

LOUISIANA BOARD OF ETHICS
MINUTES
August 7, 2020

The Board of Ethics met on August 7, 2020 at 9:10 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, Dittmer, Ellis, Grand, Lavastida, McAnelly, Meinert, Roberts, and Smith present. Board Members Colomb, and Couvillon were absent. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Abadie Landry; and Counsel David Bordelon, Latoya Jordan, Charles Reeves and Greg Thibodeaux. Counsel Tracy Barker participated in the meeting remotely.

Mr. Gregory M. Jordan, Jefferson Parish Economic Development and Port District member was unable to appear before the Board on an untimely waiver request in Docket No. 19-1025 regarding a \$1500 late fee assessed for filing his 2016 Tier 2.1 Annual personal financial disclosure 250 days late. On motion made, seconded and unanimously passed, the Board continued to the September meeting.

Ms. Jocita Williams, a candidate for State Representative, 67th Representative District, East Baton Rouge Parish, in the October 12, 2019 election, did not appear before the Board for waiver request in Docket No. 19-1267 regarding a \$300 late fee assessed to her for filing her 30-P campaign finance disclosure report 5 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

Mr. Michael Brister, a candidate for Police Juror, District 4, Winn Parish, in the October 12, 2019 election, did not appear before the Board for a waiver request in Docket No. 20-197 regarding a \$400 late fee assessed to him for filing his 10-P campaign finance disclosure report 26 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$100

based on future compliance. The late fee must be paid within 30 days or the suspended portion becomes due and owing.

Mr. William Mertz, a candidate for Plaquemines Parish School Board in the November 6, 2018 election, was unable to appear before the board on a waiver request in Docket No. 20-204, regarding a \$1500 late fee assessed for filing his 2017 Tier 3 Candidate personal financial disclosure 499 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the September Board meeting.

The Board pushed G-5 to the end of the meeting in case representatives come to appear at the meeting.

Board member Bruneau left at 9:34 a.m. and returned at 9:35 a.m.

Emily Andrew, Erin St. Pierre, Jenifer Schaye, Melissa Harris, Joe Roussel, and Joseph Piconne, III appeared before the Board in reference to Docket No. 20-300 regarding the answer on personal financial disclosure requirement for Joseph Piconne, III and all members of the Law Enforcement Officers and Fireman's Survivor Benefits Review Board. After hearing from all individuals, on motion made, seconded and passed by a vote of eight yeas by Members Bruneau, Dittmer, Ellis, Grand, Lavastida, Meinert, Roberts, and Smith and one nay by Member McAnelly, the Board adopted the staff recommendation which advised that members of the Review Board are required to file annual Tier 2.1 personal financial disclosure statements by recognizing the Review Board meets the definition of a Board as stated in Section 1124.2.1 of the Code of Governmental Ethics.

Board member Grand left at 10:14 a.m. and returned at 10:16 a.m.

Ms. Erin Fays Powel, candidate for State Representative, 89th Representative District, appeared before the Board with a waiver request in Docket No. 20-390 regarding a \$240 campaign

finance late fee assessed for filing her Special campaign finance disclosure report 4 days late. After hearing from Ms. Powel, on motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board recessed at 10:21 a.m. and resumed back into general business session at 10:33 a.m.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G9- G14 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 G9-G14, excluding items G13, taking the following action:

Adopted an advisory opinion in Docket No. 20-452 which states the Code of Governmental Ethics would not prohibit Ms. Beneville from providing services to Speduction Evaluation Services for compensation on her off time or while she is on annual leave. This conclusion is based on the facts provided that Speduction Evaluation Services does not have a contractual or business relationship with her agency, the Division of Diverse Learner Supports, nor is Speduction Evaluation Services regulated by her agency. Furthermore, Speduction Evaluation Services does not have substantial economic interests which may be substantially affected by the performance or nonperformance of her official duties.

Adopted an advisory opinion in Docket No. 20-453 which states the Code of Governmental Ethics would not prohibit Long & Long Law Firm from hiring Tre' S. Sullivan, provided that Tre' S. Sullivan does not work on any legal matters involving the City of Donaldsonville, since his father serves as the Mayor of Donaldsonville. However, the Code of Ethics would require that Tre' S. Sullivan annually file a statement disclosing income received from Long & Long Law Firm,

since the firm is in any way interested in a contract under the supervision or jurisdiction of his father's agency.

Adopted an advisory opinion in Docket No. 20-454 which states the Code of Governmental Ethics would not prohibit Mr. Ernest Boudreaux, an employee of the Town of Lockport, from serving on the Lockport Town Council and continuing his employment with the town in the maintenance department. However, Mr. Boudreaux should be advised of the participation prohibitions. Further, Mr. Boudreaux should seek advice from the AG on the dual office holding laws.

Approved the proposed Disqualification Plan in Docket No. 20-458, submitted by Warden Pat Johnson of the Ouachita Parish Correctional Center ("OPCC"), concerning the promotion of one twin sister to a supervisory rank within the medical unit since the proposed Disqualification Plan appears sufficient to remove Brandi Greer from any potential violations of Section 1112(B)(1) of the Code of Governmental Ethics concerning her twin sister, Brittany Glynn. Additionally, it also appears to be in compliance with Chapter 14 of the Board's Rules.

Adopted an advisory opinion in Docket No. 20-553 concluding Section 1111A of the Code of Governmental Ethics would not prohibit Mr. Perry Stagg, Assistant Secretary of the Office of Juvenile Justice, from consulting with the Mississippi Department of Corrections since he would not be providing any service which is part of his Louisiana public duties at Office of Juvenile Justice or Louisiana Department of Corrections. Additionally, Section 1111C(2)(d) of the Code of Governmental Ethics would not prohibit him from consulting with the Mississippi Department of Corrections since Section 1102 (16) of the Code of Governmental Ethics provides that Mississippi Department of Corrections is not a person, because it is a government agency.

The Board considered a request for an advisory opinion in Docket No. 20-464 regarding whether Deon Boudreaux, Chief of Port Barre Police Department, may utilize the general maintenance and custodial services of inmate work crews to provide services on church properties and nonprofit community organizations. On motion made, seconded and unanimously passed, the Board adopted that Chief of Police, Deon Boudreaux, would not be prohibited by the Code of Governmental Ethics from using the services of the inmate work crews for private businesses provided neither Chief Boudreaux nor his immediate family members have an interest in or an affiliation with these businesses. It was further advised to go to the local DA (AG),

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the July 2, 2020 Board meeting.

The Board considered a proposed consent opinion in Docket No. 17-814 regarding David Caston and Impact Healthcare Solutions, LLC relative to entering into a contract with Reeves Memorial Medical Center. On motion made, seconded and unanimously passed, the Board adopted and published the consent opinion and dismissed the charges against David Caston and Impact Healthcare Solutions, LLC with the Ethics Advisory Board.

The Board considered an advisory opinion request in Docket No. 19-829 regarding Margaret H. Kern, General Civil Counsel for Randy Smith, St. Tammany Parish Sheriff, regarding tax sales. On motion made, seconded and unanimously passed the Board adopted the proposed advisory opinion as follows: Despite the removal from Title 47, Section 1113A of the Code of Governmental Ethics would still prohibit immediate family members from entering into transactions with the agency if the transaction was under the supervision or jurisdiction of their family member's agency. As a result, Section 1113A of the Code of Governmental Ethics would

prohibit any St. Tammany Parish Sheriff's Office employees assigned to the Property Tax Division, and their immediate family members, from purchasing property at the tax sales, as the tax sales are under the supervision and jurisdiction of their agency, the St. Tammany Parish Sheriff Property Tax Division. Question No. 1: Sheriff Smith asks whether a deputy sheriff, who is not employed in the property tax division and whose duties do not include collection of ad valorem taxes, would be prohibited from purchasing properties at tax sales. Section 1113A of the Code of Governmental Ethics would not prohibit a St. Tammany Parish Sheriff's Office employee from entering into a transaction to purchase a property at a tax sale, provided that the tax sale is not under the supervision or jurisdiction of the deputy's department or division. Question No. 2: Sheriff Smith asks whether immediate family members of deputies employed in the property tax division would be prohibited from purchasing property at tax sales. Section 1113A of the Code of Governmental Ethics would prohibit the immediate family members of St. Tammany Parish Sheriff's Office employees who are employed in the Property Tax Division from bidding on or entering into any transactions, including tax sales, that are under the supervision or jurisdiction of the Property Tax Division. Question No. 3: Sheriff Smith asks whether immediate family members of employees of the St. Tammany Parish Assessor's office would be prohibited from purchasing property at tax sales, when the St. Tammany Parish Assessor is involved in assessing the delinquent tax on the property to be sold at the tax sale. Section 1113A of the Code of Governmental Ethics would prohibit the immediate family members of St. Tammany Parish Assessor's Office employees from bidding on or entering into any transactions, including tax sales, that are under the supervision and jurisdiction of the St. Tammany Parish Assessor's Office. An additional advisory opinion should be requested in the

event a specific employee of the St. Tammany Parish Sheriff's Office or Assessor's Office, or a member of their immediate family, is interested in purchasing properties at the tax sale.

The Board considered and advisory opinion request in Docket No. 20-250 regarding post-employment restrictions that would apply to Sharon L. Barthelemy as a former employee of the City of New Orleans. On motion made, seconded and unanimously passed, the Board advised that the Code of Governmental Ethics would prohibit Sharon L. Barthelemy from contracting with her former agency, the Finance Department with the City of New Orleans, to develop a training manual and train staff how to properly use the new software system for ad valorem tax collection, since she will be assisting another person for compensation in transactions in which she participated while employed by the Finance Department with the City of New Orleans or providing these services through a contract involving her former agency.

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. 19-1136, 20-171, 20-184, and 20-312, taking the following action:

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

- Docket No.19-1261 from United Ballot, 2016 EDE-P of a \$2,000 late fee;
- Docket No.19-1261 from United Ballot, 2016 10-G of a \$1,000 late fee;
- Docket No. 20-100 from Robert "Bob" Bell, 2019 30-P of a \$840 late fee;
- Docket No. 20-172 from Emil Brandly, Sr., 2019 30-P of a \$480 late fee;
- Docket No. 20-172 from Emil Brandly, Sr., 2019 10-P of a \$240 late fee;
- Docket No. 20-172 from Emil Brandly, Sr., 2019 10-G of a \$2,000 late fee;
- Docket No. 20-189 from Wilfred "PJ" Allridge, III, 2019 30-P of a \$1,000 late fee;
- Docket No. 20-266 from Robert Poole, 2019 10-P of a \$60 late fee;

Docket No. 20-266 from Robert Poole, 2019 10-G of a \$600 late fee;
Docket No. 20-477 from Carl “Carlee” Harding, 2019 30-P of a \$1,000 late fee;
Docket No. 20-477 from Carl “Carlee” Harding, 2019 10-P of a \$400 late fee;
Docket No. 20-477 from Carl “Carlee” Harding, 2019 10-G of a \$1,000 late fee;
Docket No. 20-477 from Carl “Carlee” Harding, 2019 40-G of a \$160 late fee;
Docket No. 20-478 from Jeff Pittman, 2019 10-G of a \$1,000 late fee;
Docket No. 20-479 from Gerald W. “Jerry” Tanner, 2019 10-G of a \$480 late fee; and
Docket No. 20-480 from Terry Allen Baker, 2019 40-G of a \$400 late fee.

The Board unanimously reduced to \$600; suspend all based on future compliance the late fees assessed against the following:

Docket No. 20-325 from Vincent Smith, 2019 10-P of a \$2,000 late fee.

The Board unanimously waived in full the late fees assessed the following:

Docket No. 20-462 from Scott Perry, Jr., 2019 10-G of a \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-1136 for a waiver of the \$2,000 campaign finance late fee assessed against Nicholas R. P. Wright, a candidate for Mayor, City of Alexandria, Rapides Parish, in the November 4, 2014 election, whose 2018 supplemental campaign finance disclosure report was filed 403 days late. On motion made, seconded and unanimously passed, the Board reduced the fine to \$600 based on Section 1205(B) of the Campaign Finance Disclosure Act, and suspended all but \$200 based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-171 for a waiver of the \$240 and \$420 campaign finance late fee assessed against Steve Rachal, a candidate for Sheriff, Natchitoches Parish, in the October 12, 2019 election, whose 10-P and 30-P campaign finance disclosure reports were filed 4 and 7 days late, respectively. On motion made, seconded and unanimously passed, the Board suspended all based on future compliance.

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

considered a request in Docket No. 20-184 for a waiver of the \$2,000 campaign finance late fee assessed against James Harper, a candidate for State Representative, 1st Representative District, Bossier Parish, in the October 12, 2019 election, whose 10-G campaign finance disclosure report was filed 54 days late. On motion made, seconded and unanimously passed, the Board reduced the late fee to \$600 with a payment plan pursuant to Section 1205C of the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 20-312 for a waiver of the \$2,000, \$2,000, and \$300 campaign finance late fee assessed against Natchez “Trey” Morice, a candidate for St. Mary Parish Coroner in the November 6, 2018 election, whose 30-P, 10-P, and 10-G campaign finance disclosure report were filed 55, 35, and 5 days late, respectively. On motion made, seconded and unanimously passed, the Board declined to waive the late fees.

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. 20-467, 20-468, and 20-469 taking the following action:

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

Docket No. 20-466 Lawrence Hall, 2018 Tier 2, 17 days late of a \$1,700 late fee.

The Board considered a request in Docket No. 20-467 for a waiver of the \$2,500 late fee assessed against Judith “Judy” Goodwyne-Miranti, Board of Elementary and Secondary

Education, for filing her 2015 Tier 2 Annual personal financial disclosure statement 1250 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 Governmental Ethics.

The Board considered a request in Docket No. 20-468 for a waiver of the \$1,500 late fee assessed against Heather Langley Doss, former member of the Louisiana Lottery Board, for filing her 2017 Tier 2.1 Annual personal financial disclosure statement 417 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. 20-469 for a waiver of the \$1,500 late fee assessed against Jerry Wayne Beatty, Concordia Parish Police Jury, District 4, Place A, for filing his amended 2018 Tier 3 Annual personal financial disclosure statement 66 days late. On motion made, seconded and unanimously passed the Board declined to waive the \$1,500 late fee and offer a payment plan. The Board also advised staff to notify Mr. Beatty that he may seek an appeal.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the Waiver Requests Reconsiderations 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 Waiver Requests Reconsiderations, excluding Docket Nos. 19-1198 taking the following action:

The Board reconsidered a request in Docket No. 19-1129 where the Board declined to waive a \$1,500 late fee assessed against Aundra Harris, with the Lake Bullard Neighborhood Improvement Association, for failing to file her 2018 Tier 2.1 annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board affirmed

the Board's prior decision to decline to waive the \$1,500 late fee since Ms. Harris has one other late fee and two outstanding PFD-amendments.

The Board reconsidered a request in Docket No. 20-041 where the Board suspended all but \$1,050 of the \$1,500 late fee assessed against Dwan Troy Johnson, former member of the Terrebonne Parish Levee & Conservation District, for filing his 2017 Tier 2.1 annual personal financial disclosure statement 247 days late. On motion made, seconded and unanimously passed, the Board affirmed the Board's prior decision to suspend all but \$1,050 based on future compliance with the reporting requirements under the Code of Ethics. The \$1,050 is payable within 30 days and if payment is not received within 30 days, the full amount of the late fee becomes due and owing.

The Board reconsidered a request in Docket No. 20-049 where the Board declined to waive a \$1,500 late fee assessed against Reginald Cedric Prealow, Jr., with the Coushatta Town Council, Red River Parish, whose 2018 Tier 3 annual personal financial disclosure statement was 162 days late. On motion made, seconded and unanimously passed, the Board affirmed the Board's prior decision to decline to waive and to offer a payment plan since Mr. Prealow has two prior late fees.

The Board reconsidered a request in Docket No. 19-1198 where the Board declined to waive a \$3,000 campaign finance late fee assessed against Securing Louisiana's Future, a political action committee, and its committee's chairperson, Joel Riter, in the October 12, 2019 election, whose 90-P campaign finance disclosure report was filed 29 days late. On motion made, seconded and unanimously passed, the Board affirmed the Board's prior decision to decline to waive.

Representatives of the Tunica Biloxi Indians PAC failed to appear before the Board for reconsideration in Docket No. 20-267 regarding the Board's decision to decline to waive the four campaign finance late fees (\$3,000, \$3,000, \$3,000, and \$2,000) assessed for filing the 180-P, 90-P, 30-P, and 40-G late by 240, 151, 109, and 13 days late, respectively. On motion made, seconded and unanimously passed, the Board affirmed the prior decision to decline to waive.

The Board unanimously resolved into executive session at 11:44 a.m.

EXECUTIVE SESSION

The Board unanimously resolved into general business session at 11:52 a.m.

In consideration of Docket No. 2008-747, on motion made, seconded and unanimously passed, the Board dismissed charges filed against Hall & Hall Enterprises, LLC., Richard Hall, Jr., Trellis Smith, and Parish-Dubuclet Services and kept charges against Stacey Jackson.

On motion made, seconded and unanimously passed, the Board unanimously adjourned at 11:56 A.M.

Secretary

Chairman