

LOUISIANA BOARD OF ETHICS  
MINUTES  
May 17, 2013

The Board of Ethics met on May 17, 2013 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana, with Board Members Backhaus, Blewer, Bruneau, Ingrassia, Leggio, McAnelly, Monroe and Shelton present. Absent were Board Members Lemke, Schneider and Stafford. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Aneatra Boykin, Mike Dupree, Brent Durham, Jennifer Land and Suzanne Mooney.

Mr. Leroy Owens, constable for Livingston Parish, appeared before the Board in connection with a request in Docket No. 13-282 for a waiver of the \$2,500 late fee assessed against him for filing his 2009 Tier 2 annual personal financial disclosure statement 578 days late; a \$2,500 late fee assessed against him for filing his 2010 Tier 2 annual personal financial disclosure statement 218 days late; and a \$2,500 late fee assessed against him for filing his 2011 Tier 2 annual personal financial disclosure statement 104 days late. After hearing from Mr. Owens, on motion made, seconded and passed by a vote of 5 yeas by Board Members Blewer, Bruneau, Leggio, McAnelly and Shelton and 3 nays by Board Members Backhaus, Ingrassia and Monroe, the Board waived the \$2,500 late fee in connection with the 2009 Tier 2 annual personal financial disclosure statement and declined to waive the late fees totaling \$5,000 in connection with the 2010 Tier 2 annual personal financial disclosure statement and the 2011 Tier 2 annual personal financial disclosure statement but suspended \$4,500 conditioned upon future compliance with the Code of Governmental Ethics.

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

considered a request in Docket No. 13-312 for a waiver of the \$400 and \$400 late fees assessed against Michael A. Ragusa, a candidate for Mayor of Independence in the March 24, 2012 election, for filing his EDE-P and EDE-G campaign finance disclosure reports 294 and 279 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the June meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-313 for a waiver of the \$60, \$600, and \$600 late fees assessed against Justin L. Conner, Sr., a candidate for State Representative, District 21 in the October 22, 2011 election, for filing his 30-P, EDE-P, and 10-G campaign finance disclosure reports 1, 358 and 17 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to later in the meeting.

The Board considered a request in Docket No. 13-390 for a waiver of the \$1,500 late fee assessed against Shelby Loe, II, a member of the Tullos Board of Aldermen, for filing his 2010 Tier 3 annual personal financial disclosure statement 295 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee based on the waiver guidelines.

The Board considered a request in Docket No. 13-196 for a waiver of the \$2,500 late fee assessed against Clarence Williams, a candidate for Terrebonne Parish Assessor in the October 22, 2011 election, for filing his 2010 Tier 2 candidate personal financial disclosure statement 330 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the June meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-433 for a waiver of the \$600 late fee assessed against David

Moses, a candidate for Beauregard Parish Assessor in the October 22, 2011 election, for filing his Supplemental campaign finance disclosure report 13 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.

Mr. David Ditch, a candidate for Iberia Parish Council in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-434 for a waiver of the \$400 late fee assessed against him for filing his Supplemental campaign finance disclosure report 10 days late. The Board declined to take any action on Mr. Ditch's request thereby rendering the \$400 late fee in effect.

Mr. J.E. Brignac, Jr., Secretary for the Louisiana Association of Fire and Casualty Companies PAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-438 for a waiver of the \$1,200 late fee assessed against the committee for filing its Monthly campaign finance disclosure report 6 days late. After hearing from Mr. Brignac, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,200 late fee.

Senator Dan Morrish, a member of the Louisiana Citizens Property Insurance Corporation Board of Directors, and his attorney, Mr. Andy Ezell, appeared before the Board in Docket No. 13-468 in connection with a request for an advisory opinion regarding whether Senator Morrish may resign from the Senate and the Corporation to apply for the Chief Executive Officer's position with the Corporation. After hearing from Senator Morrish and Mr. Ezell, on motion made, seconded and passed by a vote of 5 yeas by Board Members Blewer, Ingrassia, Leggio, Monroe and Shelton and

2 nays by Board Members Bruneau and McAnelly, the Board concluded that Section 1121A(2) of the Code of Governmental Ethics prohibits Senator Morrish from accepting the position of Chief Executive Officer (CEO) of the Louisiana Citizens Property Insurance Corporation for a period of two (2) years following the termination of his service on the Louisiana Citizens Property Insurance Corporation Board of Directors, since the CEO performs his job duties for the Corporation at the direction of the Corporation and the compensation is set by and paid by the Corporation. Board Member Backhaus recused himself.

The Board considered a request for an advisory opinion in Docket No. 13-491 regarding whether Ed Antie may be appointed to the Louisiana Board of Regents while he and his wife own an interest in Central Telephone. On motion made, seconded and unanimously passed, the Board continued the matter to the July meeting.

Mr. Justin L. Conner, Sr., a candidate for State Representative, District 21 in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-313 for a waiver of the \$60, \$600, and \$600 late fees assessed against for filing his 30-P, EDE-P, and 10-G campaign finance disclosure reports 1, 358 and 17 days late. After hearing from Mr. Conner, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,260.

Mr. Jerry Denton, a candidate for Denham Springs City Court Marshall in the October 4, 2008 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-431 for a waiver of the \$600 late fee assessed against him for filing his Supplemental campaign finance disclosure report for the 2012 reporting period 17 days late. After hearing from Mr. Denton, on motion made, seconded and

unanimously passed, the Board declined to waive the \$600 late fee but suspended the entire amount conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board recessed at 10:25 a.m. and resumed back into general business session at 10:40 a.m.

On motion made, seconded and unanimously passed, the Board agreed to add Docket No. 13-337 to the general business agenda for consideration.

Ms. Amy Desoto, Executive Officer for the Home Builder Association (HBA) of Central Louisiana, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-337 for a waiver of the \$2,000, \$2,000, \$2,000, and \$2,000 late fees assessed against the committee for filing the 10-G campaign finance disclosure report for the March 27, 2010 election 456 days late and the 30-P, 10-P, and 10-G campaign finance disclosure reports for the October 2, 2010 election 322, 302, and 269 days late. After hearing from Ms. Desoto, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$8,000.

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-G38 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-G38 taking the following action:

Adopted an advisory opinion in Docket No. 12-2320 concluding that no violation of the Code

of Governmental Ethics is presented by Kushner LaGraize, LLC entering into a contract with the Jefferson Parish Economic Development Commission (JEDCO) while the Director of Administration for Kushner, Michelle Rojas, is married to the Director of Facilities and Information Technologies for JEDCO, Scott Rojas, since Scott Rojas, the Director of Facilities and Information Technologies, does not have ownership interest in Kushner. The Board further advised that if Kushner enters into the contract with JEDCO, the exception provided in Ethics Docket No. 82-02d will allow Ms. Rojas to continue to receive compensation from Kushner during the existence of the agreement between JEDCO and Kushner. Section 1114 of the Code of Governmental Ethics will require Ms. Rojas to file disclosure reports with the Board.

Adopted an advisory opinion in Docket No. 13-351 concluding that no violation of the Code of Governmental Ethics is presented by Mike Goss, the former Acadia Parish Assessor, (1) being employed by a software company that does business with other elected officials in Louisiana including assessors, however, Section 1121A(1) of the Code of Governmental Ethics prohibits Mr. Goss from assisting in matters involving the Acadia Parish Assessor's Office for a period of two years from the date his term as Assessor ended; (2) being employed by a software company that does business with the Acadia Parish Assessor's Office provided that he does not assist in matters involving the Acadia Parish Assessor's Office for a period of two years from the date his term as Assessor ended; and, 3) attending Louisiana Assessors Association functions in a sales and public relations capacity on behalf of his employer provided that he does not solicit business from the Acadia Parish Assessor's Office on behalf of the software company.

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

advisory opinion in Docket No. 13-354 concluding that no violation of the Campaign Finance Disclosure Act is presented by Mayor Lorenz Walker, City of Bossier City, using his campaign funds to make a donation towards the purchase of a Fallen Soldier Monument to be placed at the Northwest Louisiana Veterans Cemetery, since the donation will be made to the Retiree Activities Office at Barksdale Airforce Base, a 501 C(3) organization.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 13-356 regarding post-employment restrictions applicable to Kerry Williams, a former employee of the Department of Transportation and Development (DOTD), since Mr. Williams has decided to wait until August 1, 2013 to apply for any DOTD engineering projects which will be two years from the date of his retirement.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 13-358 regarding Mason Harrison, an employee of a New Orleans City Councilmember, regarding his potential service on the Executive Board for the Gay and Lesbian Chamber of Commerce (GLCC) of the Gulf South, since Mr. Harrison no longer needs the advisory opinion.

Adopted an advisory opinion in Docket No. 13-360 concluding that no violation of the Code of Governmental Ethics is presented by Tony Tramel, the Director of the Traffic and Transportation Department with the Lafayette City-Parish Government, in the following circumstances after his retirement from the Lafayette City-Parish Government (1) assisting as a prime or sub-consultant on matters regarding transportation engineering, acting as an expert witness, and providing land development approval process services which involve technical analysis, engineering conclusions, and project activities that were not managed by his agency, the Traffic and Transportation

Department, as long as his service does not involve matters that are managed by the Traffic and Transportation Department or matters in which he participated at any time during his employment with the Traffic and Transportation Department; (2) assisting private landowners and developers with preparation of land development submittals that are administered in the Department of Planning and Zoning with the Lafayette City-Parish Government as long as this service does not involve matters that are managed by the Traffic and Transportation Department or matters in which he participated at any time during his employment with the Traffic and Transportation Department; and, (3) being employed by any consulting engineering firms who perform services directly or indirectly with Lafayette City-Parish Government provided that he does not assist in matters involving the Traffic and Transportation Department or matters in which he participated at any time during his employment with the Traffic and Transportation Department.

Adopted an advisory opinion in Docket No. 13-362 concluding that Section 1119 of the Code of Governmental Ethics prohibits Paul Nelson, Superintendent of Concordia Parish School System, from hiring the daughter of the Special Education Program Supervisor for the Parish School System as the Occupational Therapist for the Parish School System, since the daughter of the Special Education Program Supervisor is an immediate family member of the Supervisor and the Occupational Therapist position is under the supervision of the Special Education Program.

Adopted an advisory opinion in Docket No. 13-363 concluding that Section 1113B of the Code of Governmental Ethics prohibits William Jarrell from providing any engineering services to the St. Landry Parish Economic and Industrial Development District (SLEIDD) either directly or through his employment with Morgan Goudeau & Associates while his father-in-law, Charles Aguiard, serves as a member of SLEIDD. The Board also advised that no violation of the Code



of Governmental Ethics is presented by Morgan Goudeau & Associates providing surveying services to SLEIDD as long as Mr. Jarrell does not own an interest in the company exceeding 24% and as long as Mr. Jarrell does no work for SLEIDD while his father-in-law serves as a member of SLEIDD. In addition, if Morgan Goudeau & Associates provides any compensated services to SLEIDD, Mr. Jarrell will be required to file an annual financial disclosure statement with the Board of Ethics pursuant to Section 1114 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 13-364 concluding that no violation of the Code of Governmental Ethics is presented by Renee Stringer, a member of the Jonesboro Town Council, accepting contributions from the campaign fund of an alderwoman from another town. The Board further declined to render an advisory opinion with respect to whether Ms. Stringer may be publicly endorsed by elected officials if she were to run for Mayor of Jonesboro in the upcoming election, since the Board has no jurisdiction over whether one candidate may endorse another publicly.

Adopted an advisory opinion in Docket No. 13-366 concluding that no violation of the Code of Governmental Ethics is presented by Dr. John George, a member of the LSU Board of Supervisors, serving as the uncompensated CEO of the Biomedical Research Foundation (BRF) of Northwest Louisiana at a time when BRF has a contractual relationship with the LSU Board of Supervisors, since Dr. George will not be receiving any thing of economic value for his services as CEO of BRF. The Board further advised that Dr. George may recuse himself pursuant to Section 1120.4 of the Code of Governmental Ethics to avoid an issue under the participation prohibitions found in Section 1112B(3). In addition, since he is uncompensated, he would not be in any way interested in any contracts between BRF and LSU, thus no issue is presented under Section 1113B of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 13-367 concluding that (1) Section 1121B(1) of the Code of Governmental Ethics prohibits Virginia Benoist, a former Assistant Attorney General, from contracting with her former employer, the Attorney General's Office, and assisting in matters in which she previously participated involving the Attorney General's Office. However, no violation of the Code of Ethics is presented by Ms. Benoist contracting with a client or another agency unless she would be rendering a service involving a matter in which she previously participated while employed by the Attorney General's Office; and, (2) no violation of the Code of Governmental Ethics is presented by Ms. Benoist contracting with municipalities and other branches of government provided that she does not render a service involving a matter in which she previously participated while employed by the Attorney General's Office. The Board declined to render an advisory opinion with respect to whether Ms. Benoist may contract with her former employer, client or other agencies if she first returns to state service as an unclassified or classified employee for the short-term with an agency for which she has never been employed; whether Ms. Benoist may contract with municipalities and other branches of government if she first returns to state service as an unclassified or classified employee for the short term; and, whether Ms. Benoist may contract with one state agency while employed part-time with another state agency, based on the limited information provided in those instances. The Board recommended that Ms. Benoist request another advisory opinion regarding her post-employment restrictions if she becomes employed again with a state agency and can provide specific information regarding that employment.

Adopted an advisory opinion in Docket No. 13-368 concluding that no violation of the Code of Governmental Ethics is presented by Kim Williams, the Director of the "Healthy Start" for the City of New Orleans, providing consulting work through her firm, Solutions for Better Living,

L.L.C., since Solutions for Better Living will not be entering into a contractual, business or financial relationship with Healthy Start. The Board further advised if the organizations Solutions for a Better Living will be providing services to are public agencies, then no violation of the Code of Governmental Ethics is presented, since the services would be a public service. If the organizations Solutions for Better Living provides services to are private businesses, then Solutions for Better Living would not be prohibited from providing such services as long as the business is not substantially related to the responsibilities, programs, and operations of New Orleans Healthy Start, and are not matters in which Ms. Williams participated.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 13-418 regarding the East Feliciana Parish Economic Development District (EFPEDD) hiring Maria Bowen as a consultant while her father, Carneal Woodyear, is a member of EFPEDD Board of Directors, since the EFPEDD Board of Directors has decided to retain someone else who has no connection to the board.

Adopted an advisory opinion in Docket No. 13-420 concluding that no violation of the Code of Governmental Ethics is presented by James H. Lee, an employee of the Department of Transportation and Development (DOTD), accepting employment with Fugro Consulting as a project manager to perform data collection and conduct road assessments at the parish and local level. The Board further advised that Section 1121B(1) of the Code of Governmental Ethics prohibits Mr. Lee, for a period of two years, from participating in any manner on the contract between Fugro and DOTD.

Adopted an advisory opinion in Docket No. 13-421 concluding that Section 1111A of the

Code of Governmental Ethics prohibits Mayor Vern Breland, Town of Sterlington, from accepting complimentary admission from Dow/Angus Chemical to attend a Monroe Chamber of Commerce Update Luncheon, since Mayor Breland is not a speaker, program honoree, or a panel member for discussion at the luncheon.

Adopted an advisory opinion in Docket No. 13-422 concluding that no violation of the Code of Governmental Ethics is presented by the awarding of a contract between Hood Memorial Hospital and Blanchard Mechanical Contractors to fix the cooling system at the hospital when hospital Chairman Ray Glasgow's brother-in-law is employed by the company, since Chairman Glasgow has recused himself in compliance with Section 1120 of the Code of Governmental Ethic and since Mr. Blanchard has no ownership interest in Blanchard Mechanical Contractors and has stated that he will not participate in the contract which is under his brother-in-law's agency.

Adopted an advisory opinion in Docket No. 13-423 concluding that no violation of the Code of Governmental Ethics is presented by Diana Williamson, a former employee of the Division of Administration/Office of Information Services (DOA/OIS), accepting employment with a private company who may receive a contract with the DOA/OIS to provide SAP training to various state departments, since Ms. Williamson's employment with DOA/OIS was more than two years ago.

Adopted an advisory opinion in Docket No. 13-424 concluding that no violation of the Code of Governmental Ethics is presented by Mitchell Wyble, a City Engineer employed within the Department of Public Works for the Lafayette Consolidated Government, being employed by a private company, S&S Steel, that has previously conducted business with a company that is under contract with his agency, the Department of Public Works. The Board further concluded, however,

that if Mr. Wyble becomes employed with S & S Steel and it provides materials to his agency, either directly or through a general contractor, Section 1112B(3) of the Code of Governmental Ethics would prohibit him from participating in any way with that transaction, including the review or approval of those materials.

Declined to render an advisory opinion in Docket No. 13-449 regarding the acceptance of per diem for meals by board members of the Capitol City Family Health Center to attend the annual national conference in Washington, D.C. on March 20 through March 23, 2013, since the conference had already taken place and the matter was moot and since it was unclear whether the Capitol City Family Health Center is an entity subject to the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 13-451 concluding that no violation of the Code of Governmental is presented by Kathie Pohlman, an employee of the Louisiana State Board of Nursing (LSBN), also working part-time for the Louisiana State Board of Social Work Examiners (LABSWE), since the services Ms. Pohlman will be providing to the LABSWE are public services. The Board further advised that no violation of the Code of Governmental Ethics is presented by Ms. Pohlman using her vacation/personal time to attend board meetings if requested.

Adopted an advisory opinion in Docket No. 13-453 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits the husband of Andrea Mahfouz, the City Clerk for the City of Westlake, from being employed by M&M Lawn Services, LLC, since M&M Lawn Services, LLC has an existing contract with Mrs. Mahfouz's agency, the City of Westlake.

Adopted an advisory opinion in Docket No. 13-463 concluding that no violation of the Code of Governmental Ethics is presented by companies which provide benefits to City of Kenner

employees providing door prizes and other gifts to city employees at the benefits fair, since the items are promotional items which have no substantial resale value.

Adopted an advisory opinion in Docket No. 13-469 concluding that no violation of the Code of Governmental Ethics is presented by the Louisiana Polygraph Board granting tuition assistance for its members to attend continuing education classes hosted by the Louisiana Polygraph Association, however, the request may present a question of the proper use of public funds which is under the jurisdiction of the Attorney General's Office.

Adopted an advisory opinion in Docket No. 13-475 concluding that no violation of the Code of Governmental Ethics is presented by Mayor William Mitcham, Town of Bernice, leasing or selling a building to a person that purchases products from a person that leases a building from the Town of Bernice, since Mayor Mitcham will not be providing compensated services (the lease of his building) to a person that has a contractual, financial or business relationship with his agency, the Town of Bernice.

Adopted an advisory opinion in Docket No. 13-476 concluding that (1) no violation of the Code of Governmental Ethics is presented by Ellison Builders, L.L.C., a company owned by the brother of Orleans Parish School Board (OPSB) member Leslie Ellison, entering into subcontracts with general contractors hired by the Recovery School District (RSD), however, Section 1113A of the Code of Governmental Ethics would prohibit Ellison Builders from becoming subcontractor on a project where the contractor was selected by the OPSB, since Leslie Ellison's agency is the OPSB. Were Ellison Builders to enter into a subcontract to perform work on the McCain Project, the company would be entering into a subcontract under the jurisdiction of the OPSB in violation of

Section 1113A of the Code of Ethics. However, if Ellison Builders were selected as subcontractor for the Wheatley Project then no violation of the Code would be presented, since the Wheatley Project is under the jurisdiction of the RSD, and not the OPSB; (2) Mr. Ellison may participate in the debate or discussion of matter which concerns Ellison Builders before the OPSB, so long as he recuses himself from the vote on the matter and make any potential conflict a part of the record prior to debate or discussion. The Board further advised that recusal will not cure any violation of Section 1113A of the Code of Governmental Ethics. Section 1120 of the Code is only a method to cure a violation concerning a potential violation of Section 1112 of Code; and, (3) disclosure is not required if Mr. Ellison's brother's company were to enter into a subcontract which involved the RSD, nor is disclosure applicable as it pertains to the McCain Project and the OPSB, since Ellison Builders did not enter into the subcontract prior to Mr. Ellison's election to the OPSB.

Adopted an advisory opinion in Docket No. 13-478 concluding that (1) no violation of the Code of Governmental Ethics is presented by James Carter, former Commissioner of Criminal Justice with the City of New Orleans, representing private clients in matters before the City, including the City Council, and the Executive Branch, including all agencies, provided that the matters are unrelated to criminal justice matters or matters in which he physically participated in as an Associate City Attorney. As the Commissioner of Criminal Justice, Mr. Carter was the head of the Department of Human Services and the Department of Criminal Justice. As such, he would be prohibited from assisting a private person for compensation in transaction involving his former agency – the Criminal Justice Department; and, (2) Section 1121A(1) would prohibit Mr. Carter from entering into any contract to provide services relating to the Department of Humans Service and the Department of Criminal Justice, since Mr. Carter served as agency head for those divisions.

The Board further concluded that Section 1121B would prohibit Mr. Carter from contracting with the City Attorney's Office for two years following the termination of his public office to provide the same services (e.g. legal services) that he provided as a public employee.

Adopted an advisory opinion in Docket No. 13-480 concluding that no violation of the Code of Governmental Ethics is presented by a family member of Jamie Henagan, an assistant principal at Peabody Magnet High School, working at the same school, since an assistant principal is not considered to be an agency head. The Board further advised that in the event that an immediate family member of the assistant principal is hired to work at the same school, Section 1112B(1) of the Code of Governmental Ethics prohibits either party from participating in matters wherein the other has a substantial economic interest, including promotions, reviews and pay raises.

Declined to render an advisory opinion in Docket No. 13-495 regarding whether a member of the Orleans Parish School Board can also be a vendor for the school system, since the individual requesting the advisory opinion had no relationship with the Orleans Parish School Board and lacked standing.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G39-G45 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 G39-45 taking the following action:

Dismissed the charges against Gilbert Etienne, a candidate for State Senate, District 2 in the October 2, 2010 election, in Docket No. 11-1524 in connection with the failure to file his 2009 Tier 2 candidate personal financial disclosure statement, since the statement had been filed.



Dismissed the charges against David Fruge, Mayor of the Village of Mermentau, in Docket No. 11-1534 in connection with the failure to amend his 2009 Tier 3 annual personal financial disclosure statement, since the amendment had been filed.

Dismissed the charges against Charles Walters, a member of the St. Mary Parish Council, in Docket No. 12-581 in connection with the failure to file his 2010 Tier 2 annual personal financial disclosure statement, since the statement had been filed.

Dismissed the charges against Charles Zalfen, a West Baton Rouge Parish Constable, in Docket No. 12-907 in connection with the failure to file his 2009 and 2010 Tier 2 annual personal financial disclosure statements, since the statements had been filed.

Dismissed the charges against David Edwards, a candidate for St. Tammany Parish Clerk of Court in the October 22, 2011 election, in Docket No. 12-953 in connection with the failure to file his 2010 Tier 2 candidate personal financial disclosure statement, since the statement had been filed.

In connection with an Answer in Docket No. 12-2194 submitted by Michael Stockwell, Evangeline Parish Constable, Ward 2, regarding a notice of delinquency requesting he file a 2010 Tier 2 annual personal financial disclosure statement, instructed the staff to advise Mr. Stockwell that he timely filed the correct 2010 Tier 3 annual personal financial disclosure statement, since the population of the voting district of Mr. Stockwell's office is less than 5,000.

Accepted for filing, the disclosure statements filed in Docket No. 13-492 for March, 2013.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the April 18-19, 2013 meetings.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G47-58 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 G47-G58, excluding items G49, G50, G51 and G55, taking the following action:

The Board considered a request in Docket No. 12-943 for reconsideration of a waiver of the \$1,500 late fee assessed against Vickie Briscoe, Clerk for the Town of Basile, for filing her 2009 Tier 2.1 annual personal financial disclosure statement 266 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-2047 for reconsideration of a waiver of the \$1,000 and \$1,000 late fees assessed against John Perry Gallow, a candidate for the City of Opelousas Police Chief in the October 2, 2010 election, for filing his EDE-P and 10-G campaign finance disclosure reports 55 and 147 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$2,000.

The Board considered an untimely request in Docket No. 13-369 for a waiver of the \$1,500 late fee assessed against Tracy Lynn French, a member of the Southwest Louisiana Convention & Visitors Bureau, for filing her amended 2009 Tier 2.1 annual personal disclosure statement 60 days late. On motion made, seconded and unanimously passed, the Board granted the request for reconsideration and declined to waive the \$1,500 late fee but suspended the remaining balance of \$1,000 conditioned upon future compliance with the Code of Governmental Ethics, due to financial

hardship.

The Board considered a request in Docket No. 13-378 for a waiver of the \$1,500 late fee assessed against Stanley Washington, a member of the Iberville Parish School Board, in response to a demand letter received demanding payment of the late fee assessed for filing his amended 2009 Tier 3 annual personal financial disclosure statement 165 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee, since the waiver request was untimely and submitted in response to a demand letter. The Board further instructed the staff to offer Mr. Washington the opportunity to establish a payment plan.

The Board considered an untimely request in Docket No. 13-395 for a waiver of the \$1,500 late fee assessed against Katherine Pickering, member of the Beauregard Parish Tourist Commission, for filing her 2010 Tier 2.1 annual personal financial disclosure statement 294 days late. On motion made, seconded and unanimously passed, the Board agreed to consider the waiver request and waived the \$1,500 late fee based on the waiver guidelines.

The Board considered a request for an advisory opinion in Docket No. 12-2076 regarding Tabitha McCloud, an employee with Terrebonne Parish Consolidated Government in the Risk Management Department, applying for a grant from the First Time Homebuyers Program in Terrebonne Parish while her brother, Antoine Foret, serves as the HOME/Homeless Manager for Terrebonne Parish. On motion made, seconded and unanimously passed, the Board concluded that Section 1113A of the Code of Governmental Ethics prohibits Ms. McCloud from submitting and receiving a grant from the First Time Homebuyers Program in the Terrebonne Parish Community Development Department while her brother is employed with the department as the

HOME/Homeless Manager, since her application would be under the supervision or jurisdiction of the Terrebonne Parish Community Development Department where her brother is employed.

The Board considered a request for an advisory opinion in Docket No. 13-228 regarding James Bergeron, Jr., a member of the City of Eunice Board of Aldermen, entering into a settlement with the City of Eunice involving sewer usage fees. On motion made, seconded and unanimously passed, the Board concluded that, based on the unique circumstances of the situation, no violation of the Code of Governmental Ethics is presented by Mr. Bergeron entering into a settlement document with the City of Eunice while he serves as a member of the City of Eunice Board of Aldermen. The Board further advised that if the Board of Aldermen approve any documents between the City of Eunice and Mr. Bergeron, that Mr. Bergeron must recuse himself from participating in the matter pursuant to Section 1120 of the Code of Governmental Ethics; however, he is not prohibited from participating in the discussion and debate concerning the matter provided that he verbally discloses the nature of the conflict or potential conflict during his participation in the discussion or debate prior to any vote being taken.

The Board considered a request for an advisory opinion in Docket No. 13-348 regarding MWL Architects submitting a bid for a contract with Lafourche Parish where the company has provided consulting services to Lafourche Parish in connection with the bidding process for the contract. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by MWL Architects bidding on the contract to provide architectural services to Lafourche Parish, since the proposed contract between the Parish and the consultant does not provide for supervision by the Parish; rather, the contract provides that the consultant will be responsible for gathering information regarding site preference for the

proposed building and reactions from the public for the proposed work. The consultant will not negotiate or enter into contracts on behalf of the Parish, nor will it draft an RFP for the Parish for the proposed architectural work. It also provides that the consultant is not an employee or agency of the Parish. As such, for purposes of the contract entered into between the Parish and the architect, MWL Architect is not a public servant.

The Board considered a request for an advisory opinion in Docket No. 13-456 regarding members of the Central Louisiana Human Service District lobbying the Louisiana Legislature for more funds. On motion made, seconded and unanimously passed, the Board concluded that La. R.S. 24:56(F) prohibits members of the Central Louisiana Human Service District Board of Directors from lobbying the Louisiana Legislature for more funds.

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 committees:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-002 for a waiver of the \$800 late fee assessed against Bridge PAC, a political action committee, for filing the 10-P campaign finance disclosure report 4 days late. On motion made, seconded and unanimously passed, the Board declined to take any action on the waiver request, since the \$800 late fee had been paid.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-132 for a waiver of the \$200, \$40 and \$320 late fees assessed against Harry Lege, a candidate for Vermilion Parish Police Jury, District 9 in the October 22, 2011

election, for filing his Special, EDE-P and 10-G campaign finance disclosure reports 5, 1 and 8 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$200 and \$40 late fees in connection with the failure to timely file the Special and EDE-P campaign finance disclosure reports and declined to waive the \$320 late fee in connection with the failure to timely file the 10-G campaign finance disclosure report but suspended \$220 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. 13-134 for a waiver of the \$920 late fee assessed against Walter J. Leger, III, a person who supported a proposition in the November 6, 2012 election, for filing his 40-days after the election report 23 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$920 late fee but suspended \$820 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. 13-274 for a waiver of the \$280 late fee assessed against Natalie L. Robin, a candidate for Iberia City Council in the November 6, 2012 election, for filing her 40-G campaign finance disclosure report 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$280 late fee but suspended \$180 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. 13-432 for a waiver of the \$600 late fee assessed against Claude "Curtis" Hodge, Jr., a candidate for Washington Parish Sheriff in the October 22, 2011 election, for

filing his EDE-P campaign finance disclosure report 150 days late. On motion made, seconded and unanimously passed, the Board deferred the matter.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-437 for a waiver of the \$400 late fee assessed against Demetria Robinson Carter, a candidate for St. John the Baptist Parish Council in the October 22, 2011 election, for filing her Supplemental campaign finance disclosure report 10 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.

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 waived the late fees assessed against the following:

Docket No. 13-297 from Cecil Dunn of a \$1,500 late fee;  
Docket No. 13-373 from Harriet Sensley of a \$1,500 late fee;  
Docket No. 13-374 from Clara Ruth Saint of a \$1,500 late fee;  
Docket No. 13-375 from Ann Sexton of a \$1,500 late fee;  
Docket No. 13-376 from Jerry Taylor of a \$1,500 late fee;  
Docket No. 13-377 from Russell Landeche of a \$2,500 late fee;  
Docket No. 13-379 from Randy Dupree of a \$1,500 late fee;  
Docket No. 13-380 from Gregory Clark of a \$1,500 late fee;  
Docket No. 13-381 from Lisa Mills of a \$1,500 late fee;  
Docket No. 13-382 from Rene Cross of a \$1,500 late fee;  
Docket No. 13-383 from Irving Comeaux of a \$1,500 late fee;  
Docket No. 13-384 from Louis Fitzmorris of a \$2,500 late fee;  
Docket No. 13-385 from Sylvester Winchester of a \$1,500 late fee;  
Docket No. 13-386 from James Fontenot of a \$2,500 late fee;  
Docket No. 13-388 from Rose Legaux of a \$2,500 late fee;  
Docket No. 13-389 from Mark Peloquin of a \$1,500 late fee;  
Docket No. 13-391 from Ty Arnold of a \$1,500 late fee;

Docket No. 13-392 from Howard Shaw, Jr. of a \$1,500 late fee;  
Docket No. 13-394 from Terry Willis of a \$1,500 late fee;  
Docket No. 13-397 from Karen Weiners-Rinfrey of a \$1,500 late fee;  
Docket No. 13-398 from Kathy Pipkin of a \$1,500 late fee;  
Docket No. 13-399 from Russell Comeaux of a \$800 late fee;  
Docket No. 13-400 from Huey Wyble of a \$2,500 late fee;  
Docket No. 13-401 from Troy Terrell of a \$1,500 late fee;  
Docket No. 13-402 from Garrick Scott of a \$1,500 late fee;  
Docket No. 13-403 from James Smith, Jr. of a \$1,500 late fee;  
Docket No. 13-404 from Beauty Lege of a \$1,500 late fee;  
Docket No. 13-406 from Jarrell Burch of a \$1,500 late fee; and,  
Docket No. 13-407 from Marvin Roy of a \$150 late fee.

The Board considered a request in Docket No. 13-373 for a waiver of the \$1,500 late fee assessed against Harriett Sensley, a member of the Village of Wilson Board of Aldermen, for filing her 2010 Tier 3 annual personal financial disclosure statement 316 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-386 for a waiver of the \$2,500 late fee assessed against James Fontenot, City of Eunice Police Chief, for filing his 2010 Tier 2 annual personal financial disclosure statement 355 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-387 for a waiver of the \$1,500 late fee assessed against Henry Washington, a candidate for the Delhi Board of Aldermen, for filing his 2009 Tier 3 candidate personal financial disclosure statement 680 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics.



The Board considered a request in Docket No. 13-400 for a waiver of the \$2,500 and \$2,500 late fees assessed against Huey Wyble, a member of the St. Landry Parish School Board, for filing his 2010 Tier 2 annual personal financial disclosure statement 138 days late and his 2009 Tier 2 candidate personal financial disclosure statement 635 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee in connection with the 2010 Tier 2 annual personal financial disclosure statement and declined to waive the \$2,500 late fee in connection with the 2009 Tier 2 candidate personal financial disclosure statement but suspended \$1,500 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-393 for a waiver of the \$700 late fee assessed against Dr. James Fontenot, a member of the Mercy Regional Medical Center, for filing his 2013 hospital disclosure statement 14 days late. On motion made, seconded and unanimously passed, the Board waive the late fee.

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

On motion made, seconded and unanimously passed, the Board agreed to take action on items GS1-GS3 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 GS1-GS3 taking the following action:

The Board considered a request for an advisory opinion in Docket No. 13-240 regarding Edward Parker, II accepting employment as a water plant operator at the Vivian Town Water/Sewer Plant while his wife, Ashley Parker, serves as the town's bookkeeper. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics

is presented by Edward Parker, II becoming a water plant operator for the Town of Vivian water/sewer plant while his wife is employed as the bookkeeper for the Town of Vivian, since Ms. Parker is not the agency head of the water/sewer plant or the Public Works Department. The Board further advised that Section 1112B(1) of the Code of Governmental Ethics prohibits Ms. Parker from reviewing her husband's time cards and she should disqualify herself from participating in such matters involving her husband pursuant to Section 1112C of the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 13-294 regarding a potential conflict of interest between Eric Miller, a candidate for Kenner City Council, and his wife's company, Miller Foto of Kenner, LLC. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Miller Foto of Kenner, LLC contracting with soccer leagues or booster clubs that do not have a financial relationship with the City of Kenner. However, Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Miller Foto of Kenner, LLC from contracting with booster clubs that have received a grant through the Kenner City Council's grant program, since Mr. Miller's agency would be the City of Kenner if he were elected as a Kenner City Councilman.

The Board considered a request for an advisory opinion in Docket No. 13-419 regarding Matthew Todd, an employee of the Department of Environmental Quality (DEQ), providing asbestos inspections for a local project. On motion made, seconded and unanimously passed, the Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Matthew Todd from conducting asbestos inspections for the demolition contractor involving single home dwellings while he is employed with the Department of Environmental Quality (DEQ), Office of Environmental Compliance, Inspection Division, since the demolition contractor is regulated by the

DEQ, Office of Environmental Quality, Inspection Division.

Accepted for filing, the disclosure statements filed in Docket No. 13-639 for April, 2013.

Ms. Allen provided a status report on the bills introduced for the 2013 Regular Legislative Session that affect the laws under the jurisdiction of the Board of Ethics.

The Board unanimously agreed to add to the agenda consideration of the charges issued in Docket No. 11-743 against Jason Todd Richard, Chief of Police for the Village of Morse, for selling ammunition for his personal profit and selling a gun confiscated from a citizen for personal profit. On motion made, seconded and unanimously passed, the Board dismissed the charges against Jason Todd Richard.

The Board unanimously adjourned at 11:17 a.m.

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Secretary

APPROVED:

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Chairman

