

LOUISIANA BOARD OF ETHICS
MINUTES
November 6, 2020

The Board of Ethics met on November 6, 2020 at 9:10 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 Bruneau, Colomb, Couvillon, Dittmer, Ellis, Grand, Lavastida, McAnelly, Meinert, and Roberts present. Board Member Smith was absent. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, Suzanne Mooney, Charles Reeves, and Greg Thibodeaux.

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

Ms. Emalie A. Boyce, Director of the Division of Administrative Law, appeared before the Board in connection with the selection of an alternate administrative law judge to serve on the Ethics Adjudicatory Board. Ms. Boyce explained that the alternate judge would serve on the EAB for the 2020 calendar year. The name drawn as alternate judge will be Edwin Hightower.

Gregory M. Jordan, with the Jefferson Parish Economic Development and Port District (JEDCO), appeared before the Board, in connection with Docket No. 19-1025 regarding an untimely waiver request of a \$1500 late fee assessed for filing his 2016 Tier 2.1 Annual personal financial disclosure statement 250 days late. After hearing from Mr. Jordan, a motion was made and seconded to waive the fee and dismiss the file, and failed by a vote of 5 yeas by Board members Bruneau, Couvillon, Dittmer, Grand, and McAnelly and 5 nays by Board members Colomb, Ellis,

Lavastida, Meinert, and Roberts. A motion was made and seconded to suspend all but \$250, and the motion failed by a vote of 5 yeas by Board members Bruneau, Couvillon, Dittmer, Grand, and McAnelly and 5 nays by Board members Colomb, Ellis, Lavastida, Meinert, and Roberts. A motion was made and seconded to suspend all but \$750, and failed by a vote of 6 nays by Board members Bruneau, Colomb, Couvillon, Lavastida, Meinert, and Roberts and 4 yeas by Board members Dittmer, Ellis, Grand, and McAnelly. On motion made, seconded and unanimously passed, the Board deferred to the December meeting to gather more information.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-310 to waive the three (3) \$2,000, for a total of \$6,000, campaign finance late fees assessed against Gerald Chelette, a candidate for Sheriff, Grant Parish, in the October 12, 2019 election, whose 30-P, 10-P and 10-G campaign finance disclosure reports were filed 79, 114 and 134 days late, respectively. On motion made, seconded and unanimously passed, the Board accepted the staff recommendation to reduce each to \$600 based on Rule 1205C of the Campaign Finance Act and to decline to waive.

The Board considered an advisory opinion request in Docket No. 20-708 regarding Thomas S. Schneidau, Slidell City Attorney, regarding the privatization of the Slidell water and wastewater services and facilities. On motion made seconded and unanimously passed, the Board adopted the proposed advisory opinion addressing question 1 and 3 to reflect the following: 1) Post-Employment Issues: Generally, Section 1121B(1) of the Code of Governmental Ethics would prohibit former public employees from being employed by a private entity to perform the same work. However, prior Board opinions have considered the unique issue of privatization and determined that public employees who are laid off due to a

privatization or reduction in force decision do not have to wait the two-year period, provided that they did not participate in the decision to privatize the services. See Docket Nos. 2018-1021, 2017-219, 2014-945, 2012-1707, 2012-1596, 2010-352, 2010-341, 2010-080, 2009-934, and 2004-759. Under the unique circumstances of the proposed privatization of the City's water and wastewater systems and facilities, the Code would not prohibit a City employee whose position is privatized from being employed by the City's private contractor to provide the same services, as long as the City employee did not participate in the privatization decision. It should be noted that the privatization decision does not apply to any City employee who would be considered an agency head over the City's water and wastewater systems and facilities, or to anyone who participated in the decision to privatize the City's services.

3) Application of Code to Private Employee: Sections 1102(18) and (19) of the Code of Governmental Ethics define "public servant" and "public employee" to include anyone, whether compensated or not, who is engaged in the performance of a governmental function or is under the supervision or authority of an elected official or another employee of the governmental entity. Since the provision of water and sewer services is a basic governmental function of the City as provided in the Home Rule Charter, any employee of the private entity who is engaged in the performance of water and sewer services under the contract with the City would be a public servant subject to the provisions of the Code. On motion made, seconded and unanimously passed, the Board accepted the advisory opinion with draft changes for question 2 as follows:

2) Leasing of Employees to Private Contractor: For a period of no more than three years, the City would also hope to retain a limited number of employees who the City would contractually "lease" to the private entities to perform services under the contract on behalf of the private entity. The Board concluded that the City employees are prohibited by Section 1111A(1)(a) of the Code of Governmental Ethics from

receiving payments, to which they are not duly entitled, for the performance of their public duties, if the payments would be from a private entity. However, based on the unique circumstances presented, the Board determined that the City would not be prohibited by the Code of Governmental Ethics from leasing employees to the private entity in this situation, since all aspects of the employees' compensation and benefits would be paid by the City. The Board further discussed that the leased employees may be prohibited by the Code of Governmental Ethics from being employed by the private entity following their retirement for the City. The Board suggests that any City employee who may be leased to the private entity under these circumstances seek a separate advisory opinion as to any post-employment restrictions following their retirement.

Thomas S. Schneidau, Slidell City Attorney, appeared before the Board in a request for an Advisory Opinion in Docket No. 20-707 regarding whether the Louisiana Code of Governmental Ethics would prohibit the City of Slidell, through the Slidell Police Department, from placing retired K9 officers with their Slidell Police Department handler or other sufficiently trained law enforcement employees of the Slidell Police Department. On Motion made, seconded and unanimously passed, the Board adopted the staff opinion which states that the current Slidell Police Department employees would not be prohibited from receiving the retired K9 officer through donation or other Slidell Police Department disposition as long as it is the Slidell Police Department's policy that the current Slidell Police Department employee is duly entitled to receive the retired K9 officer.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G5-G12 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 G5-G12, excluding Items G6, G7 and G12, taking the following action:

Adopted an advisory opinion in Docket No. 20-586 concluding that Section 1121B of the Code of Governmental Ethics would prohibit L.J. Brady from providing consulting work to BLD Services or Meyers Engineering on projects that involve the St. Charles Parish Wastewater Department because Mr. Brady's duty was to run the Wastewater Department. He would be considered to be the agency head of the Wastewater Department and as such would be prohibited from assisting another person, for compensation, until July 18, 2022, with a transaction involving the Wastewater Department.

Adopted an advisory opinion on Docket No. 20-674 concluding that the Code would not prohibit Mr. Christopher P. Guerin from providing CPA services to the 18th JDC Public Defender's Office and Port City Enterprises, Inc., while he serves as the Assessor for West Baton Rouge Parish as long as the CPA services that he provides to the 18th JDC Public Defender's Office and Port City Enterprises, Inc. are not of the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the West Baton Rouge Parish Assessor's Office. Section 1111(C)(1)(a) of the Code of Governmental Ethics does not prohibit the provision of CPA services. However, Mr. Guerin would be prohibited from providing CPA services to Port City Enterprises, Inc. should it enter into or seek to enter into a contractual, business, or other financial relationship with the West Baton Rouge Parish Assessor's Office. Additionally, Mr. Guerin would be prohibited from representing the 18th JDC Public Defender's Office and Port City Enterprises, Inc. before the West Baton Rouge Parish Assessor's Office.

The Board considered an advisory opinion request in Docket No. 20-687 from Rose M. Jackson, regarding Louisiana Open Meeting Laws. The Board accepted the withdrawal of Ms. Jackson's request for an advisory opinion.

Adopted an advisory opinion in Docket No. 20-696 concluding that no violation of the Code of Governmental Ethics prohibits Community Network Alliance, LLC and Kevin Newman from entering into the Grant contract with Baton Rouge Police Department, provided that Mr. Newman receives no compensation for his duties as a reserve officer, is not serving as an agency head, and will not participate in his public duties on the Grant program, as required by the exception in Section 1123(35) of the Code of Governmental Ethics. In the event Mr. Newman resigns as a reserve officer, Section 1121A(1) of the Code of Governmental Ethics would not prohibit Mr. Newman from entering into the Grant contract with Baton Rouge Police Department, since the contract is not with and he would not be rendering services to his former agency, the Baton Rouge Police Department Uniform Patrol Division.

Adopted an advisory opinion in Docket No. 20-703 concluding that the Code of Governmental Ethics would not prohibit Ms. Albert from offering and providing compensated services to Plaquemines Parish School Board employees. However, Ms. Albert should be cautioned that Section 1111C(2)(d) of the Code of Governmental Ethics does prohibit her from providing compensated services to any person who has a relationship with her agency, Belle Chasse Middle School, including the parents of her students. An information sheet regarding prohibited sources has been provided to Ms. Albert. If she has any concerns regarding a potential client, she should submit an additional advisory opinion request.

Board member Dittmer has recused himself from Docket No. 20-619.

In connection with an advisory opinion request in Docket No. 20-619 from Michelle L. Ludwigsen, former Parenting Coordinator for the 22nd JDC Family Court - Division K, regarding post-employment restrictions. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion addressing the following: SCENARIO 1: FORMER CLIENTS: Section 1121B(1) of the Code of Governmental Ethics would prohibit Ms. Ludwigsen from assisting, for compensation, former clients who voluntarily seek her services, since she participated in those specific transactions during her employment with the 22nd JDC Family Court. SCENARIO 2: NEW REFERRALS FROM 22ND JDC: Section 1121B(1) of the Code of Governmental Ethics would prohibit Ms. Ludwigsen from rendering parenting coordination services to new clients on a contractual basis through an Order of the 22nd JDC Family Court - Division K, since she previously rendered those same services and the services would be on behalf of her former agency, the 22nd JDC Family Court - Division K. However, Section 1121B(1) would not prohibit Mr. Ludwigsen from rendering services to new clients on a contractual basis through an Order from one of the other Judges in the 22nds JDC, since she only rendered services in Division K. SCENARIO 3: NEW REFERRALS FROM PRIVATE PARTIES: Section 1121B of the Code of Governmental Ethics would not prohibit Ms. Ludwigsen from providing parenting coordination services to new clients who are referred to her through their legal counsel or voluntarily choose her services. Under this scenario, she would not be participating in a matter in which she participated while employed by the 22nd JDC and she would not be rendering services to, for, or on behalf of her former agency, the 22nd JDC Family Court - Division K.

In connection with an advisory opinion request in Docket No. 20-632 submitted by Doreen O. Brasseaux of the American Council of Engineering Companies of Louisiana

("ACECL"), regarding whether the Louisiana Code of Governmental would prohibit public servants from accepting an invitation from the ACECL to attend the Excellence Awards banquet and receiving their award. On motion made, seconded and unanimously passed, the Board concluded that Section 1115 of the Code of Governmental Ethics generally prohibits a public servant from soliciting or accepting a thing of economic value from persons that have or are seeking to have a business, financial, or contractual relationship with their public agency; persons regulated by their agency; and, persons that have substantial economic interests which can be substantially affected by the performance or nonperformance of the employee's official duty. However, Section 1123(13)(a)(i)(aa) of the Code of Governmental Ethics allows for the acceptance by a public servant of complimentary admission to a civic, non-profit, educational, or political event when the public servant is a program honoree. Here, the public servant is present at the event as a representative of the agency that is the recipient of the award. Accordingly, the public servant would not be prohibited from accepting complimentary admission to the banquet in order to accept an award on his agency's behalf.

In connection with an advisory opinion request in Docket No. 20-706 submitted by Kaelysia Cooper, a Talent Development Consultant Specialist in State Civil Service, regarding her professional coaching business. On motion made, seconded and unanimously passed, the Board concluded Ms. Cooper's request presents no issues under the Code of Governmental Ethics. However, Kaelysia should be cautioned that Section 1111C(2)(d) of the Code of Governmental Ethics will prohibit her from receiving compensation for providing services to any person who would be considered a prohibited source. An information sheet regarding prohibited sources will be provided to her. Additionally, Section 1111E(1) of the Code of Governmental Ethics will prohibit Ms. Cooper from providing services to assist any person in a transaction

involving her agency, the Talent Development Department within the State Civil Service.

Finally, Section 1111C(1)(a) of the Code of Governmental Ethics will prohibit her from utilizing state-developed resources or programs in providing services to third parties. If she has any concerns regarding a potential client, she should submit an additional advisory opinion request.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the October 1 and 2, 2020 meetings.

The Board considered a consent opinion in Docket No. 15-1151 where David W. Romano has agreed to the consent opinion stating that he violated Section 1111(C)(2)(d) of the Code of Governmental Ethics and ABC Caster Company, Inc. has agreed to the consent opinion that it violated Section 1117 of the Code of Governmental Ethics. All documents have been signed and the civil penalty has been paid. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion and instructed staff to dismiss pending charges before the Ethics Adjudicatory Board.

The Board considered a consent order in Docket No. 17-1308 regarding Gwen Jackson, former Executive Director of the Housing Authority for the Village of Fenton in Jefferson Davis Parish, where Ms. Jackson has signed a Consent Order admitting to a violation of Section 1111A(1)(a) of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board adopted for publication the Consent Order and dismiss the charges before the Ethics Adjudicatory Board.

The Board considered a consent opinion in Docket No. 18-154 regarding Kimberly King, a former employee of the Ruston Housing Authority, writing checks to herself and claiming

extra overtime. Ms. King has executed a Consent Opinion, Confession of Judgement, and made her first payment toward a Payment Schedule relative to a violation of Section 1111A(1)(a) of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board adopted for publication the Consent Opinion and dismissed the charges before the Ethics Adjudicatory Board.

The Board considered a request for an advisory opinion in Docket No. 20-616 submitted by Dr. Wade Rouse, regarding whether the Louisiana Code of Governmental Ethics would prohibit the McNeese State University Foundation from hiring Richard H. Reid (the former Vice President for University Advancement and current Senior Assistant to the University President) once he retires from McNeese State University. On motion made, seconded and unanimously passed, the Board adopted the following opinion: Based on the facts presented, the following are the answers to the questions posed: A. Would it violate the Code of Governmental Ethics for the McNeese State University Foundation to hire Mr. Richard Reid as a part-time, non-public W-2 employee? Yes. The Code of Governmental Ethics does prohibit Mr. Reid from accepting employment with the Foundation because he would be assisting the Foundation with matters, transactions, and/or appearances that he was involved with while he served as McNeese's Vice President for University Advancement and Senior Assistant to the University President. The prohibition would last for a period of two (2) years from his retirement. B. Would it violate Code of Governmental Ethics for the McNeese State University Foundation to hire Mr. Richard Reid as a part-time, non-public contract employee (1099)? Yes. See the Response to Question A (above). The Code of Governmental Ethics prohibits Mr. Reid from providing services to the Foundation that are identical to the services that he provided while he was a public servant, albeit on a contractual basis. C. Would it violate the Code of Governmental Ethics for the McNeese

State University Foundation to have Mr. Richard Reid as a Volunteer and provide him reimbursement for expenses? No. Section 1123(30) of the Code of Governmental Ethics would allow Mr. Reid to participate in Foundation affairs if he does not receive compensation. The Code of Governmental Ethics would also allow Mr. Reid to be reimbursed for his expenses.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered and advisory opinion request in Docket No. 20-704 submitted by Calcasieu Parish District Attorney, John DeRosier, regarding the reimbursement of fundraising tickets. On motion made, seconded and unanimously passed, the Board adopted the following opinion with a date change advising that Mr. DeRosier's campaign is not prohibited by Campaign Finance Disclosure Act from refunding the full purchase price of the crawfish boil tickets to each individual contributor. Since the event was cancelled, the payments received by the campaign are not considered excess campaign funds.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for "good cause" waivers of late fees assessed against candidates and committees included in the Campaign Finance Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Campaign Finance Waiver Chart, excluding Docket Nos. 20-651, 20-652, 20-653, 20-654, and 20-656 taking the following action:

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

Docket No. 20-638 from Scott Discon ANN2019 of a \$320 late fee;

Docket No. 20-639 from Citizens for Cutting the Crap Out of Politics 40-G of a \$3,000 late fee;
Docket No. 20-640 from Maurice "Scooter" Keen 10-G of a \$1,000 late fee;
Docket No. 20-641 from Randy Armentor 40-G of a \$400 late fee;
Docket No. 20-642 from Roger Duncan 40-G of a \$320 late fee;
Docket No. 20-643 from Phillip D. "David" Ridder 10-P of a \$1,000 late fee;
Docket No. 20-643 from Phillip D. "David" Ridder 10-G of a \$1,000 late fee;
Docket No. 20-647 from Shawon Bernard SUPP2019 of a \$800 late fee; and,
Docket No. 20-650 from Robbins Graham 30-P of a \$2,500 late fee.

The Board unanimously suspended all but \$200 based on future compliance the late fees assessed against the following:

Docket No. 20-645 from Charles "Charlie" Schrupf SUPP2019 of a \$480 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-651 for a waiver of the \$280 campaign finance late fee assessed against Melissa Gueldner, a candidate for Council Member, District A, City of Ponchatoula, Tangipahoa Parish, in the October 12, 2019 election, whose 2019 Supplemental campaign finance disclosure report was filed 7 days late. On motion made, seconded and unanimously passed, the Board waived the late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-652 for a waiver of the \$600 campaign finance late fee assessed against John L. "Jay" Dardenne, Jr., a candidate for Governor in the October 24, 2015 election, whose 2019 supplemental campaign finance disclosure report was 6 days late. On motion made, seconded and unanimously passed, the Board suspended all based 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. 20-653 for a waiver of the \$360 and \$280 campaign finance late fees assessed against Charles "Chuck" Lamarche, a candidate for Council Member, District 9,

St. Tammany Parish, in the October 12, 2019, election, whose Special and 10-G campaign finance disclosure reports were filed 9 and 7 days late. On motion made, seconded and unanimously passed, the Board instructed staff to offer a payment plan and not to waive any of the fees.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-654 for a waiver of the \$600 late fee assessed against Joseph “Joe” Fertitta, a candidate for Lafourche Parish President in the October 12, 2019 election, whose 2019 Supplemental campaign finance disclosure report was filed 10 days late. On motion made, seconded and unanimously passed, the Board suspended all based 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. 20-656 for a waiver of the \$600 and \$300 campaign finance late fees assessed against Biaster Hewitt George, a candidate of East Carroll Parish Assessor, in the October 12, 2019 election, whose 30-P and 10-G campaign finance disclosure reports were filed 11 and 5 days late, respectively. On motion made, seconded and unanimously passed, the Board suspended all but \$200 of each late fee and rescinded the reassessment of previous assessments.

The Board considered a request in Docket No. 20-637 for a waiver of the \$450 late fee assessed against Alecia Sistrunk for the late filing of the June 2020 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the \$450 late fee, since it was Ms. Sistrunk’s first late filing.

The Board considered a request in Docket No. 20-658 for a waiver of the \$1,500 late fee assessed against Robert Van Westmoreland, the former member of the Central Louisiana Human Service District, for filing his 2017 Tier 2.1 Annual personal financial disclosure statement 378 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$250 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics, since it was Mr. Westmoreland's first late filing and he is no longer employed a member of the board.

The Board considered a request in Docket No. 20-660 for a waiver of the \$1,500 late fee assessed against Bryon Williams, former member of the New Orleans Recreation Development Commission, for filing his 2017 Tier 2.1 Annual personal financial disclosure statement 322 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended all but \$250 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered the untimely requests in Docket No. 20-591 submitted by Kevin Ross on behalf of his father for a waiver of the \$2,500 late fee assessed against Charles Ross, a former member of the St. Landry Parish School Board, for failing to file his 2018 Tier 2 Annual personal financial disclosure statement; and, the request to reconsider the reassessment of a \$1,300 late fee arising from filing his 2016 Tier 2 Annual personal financial disclosure statement 13 days late that was previously suspended in full based on future compliance. On motion made, seconded and unanimously passed, the Board agreed to revoke the 2013 reassessment and waive the 2018 late fee due to the unique circumstances herein.

The Board considered a request for reconsideration in Docket No. 20-409 regarding the Board's denial of a waiver request submitted by Robin Parker, a candidate for Plaquemines Parish School Board, District 7, in the November 6, 2018 election, regarding a \$1,500 late fee assessed against Ms. Parker for filing her 2017 Tier 3 Annual personal financial disclosure statement 103 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$250 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request for reconsideration in Docket No. 20-415 regarding the Board's decision to suspend all but \$1,050, based on future compliance, of a \$1500 late fee assessed against Earl Graves, a former member of the St. Tammany Parish Recreation District #7, for filing his 2017 Tier 2.1 Annual personal financial disclosure statement 331 days late. This is Mr. Graves' first late filing and he has submitted information showing financial hardship. On motion made, seconded and unanimously passed, the Board instructed the staff to suspend all but \$100 based on future compliance with the reporting requirements under Code of Ethics.

The Board discussed amending the guidelines to suspend all but \$100 based on future compliance when a board member is no longer on the board and has failed to submit the last report.

On motion made, seconded and unanimously passed, the Board added Docket Nos. 19-1288 and 20-014 to the agenda.

On motion made, seconded and unanimously passed, the Board instructed the staff to adopt and publish Docket No. 19-1288 and Docket No. 20-014.

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

EXECUTIVE SESSION

The Board unanimously adjourned at 12:00 p.m.

Secretary

APPROVED:

Chairman