

LOUISIANA BOARD OF ETHICS
MINUTES
December 4, 2020

The Board of Ethics met on December 4, 2020 at 9:08 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 Colomb, Couvillon, Dittmer, Ellis, Grand, Lavastida, McAnelly, Meinert, Roberts and Smith present. Board Member Bruneau arrived at 9:10 a.m. Also present were the Ethics Administrator, Kathleen Allen; and Counsel Tracy Barker, David Bordelon, LaToya Jordan, Charles Reeves, Sue Mooney and Greg Thibodeaux. Executive Secretary, Carolyn Landry participated remotely.

The Board deferred Docket 20-737 for the requestor to appear at the meeting.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G3-G10 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 G3-G10, excluding Items G6, G7, and G9 taking the following action:

Adopted an advisory opinion in Docket No. 20-633 concluding that the Code of Governmental Ethics does not prohibit Munca Technologies, Inc. from participating in Louisiana State University Parking and Transportation's Safe Ride Program. Munca Technologies' participation in Louisiana State University Parking and Transportation's Safe Ride Program does not violate Sections 1121(B) or 1121(C) because Emmanuel Owuor did not participate in the Program during his employment with Louisiana State University Parking and Transportation.

Adopted an advisory opinion in Docket No. 20-634 concluding that the son-in-law of a council member, Dennis Hoffman would be considered an immediate family member of a Harahan

City Council member under Section 1102(13) of the Code of Governmental Ethics. The prohibition contained in Section 1113(A)(1)(a) of the Code of Governmental Ethics will prevent Mr. Hoffman, as an immediate family member of a council member, from being appointed to a board or commission by the city council. While Mr. Hoffman's request uses the definition of "transaction" from the Cambridge Dictionary that would exclude arrangements for volunteer services, "transaction" is a defined term under the Code of Governmental Ethics. The Board concluded that the appointment is a transaction under Section 1102(23) of the Louisiana Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 20-730 concluding that as Gary Gisclair was not the head of an agency or an elected official; therefore, the general rule for all other public employees in Section 1121(B) of the Code of Governmental Ethics shall apply. Accordingly, for a period of two years, Mr. Gisclair may not contract with his former agency, DOTD's Operations Department for the Houma Sub-District, to provide the same services he provided while employed with DOTD. Therefore, he may not provide services to his former agency through any contract between his new employer and former agency. In addition, he may not assist his current employer in transactions involving DOTD, in which he participated during his employment with DOTD.

Adopted an advisory opinion on Docket No. 20-781 concluding that the Code of Governmental Ethics would not prohibit the Governor from appointing Dr. Lauren Rasmussen to serve as a member of the Louisiana State Board of Examiners of Psychologists even though she served as "pro-tem" member within the last two years. While Dr. Rasmussen would be prohibited from accepting an appointment made by Louisiana State Board of Examiners of Psychologists, she is being appointed by the Governor and not the Louisiana State Board of Examiners of Psychologists.

Approved the disqualification plan in Docket No. 20-789 regarding Patricia Broussard with the Office of Finance & Management for Lafayette City-Parish Consolidated Government. The proposed disqualification plan meets the requirements of Chapter 14 of the Title 52 of the Louisiana Administrative Code - Rules of the Board of Ethics.

Allowed the withdrawal of a request to review a disqualification plan in Docket No. 20-731 submitted by Attorney Robert Moore on behalf of the Town of Arcadia, concerning Billy Abner's service as Streets Superintendent while his son, Jeremy Abner, is a full time employee to be supervised by his father.

The Board considered a request for an advisory opinion in Docket No. 20-738 regarding whether the Louisiana Code of Governmental Ethics would prohibit Michele D. Jones', MLIS, continued employment as the Director of the Audubon Regional Library while she works as a part time contractor for the Louisiana Department of Corrections. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion. Also, the Board instructed the staff to contact the Attorney General regarding whether they want our office to provide them correspondence that raises issues under their jurisdiction.

The Board considered a request for an advisory opinion in Docket No. 20-782 regarding whether the Louisiana Code of Governmental Ethics would prohibit the Vidalia Police Department from accepting monetary donations from the Riverpark Medical Center to be used as Chief Joey Merrill sees fit. On motion made, seconded and unanimously passed, the Board made one-word change for the opinion to read as follows: the Code of Governmental Ethics would not prohibit the Vidalia Police Department from accepting monetary donations from Riverpark Medical Center. Additionally, the Code does not place any restrictions on how the Vidalia Police Department can use the donated funds. Furthermore, the Code of Governmental Ethics does not

dictate where the Vidalia Police Department can deposit those donated funds. Chief Merrill should be cautioned against a potential violation of Section 1112 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 November 5th and 6th Board meetings.

The Board considered a proposed consent order in Docket No. 16-949 regarding Gerald Jones, former Equipment Operator for Lafourche Parish Government. Gerald Jones executed a Consent Order and made full payment of \$1,500.00 relative to a violation of Section 1119A of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board adopted and published the Consent Order and instructed staff to dismiss the charges with the Ethics Adjudicatory Board.

The Board considered an advisory opinion in Docket No. 20-688 from Darien Brown, a former board member of East Union Hospital Service District, regarding his potential employment by Union General Hospital. On motion made, seconded and unanimously passed, the Board requested additional wording to highlight the two-year time frame to be added to the advisory opinion. The opinion concluded that for a period of two years following the conclusion of Darien Brown's service on the Board of East Union Hospital Service District, Mr. Brown's employment as to provide security detail for Union General Hospital would be a violation of Section 1121(A)(1) of the Code of Governmental Ethics.

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. 20-787 and 20-791 taking the following action:

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

Docket No. 20-646 from Alvin “Shark” St. Pierre, Jr., 10-G of a \$1,000 late fee;
Docket No. 20-646 from Alvin “Shark” St. Pierre, Jr., SUPP2019 of a \$1,000 late fee;
Docket No. 20-792 from Thomas L. “Tommy” Lyons, SUPP2019 of a \$600 late fee;
Docket No. 20-792 from Shawn Lockett, SUPP2017 of a \$600 late fee;
Docket No. 20-792 from Shawn Lockett, SUPP2018 of a \$600 late fee; and,
Docket No. 20-792 from Shawn Lockett, SUPP2019 of a \$600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-787 for a waiver of four \$3,000 late fees (total of \$12,000) assessed against International Paper, PAC, which, its chairperson, Chris Keuleman, and its treasurer, Meaghan Joyce, participated in the October 12, 2019 election, for filing the 30-P, 10-P, 10-G and 40-G campaign finance disclosure reports 140, 120, 85 and 34 days late, respectively. On motion made, seconded and unanimously passed, the Board suspended all but \$1000 each (\$4,000 total) conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-791 for a waiver of the \$480 and \$800 campaign finance late fees assessed against Trina Trinhthi Chu, a candidate for Judge, Court of Appeal, 2nd Circuit, 3rd Dist., Elec. Sec. 1A in the March 5, 2016 election and Judge, Juvenile Court, Elec.

Sect. 1C in the November 8, 2016 election, her committee's chairperson, Vandana Chaturvedi, and treasurer, Reshma Paralikar, whose 2019 supplemental campaign finance disclosure reports for each election were 8 days late. On motion made, seconded and unanimously passed, the Board suspended all late fees conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request in Docket No. 20-713 for a lobbying waiver of the \$1,500 late fee assessed against Katie Mayers for her June 2020 Expenditure Report and the \$1,150 late fee for her July 2020 Expenditure Report. On motion made, seconded and unanimously passed, the Board elected to rescind the late fees for both the June and July 2020 expenditure reports pursuant to Rule 1205B(2) of the Code of Governmental Ethics.

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 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 Personal Financial Disclosure waiver chart, excluding Docket Nos. 20-750, 20-753, 20-754, 20-756, 20-758, 20-759, 20-760, 20-762, 20-769 and 20-794 taking the following action:

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

Docket No. 20-520 from Lane Thomas for Tier 3 of a \$1,500 late fee;
Docket No. 20-751 from Lee Condole for Tier 2 of a \$2500 late fee;
Docket No. 20-766 from Phillip Smart for Tier 3 of a \$1,500 late fee;
Docket No. 20-767 from Ashley Spears for Tier 3 of a \$1,500 late fee;
Docket No. 20-768 from James Brown, Jr. for Tier 2.1 of a \$1,500 late fee;
Docket No. 20-770 from Lisa Coker for Tier 2.1 of a \$300 late fee; and,

Docket No. 20-772 from Erika Green for Tier 2 of a \$2500 late fee.

The Board unanimously suspended all but \$1,000 assessed against the following based on future compliance with the reporting requirements under the Code of Governmental Ethics:

Docket No. 20-752 from John Shoemaker for Tier 3 of a \$1,500 late fee.

Docket No. 20-761 from Juma Johnson for Tier 3 of a \$1,500 late fee.

The Board unanimously suspended all but \$650 assessed against the following based on future compliance with the reporting requirements under the Code of Governmental Ethics:

Docket No. 20-765 from Mark Roy, III, for Tier 2.1 of a \$1,500 late fee.

The Board considered a request in Docket No. 20-750 for a waiver of the \$1,500 late fee assessed against Tonya Williams, Collegiate Academies Charter School Board, for filing her 2018 Tier 3 Annual personal financial disclosure statement 91 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

On motion made, seconded and unanimously passed, the Board voted to reconsider Docket No. 20-752.

The Board considered a request in Docket No. 20-752 for a waiver of the \$1,500 late fee assessed against John Shoemaker., East Carroll Parish School Board, District 2, in November 6, 2018 election, for filing his 2017 Tier 3 Annual personal financial disclosure statement 730 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 in Docket No. 20-753 for a waiver of the \$900 late fee assessed against Jeffrey Gaudin, Ascension-St. James Airport and Transportation Authority, for filing his 2018 Tier 2.1 Annual personal financial disclosure statement 18 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-754 for a waiver of the \$1,500 late fee assessed against Charles Blaize, Jr., a member of the Emerge Center Charter School Board, for filing his 2018 Tier 3 Annual personal financial disclosure statement 410 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$750 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics. The \$750 is payable within 20 days and if payment is not received within 20 days, the full amount of the late fee becomes due and owing.

The Board considered a request in Docket No. 20-756 for a waiver of the \$1,500 late fee assessed against Donald Callais, Veterans Memorial District, Ward 10, for filing his 2018 Tier 2.1 Annual personal financial disclosure statement 250 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-758 for a waiver of the \$1,500 late fee assessed against Thomas Landry, Zachary City Council, for filing his 2018 Tier 3 Annual personal financial disclosure statement 310 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$1,000 conditioned upon future compliance with the reporting

requirements under the Code of Governmental Ethics. The \$1,000 is payable within 20 days and if payment is not received within 20 days, the full amount of the late fee becomes due and owing.

The Board considered a request in Docket No. 20-759 for a waiver of the \$1,500 late fee assessed against Sheral Kellar, Workers Compensation Second Injury Board, for filing her 2017 Tier 2.1 Annual personal financial disclosure statement 150 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-760 for a waiver of the \$1,500 late fee assessed against Dennis Williams, St. Martinville City Council, for filing his 2016 Tier 3 Annual personal financial disclosure statement 174 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-762 for a waiver of the \$1,500 late fee assessed against Erika McConduit, Louisiana Community and Technical College System, for filing her 2018 Tier 2.1 Annual personal financial disclosure statement 52 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-769 for a waiver of the \$1,500 late fee assessed against Tiffany Robbins, Crescent City Charter School Board, for filing her 2018 Tier 3 Annual personal financial disclosure statement 365 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 20-794 for a waiver of the \$1,500 late fee assessed against Derrick Edwards, Louisiana Housing Corporation, for filing his 2018 Tier 2.1 Annual personal financial disclosure statement 115 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$450 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics. The \$450 is payable within 20 days and if payment is not received within 20 days, the full amount of the late fee becomes due and owing.

The Board considered a request in Docket No. 20-764 for a waiver of the \$550 late fee assessed against Terri Singleton, a member of the D'Arbonne Woods Charter School Board, for filing her 2019-2020 School Board Disclosure Statement 11 days late. On motion made, seconded and unanimously passed, the Board waived the \$950 late fee.

The Board took in consideration a request for an advisory opinion in Docket No. 20-737 from Ellen Engemann, Chairman of the Housing Authority of the Mayor of New Roads Board of Commissioners. Greg Thibodeaux stated that Ms. Ellen Engemann was unable to appear before the board, and she asked the Board to continue the matter without her. After discussion, on motion made, seconded and unanimously passed, the Board deferred the matter and instructed the staff to get more information.

The Board considered the following supplemental general agenda item:

The Board considered a request for an advisory opinion in Docket No. 20-852 regarding the propriety of a former Louisiana Rehabilitation Services employee going to work for the Livingston Parish School Board. Since Ms. Harris does not appear to be an agency head and she did not provide Pre-ETS while she was employed with LRS, advise Ms. Harris that the Code of

Governmental Ethics does not prohibit her from working for the school board. On motion made, seconded and unanimously passed, the Board adopted the draft of the advisory opinion.

The Board discussed changing to the WaterMark Hotel for the month of January for board members who travel to attend the meetings.

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

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EXECUTIVE SESSION

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The Board unanimously adjourned at 10:57 a.m.

Secretary

APPROVED:

Chairman