

LOUISIANA BOARD OF ETHICS
MINUTES
December 2, 2022

The Board of Ethics met on December 2, 2022 at 9:01 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 Bãnos, Bryant, Couvillon, Colomb, Ellis, Grand, Grimley, Lavastida and Roberts present. Board Members Scott and Speer were absent. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, LaToya Jordan and Charles Reeves.

Ms. Sabra Matheny, Director of the Division of Administrative Law, appeared before the Board in connection with the selection of administrative law judges (ALJ) to serve on the Ethics Adjudicatory Board (EAB). Ms. Matheny explained that the judges would serve on the EAB for a three-year term beginning January 1, 2023 to December 31, 2025. The first six names drawn would serve on Panel A and on Panel B and the 7th name drawn would serve as an alternate. Ms. Matheny submitted a paper list of twenty- seven (27) names of potential ALJs which were individually torn, folded and randomly drawn from a bowl by the Director of the Division of Administrative Law, Sabra Matheny. The names of the following individuals were Drawn from the bowl: Michele L. Staggs, Anthony J. Russo, Jr., Greta Gilmore, Cazeline Hebert, Monique Baham, Alberto A. De Puy, and Stephanie E. Robin.

Ronald J. Evans, Jefferson Rise Charter School Board member, appeared before the Board requesting reconsideration of the Board's decision in Docket No. 21-556 to suspend all but \$1000 of a \$1500 late fee, based on future compliance, assessed against Ronald J. Evans, for filing his 2016 Tier 3 Annual personal financial disclosure 783 days late. After hearing from Mr.

Evans, on motion made, seconded and unanimously passed, the Board suspended all of the late fee based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request to reconsider its decision in Docket No. 22-515 declining to waive the \$540, \$1,140 and \$180 campaign finance late fees assessed against Barbara Norton, an unsuccessful candidate for State Representative, 3rd Representative District, Caddo Parish, 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 affirmed its decision to decline to waive all three campaign finance late fees.

John Ray LeBlanc appeared before the Board requesting that the Board waive the \$1,000 and \$450 campaign finance late fees in Docket No. 22-645, assessed against John Ray LeBlanc, a successful candidate for Councilman, District 2, City of Zachary, East Baton Rouge Parish, in the November 3, 2020 election, whose 2019 Annual and 10-G campaign finance disclosure reports were filed 247 and 16 days late, respectively. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Mr. LeBlanc, on motion made, seconded and unanimously passed, the Board, with respect to the 2019 Annual, declined to waive the \$1,000 late fee, and with respect to the 10-G, reduced to \$400 based on Rule 1205C of the Campaign Finance Act; declined to waive.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 22-708 to waive the \$3,000 campaign finance late fee assessed against Community Organization for Urban Politics, a political action committee, its committee's chairperson, and treasurer, Lambert Boissiere, Jr., in the November 13, 2021

election, whose 10-P campaign finance disclosure report was filed 33 days late. On motion made, seconded and unanimously passed, the Board deferred the matter until next month.

Manny “Chevrolet” Bruno, an unsuccessful candidate for Mayor, City of New Orleans, Orleans Parish, in the October 14, 2017 election, appeared before the Board in Docket No. 22-709 to request a waiver of the \$1,000 campaign finance late fee assessed against him whose 30-P campaign finance disclosure report was filed 12 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Mr. Bruno, on motion made, seconded and unanimously passed, the Board declined to waive the late fee.

Howard Kaplan and Thomas Mulligan appeared before the Board in Docket No. 22-407 to request reconsideration of the Board’s denial to render an advisory opinion regarding potential violations of the Code of Governmental Ethics, if an owner of several nighttime businesses serves as the Director of the Office Nighttime Economy for the City of New Orleans. After hearing from Mr. Kaplan and Mr. Mulligan, on motion made, seconded and unanimously passed, the Board did not render an advisory opinion but advised the staff to draft a letter setting forth the provisions of the Code of Governmental Ethics that will be limited to the potential applicable laws.

Board Member Bãnos left the meeting at 10:25 a.m.

Edward Adrian Adams, a successful candidate for District Judge, 24th Judicial District Court, ES 3, Div. G, Jefferson Parish, in the November 3, 2020 election, appeared before the Board in Docket No. 21-300 requesting the Board reconsider its decision to suspend all but \$200 of a \$480 campaign finance late fee assessed against him whose 30-P campaign finance disclosure report was filed 8 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Judge Adams, on motion made, seconded

and unanimously passed, the Board instructed staff to rescind all of the late fee if Judge Adams provides documentation to support his assertion that the report preparer's father was under a doctor's care within 14 days of the due date of the report.

Chairwoman Roberts formally recognized former Chair Bob McAnelly for attending the meeting.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G7-G20 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 G7-G20, excluding items G7, G8 and G18 taking the following action:

The Board approved the withdrawal of a disqualification plan in Docket No. 22-707 submitted by the Louisiana Department of Transportation and Development regarding Jerry and Jake Dison since the matter is now moot.

The Board adopted an advisory opinion in Docket No. 22-745 regarding whether Vincent Latino, Jr., a former employee of Department of Transportation and Development (DOTD), can perform services for DOTD after he retires. The Board concluded that the Code of Governmental Ethics prohibits Vincent Latino, Jr. for a period of two years following his retirement date, from assisting another person, for compensation, in a transaction, or in an appearance with a transaction, involving the Office of Operations or from rendering any service on a contractual basis to or for the Office of Operations. Furthermore, Mr. Latino is prohibited, for a period of two years following his retirement date, from assisting another person for compensation, in a transaction, or in an appearance with a transaction, in which he participated during his public employment.

The Board adopted an advisory opinion in Docket No. 22-747 submitted on behalf of the Louisiana State Board of Examiners and Psychologists ("LSBEP") as to whether LSBEP members are required to file disclosures regarding their receipt of complimentary admission to an event. The Board concluded that based on the facts presented, the Code of Governmental Ethics does not require the LSBEP or its members to disclose the waiver of the registration fees.

The Board adopted an advisory opinion in Docket No. 22-802 regarding whether the post-employment restrictions in the Code of Governmental Ethics prohibit Jennifer Jeffers, a KIPP employee and former Booker T. Washington High School Assistant Principal, from providing services to Booker T. Washington High School students and other public school students for learning through international travel. The Board concluded that the Code of Governmental Ethics does not prohibit Ms. Jeffers from providing the services she described to new teachers and students at Booker T. Washington High School or other KIPP schools within two years of her termination of public service.

The Board adopted an advisory opinion in Docket No. 22-805 submitted by Dr. Shannon LaFargue, Superintendent of the Calcasieu Parish School Board (the "School Board") as to whether School Board employees may receive awards for their service from a local hospital. The Board concluded that based on the facts presented, the employees of the School Board are prohibited from receiving monetary awards for the performance of their duties as public employees.

The Board adopted an advisory opinion in Docket No. 22-807 submitted by Erik Mack, an employee of the City of Shreveport, concerning whether the Code of Governmental Ethics prohibits Mr. Mack from participating in Louisiana-state sponsored training programs through the Louisiana Workforce Commission while being employed by the City of Shreveport. The

Board concluded that based on the facts presented, the Code of Governmental Ethics does not prohibit Mr. Mack from participating in Louisiana-state sponsored training programs through the Louisiana Workforce Commission while being employed by the City of Shreveport.

The Board adopted an advisory opinion in Docket No. 22-808 from Johnell Young in connection with his potential employment by Xavier University in New Orleans. The Board concluded that the Code of Governmental Ethics does not apply to Johnell Young since she would not be a public servant as an employee of a private university.

The Board adopted an advisory opinion in Docket No. 22-809 from Tonya Landry, an employee of Louisiana Department of Environmental Quality ("DEQ"), Office of Environmental Services, as to whether her father-in-law may contract with DEQ, Office of Management and Finance (OMF). The Board concluded that based on the facts presented, Ms. Landry's father-in-law may enter into a contract with OMF to provide a replacement drop-box.

The Board adopted an advisory opinion in Docket No. 22-810 regarding whether a member of the Springhill City Council can be appointed to the North Webster Industrial Board after retirement as City Alderman. The Board concluded that the Code of Governmental Ethics prohibits a retired Springhill City Councilman from being appointed by the City Council to any position, for a period of two years following the Councilman's date of retirement.

The Board adopted an advisory opinion in Docket No. 22-846 from Leah Tatum, an employee of the Office of Public Health, regarding post-employment matters. The Board concluded that the Code of Governmental Ethics does not prohibit Leah Tatum from being hired by Orion as Vice President of Clinical Operations.

The Board adopted an advisory opinion in Docket No. 22-853 regarding whether the Code of Governmental Ethics would prohibit Bryan Cowart, a Building Inspector for the Safety

and Permits Division with the City of New Orleans, from accepting employment with Khan's Codes and Standards, LLC, to provide inspections to third parties within two years of the termination of his employment. The Board concluded that the Code of Governmental Ethics prohibits Khan's Codes and Standards and Bryan Cowart, for a period of two years following Mr. Cowart's resignation date, from assisting another person, for compensation, with any building inspection involving the City of New Orleans in which Mr. Cowart participated in while employed with the Safety and Permits Division.

The Board considered an advisory opinion request in Docket No. 22-537 from Scott Franklin, Sheriff of LaSalle Parish, as to whether he may acquire an ownership interest in the official journal of record for LaSalle Parish. On motion made, seconded and unanimously passed, the Board deferred the matter until February 2023 for staff to obtain more information.

The Board considered an advisory opinion request in Docket No. 22-569 regarding whether Penny Comena may accept a teaching position with the Family Service Center in St. Francisville while also owning Glory Angels, LLC. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics prohibits Penny Comena from serving as a teacher for the Family Service Center while also owning and operating Glory Angels, LLC.

The Board considered an advisory opinion request in Docket No. 22-812 submitted by Vicki Ponthieux, regarding whether the Code of Governmental Ethics would prohibit her and her sister from serving in the same supervisory chain at the Louisiana Department of Transportation and Development. On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics prohibits Ms. Ponthieux's sister from being employed in her agency, DOTD Gang 717. However, the Code of

Governmental Ethics does not prohibit Ms. Ponthieux's employment as the agency head over her sister's agency, since her sister has been employed in that position for more than one year.

Finally, the Board advised that if Ms Ponthieux or her sister would be called to participate in matters involving the other's employment, they must submit a disqualification plan pursuant to Chapter 14 of the Rules of the Board of Ethics, prior to any participation.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the November 3rd and November 4th, 2022 meetings.

Kathleen Allen presented an Administrator's Report handout for discussion. No action was taken.

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 item G24-G26, 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 G24-G26, excluding Docket No. 22-716 taking the following action:

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

Docket No. 21-1063 from Communications Workers of America, 30-P of a \$3,000 late fee;
Docket No. 21-1063 from Communications Workers of America, 10-P of a \$3,000 late fee;
Docket No. 21-1063 from Communications Workers of America, 10-G of a \$3,000 late fee;
Docket No. 22-717 from Travel PAC, MO Nov 2021 of a \$3,000 late fee;
Docket No. 22-719 from LA Academy of Medical Psychologists PAC, MO Feb 2022 of a \$800 late fee; and,
Docket No. 22-720 from Stephen Petit, SUPP 2017 of a \$60 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 No. 22-720 from Stephen Petit, SUPP 2018 of a \$2,000 late fee.

On motion made, seconded and unanimously passed, the Board voted to consider the untimely waiver request in Docket 22-712.

The Board considered the untimely waiver request in Docket No. 22-712 regarding the three (3) \$2,000 campaign finance late fees assessed against Jamar Gales, an unsuccessful candidate for Mayor, City of Alexandria, Rapides Parish, in the November 4, 2014 election, whose 2016, 2017 & 2018 Supplemental campaign finance disclosure reports were filed 1652, 1287 & 922 days late, respectively. On motion made, seconded and unanimously passed, the Board reduced each to \$1,000 (\$3,000 total) based on Rule 1205C of the Campaign Finance Disclosure Act; and declined to waive the late fees totaling \$3,000.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a waiver request in Docket No. 21-315 regarding its decision to decline to waive the \$680, \$500 and \$400 campaign finance late fees assessed against Pam Blakely, a candidate for Mayor, Town of Delcambre, Iberia and Vermilion Parishes, in the November 3, 2020 election, whose 30-P, 10-P and 10-G campaign finance disclosure reports were filed 64, 43 and 13 days late, respectively. On motion made, seconded and unanimously passed, the Board suspended all but \$100 per report (\$300 total), based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a waiver request in Docket No. 21-809 regarding its decision to decline to waive a \$600 campaign finance late fee assessed against C. Sherburne Sentell, unopposed candidate for City Judge, City Court, City of Minden, Webster Parish, in the November 3, 2020 election, whose 30-P campaign finance disclosure report was filed 10 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$200 based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 22-716 regarding the \$200 campaign finance late fee assessed against St. Tammany DPEC PAC, a political action committee, its committee's chairperson, Gayle Green and treasurer, Marie Wade, whose 2021 October Monthly campaign finance report was filed 1 day late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee, and instructed staff to not reassess prior suspended late fees.

The Board considered the following items on the General Supplemental Agenda.

The Board considered an advisory opinion request in Docket No. 22-338 from Kia Price, an employee of Louisiana Department of Health, Office of Aging and Adult Services (OAAS) regarding her operating a non-profit entity, The Forgotten War Incorporated. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics permits Forgotten War to receive compensation from recipients of vouchers not issued by her agency and for Kia Price to receive compensation from Forgotten War. Additionally, Kia Price and Forgotten War may contract with agencies other than OAAS and LDH to obtain vouchers.

The Board considered an advisory opinion request in Docket No. 22-885 regarding whether the Code of Governmental Ethics would prohibit the children of Jamie Marlborough, a newly-elected member of the Lafourche Parish School Board, from continuing their employment with the school board. On motion made, seconded and unanimously passed, the Board concluded based on the facts presented, the Code of Governmental Ethics would not prohibit the continued employment of Jamie Marlborough's daughter, JuliAnne David, with the Lafourche Parish School Board as an uncertified teacher after Ms. Marlborough takes office as a member of the school board, since her daughter has been employed for more than one year prior to Ms. Marlborough's service on the school board. The Board further advised that Ms. Marlborough will

be required to recuse herself pursuant to Section 1120 of the Code of Governmental Ethics if any matters come before the school board which would require her participation in which her daughter has a personal substantial economic interest and Ms. Marlborough will be required to file a School Board Disclosure Statement pursuant to Section 1119B(2)(a)(iii) of the Code of Governmental Ethics. With respect to her son, since he has not been employed for more than a year, he may not continue his employment as a coach.

The Board considered an advisory opinion in Docket No. 22-886 from the Police Association of New Orleans regarding the distribution of gift cards to New Orleans police officers. On motion made, seconded and unanimously passed, the Board concluded based on the facts presented, that employees of the New Orleans Police Department are prohibited from receiving gift cards for the performance of their duties as public employees.

The Board considered a draft of the letter to be sent to the legislature and the Governor regarding proposed legislation for the 2023 Regular Legislative Session. On motion made, seconded and unanimously passed, the Board adopted proposed changes and recommendations to the letter.

Board Member Grimley and Chairwoman Roberts thanked the staff for their tireless efforts throughout the year.

The meeting adjourned at 11:28 a.m.

Secretary

APPROVED:

Chairwoman