

LOUISIANA BOARD OF ETHICS
MINUTES
November 18, 2011

The Board of Ethics met on November 18, 2011 at 9:00 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 Backhaus, Blewer, Hymel, Ingrassia, Leggio, Lowrey, Monroe, Simoneaux and Stafford present. Absent were Board Members Bowman and Schneider. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Michael Dupree, Brent Durham and Deidra Godfrey.

The Board considered a second request for reconsideration in Docket No. 11-541 for a waiver of the \$550 late fee assessed against Kenneth Thompson for filing his candidate personal financial disclosure statement 11 days late. On motion made, seconded and unanimously passed, the Board continued the matter without date due to medical reasons on behalf of Mr. Thompson.

The Board considered a second request for reconsideration in Docket No. 11-645 for a waiver of the \$1,500 late fee assessed against Charles Mayeux, Jr. for filing his candidate personal financial disclosure statement 72 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the December meeting, since Mr. Mayeux was unable to attend due to a court appearance.

Mr. Otis Randle, the former Regional Manager of the Northwest Regional Office of the Department of Environmental Quality (DEQ), and his attorney, Ms. Joyce Matthews, appeared before the Board in Docket No. 11-1155 in connection with a request for an advisory opinion as to the application of the post employment restrictions with respect to Mr. Randle.

Board Member Schneider arrived at the meeting at 9:17 a.m.

After hearing from Mr. Randle and Ms. Matthews, on motion made, seconded and passed by a vote of 7 yeas by Board Members Backhaus, Blewer, Hymel, Leggio, Monroe, Schneider and Stafford and 3 nays by Board Members Ingrassia, Lowrey and Simoneaux, the Board concluded that Section 1121A(1) of the Code of Governmental Ethics prohibits Mr. Randle, for a period of two years following the termination of his service as Regional Manager of the Northwest Regional Office of the Surveillance Division within the Office of Environmental Compliance, from assisting a company or other person in a transaction involving the Northwest Regional Office of the Surveillance Division within the Office of Environmental Compliance.

Mr. Keith Gautreau, an Infrastructure Analyst with the Office of Community Development/Disaster Recovery Unit; Mr. Rowdy Gaudet, Office of Community Development Infrastructure Director; and, Mr. Dan Reese, attorney, appeared before the Board in Docket No. 11-1245 in connection with a request for an advisory opinion regarding whether Mr. Gautreau may work with the Office of Community Development/Disaster Recovery Unit (OCD/DRU), Infrastructure Division, through a staff supplement contract with Shaw Corporation following his retirement from the OCD/DRU, Infrastructure Division. After hearing from Mr. Gautreau, Mr. Gaudet and Mr. Reese, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics would be presented by Mr. Keith Gautreau working with the Office of Community Development/Disaster Recovery Unit (OCD/DRU), Infrastructure Division, through a staff supplement contract with Shaw Corporation for a period of two years following his retirement from the OCD/DRU, Infrastructure Division as long as the services rendered are not those rendered while he was employed with the OCD/DRU nor involve projects in which he participated while employed with OCD/DRU.

Mr. Beau James Brock and Mr. Andre Belanger, attorneys for Mr. Chris Piehler, appeared before the Board in Docket No. 11-1211 in connection with a request for an advisory opinion regarding whether Mr. Piehler, Administrator of the Inspection Division of the Louisiana Department of Environmental Quality (DEQ), may receive payments related to a lease agreement. After hearing from Mr. Brock and Mr. Belanger, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Piehler receiving a fee from Audubon Oil and Gas, LLC for access to his property pursuant to the lease agreement, since Audubon does not have a business, financial, or contractual relationship with the Mr. Piehler's agency (the Inspection Division), nor is Audubon conducting operations or activities which are regulated by the Inspection Division. The Board further concluded that no violation of the Code of Governmental Ethics is presented by Mr. Piehler receiving royalty payments from Shell Western E&P (a sublessee), since Shell does not have a relationship with the Inspection Division nor would Shell be considered an entity whose activities are regulated by Mr. Piehler's agency. Shell's activities are generally regulated by the Department of Natural Resources. The Board further advised that although Mr. Piehler may receive the royalty payments, he may not participate in any of DEQ's responses to spills. Pursuant to Shell's sublease with Audubon, Shell is a person who owes a thing of economic value to Mr. Piehler and is therefore in a position to directly affect the economic interests of Mr. Piehler. The Board also advised that Mr. Piehler should file a disqualification plan with the Board.

On motion made, seconded and unanimously passed, the Board adopted the following general business agenda items:

Adopted for publication, a consent opinion in Docket No. 10-673 in which Mechelle

Galloway, Chief Financial Officer/Chief Civil Deputy of the Washington Parish Sheriff's Office, agrees that a violation of Section 1112B(1) of the Code of Governmental Ethics occurred by her participation in transactions with the Washington Parish Sheriff's Office that involved payments to her husband's company, Adveon Solutions, Inc., and in which Ms. Galloway agrees to pay a fine of \$2,000.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted for publication, a consent opinion in Docket No. 10-772 in which Richard "Dale" Wolfe, a candidate for St. John the Baptist Parish President in the March 27, 2010 election, agrees that a violation of Section 1505.2H of the Campaign Finance Disclosure Act occurred by his acceptance of a loan in the amount of \$20,000 which was in excess of his contribution limit of \$2,500 per election for a total of \$5,000 and in which Mr. Wolfe agrees to pay a fine of \$1,000.

Adopted for publication, a consent opinion in Docket No. 10-848 in which (1) Wilda Fontenot agrees that a violation of Section 1119 of the Code of Governmental Ethics occurred by virtue of her employment by the City of Abbeville's Water Department while her brother-in-law, Roger Fontenot, serves as the Superintendent of the Water Department and in which she agrees to pay a fine of \$1,000 conditioned upon resolution of the conflict; and, (2) Roger Fontenot agrees that violations of Sections 1119 and 1112 of the Code of Governmental Ethics occurred by virtue of the employment and his participation in the hiring of his sister-in-law, Wilda Fontenot, by the City of Abbeville's Water Department while he serves as the Superintendent of the Water Department and in which he agrees to pay a fine of \$1,000, conditioned upon resolution of the conflict.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted for publication, a consent opinion in Docket No. 11-1133 in which Cedric Glover, a candidate for

Mayor of Shreveport in the October 2, 2010 election, and the Cedric Glover Campaign Committee agree that a violation of Section 1505.1.C of the Campaign Finance Disclosure Act occurred by the failure to accurately file the 30-P campaign finance disclosure report and the 40-G campaign finance disclosure report in connection with the October 2, 2010 election and in which Mr. Glover and the Cedric Glover Campaign Committee agree to pay a fine of \$3,000.

Adopted an advisory opinion in Docket No. 11-1363 concluding that no violation of the Code of Governmental Ethics is presented by Beau James Brock, former Confidential Assistant to the Secretary of the Department of Environmental Quality (DEQ), providing legal counsel to Liberty Water Company, within two years following the termination of his employment with the DEQ, in connection with an appearance before the Department of Health and Hospitals (DHH) and the Public Service Commission, since Mr. Brock is not assisting Liberty Water Company in matters involving his former agency, the DEQ, or before the Office of Compliance.

Adopted an advisory opinion in Docket No. 11-1366 concluding that no violation of the Code of Governmental Ethics is presented by the Morehouse Parish School Board employing the wife of Mike Stephens, a member of the Morehouse Parish School Board, to administer DIBELS reading assessments to students in grades K-3, since Mr. Stephens' wife is a retired certified teacher and will be teaching within her certification.

Adopted an advisory opinion in Docket No. 11-1367 concluding that no violation of the Code of Governmental Ethics is presented by Cindy Greenstein, wife of Department of Health and Hospitals (DHH) Secretary Bruce Greenstein, accepting employment with either Blue Cross/Blue Shield or Pennington Biomedical Research Center, since Mrs. Greenstein is not seeking employment with the DHH or one of its agencies and since neither Blue Cross/Blue Shield nor Pennington

Biomedical Research Center is licensed or regulated by DHH nor has any contracts with the DHH.

Adopted an advisory opinion in Docket No. 11-1385 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Jamie Tairov, an employee of the LSU AgCenter, from serving as a contractor for the Louisiana FFA Foundation, since the FFA Foundation gathers sponsorships to fund activities and awards of the FFA Association and the Foundation's provision of funding to the FFA Association amounts to a business, financial and/or contractual relationship with Mr. Tairov's agency.

Adopted an advisory opinion in Docket No. 11-1389 concluding that the members of the Slidell Memorial Hospital Foundation are not required to file personal financial disclosure reports, since the Foundation was not created by statute but by the St. Tammany Parish Hospital Service District and does not meet the definition of "board or commission."

Adopted an advisory opinion in Docket No. 11-1397 concluding that no violation of the Code of Governmental Ethics is presented by the Cameron Parish Assessor or an employee of the Cameron Parish Assessor's Office serving on a local board of the Cameron Parish taxing bodies, since none of the boards in question are under the supervision or jurisdiction of the Cameron Parish Assessor's Office, nor is the Cameron Parish Assessor's Office under the supervision or jurisdiction of any of the boards in question. The Board further advised that the request may present an issue under the Dual Office Holding laws and referred the requestor to the Attorney General's Office.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, due to lack of standing, declined to render an advisory opinion in Docket No. 11-1435 regarding the definition of "political committee" in the Campaign Finance Disclosure Act (CFDA) and whether political committees as defined by the CFDA are permitted to make contributions to organizations that make

independent expenditures.

Adopted an advisory opinion in Docket No. 11-1444 concluding that no violation of the Code of Governmental Ethics is presented by Judge Blair Edwards, of the Twenty-First Judicial District, using her monthly vehicle stipend to own or lease a vehicle from Ross Downing Chevrolet when her father is the owner of the dealership, since Judge Edwards is not subject to the provisions of the Code of Governmental Ethics and since Judge Edwards's agency does not have supervision over how the stipend is spent (absent the earmark that it be used for a vehicle).

Adopted an advisory opinion in Docket No. 11-1455 concluding that no violation of the Code of Governmental Ethics is presented by Patti French's proposed contractual employment with RedMane Technology following her retirement from the Department of Children and Family Services (DCFS), since her proposed duties with RedMane are not the same services she provided as a Program Manager 2 with the DCFS Child Support Enforcement.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the October 20-21, 2011 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for "good cause" waivers of late fees assessed against the following candidates and political action committees:

Mr. Chris Young appeared on behalf of LA Economic Expansion Program (LEEP) in connection with a request for a waiver in Docket No. 11-1433 of the \$500 late fee assessed against the committee for filing the 10-G campaign finance disclosure report 70 days late.

Chairman Simoneaux vacated the Chair. Vice Chairman Monroe assumed the Chair.

After hearing from Mr. Young, on motion made, seconded and passed by a vote of 8 yeas by Board Members Backhaus, Blewer, Hymel, Leggio, Lowrey, Schneider, Simoneaux and Stafford and 2 nays by Board Members Ingrassia and Monroe, the Board waived the \$500 late fee.

On motion made, seconded and unanimously passed, the Board agreed to take action on the items included on the campaign finance waiver chart with the exceptions of items #1 and #2 en globo. On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items included on the campaign finance waiver chart with the exceptions of items #1 and #2 taking the following action:

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

Docket No. 11-1578 from Curtis C. Hodge of a \$1,140 late fee;
Docket No. 11-1579 from Terry Landry of a \$660 late fee;
Docket No. 11-1590 from Mark D. Chiasson of a \$1,140 late fee;
Docket No. 11-1591 from Dale Bayard of a \$700 late fee; and,
Docket No. 11-1599 from LA Association of Educators of a \$2,500 late fee.

Board Member Backhaus recused himself from Docket No. 11-1591.

The Board unanimously waived the late fees assessed against the following:

Docket No. 11-1576 from Steve Bierhorst of a \$540 late fee; and,
Docket No. 11-1577 from Myron Katz of a \$600 late fee.

Chairman Simoneaux resumed the Chair.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1498 for a waiver of the \$360 late fee assessed against David E. Peralta, a candidate for St. Bernard Parish President in the October 22, 2011 election, for filing his 30-P campaign finance disclosure report 6 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$360 late fee but suspended \$260 conditioned upon future compliance, since it was Mr. Peralta's first election and he timely filed in paper format.

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists:

The Board unanimously declined to waive the \$300 late fee in Docket No. 11-1592 assessed against Rochelle Juelich for filing her July 2011 Legislative lobbying expenditure report 6 days late.

The Board unanimously waived the \$50 late fee in Docket No. 11-1593 assessed against Rachel Miller for filing her August 2011 Legislative lobbying expenditure report 1 day late, since it was Ms. Miller’s first late filing.

The Board considered requests for “good cause” waivers of late fees assessed against the following individuals in connection with the failure to timely file school board disclosure statements:

The Board unanimously waived the \$200 late fee in Docket No. 11-1409 assessed against Carroll Daniels for filing his 2010-2011 school board disclosure report 4 days late, based on the waiver guidelines.

The Board unanimously waived the \$200 late fee in Docket No. 11-1410 assessed against Cecil Walker for filing his 2010-2011 school board disclosure statement untimely, based on the waiver guidelines.

The Board unanimously agreed to consider the following supplemental agenda items:

On motion made, seconded and unanimously passed, the Board dismissed the charge without prejudice in Docket No. 11-421 against Barbara Moore in connection with her failure to pay a \$1,100 late fee assessed for filing her 2009 Tier 3 candidate personal financial disclosure statement 22 days late.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board

considered a consent opinion in Docket No. 10-1136 regarding Tommy Martinez, Ascension Parish President, violating the Campaign Finance Disclosure Act by receiving excessive contributions. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Tommy Martinez agrees that a violation of Section 1505.2.H of the Campaign Finance Disclosure Act occurred by his receipt of \$4,700 in contributions from Glenn G. Shaheen & Associates, Inc. when his contribution limit was \$2,500 per election and in which Mr. Martinez agrees to pay a fine of \$250.

The Board considered a consent opinion in Docket No. 10-177 involving Mayor Tommy O'Conn transacting business with the Village of Robeline. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Mayor Tommy O'Conn agrees that a violation of Section 1113A of the Code of Governmental Ethics occurred by his doing business with the Village of Robeline through his business, Pampered Soul, and in which Mayor O'Conn agrees to pay a fine of \$5,000.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a consent opinion in Docket No. 10-798 in connection with Cyndi Nguyen, a candidate for Orleans City Council in the February 6, 2010 election, who received a loan in excess of her contribution limit. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Cyndi Nguyen agrees that a violation of Section 1505.2.H of the Campaign Finance Disclosure Act occurred by her receipt of a \$4,500 loan from Southern Premier Development in connection with the February 6, 2010 election when her contribution limit was \$2,500 per election and in which Ms. Nguyen agrees to pay a fine of \$250.

The Board considered a request for advisory opinion in Docket No. 11-1357 regarding

whether Albert Dewey Dukes, the husband of an employee in the Pointe Coupee Parish School System, may sell insurance to the School Board. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Albert Dewey Dukes selling property and casualty insurance to the Pointe Coupee Parish School Board while his wife, Valerie S. Dukes, works as the Supervisor of Title I Parent Involvement, School Choice and Supplemental Services, Title I and 21st Century Community Learning Center Extended Day and Year Programs for the school system, since Mrs. Dukes's agency is limited to the supervised school programs. The Board further advised that Section 1112 of the Code of Governmental Ethics will prohibit Mrs. Dukes from participating in any transaction in which she or her husband has a substantial economic interest.

The Board considered a request for an advisory opinion in Docket No. 11-1626 regarding whether George Marks may apply to have his art displayed through the Louisiana Division of the Arts (LDOA) "Percent for Art Program" while he holds a seat on the Louisiana State Arts Council. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by George Marks, a member of the Louisiana State Arts Council, applying to have his art displayed through the Louisiana Division of the Arts "Percent for Art Program," since Mr. Marks's agency, the Louisiana State Arts Council, will not have supervision or jurisdiction over the selection process of the art to be displayed through the "Percent for Art Program" or the LDOA in this matter.

Accepted for filing, the disclosure statements filed in Docket No. 11-1617 for October, 2011.

The Board considered a request for an advisory opinion in Docket No. 11-1471 regarding

whether CDG Hangar, LLC, may bid on and enter into a lease agreement with the Avoyelles Airport Authority. On motion made, seconded and passed by a vote of 9 yeas by Board Members Backhaus, Blewer, Hymel, Ingrassia, Leggio, Lowrey, Monrose, Simoneaux and Stafford and 1 nay by Board Member Schneider, the Board instructed the staff to draft an advisory opinion stating the exception pursuant to Section 1123(20) of the Code of Governmental Ethics applies to this transaction.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to add to the agenda, consideration of the charges filed in Docket No. 11-893 against Judge Toni Higginbotham, her campaign committee, and its officers. On motion made, seconded and unanimously passed, the Board dismissed the charges against Judge Toni Higginbotham and Jack Dampf, Chairman of the Toni Higginbotham Campaign Committee.

The Board unanimously adjourned at 11:21 a.m.

Secretary

APPROVED:

Chairman