

LOUISIANA BOARD OF ETHICS
MINUTES
November 5, 2021

The Board of Ethics met on November 5, 2021 at 9:10 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 Bãnos, Bruneau, Colomb, Couvillon, Ellis, Lavastida, McAnelly and Speer present. Absent were Board Members Grand, Roberts and Scott. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, LaToya Jordan, Charles Reeves and Sue Mooney.

On motion made, seconded and unanimously passed, the Board deferred the matter in Docket No. 20-861 until the December meeting.

Donald R. Dobbins, an unsuccessful candidate for City Judge, City Court, Division C, City of Baton Rouge, in the July 11, 2020 election, appeared before the Board for a request to reconsider the Board's decision to decline to waive the \$2,000 campaign finance late fee in Docket No. 21-127. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Mr. Dobbins, on motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fee and instructed staff to offer a payment plan.

Evan Fontenot, attorney representing Steven Marcus, an unsuccessful candidate for Councilman, Town of Madisonville, St. Tammany Parish, in the July 11, 2020 election, appeared before the Board requesting that the Board reconsider its decision to decline to waive the \$400 campaign finance late fee in Docket No. 21-274. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Mr. Fontenot, on motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the

\$400 late fee.

Bob Fisher, a successful candidate for Councilman, District 6, St. Charles Parish, in October 12, 2019 election, appeared before the Board regarding Docket No. 21-281 requesting the Board reconsider its decision to decline to waive a \$1,000 campaign finance late fee assessed against Mr. Fisher. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Mr. Fisher, on motion made, seconded and unanimously passed, the Board suspended the late fee based on future compliance.

Clara Day, a successful candidate for Justice of the Peace, Ward 5, Livingston Parish, in the November 3, 2020 election, appeared before the Board regarding Docket No. 21-435 requesting the Board waive the \$360 campaign finance late fee assessed for filing the 10-G campaign finance disclosure report 9 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Ms. Day, on motion made, seconded and unanimously passed, the Board suspended all but \$100 based on future compliance.

On motion made, seconded and unanimously passed, the Board deferred the matter in Docket No. 21-496 until the December meeting.

R. C. "Chris" Nevils, a successful candidate for District Attorney, 8th Judicial District Court, Winn Parish, in the November 3, 2020 election, appeared before the Board regarding Docket No. 21-520 requesting the Board waive the \$600 campaign finance late fee that he was assessed for filing his 30-P campaign finance disclosure report 10 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Mr. Nevils, on motion made, seconded and unanimously passed, the Board waived the late fee.

Robert Morgan, appeared before the Board in Docket No. 21-785 to request the Board to waive a \$700 late fee assessed against Mr. Morgan for the late filing of the June, 2021 Lobbying

Expenditure Report. After hearing from Mr. Morgan, on motion made, seconded and unanimously passed, the Board declined to waive the late fee and instructed the staff to offer a payment plan.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G8-G15 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G8-G15, excluding item G9, G10 and G11 taking the following action:

The Board adopted an advisory opinion in Docket No. 21-675 concluding that the Louisiana Water Resources Commission members are not required to file disclosures pursuant Section 1124.2.1 of the Code of Governmental Ethics.

The Board adopted an advisory opinion in Docket No. 21-762 concluding that the Code of Governmental Ethics does not prohibit Dr. Latricia Kyle from purchasing adjudicated property from the Parish; and does not prohibit Mr. Dave Wilson, III from participating as a police juror in the sale of the property from the Parish to Dr. Latricia Kyle since Dave Wilson, III would not be considered Dr. Kyle's immediate family member.

The Board adopted an advisory opinion in Docket No. 21-786 on whether the Code of Ethics would prohibit Sgt. M. Laz Wilson from applying for a vendor license and contracting with the Baton Rouge Police Department to perform fleet camera installation, repair and maintenance following her retirement from the Baton Rouge Police Department. The Board unanimously concluded that Section 1121B(1) of the Code of Governmental Ethics would not prohibit Sgt. Wilson from applying for a vendor license to contract and perform work as described with the Baton Rouge Police Department.

The Board adopted an advisory opinion in Docket No. 21-787 for Ben Westerburg, a West Monroe Alderman, regarding whether Mr. Westerburg may remain employed as a Disc Jockey for K-104 KJLO Radio while a candidate for re-election. The Board concluded that there are no statutes under the Board's jurisdiction prohibiting Mr. Westerburg from being a radio talk-show host while he is a candidate for political office. Also, Mr. Westerburg's employment does not trigger a reporting requirement on his campaign finance disclosure reports, since his candidacy will not be discussed on the radio.

The Board adopted an advisory opinion in Docket No. 21-874 for Ernest Garrett III, Chairman, Louisiana Commission for the Deaf, regarding whether the Code of Governmental Ethics would prohibit members of Louisiana Commission for the Deaf from receiving services offered to the Deaf and Blind population. The Board concluded that the Code of Governmental Ethics would not prevent members of the Louisiana Commission for the Deaf and their immediate family from receiving services from the Louisiana Commission for the Deaf, to the extent that such services are available to all Deaf, Deaf/Blind or Hard of Hearing population with the same terms and conditions. Also, members of the Louisiana Commission for the Deaf who receive such services should not participate in matters before the Louisiana Commission for the Deaf regarding the receipt of their services.

The Board considered an advisory opinion request in Docket No. 21-718 from Eleanor Burke, Deputy Director of New Orleans and Central Business District Historic District Landmarks Commission ("HDLC"), on behalf of HDLC and its employee Gabrielle LeBlanc, as to whether Ms. LeBlanc, who is a building inspector employed by HDLC may be employed as a private home inspector for a third-party employer. On motion made, seconded and unanimously passed, the Board concluded that, provided Ms. LeBlanc does not conduct inspections for

Axelrad for properties that are under the jurisdiction of HDLC, the Code of Governmental Ethics would not prohibit Ms. LeBlanc from performing inspection services for Axelrad. The Board instructed the staff to caution Ms. LeBlanc that her work for Axelrad should not be performed during the hours that she is being compensated as an employee of HDLC.

The Board considered an advisory opinion request in Docket No. 21-720 submitted by attorneys Ethan P. Arbuckle and Rhys E. Burgess, regarding whether the Code of Governmental Ethics would prohibit them from entering into an agreement with Sevy Title, LLC to provide loan closing and title services. On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code does not prohibit them from entering into an agreement with Sevy Title, LLC, since it does not have any relationship with their agency, the DeSoto Parish District Attorney's Office. The Board also concluded that they should not perform any work in their general civil practice during the same time they are performing their duties as Assistant District Attorneys. Further, the Board instructed the staff to advise them to contact the Louisiana Attorney Disciplinary Board for guidance on any potential conflicts of interest addressed by provisions of the Code of Professional Conduct.

The Board considered an advisory opinion request in Docket 21-739 regarding whether there are any conflicts of interest in connection with a nonprofit organization that honors the late son of Iberia Parish School Board Member Raymond "Shoe Do" Lewis. There are 5 questions that the Board voted on individually as follows: I. Although Mr. Lewis states that he does not intend to be employed or draw compensation from GPAL, does the Code prohibit him from doing so while serving as a member of the school board? On motion made, seconded and unanimously passed, the Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Mr. Lewis from being employed by or drawing compensation

from GPAL since it was stated that GPAL intends to enter into transactions with the Iberia Parish School system. On motion made to accept the opinion as written, seconded and failed by a vote of 4 yeas by Board Members Bãnos, Colomb, Couvillon and Ellis and 4 nays by Board Members Bruneau, Lavastida, McAnelly and Speer, the Board continued to vote on each section. II. May GPAL collaborate with the Iberia Parish School system to apply for Federal and/or State Grants? Does Mr. Lewis' association with GPAL prohibit his participation in such activities or the school's participation in such activities? On motion made, seconded and unanimously passed, the Board concluded that although Section 1113A (1) of the Code of Governmental Ethics prohibits Mr. Lewis from entering into transactions with the school board, Section 1123(1) provides an exception to allow Mr. Lewis to represent the interest of GPAL in such transactions on behalf of GPAL, as long as Mr. Lewis does not receive compensation from GPAL. Secondly, Section 1113A(1)(a) does not prohibit GPAL from collaborating with the Iberia Parish School system to apply for grants, since Mr. Lewis has no ownership interest in GPAL. Finally, Section 1112B(3) of the Code of Governmental Ethics prohibits Mr. Lewis' participation as a school board member in matters that come before the Iberia Parish School system involving GPAL; however, Section 1120 permits Mr. Lewis to participate in discussion of those matters, provided Mr. Lewis discloses his relationship with GPAL before the matter is discussed by the school board and provided he does not vote on the matter before the school board. III. May Mr. Lewis participate in fundraising for GPAL at events sponsored by Iberia Parish School organizations? On motion made, seconded and unanimously passed, the Board concluded that 1115A(1) of the Code of Governmental Ethics prohibits Mr. Lewis from soliciting donations from any person who has, or is seeking to have, a contractual, business, or financial relationship with the Iberia Parish School system, irrespective of whether the solicitation occurs at school events or other locations. IV.

May GPAL receive contributions from businesses that have a relationship with the Iberia Parish School Board? On motion made, seconded and unanimously passed, the Board concluded that Section 1115A of the Code of Governmental Ethics does not prohibit GPAL from soliciting and accepting donations from sources who have, or are seeking to obtain, a contractual, business, or financial relationship with the Iberia Parish School system, since GPAL is not a public servant. However, Section 1115A of the Code of Governmental Ethics prohibits Mr. Lewis from personally soliciting or accepting donations from any prohibited sources. V. Are there any other conflicts or prohibitions with respect to Mr. Lewis' association with GPAL while he serves as a school board member? On motion made, seconded and unanimously passed, the Board declined to answer this question without a specific issue that has not already been raised.

The Board considered a personal financial disclosure answer in Docket No. 21-558 regarding whether members of the Poverty Point Reservoir District are required to file Annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics. On motion made, seconded and unanimously passed the Board concluded that Poverty Point Reservoir District is not required to file Annual personal financial disclosure statements.

The Board recessed at 11:11 A.M. and returned at 11:20 A.M.

Board Member Lavastida left the meeting at 11:15 A.M.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the October 7th and October 8th, 2021 meetings.

The Board unanimously agreed to take action on the staff recommendations in G18-G26 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in G18-G26, excluding G18, G20, G24 and G25 taking the following action:

The Board considered a proposed consent opinion in Docket No. 19-1077 executed by Destin Ortego, Director of Opportunity Machine, and Scott Huber, owner of Accolades IT Consultants, relative to violations of Sections 1111C(2)(d) and 1117 of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board adopted for publication both consent opinions.

The Board considered a proposed consent opinion in Docket No. 20-720 regarding Everette Johnson's violation of post-employment provisions with the Jonesboro Housing Authority. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

The Board considered a proposed consent opinion in Docket No. 21-074 regarding the employment of Deseree Wallace and Darrius Wallace with the Calcasieu Parish School Board while their father, Desmond Wallace serves as a member of the school board. Mr. Wallace has executed the consent opinion and paid the \$500 civil penalty. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

The Board considered a proposed consent opinion in Docket No. 21-075 regarding the employment of Rebecca Smith Sanders with the Calcasieu Parish School Board while her father, Alvin Smith, serves as a member of the school board. Mr. Smith and Ms. Sanders have each paid a \$500 civil penalty. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

The Board considered an advisory opinion request in Docket No. 21-721 from Kevin A.

Caillouet, on behalf of the St. Tammany Parish Mosquito Abatement District, as to whether St. Tammany Parish Mosquito Abatement District and its employees may receive certain royalties related to a device created by such employees. On motion made, seconded and unanimously passed, the Board concluded that in accordance with Section 1111A of the Code of Governmental Ethics and since royalty sharing payments were set forth as duly authorized compensation for employment by the District, any royalties paid pursuant to these agreements would be compensation to which they are duly entitled. Additionally, any official action taken by the St. Tammany Parish Council, to require property owner's to purchase the device would not represent a violation of Section 1116A of the Code of Governmental Ethics. The question of whether St. Tammany Parish Council is authorized to take action requiring property owners to purchase these devices is outside the purview of the Louisiana Board of Ethics.

The Board considered a consent opinion in Docket No. 08-747 signed by Stacey Jackson, Executive Director, New Orleans Affordable Homeownership Corporation, adopting the penalties imposed by the Federal Court. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion and instructed staff to dismiss the pending charges before the Ethics Adjudicatory Board.

The Board considered a consent opinion in Docket No. 20-514 executed by Pamela Roberts, former Secretary/Treasurer of the Washington Parish Volunteer Fire Department District 1, admitting that she violated Section 1111A(1)(a) of the Code of Governmental Ethics and paid a \$750 civil penalty. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

Chairman McAnelly recused himself from consideration of Docket No. 21-352 and vacated the Chair. Board Member Bruneau assumed the Chair.

The Board considered a request for reconsideration of an advisory opinion in Docket No. 21-352 regarding whether the Code of Governmental Ethics would prohibit John C. Hopewell, III's law firm from subleasing an office to a third party contractor of the City of Zachary while Mr. Hopewell is the City Attorney for the City of Zachary. On motion made, seconded and unanimously passed, the Board declined to reconsider and affirmed its prior advisory opinion.

Board Member Bruneau vacated the Chair and Chairman McAnelly resumed the Chair.

The Board considered an advisory opinion request in Docket No. 21-711 regarding whether the Code of Governmental Ethics would prevent Araminta Rainey, an employee of the Terrebonne Parish Department of Housing and Human Services, from enrolling her son in the head start program. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would prohibit Ms. Rainey from submitting an application to the Terrebonne Parish Head Start Program to enroll her son in the Program. This conclusion is based on her role and discretion in determining eligibility for those participating in the Program when a family's income is 130% above the poverty level.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for "good cause" waivers of late fees assessed against candidates and committees included in the Campaign Finance Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Campaign Finance Waiver Chart, excluding Docket Nos. 21-460, 21-615, 21-622, 21-625, 21-756, and 21-759 taking the following action:

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

- Docket No. 21-613 from Derrick Earles, 10-P of a \$540 late fee;
- Docket No. 21-613 from Derrick Earles, 10-G of a \$420 late fee;
- Docket No. 21-614 from Laura Humble Culpepper, 30-P of a \$600 late fee;

Docket No. 21-617 from April D. Williams, 2020SUPP of a \$480 late fee;
Docket No. 21-618 from Marcus DeLarge, 40-G of a \$800 late fee;
Docket No. 21-619 from Antoinette Williams, 40-G of a \$480 late fee;
Docket No. 21-621 from Chastity Berthelot Easley, 2020SUPP of a \$320 late fee;
Docket No. 21-627 from Northwest LA Common Sense Fund, 2020ANN \$1,200 late fee;
Docket No. 21-628 from LA State Pelican PAC, 10-G of a \$3,000 late fee;
Docket No. 21-757 from Jonathon M. Snyder 10-G of a \$600 late fee;
Docket No. 21-758 from Rodney D. Miller, 30-P of a \$720 late fee; and,
Docket No. 21-758 from Rodney D. Miller, 10-P of a \$500 late fee.

The Board unanimously reduced the late fees to \$400 based on Rule 1205C, and declined to waive the late fees assessed against the following:

Docket No. 21-616 from Troy Guitreau, 10-G of a \$1,000 late fee.

The Board unanimously rescinded, based on Rule 1205B(3), the late fees assessed against the following:

Docket No. 21-626 from Chance Henry, 2020SUPP of a \$200 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 21-460, of the \$80, \$280, and \$400 campaign late fees assessed against Jason Landry, a successful candidate for Constable, Justice of the Peace Ward B, St. Bernard Parish, in the November 3, 2020 election, whose 10-P, 10-G and 40-G campaign finance disclosure reports were filed 2, 7 and 11 days late, respectively. On motion made, seconded and unanimously passed, the Board suspended all late fees for the 10-P and 10-G based on future compliance and suspended all but \$100 of the late fees for the 40-G based on future compliance and payment within 20 days of receipt of the order.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 21-615, for \$660 campaign finance late fee assessed against Andrea Cosey, an unsuccessful candidate for Councilman, Metro District 10, East Baton Rouge Parish in the November 3, 2020 election, whose 2020 Supplemental campaign finance disclosure

report was filed 11 days late. On motion made, seconded and unanimously passed, the Board reduced the late fee to \$600 based on Rule 1205C and declined to waive.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 21-622, for a waiver of the \$1,000 campaign finance late fee assessed against Emma Luster Shepard, an unsuccessful candidate for BESE, District 4, in the March 20, 2021 election, whose 30-P campaign finance disclosure report was filed 13 days late. On motion made, seconded and unanimously passed, the Board rescinded the late fee based on Rule 1205D.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 21-625, for a waiver of the \$1,000 campaign finance late fee assessed against Raymond S. Childress, a successful candidate for District Judge, 22nd Judicial District Court, Division A, St. Tammany Parish, in the November 3, 2020 election, whose 30-P campaign finance disclosure report was filed 28 days late. On motion made, seconded and unanimously passed, the Board deferred the matter until the December Board meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 21-756, for a waiver of the \$2,000 campaign finance late fee assessed against Royce Duplessis, a candidate for State Representative, 93rd Representative District in a future election, and his committee's chairperson, Hedy Duplessis, and treasurer, Ashton M. Jackson, whose 2020 Annual campaign finance disclosure report was filed 57 days late. On motion made, seconded and unanimously passed, the Board deferred the matter until December Board meeting.

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

considered a waiver request in Docket No. 21-759 regarding Derrick Edwards, an unsuccessful candidate for Treasurer, in the October 12, 2019 election, whose 2020 Supplemental campaign finance disclosure report was filed 3 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$300 late fee.

The Board considered a request in Docket No. 21-774, for a waiver of the \$1,100 late fee assessed against Carol Stewart for failing to timely file her Supplemental Lobbying Registration Report. On motion made, seconded and unanimously passed, the Board waived the late fee pursuant to the Board's guidelines since this was Ms. Stewart's first late filing.

The Board considered a request in Docket No. 21-784, for a waiver of the \$50 late fee assessed against Eric Peterson for the late filing of his June 2021 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the late fee pursuant to the Board's guidelines since this was Mr. Peterson's first late filing.

The Board considered a request in Docket No. 21-688, for a waiver of the \$500 late fee assessed against Mickel "Mike" Wilson, candidate for the Board of Aldermen / Town of Chatham, for filing his 2019 Tier 3 Candidate personal financial disclosure statement 311 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$250 of the late fee based on future compliance with the reporting requirements of the Code of Governmental Ethics and instructed the staff to offer a payment plan.

The Board considered a waiver request in Docket No. 21-732 submitted by Carolyn Cromer, the daughter of George Cromer, the Mayor of Slidell, regarding a \$400 late fee assessed for filing her 2020 Section 1114 Public Servant Financial Disclosure Statement 39 days late. On motion made, seconded and unanimously passed, the Board waived the late fee since this is Ms. Cromer's first late filing.

The Board considered a request to reconsider the Board's decision to decline to waive a \$600 campaign finance late fee in Docket No. 21-378 submitted by Pammela Lattier, a successful candidate for City Judge, City Court, Election District 2, Division C, City of Shreveport, Bossier Parish, in the November 3, 2020 election, whose 30-P campaign finance disclosure report was filed 10 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure, and on motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive since the filer failed to state good cause.

The Board considered a request to reconsider the Board's decision to suspend all but \$500 late fee based on future compliance in Docket No. 21-209 submitted by Christine Bailey, former member of the Shreveport Downtown Development Authority, for filing her 2018 Tier 2.1 Annual personal financial disclosure report 372 days late. On motion made, seconded and unanimously passed, the Board suspended all based on future compliance with the Code of Ethics since Ms. Bailey's reconsideration is based on financial hardship.

The Board considered a request to reconsider the Board's decision to suspend all but \$1,000 late fee based on future compliance in Docket No. 21-508 submitted by Rebecca Lynn Cook, Cheneyville Board of Aldermen, Rapides Parish, for filing her 2018 Tier 3 Annual personal financial disclosure report 242 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$500 based on future compliance with the Code of Ethics since the maximum penalty for Tier 3 was reduced to \$500 during the last legislative session.

The Board discussed promulgating a rule to allow for the acceptance of electronic signatures on reports filed with the Louisiana Board of Ethics. On motion made, seconded and unanimously passed, the Board instructed staff to draft a policy to accept electronic signatures for the Board to consider at the December meeting.

Board Member Couvillon left the meeting at 12:29 P.M.

The Board considered a proposed rule concerning the enforcement of suspended late fees. On motion made, seconded and unanimously passed, the Board instructed staff to promulgate a rule with respect to the collection of suspended late fees by designating that the suspended late fee be waived at the staff level if it has been at least 8 years since assessed and the filer has no other late filings.

The Board took a recess to eat lunch from 12:33 P.M to 12:53 P.M.

The Board considered suggestions for legislation for the 2022 Legislative Session.

Board Member Ellis left the meeting at 1:10 P.M.

Kathleen continued to review proposed legislation and stated that at the December meeting she would provide a draft letter to be submitted to the legislature.

The meeting adjourned at 1:34 P.M.

Secretary

APPROVED:

Chairman