late fee assessed against Charles Mayeux, Jr. for filing his candidate personal financial disclosure statement 72 days late.

The Board unanimously declined to waive the \$2,500 late fee in Docket No. 11-1063 assessed against Antoine Babineaux, Jr. for filing his 2009 Tier 2 annual personal financial disclosure statement 209 days late, based on the waiver guidelines.

The Board unanimously declined to waive the \$800 late fee in Docket No. 11-1066 assessed against Spergeon Holly, Jr. for filing his 2009 Tier 2.1 annual personal financial disclosure statement 16 days late, but suspended \$500 conditioned upon future compliance with the Code of Governmental Ethics in accordance with the waiver guidelines.

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

The Board considered a request for an advisory opinion in Docket No. 11-1261 regarding whether a lobbyist and State Director for the American Federation for Children, Lee Madden, may run and serve as a city councilman for the City of Mandeville. On motion made, seconded and unanimously passed, the Board concluded that there is nothing in the provisions of the Campaign

Finance Disclosure Act, Lobbying Disclosure Act or Code of Governmental Ethics that will prohibit Mr. Madden from running and/or serving as a councilman for the City of Mandeville. The Board further advised that if Mr. Madden is elected as a councilman, the Code of Governmental Ethics will prohibit the Federation from assisting him or any other person in transactions with the City for compensation.

The Board considered a request for an advisory opinion in Docket No. 11-1079 regarding whether the son of Anthony Marange, Park Manager of Bogue Chitto State Park, may be employed by Rocky Bottom Tubing. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Taylor Marange, son of Anthony Marange, working at Bogue Chitto State Park for Rocky Bottom Tubing, LLC, since his employment with, and the services he will provide to, Rocky Bottom Tubing, is not considered a transaction under the supervision of his father's agency and since neither Anthony Marange, nor Bogue Chitto Park, supervises any employee of Rocky Bottom Tubing.

The Board considered a request for an advisory opinion in Docket No. 11-1168 concerning whether Tucker Wimberly may be employed with the District Attorney for the 24th Judicial District when his father, Stephen Wimberly, is the First Assistant District Attorney. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Tucker Wimberly being employed with the 24<sup>th</sup> Judicial District Attorney's Office while his father serves as the First Assistant District Attorney, since as First Assistant District Attorney, Stephen Wimberly would not be considered an "agency head." The Board further concluded that Section 1112B(1) of the Code of Governmental Ethics prohibits Stephen Wimberly from participating in matters involving Tucker Wimberly's employment.

The Board considered a request for an advisory opinion in Docket No. 11-1206 regarding the applicability of the post employment restrictions to Andrea Clark, the former Policy Director for the Louisiana Housing Finance Agency. On motion made, seconded and unanimously passed, the Board concluded the following:

(1) The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark accepting employment with Spark InSites, within the two years following the termination of her employment with LHFA's Policy Department, since she would not be assisting a person in a transaction with her former agency, LHFA's Policy Department, and in which she participated while employed with the Policy Department.

(2) The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark accepting employment with Louisiana Housing Alliance, within the two years following the termination of her employment with LHFA's Policy Department, since she would not be assisting a person in a transaction with her former agency, LHFA's Policy Department, and in which she participated while employed with the Policy Department.

(3) The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark accepting employment with One Voice, within the two years following the termination of her employment with LHFA's Policy Department, since she would not be assisting a person in a transaction with her former agency, LHFA's Policy Department, and in which she participated while employed with the Policy Department.

(4) The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark consulting with private companies applying for LIHTC through LHFA's 2011-2012 QAP, within the two years following the termination of her employment with LHFA's Policy Department, since she would not be assisting a person in a transaction with her former agency, LHFA's Policy Department, and in which she participated while employed with the Policy Department.

(5) The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark accepting employment with GCR, within the two years following the termination of her employment with LHFA's Policy Department, since she would not be assisting a person in a transaction with her former agency, LHFA's Policy Department, and in which she participated while employed with the Policy Department.

(6) The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark accepting employment with other public entities, within the two years following the termination of her employment with LHFA's Policy Department, since a public entity is not a person under the Code of Ethics.

(7) The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark contracting with groups that receive funds from the Louisiana Housing Corporation or representing these groups before the Corporation, within the two years following the termination of her employment with LHFA's Policy Department, since she would not be assisting a person in a transaction with her former agency, LHFA's Policy Department, and in which she participated while

employed with the Policy Department.

(8) The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark contracting with the Housing Transition Team, within the two years following the termination of her employment with LHFA's Policy Department, as she would not be contracting back with her former agency, the LHFA Policy Department. Further, the Board concluded that the Code of Governmental Ethics would not prohibit Ms. Clark from representing companies before the Housing Transition Team, within the two years following the termination of her employment with LHFA's Policy Department, since she would not be assisting a person in a transaction with her former agency, LHFA's Policy Department, and in which she participated while employed with the Policy Department.

The Board considered the proposed meeting dates for 2012. The Board asked that the proposed December 20-21, 2012 meeting dates be moved to December 13-14, 2012.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1115 for a waiver of the \$40 late fee assessed against Gerald Brown, a candidate for Alderman for the Town of Richmond, in the April 2, 2011 election, whose 10-G campaign finance disclosure report was filed 1 day late. On motion made, seconded and unanimously passed, the Board declined to waive the \$40 late fee.

The Board unanimously adjourned at 12:26 p.m.

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Secretary

APPROVED:

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Chairman

