

LOUISIANA BOARD OF ETHICS  
MINUTES  
October 19, 2018

The Board of Ethics met on October 19, 2018 at 9:00 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 Brandon, Bruneau, Couvillon, Dittmer, Lavastida, Leggio, McAnelly, Meinert, Mouton-Allen and Roberts present. Absent was Board Member Smith. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, David Bordelon, Jennifer Land, Suzanne Mooney, Brett Robinson, and Greg Thibodeaux.

Ms. Emalie A. Boyce, Director of the Division of Administrative Law, appeared before the Board in connection with the selection of an administrative law judge to serve as an alternate on the Ethics Adjudicatory Board. Ms. Boyce submitted a paper list of twenty (20) names of potential administrative law judges which were individually torn, folded and randomly drawn from a bowl by Ms. Boyce. Following the drawing, Ms. Boyce announced that Romaine White was selected at the alternate administrative law judge with the term ending in 2019.

The Board considered a request for reconsideration in Docket No. 18-485 of the Board's suspension of all but \$400 of a \$1,500 late fee assessed against Carlos J. Sam, a former member of the BREC Board of Directors (serving from May, 2010 - December, 2015) and Teachers' Retirement System (serving from November, 2011 - July, 2015), for filing his 2015 Tier 2.1 Annual personal financial disclosure statement 122 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the November meeting.

Ms. Carey B. Daste, treasure for Dale N. Atkins, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request for

reconsideration in Docket No. 18-633 of the \$700 late fee assessed against Dale N. Atkins, a candidate for Judge, Court of Appeal, 4th Circuit, 1st District, Division F, Orleans Parish in the March 24, 2018 election; the committee's chairperson, E. John Litchfield; and, treasurer, Ms. Daste, for filing the 2017 Annual campaign finance disclosure report 7 days late. After hearing from Ms. Daste, on motion made, seconded and passed by a vote of 6 yeas by Board Members Brandon, Bruneau, Couvillon, Dittmer, Lavastida and McAnelly and 4 nays by Board Members Leggio, Meinert, Mouton-Allen and Roberts, the Board declined to waive the \$700 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. David Alvarez, a candidate for Orleans Parish School Board, District 6 in the November 8, 2016 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-821 for a waiver of the \$1,200 and \$600 late fees assessed against him for filing the 30-P and 2016 Supplemental campaign finance disclosure reports 20 and 20 days late, respectively. After hearing from Mr. Alvarez, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,200 and \$600 late fees but suspended \$1,100 for the 30-P campaign finance disclosure report and \$500 for the 30-P campaign finance disclosure report conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

Ms. Fran Daily, Accounting Supervisor for South PAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-1017 for a waiver of the \$200 late fee assessed against South PAC, a political action committee; its committee's chairperson, Steve Strumpf; and, treasurer, Roy Sternfelst,

for filing the Monthly June 2018 campaign finance disclosure report 1 day late. After hearing from Ms. Daily, on motion made, seconded and unanimously passed, the Board declined to waive the \$200 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act. Board Member Bruneau recused himself.

Ms. Fran Daily, Accounting Supervisor for North PAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-1250 for a waiver of the \$200 late fee assessed against the North PAC, a political action committee; its committee's chairperson, Terry Baugh; and, treasurer, Robert Mills, for filing the Monthly June 2018 campaign finance disclosure report 1 day late. After hearing from Ms. Daily, on motion made, seconded and unanimously passed, the Board declined to waive the \$200 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act. Board Member Bruneau recused himself.

Ms. Fran Daily, Accounting Supervisor for West PAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-1251 for a waiver of the \$200 late fee assessed against the West PAC, a political action committee; its committee's chairperson, Charlie Trent; and treasurer, Courtney Fenet, for filing the Monthly June 2018 campaign finance disclosure report 1 day late. After hearing from Ms. Daily, on motion made, seconded and unanimously passed, the Board declined to waive the \$200 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act. Board Member Bruneau recused himself.

Ms. Fran Daily, Accounting Supervisor for East PAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a

request in Docket No. 18-1252 for a waiver of the \$200 late fee assessed against the East PAC, a political action committee; its committee's chairperson, Milton Graugnard; and, treasurer, Jake Nettterville, for filing the Monthly June 2018 campaign finance disclosure report 1 day late. After hearing from Ms. Daily, on motion made, seconded and unanimously passed, the Board declined to waive the \$200 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act. Board Member Bruneau recused himself.

The Board considered a request for an advisory opinion in Docket No. 18-1021 regarding the potential privatization of all occupational and physical therapists for the East Baton Rouge Parish School System (school system). On motion made, seconded and unanimously passed, the Board concluded that based on the unique circumstances of privatization of the described services, the Code of Governmental Ethics does not prohibit the former employees who did not participate in the agency's decision to privatize their services from contracting back with the school system or being employed by a private entity, such as First Choice Therapy, to provide therapy services to the school system since the school system will no longer provide such services.

The Board considered a request for an advisory opinion in Docket No. 18-1057 regarding post-employment restrictions that would apply to Gary Charles Pentek following his retirement from the Department of Transportation and Development (DOTD) on May 5, 2018. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Pentek contracting with parish and local governments to act as an advisor to assist with obtaining funding for future projects and to assure that projects are timely completed, since Mr. Pentek will not be providing the same services under contract to local and parish governments that he provided as a DOTD employee, and he will not be assisting another

person for compensation in transactions in which he participated while employed with DOTD

Ms. Cynthia C. Bernard, treasurer for Desiree M. Charbonnet, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-1061 for a waiver of the \$1,500, \$1,300, \$300 and \$100 late fees assessed against Desiree M. Charbonnet, a candidate for Mayor, City of New Orleans, in the October 14, 2017 election; the committee's chairperson, Nelita Manego Ramey; and, treasurer, Ms. Bernard, for filing the Special (48 Hour) campaign finance disclosure reports 17, 13, 3 and 1 days late, respectively. After hearing from Ms. Bernard on motion made, seconded and passed by a vote of 7 yeas by Board Members Brandon, Bruneau, Couvillon, Dittmer, Lavastida, Meinert and Mouton-Allen and 3 nays by Board Members Leggio, McAnelly and Roberts, the Board declined to waive the \$1,500 late fee but suspended \$1,400; the \$1,300, late fee but suspended \$1,200; the \$300 late fee but suspended \$200 and declined to waive the \$100 late fee conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

Mr. Stephen Ledet appeared before the Board in connection with a request in Docket No. 18-1063 for a waiver of the \$750 late fee assessed against him for the late filing of the June 2018 Lobbying Expenditure Report. After hearing from Mr. Ledet, on motion made, seconded and unanimously passed, the Board declined to waive the \$750 late fee.

The Board considered a request for an advisory opinion in Docket No. 18-1147 regarding whether the Code of Governmental Ethics would prohibit Raymond Bernard, Jr, an employee of Aviation Exteriors of Louisiana (Aviation Exteriors), from being appointed to the Iberia Parish Airport Authority (Airport Authority). On motion made, seconded and unanimously passed, the

Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Mr. Bernard from working for Aviation Exteriors if he was appointed to the Airport Authority. If Mr. Bernard was appointed to the Airport Authority, Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit him from accepting his salary from Aviation Exteriors as the three hangar leases create a business, contractual, and financial relationship between Aviation Exteriors and the Airport Authority.

Ms. Karen Gisclair, Supervisor of Accountability and Middle Schools for Lafourche Parish Schools, appeared before the Board in Docket No. 18-1178 in connection with a request for an advisory opinion as to whether Jamie Blanchard may be a minority owner or contracted employee with Ms. Gisclair's future consulting firm, Data 2 Information, while she is employed as an Education Program Consultant III with the Department of Education (DOE) in the Office of School Improvement. After hearing from Ms. Gisclair, on motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would not prohibit Jamie Blanchard from being a minority owner or contracted employee of Data 2 Information while she is employed as an Education Program Consultant III with the DOE in the Office of School Improvement, since Ms. Blanchard would not be providing services through Data 2 Information that are substantially related to her duties as an employee of the DOE.

The Board considered a request for an advisory opinion in Docket No. 18-1145 regarding whether the members of the Louisiana Veterans Affairs Commission 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 that the members of the Louisiana Veterans Affairs Commission are not required to file Annual personal financial

disclosure statements, since the Commission does not have the authority to expend, disburse or invest any funds.

Mr. Scott Kirkpatrick, an attorney with Roedel, Parsons, Koch, Blache, Balhoff & McCollister, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-1015 for a waiver of the \$400 late fee assessed against KB-PAC, Inc., a political action committee; its committee's chairperson, John D. Koch; and, treasurer, Larry M. Roedel, for filing the Monthly May 2018 campaign finance disclosure report 2 days late. After hearing from Mr. Kirkpatrick, on motion made, seconded and passed by a vote of 9 yeas by Board Members Brandon, Bruneau, Couvillon, Dittmer, Lavastida, McAnelly, Meinert, Mouton-Allen and Roberts and 1 nay by Board Member Leggio, the Board declined to waive the \$400 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Perry Nicosia, a candidate for District Judge, 34th JDC, St. Bernard Parish, Division C in the March 27, 2010 election, and Dan Johnson, Mr. Nicosia's CPA and report preparer, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-1016 for a waiver of the \$2,000, \$550 and \$2,000 late fees assessed against Mr. Nicosia for filing the 2015, 2016 and 2017 Supplemental campaign finance disclosure reports 876, 511 and 146 days late, respectively. After hearing from Mr. Nicosia and Mr. Johnson, on motion made, seconded and unanimously passed, the Board rescinded the three (3) late fees.

The Board recessed at 10:52 a.m. and resumed back into general business session at 11:05 a.m.

The Board discussed the issue of allowing amendments to be made to previously filed campaign finance disclosure reports. Chairman McAnelly asked if there was a process in place for filing amendments to previous filed campaign finance disclosure reports and how far back can one go and amend a report. Board Member Meinert stated that he would like to know if there are reports with amendments that may require counter factual reporting. Ms. Allen stated that she would discuss with staff the volume of those reports and will return “test cases” to the Board’s executive session agenda. Board Member Bruneau commented that there should be a Rule with respect to re-opening a closed campaign account. Ms. Allen stated that she would research the issue and advise the Board accordingly.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G16-G40 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 G16-G40, excluding Items G16, G20, G25, G30, G35, G36, G39 and G40, taking the following action:

Adopted an advisory opinion in Docket No.18-951 concluding that Section 1112A of the Code of Governmental Ethics would prohibit Eric Hoffsommer from being employed by the St. Mary Parish Fire Protection District No. 7 as a maintenance worker while serving as the Fire Chief for the Bayou Vista Volunteer Fire Department (BVVFD), since the Fire Chief is responsible for the supervision of all personnel at the fire station, including the maintenance workers, and determines the work schedule for the employees. Further, it is possible that the duties of the Fire Chief would overlap with the duties of the maintenance personnel whereby the Fire Chief would be receiving a



thing of economic value in the form of maintenance worker's salary for the operations of the agency for which he has participated in violation of Section 1111C(1)(a) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 18-976 concluding that Section 1121A(1) of the Code of Governmental Ethics would prohibit Larry Broussard, the former City Engineer and Civil Engineer Supervisor for Lafayette Consolidated Government (LCG) and current employee of C.H. Fenstermaker & Associates, LLC, from assisting another person, including but not limited to Fenstermaker, for compensation, in a transaction involving engineering projects associated with the Design and Development Division of LCG Public Works for a period of two years following the termination of his public service, since he served as the agency head for the Design and Development Division. The Board further advised that no violation of the Code of Governmental Ethics would be presented by Larry Broussard assisting another person, for compensation, in a transaction involving projects with any division other than the Design and Development Division, provided he did not participate on said projects while employed with the Office of Public Works. Larry Broussard, however would not be restricted from working on projects involving federal, state or parishes other than Lafayette.

Adopted an advisory opinion in Docket No. 18-978 regarding Damon C. Morris, Ph.D., an employee of the Dept. of Wildlife & Fisheries (LDWF), Marine Fisheries Division, working for certain entities following the his employment with LDWF and concluding the following: (1) with respect to the Louisiana Seafood Promotion and Marketing Board, Dr. Morris would not be prohibited from receiving compensation for rendering services to the Seafood Board, as the Seafood Board is a governmental entity and not a "person" for the purposes of the Code of Governmental

Ethics; (2) with respect to the Audubon Nature Institute, Dr. Morris would not be prohibited from receiving compensation for assisting the Audubon Nature Institute, as the new sustainability initiatives would not involve the same particular matters in which he participated while employed by LDWF. Additionally, Dr. Morris would not be prohibited from rendering services on a contractual basis to the Audubon Nature Institute for a new program, since the services rendered would not be to, for, or on behalf of his former agency, the LDWF Marine Fisheries Division; and, (3) with respect to other private entities, generally, Dr. Morris would not be prohibited from rendering services on a contractual basis, provided that they are not rendered to, for, or on behalf of his former agency, the LDWF Marine Fisheries Division. The Board declined to render any specific opinion as to a third party without further details as to the identity of the private entity and advised that Dr. Morris may seek an additional advisory opinion in the event a private entity assumes control of a new program.

Adopted an advisory opinion in Docket No. 18-1011 concluding that Section 1111A(1)(a) of the Code of Governmental Ethics would prohibit Tammy Anderson, a Transportation Manager employed by the Department of Transportation and Development (DOTD), and four transportation permit supervisors within the DOTD Truck Permit Office from sponsoring a gift incentive to be provided to transportation permits specialists based on performance, dependability, and accuracy, since the gift cards that would be provided by the transportation manager and the supervisors to the employees are based on the performance of their duties as permit specialists. As such, it would be considered a thing of economic value that they would receive for performing their job duties outside of the compensation and benefits from their governmental entity.

Adopted an advisory opinion in Docket No. 18-1012 concluding that Section 1113A(1)(a)

of the Code of Governmental Ethics would prohibit Lavergne Electric, owned by Sharon and Roy Lavergne, from entering into transactions with the Greater Baton Rouge Port Commission (Port) if their son, Todd Lavergne, is hired by the Port, since the transactions would be under the supervision or jurisdiction of the Port.

Adopted an advisory opinion in Docket No. 18-1022 concluding that no violation of the Code of Governmental Ethics is presented by C & B Trucking, LLC, a trucking company co-owned by Cody Estilette, providing compensated trucking services to a subcontractor on local Department of Transportation and Development (DOTD) projects while Mr. Estilette is employed as a Training Coordinator in the Business Office within District 3 of the DOTD in Lafayette, since the Business Office within DOTD-District 3 is considered a separate agency from its Engineering Department, and it would have no supervision or jurisdiction over projects overseen by DOTD-District 3 project engineers. The Board further advised that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit C & B Trucking, LLC from providing compensated trucking services to a subcontractor if that subcontractor: (1) has or is seeking to have a contractual or other business relationship with the Business Office of DOTD-District 3; (2) conducts operations or activities which are regulated by the Business Office of DOTD-District 3; or, (3) has a substantial economic interest which may be substantially affected by the performance or nonperformance of his official duty as a public employee.

Adopted an advisory opinion in Docket No. 18-1023 concluding that Section 1121B of the Code of Governmental Ethics would prohibit Ashley Hebert, a former Cost Estimator with the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), for two years following the termination of her employment on August 6, 2018, from assisting another person, for

compensation, in connection with a transaction in which she participated while employed as a Cost Estimator for GOHSEP.

Adopted an advisory opinion in Docket No. 18-1026 concluding that no violation of the Code of Governmental Ethics is presented by Lt. Roger Ellerbe, a Patrol Lieutenant employed by the Claiborne Parish Sheriff's Office, running for election to the Claiborne Parish Police Jury. The Board further advised that the opinion request may present an issue associated with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General's Office.

Adopted an advisory opinion in Docket No. 18-1027 concluding that no violation of the Code of Governmental Ethics would be presented by the continued employment of Brandee Orgeron as a teacher by the Ascension Parish School Board in the event her husband, Corey J. Orgeron, is elected as a member of the Ascension Parish School Board, District 4B, since Mrs. Orgeron meets the one-year requirement for the exception as she has been employed since 2005. The Board further advised that Mr. Orgeron should be aware of the disclosure filing requirement of Section 1119B(2)(a) of the Code of Governmental Ethics and the recusal provisions of Section 1120 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 18-1028 concluding that no violation of the Code of Governmental Ethics would be presented by Andy Currier, Tangipahoa Parish Public Works Director, partnering with Jerod Stevens, whose family owns a company that has contracted with Tangipahoa Parish Government, to form Cross River Construction. However, Section 1113A(1) of the Code of Governmental Ethics would prohibit Cross River Construction from transacting with and/or having matters before the Tangipahoa Parish Office of Public Works. In addition, Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Cross River Construction from

receiving any thing of economic value for providing services to any person that has or is seeking to have a contractual, financial, or other business relationship with the Tangipahoa Parish Office of Public Works. Further, Andy Currier's formation of Cross River Construction with Jerod Stevens would not impair the ability of Stevens Dirt Hauling and Concrete, the company owned by Jerod Stevens' father, from bidding on work with Tangipahoa Parish.

Adopted an advisory opinion in Docket No. 18-1029 concluding that no violation of the Code of Governmental Ethics would be presented by Kevin Cyrus, a West Baton Rouge Parish Sheriff's Deputy, operating a driving school while he serves as a West Baton Rouge Parish Sheriff's Deputy. The Board further advised the Section 1111C(1)(a) of the Code of Governmental Ethics would prohibit Mr. Cyrus from receiving any compensation from any person attending his driving school to whom he had issued a traffic citation through his position with the West Baton Rouge Sheriff's Office.

Adopted an advisory opinion in Docket No. 18-1059 concluding that Section 1113A of the Code of Governmental Ethics would prohibit David Remedies, Sr. from contracting with the Sabine Parish Police Jury, Road Department, to provide services while his son is employed by that department.

Adopted an advisory opinion in Docket No. 18-1060 regarding post-employment prohibitions with respect to Sarah Schirmer relative to her previous employment as the Criminal Justice Policy Advisor for the Mayor of New Orleans concluding the following: (1): the Code of Governmental Ethics would not prohibit Sarah Schirmer from working for P.F.M. on contracts with the City of New Orleans or one of its departments provided that the contract is not with the Office of Criminal Justice Coordination, since Ms. Schirmer was not considered to be an agency head. The Code of

Governmental Ethics would only prohibit her from assisting another person, for compensation, in a transaction in which she participated while employed as a Policy Advisor for the Office of Criminal Justice Coordination. Ms. Schirmer would be prohibited from working on projects dealing with judges and the Office of the District Attorney; and, (2) even though Sarah Schirmer's employer is receiving money from a philanthropic foundation and is not receiving money from the City of New Orleans, the Code of Governmental Ethics provides that a public servant is prohibited from rendering any service on a contractual basis, regardless of the parties to the contract, on matters which she worked on while employed at the Office of Criminal Justice Coordination. Ms. Schirmer was not considered to be an agency head, therefore she would only be prohibited from working on projects that she worked on while at the Office of Criminal Justice Coordination.

Adopted an advisory opinion in Docket No. 18-1067 concluding that Section 1113A of the Code of Governmental Ethics would prohibit Pascal Architects, a company owned by P. Mark Culotta, from bidding on or entering into a contract with Louisiana State Board of Medical Examiners while his brother, Dr. Vincent J. Culotta, Jr., serves as the Executive Director.

Adopted an advisory opinion in Docket No. 18-1068 concluding that Section 1121A of the Code of Governmental Ethics would prohibit Dave Opdenhoff, currently employed as the Sewer & Water Superintendent for the City of Ponchatoula, from entering into a consulting agreement with the City to render services to the Sewer & Water Department following his retirement. However, Mr. Opdenhoff would not be prohibited from being re-hired as a part-time employee of the City.

Adopted an advisory opinion in Docket No. 18-1146 concluding that no violation of the Code of Governmental Ethics is presented by Nick Guidry accepting a nomination to serve on the Lafourche Parish Planning Commission while maintaining his current position and employment as

Parishwide Operations Manager for the Department of Public Works in Lafourche Parish. The Board further advised this advisory opinion request may present an issue associated with the Louisiana Dual Office Holding laws, which are under the jurisdiction of the Attorney General's Office, and the Board suggests that he contact the Attorney General's Office for advice associated with the Dual Office Holding laws.

Adopted an advisory opinion in Docket No. 18-1148 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Stephen D. Morris, M.D., a Board Member of the Lafourche Parish Hospital Service District No. 2, from receiving lease payments from Ochsner Health System while Ochsner has a contractual, business, or financial relationship with the District.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 18-816 regarding whether the post-employment provisions would prohibit Dr. Bobby Matthews from consulting with the Louisiana Secretary of State on the Louisiana Notary Examination after his retirement from Louisiana State University (LSU).

Adopted an advisory opinion in Docket No. 18-980 concluding that Section 1111C(1)(a) of the Code of Governmental Ethics would prohibit the receipt of compensation by Barrett Nugent, an infrastructure specialist employed by the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), through his employment with Texas A&M Engineering Extension (TEEX) as an adjunct instructor conducting Homeland Security training from any person he provided services to through his position with GOHSEP and involving the responsibilities, programs or operations of GOHSEP. The Board further advised that there is no provision of the Code of Governmental Ethics that would prohibit Mr. Nugent from being employed as a Wage Instructor by TEEX while employed as an infrastructure protection specialist with GOHSEP.

Adopted an advisory opinion in Docket No. 18-1025 concluding that no violation of the Code of Governmental Ethics is presented by Shawn Revel being appointed to the Livingston Parish Mosquito Abatement District 2 & 3 Board (Abatement Board) that would oversee the mosquito abatement program for Livingston Parish while he is employed by the Division of Administration Office of Technology Services. However, the Board suggested that Mr. Revel should contact the Department of State Civil Service concerning whether he may persuade the public to back the mosquito abatement initiative. In addition, there may be an issue associated with the Louisiana Dual Office Holding laws, which are under the jurisdiction of the Attorney General's Office, and the Board suggests that Mr. Revel contact the Attorney General's Office for advice associated with the Dual Office Holding laws.

Deferred to the November meeting, a request for an advisory opinion in Docket No. 18-1058 regarding whether the North Caddo Hospital Service District Board of Commissioners (Hospital District) may use public funds to offer free meals to all police officers.

Deferred to the November meeting, a request for an advisory opinion in Docket No. 18-1069 submitted by Dr. Karen Lyon, Executive Director of the Louisiana State Board of Nursing, regarding whether there are any ethical dilemmas if a Louisiana State Board of Nursing (LSBN) board member is involved in vetting future candidates to serve as a board member of the LSBN through their position as a board member of the Louisiana State Nurses Association (LSNA) or the Louisiana Association of Nurse Anesthetists (LANA), Ltd.

Deferred to the November meeting, a request for an advisory opinion in Docket No. 18-1177 regarding whether Carolyn Eagan can provide realtor services to the person who supervises her in her position as a part-time clerk with the City of Kenner Clerk of Court.



Adopted an advisory opinion in Docket No. 18-1242 concluding that no violation of the Code of Governmental Ethics is presented by the Gayle and Tom Benson Foundation donating \$100,000 to the Kathleen Blanco Public Policy Center at the University of Louisiana - Lafayette, which is operated as a partnership between the College of Liberal Arts and the Edith Garland Dupre' Library, while former Governor Blanco serves as a member of the Louisiana Stadium and Exposition District Board.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the September 20-21, 2018 meetings.

The Board considered a proposed joint consent opinion in Docket No. 13-1542 regarding the Village of Baskin entering into a transaction with a company owned by the father of Alderman Joseph Chase. On motion made, seconded and unanimously passed, the Board adopted the joint consent opinion in which (1) Joseph Chase agrees that, at a time when he served as an Alderman for the Village of Baskin, a violation of Section 1112B(1) of the Code of Governmental Ethics occurred by his participation in the vote by the Council of the Village of Baskin on December 11, 2011 to purchase video systems from Chase Electronics at a time when his father, Dan Chase, was the sole owner of Chase Electronics; (2) Dan Chase and Dan Chase d/b/a Chase Electronics agree that a violation of Section 1113A of the Code of Governmental Ethics occurred when Dan Chase and Dan Chase d//b/a Chase Electronics entered into transactions under the supervision and jurisdiction of the Village of Baskin by providing services for and submitting invoices to the Village of Baskin at a time when Mr. Chase's son, Joseph Chase, served as an Alderman for the Village of Baskin and in which Joseph Chase, Dan Chase and Dan Chase d/b/a Chase Electronics agree to pay a joint fine

of \$4,229 and that in the event of a failure to pay, the Board may file suit to compel immediate payment of any balance due. The Board unanimously dismissed the charges against Joseph Chase, Dan Chase and Dan Chase d/b/a Chase Electronics.

The Board considered a proposed consent opinion in Docket No. 16-133 regarding a company owned by Brent Washington, the Chief Financial Officer of the Edgar P. Harney, Spirit of Excellence Academy, Inc., doing business with the charter school. On motion made, seconded and unanimously passed, the Board adopted the consent opinion in which Brent Washington agrees that a violation of Section 1113A(1)(a) of the Code of Governmental Ethics occurred by entering into transactions to provide compensated accounting services to Edgar P. Harney Spirit of Excellence Academy while he was employed as the Chief Financial Officer of Edgar P. Harney Spirit of Excellence Academy and a violation of Section 1111C(1)(a) of the Code of Governmental Ethics occurred by receiving compensation for providing accounting services to Edgar P. Harney Spirit of Excellence Academy, which services were substantially related to his job duties and responsibilities as the Chief Financial Officer of Edgar P. Harney Spirit of Excellence Academy, and in which Mr. Washington agrees to pay a fine of \$10,000 to be paid in twenty (20) monthly installments of \$5,000 with the first payment due on the first day of the month after issuance of this order and each subsequent payment due on the first of the month thereafter until paid in full and that in the event of a failure to pay, the Board may file suit to compel immediate payment of any balance due. The Board unanimously dismissed the charges against Brent Washington.

The Board considered the proposed 2019 meeting dates. On motion made, seconded and unanimously passed, the Board adopted the proposed 2019 meeting dates.

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. 18-1015 and 18-1016, taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-1018 for a waiver of the \$2,000 late fee assessed against Ree J. Casey-Jones, a candidate for Judge, Juvenile Court, Sect. 1C, Caddo Parish, in the November 8, 2016 election; her committee's chairperson, Roy Cary; and treasurer, Talmadge E. Mitchel, for filing the 2017 Supplemental campaign finance disclosure report 95 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee but suspended \$1,800 conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-1062 for a waiver of the \$400 late fee assessed against Michael Thomas, a candidate for Caddo Parish Commission, District 2 in the October 24, 2015 election, for filing the 10-G campaign finance disclosure report 11 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fee but suspended \$300 conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes

due and owing.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-1071 for a waiver of the \$400 late fee assessed against Barbara Johnson Simpson, a candidate for Caddo Parish School Board, District 2, in the November 4, 2014 election, for filing the EDE-P campaign finance disclosure report 11 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fee but suspended \$300 conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-1187 for a waiver of the \$660 and \$2,000 late fees assessed against Lori A. Landry, a candidate for Judge, 16th JDC, Sec. 1, Div. H, Iberia Parish in the October 4, 2008 and November 4, 2014 election, for filing the 2017 Supplemental campaign finance disclosure reports 11 and 195 days late, respectively. On motion made, seconded and unanimously passed, the Board rescinded the \$660 and \$2,000 late fees pursuant to Rule 1205B.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against lobbyists included in the Lobbyist 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 Lobbyist Waiver Chart taking the following action:

The Board considered a request in Docket No. 18-1013 for a waiver of the \$500 late fee assessed against Matthew Pistorio for failure to timely file a Supplemental Registration Report. On

motion made, seconded and unanimously passed, the Board waived the \$500 late fee, since it was Mr. Pistorio's first late filing.

The Board considered a request in Docket No. 18-1014 for a waiver of the \$100 late fee assessed against PM Woods for the late filing of the March 2018 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board rescinded the \$100 late fee pursuant to Rule 1205B.

The Board considered a request in Docket No. 18-1157 for a waiver of the \$50 late fee assessed against Steven Scott Wilfong for the late filing of the July 2018 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the \$500 late fee, since it was Mr. Wilfong's first late filing.

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 taking the following action:

The Board considered a request in Docket No. 18-1065 for a waiver of the \$400 and \$1,500 late fees assessed against Cassandra Marie Anderson, a member of the Workforce Investment Board/ Area #20, for filing her 2016 and 2015 Tier 2.1 Annual personal financial disclosure statements 8 and 116 days late, respectively. On motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fee with respect to the 2016 Tier 2.1 Annual personal financial disclosure statement and declined to waive the \$1,500 late fee with respect to the 2015 Tier 2.1

Annual personal financial disclosure statement but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 18-1190 for a waiver of the \$1,500 late fee assessed against Felice Hill, a former member of the Tamaran Subdivision Improvement District, for filing her 2015 Tier 2.1 Annual personal financial disclosure statement 113 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,050 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics and instructed the staff to offer a payment plan.

The Board considered a request in Docket No. 18-1191 for a waiver of the \$2,500 late fee assessed against Jackson Jones, a candidate for Mayor, City of Natchitoches, Natchitoches Parish, in the March 5, 2016 election, for failing to file his 2014 Tier 2 Candidate personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board considered a request for reconsideration in Docket No. 18-722 of a waiver of the \$1,500 late fee assessed against Edward M. Beaver III, Constable, Ward 3, Rapides Parish, for failing to file his 2016 Tier 3 Annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$700 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

On motion made, seconded and unanimously passed, the Board agreed to consider the item on the General Supplemental agenda.

The Board considered a request for an advisory opinion in Docket No. 18-1255 regarding Mary C. Juneau, Town Clerk for the Town of Boyce, Rapides Parish, being reappointed as Town Clerk if her husband, Thomas Juneau, wins election to the town council. On motion made, seconded and unanimously passed, the Board concluded that Section 1113A(1) of the Code of Governmental Ethics would prohibit Mary Juneau from being reappointed as Town Clerk for the Town of Boyce if her husband is elected to the town council of Boyce, since Ms. Juneau would have to be reappointed as Town Clerk at the first regular board meeting succeeding the regular municipal election scheduled for November 6, 2018. If Thomas Juneau is elected to the town council, Mrs. Juneau would be prohibited, as an immediate family member, from entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of Thomas Juneau's agency (Town of Boyce). The Board has consistently held that an appointment is a transaction as defined by the Code of Governmental Ethics. Also, in Docket No. 16-582, the Board concluded that the Code of Governmental Ethics prohibited an alderman's wife from being reappointed to the position of Town Clerk.

On motion made, seconded and unanimously passed, the Board agreed to reconsider the proposed 2019 meeting calendar.

Board Member Roberts commented that she would like to educate the public about the Board of Ethics and its functions. She stated that small, rural towns don't fully understand the role of the Board and its duties/responsibilities. She suggested that like the Supreme Court, perhaps the Board could conduct its meetings throughout the state to enable the public from surrounding areas to attend or perhaps once a year, travel to a smaller city to conduct a meeting if the agency's budget and technology would allow it.

Dr. Meinert was excused from the meeting at 12:12 p.m.

Ms. Allen provided cost estimates for meetings that would be held outside of Baton Rouge.

Board Member Roberts suggested that perhaps the staff could issue invitations to high school and college students to see what type of response is received.

Board Members Mouton-Allen and Lavastida were excused from the meeting at 12:15 p.m.

Ms. Allen announced that Ms. Mouton-Allen had tendered her resignation as a member of the Board and would not attend any future meetings.

On motion made, seconded and unanimously passed, the Board dismissed the charges against Grady Haynes in Docket No. 16-064.

The Board unanimously adjourned at 12:20 p.m.

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Secretary

APPROVED:

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Chairman