

LOUISIANA BOARD OF ETHICS  
MINUTES  
October 2, 2020

The Board of Ethics met on October 2, 2020 at 9:08 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 Bruneau, Couvillon, Dittmer, Ellis, Grand, Lavastida, McAnelly, Meinert, and Smith present. Board Member Roberts was absent. Board Member Colomb arrived at 9:09 a.m. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, Suzanne Mooney, Charles Reeves, and Greg Thibodeaux.

After adoption of the general supplemental agenda, the Board decided to begin the meeting with General Supplemental GS1.

Mr. Anthony V. Ligi, Jr, Executive Counsel for the Louisiana Department of Treasury, and Mr. David Richard, non-state employee who has a contract with the Department of Treasury, appeared before the Board, in connection with a request of an advisory opinion in Docket No. 20-697. After hearing from Mr. Ligi and Mr. Richard, on motion made, seconded and unanimously passed, the Board adopted the following recommendations with additional clarification: Scenario No. 1: General Application to Treasury Employees since the Program is under the supervision and jurisdiction of the Executive Division of the Treasury, Section 1113A prohibits a public servant who is employed in the Executive Division of the Treasury, the public servant's spouse, and any legal entity in which the public servant holds an interest greater than 25%, either individually or collectively with his immediate family members, from applying for and receiving funds through the Program. In the event the public servant and the spouse hold an interest of less than 25%, while the legal entity would not be prohibited from applying for and

receiving funds through the Program, the public servant and the spouse may be required to file financial disclosures with the Board pursuant to the provisions of Section 1114 of the Code of Governmental Ethics. Further, Section 1112B(1) of the Code of Governmental Ethics will prohibit a Treasury employee from participating in any transaction in which his immediate family member has a substantial economic interest. Scenario No. 2: Application to Assistant State Treasurer- The Treasurer's Office asks whether the Code would prohibit a business owned by the spouse of John Broussard, Assistant State Treasurer/Chief Investment Officer, from applying for Program funding. The business was owned by Mr. Broussard's spouse prior to their marriage. Generally, Section 1113D(1)(a) of the Code of Governmental Ethics provides that neither a deputy state treasurer or an assistant state treasurer, nor any legal entity of a such person shall enter into any contract with state government. Section 1113D(1)(a)(iii) of the Code of Governmental Ethics defines "legal entity of a person" to mean any corporation, partnership, or other legal entity in which the deputy state treasurer or the assistant state treasurer, or the spouse of such person, owns an interest of greater than five percent. However, Section 1113D(1)(c) of the Code of Governmental Ethics states that the following shall not be a contract for purposes of Section 1113D(1)(a)(iii) of the Code of Governmental Ethics, an agreement providing for public assistance benefits, including but not limited to grants and subsidies, provided that such benefits are available to similarly situated persons. Therefore, based on the fact that the Program is providing public assistance benefits through a grant, and those benefits are available to similarly situated persons, a business owned by the spouse of John Broussard would not be prohibited from applying for and receiving Program funding. John Broussard would be prohibited by Section 1112B(1) of the Code of Governmental Ethics from participating in any transaction in which his spouse has a substantial economic interest. Scenario No. 3:

Application to Deputy State Treasurer- The Treasurer's Office asks whether the Code of Governmental Ethics would prohibit a business owned by the spouse of Rachel Kincaid, Deputy Treasurer for Policy and Research, from applying for Program funding. The business was owned by Ms Kincaid's spouse prior to their marriage. For the same reasons as Scenario No. 2, a business owned by the spouse of Rachel Kincaid would not be prohibited from applying for and receiving Program funding. Further, Rachel Kincaid would be prohibited by Section 1112B(1) of the Code of Governmental Ethics from participating in any transaction in which her spouse has a substantial economic interest.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G2-G17 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 G2-G17, excluding items G2, G3, G4, G10, G12, G15 and G16, taking the following action:

Adopted an advisory opinion in Docket No. 20-570 concluding that the Code of Governmental Ethics would prohibit individual deputies from patronizing Perfect Stitches embroidery shop as long as each individual Rapides Parish Sheriff Office deputy personally paid for the items to be embroidered and the embroidery services. Sheriff Mark Wood must also refrain from directing any business to Perfect Stitches. Additionally, Perfect Stitches is prohibited from entering into any contracts or other transactions, wherein Perfect Stitches would provide services to the Rapides Parish Sheriff Office.

Adopted an advisory opinion in Docket No. 20-572 concluding that with respect to the role as an Amazon Affiliate, the service of promoting items may be substantially related to Ms.

Lissard's work as a teacher, depending on the nature of the items she may be promoting. Accordingly, promotion of items would not be prohibited provided that such items are not substantially related to her work as a teacher. With respect to sales of homemade crafts, the service of providing crafts is not substantially related to her work as a teacher, and, accordingly, sales of such crafts to fellow teachers would not be prohibited under the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 20-581 concluding that the Code of Governmental Ethics would not prohibit Reflection of the Green Leaf Project from receiving grant funding from the East Baton Rouge Parish Consolidated Government, as the grant is not with Ms. Webster's agency, the Community Forensic Services Division within the Office of Behavioral Health.

Adopted an advisory opinion in Docket No. 20-582 concluding that there are no provisions in the Code of Governmental Ethics which would prohibit a City of New Iberia employee from serving on the Iberia Parish Republican Executive Committee. However, Ms. Martin should be advised that local and state civil service rules may contain restrictions that are not under the Board's jurisdiction.

Adopted an advisory opinion in Docket No. 20-583 concluding that as the mayor of the Town of Tullos, Ms. Cockerham is the chief executive of the town. However, the definition of "immediate family" specifically includes spouses of siblings, but does not include siblings of spouses. Accordingly, the sister-in-law described does not meet the definition of an immediate family member.

Adopted an advisory opinion in Docket No. 20-585 concluding that there is no statute in the Code of Governmental Ethics that would prohibit Dr. Borne from accepting an invitation to become a board member of the National American College of Physicians Political Action

Committee.

Adopted an advisory opinion in Docket No. 20-590 concluding that there is no statute in the Code of Governmental Ethics that would prohibit the Shreve Memorial Library from issuing a statement of support for Black Lives Matter. Civil service may prohibit certain political activities, however this would fall outside the scope of the jurisdiction of the Board.

Adopted an advisory opinion in Docket No. 20-599 concluding that the Code of Governmental Ethics would not prohibit Rodney Anthony from performing his internship hours under the mentorship of Dr. Phillips provided that the internship occurs outside of his regular working hours or that he takes annual leave for the time spent on the internship activities.

Adopted an advisory opinion in Docket No. 20-615 concluding that the Code of Governmental Ethics would prohibit the spouse of Corey Orgeron from being appointed to the Ascension Parish Library Board. As a member of the Ascension Parish governing authority, Corey Orgeron's agency would be considered to be Ascension Parish, which includes the Ascension Parish Library Board. A member of his immediate family would be prohibited from entering into a transaction which is defined as any application or matter which would be the subject of action by the governmental entity.

In connection with an advisory opinion request in Docket No. 20-542 regarding whether the Code of Governmental Ethics prohibits Kerry Hill from serving as alderman for the Town of Farmerville under four different circumstances. On motion made, seconded and unanimously passed, the Board adopted the following draft advisory opinion with edit changes noting: 1) If elected, Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Kerry Hill from receiving lease payments from Reladyne after he is sworn into office, because of Reladyne's contractual relationship with the Town of Farmerville. However, an exception exists in Section

1111C(4) of the Code of Governmental Ethics which allows Mr. Hill to receive lease payments from Reladyne for up to 90 days after he is sworn into office provided within 30 days of taking office he files a notice with his agency and then terminate the lease. Further, he would be required to file a disclosure form pursuant to Section 1114A(2) of the Code of Governmental Ethics for the payments from Reladyne. 2) Since Kerry Hill's brother does not own more than 25% in Reladyne, his minority stock ownership does not present an issue. However, Scott Hill would be required to file annual disclosure reports pursuant to Section 1114A(2) of the Code of Governmental Ethics if he received any compensation from Reladyne. 3) Scott Hill's lease with Reladyne does not prohibit Kerry Hill's service as an alderman. However, Scott Hill would be required to file annual disclosure reports pursuant to Section 1114A(2) of the Code of Governmental Ethics if he received any compensation from Reladyne.4) Given the fact that Scott Hill has an ownership interest in Reladyne, Kerry Hill must recuse himself from voting as an alderman on an issue regarding Reladyne.

In connection with an advisory opinion request in Docket No. 20-568 from Shane Davis, Mayor of the Village of Dry Prong. On motion made, seconded and unanimously passed, the Board withdrew the opinion at the request of the staff.

Dr. Tim Tregle appeared before the Board in connection with an advisory opinion request in Docket No. 2020-569 regarding whether Dr. Tregle, a paid employee of St. Mary Parish, may be appointed to serve on the St. Mary Parish Drainage District No. 2A. After hearing from Dr. Tregle, on motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion stating that Dr. Tregle is not prohibited from being appointed by the St. Mary Parish Council to the St. Mary Parish Consolidated Drainage District No. 2A while he is employed with St. Mary Parish as a Senior Policy Analyst. His agency for his public position as a public

employee for St. Mary Parish is in the Executive Branch of government, and his appointment will be made by the Legislative Branch of government.

In connection with an advisory opinion request in Docket No. 20-584 regarding Jena Town Police Department hiring Jared Richardson. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion concluding that since the Police Chief for the Town of Jena is elected, and the Jena Town Council has no supervision over the hiring of police department employees, the Police Department is a separate and distinct agency from the Town of Jena. Therefore, the Code of Governmental Ethics would not prohibit Jared Richardson from being hired by the Jena Police Department since he will not be employed in his father's agency. However, Donnie Richardson should be cautioned that Section 1112B(1) of the Code of Governmental Ethics would prohibit him from participating in any matter in which his son has a substantial economic interest. Section 1120 of the Code of Governmental Ethics would require Councilman Richardson to recuse himself from any such matter.

In connection with an advisory opinion request in Docket No. 20-589 from Ronald Coleman regarding general questions about dual office holding laws. On motion made, seconded and unanimously passed, the Board adopted an advisory opinion with changes as follows to state that political party offices are not public entities and members of the state central committee are not public employees subject to the Ethics code. Furthermore, dual office holding laws are not within the purview of the Board of Ethics and if you have any questions please go to the Attorney General.

In connection with an advisory opinion request in Docket No. 20-613 from Sylvia Scineaux-Richard, President of the East New Orleans Neighborhood Advisory Commission, regarding its ability to conduct a raffle fundraiser. On motion made, seconded and unanimously

passed, the Board adopted the following updated advisory opinion stating that the decision as to whether if and under East New Orleans Neighborhood Advisory Commission may conduct a raffle fundraiser is based on rules and laws outside the Code of Governmental Ethics. However, if such a fundraiser is held, East New Orleans Neighborhood Advisory Commission must not solicit prohibited sources of funds according to Section 1115 of the Code of Governmental Ethics, including those parties that have contractual relationships with East New Orleans Neighbor Advisory Commission.

In connection with an advisory opinion request in Docket No. 20-614 regarding Jeffery B. Carmouche's candidacy for Marksville City Marshal while being employed by Rapides Soil and Water Conservation District. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion with editorial changes in the conclusion that Mr. Carmouche will campaign outside of normal working hours or take annual leave, Section 1111A of the Code of Governmental Ethics would not prohibit Mr. Carmouche from campaigning for Marksville City Marshal while being employed by the Rapides Soil and Water Conservation District.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the September 4, 2020 meeting.

The Board considered a proposed consent opinion in Docket No. 14-888 regarding former St. Tammany District Attorney, Walter Reed's violation of Sections 1111A and 1111C(1)(a) of the Code of Governmental Ethics by providing prohibited legal service to the St. Tammany Hospital District. On motion made, seconded and unanimously passed, the Board adopted and published the consent opinion with 3 editorial changes in section 9 and dismissed the charges with the Ethics Adjudicatory Board.



The Board considered a consent order in Docket No. 18-963 regarding Reagan Currence, Town Clerk for the Town of Haughton in Bossier Parish, where she has signed a Consent Order admitting a violation of Section 1115 and has entered into a payment plan for the \$1,000 civil penalty. On motion made, seconded and unanimously passed, the Board adopted and published the Consent Order and dismiss the charges before the Ethics Adjudicatory Board. The Board further advised the staff to record judgements in their home parish with discretion in the future.

The Board considered proposed changes to the campaign finance disclosure reporting forms based on legislation enacted during the 2020 Regular Legislative Session. Board member Lavastida left the room at 10:25 a.m. and was not present during the vote. On motion made, seconded and unanimously passed, the Board approved the changes to the forms and instructions for submission to the oversight committee for review and approval. Statute goes in effect on January 1, 2021 and the forms will be used February 18, 2021.

Board member Lavastida returned at 10:29 a.m.

The Board considered the 2021 Proposed Calendar for Meetings of the Louisiana Board of Ethics. On motion made, seconded and unanimously passed, the Board adopted the proposed 2021 Calendar with the following two changes; moving the April meeting to Friday, April 9, 2021 and the July meeting to Friday, July 9, 2021.

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, taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-305 for a waiver of the \$800 campaign finance late fee assessed against Communications Workers of America, a political action committee, its committee's chairperson, Christopher Shelton, and treasurer, Sara Steffens, whose Special (48 Hour) campaign finance disclosure report was filed 4 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$800 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-377 for a waiver of the \$1,000, \$400, \$400 and \$704 campaign finance late fees assessed against Darwin Bradley "Brad" Adams, a candidate for Police Juror, District 5B, Concordia Parish, in the October 12, 2019 election, whose 30-P, 10-P, 10-G and 40-G campaign finance disclosure reports were filed 173, 153, 118 and 39 days late, respectively. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000, \$400, \$400 and \$704 campaign finance late fees

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-393 for a waiver of three (3) \$2,000 campaign finance late fees assessed against Monique Lafontaine, a candidate for Judge /1st Parish Court, Division B, in the November 4, 2014 election, and her committee's chairperson, Paul Simmons, whose 2015, 2017 and 2018 supplemental campaign finance disclosure reports have not been filed. On motion made, seconded and unanimously passed, the Board declined to waive all three \$2,000 late fees with a letter included explaining that the chairperson is not liable for the outstanding late fees.

The Board considered a request in Docket No. 20-592 for a waiver of the \$50 late fee assessed against Andrea Germaine King, Welsh Board of Aldermen/Welsh/Jefferson Davis Parish, for filing her 2018 Tier 3 Annual personal financial disclosure statement 1 day late. On

motion made, seconded and unanimously passed, the Board suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-593 for a waiver of the \$2,500 late fee assessed against Christopher M. "Chris" Davis, Denham Springs City Council, District 4/Livingston Parish, for filing his 2017 Tier 2 Annual personal financial disclosure statement 211 days late. On motion made, seconded and unanimously passed, the Board deferred until we receive more medical information regarding a short term disability question.

The Board considered a request in Docket No. 20-594 for a waiver of the \$250 late fee assessed against Perry Corrice Catchings, Hammond Area Economic and Industrial Development Board, for filing his 2017 Tier 2.1 Annual personal financial disclosure statement 5 days late. On motion made, seconded and unanimously passed, the Board suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-601 for a waiver of the \$1,400 late fee assessed against Cheryl Maria (Turner) Richoux, South Central Louisiana Human Service Authority, for filing her 2018 Tier 2.1 Annual personal financial disclosure statement 28 days late. On motion made, seconded and unanimously passed, the Board suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-602 for a waiver of the \$1,500 late fee assessed against Gerrin Narcisse, Lacombe Recreation District 4, for filing his 2018 Tier 2.1 Annual personal financial disclosure statement 20 days late. On motion made, seconded and

unanimously passed, the Board suspended all but \$650 based on future compliance with the reporting requirements under the Code of Governmental Ethics. The \$650 is payable within 20 days and if payment is not received within 20 days, the full amount of the late fee becomes due and owing.

On motion made, seconded and unanimously passed, the Board considered an untimely waiver request.

In connection with the untimely waiver request in Docket No. 18-1300 regarding the request to rescind a reassessment of a suspended \$1500 late fee assessed against Clarence H. Nichols, former member of the Hammond Historic District Commission, for filing his 2016 Tier 2.1 Annual personal financial disclosure statement 113 days late. On motion made, seconded and unanimously passed, the Board declined the request and offered a payment plan.

The Board considered a request in Docket No. 19-994 for a waiver of the \$200 late fee assessed against by Erica McGeachy Crenshaw, with the Louisiana Key Academy, for filing her 2017 Tier 3 Annual personal financial disclosure statement 4 days late. On motion made, seconded and unanimously passed, the Board waived the \$200 late fee, since Ms. Crenshaw submitted supporting documentation as to her health issues.

The Board considered a request for reconsideration in Docket No. 19-1024 for the Board's suspension of all but \$1000 of a \$1500 late fee assessed against Leon Boudreaux, Constable/District 8/ St. Landry, for filing his 2016 Tier 3 Annual personal financial disclosure statement 301 days late. On motion made, seconded and unanimously passed, the Board affirmed the original decision to suspend all but \$1000 based on future compliance with the reporting requirements under the Code of Ethics. The \$1000 is payable within 20 days and if payment is not received within 20 days, the full amount of the late fee becomes due and owing.

The Board considered a request for reconsideration in Docket No. 20-019 for the Board's denial of a waiver request submitted by Sarah Ann Reliford, with the Campti Town Council, Natchitoches Parish, regarding a \$1500 late fee assessed for filing her 2018 Tier 3 Annual personal financial disclosure statement 49 days late. On motion made, seconded and unanimously passed, the Board affirmed the original decision to decline to waive and offer a payment plan.

On motion made, seconded and unanimously passed, the Board added legislation Senate Bill No. 10 to the Agenda.

On motion made, seconded and unanimously passed, the Board opposed Senate Bill No. 10 by Senator Hewitt which provides for certain exceptions from Code of Governmental Ethics.

The Board unanimously resolved into executive session to consider complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

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**EXECUTIVE SESSION**

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The Board unanimously adjourned at 11:01A.M.

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Secretary

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Chairman