

LOUISIANA BOARD OF ETHICS
MINUTES
October 7, 2022

The Board of Ethics met on October 7, 2022 at 9:09 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 Baños, Bryant, Grand, Grimley, Lavastida, Roberts, Scott and Speer present. Board Members Colomb, Couvillon and Ellis were absent. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, Mallory Guillot, LaToya Jordan, Suzanne Mooney and Charles Reeves.

Terrell "T-Bone" Wilson, appeared before the Board to reconsider its decision to decline to waive a \$660 campaign finance late fee in Docket No. 20-511 assessed against Mr. Wilson, an unsuccessful candidate for Councilman at Large, Division B, St. Charles Parish, in the October 12, 2019 election, whose 40-G campaign finance disclosure report was filed 11 days late; and, a \$1,000 campaign finance late fee assessed against Terrell "T-Bone" Wilson, a successful candidate for Justice of the Peace, District 1, St. Charles Parish, in the July 11, 2020 election, whose 30-P campaign finance report was filed 130 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Mr. Wilson, on motion made, seconded and unanimously passed, the Board reconsidered and declined to waive the \$660 late fee and suspended all of the \$1,000 based on future compliance with the Campaign Finance Disclosure Act.

The Board considered a request for reconsideration on its decision not to take action on an untimely waiver request in Docket No. 21-468 regarding three (3) \$2,000 (for a total of \$6,000) campaign finance late fees assessed against, W. K. "Bill" Fontenot, a successful candidate for Parish President, St. Landry Parish in the October 22, 2011, October 24, 2015 and October 12, 2019 elections, whose two 2019 Supplemental campaign finance disclosure reports were each filed 111 days late and 40-G was filed 3 days late. In its capacity as the Supervisory Committee on Campaign

Finance Disclosure and after hearing from Alesia Ardoin, attorney representing Mr. Fontenot, on motion made, seconded and unanimously passed, the Board considered the untimely waiver request. On motion made, seconded and unanimously passed, the Board requested that the fines be rescinded and all fees be refunded.

The Board deferred Docket No. 21-556 until the November Board meeting.

The Board requested staff to reschedule the appearance for Docket No. 21-683.

Phillip David Ridder, Jr., a member of the Manufactured Housing Commission, appeared before the Board to request for reconsideration on its decision in Docket No. 22-033 to decline to waive a \$1,300 late fee assessed against him for filing his 2019 Tier 2.1 Annual personal financial disclosure statement 26 days late. After hearing from Mr. Ridder, on motion made, seconded and unanimously passed, the Board affirmed the Board's prior decision to decline to waive the \$1,300 late fee.

The Board requested staff to reschedule the appearance for Docket No. 22-370.

Dr. Eric James Brooks, Regional Medical Director for the Louisiana Department of Health Region 3, appeared before the Board in Docket No. 22-549 regarding an advisory opinion request as to whether the Code of Governmental Ethics permits Dr. Brooks to work as an Emergency Room physician at Chabert Medical Center on a part-time basis while he serves as the Regional Director for Region 3 of the Office of Public Health. After hearing from Dr. Brooks, on motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Dr. Brooks from working as an Emergency Room physician at Chabert Medical Center on a part-time basis while he is currently serving as the Regional Director of Region 3 of the Office of Public Health, Louisiana Department of Health.

Philip Qualls, an employee of the Louisiana Department of Treasury, appeared before the Board in Docket No. 22-615 regarding the post-employment restrictions following his service, on

behalf of Treasurer John Schroder, on the Louisiana State Police Retirement System Board. After hearing from Mr. Qualls, on motion made, seconded and unanimously passed, the Board instructed staff to draft an advisory opinion concluding that Mr. Qualls is prohibited from being employed by the Louisiana State Police Retirement System Board and return this matter until the November Board meeting.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G9-G21 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 G9-G21, excluding items G10, G17 and G18 taking the following action:

The Board allowed the withdrawal of an advisory opinion request in Docket No. 22-464 submitted by Melissa Sanders, regarding whether the Code of Governmental Ethics would prohibit the continued employment of the grandson of a member of the East Feliciana Rural Water System, Inc. Board of Directors and Personnel Committee.

The Board allowed the withdrawal of an advisory opinion request in Docket No. 22-523 submitted by J. Christopher Erny, a member of the Terrebonne Port Commission, regarding his son being employed by a vendor of the Terrebonne Port Commission.

The Board considered an advisory opinion request in Docket No. 22-524 regarding the application of post-employment provisions to Philip Graves, a former Area Engineer with Area West of District 62 of the Department of Transportation and Development (DOTD), performing engineering services on a contractual basis for DOTD and other entities. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics prohibits Philip Graves, for a period of two years following his retirement, from providing engineering services on a contractual basis to Area West of District 62 of DOTD. Furthermore, the Code of Governmental

Ethics does not prohibit Mr. Graves from rendering services to other municipalities or parish governmental entities.

The Board considered an advisory opinion request in Docket No. 22-538 from Lake Charles Mayor Nicholas Hunter regarding whether the Code of Governmental Ethics would prohibit him from continuing to rent property to a tenant if that tenant receives a voucher for partial rent subsidies through the Section 8 program administered by the Lake Charles Housing Authority. On motion made, seconded and unanimously passed, the Board concluded that the Lake Charles Housing Authority is a separate governmental entity from the City of Lake Charles; therefore, the Code of Governmental Ethics does not prohibit Mayor Hunter from continuing to rent to the tenant.

The Board allowed the withdrawal of an advisory opinion request in Docket No. 22-547 from Edward Walters, Jr. regarding his representation of clients before the Judiciary Commission within two years of his service on the Judiciary Commission.

The Board approved the submitted disqualification plan in Docket No. 22-550 from Lafayette City Marshal's Office regarding Chief Deputy Trahan and his daughter, Christina Moore.

The Board considered an advisory opinion request in Docket No. 22-557 from Jamie Madere, a member of the Plaquemines Parish Council on Aging, regarding her husband's businesses transacting business with the Plaquemines Port, Harbor & Terminal District. On motion made, seconded and unanimously passed, the Board concluded that Section 1113(B) of the Code of Governmental Ethics prohibits Jamie Madere's husband's companies from entering into, or being in any way interested in, any contracts, subcontracts, or other transactions that are under the supervision or jurisdiction of Jamie Madere's agency, the Council on Aging. However, since the services are being provided to the Port District, and not the Council on Aging, Madere Holdings LLC, and its subsidiaries, Marine Rental and Deep South, are not prohibited from continuing to bid on and provide services to the Port District.

The Board considered an advisory opinion request in Docket No. 22-568 regarding whether Spencer Guilbeau may be appointed to the Cottonport Town Council while he is employed as a Vice President, Branch Manager and Loan Officer for Cottonport Bank. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Spencer Guilbeau from being appointed to fill a vacancy on the Cottonport Town Council provided that he complies with all the provisions of La. R.S. 39:1233.1 and Section 1114A of the Code of Governmental Ethics.

The Board allowed the withdrawal of an advisory opinion request in Docket No. 22-575 regarding a member of the Springhill Fire District #11 Board of Commissioners selling a building to the Fire District.

The Board considered an advisory opinion request in Docket No. 22-581 submitted by Celeste Gauthier, CEO of the Central Louisiana State Hospital, regarding whether the Code of Governmental Ethics would prohibit Dale Sanders from serving as chaplain for Central Louisiana State Hospital ("CLSH") on a contractual basis while he is employed as a CLSH Psychiatric Aide. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Mr. Sanders from serving as CLSH's chaplain on a contractual basis while he is employed as a CLSH Psychiatric Aide.

The Board considered an advisory opinion request in Docket No. 22-517 from Dr. Cathy S. Banks, former Board Chairman of the Thrive Community and Development Board in Calcasieu Parish, that applied for charter school approval relative to whether she can lease property to the school. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Dr. Banks and her husband from leasing property to Thrive Community EDC since she was never a public servant while Board Chairman of Thrive Community EDC; and, therefore La. R.S. 42:1121 does not apply to Dr. Banks.

The Board considered an advisory opinion request in Docket No. 22-559 regarding whether Deloitte & Touche LLP would be prohibited from responding to requests for proposals or entering into contracts with the Louisiana Office of Community Development (“OCD”) while the wife of Patrick Forbes, Executive Director of OCD, is employed with Deloitte & Touche. On motion made, seconded and unanimously passed, the Board concluded that based on the facts provided, the Code of Governmental Ethics does not prohibit Ana Forbes’ continued employment with Deloitte & Touche LLP if it seeks to have a contract with OCD, provided the Forbes file the disclosure required by Section 1111C(5)(v) of the Code of Governmental Ethics, the Forbes does not participate in matters involving Deloitte & Touche’s relationship with OCD, and Mrs. Forbes files annual disclosures pursuant to Section 1114 of the Code of Governmental Ethics.

The Board considered an advisory opinion request in Docket No. 22-567 regarding whether the Village One Stop may continue to do business with the Village of Morganza if the owner, Paul Wells, a candidate for alderman of the Village of Morganza, is elected. On motion made, seconded and unanimously passed, the Board concluded that since the population of the Village of Morganza is less than 5,000, the exception in Section 1123(22) of the Code of Governmental Ethics allows the Village to purchase gas from the Village One Stop, if Paul Wells is elected alderman, and Mr. Wells and the Village comply with the conditions set forth in Section 1123(22) of the Code of Governmental Ethics.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the September 1st and 2nd, 2022 meetings.

The Board considered the proposed consent opinion in Docket No. 19-475 regarding Sheldon Sheppard, while an employee with the Ascension Parish Government, received a thing of economic value in the form of fuel purchases which he was not authorized to receive for the performance of his

job duties. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion for Mr. Sheppard admitting to a violation of Section 1111A and agreeing to pay a \$500 civil penalty.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered the assessment of the enhanced penalty in Docket No. 21-925 regarding Patrick J. Harrington, candidate for Parish Commission, District 1, Caddo Parish, in the October 12, 2019 election, for his failure to file a 2019 supplemental campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board rescinded the enhanced penalty for the 2019 Supplemental report, since the report was no longer required to be filed because of the amendment to the 10-G report.

The Board moved to consider G26 next.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board took no action in Docket No. 22-627 regarding an untimely waiver request from Patrick Harrington, candidate in the October 12, 2019 election for Parish Commission, District 1, Caddo Parish, whose 10-G campaign finance disclosure report was filed 124 days late.

Board Member Scott left meeting at 10:16 A.M.

The Board considered an advisory opinion request in Docket No. 22-546 on behalf of Sports Betting Alliance, relating to contributions and the restrictions on members of the gaming industry. On motion made, seconded and unanimously passed the Board concluded that Sports Betting Alliance is not prohibited by La. R.S. 1505.2L from making contributions to candidates and/or political committees in the State of Louisiana.

Board Member Scott returned to the meeting at 10:22 A.M.

The Board considered a 2023 proposed calendar for meetings of the Louisiana Board of Ethics. On motion made, seconded and unanimously passed, the Board adopted the 2023 Calendar

noting that the one-day meeting in April will begin at 8:30 A.M. for the Executive Meeting and 10:00 A.M. will be the start time for the General Meeting.

The Board took a recess from 10:23 A.M. to 10:37 A.M.

Kathleen Allen presented an Administrator's Report to the Board on the following:

1. Detailed report on staff's research efforts on crypto-currency in response to HR 180 of the 2022 Regular Legislative Session.
2. Reminder regarding required annual training for Board Members.

The Board adopted the revised changes to the Personal Financial Disclosure Waiver Guidelines.

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 included in items G30, 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 G30 excluding Docket No. 22-511, 22-512 and 22-515 taking the following action:

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

- Docket 22-508 Keith "KP" Parker, 10-G, 7 days late of a \$420 late fee;
- Docket 22-509 John Labruzzo, Jr. SUPP2017, 7 days late of a \$420 late fee;
- Docket 22-510 Hashim Walters, 10-G, 7 days late of a \$700 late fee;
- Docket 22-513 Joseph "Joey" Boneski, ANN2021, 9 days late of a \$360 late fee;
- Docket 22-513 Joseph "Joey" Boneski, 10-P, 7 days late of a \$280 late fee;
- Docket 22-514 Bianca J. Vedell, 30-P, 18 days late of a \$720 late fee;
- Docket 22-516 Narayan "MK" Dokwal, 10-P, 1 day late of a \$40 late fee;
- Docket 22-516 Narayan "MK" Dokwal, 10-G, 12 days late of a \$480 late fee;
- Docket 22-526 John A. Navy, SUPP2021 for 2011 Campaign, 41 days late of a \$2,000 late fee;
- Docket 22-526 John A. Navy, SUPP2021 for 2019 Campaign, 41 days late of a \$2,000 late fee;
- Docket 22-527 Charles Ray Moore, ANN2021, 9 days late of a \$360 late fee;

Docket 22-529 Terry Hebert, 10-P, 1 day late of a \$60 late fee; and,
Docket 22-536 Desoto Parish Republican Executive Committee, ANN2020, 7 days late of a \$1,400 late fee.

The Board unanimously reduced the campaign finance late fee to \$600 based on Rule 1205C; and, declined to waive that late fee against the following:

Docket 22-529 Terry Hebert, 10-G, 12 days late of a \$720 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 22-511 regarding the \$480 campaign finance late fee assessed against Michael “Mike” Solet, in the October 12, 2019 election, whose 2021 Supplemental campaign finance disclosure report was filed 8 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 waiver request in Docket No. 22-512 regarding the \$1,000 campaign finance late fee assessed against We Love Terrebonne PAC, its chairperson, Wayne Thibodeaux and treasurer, Christine Jackson Snapp whose January 2022 Monthly campaign finance report was filed 5 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 waiver request in Docket No. 22-515 regarding the \$540, \$1,140 and \$180 campaign finance late fees assessed against Barbara Norton, in the October 12, 2019 election, whose 30-P, 2020 & 2021 Supplemental campaign finance disclosure reports were filed 9, 19, and 3 days late, respectively. On motion made, seconded and unanimously passed, the Board deferred the matter until the November meeting.

The Board considered a Lobbying waiver request in Docket No. 22-535 regarding the \$900, \$1,350 and \$200 late fees assessed against J. Chandler Loupe for the late filing of the February, April and June 2022 Lobbying Expenditure Reports. On motion made, seconded and unanimously passed,

the Board rescinded the \$900 late fee for the February 2022 expenditures report pursuant to Rule 1205B and suspended the \$1,350 and \$200 late fees based on future compliance for the May and June expenditure reports, respectively.

The Board considered a waiver request in Docket No. 22-576 submitted by April Sharell Butler-Goudeau, Melville Town Council, St. Landry Parish, regarding a \$500 late fee assessed for filing her 2019 Tier 3 annual personal financial disclosure 591 days late and a \$500 late fee assessed for filing her 2020 Tier 3 annual personal financial disclosure 14 days late. On motion made, seconded and unanimously passed, the Board declined to waive both late fees.

The Board considered a waiver request in Docket No. 22-577 submitted by Guy Patrick Lemoine, Plaquemine Board of Aldermen, Avoyelles Parish, regarding a \$1,500 late fee assessed for filing his 2019 Tier 3 annual personal financial disclosure 632 days late. On motion made, seconded and unanimously passed, the Board reduced the fee to \$500. On motion made, seconded and unanimously passed, the Board amended the original motion and suspended all but \$500 of the late fee based on future compliance with the Code of Governmental Ethics.

The Board considered a waiver request in Docket No. 22-578 submitted by Michael O. Smith, former member of the Ernest Morial New Orleans Exhibition Hall Authority and former member of the New Orleans Aviation Board, regarding a \$1,500 late fee assessed for filing his 2019 Tier 2.1 annual personal financial disclosure 285 days late. On motion made, seconded and unanimously passed, the Board waived the late fee.

The Board reconsidered its decision in Docket No. 22-398 to decline to waive the \$3,000 and \$1,400 campaign finance late fees (for a total of \$4,400) assessed against Ward 3 PAC, and its chairperson, Michael Fruge, in the November 13, 2021 election, whose 30-P and 10-P campaign finance disclosure reports were filed 54 and 7 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 the following items on the General Supplemental Agenda.

The Board considered an advisory opinion request in Docket No. 22-697 regarding whether the Assistant City Attorney assigned to the Shreveport Police Department may serve as the hearing officer/adjudicator for electronic traffic enforcement hearings. On motion made, seconded and unanimously passed, the Board concluded that Section 1111A(1)(a) of the Code of Governmental Ethics does not prohibit the Assistant City Attorney to serve as a hearing officer/adjudicator for electronic traffic enforcement hearings.

The Board considered an advisory opinion request in Docket No. 22-722 from State Representative Brett Geymann, as to whether an insurance policy for a "hole-in-one" prize for a vehicle may be purchased by a contributor to his campaign. On motion made, seconded and passed by a vote of 7 yeas by Board Members Baños, Bryant, Grand, Grimley, Lavastida, Roberts and Scott and 1 nay by Board Member Speer, the Board concluded that the contribution is permitted to make an in-kind contribution the amount to purchase an insurance policy at a cost of less than \$2,500 for a hole-in-one prize at Representative Geymann's fundraiser.

The Board unanimously resolved into executive session at 12:29 P.M. to consider complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

EXECUTIVE SESSION

The Board unanimously resolved into general business session

The meeting adjourned at 12:54 A.M.

Secretary

APPROVED:

Chairwoman