

LOUISIANA BOARD OF ETHICS
MINUTES
August 17, 2012

The Board of Ethics met on August 17, 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, Monroe and Schneider present. Absent were Board Members Duffin, LaFleur 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, Deidra Godfrey and Suzanne Mooney.

Ms. Ann Wise, Director of the Division of Administrative Law, appeared before the Board in connection with the selection of an alternate administrative law judge to serve on the Ethics Adjudicatory Board (EAB) following the resignation of alternate judge, Deborah Basile. Ms. Wise submitted a paper list of twenty-two (22) names of the judges who are not currently serving on the EAB which were individually torn, folded and randomly drawn from a bowl by the Board's Executive Secretary, Deborah Grier. Following the drawing by Ms. Grier, Ms. Wise announced that the alternate judge will be Suzanne Sasser.

Ms. Jennifer Jackson, attorney for Iberville Parish Sheriff Brett Stassi, appeared before the Board in connection with a request for a declaratory opinion in Docket No. 12-1043 regarding whether Mr. Stassi's father, Ralph Stassi, Jr., can continue to write bail bonds through his company, A Professional Bail Bonds, L.L.C., for persons arrested by the Iberville Parish Sheriff's Office. A Stipulation of Facts was read and entered into the record. After hearing from Ms. Jackson, on motion made, seconded and passed by a vote of 6 yeas by Board Members Backhaus, Blewer,

Ingrassia, Leggio, McAnelly and Schneider, 1 nay by Board Member Monroe and 1 abstention by Board Member Lemke, the Board concluded that although A Professional Bail Bonds, L.L.C. would be entering into a transaction under the supervision or jurisdiction of Sheriff Stassi's agency, the transaction under these specific circumstances is ministerial in nature and therefore acceptable. Thus, based on the facts of this case, no violation of the Code of Governmental Ethics would be presented by A Professional Bail Bonds, L.L.C. continuing to write bail bonds for persons arrested by the Iberville Parish Sheriff's Department.

Mr. Gray Sexton and Ms. Alesia Ardoin, attorneys 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 Request for Rehearing of 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. After hearing from Mr. Sexton, on motion made, seconded and unanimously passed, the Board denied the Request for Rehearing.

The Board considered a request in Docket No. 12-008 for reconsideration of a waiver of the \$1,500 late fee assessed against Chris Ardoin for filing his 2009 Tier 3 candidate personal financial disclosure statement 309 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the September meeting.

Ms. Kira Orange-Jones, a member of the Board of Elementary and Secondary Education (BESE), and her attorney, Mr. James Babst, appeared before the Board in connection with a request for an advisory opinion in Docket No. 12-149 regarding Ms. Orange-Jones continuing to serve as the Executive Director for Teach for America (TFA)-Greater New Orleans while she serves as a member of BESE. After hearing from Ms. Orange-Jones and Mr. Babst, on motion made, seconded

and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Orange-Jones, while she serves as an elected member of BESE, providing compensated services to TFA at a time when TFA has a contract with Louisiana Department of Education or the Recovery School District, since Ms. Orange-Jones meets the exception in Ethics Board Docket No. 82-02D. The Board advised that based on the facts provided concerning the existing contracts, her continued employment with TFA while she serves on BESE is not prohibited. The Board also concluded that Section 1112B(3) of the Code of Governmental Ethics prohibits Ms. Orange-Jones from participating in any transactions involving BESE in which TFA has substantial economic interest. However, it should be noted that La. R.S. 42:1120 provides that any elected official, who is required to vote on a matter in violation of Section 1112 of the Code, must recuse himself from voting. The elected official is not prohibited from participating in discussion and debate concerning the matter provided that he verbally discloses the nature of the conflict or potential conflict prior to his participation in the discussion or debate and prior to any vote being taken. The Board further concluded that Section 1114 of the Code of Governmental Ethics would require Ms. Orange-Jones to file a financial disclosure statement each year disclosing the income she receives from TFA.

The Board recessed at 10:36 a.m. and resumed back into general business session at 10:51 a.m.

Ms. Alesia Ardoin, attorney for Louisiana Orthopaedic PAC (LOPAC), Ms. Cindy Bishop, LOPAC's manager, appeared before the Board, in its capacity as the Supervisory Committee on

Campaign Finance Disclosure, in connection with a request in Docket No. 12-358 for reconsideration of a waiver of the \$3,000 and \$1,000 campaign finance late fees assessed against the committee for filing the 30-P and 10-P campaign finance disclosure reports 26 and 5 days late. After hearing from Ms. Ardoin and Ms. Bishop, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$4,000.

Mr. Samuel Wilson, Sr., Chairman of Baton Rouge Youth Movement, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-721 for a waiver of the \$3,000 and \$3,000 campaign finance late fees assessed against the committee for filing the Special and 40-G campaign finance disclosure reports 20 and 60 days late. After hearing from Mr. Wilson, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$6,000.

Representative Jeff Thompson, Mr. Dennis Branton, a member of the Bossier Parish Levee Board, and Mr. Marcus Long, Operations Coordinator for the Bossier Parish Levee Board, appeared before the Board in connection with a request for an advisory opinion in Docket No. 12-890 regarding whether: (1) the Board of Commissioners for the Bossier Levee District may receive a donation of the right of way/servitude from Palmetto Farms, L.L.C. (Palmetto Farms) when Mr. Branton is a part owner of Palmetto Farms; (2) the Levee District may appropriate a temporary right of way/servitude of passage according to La. R.S. 38:301(C)(1)(e); and/or, (3) the necessary borrow material for the project may be acquired from Palmetto Farms while Mr. Branton serves on the Levee District. After hearing from Representative Thompson, Mr. Branton and Mr. Long, on motion made, seconded and unanimously passed, the Board deferred the matter.

Mr. E.R. Giles and Jamie Prejean, report prepared, appeared before the Board in connection

with a request in Docket No. 12-996 for a waiver of the \$1,500 late fee assessed against Mr. Giles for filing his amended 2008 Tier 2.1 annual personal financial disclosure statement 883 days late. After hearing from Mr. Giles and Ms. Prejean, on motion made, seconded and passed by a vote of 6 yeas by Board Members Backhaus, Blewer, Ingrassia, Leggio, McAnelly and Schneider and 2 nays by Board Members Lemke and Monroe, the Board rescinded the \$1,500 late fee assessed against Mr. Giles.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1357 for a waiver of the \$540 campaign finance late fee assessed against Warren L. Montgomery, a candidate for Judge, 22nd JDC, Division C, in the October 4, 2008 election, for filing his Supplemental campaign finance disclosure report 9 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the September meeting.

Mr. Alvin Jackson, a candidate for Mayor of Richwood in the March 24, 2012 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1360 for a waiver of the \$400, \$360 and \$1,000 late fees assessed against him for filing his 10-G, EDE-G and 10-P campaign finance disclosure reports 29, 9 and 35 days late. After hearing from Mr. Jackson, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,760 but suspended \$1,510 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Stanley Washington appeared before the Board in connection with a request in Docket No. 12-419 for reconsideration of a waiver of the \$1,500 late fee assessed against him for filing his 2010 Tier 3 annual personal financial disclosure statement 62 days late. After hearing from Mr.

Washington, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire amount conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Mark Spears appeared before the Board in connection with a request in Docket No. 12-861 for a waiver of the \$2,500 late fee assessed against him for filing his 2010 Tier 2 candidate personal financial disclosure statement 126 days late. After hearing from Mr. Spears, on motion made, seconded and passed by a vote of 7 yeas by Board Members Backhaus, Blewer, Ingrassia, Leggio, Lemke, McAnelly and Schneider and 1 nay by Board Member Monroe, the Board declined to waive the \$1,500 late fee but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics.

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

On motion made, seconded and unanimously passed, the Board agreed to take action on items G11-G30 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 G11-G30, excluding items G17 and G18, taking the following action:

Adopted for publication, a consent opinion in Docket No. 10-147 in which Michael Muscarello, member of the Town of Independence Board of Aldermen and owner of Mike's Glass & Radiator, Inc., agrees that a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by his receipt of compensation, through his company, from John Huszar for performing subcontracting work related to Mr. Huszar's contract with the Town of Independence and in which Mr. Muscarello agrees to pay a fine of \$5,000 of which \$3,000 is to be suspended conditioned upon

future compliance with the Code of Governmental Ethics.

Adopted for publication, a consent opinion in Docket No. 10-975 in which Michael Muscarello, member of the Town of Independence Board of Aldermen and owner of Mike's Glass & Radiator, Inc., agrees that a violation of 1111C(2)(d) of the Code of Governmental Ethics occurred by his receipt of compensation, through his company, from SDT Waste & Debris, L.L.C. for providing glass services while the SDT Waste & Debris, L.L.C. had a business relationship with the Town of Independence and in which Mr. Muscarello agrees to pay a fine of \$500.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted for publication, a consent opinion in Docket No. 11-959 in which the Committee to Re-Elect Judge Mark Jeansonne and Judge Mark Jeansonne agree that a violation of Section 1505.2H of the Campaign Finance Disclosure Act occurred by receiving contributions in excess of his contribution limits and in which the Committee to Re-Elect Judge Mark Jeansonne and Judge Mark Jeansonne agree to pay a fine of \$500.

Adopted an advisory opinion in Docket No. 12-146 concluding that Section 1121B of the Code of Governmental Ethics prohibits Valerie Harvey, a former employee of the Department of Children and Family Services (DCFS), from contracting with DCFS or becoming a contract employee with Northwestern State University (NSU) to provide essentially the same services for DCFS that she provided until her retirement on October 2011.

Adopted the amended advisory opinion in Docket No. 12-676 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Port Sulphur Ace Hardware from selling items to the LeMoine Group and its subcontractors at a time it is constructing the new Plaquemines Medical Facility for the Plaquemines Parish Hospital Service District #1 Board and while Connie

Lincoln, the owner of Port Sulphur Ace Hardware, serves as a member of the Plaquemines Parish Hospital Service District #1 Board.

Adopted an advisory opinion in Docket No. 12-769 concluding that Section 1113A of the Code of Governmental Ethics prohibits Daniel Veals from providing services to Secure Nation while the company has a contract with Louisiana Housing Finance Association (LHFA) and his father, Danny Veals, serves as LHFA's IT Director. The Board further advised that Daniel Veals would not be prohibited from providing computer services through Secure Nation's contracts with any other state agency.

Adopted an advisory opinion in Docket No. 12-1152 concluding that the members of the East New Orleans Neighborhood Advisory Commission are required to file annual personal financial disclosure statements, since the Advisory Commission was created by statute and it does have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year.

Declined to render an advisory opinion in Docket No. 12-1153 regarding whether the end of a person's public service is the date of his resignation or the date his successor is appointed in connection with such resigning member's filing requirements under Tier 2.1, since the matter involved past conduct.

Adopted an advisory opinion in Docket No. 12-1175 concluding that no violation of the Code of Governmental Ethics is presented by Dr. Casey McVea, Medical Director of the Rayburn Correctional Facility, applying for and accepting a position to continue to manage the Rayburn Correctional Facility if said state prison services are privatized by the state of Louisiana, so long as Mr. McVea takes no part in the decision to privatize.

Adopted an advisory opinion in Docket No. 12-1176 concluding that no violation of the Code

of Governmental Ethics is presented by Theresa Williams, an Accountant 4 employed with the Department of Natural Resources (DNR), contracting to work as a Coastal Resources Program Specialist for the Office of Coastal Protection and Restoration Authority (CPRA) following her retirement from DNR, since she would not be providing the same services that she provided as an Accountant 4 with DNR.

Adopted an advisory opinion in Docket No. 12-1184 with respect to Scott Jenkins, an "accounts payable" accountant for Fletcher Technical Community College (FTCC), concluding that (1) Section 1121B of the Code of Governmental Ethics prohibits Mr. Jenkins, for a period of two years from his separation of service from FTCC, from contracting with FTCC to handle accounts payable if he leaves his full time employment with Fletcher (FTCC) and from being employed by a company that contracts with FTCC to handle accounts payable; (2) no violation of the Code of Governmental Ethics is presented by Mr. Jenkins handling other accounting matters as long as he does not handle any transactions that he worked on during his employment with FTCC; (3) no violation of the Code of Governmental Ethics is presented by Mr. Jenkins contracting with other state technical schools under the LCTCS system; and (4) Mr. Jenkins must wait for two years from the termination of his employment at FTCC in order to provide accounts payable services to FTCC.

Adopted an advisory opinion in Docket No. 12-1241 concluding that no violation of the Code of Governmental Ethics is presented by Debby Mayne, an employee of the Paul and Lulu Hilliard University Art Museum at University Louisiana at Lafayette (ULL), accepting two airline tickets won at a luncheon and trade show hosted by the Lafayette Convention and Visitors Commission (LCVC), since the winner of the airline tickets could have been anyone in attendance at the luncheon and was not awarded to Ms. Mayne for the performance of her public duties.

Accepted a disqualification plan in Docket No. 12-1252 regarding the promotion and supervision of Bridgett Bartlett, assistant principal employed by the Winn Parish School System, while her father-in-law, Steve Bartlett, serves as the Superintendent of the Winn Parish School System.

Adopted an advisory opinion in Docket No. 12-1254 concluding that no violation of the Code of Governmental Ethics is presented by John Watson being promoted from Assistant Superintendent of the Living Parish School System to Superintendent while his brother, James Watson, serves as a member of the Livingston Parish School Board, since the promotion would be a normal promotional advancement as allowed by Section 1119C of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 12-1256 concluding that no violation of the Code of Governmental Ethics is presented by the Charles W. Lamar, Jr. YMCA offering free trial membership weeks to state employees, since the offering of the free trial memberships to state employees is part of the partnership agreement with the State of Louisiana.

Adopted an advisory opinion in Docket No. 12-1257 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Lawrence Williams, the New Orleans Public Library Executive Assistant to the Library Director, seeking part-time employment with the New Orleans Public Library Foundation, since the Library and the Foundation have a business relationship.

Absent specific information, declined to render an advisory opinion in Docket No. 12-1260 regarding whether the provision of insurance services to St. John the Baptist Parish by Riverlands Insurance is prohibited now that its Producer has married the Director of Communications for St. John the Baptist Parish and since the requestor lacked standing to request the opinion.

Adopted an advisory opinion in Docket No. 12-1376 concluding that Section 1111C(2)(d)

prohibits Lisa Luccous from being employed on a part-time basis as the Secretary for the Town of Vivian Chief of Police and the Clerk of Court while serving as the editor/publisher of the Caddo Citizen Newspaper, the official legal journal of Caddo Parish, since the Town of Vivian and the Vivian Police Department have a business relationship with the Caddo Citizen Newspaper.

The Board considered the following general business agenda items:

The Board considered a request for an advisory opinion in Docket No. 12-902 regarding Andrew LeBas providing engineering services to Volkert, Inc. on projects with the Department of Transportation and Development (DOTD) while his mother, Sheri LeBas, serves as the Secretary for DOTD. On motion made, seconded and unanimously passed, the Board deferred the matter to the September meeting.

The Board considered a request for an advisory opinion in Docket No. 12-1011 regarding Burl Cain, Warden at the Louisiana State Penitentiary (LSP), providing consulting services to privately managed prison facilities transitional work programs. On motion made, seconded and unanimously passed, the Board instructed the staff to generally advise Warden Cain of the provisions of the Code of Governmental Ethics which may apply to his request but to advise him that he should request an advisory opinion in the future when more specific facts are available as to the potential employers and their relationships with Angola and/or the Department of Public Safety and Corrections. Board Member Lemke recused himself.

On motion made, seconded and unanimously passed, the Board approved the minutes of the July 19-20, 2012 meetings.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G32-G47 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 G32-G47, excluding item G38, taking the following action:

The Board considered a request in Docket No. 11-1673 for reconsideration of a waiver of the \$2,500 late fee assessed against Warren Founds for filing his 2008 Tier 2 annual personal financial disclosure statement 445 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$2,500 late fee due to Mr. Founds' age and his health condition.

The Board considered a request in Docket No. 11-1674 for reconsideration of a waiver of the \$2,500 late fee assessed against Warren Founds for filing his 2009 Tier 2 annual personal financial disclosure statement 445 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$2,500 late fee due to Mr. Founds' age and his health condition.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-352 for reconsideration of request for a waiver of the \$480 campaign finance late fee assessed against Marva A. Lumar, a candidate for St. John the Baptist Parish Clerk of Court in the October 22, 2011 election, for filing her EDE-P campaign finance disclosure report 8 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$480 late fee, since it was Ms. Lumar's first campaign and due to her medical condition.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-355 for reconsideration of a request for a waiver of the \$600 campaign finance late fee assessed against Cynthia N. Robertson, a candidate for State Representative, District 5 in the October 22, 2011 election, for filing her EDE-P campaign finance disclosure report 6 days late. On motion made, seconded and unanimously passed, the Board

declined to waive the \$600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-360 for reconsideration of a request for a waiver of the \$1,600 campaign finance late fee assessed against Health Agents PAC for filing the 10-G campaign finance disclosure report 8 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,600 late fee, since the report preparer had to have emergency surgery on the day before the report was due.

The Board considered a request in Docket No. 12-418 for reconsideration of a request for a waiver of the \$1,500 late fee assessed against Darrel Rivere for filing his 2009 Tier 2.1 annual personal financial disclosure statement 90 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee.

The Board considered a request in Docket No. 12-424 for reconsideration of a request for a waiver of the \$1,500 late fee assessed against Ellen Thompson for filing her 2010 Tier 2.1 annual personal financial disclosure statement 46 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,500 late fee pursuant to Rule 1204, since Mrs. Thompson's granddaughter and her unborn baby died during the filing period.

The Board considered a request in Docket No. 12-427 for reconsideration of a request for a waiver of the \$1,500 late fee assessed against Ann Breland for filing her 2009 Tier 3 candidate personal financial disclosure statement 405 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to decline to waive the \$1,500 late fee and instructed the staff to establish a payment plan with Ms. Breland.

The Board considered a request in Docket No. 12-455 for reconsideration of a request for a

waiver of the \$550 late fee assessed against Keith Howard for filing his 2008 Tier 2.1 annual personal financial disclosure statement 11 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to decline to waive the \$550 late fee, since no new information was submitted in connection with the waiver request.

The Board considered a request in Docket No. 12-496 for reconsideration of a request for a waiver of the \$1,500 late fee assessed against Calvin Fayard, III for filing his 2009 Tier 2.1 annual personal financial disclosure statement 289 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to decline to waive the \$1,500 late fee.

The Board considered a request in Docket No. 12-497 for reconsideration of a request for a waiver of the \$1,500 late fee assessed against John Cole for filing his 2009 Tier 2.1 annual personal financial disclosure statement 277 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to decline to waive the \$1,500 late fee, since no new information was submitted in connection with the waiver request.

The Board considered a request in Docket No. 12-500 for reconsideration of a request for a waiver of the \$1,500 late fee assessed against Robert Bruno for filing his 2010 Tier 2.1 annual personal financial disclosure statement 156 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to decline to waive the \$1,500 late fee.

The Board considered a request in Docket No. 12-503 for reconsideration of a request for a waiver of the \$1,500 late fee assessed against Thomas Atkinson for filing his 2009 Tier 2.1 annual personal financial disclosure statement 393 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to decline to waive the \$1,500 late fee.

The Board considered a request in Docket No. 12-507 for reconsideration of a request for a

waiver of the \$1,500 late fee assessed against Lisa Houston for filing her 2009 Tier 3 candidate personal financial disclosure statement 673 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to decline to waive the \$1,500 late fee.

The Board considered a request in Docket No. 12-508 for reconsideration of a request for a waiver of the \$2,500 late fee assessed against Arnie Fielkow for filing his amended 2009 Tier 2 annual personal financial disclosure statement 328 days late. On motion made, seconded and unanimously passed, the Board affirmed its decision to decline to waive the \$1,500 late fee.

The Board considered a request for an advisory opinion in Docket No. 12-666 regarding whether the staff of Acadiana Works, Inc. (AWI), a private non-profit organization, are classified as “public servants” as defined by the Code of Governmental Ethics and subject to the training requirement of R.S. 42:1170(3). On motion made, seconded and unanimously passed, the Board concluded that the staff of AWI are “public servants” as defined by the Code of Governmental Ethics and thus subject to the training requirement of R.S. 42:1170(3) of the Code of Governmental Ethics, since the use of governmental funds to perform a public service, while serving as a contractor of the Workforce Investment Board #40, is “in the furtherance of a governmental function” as described in R.S. 42:1102(18)(a)(iii).

The Board considered a request for an advisory opinion in Docket No. 12-706 regarding whether the members of the board and staff of Northeast Louisiana Workforce Centers, Inc. (NLWC), a private non-profit organization, are classified as “public servants” as defined by the Code of Governmental Ethics and subject to the training requirement of R.S. 42:1170(3). On motion made, seconded and unanimously passed, the Board concluded that board members and generally the staff of NLWC are classified as “public servants” as defined by the Code of Governmental Ethics

and thus subject to the training requirement of R.S. 42:1170(3) of the Code of Governmental Ethics, since the board members and the employees are “engaged in the performance of a governmental function” in accordance with Section 1102(18)(a)(iii) because the NLWC performs public service for Workforce Investment Board 82 & 83 on a contractual basis.

The Board considered a request for an advisory opinion in Docket No. 12-894 regarding whether a Chief of Police for a municipality can work private security details within his jurisdiction. On motion made, seconded and passed, the Board declined to render the advisory opinion, since the requestor, Chief Carlos Stout, requested to withdraw the request for an advisory opinion because the issue was moot.

The Board considered a request for an advisory opinion in Docket No. 12-895 regarding whether members of the legislature may purchase movie tax credits under the Louisiana Motion Picture Tax Incentive Act and historic tax credits administered by the Louisiana Division of Historic Preservation. On motion made, seconded and unanimously passed, the Board deferred the matter to the September meeting.

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. 12-1359 from Ray Lauga, Jr. of a \$1,000 late fee and a \$200 late fee;
- Docket No. 12- 1362 from Norbert Rome of a \$1,000 late fee;
- Docket No. 12- 1365 from Myron Matherne of a \$400 late fee;
- Docket No. 12- 1366 from Kendric Stewart of a \$600 late fee;
- Docket No. 12- 1368 from John J. Friedman of a \$600 late fee, a \$2,000 late fee and a \$2,000 late fee;
- Docket No. 12- 1371 from Adams and Reese of a \$3,000 late fee; and,

Docket No. 12- 1373 from Michael Ragusa of a \$809 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-759 for a waiver of the \$1,980 campaign finance late fee assessed against J. Chandler Loupe, a candidate for East Baton Rouge Parish Metro District Council, District 3 in the October 4, 2008 election, for filing his Annual campaign finance disclosure report 33 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,980 late fee assessed against Mr. Loupe pursuant to 52:1205B(1), since Mr. Loupe's son was shot and transferred to a medical facility in Georgia on February 10, 2012.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1130 for a waiver of the \$480 campaign finance late fee assessed against Tarvald A. Smith, a candidate for East Baton Rouge Parish School Board in the October 2, 2010 election, for filing his Supplemental campaign finance disclosure report 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. 12-1357 for a waiver of the \$540 campaign finance late fee assessed against Warren Montgomery, a candidate for Judge, 22ndJDC, Division C in the October 4, 2008 election, for filing his Supplemental campaign finance disclosure report 9 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the September meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1358 for a waiver of the \$1,000 campaign finance late fee

assessed against Citizens for BREC for filing the Annual report was filed 1095 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,000 late fee assessed against Citizens for BREC, since in review of the Annual report filed by the PAC, it does not appear that they were required to file.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1361 for a waiver of the \$840, \$840 and \$540 campaign finance late fees assessed against Linda Dyess Stewart, a candidate for Rapides Parish Clerk of Court in the October 22, 2011 election, for filing her two (2) Specials and 10-P campaign finance disclosure reports 14, 14, and 9 days late. On motion made, seconded and unanimously passed, the Board waived \$1,920 of the late fees totaling \$2,220, since Ms. Stewart timely filed the required reports in paper format and electronically filed the reports thereafter.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1366 for a waiver of the \$600 campaign finance late fee assessed against Kendric Stewart, a candidate for Washington Parish Clerk of Court in the October 22, 2011 election, for filing his 30-P campaign finance disclosure reports 250 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. 12-1367 for a waiver of the \$1,200 campaign finance late fee assessed against Cynthia Willard-Lewis, a candidate for State Senate, 3rd District in the March 24, 2012 election, for filing her 10-G campaign finance disclosure report 12 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the September meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1369 for a waiver of the \$900 campaign finance late fee assessed against Mitchell Theriot, a candidate for Judge, 1st Circuit Court of Appeal, Sec. 1, Div. B in the November 6, 2012 election, for filing his 180-P campaign finance disclosure report 9 days late. On motion made, seconded and unanimously passed, the Board waived the \$900 late fee, since Mr. Theriot timely filed his paper report and thereafter electronically filed his report before the May 23, 2012 deadline.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1370 for a waiver of the \$600 late fee assessed against Ronald L. Rodgers, Jr., a candidate for State Representative, District 63 in the October 22, 2011 election, for filing his EDE-P campaign finance disclosure report 234 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. 12-1372 for a waiver of the \$400 campaign finance late fee assessed against Traci Ackerman Fletcher, a candidate for St. Charles Parish Council in the October 22, 2011 election, for filing her EDE-P campaign finance disclosure report 190 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. 12-1374 for a waiver of the \$400 campaign finance late fee assessed against Vanessa Guidry-Whipple, a candidate for 1st Circuit Court of Appeal, 1st District,

Div. D in the November 6, 2012 election, for filing her 180-P campaign finance disclosure report 4 days late. On motion made, seconded and unanimously passed, the Board waived the \$400 late fee, since technical issues were encountered during the attempt to electronically file the report.

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 \$1,500 late fee in Docket No. 12-871 assessed against Charles E. Coleman.

The Board unanimously rescinded the \$1,500 late fee in Docket No. 12-872 assessed against Jimmie Meadows.

The Board unanimously declined to waive the \$2,500 late fee in Docket No. 12-1165 assessed against Henry Maitre, III but suspended \$2,200 conditioned upon future compliance with the Code of Governmental Ethics.

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

The Board considered a request for an advisory opinion in Docket No. 11-1935 regarding Mark DeBord, Regional Administrator for the Region VIII Office of Behavioral Health, serving on non-profit boards or advisory boards that have contracts with Region VIII. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. DeBord serving as a member of non-profit boards or advisory boards that have contracts with Region VIII as long as he receives no compensation for his service on the non-profit boards.

The Board considered a request for an advisory opinion in Docket No. 12-664 regarding

Todd Danof, a volunteer firefighter with the Lafourche Parish Fire Protection District No. 3, bidding on work for the District. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Danof bidding on projects with Fire Protection District #3 as long as Mr. Danof meets the requirements set forth in Section 1123(35) of the Code of Governmental Ethics.

The Board considered 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, Chance Parent, has been elected to a position on the Livingston Parish Council. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the City of Walker Police Department continuing its contractual relationship with Chance's Computer while Chance Parent serves as a member of the Livingston Parish Council, since the Livingston Parish Council does not have supervision or jurisdiction of the contract with the Walker Police Department. The Board declined to render an advisory opinion with respect to whether the approval of grant funds by Mr. Parent to the City of Walker would be an ethics violation, since the requestor lacked standing to request the opinion.

The Board considered a request for an advisory opinion in Docket No. 12-893 regarding Recreation District No. One of St. Tammany Parish entering into a contract with a medical facility in which a board member, Dr. Stephen Meyer, has an ownership interest. On motion made, seconded and unanimously passed, the Board instructed the staff to obtain additional information and deferred the matter to the September meeting.

The Board considered a request for an advisory opinion in Docket No. 12-1253 regarding (1)

whether a former member of the Harahan City Council may be appointed to serve as a member of the Harahan City Planning and Zoning Board; and, (2) whether Cindy Murray, a member of the Harahan City Council, may vote on the salary of her husband, Kevin Murray, who serves as the Assistant Fire Chief for the Harahan Fire Department. On motion made, seconded and unanimously passed, the Board declined to render the advisory opinion, since the requestor lacked standing to request the opinion.

The Board considered a request for an advisory opinion in Docket No. 12-1255 regarding whether it is a conflict of interest for a real estate agent to serve on an appointed advisory board, which provides advisory opinions to the Gretna City Council on proposed building and demolition permits in the historic district. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by a real estate agent becoming a member of the Historic District Advisory Committee. However, once appointed to the Historic District Advisory Committee, the committee member becomes a public employee and is subject to the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 12-1258 regarding John Adger, Supervisor of Purchasing for the Bossier Parish School Board, accepting reimbursement for registration, travel, lodging and meals while serving as a board member or instructor with the National Institute of Governmental Purchasing (NIGP). On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Adger's acceptance of the reimbursement for registration, travel, and meals from the NIGP for attendance at conferences/workshops where he is a speaker or instructor or fulfilling his role as member of an associational board or committee meeting, so long as the event is an

educational or professional development seminar or conference. The Board further advised that Mr. Adger is required to file an affidavit with the Board of Ethics within sixty days after such acceptance, disclosing (i) the name of the person or organization who gave, provided, or paid in whole or in part for the admission, lodging or transportation, (ii) the person or organization that hosted the seminar or conference, and (iii) the amount expended on his behalf by the person or organization on admission, lodging, and transportation.

The Board unanimously accepted for filing, the disclosure statements filed in Docket No. 12-1375 for June, 2012 and July, 2012.

The Board considered a request for an advisory opinion in Docket No. 12-1449 regarding Robert Steeg, a member of the New Orleans City Planning Commission, providing expert witness services to the State of Louisiana. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Steeg serving as an expert witness on behalf of the State of Louisiana in connection with the expropriation proceedings for the new medical center complex in New Orleans, since he will not be testifying as to matters that he has participated in while serving as a member of the New Orleans City Planning Commission.

The Board considered a request for an emergency advisory opinion in Docket No. 12-1451 regarding David Knight, a former employee of the Office of Community Development, Disaster Recovery Unit (OCD-DRU), serving as the Project Manager for his new employer, Providence Technical Services, LLC, under an OCD-DRU Request for Proposal for Supplemental Services. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Providence serving as a contractor to OCD-DRU or by Mr.

Knight serving as a Project Manager on CDBG-funded projects, since Mr. Knight's previous employment with OCD-DRU was under the Hazard Mitigation Grant Program and the proposed services to be provided by Providence are in regard to the Community Development Grant Program which is distinct and separate from the Hazard Mitigation Grant Program.

The Board considered a request for an advisory opinion in Docket No. 12-1458 regarding Joyce Bowman, a Caddo Parish Commissioner, receiving financial donations from constituents and members of the community to offset costs incurred by Ms. Bowman in her battle with cancer. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Bowman accepting financial support from her constituents and members of the community to offset her medical expenses, since such donation appears to be unrelated to the performance of her job duties and responsibilities as Caddo Parish Commissioner. The Board further concluded that Section 1115A of the Code of Governmental Ethics would prohibit Ms. Bowman from accepting financial support from any constituents and/or members of the community that have a contractual, other business, or financial relationship with the Caddo Parish Government.

The Board unanimously adjourned at 1:31 p.m.

Secretary

APPROVED:

Chairman

