

LOUISIANA BOARD OF ETHICS
MINUTES
September 20, 2019

The Board of Ethics met on September 20, 2019 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 Bruneau, Colomb, Couvillon, Dittmer, Grand, Lavastida, Leggio, McAnelly, Meinert, and Smith present. Absent was Board Member Roberts. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Abadie Landry; the Past Executive Secretary, Deborah Grier; and Counsel Tracy Barker, David Bordelon, Matthew Deville, Latoya Jordan, Jennifer Land, and Greg Thibodeaux.

Mr. Michael Glenn Landrum, former member of the South Burbank Crime Prevention and Development District, appeared before the Board in connection with request in Docket No. 18-497 to reconsider the Board's decision to suspend all but \$1,050 of a \$1,500 late fee assessed for filing his 2015 Tier 2.1 Annual personal financial disclosure statements 304 days late. After hearing from Mr. Landrum, on motion made, seconded and unanimously passed, the Board suspended all but \$250 based on future compliance.

Ms. Sharon Green, former member of the First Planning District Workforce Development Board, appeared before the Board in connection with a request in Docket No. 18-717 to reconsider the Board's decision to suspend all but \$750 of a \$1,500 late fee assessed for filing her 2015 Tier 2.1 Annual personal financial disclosure statements 82 days late. After hearing from Ms. Green and Ms. Melissa Kirsch, Director of Workforce Development Board, on motion made, seconded and unanimously passed, the Board waived the late fee.

Mr. Patrick Kirton, a candidate for Councilman, District C, City of Shreveport, Bossier, and Caddo Parishes, in the November 6, 2018 election, appeared before the Board, in its capacity

as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 19-744 for a waiver of the \$760 campaign finance late fee assessed against him for filing his 40-G campaign finance disclosure report 19 days late. After hearing from Mr. Kirton, on motion made, seconded and unanimously passed, the Board suspended all of the late fee based on future compliance.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G5-G24 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 G5-G24, excluding items G5, G8, G17, G18, G20 and G24, taking the following action:

Allowed the withdrawal of the advisory opinion request in Docket No. 19-699 submitted by Michelle D. Craig, General Counsel for a nonprofit, since Ms. Craig asked that her request for the advisory opinion be withdrawn and additional information requested was not provided.

Absent additional information, declined to render an advisory opinion in Docket No. 19-741 until additional information is provided in connection with Village of Cankton contracting with a former Village Councilman.

Adopted an advisory opinion in Docket No. 19-770 concluding that no provision of the Code of Governmental Ethics would prohibit Ms. Phyllis L. Miller from continuing to serve on the Board of Commissioners for the Grambling Housing Authority while serving on the Grambling City Council. The Board further advised that 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 suggested that they contact the Attorney General's Office for advice

associated with the Dual Office Holding laws. Furthermore, Section 1113A of the Code of Governmental Ethics prohibits the Grambling City Council from reappointing Ms. Miller to the Grambling Housing Authority Board of Commissioners following the completion of her term.

Adopted an advisory opinion in Docket No. 19-771 concluding that no violation of the Code of Governmental Ethics would be presented by Ms. Eliska Brooks providing private provider services while employed at the Office of Behavioral Health, since there is no overlap between her Program Monitor position and any private services provided. However, the Board cautioned Ms. Brooks that the Code of Governmental Ethics would prohibit her from entering into a contract or other transaction with any nursing facilities under the supervision of the Office of Behavioral Health. Additionally, the Board cautioned Ms. Brooks that the Code of Governmental Ethics would prohibit her as a private provider from participating in any contracts or other transactions with the Office of Behavioral Health, pursuant to Section 1113 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 19-822 concluding that the Code of Governmental Ethics would not prohibit Blake Guidry, a former engineer with the Louisiana Department of Transportation and Development (DOTD), from being employed by ECM which contracts with DOTD District 61, provided that Mr. Guidry does not work on projects that he has worked on in his former position with DOTD and he does not provide engineering services for Gang 266.

Accepted for filing, a disqualification plan submitted in Docket No.19-823 for Lieutenant Michael Smith, Louisiana State Police, in connection with his brother, Master Trooper Ronnie Smith, who serves in the same office, since the proposed disqualification plan would provide supervision of Master Trooper Ronnie Smith to be handled by other employees and that Lt. Smith

will not participate in any promotional panels where his brother is an applicant and will not make recommendation for his promotion.

Adopted an advisory opinion in Docket No. 19-824 concluding that the Code of Governmental Ethics would not prohibit Ms. Pamela Verrett, a teacher in Terrebonne Parish, from contracting with VIPKid to provide online learning services to Chinese children since the duties and responsibilities as a teacher at Southdown Elementary do not include teaching children in China and does not violate Section 1111C(1)(a) of the Code of Governmental Ethics. Furthermore, the Code of Governmental Ethics would not prohibit Ms. Verrett from selling the services offered by LegalShield provided that people to whom Ms. Verrett sells are not seeking to obtain contractual, other business, or financial relationships with Southdown Elementary or parents of her students at Southdown Elementary, or have a substantial economic interest which may be substantially affected by Ms. Verrett's performance as a teacher at Southdowns Elementary.

Allowed the withdrawal of the advisory opinion request in Docket No. 19-825 submitted by Milton Cavalier regarding ethics training requirement, since Mr. Cavalier asked to withdraw his request after speaking with staff.

Adopted an advisory opinion in Docket No. 19-827 concluding that Section 1113B of the Code of Governmental Ethics would prohibit Bryan Duhon, an employee of Acadia Parish First Ward Drainage District, from serving on the Board of Commissioners of the Drainage District, since Mr. Duhon's employment would be considered to be a transaction with the Drainage District.

Adopted an advisory opinion in Docket No. 19-828 concluding that no violation of the Code of Governmental Ethics is presented by Shannon Stout, an employee of Livingston Parish Public Schools, providing compensated services to Amplify as a trainer, since her duties as a K-5 Facilitator do not include training and she would not be conducting the training during her normal

work hours. The Board further suggested that Ms. Stout seek an additional advisory opinion in the future for guidance regarding any new transactions involving Amplify because the application of Section 1111C (2) of the Code of Governmental Ethics may change in the event that Amplify obtains a future contractual, business, or financial relationship with LPPS's Curriculum Department.

Adopted an advisory opinion in Docket No. 19-837 concluding that Section 1121A of the Code of Governmental Ethics would prohibit Wendy Parrish, Executive Director of the Louisiana Board of Veterinary Medicine, from rendering any services on a contractual basis to the Board of Veterinary Medicine for a period of two years following her retirement. However, Ms. Parrish would not be prohibited by the Code of Governmental Ethics from being rehired as a part-time employee to provide services as an as-needed basis.

Adopted an advisory opinion in Docket No. 19-839 concluding that the Code of Governmental Ethics would not prohibit Ms. Lydia Young, a Senior Compliance Analyst for the Louisiana Department of Administration's Office of Community Development, from contracting with Fields Professional Services & Consulting to provide internal audit services to the City of New Orleans, provided that Ms. Young performs the services when she is not working for the Department of Administration's Office of Community Development.

Adopted an advisory opinion in Docket No. 19-842 concluding that the Code of Governmental Ethics would not require members of the West Feliciana Parish Hospital Service District to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics, since the District was created by a single parish governing authority with a population of 200,000 or less.

Adopted an advisory opinion in Docket No. 19-847 concluding that Section 1113A(1)(a)

of the Code of Governmental Ethics would prohibit Paul Hogan, St. Charles Parish Councilman, from seeking a variance from the St. Charles Parish Zoning Board of Adjustment, since Mr. Hogan's agency is the governmental entity of which the Planning and Zoning Department is a part. The Board further advised that while Section 1123(34) of the Code of Governmental Ethics allows for members of parish governing authority to apply for a building permit, the statute specifically excludes a request for variance.

Adopted an advisory opinion in Docket No. 19-496 concluding that (1) Section 1113B of the Code of Governmental Ethics would prohibit Dr. Nnamdi Nwabueze from entering into, or being in any way interested in, a renewal of the lease of the St. Francisville clinic, since the lease is under the supervision or jurisdiction of the West Feliciana Parish Hospital, while Dr. Nwabueze's wife, Stacie Nwabueze, serves as an appointed member of the West Feliciana Hospital Board. The Board further advised that Section 1113B of the Code of Governmental Ethics would also prohibit Dr. Nnamdi Nwabueze from entering into, or being in any way interested in, a lease or purchase of the Jackson clinic by the West Feliciana Parish Hospital, since the proposed lease or purchase of the Jackson clinic would be under the supervision or jurisdiction of the West Feliciana Parish Hospital, while Dr. Nwabueze's wife serves as an appointed member of the West Feliciana Parish Hospital Board. The Board further concluded that Dr. Nwabueze would not be prohibited from being hired as an employee of the West Feliciana Parish Hospital while his wife serves as an appointed member of the West Feliciana Hospital Board, provided that all of the requirements of the exception in Section 1119B(2)(b) of the Code of Governmental Ethics are met. In the event Dr. Nwabueze is hired by the West Feliciana Parish Hospital, Stacie Nwabueze would be required to submit disclosure statements to the Board by January 30th of each year; (2) Section 1112B(1) of the Code of Governmental Ethics would prohibit Stacie Nwabueze from participating

in any matter in which her husband, Dr. Nnamdi Nwabueze, has a substantial economic interest. Section 1120.4 of the Code of Governmental Ethics would require her to recuse herself from any discussion, debate, or vote on the matter; and Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Mrs. Nwabueze from receiving compensation for any services provided to her husband's clinics since her husband has a contractual, business, or financial relationship with her agency, the West Feliciana Hospital Board.

Adopted an advisory opinion in Docket No. 19-745 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Cherie Hidalgo, a member of the St. Mary Parish Library Board, from receiving anything of economic value from Firmin & Laiche, for any services rendered by her husband, Cary Laiche, to Firmin & Laiche while firm has or seeks to obtain a contractual, business, or financial relationship with the St. Mary Parish Library Board. The Board further advised that Firmin & Laiche would violate Section 1117 of the Code of Governmental Ethics if it pays Mr. Laiche while it has a contract with the St. Mary Parish Library Board and while Mrs. Laiche serves as a member of the Library Board.

Deferred consideration of a request for an advisory opinion in Docket No. 19-829 from Margaret H. Kern, general civil counsel for the St. Tammany Parish Sheriff, Randy Smith, regarding tax sales pending additional information from Attorney General's Office.

Adopted an advisory opinion in Docket No. 19-831 concluding that the Code of Governmental Ethics would not prohibit Christina Melton, Deputy Director for Louisiana Public Broadcasting, from donating to Louisianan Public Broadcasting (LPB) royalties that she received from LSU Press in connection with the purchase of a book that she co-authored by Friends of LPB.

Adopted an advisory opinion in Docket No. 19-838 concluding that no provision of the Code of Governmental Ethics would prohibit a member of the Board of Trustees for the District

Attorney's Retirement System (DARS) from entering into a contract for personal investment services with a provider that currently has a contractual relationship with DARS, provided that the member is not receiving the investment services with Per Stirling, at no cost or at a discount. However, as a member of the Board of Trustees for DARS, the member would be prohibited by Section 1112B (5) of the Code of Governmental Ethics from participating in any matters involving Per Stirling.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 19-892, submitted by Senator Karen Carter Peterson, regarding her providing consulting services to Mueller Water Products, Inc.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the August 13, and 16, 2019 meetings.

The Board considered a proposed consent opinion in Docket No. 15-885 regarding Pauline Snell receiving funds from Project Celebration while being employed by the Town of Many and Northwestern State University. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Pauline Snell agrees that a violation of Section 1111A of the Code of Governmental Ethics occurred by virtue of her receipt of \$12,475.49 from Project Celebration to which she was not duly entitled to receive for services she performed as Assistant Director of Northwestern State University's Gulf States Regional Center for Public Safety Innovations; and, a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by virtue of her receipt of compensation from Project Celebration for services rendered to AACOP at a time when AACOP had a contractual or other business or financial relationship with Gulf States to manage the training operations for AACOP; and, at a time when Project

Celebration acted as a fiduciary for managing the AACOP training operations and in which Ms. Snell agrees to pay a fine of \$5,000 and that in the event of a failure to pay, the Board of Ethics may file suit to compel immediate payment of any balance due. The Board further dismissed the charges against Pauline Snell pending before the Ethics Adjudicatory Board (EAB).

The Board considered a proposed consent opinion in Docket No. 16-001 regarding Mr. Lavone Ratcliff entering into transaction with the Oak Island Neighborhood Improvement District while his wife served as a board member. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Lavone Ratcliff agrees that a violation of section 1113B of the Code of Governmental Ethics occurred by virtue of his entering into a contract to provide ground maintenance and landscaping for Oak Island Subdivision Phase 1 and Phase 2 for a certain sum while his wife, Maxie Ratcliff, served as commissioner on The Oak Island Neighborhood Improvement District and in which Mr. Ratcliff agrees to pay a \$2,000 fine and that in the event of a failure to pay, the Board of Ethics may file suit to compel immediate payment of any balance due. The Board further dismissed the charges against Lavone Ratcliff pending before the Ethics Adjudicatory Board (EAB).

The Board considered a proposed consent opinion in Docket No. 17-298 regarding Ms. Maxine Trahan, a former employee of the Acadia Parish Sheriff's Office, embezzling cash. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Ms. Maxine Trahan agrees that a violation of Section 1111A(1) of the Code of Governmental Ethics occurred by virtue her receiving forfeited cash assets from the Acadia Parish Sheriff's Office that she was not duly entitled to receive for the performance of her duties and responsibilities and a violation of Section 1112A of the Code of Governmental Ethics occurred by virtue of her participation in the transferring of funds of the Acadia Parish Sheriff's Office to her

personal bank account and in which no fine is to be imposed in light of Ms. Trahan's Joint Stipulated Civil Money Judgement entered in 15th JDC suit number 85836 to Maxine Trahan in the amount of \$226,000.51. The Board further dismissed the charges against Maxine Trahan pending before the Ethics Adjudicatory Board (EAB).

The Board considered a request for an advisory opinion request in Docket No. 19-826 regarding whether Ronnie Chaisson, a member of the Thibodaux Volunteer Fire Department Board of Directors may continue to service department vehicles as an employee of Sunbelt Fire, Inc. On motion made, seconded and unanimously passed, the Board declined to render an advisory opinion, since charges have been filed involving the same issue.

The Board considered a request for an advisory opinion request in Docket No. 19-887 regarding Antonio Ferachi, General Counsel 1 for the Louisiana Department of Revenue, displaying his artwork at a gallery owned by an attorney that has a contract with the Louisiana Department of Revenue to provide legal services. On motion made, seconded and unanimously passed, the Board instructed the staff to return the draft opinion(s) to the October agenda and to request that Mr. Ferachi make an appearance before the Board.

The Board considered the 2020 proposed calendar for meetings to be scheduled. The Board discussed and agreed upon the following: (1) One meeting will take place in December of 2019 on Friday, December 20, 2019; (2) the January 2020 meeting will be canceled; (3) the 2020 Board meeting dates will take place on the first Thursday and Friday of each month, both meetings in the LaBelle room, except for July 2020 which will take place on the first Wednesday and Thursday of the month, both meetings in the LaBelle room.

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. 19-451, 19-768, and 19-772, taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-195 for a waiver of the \$360 campaign finance late fee assessed against Tammy Dabadie, a candidate for East Baton Rouge Parish School Board, District 6, in the November 6, 2018 election, for filing the 10-G campaign finance disclosure report 6 days late. On motion made, seconded and unanimously passed, the Board waived the \$360 late fee based on medical information provided by Ms. Dabadie.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-488 for a waiver of the \$640 campaign finance late fee assessed against Jackie Vallare, a candidate for Alderman, Ward 2, City of Eunice, Acadia, and St. Landry Parishes, in the November 6, 2018 election, for filing the 10-G campaign finance disclosure report 16 days late. On motion made, seconded and unanimously passed, the Board waived the \$640 late fee based on financial documentation to support Ms. Vallare's claim of financial hardship.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-539 for a waiver of the \$400 campaign finance late fee assessed against Kristy Hebert, a candidate for Vermilion Parish School Board, District H, in the November 6, 2018 election, for filing the 10-G campaign finance disclosure report 50 days late. On motion made, seconded and unanimously passed, the Board waived the \$400 late fee based on

financial documentation to support Ms. Hebert's claim of financial hardship.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-773 for a waiver of the \$180 campaign finance late fee assessed against Ollie Tyler, a candidate for Mayor, City of Shreveport, Bossier, and Caddo Parishes, in the November 6, 2018 election, for filing the Special campaign finance disclosure report 3 days late. On motion made, seconded and unanimously passed, the Board waived the \$180 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-451 for a waiver of the \$440 and \$80 campaign finance late fees assessed against Wendy O'Quin-Perrette, a candidate for Mayor, City of Bogalusa, Washington Parish, in the November 6, 2018 election, for filing the Special campaign finance disclosure reports 11 and 2 days late. On motion made, seconded and unanimously passed, the Board suspended all of both late fees for both Special reports based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-768 for a waiver of the \$800 campaign finance late fee assessed against LA Padiapac, a political action committee, its committee's chairperson, Keith Perrin, MD, for filing the February 2019 Monthly Report campaign finance report 14 days late. On motion made, seconded and unanimously passed, the Board suspended all of the \$800 late fee based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-772 for a waiver of the \$800 campaign finance late fee assessed against Forestry Political Action Council, a political action committee, its committee's chairperson, Carl Wells and treasurer, Norman Welch, in February 23, 2019 election, for filing the

10-G campaign finance disclosure report 7 days late. On motion made, seconded and unanimously passed, the Board suspended all of the \$800 late fee based on future compliance.

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. 19-821 for a waiver of the \$100 late fee assessed against Tyler Daniel for failure to timely file the May 2019 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the \$100 late fee, since it was Mr. Daniel’s first late filing.

The Board considered a request in Docket No. 19-832 for a waiver of the \$100 late fee assessed against Dr. Tia Mills for filing her 2019 lobbying registration 2 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$100 late fee based on the amendment to the registration.

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. 19-833 for a waiver of the \$1,500 late fee assessed against Karen B. Fernandez, former member of the New Orleans City Park Improvement Association, for filing her 2016 Tier 2.1 Annual personal financial disclosure statement 304 days late. On motion made, seconded and unanimously passed, the Board deferred this matter to the October 2019 agenda.

The Board considered a request in Docket No. 19-835 for a waiver of the \$1,500 late fee assessed against Harold Pierite Sr., with the Louisiana State Police Commission, for filing his 2016 Tier 2.1 Annual personal financial disclosure statement 152 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee.

The Board considered a request in Docket No. 19-836 for a waiver of the \$1,500 late fee assessed against Craig Blackburn, former member of the Louisiana Developmental Disabilities Council, for filing his 2016 Tier 2.1 Annual personal financial disclosure statement 380 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee since Mr. Blackburn has a medical disability.

The Board considered an untimely request in Docket No. 19-834 for a waiver of the \$1,500 late fee assessed against Jakov Jurisic, Oyster Task Force, for filing his 2017 Tier 2.1 Annual personal financial disclosure statement 35 days late. On motion made, seconded and unanimously passed, the Board declined to consider the request.

The Board unanimously agreed to take action on the requests for reconsideration of waivers in Item #36 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 Item #36, taking the following action:

The Board considered a request for reconsideration in Docket no. 18-1452 for a waiver of the \$1,500 late fee assessed against Lasonia Denise Haley, with Caddo Parish Sewerage District #2, for filing her amended 2016 Tier 2.1 Annual personal financial disclosure statement 153 days late. On motion made, seconded and unanimously passed, the Board affirmed Board's prior decision to decline to waive the \$1500 late fee.

The Board considered a request for reconsideration in Docket No. 19-466 of Board's decision to suspend all but \$650 of a \$1500 lat fee assessed against Sheila Green-McCorkle, with the Algiers Development Corporation, for filing her 2016 Tier 2.1 Annual personal financial disclosure statement 146 days late. On motion made, seconded and unanimously passed, the Board suspend all but \$250 based on future compliance with the reporting requirements under the Code of Governmental Ethics with the offer of a payment plan.

The Board considered a request for reconsideration in Docket No. 19-467 regarding the decision to decline to waive two \$1,500 late fees assessed against Jeremy Freeman, Constable /Ward 2/Washington Parish, for filing his amended 2016 and 2017 Tier 3 Annual personal financial disclosure statements 196 and 196 days late, respectively. On motion made, seconded and unanimously passed, (1) the Board suspended all but \$250 based on future compliance with the reporting requirements under the Code of Governmental Ethics with the offer of a payment plan; in connection with the 2016 amendment; and (2) suspended all but \$250 based on future compliance with the reporting requirements under the Code of Governmental Ethics with the offer of a payment plan; in connection with the 2017 amendment.

On motion made, seconded and unanimously passed, the Board dismissed the charges against Demonk Greely in Docket No. 2018-783.

On motion made, seconded and unanimously passed, the Board dismissed the charges against Melissa Newman in Docket No. 2019-024.

The Board unanimously adjourned at 11:15A.M.

Secretary

Chairman