

LOUISIANA BOARD OF ETHICS
MINUTES
July 20, 2012

The Board of Ethics met on July 20, 2012 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 Backhaus, Blewer, Ingrassia, Leggio, Lemke, McAnelly and Monroe present. Absent were Board Members Duffin, LaFleur, Schneider and Stafford. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Mike Dupree, Brent Durham and Deidra Godfrey.

The Board considered a request for an advisory opinion in Docket No. 12-149 regarding Kira-Orange Jones continuing to serve as the Executive Director for Teach for America-Greater New Orleans while she serves as a member of the Board of Elementary and Secondary Education (BESE). On motion made, seconded and unanimously passed, the Board deferred the matter to the August meeting at the request of Ms. Jones' attorney.

The Board considered a request in Docket No. 12-407 for a waiver of the \$2,500 late fee assessed against Donald Cravins, Sr. for filing his 2010 Tier 2 candidate personal financial statement 55 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the August meeting.

Mr. Alcide Champagne and his attorney, Mr. Bill Eroche, appeared before the Board in connection with a request in Docket No. 12-420 for reconsideration of a waiver request of the \$1,500 late fee assessed against Mr. Champagne for filing his 2009 Tier 2.1 annual personal financial disclosure statement 245 days late. After hearing from Mr. Champagne and Mr. Eroche, on motion

made, seconded and passed by a vote of 4 yeas by Board Members Backhaus, Leggio, Lemke and McAnelly and 3 nays by Board Members Blewer, Ingrassia and Monroe, the Board declined to waive the \$1,500 late fee but suspended \$1,400 conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Ernest Broussard appeared before the Board in connection with a request in Docket No. 12-453 for reconsideration of a waiver request of the \$1,500 late fee assessed against Mr. Broussard for filing his 2009 Tier 2.1 annual personal financial disclosure statement 265 days late. After hearing from Mr. Broussard, on motion made, seconded and passed by a vote of 4 yeas by Board Members Ingrassia, Leggio, Lemke and McAnelly and 2 nays by Board Members Blewer and Monroe, the Board declined to waive the \$1,500 late fee but suspended \$1,400 conditioned upon future compliance with the Code of Governmental Ethics. Board Member Backhaus recused himself.

Mr. Kelly J. Scott , a candidate for State Senate, District 24 in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-540 for reconsideration of a waiver request of the \$240 and \$480 campaign finance late fees assessed against him for filing his 30-P and 10-P campaign finance disclosure reports 4 and 8 days late. After hearing from Mr. Scott, on motion made, seconded and passed by a vote of 6 yeas by Board Members Backhaus, Blewer, Leggio, Lemke, McAnelly and Monroe and 1 nay by Board Member Ingrassia, the Board declined to waive the \$240 and \$480 late fees.

Ms. Cheryl LeFort, report preparer for Patrick Bell, Sr., appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a

request in Docket No. 12-543 for reconsideration of a waiver request of the \$760 campaign finance late fee assessed against Mr. Bell, a candidate for Ascension Parish Council in the October 22, 2011 election, for filing the 40-G campaign finance disclosure report 19 days late. After hearing from Ms. LeFort, on motion made, seconded and unanimously passed, the Board reduced the \$760 late fee to \$250.

Mr. Gray Sexton, attorney for Ouachita Parish Sheriff Royce Toney, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 12-388 in connection with a Declaratory Opinion regarding whether Sheriff Toney may use his campaign funds to pay the legal fees he has incurred in connection with a federal indictment. Mr. Sexton advised the Board that he would withdraw his request for rehearing since it was premature given that the Declaratory Opinion had yet to be adopted by the Board. He also advised that Board that he would refile the request for rehearing following the Board's adoption and publication of the Declaratory Opinion. After hearing from Mr. Sexton, on motion made, seconded and unanimously passed, the Board adopted the declaratory opinion for publication in which the Board concluded that Sheriff Toney may not use his campaign funds to pay the legal fees he has incurred in connection with his federal indictment, since the actions Sheriff Toney took in this particular case were not related to the holding of his public office. Chairman Monroe stated that the request for rehearing would be included on the Board's August agenda and that Mr. Sexton and Mr. Toney would have the opportunity to appear before the Board in connection with the request.

Mr. Karl Vincent, Chairman of the Acadiana Fairgrounds Commission, appeared before the Board in connection with a request for an advisory opinion in Docket No. 12-1002 regarding the Acadiana Fairgrounds Commission (AF Commission) hiring Ellen Denice while her father, Donald

Segura, serves in a volunteer capacity as a Commissioner for the AF Commission. After hearing from Mr. Vincent, on motion made, seconded and unanimously passed, the Board concluded that Section 1119 of the Code of Governmental Ethics would prohibit Ms. Denice's employment with the AF Commission while her father serves as a member of the Commission. The Board further concluded that should Mr. Segura resign from the Commission, there would be no minimum period of time in which the AF Commission would be required to wait to hire Ms. Denice.

Mr. Joseph Bean, Chairman of Athletics in Action, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1145 for a waiver of the \$2,000 campaign finance late fee assessed against the political action committee for filing its 40-G campaign finance disclosure report 60 days late. After hearing from Mr. Bean, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee but suspended \$1,000 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Ms. Sonya Ohmer Collins, a candidate for Livingston Parish Council in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1147 for a waiver of the \$800 campaign finance late fees assessed against her for filing her 40-G campaign finance disclosure report 20 days late. After hearing from Ms. Collins, on motion made, seconded and unanimously passed, the Board deferred the matter to the August meeting in order to obtain additional information.

Mr. Daniel Carruth and his mother, Mrs. Carruth, appeared before the Board in connection with a request in Docket No. 12-997 for a waiver of the \$1,500, \$1,500 and \$1,500 late fees

assessed against him for filing his 2009 and 2010 Tier 3 annual personal financial disclosure statements and his 2009 Tier 3 candidate personal financial disclosure statement each 56 days late. After hearing from Mr. Carruth and Mrs. Carruth, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$4,500 late fee but suspended \$4,000 conditioned upon future compliance with the Code of Governmental Ethics and established a payment plan of \$50 per month.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-381 for a waiver of the \$1,400 campaign finance late fee assessed against Carolyn N. Hill, a candidate for BESE, District 8 in the October 22, 2011 election, for filing her Special campaign finance disclosure report 14 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,400 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-535 for reconsideration of a waiver of the \$420, \$120, and reassessed \$4,300 (\$4,840 total) campaign finance late fees assessed against Michael Wayne "Mike" Stagg, a candidate for Lafayette Parish President in the October 22, 2011 election, for filing his EDE-P and 10-G campaign finance disclosure reports 7 and 2 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees.

The Board recessed at 10:35 a.m. and resumed back into general business session at 10:48 a.m.

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

Declined to render an advisory opinion in Docket No. 12-519 regarding the appointment of

a tenant commissioner to the Housing Authority of New Roads at a time when the appointee's child serves as the Housing Manager, since the requested additional information had not be provided.

Adopted an advisory opinion in Docket No. 12-574 concluding that no violation of the Code of Governmental Ethics is presented by HydroTerra Technologies, LLC providing surveying services to the State of Louisiana if it performs similar services to other contractors of the state, since Hydro Terra's agency will be limited to the scope of the contract it has for the performance of services to the state and will not be substantially related to Hydro Terra's work on its direct contracts with the state.

Granted the request to withdraw a request for an advisory opinion in Docket No. 12-655 regarding Elizabeth Mossop, a Professor of Landscape Architecture at LSU, providing compensated services to an architectural firm contracting with the Office of Facility Planning and Services on a project for LSU, since Ms. Mossop's attorney indicated that the advisory opinion was no longer needed.

Adopted an advisory opinion in Docket No. 12-674 concluding that Section 1119 of the Code of Governmental Ethics prohibits Christi Lewis Grant from being hired by the Vernon Parish School Board to teach in a school in which her father, Charles R. Lewis, is the principal while he is on sick leave, since Mr. Lewis is the agency head of the school and since Ms. Grant was not employed one year prior to her father becoming an agency head.

Adopted an advisory opinion in Docket No. 12-678 concluding that no violation of the Code of Governmental Ethics is presented by Kelli Cavalier-Barbee, currently a teacher employed by the Iberville Parish School system, being promoted to assistant principal within the school system while her brother-in-law, Michael Barbee, serves as a member of the Iberville Parish School Board, since

Ms. Cavalier-Barbee was granted a divorce from her husband on June 13, 2012 and is no longer considered to be an immediate family member of Michael Barbee.

Adopted an advisory opinion in Docket No. 12-701 concluding that Section 1113 of the Code of Governmental Ethics prohibits Dale Trahan, a member of the Acadia Police Jury, from providing contractual services for the 6th Ward Crowley Gravity Drainage District, since the 6th Ward Crowley Gravity Drainage District is a political subdivision under the jurisdiction of the Acadia Parish Police Jury which is Mr. Trahan's agency.

Adopted an advisory opinion in Docket No. 12-713 concluding that no violation of the Code of Governmental Ethics is presented by Jarod Martin, son of Terrebonne Parish Superintendent of Schools Phillip Martin, being promoted to a principal position within the Terrebonne Parish School District, since Jarod Martin has been employed as an assistant principal within the Terrebonne Parish School District for more than one year before his father became Superintendent and a promotion from assistant principal to principal is a normal, promotional advancement.

Deferred to the August meeting, a request for an advisory opinion in Docket No. 12-875 regarding whether Chance's Computer may maintain a contract with the City of Walker Police Department when the owner of Chance's Computer has been elected to a position on the Livingston Parish Council.

Declined to render an advisory opinion in Docket No. 12-877 regarding a request to have the Board confirm a lease was entered between Lavern Mixon and the Town of Chatham prior to the election of Lavern Mixon to the position of Alderman for the Town of Chatham, since the Board has no jurisdiction to state when the lease was entered into between the parties.

Adopted an advisory opinion in Docket No. 12-882 concluding that Section 1121A(1) of the

Code of Governmental Ethics prohibits Jack McCain, a former councilman for the City of Natchitoches, from assisting McCain Auto Supply, Inc. in any sale transactions with the City of Natchitoches for two years following the termination of his office as a city councilman on June 1, 2012. The Board further advised that Section 1121A of the Code of Governmental Ethics would not prohibit other employees of McCain Auto Supply from assisting the store in any sale transaction with the City of Natchitoches. However, Section 1121D of the Code of Governmental Ethics would prohibit Mr. McCain from sharing in any compensation received from the sale transactions for a period of two years following the termination of his office on June 1, 2012.

Declined to render an advisory opinion in Docket No. 12-886 regarding whether Ville Platte city employees and councilmen may continue to use the Civic Center at a 100% discount rate while private citizens are required to pay a rental fee, since based on the information provided, it was not clear whether or not the use of the Civic Center is a benefit that the city employees and city councilmen are duly entitled as public servants. The Board further recommended that Ville Platte City Council should request an opinion from the Attorney General's Office to determine whether the free use of the Civil Center is a duly entitled benefit of its employees and elected officials.

Declined to render an advisory opinion in Docket No. 12-892 regarding the parent company of an investment firm borrowing money from a hedge fund that provides consulting services to the Firefighters Retirement System, a client of the investment firm, since the request involved past conduct.

Deferred to the August meeting, a request for an advisory opinion in Docket No. 12-894 from Carencro Police Chief Carlos Stout regarding whether a Chief of Police for a municipality can work private security details within his jurisdiction.

Adopted an advisory opinion in Docket No. 12-897 concluding that no violation of the Code of Governmental Ethics is presented by employees of the Louisiana Legislative Auditor's (LLA) Office attending free events held by a vendor that are open to the public, since the event is open to the public and is not in connection with the performance of public duties.

Adopted an advisory opinion in Docket No. 12-900 concluding that no violation of the Code of Governmental Ethics is presented by Robert Fontcuberta, a member of the Fire Protection District No. 13 Board of Commissioners, also working as an employee of the St. Tammany Parish Assessor's Office, since the St. Tammany Parish Assessor's Office is not under the jurisdiction of the St. Tammany Fire Protection District Board.

Adopted an advisory opinion in Docket No. 12-1004 concluding that no violation of the Code of Governmental Ethics is presented by Roedel, Parsons, Koch, Blache, Balhoff & McCollister representing Louis Dreyfus Commodities LLC at a time when Louis Dreyfus has a contract with the Greater Baton Rouge Port Commission and while a shareholder and attorney with Roedel Parsons, Timothy Hardy, serves as Vice President of the Port Commission, since Mr. Hardy will not be representing or assisting Louis Dreyfus in any matters and since Roedel Parsons will not be representing Louis Dreyfus in any matter before the Greater Baton Rouge Parish Port Commission.

Adopted an advisory opinion in Docket No. 12-1012 concluding that no violation of the Code of Governmental Ethics is presented by Kaycee Garrett, a former geologist for the Injection and Mining Division of the Office of Conservation (Division), Department of Natural Resources, engaging in consulting work for companies that may have applications with the Division, as long as Mr. Garrett does not assist a company in an application with Underground Injection Control (UIC) Geological Section or review any reports submitted to Conservation Enforcement Specialist (CES)

in which he participated in as an employee of the Division or subcontract with companies that may have a contract with the Division.

Adopted an advisory opinion in Docket No. 12-1173 concluding that the members of the Vermilion Parish Hospital Service District No. 2 Board of Directors d/b/a Abbeville General Hospital are not required to file annual personal financial disclosure statements, since the Vermilion Parish Hospital Service District No. 2 was created by a single parish governing authority with a population of less than 200,000.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the June 14-15, 2012 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 12-072 for a waiver of the \$600 campaign finance late fee assessed against Russell E. Evans, a candidate for Evangeline Parish Sheriff in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 56 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended \$400 conditioned upon future compliance with the Campaign Finance Disclosure Act.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G30-G38 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 G30-G38, excluding items G33, G34, G35 and G36, taking the following action:

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

reconsidered a request in Docket No. 12-087 for a waiver of the \$540 campaign finance late fee assessed against James J. "Jimmy" Licciardi, Jr., a candidate for St. Bernard Parish Assessor in the October 22, 2011 election, whose 10-G campaign finance disclosure report was filed 9 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$540 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 12-371 for a waiver of the \$420, \$480, and \$1,680 campaign finance late fees assessed against Otis Chisley, a candidate for State Representative, District 17 in the October 22, 2011 election, whose Special, EDE-P, and 10-G campaign finance disclosure reports were filed 7, 8, and 28 days late. On motion made, seconded and unanimously passed, the Board rescinded the late fees in accordance with LAC 52:1205.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 12-442 for a waiver of the \$900 campaign finance late fee assessed against Andrew L. Gressett, a candidate for Orleans Parish Council in the March 24, 2012 election, whose 90-P campaign finance disclosure report was filed 9 days late. On motion made, seconded and unanimously passed, the Board waived the \$900 late fee, since the 90-P report disclosed \$0 activity and the staff confirmed that Mr. Gressett was told that it was not necessary to file the required report.

The Board considered a request for an advisory opinion in Docket No. 12-1171 regarding whether Paul Johnson may be appointed to the Jefferson Parish Charter Advisory Committee at a time when his company, Phoenix Global Engineering & Construction, has a contractual relationship with the Jefferson Parish Council. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Paul Johnson being

appointed to the Jefferson Parish Charter Advisory Committee while his company, Phoenix Global Engineering & Construction, has a contractual relationship with the Jefferson Parish Council, since Mr. Johnson is not a public employee by virtue of the contracts between Phoenix Global Engineering & Construction, Inc. and the Jefferson Parish Council as Phoenix is not performing a “governmental function”. The Board further advised that no violation of the Code of Governmental Ethics is presented by Mr. Johnson continuing to provide compensated services to Phoenix Global Engineering & Construction, Inc. once he is appointed to the Jefferson Parish Charter Advisory Committee, since the contractual relationship with Phoenix Globing Engineering & Construction, Inc. is with the Jefferson Parish Council, not the Jefferson Parish Charter Advisory Committee. Lastly, the Board advised that pursuant to Section 1120.4 of the Code of Governmental Ethics, Mr. Johnson should recuse himself from participating in any discussion or vote on any matter that may come before the Jefferson Parish Charter Advisory Committee in which Phoenix Global Engineering & Construction, Inc. has a substantial economic interest.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 12-542 for a waiver of the \$1,500 late fee assessed against John "Randy" R. Sexton, a candidate for Iberville Parish Assessor in the October 22, 2011 election, whose 40-G campaign finance disclosure report was filed 25 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,500 late fee due to the unexpected death of Mr. Sexton's mother.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 12-539 for a waiver of the \$240 campaign finance late fee assessed against Lee W. Balinas, a candidate for State Representative, District 76 in the October 20,

2007 election, whose Supplemental campaign finance disclosure report was filed 4 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$240 late fee but suspended the entire amount conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request for an advisory opinion in Docket No. 12-666 regarding the staff of the private non-profit organization, Acadiana Works, Inc. (AWI), and whether they are classified as "public servants" as defined by the Louisiana Code of Governmental Ethics and thus subject to the training requirement of La. R.S. 42:1170(3). On motion made, seconded and unanimously passed, the Board deferred the matter to the August meeting to obtain additional information.

The Board considered a request in Docket No. 12-708 for a payment plan submitted by Eddie Price regarding the \$2,500 late fee assessed for filing his 2008 Tier 2 annual personal financial disclosure statement 601 days late. The Board unanimously declined to take any action on the request, since the \$2,500 late fee had been paid in full.

The Board considered a request for an advisory opinion in Docket No. 12-706 regarding whether the members of the board and staff of the private non-profit organization, Northeast Louisiana Workforce Centers, Inc. (NLWC), are "public servants" as defined by the Louisiana Code of Governmental Ethics and thus subject to the training requirement of La. R.S. 42:1170(3). On motion made, seconded and unanimously passed, the Board deferred the matter to the August meeting to obtain additional information.

On motion made, seconded and unanimously passed, the Board agreed to take action on the Campaign Finance Waiver Requests in Item #G39 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 in connection with the Campaign Finance Waiver Requests in Item #G39 excluding Docket Nos. 12-1137 and 12-1163 taking the following action:

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 committee:

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

Docket No. 12-1126 from Charles Lee Hinton of a \$200 late fee;
Docket No. 12-1128 from Scott Masson of a \$480 late fee and a \$480 late fee;
Docket No. 12-1129 from Herman Love of a \$600 late fee;
Docket No. 12-1131 from Mike Goss of a \$420 late fee;
Docket No. 12-1133 from Alfred Blossman, III of a \$540 late fee and a \$60 late fee;
Docket No. 12-1134 from Deputies for a Safe St. Bernard of a \$1,400 late fee;
Docket No. 12-1135 from Larry Pernell Jones of a \$600 late fee;
Docket No. 12-1136 from Lynda Van Davis of a \$1,000 late fee;
Docket No. 12-1138 from Mark W. Shumate of a \$1,000 late fee;
Docket No. 12-1139 from Robert F. Zabbia of a \$240 late fee and a \$280 late fee;
Docket No. 12-1140 from Richard Thomas of a \$420 late fee;
Docket No. 12-1142 from Brian Thompson of a \$600 late fee;
Docket No. 12-1143 from Jerry Beatty of a \$200 late fee;
Docket No. 12-1146 from Rickey J. Boudreaux of a \$400 late fee;
Docket No. 12-1148 from Jonathan K. Greene of a \$738 late fee;
Docket No. 12-1149 from Willie Jones, Jr. of a \$420 late fee;
Docket No. 12-1164 from Leonard Johnson of a \$400 late fee; and,
Docket No. 12-1170 from Barbara Norton of a \$1,500 late fee.

On motion made, seconded and unanimously passed, the Board waived the \$700 late fee in Docket No. 12-1123 assessed against Vanessa Guidry-Whipple, a candidate for 1st Circuit Court of Appeal, 1st District, Division D in the November 6, 2012 election, whose Annual campaign finance disclosure report was filed 7 days late, since Ms. Guidry-Whipple timely filed the report in paper format.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1125 for a waiver of the \$600 campaign finance late fee assessed against Levi Lewis, Sr., a candidate for Washington Parish Assessor in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 145 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended \$400 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 in Docket No. 12-1127 for a waiver of the \$600 campaign finance late fee assessed against Teresa Brumfield, a candidate for St. Helena Parish Assessor in the October 22, 2011 election, whose 10-G campaign finance disclosure report was filed 70 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended \$400 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 in Docket No. 12-1132 for a waiver of the \$480 campaign finance late fee assessed against Darren Mire, whose Annual campaign finance disclosure report was filed 8 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$480 late fee but suspended \$380 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 in Docket No. 12-1141 for a waiver of the \$420 campaign finance late fee assessed against Charles A. Tarver, a candidate for Concordia Parish Sheriff in the October 22, 2011 election, whose Supplemental campaign finance disclosure report was filed 7 days late. On motion

made, seconded and unanimously passed, the Board declined to waive the \$420 late fee but suspended \$320 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 in Docket No. 12-1143 for a waiver of the \$400 campaign finance late fee assessed against Jerry Beatty, a candidate for Concordia Parish Police Juror in the March 24, 2012 election, whose EDE-P campaign finance disclosure report was filed 13 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fee but suspended \$300 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 in Docket No. 12-1150 for a waiver of the \$1,000 campaign finance late fee assessed against Willard J. Brown, Sr. whose Annual campaign finance disclosure report was filed 435 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,000 late fee, since the report disclosed \$0 activity and Mr. Brown's mother passed away on February 7, 2011.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1137 for a waiver of the \$60 campaign finance late fee assessed against Evelyn Ware-Jackson, a candidate for East Baton Rouge Parish School Board in the October 2, 2010 election, whose Annual campaign finance disclosure report was filed 1 day late. On motion made, seconded and unanimously passed, the Board waived the \$60 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1163 for a waiver of the \$280 campaign finance late fee assessed against Ron Webb, a candidate for Shreveport City Council in the October 2, 2010 election,

whose Supplemental campaign finance disclosure report was filed 7 days late. On motion made, seconded and passed by a vote of 4 yeas by Board Members Backhaus, Ingrassia, Leggio and Lemke and 3 nays by Board Members Blewer, McAnelly and Monroe, the Board declined to waive the \$280 late fee but suspended \$180 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request in Docket No. 12-1188 for a waiver of the \$50 late fee assessed against Nial Patel for failure to timely a lobbyist expenditure report. On motion made, seconded and unanimously passed, the Board waived the \$50 late fee, since the lobbyist computer system was experiencing problems when Mr. Patel tried to file the report on May 25, 2012 and Mr. Patel did contact the staff to inform them of the problem.

The Board agreed to take action on the Personal Financial Disclosure Waiver requests in Item #G41 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 in connection with the Personal Financial Disclosure Waiver requests in Item #G41 excluding Docket Nos. 12-858 and 12-861 taking the following action:

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 reports:

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

Docket No. 12-509 from Romona Guillory of a \$1,500 late fee;
Docket No. 12-863 from Tracy Lynn French of a \$1,500 late fee;
Docket No. 12-868 from Paula McNabb of a \$1,500 late fee;
Docket No. 12-920 from Richard Fuller of a \$1,500 late fee;
Docket No. 12-993 from John Wallace of a \$1,500 late fee; and,

Docket No. 12-998 from Steve Hunter of a \$1,500 late fee.

The Board considered a request in Docket No. 12-502 for a waiver of the \$1,500 late fee assessed against Susan Rabb for filing her amended 2009 Tier 3 annual personal financial disclosure statement 159 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,500 late fee pursuant to Rule 1204.

The Board considered a request in Docket No. 12-859 for waiver of the \$1,300 late fee assessed against Raymond Baker for filing his 2010 Tier 3 annual personal financial disclosure statement 26 days late. On motion made, seconded and passed the Board declined to waive the \$1,300 late fee but suspended \$800 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-860 for a waiver of the \$250 late fee assessed against Clarice Thomas Kirkland for filing her 2010 Tier 2.1 annual personal financial disclosure statement 5 days late. On motion made, seconded and passed the Board declined to waive the \$250 late fee but suspended the entire amount conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-862 for a waiver of the \$650 late fee assessed against Johnny Price for filing his 2010 Tier 2.1 annual personal financial disclosure statement 13 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$650 late fee but suspended \$350 conditioned upon future compliance with the Code of Governmental Ethics and instructed the staff to establish a payment plan with Mr. Price.

The Board considered a request in Docket No. 12-864 for a waiver of the two \$500 late fees assessed against William Elliot for filing his 2009 Tier 3 annual personal financial disclosure

statement 10 days late and for filing his 2010 Tier 3 annual personal financial disclosure statement 10 days late. On motion made, seconded and unanimously passed, the Board rescinded the two \$500 late fees pursuant to Rule 1204.

The Board considered a request in Docket No. 12-866 for a waiver of the \$350 late fee assessed against Michael Norton for filing his 2010 Tier 2.1 annual personal financial disclosure statement 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$350 late fee but suspended the entire amount conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-867 for a waiver of the \$350 late fee assessed against Angela King for filing her 2010 Tier 2.1 annual personal financial disclosure statement 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$350 late fee but suspended the entire amount conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-869 for a waiver of the \$1,100 late fee assessed against William Hawkins, Jr. for filing his 2009 Tier 2.1 annual personal financial disclosure statement 22 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,100 late fee but suspended \$600 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-870 for a waiver of the \$100 late fee assessed against Jeremy Harson for filing his 2010 Tier 2.1 annual personal financial disclosure statement 2 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$100 late fee but suspended the entire amount conditioned upon future compliance with

the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-994 for a waiver of the \$1,000 late fee assessed against Chery Geggelman for filing her 2010 Tier 2.1 annual personal financial disclosure statement 20 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee but suspended \$700 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-995 for a waiver of the \$600 late fee assessed against Tina Pohlmeier for filing her 2010 Tier 2.1 annual personal financial disclosure statement 12 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended \$300 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-858 for a waiver of the \$2,500 late fee assessed against Kevin Guidry for filing his amended 2088 Tier 2 annual personal financial disclosure statement 54 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the August meeting. Board Member Backhaus recused himself.

The Board considered a request in Docket No. 12-861 for a waiver of the \$2,500 late fee assessed against Mark Spears, Jr. for filing his 2010 Tier 2 candidate personal financial disclosure statement 126 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the August meeting to allow Mr. Spears to appear before the Board.

The Board considered a request in Docket No. 12-1013 for a waiver of the \$1,200 late fee assessed against James Murphy for filing his 2011 Retirement System Disclosure Statement 12 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,200 late fee,

since it was Mr. Murphy's first late filing.

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

On motion made, seconded and unanimously passed, the Board agreed to take action on items GS2-G25 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 GS2-GS5 taking the following action:

The Board considered a proposed consent opinion in Docket No. 10-1128 in which Nelson Marceaux, a member of the Vermilion Parish Hospital Service District No. 3 Board, and Marceaux's Superette agree that violations of Section 1112 and 1113 of the Code of Governmental Ethics occurred by Marceaux's Superette doing business with the Vermilion Parish Hospital Service District No. 3 while Mr. Marceaux served as a member of the board and by Mr. Marceaux's participation in the approval of payments to Marceaux's Superette as a member of the board and in which Mr. Marceaux and Marceaux's Superette agree to pay a fine of \$500 each. On motion made, seconded and unanimously passed, the Board adopted the consent opinion for publication.

The Board considered a proposed consent opinion in Docket No. 10-833 in which Damon Johnson, Fire Chief of Caddo Parish Fire District No. 6, agrees that a violation of Section 1113A of the Code of Governmental Ethics occurred by his receipt of compensation from Caddo Parish Fire District No. 6 for teaching paramedic certification courses to firefighters of Caddo Parish Fire District No. 6 and a violation of Section 1112A of the Code of Governmental Ethics occurred by his negotiating with the Caddo Parish Fire District No. 6 Board to pay him \$9,000 to teach the paramedic certification class to firefighters of Caddo Parish Fire District No. 6 and in which Mr. Johnson agrees to pay a fine of \$1,000. On motion made, seconded and unanimously passed, the

Board adopted the consent opinion for publication.

The Board considered a proposed consent opinion in Docket No. 11-002 in which (1) Sarah Belsha agrees that violations of Sections 1113A and 1119B of the Code of Governmental Ethics occurred by her providing contractual occupational therapist services to the Vernon Parish School Board while her mother, Beryl Ford, served as a member of the Vernon Parish School Board and in which Ms. Belsha agrees to pay a fine of \$1,000 conditioned on the termination of her employment; and, (2) Beryl Ford agrees that a violation of Section 1119B of the Code of Governmental Ethics occurred by her daughter, Sarah Belsha, providing contractual occupational therapist services as an employee of the Vernon Parish School Board while Ms. Ford served as a member of the Vernon Parish School Board and in which Ms. Ford agrees to pay a fine of \$500. On motion made, seconded and unanimously passed, the Board adopted the consent opinion for publication.

The Board considered a proposed consent opinion in Docket No. 11-166 in which Harvey Darbonne, a former City of Opelousas Alderman-at-Large, agrees that a violation of Section 1121A(2) of the Code of Governmental Ethics occurred by his being appointed to the Opelousas Housing Authority Board by the Mayor of the City of Opelousas within two years following the termination of his public service on the City of Opelousas Board of Aldermen and in which Mr. Darbonne agrees to pay a fine of \$1,000. On motion made, seconded and unanimously passed, the Board adopted the consent opinion for publication.

The Board considered a request for an advisory opinion in Docket No. 12-1229 regarding whether Chereen Gegenheimer may be employed as the Deputy Judicial Administrator for the 24th JDC while her husband serves as the Clerk of Court for the 24th JDC. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics

is presented by Mrs. Gegenheimer's employment as the Deputy Judicial Administrator with the 24th JDC while her husband serves as the Clerk of Court for the 24th JDC, since the Clerk of Court's office and the Office of the Judicial Administrator are two separate offices and since Mr. Gegenheimer is not the agency head of the Office of the Judicial Administrator.

The Board considered a request for an advisory opinion in Docket No. 12-1262 regarding whether the Department of Health and Hospitals' (DHH) Program Integrity Section of the Bureau of Health Care Integrity may hire Jina Hughes while her husband, Robert Hughes, is a contract employee for the Louisiana Medicaid Program. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the employment of Jina Hughes by DHH's Program Integrity Section of the Bureau of Health Care Integrity while her husband is a contract employee for the Louisiana Medicaid Program, since the Bureau of Health Care Integrity and the Louisiana Medicaid Program are two separate and distinct divisions of DHH.

The Board considered a request for an advisory opinion in Docket No. 12-1263 regarding whether Alisa Boothe may be hired as the Chief Deputy Registrar with the Catahoula Parish Registrar of Voters while her sister, Donna Rutledge, serves as the Registrar of Voters. On motion made, seconded and unanimously passed, the Board concluded that Section 1119A of the Code of Governmental Ethics prohibits Ms. Boothe from being employed as the Chief Deputy Registrar with the Catahoula Parish Registrar of Voters while her sister serves as the Registrar of Voters.

The Board considered a request for an advisory opinion in Docket No. 12-1264 regarding whether the information technology contractor for the Jackson Parish School Board (Alpha-Tech Computers) may place a bid to sell the school district computers. On motion made, seconded and

unanimously passed, the Board concluded that Section 1112 of the Code of Governmental Ethics prohibits the information technology contractor for the Jackson Parish School Board from entering into a sales agreement with the school board through his company, Alpha-Tech Computers, for the purchase of computers, since the contractor would be participating by providing advice to the school board on technology issues such as the purchase of computer equipment.

The Board considered a request for an advisory opinion in Docket No. 12-898 regarding whether Lakeisha Lucas-Powell may be employed as an extension agent by the LSU AgCenter in East Carroll Parish when her mother is the secretary-treasurer of the East Carroll Parish Police Jury. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Lucas-Powell's employment as an extension agent by the LSU AgCenter in East Carroll Parish while her mother serves as the secretary-treasurer of the East Carroll Parish Police Jury, since the LSU AgCenter is a separate agency from that of the East Carroll Parish Government and Ms. Lucas-Powell's mother is not a member of the governing authority.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-070 for a waiver of the \$480 campaign finance late fee assessed against Albert "A.B." Franklin, a candidate for State Representative, District 34 in the October 22, 2011 election, whose 10-G campaign finance disclosure report was filed 8 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the August meeting.

The Board considered a request for an advisory opinion in Docket No. 12-571 regarding whether Bryan Melancon, a member of the Ascension Parish Council, may accept an iPad that he

won at a seminar that he attended. On motion made, seconded and passed by a vote of 4 yeas by Board Members Ingrassia, Leggio, Lemke and McAnelly and 3 nays by Board Members Backhaus, Blewer and Monroe, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Melancon's acceptance of the iPad, since the awarding of the gift was not related to the performance of his duties as a councilman for Ascension Parish and since he was awarded the gift through a random drawing of the elected officials who had a perfect score on a computer program.

The Board unanimously agreed to add a request for an advisory opinion in Docket No. 12-1160 to the general business agenda for consideration.

The Board considered a request for an advisory opinion in Docket No. 12-1160 regarding whether children of the Director of the Rapides Business and Career Solutions Center and one of her case managers may participate in the WIA youth program. On motion made, seconded and passed by a vote of 5 yeas by Board Members Backhaus, Blewer, Ingrassia, McAnelly and Monroe and 2 nays by Board Members Leggio and Lemke, the Board concluded that Section 1113A(1)(a) of the Code of Governmental Ethics prohibits the children of the Rapides Business and Career Solutions Center Director and of a case manager employed by the Center from participating in the WIA youth program, since the WIA program is administered by the agency in which the Director and the case manager are employed, the selection process is conducted by their agency and the program and its participants are monitored by the Center.

Ms. Allen announced that the Board's executive session meeting scheduled for August 16, 2012 would commence at 12:00 p.m.

The Board unanimously adjourned at 12:50 p.m.

Secretary

APPROVED:

Chairman