

LOUISIANA BOARD OF ETHICS
MINUTES
December 16, 2011

The Board of Ethics met on December 16, 2011 at 9:00 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana, with Board Members Backhaus, Blewer, Bowman, Ingrassia, Leggio, Lowrey, Monroe, Schneider, Simoneaux and Stafford present. Absent was Board Member Hymel. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Michael Dupree, Brent Durham and Deidra Godfrey.

Dr. Christopher Rich, Medical Director for the Louisiana Workforce Commission's Office of Workers' Compensation Administration (OWCA), and Peter Wright, General Counsel for the Louisiana Workforce Commission, appeared before the Board in Docket No. 11-1453 in connection with a request for an advisory opinion regarding Dr. Rich's participation in matters before the OWCA involving certain companies, at a time when he serves as the Medical Director for OWCA and works for companies with patients paid by workers' compensation insurers. After hearing from Dr. Rich and Mr. Wright, on motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics would not prohibit Dr. Christopher Rich from hearing and deciding appeals involving Mid-State Orthopedic & Sports Medicine Center as of June 17, 2011, since Dr. Rich is no longer responsible for any cases involving Mid-State.

Mr. Barry Ward, the Deputy Commissioner for the Office of Licensing and Compliance in the Department of Insurance, appeared before the Board in Docket No. 11-1692 in connection with a request for an advisory opinion regarding whether his immediate family members may renew their

insurance licenses and teach continuing education courses approved by the Office of Licensing and Compliance. After hearing from Mr. Ward, on motion made, seconded and unanimously passed, the Board concluded that Section 1113A of the Code of Governmental Ethics prohibits Mr. Ward's wife from renewing her educational materials with the Office of Licensing and Compliance while he serves as the Deputy Commissioner, since the renewal and approval process does not appear to be routine and mechanical. The Board further advised that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Mr. Ward from receiving compensation through his wife for the provision of continuing education to persons who have a business, contractual or financial relationship or who conduct operations or activities that are regulated by the Office of Licensing and Compliance.

Mr. Peter J. Aranyosi, a candidate for Sheriff of Livingston Parish in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-1600 in connection with a request for a waiver of the \$600 late fee assessed against him for filing his 30-P campaign finance disclosure report 14 days late. After hearing from Mr. Aranyosi, on motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Bret Clesi, Managing Director of Clesi Burns, Mr. R. Gray Sexton and Ms. Jenny Jackson, attorneys for Clesi Burns, and Ms. Kim Chatelain, Jefferson Parish Director of Ethics and Governmental Compliance, appeared before the Board in Docket No. 11-1711 in connection with a request for an advisory opinion regarding whether the Jefferson Parish Department of Resource and Management may contract with Clesi Burns for consulting services where Clesi Burns members,

managers and employees hold licenses as insurance producers. After hearing from Mr. Clesi, Mr. Sexton, Ms. Jackson and Ms. Chatelain, on motion made, seconded and passed by a vote of 9 yeas by Board Members Backhaus, Blewer, Bowman, Ingrassia, Leggio, Monroe, Schneider, Simoneaux and Stafford and 1 nay by Board Member Lowrey, the Board concluded that the Code of Governmental Ethics will not prohibit Clesi Burns from providing consultation services to Jefferson Parish, since in review of the proposed contract between Clesi Burns and Jefferson Parish, it does not appear that Clesi Burns will provide a service for Jefferson Parish that the Parish is required by law to provide to the public. The contract between Clesi Burns and Jefferson Parish states that Clesi Burns will advise the Parish in selecting health and welfare benefits for its employees and retirees and assist in the negotiations with the selected provider. The provision of consulting services for health and welfare benefits for Parish employees is not a governmental function that the Parish is mandated by law to provide to the public. However, it does appear that Clesi Burns will be acting under the supervision or authority of the Jefferson Parish Council and the proposed contract between Clesi Burns and the Council causes Clesi Burns to be a public employee. The Board further advised that as a public employee, Clesi Burns would be prohibited from accepting compensation from any insurance provider that has a business relationship with Jefferson Parish. However, the potential contract between Clesi Burns states that employees, owners, and managers of Clesi Burns do not accept commissions, bonuses, overrides, contingent compensation, gifts or any other form of compensation from insurance companies. As such, there is no violation of the Code if Clesi Burns enters into an agreement with Jefferson Parish for consulting services.

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

Adopted for publication, a consent opinion in Docket No. 08-1145 in which Germaine Breaux, a former supervisor with the Acadia Parish Medicaid Office, agrees that a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by virtue of her receipt of a thing of economic value in consideration for the janitorial services provided by her husband to John Nugent, at a time when John Nugent had a business relationship with Ms. Breaux's agency, the Acadia Parish Medicaid Office, and in which no fine is imposed due to the totality of the circumstances and Ms. Breaux's retirement.

Adopted for publication, a consent opinion in Docket No. 09-555 in which Nadine Jarmon, the former Executive Director of the Louisiana Land Trust, agrees that a violation of Section 1119 of the Code of Governmental Ethics occurred by virtue of the employment of her sister, Carolyn Carolina, and her brother, Ralph Morris, by the Louisiana Land Trust while she served as the Executive Director of the Louisiana Land Trust and in which Ms. Jarmon agrees to pay a fine of \$500.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, dismissed the charges issued against Rickey J. Boudreaux in Docket No. 11-031 for his failure to file an EDE-P campaign finance disclosure report in connection with the October 2, 2010 election, since Mr. Boudreaux filed the required EDE-P report on November 4, 2011.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, dismissed the charges in Docket No. 11-549 issued against Lindora Baker, a candidate for 3rd District State Representative in the October 20, 2007 election, for her failure to file a Supplemental campaign finance disclosure report which was due by February 15, 2011, since Ms. Baker filed the required Supplemental report on September 8, 2011.

Adopted an advisory opinion in Docket No. 11-1354 concluding the following with respect to whether elected members of the Research Park Corporation (RPC) may invest in companies that are "incubated" with the Louisiana Technology Park and whether elected members of RPC may invest in a company that is partially owned by RPC:

1) How would the Code of Governmental Ethics define those members of the Research Park Corporation (RPC) Board that are selected under 17:3396.4(a)(6)?

Under 17:3396.4A(6) at least four but not more than seven individuals representing the business sector are selected by the Research Park Corporation appointed members to serve on the board of directors. As such, pursuant to Section 1102 of the Code of Governmental Ethics those members would be defined as public servants of the RPC.

2) If so, are those elected members able to invest in a company that is incubated in the Louisiana Technology Park?

Since the companies that operate in the incubator do not operate under the supervision of the Research Park Corporation, there is no violation of Section 1113 of the Code of Governmental Ethics if RPC board members invest in those companies that operate in the incubator. However, Section 1112 of the Code of Governmental Ethics would prohibit those members of the RPC from participating in any transactions with the Louisiana Technology Park in which the incubators had a substantial economic interest. However, Section 1120 of the Code of Governmental Ethics would allow those members of the RPC to recuse themselves from voting on matters regarding those incubated companies that they have an interest.

3) Whether elected Board members of the Research Park Corporation may invest in or have membership in the Bon Carre Business Center Development?

The RPC as owner of the Development is a Member of the Bon Carre Business Center, II (BCBCII) and as such, has no authority or supervision over the disbursement of BCBCII securities. The management of BCBCII securities is solely managed and supervised by the managers of BCBCII. Thus, board members of RPC who invest in BCBCII would not be entering into transactions that are under the supervision of the RPC. Therefore, there is no violation of the Code of Governmental Ethics if board members of the RPC invest in the BCBCII. Section 1112 of the Code of Governmental Ethics would prohibit those members of the RPC from participating in any transaction in which the BCBCII or Center had a substantial economic interest. Section 1120 of the Code of Governmental Ethics would allow those members of the RPC to recuse themselves from voting on matters regarding the Development.

4) Whether a member of the Baton Rouge Area Chamber may serve as a member of the Research Park Corporation, where the Chamber has a financial interest in the Research Park Corporation?

Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit compensated members of the Board of Directors of an organization, such as the Baton Rouge Area Chamber, from serving as a member of the Research Park Corporation while the Corporation and the Chamber have a business relationship.

Adopted an advisory opinion in Docket No. 11-1597 concluding that no violation of the Code of Governmental Ethics is presented by Kenny Ribbeck, the Biologist Division Administrator for the Wildlife Division of the Department of Wildlife and Fisheries, continuing his outside

employment providing general yard maintenance and forest management services for private landowners, since the services he provides are not provided by any Wildlife Division staff in the performance of their official duties and the actual implementation of the wildlife management plan is the responsibility of the landowner. The Board further advised that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Mr. Ribbeck from performing compensated services for someone who (a) is regulated by his agency, (b) has a substantial economic interest which may be affected by the performance or nonperformance of his official duty as a public employee, or (c) has a business, financial, or contractual relationship with his agency.

Adopted an advisory opinion in Docket No. 11-1605 concluding that no violation of the Code of Governmental Ethics is presented by Jason St. Romain, a former employee of the Louisiana Housing Finance Agency (LHFA), assisting a developer with an environmental review that is conducted by LHFA, since he has not performed any environmental reviews for LHFA since 2008 and the two year prescription period has expired.

Adopted an advisory opinion in Docket No. 11-1614 concluding that no violation of the Code of Governmental Ethics is presented by Jeanne M. Monte, an employee of the Jefferson Parish School Board (JPSB), serving as a board member for a proposed new charter school in Jefferson Parish, since there will not be an ongoing supervisory relationship between the JPSB and the proposed charter school and since the JPSB did not appoint Ms. Monte as a board member, nor does she have any appointing authority to the charter school as an administrator for a middle school in the Jefferson Parish School District.

Adopted an advisory opinion in Docket No. 11-1619 concluding that Section 1113 of the Code of Governmental Ethics prohibits the mother of David Armstrong, a technician for the

Terrebonne Housing Rehabilitation Program, from applying for assistance from the Housing Rehabilitation Program, since Mr. Armstrong's agency is the Housing Rehabilitation Program and his mother is a member of his immediate family.

Adopted an advisory opinion in Docket No. 11-1621 concluding that no violation of the Code of Governmental Ethics is presented by Paul Johnston, a newly elected member of the Jefferson Parish Council, and his son continuing their employment with Guillot's Sanitary Supplies, Inc. while Guillot's has a business relationship with the Parish, since neither Mr. Johnston nor his son, as employees of Guillot's, do business with Jefferson Parish.

Adopted an advisory opinion in Docket No. 1687 concluding that no violation of the Code of Governmental Ethics is presented by Donna Smith, the Office Manager of the West Monroe Office of Motor Vehicles, operating an Auto Title Company and Public Tag Agency in Lincoln Parish. The Board further advised that Section 1121B of the Code of Governmental Ethics prohibits Ms. Smith, for a period of two years following her resignation from the Office of Motor Vehicles, from assisting any person in any transaction in which she participated as an employee of the Office of Motor Vehicles and from contracting with the Office of Motor Vehicles to render any service she rendered during her public employment.

Adopted an advisory opinion in Docket No. 11-1693 concluding that the Code of Governmental Ethics would not prohibit the Lower Mississippi River Port-wide Strategic Security Council from appointing Senator Robert Marionneaux, Jr. as its Executive Director, since the Port commissions, which have executed the Cooperative Endeavor Agreement in question, are political subdivisions of the state for purposes of the Code of Governmental Ethics. Political subdivisions of the state are not included in the definition of "state government." Therefore, Mr. Marionneaux

would not be prohibited from entering into an employment contract with the Lower Mississippi River Port-wide Strategic Security Council, which was created by the port commissions through a Cooperative Endeavor Agreement. Board Member Monroe recused himself.

Adopted an advisory opinion in Docket No. 11-1697 concluding that no violation of the Code of Governmental Ethics is presented by the continuation of a lease between a company, Lambert Gravel Company, owned by Ricky Lambert, a newly elected member of the West Feliciana Parish Police Jury, and West Feliciana Parish, since the transaction was entered into prior to Mr. Lambert's election and taking office as a West Feliciana Parish Police Juror. The Board further advised that Section 1113A of the Code of Governmental Ethics would prohibit the renewal of the lease in 2014 if the renewal is not automatic.

Adopted an advisory opinion in Docket No. 11-1769 concluding that no violation of the Code of Governmental Ethics is presented by a company, Chance's Computers, owned by Chance Parent, a newly elected member of the Livingston Parish Council, continuing the pre-existing contracts with the Livingston Parish Fire Protection District 4 and the Livingston Parish Communication District Board, since the contracts with both the Livingston Parish Fire Protection District 4 and the Livingston Parish Communication District Board were entered into prior to Mr. Parent taking office as a Livingston Parish Councilman, and as long as the contracts are automatically renewed, no terms are changed and no action is required by the Livingston Parish Fire Protection District 4, the Livingston Parish Communication District Board or the Livingston Parish Council.

Adopted an advisory opinion in Docket No. 11-1777 concluding that Sections 1113 and 1119A of the Code of Governmental Ethics prohibit the son of Keith Hardesty, plant manager for Water Works District #4 of Calcasieu Parish, from working on an as needed basis for the Water

Works District, since Mr. Hardesty, as plant manager, is an agency head.

Accepted for filing, the disclosure statements filed in Docket No. 11-1770 for November, 2011.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the November 17-18, 2011 meetings.

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

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 11-936 for a waiver of the \$2,000 late fee assessed against Denise Holden, a candidate for Orleans Parish Council, in the February 6, 2010 election, whose Supplemental campaign finance disclosure report was filed 35 days late. On motion made, seconded and unanimously passed, the Board reduced the \$2,000 late fee to \$420 since Ms. Holden's paper report was originally filed 7 days late.

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

The Board unanimously deferred to the January meeting, a request in Docket No. 11-1499 for a waiver of the \$1,400 late fee assessed against NOBLE PAC, a political committee whose 10-G campaign finance disclosure report was filed 7 days late.

On motion made, seconded and unanimously passed, the Board agreed to take action on the items included on the campaign finance waiver chart, with the exceptions of items #1 and #6, en globo. On motion made, seconded and unanimously passed, the Board adopted the staff

recommendations on the items included on the campaign finance waiver chart, with the exceptions of items #1 and #6, taking the following action:

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

Docket No. 11-1500 from Badge Star PAC of four \$3,000 late fees, a \$1,000 late fee, and a \$2,000 late fee;
Docket No. 11-1580 from Independent RX PAC of a \$1,000 late fee;
Docket No. 11-1589 from LA Propane Gas Association of a \$1,400 late fee;
Docket No. 11-1603 from James “Jim” Slagle of a \$540 late fee;
Docket No. 11-1650 from Hosie Collins of a \$720 late fee;
Docket No. 11-1652 from David Rogoz of a \$780 late fee;
Docket No. 11-1653 from Irving “Sweetie” Barfield of a \$660 late fee;
Docket No. 11-1660 from David E. Daniels of a \$300 late fee;
Docket No. 11-1661 from La Optometric PAC of a \$1,600 late fee;
Docket No. 11-1662 from Ray M. Nichols of a \$480 late fee and a \$600 late fee;
Docket No. 11-1663 from Melissa Ficklin of a \$660 late fee;
Docket No. 11-1703 from La Leadership PAC of a \$2,000 late fee;
Docket No. 11-1704 from La Assisted Living PAC of a \$1,600 late fee;
Docket No. 11-1705 from James Ronald “Ron” Eldridge of a \$480 late fee;
Docket No. 11-1707 from Brenda Shelling of a \$420 late fee;
Docket No. 11-1708 from Marva Lumar of a \$60 late fee;
Docket No. 11-1709 from Title PAC of a \$1,400 late fee; and,
Docket No. 11-1710 from Joaquin “Jr.” Matheu of a \$600 late fee and a \$480 late fee.

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

Docket No. 11-1648 from Shawn Granger of a \$480 late fee; and,
Docket No. 11-1649 from Darian Breaux of a \$420 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1500 for a waiver of the \$3,000 late fee assessed against Badge Star PAC for filing the 180-P campaign finance disclosure report 121 days late. On motion made, seconded and unanimously passed, the Board reduced the \$3,000 late fee to \$800, since a notice of delinquency was not mailed to the political committee for that report.

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

considered a request in Docket No. 11-1587 for a waiver of the \$420 late fee assessed against Paul Naquin, Jr., a candidate for St. Mary Parish President in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 9 days late. On motion made, seconded and unanimously passed, the Board reduced the \$420 late fee to \$100, since it was Mr. Naquin's first time to electronically file and the report was filed within 10 days of the due date.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1646 for a waiver of the \$720 late fee assessed against Michael Thomas, a candidate for Sheriff of Washington Parish in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 12 days late. On motion made, seconded and unanimously passed, the Board reduced the \$720 late fee to \$100, since it was Mr. Thomas's first time to electronically file and the report was filed within 10 days of the due date.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1647 for a waiver of the \$300 late fee assessed against Ronald Lane Bison, a candidate for Sheriff of Sabine Parish in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 5 days late. On motion made, seconded and unanimously passed, the Board reduced the \$300 late fee to \$100, since it was Mr. Bison's first time to electronically file and the report was filed within 10 days of the due date.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1654 for a waiver of the \$780 late fee assessed against Larry P. Jones, a candidate for Sheriff of Lincoln Parish in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 13 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$780 late fee but suspended \$580 based on the

waiver guidelines and conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1665 for a waiver of the \$480 late fee assessed against Demetrius "Coach" Franklin, a candidate for Assessor of Iberville Parish, in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 8 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$480 late fee but suspended \$280 based on the waiver guidelines and conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1667 for a waiver of the \$780 late fee assessed against Lynn Cawthorne, a candidate for State Representative, 3rd District, in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 13 days late. On motion made, seconded and unanimously passed, the Board rescinded the late fee, since Mr. Cawthorne was not required to electronically file the report because his contributions did not exceed the \$25,000 threshold.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1668 for a waiver of the \$420 late fee assessed against Bobby "Beck" Grabert, a candidate for State Representative, District 55, in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$420 late fee but suspended \$220 based on the waiver guidelines and conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1669 for a waiver of the \$660 late fee assessed against John Hamilton Willis, a candidate for Assessor of West Feliciana Parish, in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 11 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$660 late fee but suspended \$460 based on the waiver guidelines and conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-1706 for a waiver of the \$600 late fee assessed against James D. Holt, a candidate for Coroner of East Carroll Parish, in the October 22, 2011 election, whose 30-P campaign finance disclosure report was filed 11 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended \$400 based on the waiver guidelines and conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request in Docket No. 11-1712 for a waiver of the \$50 late fee assessed against Knesha Rose for failure to timely file her September 2011 Legislative lobbying expenditure report. On motion made, seconded and unanimously passed, the Board declined to waive the \$50 late fee.

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

The Board considered a request in Docket No. 11-1633 for a waiver of the \$1,300 late fee

assessed against Shane Bagala, a member of the Oyster Task Force, for filing his 2009 Tier 2.1 personal financial disclosure statement 26 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,300 late fee but suspended \$800 based on the waiver guidelines.

The Board considered a request in Docket No. 11-1634 for a waiver of the \$1,300 late fee assessed against Shane Bagala, a member of the Oyster Task Force, for filing his 2010 Tier 2.1 personal financial disclosure statement 26 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,300 late fee but suspended \$800 based on the waiver guidelines.

The Board considered a request in Docket No. 11-1635 for a waiver of the \$1,500 late fee assessed against Donald Ray Delee, a member of the Feliciana Soil and Water Conservation District, for filing his 2010 Tier 2.1 personal financial disclosure statement 64 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee based on the waiver guidelines.

The Board considered a request in Docket No. 11-1657 for a waiver of the \$1,500 late fee assessed against Alvin Moreau, Jr., a member of the State Board of Physical Therapy, for filing his 2009 Tier 2.1 personal financial disclosure statement 44 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,500 late fee based on Mr. Moreau's medical condition.

The Board considered a request in Docket No. 11-1659 for a waiver of the \$1,500 late fee assessed against John Crawford, a member of the Bryceland Board of Aldermen, for filing his 2009 Tier 3 personal financial disclosure statement 475 days late. On motion made, seconded and

unanimously passed, the Board declined to waive the \$1,500 late fee based on the waiver guidelines.

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

The Board considered a request in Docket No. 11-1670 for a waiver of the \$1,050 late fee assessed against Arthur Alexander, a member of the Iberia Parish School Board, for filing his 2011-2012 school board disclosure statement 21 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,050 late fee but suspended \$550 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 11-1675 for a waiver of the \$1,400 late fee assessed against Bonnie Neese, a member of the D’Arbonne Woods Charter School, for filing her 2011-2012 school board disclosure statement 28 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,400 late fee but suspended \$900 based on the waiver guidelines.

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

The Board considered a request for reconsideration in Docket No. 11-645 for a waiver of the \$1,500 late fee assessed against Charles Mayeaux, Jr., a candidate for the Town of Evergreen’s Chief of Police in the October 2, 2010 election, for filing his candidate personal financial disclosure statement 72 days late. On motion made, seconded and unanimously passed, the Board deferred the matter.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered charges filed in Docket No. 11-022 against Mickey Hampton, a candidate for Bienville Parish School Board, District 2, in the October 2, 2010 election, for failure to file a 10-G report

which was due by October 25, 2010. On motion made, seconded and unanimously passed, the Board dismissed the charges without prejudice against Mickey Hampton, since Mr. Hampton filed the required report.

The Board considered a request for an advisory opinion in Docket No. 11-1436 regarding the father-in-law of Cherie Cazayoux, an employee of the Pointe Coupee Parish School Board, continuing to provide insurance to the school board. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Donald J. Cazayoux entering into transactions with the Pointe Coupee Parish School Board to provide insurance while his daughter-in-law, Cherie Cazayoux, is an employee of the school board, since Ms. Cazayoux's agency is not the entire Pointe Coupee Parish School System; rather, her agency is limited to the Special Education Department of the Pointe Coupee Parish School Board.

Chairman Simoneaux resumed the Chair.

The Board considered a request for an advisory opinion in Docket No. 11-1567 regarding Ms. Lottie P. Beebe's recent election to the Board of Elementary and Secondary Education (BESE) and her ownership of a long term personal care service for the elderly and disabled. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Beebe's continued service as a member of the BESE Board and her ownership in her long term personal care service, since Ms. Beebe does not receive any more benefit as a member of the BESE Board than any other similarly situated person in obtaining her license for her personal care facility.

The Board considered a request for an advisory opinion in Docket No. 11-1609 regarding Patricia LaBrosse, a member of the Louisiana Board of Examiners of Nursing Facility

Administrators, becoming an adjunct professor with LSU-Alexandria (LSU-A) regarding nursing facility administrators. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. LaBrosse continuing her service on the Louisiana Board of Examiners of Nursing Facility Administrators (LABENFA) if she becomes an adjunct professor at LSU-A in a new degree program recently approved by the LABENFA, since LSU-A is not a “person” as defined by the Code of Governmental Ethics and since the services that she will be performing for LSU-A are not substantially related to the responsibilities, programs or operations of the LABENFA and in which she participated.

The Board considered a request for an advisory opinion in Docket No. 11-1622 regarding whether the brother of Van Earl, an employee of the Town of Elizabeth, may be employed by the town. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Earl’s brother being employed by the Town of Elizabeth while Mr. Earl serves as the full time employee who is responsible for operating and maintaining the town’s natural gas distribution system, since Mr. Earl is not an agency head. The Board further advised that Section 1112B(1) of the Code of Governmental Ethics prohibits Mr. Earl from participating in any transaction in which his brother has a substantial economic interest.

The Board considered a request for an advisory opinion in Docket No. 11-1683 regarding whether the Assumption Parish Police Jury can purchase a vehicle from Barbera Chevrolet when the spouse of Myron Matherne, a member of the Assumption Parish Police Jury, is a commissioned salesperson employed with the dealership. On motion made, seconded and unanimously passed, the Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Mr. Matherne’s spouse from receiving any income from Barbera Chevrolet during the time that the

dealership sold, or sought to sell, a vehicle to the Assumption Parish Police Jury.

The Board considered a request for an advisory opinion in Docket No. 11-1818 regarding whether Thomas Watson, a member of the Livingston Parish Council, may accept employment within the executive branch of Livingston Parish Government at the expiration of his term. On motion made, seconded and unanimously passed, the Board concluded that Section 1121A(2) of the Code of Governmental Ethics prohibits Mr. Watson, for a period of two years following the termination of his public service as a Livingston Parish Councilman, from being employed in any capacity by the Livingston Parish Government.

The Board considered a request for an advisory opinion in Docket No. 11-1817 regarding Hunt, Guillot & Associates, LLC, owned, in part, by newly elected Board of Secondary and Elementary Education (BESE) member Jay Guillot, , transacting business with various state and local entities. On motion made, seconded and unanimously passed, the Board concluded the following: (1) the Code of Governmental Ethics would not prohibit Hunt Guillott from completing any contracts entered into with the state prior to January 15, 2012. The Board further advised that Section 1113D(4)(a) of the Code of Governmental Ethics will require Mr. Guillot to file an annual disclosure statement by May 15th disclosing the parties to and the value and term of each contract between his company and state government during the previous calendar year; (2) Section 1131A(1) of the Code of Governmental Ethics prohibits Mr. Guillot, his immediate family members, and any legal entity in which they own an interest in excess of 25% , from bidding on or entering into any contract, subcontract, or transaction that is under the jurisdiction of BESE; (3) parish school boards or local public schools do not fall within the definition of “state government” as set forth in Section 1113D(1)(a)(v) of the Code of Governmental Ethics. However, if work of Hunt Guillot for a parish

or local school board is under the supervision or jurisdiction of BESE, Section 1113A(1) may apply. In those situations, Mr. Guillot may want to request an advisory opinion; (4) port authorities are political subdivisions of the state and Section 1113D of the Code of Governmental Ethics does not address contracts between BESE members and political subdivisions of the state; therefore, Hunt Guillot is not prohibited from contracting with port authorities once Mr. Guillot takes office as a BESE member; (5) public universities do fall within the definition of “state government”; therefore, Hunt Guillot is prohibited from contracting with public universities once Mr. Guillot takes office as a BESE member; and, (6) the source of the funding (state v. non-state) is irrelevant to the application of Section 1113D of the Code of Governmental Ethics. The Board further concluded that, as a member of BESE, Mr. Guillot’s “governmental entity” is the State of Louisiana. Therefore, under Section 1111E(2)(a) of the Code of Governmental Ethics, a member of BESE is prohibited from receiving or agreeing to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies, unless a sworn statement is filed with the Board prior to or within ten (10) days after initial assistance is rendered. Board Member Lowrey recused himself.

The Board unanimously agreed to add to the supplemental agenda, consideration of a request for an advisory opinion from Tom Aswell regarding (1) Jay Guillot’s service as a newly elected member of the Board of Secondary and Elementary Education (BESE) while his company, Hunt, Guillot & Associates, LLC, has contracts with the State of Louisiana and administers grant funds; and, (2) Chas Roemer, a member of the Board of Secondary and Elementary Education (BESE), participating in matters before BESE that involve issues affecting charter schools while his sister, Caroline Roemer Shirley, serves as the Director of the Louisiana Association of Public Charter

Schools. On motion made, seconded and unanimously passed, the Board declined to render an advisory opinion, since Mr. Aswell does not have standing to submit the request for an advisory opinion.

The Board considered proposed rules regarding the Board's mandatory training program. Following an overview by Ms. Allen and Mr. Durham, the Board instructed the staff to return the proposed rules to the January agenda for further discussion and review.

Ms. Allen advised the Board that she is ready to accept recommendations from the Board regarding proposed legislation affecting the laws administered by the Board and would like to have a draft ready to present to the Board for the January meeting.

The Board unanimously adjourned at 11:58 a.m.

Secretary

APPROVED:

Chairman

