

LOUISIANA BOARD OF ETHICS
MINUTES
March 18, 2011

The Board of Ethics met on March 18, 2011 at 9:05 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, Boyer, Hymel, Ingrassia, Leggio, Lowrey, Monroe and Stafford present. Absent were Board Members Bowman, Schneider and Simoneaux. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Tracy Barker and Michael Dupree.

Vice Chairman Boyer assumed the Chair.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for a rehearing in Docket No. 06-290 in connection with an Order for \$2,000 issued against John J. Doyle, III, a candidate for City of Harahan Police Chief in the October 5, 2002 election, for failure to file his Supplemental campaign finance report. On motion made, seconded and unanimously passed, the Board continued the matter to the May meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 07-237 in connection with an Order for \$2,000 issued against John J. Doyle, III, a candidate for City of Harahan Police Chief in the October 5, 2002 election, for failure to file his Supplemental campaign finance report. On motion made, seconded and unanimously passed, the Board continued the matter to the May meeting.

Chairman Simoneaux arrived at the meeting at 9:07 a.m. and assumed the Chair.

Mr. Charles Theus, a candidate for Mayor of the City of Monroe in the March 12, 1996 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign

Finance Disclosure, in Docket No. 09-871 in connection with a request for rehearing regarding a \$7,140 late fee assessed against him for his failure to file a Supplemental report in connection with the March 12, 1996 election. After hearing from Mr. Theus, on motion made, seconded and unanimously passed, the Board reduced the \$7,140 late fee to \$600 and suspended the \$600 late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Eugene Smith, a candidate for Mayor of the Town of Arcadia in the October 2, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-116 in connection with a request for a waiver of the \$280, \$200 and \$480 late fees and the \$400, \$452 and \$1,000 reassessed late fees against him for filing his EDE-P report 7 days late and two Special reports 12 and 5 days late. After hearing from Mr. Smith, on motion made, seconded and unanimously passed, the Board declined to waive the late fees based on the level of activity and prior late filings.

Mr. Chris Chaisson, a candidate for Terrebonne Parish Council in the October 20, 2007 election, and Mr. Gary Harrell, report preparer for Mr. Chaisson, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 07-922 in connection with a request for rehearing regarding a \$4,000 Order issued against Mr. Chaisson for his failure to file his EDE-P and 10-G reports. After hearing from Mr. Chaisson and Mr. Harrell, on motion made, seconded and passed by a vote of 7 yeas by Board Members Bareikis, Boyer, Hymel, Ingrassia, Leggio, Monroe and Stafford and 2 nays by Board Members Lowrey and Simoneaux, the Board denied the request for rehearing.

Ms. Connie Bernard, a candidate for East Baton Rouge Parish School Board in the October 2, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on

Campaign Finance Disclosure, in connection with a request in Docket No. 11-124 for reconsideration of a waiver request of the \$270 late fee assessed against her for filing her Special report 9 days late. After hearing from Ms. Bernard, on motion made, seconded and passed by a vote of 7 yeas by Board Members Boyer, Hymel, Ingrassia, Leggio, Lowrey, Monroe and Stafford and 2 nays by Board Members Bareikis and Simoneaux, the Board declined to waive the \$270 late fee based on the level of activity.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-126 for reconsideration of a waiver request of the \$600 late fee assessed against Parker Ward, a candidate for Mayor of the City of Shreveport in the October 2, 2010 election, for filing his 10-G report 24 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee based on a prior late filing.

Rev. J.L. Franklin, a candidate for Calcasieu Parish School Board, District 14 in the October 2, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 11-203 for a waiver of the \$200 late fee and the \$950 reassessed late fee assessed against him for filing his Special report 5 days late. After hearing from Rev. Franklin, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,150 based on prior late filings. Board Member Boyer recused himself.

Mr. Justin L. Conner, a candidate for Concordia Parish Clerk of Court in the October 20, 2007 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 08-297 for a rehearing regarding a \$1,560 Order issued against him for his failure to timely file his 30-P, 10-P and EDE-P

reports. After hearing from Mr. Conner, on motion made, seconded and unanimously passed, the Board denied the request for rehearing.

Mr. Larry Haas, a candidate for Jefferson Parish President in the October 2, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 11-206 for a waiver of the \$1,000 and \$500 late fees assessed against him for filing his EDE-P report 16 days late and his 10-G report 5 days late. After hearing from Mr. Haas, the Board deferred the matter to the April meeting.

Mr. Peter G. Wright, General Counsel for the Louisiana Workforce Commission (LWC), and Mr. Brenner Sadler, attorney for Dr. Christopher Rich, appeared before the Board in Docket No. 11-224 in connection with a request for an advisory opinion regarding Dr. 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 and Mr. Sadler, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Dr. Christopher Rich hearing and deciding appeals involving Mid State Orthopedic & Sports Medicine Center as of May 1, 2011, since Dr. Rich's relationship with Mid State will be terminated on or before May 1, 2011. The Board further concluded that Section 1112B(3) of the Code of Governmental Ethics would prohibit Dr. Christopher Rich's participation in any matter before the Louisiana Workforce Commission's Office of Workers' Compensation Administration in his capacity as Medical Director for OWCA that involves Central Louisiana Surgical Hospital. However, Section 1112C of the Code of Governmental Ethics allows a disqualification plan to be developed in

accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code. The Board accepted the disqualification plan submitted in which the Director for the Louisiana Workforce Commission would appoint another individual to handle all matters before the OWCA involving Central Louisiana Surgical Hospital. Board Member Lowrey recused himself.

The Board recessed at 11:25 a.m. and resumed back into general business session at 11:35 a.m.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-339 for a waiver of the \$2,000, \$2,000 and \$2,000 late fees assessed against The August Group, a political committee that supported candidates in the February 6, 2010 and October 2, 2010 elections, for filing the 30-P report 53 days late, the 10-P report 33 days late and the 40-G report 193 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the May meeting.

Mr. Gordon Hutchinson, treasurer for the Central Citizens for Good Government, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-397 in connection with a request for a waiver of the \$2,000 and \$2,000 late fees assessed against the committee, which supported candidates in the March 27, 2010 election, for filing the 10-P report 184 days late and the 10-G report 149 days late. After hearing from Mr. Hutchinson, on motion made, seconded and passed by a vote of 7 yeas by Board Members Bareikis, Boyer, Hymel, Ingrassia, Leggio, Simoneaux and Stafford, 1 nay by Board Member Monroe and 1 abstention by Board Member Lowrey, the Board waived the late fees.

Mr. Gerald "Jermarr" Williams, a candidate for Mayor of the Town of White Castle in the

October 2, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 10-1031 in connection with a request for a waiver of the \$1,000 and \$400 late fees assessed against him for filing his 10-P report 77 days late and his EDE-P report 57 days late. After hearing from Mr. Williams, on motion made, seconded and unanimously passed, the Board declined to waive the late fees based on the level of activity.

Mr. Larry Richard, a member of the Iberia Parish Council, appeared before the Board in Docket No. 11-437 in connection with a request for an advisory opinion regarding whether he may enter into a contractual relationship with casinos in Louisiana. After hearing from Mr. Richard, on motion made, seconded and unanimously passed, the Board concluded that Sections 27:96A and 261A prohibit Mr. Richard, as the owner, president and CEO of LR&A Companies and as an elected official of Iberia Parish, and his company from entering into business transactions with any gaming licensee or casino gaming operator in the State of Louisiana.

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

Adopted for publication, a consent opinion in Docket No. 10-192 in which Ruby Letard, Clerk for the Village of Tickfaw, agrees that a violation of Section 1112B(1) of the Code of Governmental Ethics occurred by virtue of her participation in her son-in-law's purchase of a Dodge Durango from the Village of Tickfaw while she served as the Clerk and in which Ms. Letard agrees to pay a fine of \$500 to be suspended conditioned upon future compliance with the Code of Governmental Ethics.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted for publication, a consent opinion in Docket No. 10-601 in which Mayor Melvin "Kip" Holden, City

of Baton Rouge, agrees that violations of Sections 1495.5(B)(12), 1495.5(B)(13) and 1505.1© of the Campaign Finance Disclosure Act occurred by the failure to accurately detail certain expenditures and by the failure to maintain separate and specific receipts for all expenditures made by the campaign from January 1, 2009 through December 31, 2009 and in which Mayor Holden agrees to pay a fine of \$2,500.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to reconsider a request from Mr. Larry Haas, a candidate for Jefferson Parish President in the October 2, 2010 election, in Docket No. 11-206 for a waiver of the \$1,000 and \$500 late fees assessed against him for filing his EDE-P report 16 days late and his 10-G report 5 days late. Mr. Haas was called and appeared before the Board. After hearing from Mr. Haas and receiving additional information, 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.

On motion made, seconded and unanimously passed, the Board agreed to take action on items 16-34 en globo. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items 16-34 taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted for publication, a consent opinion in Docket No. 10-970 in which The Committee to Elect Stacy Head agrees that a violation of Section 1505.2H of the Campaign Finance Disclosure Act occurred by the receipt of \$3,500 in contributions from Vaughn Fitzpatrick in connection with the February 6, 2010 election while the contribution limit was \$2,500 and in which The Committee to Elect Stacy Head

agrees to pay a fine of \$250.

Allowed the withdrawal of a request for an advisory opinion sent to the Attorney General's Office and copied to the Board of Ethics in Docket No. 11-176 regarding a Memorandum of Understanding (MOU) between BP Exploration & Production, Inc. and the Louisiana Department of Wildlife and Fisheries and the Office of the Lieutenant Governor, since the letter to the Attorney General's Office accompanying the request to the Board had been withdrawn and since it was thought that a better course of action would be to bring issues to the Board as they arise rather than to ask for advice involving various possible scenarios.

Adopted an advisory opinion in Docket No. 11-249 concluding that no violation of the Code of Governmental Ethics is presented by C.H. Fenstermaker and Associates (CHFA) giving "Giving Cards" to state employees while CHFA has a contractual or business relationship with the state employee's agency, since the state employee is not receiving any thing of economic value by receiving the "Giving Card" because the state employee does not receive the tax deduction nor can the state employee redeem the "Giving Card" for value.

Adopted an advisory opinion in Docket No. 11-287 concluding that no violation of the Code of Governmental Ethics is presented by companies owned by Sam Curry, the former Chief of Police for the Town of Vivian, and his brother being included on the Vivian Police Department's wrecker rotation list, since Mr. Curry is not entering into a contract to be placed on the rotating wrecker list. The Board further concluded that no violation of the Code of Governmental Ethics is presented by Mr. Curry's brother's company being placed on the wrecker rotation list, since the post employment restrictions are not applicable to immediate family members.

Adopted an advisory opinion in Docket No. 11-289 concluding that Section 1111C(2)(d) of

the Code of Governmental Ethics prohibits Wayne Touchet, Vermilion Parish President, from providing compensated contracting services to persons who receive grants from the parish.

Adopted an advisory opinion in Docket No. 11-291 concluding that no violation of the Code of Governmental Ethics is presented by Anita Wascom, an Environmental Health Services Clerk for the St. Helena Parish Sanitation Department and President of the St. Helena Parish Tourist Commission Board, signing checks for the Tourist Commission Board, since the Ms. Wascom would not be entering into a transaction that is under the jurisdiction of the Sanitation Department.

Adopted an advisory opinion in Docket No. 11-293 concluding that no violation of the Code of Governmental Ethics is presented by Louis D. Marcantel, a member of the Turkey Creek Village Council, participating in transactions involving a convenience store owned by his daughter's father-in-law and mother-in-law, since Mr. Marcantel's daughter's in-laws are not members of his immediate family as defined by the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 11-301 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Milton Schleismann, the district manager for the New Orleans Agriculture and Environmental Sciences Division of the Department of Agriculture & Forestry, from continuing his employment with Home Depot while Home Depot has a contractual or business relationship with the Department of Agriculture & Forestry, since Home Depot conducts activities which are regulated by his agency and Home Depot has an economic interest which can be substantially affected by the performance of his official duties as district manager. The Board further concluded that Section 1112 of the Code of Governmental Ethics prohibits Mr. Schleismann, as the district manager with the Department and an employee of the Home Depot, from participating in the overseeing and reviewing of the inspections of Home Depot.

Adopted an advisory opinion in Docket No. 11-304 concluding that Section 1121B of the Code of Governmental Ethics prohibits Whitney Thompson, a former employee of the Louisiana Office of Coastal Protection and Restoration, from assisting her new employer, Coastal Planning & Engineering, Inc., in only those transactions before her former agency, Louisiana Office of Coastal Protection and Restoration, Restoration Engineering Division, in which she participated while employed with her agency for a period of two (2) years following her resignation from the Office of Coastal Protection and Restoration, Restoration Engineering Division.

Adopted an advisory opinion in Docket No. 11-313 concluding that Cloris Boudreaux, a member of the Vermilion Parish Police Jury, is not required to file a disclosure statement with the Board of Ethics when his daughter-in-law is employed by the Hospital Service District No. 1, since Mr. Boudreaux is not a chief executive, member of the Commission for the Hospital, or a member of the public trust authority for the hospital.

Declined to render an advisory opinion in Docket No. 11-327 regarding whether Mary Stacy, the Director of Enrollment Management at Northwestern State University, may also serve as the Supervisor of the Natchitoches Soil and Water Conservation Board, since the matter involves a dual office holding issue. The Board further instructed the staff to advise Ms. Stacy to seek advice from either her local District Attorney or the Louisiana Attorney General's Office.

Adopted an advisory opinion in Docket No. 11-332 concluding that Section 1113 of the Code of Governmental Ethics prohibits the spouse of Badiollah R. Asrabadi, the principal investigator (PI) of the LaSip mathematics professional development program, from participating in the program, since the program is operated under the supervision of the PI, Mr. Asrabadi.

Adopted an advisory opinion in Docket No. 11-333 concluding that Section 1113A of the

Code of Governmental Ethics prohibits Renee Fontana from assisting Achieve3000 in transactions with the Vermilion Parish School Board while her father, Anthony Fontana, Jr., serves as a member of the school board, since the transaction is under the supervision and jurisdiction of her father's agency, the Vermilion Parish School Board.

Adopted an advisory opinion in Docket No. 11-334 concluding that no violation of the Code of Governmental Ethics is presented by the LSU System entering into a contract with the Cellution Wellness Center if Dr. Jack Andonie, a member of the LSU System Board of Supervisors, terminates his employment with the company. The Board further concluded that Section 1111C(2)(d) of the Code of Governmental Ethics will prohibit Dr. Andonie from accepting compensation from the Wellness Center while the Wellness Center has a business relationship with the LSU System. Additionally, Section 1112 of the Code of Governmental Ethics prohibits Dr. Andonie from participating in any transactions with the LSU System that involves the Wellness Center.

Adopted an advisory opinion in Docket No. 11-345 concluding that no violation of the Code of Governmental Ethics is presented by Lloyd Porta, Jr., the former Road Design Engineer Administrator for the Department of Transportation and Development (DOTD), being employed with a consulting firm that is attempting to procure a contract with the Submerged Roads Program of the DOTD, since Mr. Porta will be assisting the firm with programs which are not under the supervision and jurisdiction of the Road Design Section.

Adopted an advisory opinion in Docket No. 11-346 concluding that no violation of the Code of Governmental Ethics is presented by Fred's Plumbing and Air Conditioning, Inc., a company owned by Mayor Wayne Theriot's sister-in-law and her husband, from continuing to transact business with the Village of Maurice following Mr. Theriot's election as the Mayor of the Village

of Maurice, since Mayor Theriot's wife's sister is not considered an immediate family member. The Board further concluded that although the Code of Governmental Ethics would not prohibit Mayor Theriot's son, Nicholas Theriot, from being employed with Fred's Plumbing and Air Conditioning, he is prohibited from performing work on behalf of the company for the Village of Maurice while his father serves as Mayor. In addition, the Board advised that Nicholas Theriot will be required to file an annual financial disclosure statement pursuant to Section 1114 of the Code of Governmental Ethics with the Board of Ethics disclosing any income received from Fred's Plumbing and Air Conditioning as long as Fred's Plumbing and Air Conditioning has a business relationship with his father's agency.

Adopted an advisory opinion in Docket No. 11-348 concluding that no violation of the Code of Governmental Ethics is presented by Keith Bienvenue, a member of the State Plumbing Board of Louisiana (SPBLA), or members of his immediate family renewing their certifications with the SPBLA, since based on the requirements for renewal of certifications of the SPBLA, as long as Mr. Bienvenue or his immediate family members complete the required Continuing Professional Education class, the certifications are renewed. Thus, it appears that the renewal of Mr. Bienvenue's and his family members' licenses would be "routine and mechanical." The Board further advised that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Mr. Bienvenue from continuing his employment with the Louisiana Association of Plumbing Heating Cooling Contractors (LAPHCC), since, as a service provider of the SPBLA, the LAPHCC provides training courses that are regulated by the SPBLA. Thus, Mr. Bienvenue would be prohibited from accepting compensation from the LAPHCC while the LAPHCC teaches courses that are regulated by the SPBLA. There is nothing in the Code of Governmental Ethics that would prohibit Mr. Bienvenue

from volunteering his services to the LAPHCC. Since the approval for the classes taught at LAPHCC is based on the content of the courses taught and not the instructors, there is nothing in the Code that would prohibit the immediate family of Mr. Bienvenue or any other SPBLA Board member's siblings from being employed with the LAPHCC. In addition, Section 1112 of the Code of Governmental Ethics prohibits Mr. Bienvenue, as a member of the SPBLA, from approving any matters that come before the SPBLA Board that may involve his immediate family members or himself.

Adopted an advisory opinion in Docket No. 11-355 concluding that Section 1113A of the Code of Governmental Ethics prohibits Hughes Safe & Lock, a company owned by Kyle Patrick “Pat” Hughes, from continuing to conduct business with the Livingston Parish School Board if Mr. Hughes is hired as a Mechanic 4 in the Maintenance Department of the Livingston Parish School Board, since any purchases made from Hughes Safe & Lock would be under the supervision and jurisdiction of the Maintenance Department.

Adopted an advisory opinion in Docket No. 11-398 concluding that no violation of the Code of Governmental Ethics is presented by Volkert, Inc. subcontracting with Larry Johnson, a member of the Greater Baton Rouge Port Commission, to assist it in acquiring right of ways on behalf of the West Baton Rouge Transportation Authority; however, Section 1113B of the Code of Governmental Ethics would prohibit Mr. Johnson from representing Volkert, Inc. before the Greater Baton Rouge Port in acquiring a right of way from the Port. The Board further concluded that Section 1112B(3) of the Code of Governmental Ethics would prohibit Mr. Johnson from participating in any transactions before the Port involving his employer, Volkert, Inc., and to avoid a potential participation violation, Mr. Johnson would need to recuse himself from the vote, discussion and

debate of any matter coming before the Port involving Volkert, Inc.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the February 17-18, 2011 meetings.

Chairman Simoneaux left the meeting at 12:30 p.m. Vice Chairman Boyer assumed the Chair.

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. 10-1110 from Craig B. Lee of an \$80 late fee;
Docket No. 11-093 from J. Mike Wilson of a \$40 late fee;
Docket No. 11-212 from Stephen Taylor of a \$200 late fee;
Docket No. 11-338 from Plaquemines PAC of a \$3,000 late fee;
Docket No. 11-340 from Irma Muse Dixon of a \$600 late fee;
Docket No. 11-341 from Myron Lawson of a \$540 late fee;
Docket No. 11-342 from Belton Moore of two \$400 late fees;
Docket No. 11-343 from Kermit Bouillion of a \$560 late fee and a \$280 late fee;
Docket No. 11-344 from Fredman Hardy, Jr. of a \$750 late fee;
Docket No. 11-353 from Constance T. Johnson of a \$400 late fee;
Docket No. 11-357 from Deanna Candler of a \$40 late fee;
Docket No. 11-360 from Emile E. Metoyer, Sr. of a \$200 late fee;
Docket No. 11-361 from John L. Barthelemy of a \$320 late fee;
Docket No. 11-363 from Marsha LeJeune of a \$400 late fee;
Docket No. 11-386 from Bruce Olman of a \$400 late fee;
Docket No. 11-387 from Ronald “Bruce” Broussard of a \$1,000 late fee and
an \$80 late fee; and,
Docket No. 11-415 from Bruce Lemelle of a \$400 late fee.

The Board unanimously waived the \$320 late fee in Docket No. 11-268 assessed against Keith Holmes, a candidate in the October 2, 2010 election, for filing his Special report 8 days late, since Mr. Holmes timely filed his report according to the information he received from the Board’s

staff.

The Board unanimously declined to waive the \$280 late fee in Docket No. 11-358 assessed against Darrell Green, a candidate for Tangipahoa Parish Council, District 1 in the October 2, 2010 election, whose EDE-P report was filed 7 days late, but suspended \$180, since Mr. Green was a first time candidate, had no other late filings and is currently unemployed.

The Board unanimously declined to waive the \$400 late fee in Docket No. 11-359 assessed against Birdex Copeland, Jr., a candidate for Grambling City Council in the October 2, 2010 election, whose EDE-G report was filed 10 days late, but suspended \$300, since Mr. Copeland used the front cover of the Candidate's Report as his reporting guide and misunderstood the correct reporting dates.

The Board considered requests for "good cause" waivers of late fees assessed against the following lobbyists:

The Board unanimously waived the \$150 late fee in Docket No. 11-323 assessed against Charlie Smith, Legislative Lobbyist, for filing his ER-12/10 report 1 day late, due to a serious illness.

The Board unanimously declined to waive the \$150 late fee in Docket No. 11-385 assessed against Edie Michel, Executive Lobbyist, for filing her ER11/10 report 3 days late, but suspended the entire late fee pursuant to Rule 1204 D based on the level of activity and conditioned upon future compliance with the Lobbyist Disclosure Act.

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 statements:

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

Docket No. 11-308 from Taquilla Hamilton of a \$1,500 late fee; and,
Docket No. 11-319 from James Belue of a \$2,500 late fee.

The Board unanimously declined to waive the \$1,250 late fee in Docket No. 11-281 assessed against Alphonse Guillory for filing his Tier 3 personal financial disclosure statement 25 days late, but suspended \$750, based on the waiver guidelines and upon future compliance with the Code of Governmental Ethics.

The Board unanimously declined to waive the \$200 late fee in Docket No. 11-321 assessed against Dr. Todd Thoma for filing his 2009 Tier 2 personal financial disclosure statement 2 days late, but suspended the entire late fee, based on the waiver guidelines and upon future compliance with the Code of Governmental Ethics.

The Board unanimously declined to waive the \$900 late fee in Docket No. 11-410 assessed against Dr. William Thompson for filing his Tier 2 personal financial disclosure statement 9 days late, but suspended the entire late fee, based on the waiver guidelines and upon future compliance with the Code of Governmental Ethics.

The Board recessed at 12:30 p.m. and resumed back into general business session at 1:05 p.m.

The Board unanimously agreed to add Docket No. 11-500 to the agenda for consideration.

The Board considered an emergency advisory opinion request in Docket No. 11-500 regarding Angele Davis Kelley, the former Commissioner of Administration, assisting a communications firm with a bid to contract with the Seafood Promotion and Marketing Board (LA Department of Wildlife & Fisheries). On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Davis

Kelley providing consulting services to Fleishman-Hillard if it is awarded the contract with the Louisiana Seafood Promotion and Marketing Board, since she will not be entering into a contract with a state agency or assisting Fleishman-Hillard in transactions involving the Division of Administration.

The Board considered suggestions for proposed legislation for the 2011 Regular Legislative Session. Pursuant to Section 1134 of the Code of Governmental Ethics (R.S. 42:1134J), the Board voted to recommend the following to Governor Jindal and the Legislature:

The Code of Governmental Ethics (R.S. 42:1101, et seq.)

1. Provide the Louisiana Board of Ethics and the respondent with the right to appeal a decision of the adjudicatory body.
2. Authorize and require ethics investigation staff to audit for truthfulness a randomly selected group of financial reports submitted each calendar year, provided sufficient funding and personnel is made available, together with subpoena or similar authority to conduct such audits.
3. Adjust and clarify timeframes within which action may be taken to enforce ethics laws. No time limitation should commence to run until the Board, at a convened meeting, receives notices of an alleged violation.
4. Require all financial information submitted to the Louisiana Board of Ethics be electronically filed.
5. Provide for consistent use of the term “respondent” throughout the procedural provisions of the Code of Governmental Ethics rather than the terms “defendant,” “accused” or other similar words or phrases.
6. Authorize the exchange of confidential information amongst the Louisiana Board of Ethics, the Legislative Auditor, the Inspector General and the New Orleans Office of the Inspector General.
7. Provide for a maximum late fee for the \$500 per day late fee for persons filing Tier 1 personal financial disclosure reports. There is currently no maximum late fee for the late filing of a Tier 1 report, as there is for other tiers of personal financial reports. The Board recommends that the maximum late fee be \$12,500.

8. Define “government bonds,” which are referenced in R.S. 42:1124C(9), 1124.2C(7) & (8), to include “municipal bonds.”
9. Define “cash or cash equivalent,” which is referenced in R.S. 42:1124C(9), 1124.2C(7) & (8), to include savings and checking accounts, money market accounts and certificates of deposit (CDs).
10. Within R.S. 42:1141, the Louisiana Board of Ethics recommends that throughout this section when reference is made to the “board,” it should distinguish to which board is being referred – the Louisiana Board of Ethics or the Ethics Adjudicatory Board, or both.

The Campaign Finance Disclosure Act (R.S. 18:1481, et seq.)

1. Provide a definition for the terms “personal use,” “related to a political campaign,” and the “holding of a public office.” R.S. 1505.2I provides that “contributions . . . may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign, the holding of a public office.”
2. Eliminate the filing of election day expenditure reports for the primary and general elections. The information provided on these reports is included on other reports filed by the candidates and political committees.
3. Provide for a maximum late fee of \$7,500 on the per day late fee for political committees and other persons who are required to electronically file campaign finance disclosure reports. There is currently no maximum late fee for a \$500 per day late fee penalty.
4. Provide a requirement that political committees disclose the date of the election for which a contribution is given to a candidate and require the political committee to file reports for the election in which they have disclosed they are participating.
5. Provide a presumption in law that a contribution/loan received by a candidate should be applied to the campaign then underway, unless the contributor expressly indicates that it is to be applied to a past campaign.
6. Provide an exception for candidates who are qualifying for an elected office prior to April 15th with respect to the certification that they have filed their federal and state taxes or filed for an extension thereof at the time of filing the personal financial disclosure report, since the time for filing the report or requesting an extension thereof has not expired.

Proposed Legislation Regarding Mandatory Training (R.S. 42:1170)

- _____ 1. Establish a requirement that local parishes, municipalities and other political subdivisions of the state designate an individual to serve as an ethics liaison between the Board and the local entity. The current law requires the Board of Ethics to keep records of compliance, which necessitates the Board having information as to who is required to comply with the law. This proposal will assist with this effort. An online portal can be developed through which the liaison can enter the appropriate information and afford the Board of Ethics to provide individuals with reminders and notices.

2. Provide that an individual or a lobbyist who has not received the requisite training as set forth in R.S. 42:1170 be given 45 days from the mailing of a notice of noncompliance to complete the training.

The Board unanimously resolved into executive session.

* * * * *

EXECUTIVE BUSINESS

* * * * *

The Board unanimously resolved into general business session and adjourned at 1:50

p.m.

Secretary

APPROVED:

Chairman

