

LOUISIANA BOARD OF ETHICS
MINUTES
September 4, 2020

The Board of Ethics met on September 4, 2020 at 10:10 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, Ellis, McAnelly, and Meinert present. Absent were Board Members Grand, Lavastida, Roberts, and Smith. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, Suzanne Mooney, Charles Reeves, and Greg Thibodeaux. Counsel Latoya Jordan participated virtually.

Ms. Emalie A. Boyce, Director of the Division of Administrative Law, appeared before the Board to select an administrative law judge to serve as an alternate on the Ethics Adjudicatory Board. Through random selection, the name pulled to serve as an alternate is Esther Redmann.

The Board continued Docket No. 19-1025 to the November meeting.

William Mertz, candidate for Plaquemines Parish School Board in the November 6, 2018 election, appeared before the Board in connection with a waiver request in Docket No. 20-204 regarding a \$1500 late fee assessed for filing his 2017 Tier 3 Annual personal financial disclosure statement 499 days late. Mr. Mertz stated that his ex-wife's son is currently a minor and should not have been able to sign for the certified mail which Mr. Mertz had never received. After hearing from Mr. Mertz, Board Member Colomb made a motion to seek proof that Mr. Mertz's stepson is a minor. On motion made, with no second the motion dies. On motion made, seconded and passed by a vote of four yeas by Board members Bruneau, Couvillon, Dittmer, and Ellis and three nays by Board members Colomb, McAnelly, and Meinert, the Board suspended

all of the late fee but \$500 payable in 30 days conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G5-G15 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-G15, excluding G6 and G10 taking the following action:

Allowed the withdrawal of an advisory opinion in Docket No. 20-367 since the attorney for the charter school has requested to withdraw this opinion request due to the uncertainty surrounding the 2020-2021 school year. PIE-LA is still reviewing potential contracts and believes that it is not necessary to obtain an Advisory Opinion at this date. If PIE-LA's plans should change and require an Opinion, it will submit a request at that time.

Adopted an advisory opinion in Docket No. 20-517 concluding that Ms. LaSandra Darensbourg Gordon, a St. Charles Parish Council member, is prohibited from participating in any transactions involving St. Charles Parish in which the Care Center has a substantial economic interest. However, such participation could be avoided if Ms. Gordon recuses herself from any matters of the St. Charles Parish Council related to the Care Center.

Adopted an advisory opinion in Docket No. 20-532 concluding that since Mr. Ronald Kirk Gallien was not the head of an agency or an elected official, the general rule for all other public employees, Section 1121(B) of the Code of Governmental Ethics, shall apply.

Accordingly, for a period of two years Mr. Gallien may not contract with his former agency, DOTD's Operations Department for the Monroe District, to provide the same services he

provided while employed with DOTD, nor may he assist his current employer in transactions involving DOTD, in which he participated during his employment with DOTD.

Adopted an advisory opinion in Docket No. 20-541 concluding that, based upon the facts as presented, there are no provisions in the Louisiana Code of Governmental Ethics that would prohibit Mr. Randall Bryan from serving as the elected Chief of Police for the Village of Anacoco as well as being employed by the Village of Anacoco in the maintenance department. However, he should be advised that this opinion request may present an issue associated with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General.

Adopted an advisory opinion in Docket No. 20-562 concluding that Section 1111E(1) of the Code of Governmental Ethics prohibits Mr. Jeff Kudla from assisting a district homeowner, for compensation, in a matter or transaction that will come before his agency, the Historic Preservation Commission (HPC), for approval. Section 1111C(1)(a) of the Code of Governmental Ethics prohibits Mr. Kudla from receiving compensation for architectural services which require HPC approval, since those services are substantially related to the responsibilities and operations of the HPC and he has participated in those responsibilities and operations as a Commissioner for the HPC. Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Mr. Kudla from receiving compensation for any services provided to homeowners in the historic districts over which the HPC has jurisdiction, since his duties as an HPC Commissioner could substantially affect the homeowner's substantial economic interests.

Adopted an advisory opinion in Docket No. 20-563 concluding that no violation of the Code of Governmental Ethics is presented since Mr. Chandler is no longer a member of the Board of Aldermen for the Village of Dry Prong.

Adopted an advisory opinion in Docket No. 20-571 concluding that Sections 1121 of the Code of Governmental Ethics would not prohibit Alva B. See III, former member of the Board of Directors for the New Orleans Municipal Yacht Harbor Management Corp, from providing consultant services to the Management Authority. Mr. See will not be assisting a person in a transaction involving his former agency, the Yacht Harbor Corp, since the Management Authority is a separate political subdivision of the State of Louisiana. Further, Mr. See will not be contracting with his former agency, the Yacht Harbor Corp.

Approved the proposed disqualification plan in Docket No. 20-595 for Eric Mancuso Jr., with the New Orleans Sewerage and Water Board, because it meets the requirements of Chapter 14 of the Title 52 of the Louisiana Administrative Code-Rules of the Board of Ethics.

Deferred an advisory opinion in Docket No. 20-442 until additional information is provided as to whether the Code of Governmental Ethics would prohibit the Tensas Parish Council on Aging Executive Director Clarissa C. Newman from purchasing property from a former board member.

Adopted an advisory opinion in Docket No. 20-558 concluding that Section 1113(A) of the Code of Governmental Ethics would prohibit the employee from entering into any transaction with his agency. An appointment to the Board of Commissioners of the Jonesboro Housing Authority by the Mayor (the agency heard of the Town of Jonesboro) is a transaction that is prohibited by the statute.

The Board made a motion to reconsider G11.

In connection to a request of an advisory opinion in Docket No. 20-559 regarding Eric Stokes, a police officer for the Village of McNary, Rapides Parish, relative to whether an ethics conflict exists if he were to be elected Constable in Rapides Parish. On motion made, seconded

and unanimously passed, the Board accepted the proposed advisory opinion with the additional reference of Section 1111.1A of the Code of Governmental Ethics. There does not appear to be a violation of the Ethics Code for Eric Stokes to serve as both the Assistant Police Chief for the Village of McNary and as a Constable for the Ward 4, 2nd Court in Rapides Parish. The duties of each position do not appear to be in conflict with one another, thus the services for which Mr. Stokes would be compensated as a Constable are not devoted substantially to the responsibilities, programs, or operations of the Village of McNary Police Department. However, Mr. Stokes should be directed to the Louisiana Attorney General as to whether dual office holding may present an issue for him.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the August 6 and 7, 2020 meetings.

The Board considered a proposed consent opinion in Docket No. 17-925 regarding Kerry Thompson's violation of Section 1111C(2)(d) of the Code of Governmental Ethics when he received compensation in the form of a salary from Russell-Moore Lumber knowing that Russell-Moore Lumber had a contractual, business, and/or financial relationship with the Caldwell Parish Recreation District of which Kerry Thompson was a board member. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion and dismissed the charges with the Ethics Adjudicatory Board.

The Board considered a proposed consent opinion in Docket No. 19-1075 regarding the misuse of campaign funds by Anthony Bruce Rainey, Sr., a candidate in the October 12, 2019 election for the office of Councilman, District 2, Terrebonne Parish. Mr. Rainey, Sr. has executed a consent opinion with a \$1250 civil penalty as authorized by the Board. He has entered

in a Confession of Judgment and payment plan. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

The Board considered a request of an advisory opinion in Docket No. 20-557 from the Fire Chief of the Ball Fire Department concerning moving his son-in-law from volunteer to part-time status. On motion made, seconded and unanimously passed, the Board adopted the following advisory opinion. While the general provision on nepotism under Section 1119(A) of the Code of Governmental Ethics would prevent Firefighter Hawkins from being employed by the BFD, his volunteer status makes him exempt from this prohibition under Section 1119(C)(6) of the Code of Governmental Ethics. Further, while such volunteer exception provides that decisions involving promotion would also fit this exception, this is only to include promotions that would retain volunteer status. Finally, while the exception found under Section 1119(C)(2) of the Code of Governmental Ethics would permit the "normal promotional advancements" of immediate family members employed by the agency head, Firefighter Hawkins does not meet the requirements of this exception, as he was not employed by the BFD for at least 1 year prior to Chief Anders becoming the agency head of the BFD. As no exceptions are applicable, the general restriction on the employment by an agency of an immediate family member of the agency head would prohibit the BFD from moving Firefighter Hawkins from volunteer to part-time status.

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, taking the following action:

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

Docket No. 20-388 from Fernest James “Pacman” Martin for 10-G of a \$2,000 late fee;
Docket No. 20-509 from Anthony E “Tony” Nations for SUPP2019 of a \$400 late fee;
Docket No. 20-543 from Chad Bordelon for ANN2019 of a \$640 late fee;
Docket No. 20-545 from Chris Carroll for 10-P of a \$320 late fee;
Docket No. 20-546 from Gerrin J. Narcisse for 10-G of a \$520 late fee;
Docket No. 20-547 from Kipp Knight for 10-G of a \$360 late fee; and,
Docket No. 20-548 from Randall “Randy” Delatte for 10-G of a \$1,000 late fee.

The Board unanimously suspended all late fees assessed against the following based on future compliance:

Docket No. 20-463 from Marvin “Tucka” Miles for 10-G of a \$400 late fee; and,
Docket No. 20-463 from Marvin “Tucka” Miles for 30-P of a \$1,000 late fee.

The Board unanimously declined to waive the late fees and to offer a payment plan assessed against the following:

Docket No. 20-476 from Schuyler Olivier for 10-P of a \$400 late fee;
Docket No. 20-476 from Schuyler Olivier for 10-G of a \$400 late fee; and
Docket No. 20-508 from Jeff Pettit for 10-G of a \$1,000 late fee.

The Board unanimously reduced to \$2,000; suspended all but \$500 of the late fees assessed against the following:

Docket No. 20-510 from LA Association of Conservation Districts for MO of a \$3,000 late fee.

The Board unanimously reduced to \$600; declined to waive the late fees assessed against the following:

Docket No. 20-544 from Annette Smith Joseph for 40-G of a \$720 late fee.

The Board considered a request in Docket No. 20-587 for a waiver of the \$350 late fee assessed against John O. Shirley for the late filing of his June 2020 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the late fee, since it was Mr. Shirley’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, excluding Docket Nos. 20-524, and 20-525, taking the following action:

The Board unanimously suspended all late fees assessed against the following based on future compliance:

Docket No. 20-522 from Candace Perry for 2017 Tier 2.1 of a \$1,500 late fee;
Docket No. 20-523 from Whitney Brown for 2017 Tier 3 of a \$1,500 late fee; and,
Docket No. 20-531 from Patricia Ann Pourciau for 2017 Tier 2.1 of a \$1,500 late fee.

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

Docket No. 20-527 from Richard Lewis for 2017 Tier 2 of a \$2,500 late fee;
Docket No. 20-528 from Michael Harrell for 2019 Tier 3 of a \$1,500 late fee; and,
Docket No. 20-529 from Michelle Cusimano for 2017 Tier 2.1 of a \$1,500 late fee.

The Board unanimously declined to waive the late fees assessed and offer a payment plan against the following:

Docket No. 20-530 from Bobby Madison, Sr. for 2018 Tier 3 of a \$1,500 late fee.

The Board considered a request in Docket No. 20-524 for a waiver of the \$1,500 late fee assessed against Mark Joseph Guillory, Atchafalaya Basin Levee District, for filing his 2018 Tier 2.1 Annual personal financial disclosure statement 197 days late. On motion made, seconded and passed by a vote of five yeas by Board members Colomb, Couvillon, Dittmer, Ellis, and Meinert, and two nays by Board members Bruneau and McAnelly, the Board suspended all but \$250 of the late fee 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.

The Board considered a request in Docket No. 20-525 for a waiver of the \$1,500 late fee assessed against Courtney Brown Bagneris, New Orleans Municipal Employees Retirement System, for failing to file her amended 2017 Tier 2.1 Annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee.

The Board considered an untimely request in Docket No. 20-521 for a waiver of the \$1,500 late fee assessed against Floydean M. White, Cullen Board of Aldermen/Webster, for filing her 2017 Tier 3 Annual personal financial disclosure statement 602 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request for reconsideration in Docket No. 20-040 for the Board's suspension of all but \$1,000 of a \$1,500 late fee for a waiver request submitted by Tommy Evans, Mayor, Clarence, Natchitoches Parish, for filing his amended 2017 Tier 3 Annual personal financial disclosure statement 483 days late. On motion made, seconded and unanimously passed, the Board affirmed the decision to suspend all but \$1000 based on future compliance with the reporting requirements under the Code of Ethics. Offer a payment plan.

The Board considered a request for reconsideration in Docket No. 20-413 for the Board's suspension of all but \$1,000 of a \$1,500 late fee based on future compliance assessed against Stephanie Savoy, a former member of the Morganza Town Council, Pointe Coupee Parish, for filing her amended 2017 Tier 3 Annual personal financial disclosure statement 557 days late. On

motion made, seconded and unanimously passed, the Board suspended all based on future compliance with the reporting requirements under the Code of Ethics.

Board member Bruneau suggested to communicate with a reminder to the Police Jury Associations noting the law and their responsibility to file. Ms. Allen stated that she will reach out.

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

* * * * *

EXECUTIVE SESSION

* * * * *

The Board unanimously resolved into general business session and adjourned at 11:29 a.m.

Secretary

APPROVED:

Chair