

LOUISIANA BOARD OF ETHICS
MINUTES
February 18, 2011

The Board of Ethics met on February 18, 2011 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 Bareikis, Bowman, Boyer, Hymel, Ingrassia, Lowrey, Monroe, Simoneaux and Stafford present. Absent were Board Members Leggio and Schneider. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Tracy Barker, Aneatra Boykin and Michael Dupree.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-188 for a waiver of the \$60 late fee and the \$6,100 reassessed late fee assessed against Darryl L. Robertson, a candidate for East Baton Rouge Parish School Board in the October 2, 2010 election, for filing his Special report 1 day late. On motion made, seconded and passed by a vote of 7 yeas by Board Members Bareikis, Bowman, Boyer, Hymel, Lowrey, Simoneaux and Stafford and 2 nays by Board Members Ingrassia and Monroe, the Board declined to waive the late fees totaling \$6,160 but suspended \$5,660 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. 11-203 for a waiver of the \$200 late fee and the \$950 reassessed late fee assessed against J.L. Franklin, a candidate for Calcasieu Parish School Board, District 14 in the October 2, 2010 election, for filing his Special report 5 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,150 based on Mr. Franklin's prior late filings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-206 for a waiver of the \$1,000 and \$500 late fees assessed against Larry Haas, a candidate for Jefferson Parish President in the October 2, 2010 election, for filing his EDE-P report 16 days late and his 10-G report 5 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee but suspended \$700 conditioned upon future compliance with the Campaign Finance Disclosure Act and declined to waive the \$500 late fee based on the level of activity.

Mr. Peter G. Wright, General Counsel for the Louisiana Workforce Commission, appeared before the Board in Docket No. 11-224 in connection with a request for an advisory opinion regarding Dr. Christopher Rich's participation in matters before the Louisiana Workforce Commission's Office of Worker's Compensation Administration (OWCA) involving certain companies at a time when he serves as the Medical Director for OWCA and works for companies with patients paid by workers' compensation insurers. After hearing from Mr. Wright, on motion made, seconded and unanimously passed, the Board deferred the matter to the March meeting.

Mr. Craig Freeman, a candidate for the East Baton Rouge Parish School Board, District 6 in the October 2, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-209 in connection with a request for a waiver of the \$900 and \$120 late fees assessed against him for filing his Special report 15 days late and his 10-G report 2 days late. After hearing from Mr. Freeman, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,020 but suspended \$770 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Alfred Williams, attorney and treasurer for Sterling Anthony, appeared before the Board,

in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-197 in connection with a request for a waiver of the \$540 and \$480 late fees assessed against Mr. Anthony, a candidate for East Baton Rouge Parish School Board, District 5 in the October 2, 2010 election, for filing his Special report 9 days late and his EDE-P report 8 days late. After hearing from Mr. Williams, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,020 but suspended \$770 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously resolved into executive business session.

* * * * *

EXECUTIVE SESSION

* * * * *

The Board recessed at 10:34 a.m. and resumed back into general business session at 10:44 a.m.

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

Adopted for publication, the consent opinion in Docket No. 09-778 in which Steve Baker, brother of DeSoto Parish Fire Protection District No. 3 Board of Commissioners Member Greg Baker, agrees that a violation of Section 1113B of the Code of Governmental Ethics occurred by his receipt of compensation for rendering legal services to the Fire District while his brother served as a member of the Fire District's Board of Commissioners and in which Mr. Steve Baker agrees to terminate his services with the DeSoto Parish Fire Protection District and pay a fine of \$800.

Adopted for publication, the consent opinion in Docket No. 09-1015 in which Harvey

Robinson, a member of the Jackson Parish School Board, agrees that a violation of Section 1112 of the Code of Governmental Ethics occurred by virtue of his participation in the vote against hiring Shirley McConnell as the Federal Programs Director when his wife, Bertha Robinson, was a candidate for the same position and by his participation in the vote to re-tabulate the points used to hire the Federal Programs Director, for which his wife was an applicant, and in which Mr. Robinson agrees to pay a fine of \$2,000 of which \$1,000 is to be suspended conditioned upon future compliance with the Code of Governmental Ethics.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, dismissed the charge in Docket No. 10-290 against Irma Muse Dixon, a candidate for State Senate, District 5 in the October 20, 2007 election, regarding her failure to file her Supplemental report in connection with the October 20, 2007 election, since Ms. Dixon filed the report on December 16, 2010.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, dismissed the charges in Docket No. 10-308 against Kelly J. Scott, a candidate for State Representative, District 40 in the August 1, 2009 election, regarding his failure to file his Supplemental report in connection with the August 1, 2009 election, since Mr. Scott was not required to file a Supplemental report.

Adopted an advisory opinion in Docket No. 11-026 concluding that no violation of the Code of Governmental Ethics is presented by Herman H. Spiller, Gas Superintendent for the Village of Forest Hill, working as a gas operator on a contractual basis for the Town of Glenmora, since Mr. Spiller is not required to perform duties for the Town of Glenmora as part of his duties for the Village of Forest Hill.

Adopted an advisory opinion in Docket No. 11-092 concluding that Section 1113B of the

Code of Governmental Ethics prohibits John Stumpf, a member of the Regional Planning Commission (RPC) and co-owner of LA Phoenix, LLC, from enrolling property mortgaged by LA Phoenix into the Brownfield Program, which is managed by the RPC, while he serves as a member of the RPC, since Mr. Stumpf has an interest in the property being accepted into The Brownfield Program.

Adopted an advisory opinion in Docket No. 11-151 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits the wife of Tommy Angelle, a newly elected member of the Lafayette Parish School Board, from being employed by Associated Travel Group while the company has or seeks to have any business, financial or contractual relationship with Mr. Angelle's agency, the Lafayette Parish School System, whether or not Mrs. Angelle actually does work related to the Lafayette Parish School System.

Granted the request to withdraw the request for an advisory opinion in Docket No. 11-153 regarding Krystal Degueyter, an employee of the Acadiana Regional Development District (ARDD), being assigned to a special project which includes contracting with Acadiana Works, Inc., whose Director is Ms. Degueyter's stepfather, since Ms. Degueyter is no longer employed by the ARDD.

Deferred to the March meeting, consideration of a request for an advisory opinion in Docket No. 11-166 regarding Harvey Darbonne, the outgoing City of Opelousas Alderman-at-Large, being appointed to the Opelousas Housing Authority Board.

Adopted an advisory opinion in Docket No. 11-167 concluding that no violation of the Code of Governmental Ethics is presented by Nelwyn Hebert, a member of the Iberia Parish Tourist Commission, continuing her service on the Commission if the Commission ceases producing promotional and advertising materials on behalf of Allons Mes Amis, a company owned by Ms.

Hebert.

Adopted an advisory opinion in Docket No. 11-168 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Dr. James Griffiee, the president and member of the Board of Commissioners of the Slidell Memorial Hospital, from continuing his employment with Apogee Medical Management, Inc. while Apogee has a contract with the hospital.

Adopted an advisory opinion in Docket No. 11-216 concluding that Section 1121A(1) of the Code of Governmental Ethics prohibits Don Dial, the Director of the Capital Area Ground Water Conservation Commission, for a period of two years following the termination of his employment with the Commission, from rendering any service on a contractual basis to or for the Commission. The Board further advised that Mr. Dial may donate his time to the Commission without pay or be re-employed by the Commission on a part-time or full-time basis.

Adopted an advisory opinion in Docket No. 11-217 concluding that no violation of the Code of Governmental Ethics is presented by the employment of the son of Richard Paul Lee, the Assistant Chief of the Hammond Fire Department, by the Hammond Fire Department, since Mr. Lee is not an agency head. The Board further advised that Section 1112B(1) of the Code of Governmental Ethics will prohibit Mr. Lee from participating in any transaction in which his son has a substantial economic interest; however, Section 1112C of the Code of Governmental Ethics will allow Mr. Lee to disqualify himself for potential 1112 violations by filing a disqualification plan pursuant to Chapter 14 of the Board's Rules.

Adopted an advisory opinion in Docket No. 11-220 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits the employment of Michael Corbin as the Executive Director of Friends of Barnwell, Inc. following his recent election to the Shreveport City Council,

since Friends of Barnwell, Inc. has a financial relationship with the City of Shreveport.

Adopted an advisory opinion in Docket No. 11-225 concluding that no violation of the Code of Governmental Ethics is presented by Steve Theriot, former Legislative Auditor and former Interim Jefferson Parish President, providing services to persons, including but not limited to, “lobbying” the Louisiana Legislature before November 21, 2011, since the Louisiana Legislature was not his former “agency”. The Board further advised that Section 1121 of the Code of Governmental Ethics prohibits Mr. Theriot from entering into a contract with the Legislative Auditor’s Office and assisting a person, for compensation, in matters that involve the Legislative Auditor's Office until November 20, 2011. Also, Mr. Theriot is prohibited from entering into a contract with Jefferson Parish as well as assisting a person, for compensation, in matters that involve the Jefferson Parish until October 13, 2012.

Adopted an advisory opinion in Docket No. 11-226 concluding that no violation of the Code of Governmental Ethics is presented by Thor Frederick, a newly elected alderman for the Town of Baldwin, continuing her employment with an insurance company while the insurance company has a contract with the town, since Ms. Frederick, as a customer service representative, does not have and will not enter into any transactions with the Town of Baldwin. The Board further advised that Ms. Frederick meets all the requirements for the 82-02D exception since she is a salaried employee she is not an officer, director, trustee or partner in the insurance company nor does she have any ownership interest in the company. The Board also advised that Ms. Frederick is required to file a disclosure statement with the Board pursuant to Section 1114 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 11-229 concluding that no violation of the Code of Governmental Ethics is presented by Melissa Jacobs, a former Program Manager of the Physician

Directed Services Unit of the Bureau of Health Services Financing Office of Management in the Department of Health and Hospitals (DHH), accepting employment with Thomson Reuters once she terminates her employment with DHH, since Ms. Jacobs will not be assisting Thomson Reuters in any transaction which involves the Physician Directing Services Unit.

Adopted an advisory opinion in Docket No. 11-232 concluding that no violation of the Code of Governmental Ethics is presented by a member of the Louisiana House of Representatives serving as attorney-chairman on Medical Review Panels if they are appointed and paid by the Patients Compensation Fund Oversight Board, since the maximum compensation received by the attorney-chairman from the Patient's Compensation Fund Oversight Board is less than \$2,500 and is not considered a contract for purposes of Section 1113D of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 11-250 concluding that no violation of the Code of Governmental Ethics is presented by Terryl St. Romain, the Superintendent of the Avoyelles Parish Police Jury, running for mayor of Plaquemine in 2011 while he serves as the Superintendent of Roads and Bridges and advised Mr. St. Romain to seek advice from the Attorney General's Office with respect to possible dual office holding issues.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the January 20-21, 2011 meetings.

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

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

Docket No. 10-1024 from Holly White-Dixon of a \$400 late fee;
Docket No. 10-1031 from Gerald “Jermarr” Williams of a \$1,000 late fee and a \$400 late fee;
Docket No. 10-1110 from Craig B. Lee of a \$40 late fee;
Docket No. 11-093 from J. Mike Wilson of a \$40 late fee;
Docket No. 11-113 from Gilda Johnson of a \$400 late fee and a \$280 late fee;
Docket No. 11-178 from Howard Keith Vincent of a \$400 late fee;
Docket No. 11-180 from Dan Hollingsworth of a \$240 late fee;
Docket No. 11-181 from Charlie Heck, Jr. of two \$60 late fees, a \$480 late fee and a \$540 late fee;
Docket No. 11-182 from A.C. “Jack” Staton of a \$1,000 late fee and an \$80 late fee;
Docket No. 11-183 from James “Jim” Karr, Sr. of a \$40 late fee;
Docket No. 11-184 from Harry B. Silver of a \$640 late fee;
Docket No. 11-187 from Roman Thompson of a \$40 late fee;
Docket No. 11-188 from Darryl Robertson of a \$60 late fee and a \$6,100 reassessed late fee;
Docket No. 11-190 from Hunter Beasley of an \$80 late fee;
Docket No. 11-191 from Daniel J. Ferrari of a \$540 late fee;
Docket No. 11-192 from Lonzo Sheffield, III of an \$80 late fee;
Docket No. 11-199 from William “Bill” Norris of a \$200 late fee;
Docket No. 11-201 from Mitzi Gibson of a \$240 late fee;
Docket No. 11-202 from ABC Pelican PAC of a \$1,400 late fee;
Docket No. 11-205 from Jennifer Vidrine of a \$360 late fee;
Docket No. 11-211 from Hersy Jones of a \$600 late fee, a \$720 late fee, and a \$420 late fee;
Docket No. 11-213 from Samuel L. “Sam” Jenkins, Jr. of an \$80 late fee;
Docket No. 11-214 from Constance Thompson Johnson of a \$280 late fee;
Docket No. 11-215 from Lawrence Landry of a \$320 late fee; and,
Docket No. 11-227 from Tommy Eschete of an \$80 late fee and a \$160 late fee.

Board Member Lowrey recused himself from Docket No. 11-184 involving Harry B. Silver.

The Board unanimously deferred to the March meeting the waiver request in Docket No. 10-1026 from Vontrecea “Von” Jennings, a candidate for Mayor of the City of Alexandria in the October 2, 2010 election, regarding a \$2,000 late fee assessed for the failure to timely file her 10-P report.

The Board unanimously reduced the \$1,000 late fee to \$100 in Docket No. 11-179 assessed against Catrice Johnson-Reid, a candidate for Orleans Parish Juvenile Court Judge, Section C in the October 2, 2010 election, whose EDE-P report was filed 10 days late, since the report was timely

filed in paper format and subsequently electronically filed as required.

The Board unanimously declined to waive the \$400 late fee in Docket No. 11-192 assessed against Lonzo Sheffield, III, a candidate for Bossier Parish School Board, District 10 in the October 2, 2010 election, whose EDE-P report was filed 13 days late, but suspended \$300 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously declined to waive the \$400 late fee in Docket No. 11-200 assessed against Damian Matt, a candidate for Town of Grand Coteau Alderman in the October 2, 2010 election, whose 10-G report was filed 10 days late, but suspended \$300 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously declined to waive the \$400 late fee in Docket No. 11-204 assessed against John C. Montecino, a candidate for Hammond City Council in the October 2, 2010 election, whose EDE-P report was filed 27 days late, but suspended \$300 based on the level of activity and no prior late filings.

The Board unanimously declined to waive the \$280 late fee in Docket No. 11-207 assessed against Frederic D. Washington, a candidate for Caddo Parish School Board, District 5 in the October 2, 2010 election, whose EDE-P report was filed 7 days late, but suspended \$180 based on the level of activity.

The Board unanimously declined to waive the \$400 late fee in Docket No. 11-208 assessed against Linda J. Kerry, a candidate for Sicily Island Alderman, District 2-1 in the October 2, 2010 election, whose 10-G report was filed 15 days late, but suspended \$300 based on the level of activity and no prior late filings.

The Board unanimously reduced the \$800 late fee to \$300 in Docket No. 11-210 assessed

against Jeanne Nunez Juneau, a candidate for 4th Circuit Court of Appeal Judge in the October 2, 2010 election, whose EDE-P report was filed 8 days late, since the report was due on October 12, 2010 but was mailed on October 15, 2010 and was still 3 days late.

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

The Board considered a request to withdraw a request for an advisory opinion in Docket No. 11-228 regarding Jack Saux, a member of the St. Tammany Parish Hospital Service District, entering into a contract with the hospital service district. On motion made, seconded and unanimously passed, the Board granted the withdrawal of the request, since other options were going to be pursued.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a proposed consent opinion in Docket No. 10-025 regarding Brent Callais, an unsuccessful candidate for State Senate, District 20 in the August 1, 2009 election, failing to report expenditures for billboards. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Brent Callais agrees that a violation of Section 1505.1C of the Campaign Finance Disclosure Act occurred by his failure to accurately report expenditures made to Bayou Signs and Outdoors for billboards and in which Mr. Callais agrees to pay a fine of \$2,500.

Ms. Allen provided an overview of the proposed legislation for the 2011 Regular Legislative Session. The Board instructed Ms. Allen to return to the March agenda the proposed legislation with comments/suggestions from the Board members.

The Board unanimously adjourned at 11:25 a.m.

Secretary

APPROVED:

Chairman