

LOUISIANA BOARD OF ETHICS  
MINUTES  
February 4, 2022

The Board of Ethics met on February 4, 2022 at 9:06 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 Couvillon, Grand, Lavastida, McAnelly, Roberts, Scott and Speer present. Board Members Baños, Colomb and Ellis were absent. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, LaToya Jordan, Charles Reeves, Suzanne Mooney and Gregory Thibodeaux.

The Board deferred Docket No. 21-758 regarding a request to reconsider its decision to decline to waive the \$720 and \$500 campaign finance late fees assessed against Rodney D. Miller, an unsuccessful candidate for Mayor, Town of Livingston, Livingston Parish, in the November 3, 2020 election, whose 30-P and 10-P campaign finance disclosure reports were filed 18 and 13 days late, respectively.

The Board deferred Docket No. 21-804 regarding a waiver request of the \$800 campaign finance late fee assessed against Stephanie Bridges, an unsuccessful candidate for Judge, Criminal District Court, Section K, Orleans Parish, in the November 3, 2020 election, whose 40-G campaign finance disclosure report was filed 8 days late.

The Board deferred Docket No. 21-1068 regarding the request that the Board waive the \$3,000, \$2,400, \$3,000, \$3,000, \$1,600 and \$3,000 campaign finance late fees, totaling \$16,000 assessed against Crescent City Democratic Association, a political action committee, and its chairperson, Joseph R. Sobol, in the November 3, 2020 election, for three (3) Special (48 Hour) campaign finance disclosure reports and the 10-P, 10-G and 40-G campaign finance reports..

Board Member Colomb arrived to the meeting at 9:09 a.m.

Alesia Ardoin, Gray Sexton and Brett Furr appeared before the Board on Docket No. 22-014 regarding advisory opinion requests on behalf of Entergy Louisiana, LLC, ExxonMobil Corporation, Georgia-Pacific Port Hudson, LLC, and Baton Rouge Water Works Company regarding prohibitions for employees to be appointed as members of the Capital Area Groundwater Conservation District Board of Commissioners. After hearing from Ms. Ardoin, Mr. Furr and Mr. Sexton, on motion made, seconded and unanimously passed, the Board adopted the draft opinions with changes to include reference to the commissioners being public employees. The Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits appointed Commissioners from receiving compensation for services rendered, or to be rendered, to Baton Rouge Water, Entergy, Exxon Mobil, and Georgia-Pacific because of the relationship between the companies and the Commissioners. Further, Section 1117 of the Code of Governmental Ethics prohibits Baton Rouge Water, Entergy, Exxon Mobil, and Georgia-Pacific from making payments to the appointed Commissioners which are otherwise prohibited by the Code of Governmental Ethics.

Joseph and Diane Buckley appeared before the Board on Docket No. 21-1060 regarding an advisory opinion request as to whether their company can lease warehouse space from the New Orleans Aviation Board ("NOAB"), while Mrs. Buckley is employed as an Airport Services Agent in the Legal Department of NOAB. After hearing from Mr. and Mrs. Buckley, on motion made, seconded and unanimously passed, the Board adopted the advisory opinion which concluded that Section 1113A(1)(a) of the Code of Governmental Ethics would prohibit Mr. Buckley and/or Buckley Builds Construction, LLC from leasing warehouse space from NOAB,

since Mrs. Buckley is employed in the Legal Department of NOAB and the Legal Department is responsible for drafting, implementing and enforcing the lease.

Stewart Eastman appeared before the Board on Docket No. 21-1055 regarding an advisory opinion request on whether the Code of Governmental Ethics would prohibit Mr. Eastman from submitting his work of art to the Abita Springs Trailhead Museum independent selection committee to be juried and potentially sold at the En Plein Air exhibition. After hearing from Mr. Eastman, on motion made, seconded and unanimously passed, the Board deferred the matter until the March meeting.

Robert J. Klein appeared before the Board on Docket No. 21-1000 regarding an advisory opinion request on whether Mr. Klein may enter into a contract with the Department of Education subsequent to his retirement from the Office of Technology Services within the Division of Administration. After hearing from Mr. Klein, on motion made, seconded and unanimously passed, the Board adopted the advisory opinion concluding that Section 1121B(1) of the Code of Governmental Ethics would not prohibit Mr. Klein from assisting AB Computer Solutions in the management of the EdLink Project for the Department of Education. Since Mr. Klein did not participate in the award of the contract to 22<sup>nd</sup> Century, Inc. or implementation of the contract for the EdLink Project or the task order issued to AB Computer Solutions, and Mr. Klein has not provided any project management services for the Department of Education, Mr. Klein is not prohibited from entering into a contract with AB Computer Solutions to provide project management services for the Department of Education on the EdLink Project.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G6-G17 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 G6-G17, excluding item G7, G11, G12 and G14 taking the following action:

The Board allowed the withdrawal of an advisory opinion request in Docket No. 21-999 from Maria S. Edwards on behalf of the Youree Drive Middle AP Magnet School.

The Board considered an advisory opinion request in Docket No. 21-1016 regarding whether the Statewide Cemetery Response Task Force (CRTF) and/or their designees are required to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board concluded the Code of Governmental Ethics would not require CRTF members and/or their designees to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics since the CRFT does not have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year.

The Board considered an advisory opinion request in Docket No. 21-1017 from Karen Quebedeaux Smith, Justice of the Peace, Ward 3, District 6, relating to whether justices of the peace are required to take the annual ethics training. On motion made, seconded and unanimously passed, the Board concluded that the annual training requirement established by Section 1170A(3)(a)(i) does not apply to Ms. Smith as a Justice of the Peace.

The Board considered a request for approval of a disqualification plan in Docket No. 21-1018 by Nicholls State University President Jay Clune, regarding the employment of Robert and Sondra Podeyn in the Athletic Department. On motion made, seconded and unanimously passed, the Board approved the proposed disqualification plan.

The Board considered a request for approval of a disqualification plan in Docket No. 21-1062 by Mark Voisin, Divisional Director of Ancillary Services for LSU Lallie Kemp Regional Medical Center, regarding the employment of Greg and Marissa Triolo. On motion made, seconded and unanimously passed, the Board approved the proposed disqualification plan.

The Board considered an advisory opinion request in Docket No. 22-013 from Linda Curtis-Sparks, Executive Director of the Sabine Parish Tourist Commission, regarding post-employment prohibitions. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion concluding that the Code of Governmental Ethics would not prohibit Linda Curtis-Sparks from returning to the Tourist Commission on a part-time basis, provided that Ms. Curtis-Sparks is a payroll employee and not a contractual employee.

The Board considered an advisory opinion request in Docket No. 21-1001 regarding whether the Code of Governmental Ethics would prohibit Michael Anders from volunteering to serve as a patrolman while his wife, Ramona Anders, serves as the Police Chief of the Village of Hosston. On motion made, seconded and unanimously passed, the Board adopted the amended advisory opinion, concluding that the Code of Governmental Ethics would prohibit Michael Anders from serving as a volunteer patrol officer for the Village of Hosston while Ramona Anders serves as the Police Chief of the Village of Hosston.

The Board considered an advisory opinion request in Docket No. 21-1037 from Richard L. Traina, a former Assistant Attorney General, relative to providing legal services to the Department of Natural Resources upon his leaving the Louisiana Department of Justice. Mr. Traina had the opportunity to appear before the Board. On motion made, seconded and unanimously passed, the Board declined to render an opinion on the matter since the facts on which this opinion request is based involved past conduct.

The Board considered a disqualification plan in Docket No. 21-1042 from Nicholls State University to approve a plan removing Dr. Quenton Fontenot, Head of the Biological Sciences Department, from participating in matters involving his wife, Dr. Allyse Ferrara, who is a faculty member in the Department. On motion made, seconded and unanimously passed, the Board approved the proposed disqualification plan.

The Board considered an advisory opinion request in Docket No. 21-1056 submitted by Allison B. Nihart., regarding whether the Code of Governmental Ethics would prohibit her company, American All-Star, LLC ("AAS"), from allowing St. Tammany Parish school dance teams to participate in events hosted by AAS while she is employed as a teacher with St. Tammany Parish School Board. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion with changes, concluding that based on the facts presented, the Code of Governmental Ethics does not prohibit Allison Nihart from allowing St. Tammany Parish school dance teams to participate in events hosted by AAS, as long as none of the students who are currently being taught by Ms. Nihart participate on those teams.

The Board took a recess from 10:30 a.m. to 10:51 a.m.

On motion made, seconded and unanimously passed, the Board dismissed the charges pending against members of the Capital Area Ground Water Conservation District Board of Commissioners in Docket No. 19-632.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the January 6<sup>th</sup> and January 7<sup>th</sup>, 2022 meetings.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G19-G24 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 G19-G24, excluding item G20, G23 and G24 taking the following action:

The Board considered a proposed consent opinion in Docket No. 20-845 regarding Virginia Bays, former Clerk for the Village of Sun in St. Tammany Parish. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the assessment of the enhanced penalty in Docket No. 21-924 regarding Frank Scurlock, candidate for Mayor, City of New Orleans, in the October 14, 2017 election, for his failure to file a 2019 supplemental campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 2019 supplemental campaign finance disclosure report in the amount of a \$10,000 civil penalty.

The Board considered an advisory opinion in Docket No. 21-1057 regarding whether the Code of Governmental Ethics would prohibit Rachael Duhon from working part-time for Hearts of Hospice, if Hearts of Hospice conducts business with the Southwest Louisiana Veterans Home, while her husband, Matthew Duhon, serves as the Home's Administrator. On motion made, seconded and unanimously passed, the Board adopted the advisory opinion concluding that since the conditions in Section 1111C(5)(a)(i)-(iii) are all met, and provided Mr. and Mrs. Duhon file the appropriate disclosures, Mrs. Duhon is not prohibited from being employed with Heart of Hospice.

The Board considered a request for an advisory opinion in Docket No. 21-902 from Andrea Bryant, a Child Welfare Supervisor in the Foster Care Program with the Department of Children and Family Services ("DCFS"), relative to outside employment restrictions. On motion made, seconded and unanimously passed, the Board deferred the matter.

The Board considered a request for an advisory opinion in Docket No. 21-1058 from Roy Baas, Chairman of the Addictive Disorder Regulatory Authority, regarding the hiring of a new Executive Director. On motion made, seconded and unanimously passed, the Board adopted the amended advisory opinion concluding the following: Issue No. 1- As an employee of ADRA, the Executive Director's agency will be ADRA. The renewal of an ADRA-issued license is granted once the licensee meets the requirements of the individual statute, and does not require action on the part of the ADRA Board or the Executive Director. As such, the renewal of an ADRA license would be "routine and mechanical". Therefore, the Code of Governmental Ethics would not prohibit the Executive Director from renewing a license with ADRA. However, the Board cautioned that in the event the Executive Director is the subject of a disciplinary investigation, the Executive Director is prohibited by Section 1112A of the Code of Governmental Ethics from participating in those proceedings in a public capacity. The ADRA Board should develop a disqualification plan pursuant Section 1112C of the Code of Governmental Ethics to prevent potential violations of the Code. Issue No. 2- The Code of Governmental Ethics does not prohibit the Executive Director from having an outside practice; however, Section 1111C(1)(a) of the Code of Governmental Ethics will prohibit the Executive Director from receiving compensation for any service that is substantially related to the responsibilities of ADRA. Additionally, Section 1111C(2)(d) of the Code of Governmental Ethics will prohibit the Executive Director from receiving compensation for any services



performed for a person who would be considered a prohibited source. Issue No. 3 – The Board declined to render an opinion as to this situation due to the lack of specific facts necessary to make a determination as to any potential violations of the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 21-1059 submitted on behalf of Rep. Phillip R. DeVillier and Savannah Claire, Inc. regarding whether the Code of Governmental Ethics would prohibit Rep. DeVillier or Savannah Claire, Inc. from participating in the Emergency Rental Assistance Program ("ERAP"). On motion made, seconded and unanimously passed, the Board adopted the amended advisory opinion concluding that based on the facts presented, the Code of Governmental Ethics does not prohibit Rep. DeVillier, and by extension Savannah Claire, from participating in ERAP.

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. 21-1064 and 21-1066 taking the following action:

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

Docket No. 21-313 from Stephen J. Gremillion, 40-G of a \$720 late fee;  
Docket No. 21-760 from John R. “Dick” Gibbs, 10-P of a \$300 late fee;  
Docket No. 21-1035 from Patricia Boyd Robertson, 90-P of a \$1,400 late fee; and,  
Docket No. 21-1036 from Tunica Biloxi Indians PAC, MO(July21) of a \$1,200 late fee.

The Board unanimously rescinded, based on Rule 1205B(2), the late fees assessed against the following:

Docket No. 21-760 from John R. “Dick” Gibbs, ANN2020 of a \$2,000 late fee; and,  
Docket No. 21-760 from John R. “Dick” Gibbs, 30-P of a \$1,500 late fee.

The Board reduced the late fee to \$600 based on Rule 1205C, and declined to waive the late fee assessed against the following:

Docket No. 21-760 from John R. “Dick” Gibbs, 10-G of a \$720 late fee.

The Board reduced the late fee to \$400 based on Rule 1205C, and declined to waive the late fee assessed against the following:

Docket No. 21-1032 from Darnell Waites, SUPP2020 of a \$1,000 late fee.

The Board unanimously rescinded, based on Rule 1205B(3), the late fees assessed against the following:

Docket No. 21-1038 from New Orleans Home Builders Association, MO(Aug.21) of a \$1,400 late fee; and,

Docket No. 21-1039 from American Sugar Cane League, MO(Aug.21) of a \$1,000 late fee.

The Board unanimously declined to waive the late fees assessed and to offer a payment plan for the following:

Docket No. 21-1065 from Melvin “Moe” Adams, 30-P of a \$1,000 late fee;

Docket No. 21-1065 from Melvin “Moe” Adams, 10-P of a \$1,000 late fee; and,

Docket No. 21-1065 from Melvin “Moe” Adams, 10-G of a \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 21-1064, for a waiver of the \$280 campaign finance late fee assessed against Education Reform Now Advocacy, an organization that participated in the October 14, 2017 election, whose 10-P campaign finance disclosure report was filed 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 21-1066, for a waiver of the \$60 campaign finance late fee assessed against Cedric Floyd, an unsuccessful candidate for Member of School Board, District 5, Jefferson Parish, in the November 6, 2018 election, whose 10-G campaign finance disclosure report was filed 1 day late. On motion made, seconded and unanimously passed, the Board rescinded the late fees assessed.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the Personal Financial Disclosure Waiver Chart, School Board Disclosure, Untimely, and Reconsiderations 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 G26-G29, taking the following action:

The Board waived the late fees for the following:

Docket 21-908 Ernest Roden, 2019 Tier 3, 32 days late of a \$500 late fee; and,  
Docket 21-915 Herbert Rippeon, 2019 Tier 3, not filed of a \$500 late fee.

The Board unanimously suspended all of the late fees based on future compliance with the reporting requirements under the Code of Governmental Ethics against the following:

Docket 21-986 Steven Leon, 2020 Tier 3, 10 days late of a \$250 late fee; and,  
Docket 21-1030 Paul Fuselier, 2018 Tier 2.1, 404 days late of a \$1,500 late fee.

The Board declined to waive the late fee against the following:

Docket 21-997 Richard Kelly, 2019 Tier 3, 89 days late of a \$500 late fee;  
Docket 21-997 Richard Kelly, 2020 Tier 3, 8 days late of a \$200 late fee; and,  
Docket 21-1029 Jason Coats, 2020 Tier 3, 16 days late of a \$400 late fee.

The Board considered a School Board Disclosure waiver in Docket No. 21-989 submitted by Darrell Sims, a member of the Madison Parish School Board, regarding a \$1500 late fee assessed for filing his 2018 School Board Disclosure Statement 968 days late, a \$1500 late fee assessed for filing his 2019 School Board Disclosure Statement 740 days late, a \$1500 late fee assessed for filing his 2020 School Board Disclosure Statement 371 days late, and, a \$350 late fee assessed for filing his 2021 School Board Disclosure Statement 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee for 2018 and

waived all but \$200 of the \$1,500 late fees for each School Board Disclosure Statement for 2019, 2020, and 2021.

The Board considered a School Board Disclosure waiver in Docket No. 21-998 submitted by Richard Kelly, a member of the Franklin Parish School Board, regarding a \$1500 late fee assessed for filing his 2020 School Board Disclosure Statement 377 days late and a \$1500 late fee assessed for filing his 2021 School Board Disclosure Statement 30 days late. On motion made, seconded and unanimously passed, the Board waived all but \$200 of the \$1,500 late fees each of the School Board Disclosure Statements for 2020 and 2021.

The Board considered an untimely waiver request in Docket No. 21-1067 regarding the \$800, \$280, \$1,000 and \$240 campaign finance late fees, totaling \$2,320.00, assessed against Michael Bergeron, a successful candidate for Council Member, Division C, City of Westlake, Calcasieu Parish, in the October 12, 2019 election, whose 30-P, 10-P, 10-G and 2019 Supplemental campaign finance disclosure reports were filed 20, 7, 98 and 6 days late, respectively. On motion made, seconded and unanimously passed, the Board considered the request. On motion made, seconded and unanimously passed, the Board declined to waive the late fees with respect to 30-P, 10-P and 2019 Supplemental reports and reduced to \$400 the late fee with respect to 10-G report based on Rule 1205C.

The Board considered a reconsideration of a waiver request in Docket No. 21-462 regarding the Board's decision to decline to waive the two (2) \$2,500 for a total of \$5,000 campaign finance late fees assessed against C. Denise Marcelle, an unsuccessful candidate for Mayor-President, Metro Council, City of Baton Rouge, East Baton Rouge Parish in the November 3, 2020 election, whose 180-P and 10-G campaign finance disclosure reports were

filed 85 and 32 days late, respectively. On motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fees.

The Board considered a request to reconsider its decision in Docket No. 21-610 to decline to waive a \$1,080 campaign finance late fee assessed against Joy R. Jackson, an unsuccessful candidate for District Judge, 6th Judicial District Court, Div. B, East Carroll, Madison and Tensas Parishes in the November 3, 2020 election, whose 10-P campaign finance disclosure report was filed 18 days late. On motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fee.

The Board considered a request to reconsider its decision in Docket No. 21-617 to decline to waive a \$480 campaign finance late fee assessed against April D. Williams, an unsuccessful candidate for Member of School Board, District 2, Jefferson Parish, in the November 6, 2018 election, whose 2020 Supplemental campaign finance disclosure report was filed 8 days late. On motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fee.

The Board considered a request to reconsider its decision in Docket No. 21-632 to decline to waive a \$3,000 campaign finance late fee assessed against Rapides Parish Democratic Executive Committee, a political committee, its chairperson, Steven Chark, and treasurer, Maxine Pickens, whose 2019 Annual campaign finance disclosure report was filed 30 days late. On motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fee.

The Board considered a request to reconsider its decision in Docket No. 21-637 to decline to waive \$3,000 campaign finance late fee assessed against Falconer PAC, a political committee, and its chairperson, Reid Falconer, in connection with the July 11, 2020 election,

whose 30-P campaign finance disclosure report was filed 461 days late. On motion made, seconded and unanimously passed, the Board reaffirmed the decision to decline to waive the late fee.

Ethics Administrator, Kathleen Allen, presented an “Ode to the Chair” in honor of Mr. Robert McAnelly’s service on the Board, especially his years as Chair.

The meeting adjourned at 11:45 a.m.

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Secretary

APPROVED:

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Chairman