

LOUISIANA BOARD OF ETHICS
MINUTES
December 20, 2013

The Board of Ethics met on December 20, 2013 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, Bruneau, Ingrassia, Larzelere, Leggio, McAnelly, Monroe and Shelton present. Absent were Board Members Lemke and Stafford. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Mike Dupree, Jennifer Land, Suzanne Mooney and Brett Robinson.

Ms. Ann Wise, Director of the Division of Administrative Law, appeared before the Board in connection with the selection of administrative law judges (ALJ) to serve on the Ethics Adjudicatory Board (EAB). Ms. Wise explained that the judges would serve on the EAB for the 2014 calendar year. The first three names drawn would serve on Panel A, the next three names drawn would serve on Panel B and the 7th name drawn would serve as an alternate. Ms. Wise submitted a paper list of twenty-seven (27) names of potential ALJs which were individually torn, folded and randomly drawn from a bowl by the Board's Executive Secretary, Deborah Grier. Following the drawing and announcement of each individual name, Ms. Wise announced that Panel A will be comprised of Aaron Avery, Adaora Chukudebelu and Gregory Toney; Panel B will be comprised of Joycelyn Elmore, David Griffith and Charles Perrault. The alternate judge will be Alvin Landry.

Board Member Lemke arrived at the meeting at 9:12 a.m.

The Board considered a request in Docket No. 12-407 for a waiver of the \$2,500 late fee assessed against Donald Cravins, Sr., a candidate for Mayor of the City of Opelousas in the October

22, 2011 election, for filing his 2010 Tier 2 Candidate personal financial disclosure statement 55 days late. The Board took no action with respect to the waiver request, since Mr. Cravins agreed to pay the \$2,500 late fee in accordance with a payment plan.

Representative Wesley Bishop appeared before the Board in connection with a request in Docket No. 12-1868 for a waiver of the \$2,500 late fee assessed against him for filing his 2009 Tier 2 Candidate personal financial disclosure statement 97 days late. After hearing from Representative Bishop, on motion made, seconded and passed by a vote of 9 yeas by Board Members Backhaus, Bruneau, Ingrassia, Larzelere, Leggio, Lemke, McAnelly, Monroe and Shelton and 1 nay by Board Member Blewer, the Board declined to waive the \$2,500 late fee but suspended \$2,000 conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Huey Wyble, a member of the St. Landry Parish School Board, appeared before the Board in connection with a request for reconsideration in Docket No. 13-400 for a waiver of the \$2,500 and \$2,500 late fees assessed against him for filing his 2010 Tier 2 Annual personal financial disclosure statement 138 days late and his 2009 Tier 2 Candidate personal financial disclosure statement 635 days late. After hearing from Mr. Wyble, on motion made, seconded and unanimously passed, the Board affirmed its prior decision to decline to waive the \$2,500 late fee in connection with the 2010 Tier 2 Annual personal financial disclosure statement and to decline to waive the \$2,500 late fee in connection with the 2009 Tier 2 Candidate personal financial disclosure statement but suspended \$1,500 conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Harold Allbritton, a member of the Spearsville Board of Aldermen, appeared before the Board in connection with a request for reconsideration in Docket No. 13-873 for a waiver of the \$1,500 late fee assessed against him for filing his 2010 Tier 3 Annual personal financial disclosure

statement 358 days late. After hearing from Mr. Allbritton, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,250 conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Dane Ciolino, attorney for Liskow & Lewis, PLC, appeared before the Board in connection with a request for an advisory opinion in Docket No. 13-936 regarding Liskow & Lewis, PLC, providing advice to clients regarding legislation through a separate company, now that a member of the Louisiana Legislature, Representative Neil Abramson, is a partner in Liskow & Lewis. After hearing from Mr. Ciolino, on motion made, seconded and passed by a vote of 9 yeas by Board Members Backhaus, Blewer, Bruneau, Ingrassia, Larzelere, Leggio, McAnelly, Monroe and Shelton and 1 nay by Board Member Lemke, the Board concluded that a violation of Section 1111E of the Code of Governmental Ethics would be presented by Liskow & Lewis, PLC providing advice to clients regarding legislation through a separate company, now that a member of the Louisiana Legislature, Representative Neil Abramson, is a partner in Liskow & Lewis.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-1089 for a waiver of the \$1,200, \$1,000 and \$1,200 late fees assessed against Pelican State Liberty PAC and Reilly O'Neal, its chairman, for filing the committee's three (3) Monthly campaign finance disclosure reports 6, 5 and 6 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the January meeting.

Mr. Alan Yacoubian, attorney for LA Restaurant Association Hospitality PAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-1128 for a waiver of the \$2,000 late fee assessed against the PAC for filing its 10-G campaign finance disclosure report 26 days late in connection

with the in the April 6, 2013 election. After hearing from Mr. Yacoubian, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee.

The Board allowed the withdrawal of the request in Docket No. 13-1218 for clarification of the previously rendered advisory opinion regarding whether a member of the New Orleans City Planning Commission (CPC) may engage the services of an architect or contractor who has work submitted to the CPC.

The Board considered a request in Docket No. 13-1275 for a waiver of the \$1,500 late fee assessed against Franklin Kyle, a member of the State Police Commission, for filing his 2010 Tier 2.1 Annual personal financial disclosure statement 338 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,500 late fee based on Mr. Kyle's medical condition at the time the notice of delinquency was received pursuant to Rule 1205B(2) of the Rules for the Louisiana Board of Ethics.

Mr. Verbon Muhammad, a member of the Monroe City School Board, appeared before the Board in connection with a request in Docket No. 13-1280 for a waiver of the \$2,500 late fee assessed against him for filing his 2011 Tier 2 Annual personal financial disclosure statement 284 days late. After hearing from Mr. Muhammad, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee but suspended \$1,500 conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Greg P. Touchet, a member of the Iberia Vermilion Twin Parish Port Commission, appeared before the Board in connection with a request in Docket No. 13-1302 for a waiver of the \$1,100 late fee assessed against him for filing his 2011 Tier 2.1 Annual personal financial disclosure statement 22 days late. After hearing from Mr. Touchet, on motion made, seconded and

unanimously passed, the Board declined to waive the \$1,100 late fee but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-1364 for a waiver of the \$1500 late fee assessed against Jeffery S. Jenkins, a member of the University of Louisiana System, for filing his 2010 Tier 2.1 Annual personal financial disclosure statement 380 days late. On motion made, seconded and unanimously passed ,the Board continued the matter to the January meeting.

The Board considered a request in Docket No. 13-1369 for a waiver of the \$1,500 late fee assessed against Seth Magruder Dawson, a member of the State Police Commission, for filing his 2010 Tier 2.1 Annual personal financial disclosure statement 379 days late. On motion made, seconded and unanimously passed ,the Board continued the matter to the January meeting.

Mr. Michael J. Hebert, Jr., a member of the Iberville Parish School Board, appeared before the Board in connection with a request in Docket No. 13-1376 for a waiver of the \$1,500 late fee assessed against him for filing his 2010 Tier 2 Annual personal financial disclosure statement 423 days late. After hearing from Mr. Hebert, 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. 13-1396 for a waiver of the \$1,500 late fee assessed against Alton Fabre, Jr., a former member of the Wild Caught Shrimp Trade Action Advisory Council, for filing his 2010 Tier 2.1 Annual personal financial disclosure statement 406 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee due to Mr. Fabre's medical condition.

The Board considered a request in Docket No. 13-1490 for a waiver of the \$50 late fee assessed against Malcolm Myer for his failure to timely file a lobbyist Expenditure report. On

motion made, seconded and unanimously passed, the Board continued the matter to the January meeting.

Mr. James Burland appeared before the Board in connection with a request in Docket No. 13-1491 for a waiver of the \$1,000 late fee assessed against Angela Sue Miller, a former employee of the Louisiana Association of Educators (LAE), for her failure to timely file a lobbyist Supplemental report. After hearing from Mr. Burland, on motion made, seconded and unanimously passed, the Board waived \$700 of the \$1,000 late fee.

Mr. Ragan LeBlanc, Executive Vice President of LA FAMPAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 13-1524 for a waiver of the \$500 and \$1,500 late fees assessed against the Committee for filing the 10-G and 30-P campaign finance disclosure reports 1,087 and 1,028 days late. After hearing from Mr. LeBlanc, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$2,000.

Ms. Alesia Ardoin, attorney for Steven C. Wilson, and Mr. Greg Johnson, on behalf of Gulf Coast GTL, LLC, appeared before the Board in connection with the Declaratory Opinion in Docket No. 13-1037 regarding Mr. Wilson's continued employment with Motiva while serving on the Pontchartrain Levee District and a declaratory opinion request from Gulf Coast GTL, LLC, as to whether its submission of an application to the Pontchartrain Levee District for a Letter of No Objection and the District's subsequent consideration of said Letter of No Objection while Mr. Wilson serves on the District would violate the Code of Governmental Ethics. The Board temporarily deferred the matter until later in the meeting.

Mr. Blake Steiner, Director of Planning and Zoning for the City of Franklin, appeared before

the Board in connection with a request for an advisory opinion in Docket No. 13-1547 regarding whether the Mayor and Town Council for the Town of Franklin may use public funds to elevate the home of Belva Notto, the Assistant Public Works Director for the City of Franklin, due to the incorrect flood zone determination in 1995. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics would be presented by the use of public funds to elevate the home owned by Mr. and Mrs. Notto, since the transaction will be with the Mayor and City Council for Franklin and not with the Department of Public Works.

Ms. Deloris Kibby, Chairperson of the Committee to Recall Demetric "Deedy" Slaughter, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance, in connection with a request in Docket No. 13-1492 for a waiver of the \$160 late fee assessed against Ms. Kibby, Chairperson, and Millie Ann Jackson, Vice Chairperson, for filing the 45th day campaign finance disclosure report 48 days late. After hearing from Ms. Kibby, on motion made, seconded and passed by a vote of 6 yeas by Board Members Bruneau, Ingrassia, Larzelere, Leggio, Lemke and McAnelly and 4 nays by Board Members Backhaus, Blewer, Monroe and Shelton, the Board waived the \$160 late fee.

Mr. Stewart Cathey, Jr., an unsuccessful candidate for the Ouachita Parish Police Jury, appeared before the Board in connection with a request in Docket No. 13-1533 for a waiver of the \$2,500 late fee assessed against him for filing his 2010 Tier 2 Candidate personal financial disclosure statement 614 days late. After hearing from Mr. Cathey, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board recessed at 11:07 a.m. and resumed back into general business session at 11:21 a.m.

Ms. Alesia Ardoin, attorney for Steven C. Wilson, and Mr. Greg Johnson, on behalf of Gulf Coast GTL, LLC, appeared before the Board in connection with the Declaratory Opinion in Docket No. 13-1037 regarding Mr. Wilson's continued employment with Motiva while serving on the Pontchartrain Levee District and a declaratory opinion request from Gulf Coast GTL, LLC, as to whether its submission of an application to the Pontchartrain Levee District for a Letter of No Objection and the District's subsequent consideration of said Letter of No Objection while Mr. Wilson serves on the District would violate the Code of Governmental Ethics. After hearing from Ms. Ardoin and Mr. Johnson, on motion made, seconded and unanimously passed, the Board adopted for publication the Declaratory Opinion in which the Board concluded that (1) Section 1111C(2)(d) of the Code of Governmental Ethics would not prohibit Mr. Wilson from continuing to provide compensated services to Motiva while Gulf Coast GTL seeks to obtain a Letter of No Objection from either the Pontchartrain Levee District (PLD) or the Coastal Protection & Restoration Authority (CPRA) while Mr. Wilson serves as a member of the PLD and the CPRA Board; (2) Section 1113B of the Code of Governmental Ethics would not prohibit Mr. Wilson from continuing to serve as a member of the PLD and CPRA Board while Gulf Coast GTL seeks to obtain a Letter of No Objection from either the PLD or CPRA even though Mr. Wilson's compensation package, through his employment with Motiva, includes a bonus that is based on the global performance of Shell; and (3) no issue with respect to Section 1112 of the Code of Governmental Ethics is presented, since Mr. Wilson may recuse himself in accordance with Section 1120.4 from participating in the issuance of a Letter of No Objection to Gulf Coast GTL to avoid a violation of Section 1112 of the Code of Governmental Ethics.

On motion made, seconded and unanimously passed, the Board adopted the following general

consent agenda items:

On motion made, seconded and unanimously passed, the Board agreed to take action on items G20-G41 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 G20-G41, excluding items G21, G28, G31, G37, G38, G39 and G40, taking the following action:

Allowed the withdrawal of a request for an advisory opinion in Docket No. 13-1450 regarding whether a member of the Ridgecrest Board of Aldermen may be promoted within the Concordia Parish Council on Aging, since the circumstances had changed and the opinion was no longer necessary.

Adopted an advisory opinion in Docket No. 13-1452 concluding that no violation of the Code of Governmental Ethics is presented by Ronnie Wisenor, a compliance investigator with the Louisiana Used Motor Vehicle Commission, obtaining a dealer's license from the Louisiana New Motor Vehicle Commission, since Mr. Wisenor would not be entering into a transaction that is under the supervision or jurisdiction of his agency nor would he be regulated by his agency.

Adopted an advisory opinion in Docket No. 13-1464 concluding that no violation of the Code of Governmental Ethics is presented by Lum Farr, a former employee of the Louisiana Delta Community College (LDCC), contracting to provide food service to Louisiana Delta Community College (LDCC), since he will not be assisting a person for compensation in which he participated during his public employment, nor will he be rendering any service on a contractual basis to his former agency that he provided during his employment.

Adopted an advisory opinion in Docket No. 13-1465 concluding that Section 1113B of the

Code of Governmental Ethics prohibits the nomination and election of Cindy Hoyle to serve as a member of the board of directors of Belle Chasse Academy, Inc., while her husband, James Hoyle, serves in the same capacity.

Adopted an advisory opinion in Docket No. 13-1466 concluding that members of the Slidell Memorial Hospital Advisory Board are required to complete annual education and training on the Code of Governmental Ethics pursuant to Section 1170A(3)(a)(I) of the Code, since the members of the Slidell Memorial Hospital Advisory Board are appointed by the District's Board of Commissioners and the Slidell Memorial Hospital Advisory Board is therefore considered to be an agency of the District. As such, the members of the Slidell Memorial Hospital Advisory Board are considered "public employees" and "public servants" as the terms are defined by Sections 1102(18) and (19) and subject to the laws set forth in the Code of Governmental Ethics. Secondly, Section 1170(A)(3)© of the Code does not exempt members of the Slidell Memorial Hospital Advisory Board from the required annual education and training on the Code of Governmental Ethics. Section 1170(A)(3)© applies to "non-salaried employees" of a hospital owned or operated by a hospital service district. As members of the Slidell Memorial Hospital Advisory Board are not employees of a hospital owned or operated by the District, this exception does not apply.

Adopted an advisory opinion in Docket No. 13-1470 concluding that no violation of the Code of Governmental Ethics is presented by Dale Trahan, a member of the Acadia Parish Police Jury, providing additional services, without compensation, to the Police Jury, since Section 1123(30) of the Code of Governmental Ethics will allow Mr. Trahan to donate services to the Police Jury provided that Mr. Trahan is not appointed to a position under the Police Jury.

Adopted an advisory opinion in Docket No. 13-1473 concluding that Section 1121 of the

Code of Governmental Ethics prohibits Herbert Moore, III, an Operations Engineer employed by the Department of Transportation and Development (DOTD), District 61, from contracting with his agency, the District 61 Traffic Operations Section, or from working on any project in which he participated in while employed as the District 61 Traffic Operations Engineer for a period of two years following the termination of his employment with the DOTD.

Adopted an advisory opinion in Docket No. 13-1483 concluding that no violation of the Code of Governmental Ethics is presented by Carissa L. Bokelberg, an employee of Metropolitan Human Services District (MHSD), also working part time in her private practice, NOLA Psychological Services, LLC (NOLAPS), since she will be providing a different service at NOLAPS from the service that she provides at MHSD. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Ms. Bokelberg from recommending clients serviced through MHSD to her private practice.

Allowed the withdrawal of the request for an advisory opinion in Docket No. 13-1486 regarding the potential promotion of Betty Bennett, an employee of the Pineville Police Department, to a supervisory position while members of her immediate family are employed with the Department, since Ms. Bennett has accepted a position with another police department and is no longer seeking the promotion.

Adopted an advisory opinion in Docket No. 13-1489 concluding that no violation of the Code of Governmental Ethics is presented by Jeff Edgecombe, a councilman for Plaquemines Parish Government, providing services through his construction company to a company working on a project, Myrtle Grove Estates Phase II, that previously came before the council for the approval of a construction permit, since, based on the facts given, it does not appear that the company has a

business, financial, or contractual relationship with Plaquemines Parish.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted an advisory opinion in Docket No. 13-1493 concluding that Laurie Pennison, a candidate for Mandeville Justice of the Peace, Ward 4, is not required to file a campaign finance disclosure report when she received no campaign contributions, since Ms. Pennison was an any other level office candidate and, as such, with no contributions and less than \$2500 in expenditures, she is not required to file campaign finance disclosure reports with the Board.

Adopted an advisory opinion in Docket No. 13-1512 concluding that no violation of the Code of Governmental Ethics is presented by the Jefferson Parish Council directing the Jefferson Parish Attorney's office to take on additional duties that were previously assigned to the Ethics and Compliance Director.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted an advisory opinion in Docket No. 13-1518 concluding that no violation of the Campaign Finance Disclosure Act (CFDA) is presented by the Louisiana Fire and Casualty Company PAC making a donation to the Louisiana Automobile Theft and Insurance Fraud Prevention Authority (LATIFPA), since LATIFPA is a public state agency whose purpose is to combat motor vehicle theft and insurance fraud and, under 26 USC 170(c)(1) for purposes of the CFDA, any funds given to LATIFPA by a political committee may be defined as a charitable contribution and permissible under the CFDA.

Adopted an advisory opinion in Docket No. 13-1521 concluding that no violation of the Code of Governmental Ethics is presented by Jimmy Anthony, Assistant Secretary of Wildlife for the Department of Wildlife and Fisheries, serving as a board member for Hunters for the Hungry, since

Hunters for the Hungry is a charitable organization, and its board members do not receive compensation from the organization. Section 1123(1) of the Code of Governmental Ethics allows a public servant to participate in the affairs of a charitable organization, when the public servant does not receive compensation from the organization.

Adopted an advisory opinion in Docket No. 13-1550 concluding that no violation of the Code of Governmental Ethics is presented by Lambert Hassinger participating, as a member of the Southeast Louisiana Flood Protection Authority-East, in matters involving the lawsuit filed by the Southeast Louisiana Flood Protection Authority-East against 97 oil and gas companies, if his law firm, Galloway, Johnson, Tompkins, Burr, and Smith, provides legal services in unrelated matters to any of the oil companies which are defendants in the lawsuit filed by the Southeast Louisiana Flood Protection Authority-East, since Mr. Hassinger's law firm does not have a substantial economic interest in the litigation between his board and the oil and gas companies.

Adopted an advisory opinion in Docket No. 13-1451 regarding the post-employment restrictions applicable to Tony Tramel, the former Director of the Traffic and Transportation Department with the Lafayette City-Parish Consolidated Government (LCG), concluding the following: (1) in connection with Mr. Tramel's inquiry regarding whether he may assist as a prime or sub-consultant on matters regarding transportation engineering, act as an expert witness, and provide land development approval process services which involve technical analysis, engineering conclusions, and project activities which are now managed by the Department of Public Works and/or the Department of Planning, Zoning and Codes for LCG, the Board advised that Mr. Tramel was an agency head while the Director of the Traffic and Transportation Department. However, given that the department is no longer in existence, the Board determined that his post-employment

restrictions would be governed by Section 1121B of the Code of Governmental Ethics. Therefore, Mr. Tramel may not assist another person in any transactions in which he participated while he served as the Director of the Traffic and Transportation Department. The Board further concluded that Mr. Tramel participated in all transactions which arose within the Traffic and Transportation Department while he was employed as its Director; (2) in connection with Mr. Tramel's inquiry regarding whether he may assist private landowners and developers with preparation of land development submittals that are administered in the Department of Planning, Zoning and Codes and/or in the Department of Public Works within LCG, the Board advised that generally, Section 1121B of the Code of Governmental Ethics prohibits Mr. Tramel from assisting another person in any transactions involving matters which arose within the Traffic and Transportation Department while he was employed as its Director. The Board advised that in the future, if Mr. Tramel has a specific transaction that he would like the Board to address, he will need to submit an advisory opinion request and provide more specific information about the proposed transaction; (3) in connection with Mr. Tramel's inquiry regarding whether he may be employed by any consulting engineering firms that perform services directly or indirectly for LCG, the Board concluded that generally, Section 1121B of the Code of Governmental prohibits him from assisting another person in any transactions involving matters which arose within the Traffic and Transportation Department while he was employed as its Director. The Board advised that in the future, if Mr. Tramel has a specific company he would like to be employed by, he will need to submit an advisory opinion request and provide more specific information about the proposed employment; and (4) in connection with Mr. Tramel's inquiry regarding whether he may be employed by an engineering firm as a consultant or sub-consultant for contracts with the Louisiana Department of Transportation and

Development, the Board concluded that generally, Section 1121B of the Code of Governmental Ethics prohibits him from assisting another person in any transactions involving matters which arose within the Traffic and Transportation Department while he was employed as its Director. The Board advised that in the future, if Mr. Tramel has a specific company he would like to be employed by, he will need to submit an advisory opinion request and provide more specific information about the proposed employment.

Adopted an advisory opinion in Docket No. 13-1482 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Ben Taylor, the Executive Director of the Housing Authority of Lake Charles, from accepting an appointment to serve as a member of the "Jeff Davis Bank Advisory Board", since Mr. Taylor would be prohibited from providing compensated services to Jeff Davis Bank while Jeff Davis Bank has a financial or business relationship with his agency.

By a vote of 8 yeas by Board Members Backhaus, Blewer, Bruneau, Ingrassia, Leggio, McAnelly, Monroe and Shelton and 2 nays by Board Members Larzelere and Lemke, adopted an advisory opinion in Docket No. 13-1487 concluding that Section 1113 of the Code of Governmental Ethics prohibits a grocery store owned by Peggy Fontenot, Principal of Maurepas High School, from conducting business with Maurepas High School, since Maurepas High School is considered Ms. Fontenot's agency because she is its principal.

Adopted an advisory opinion in Docket No. 13-1522 concluding that no violation of the Code of Governmental Ethics is presented by Angela Bihm, a Registered Nurse Supervisor B in the Program Integrity Unit of the Department of Health and Hospitals (DHH), accepting a position as a Health Claims Auditor with Qualities Health Strategies/Health Integrity following the termination of her employment with the DHH. The Board further advised that Section 1121 of the Code of

Governmental Ethics would prohibit Ms. Bihm from assisting Qualities Health Strategies/Health Integrity in any transactions involving the Special Investigations Unit, within the Program Integrity Unit, within the Office of the DHH Secretary, for a period of two years following the termination of her employment with the DHH.

Adopted an advisory opinion in Docket No. 13-1523 concluding that part-time, on-call, and temporary employees for Jefferson Parish are required to receive mandatory one hour ethics training in accordance with La. R.S. 42:1170A(3) and (5). The Board further advised that those employees who work for the agency for less than 90 days are not required to take the ethics training.

Adopted an advisory opinion in Docket No. 13-1528 concluding that no violation of the Code of Governmental Ethics is presented by members of the Ascension Parish Industrial Development Board of Directors participating in matters that may impact the receipt of ad valorem taxes by the governmental employers, since a governmental entity is not a person.

By a vote of 7 yeas by Board Members Backhaus, Blewer, Ingrassia, Leggio, McAnelly, Monroe and Shelton and 3 nays by Board Members Bruneau, Larzelere and Lemke, adopted an advisory opinion in Docket No. 13-1548 concluding that Section 1113 of the Code of Governmental Ethics would prohibit the Town of Zwolle from purchasing goods from Rivers Builders Supply, owned by Freddie Rivers, while Allen Rivers, brother of Freddie Rivers, serves as a member of the Zwolle Town Council.

Accepted for filing, the disclosure statements filed in Docket No. 13-1507 for September, 2013.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the

November 14-15, 2013 meetings.

The Board considered a request for reconsideration in Docket No. 13-879 for a waiver of the \$1,500 late fee assessed against Martha Belton, a member of the Webster Parish Convention and Visitors Bureau, for filing her 2010 Tier 2.1 Annual personal financial disclosure statement 269 days late. On motion made, seconded and unanimously passed, the Board affirmed its prior decision to decline to waive the \$1,500 late fee but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered an untimely request in Docket No. 13-1100 for a waiver of the two \$1,500 late fees assessed against James Goode, Jr., former Mayor of Sicily Island, for filing his 2009 Tier 3 Annual personal financial disclosure statement 640 days late and his 2009 Tier 3 Candidate personal financial disclosure statement 640 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$3,000 and instructed the staff to offer Mr. Goode a payment plan.

The Board considered an untimely request in Docket No. 13-1110 for a waiver of the \$2,500 late fee assessed against Jimmy Smith, a member of the Caddo Parish Board of Commissioners, for filing his 2011 Tier 2 Annual personal financial disclosure statement 41 days late. On motion made, seconded and unanimously passed, the Board (1) declined to waive the \$2,500 late fee in connection with the 2011 Tier 2 Annual personal financial disclosure statement but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics; (2) rescinded the \$2,300 late fee in connection with the 2011 Tier 2 amended Annual personal financial disclosure statement; and, (3) declined to waive the \$2,300 late fee in connection with the 2012 Tier 2 Annual personal financial disclosure statement but suspended \$1,800 conditioned upon future compliance with the

Code of Governmental Ethics.

The Board considered a request for reconsideration in Docket No. 13-1112 for a waiver of the \$1,500 late fee assessed against Dimettera Frazier, a member of the Springhill Board of Aldermen, for filing her 2010 Tier 3 Annual personal financial disclosure statement 343 days late. On motion made, seconded and unanimously passed, the Board affirmed its prior decision to decline to waive the \$1,500 late fee. Board Member Blewer recused herself.

The Board considered a request for an advisory opinion in Docket No. 13-1341 regarding whether Bayou Land Trophies, owned by Catherine Badeaux, may continue to sell awards, trophies, plaques, and other recognitions to schools in Lafayette Parish while Ms. Badeaux's husband, Bobby Badeaux, serves as the Athletic Director of the Lafayette Parish School Board. On motion made, seconded and unanimously passed, the Board concluded that Section 1113A of the Code of Governmental Ethics would prohibit Bayou Land Trophies and/or Catherine Badeaux from selling any items to any school's Athletic Departments, since such departments would be under the supervision or jurisdiction of Ms. Badeaux's husband, Bobby Badeaux, as the Director of Athletics, Health and Physical Education for the Lafayette Parish School Board.

The Board considered an untimely request in Docket No. 13-1366 for a waiver of the \$1,500 late fee assessed against Marshall Brumfield, a member of the Louisiana Commission on Human Rights, for filing his 2010 Tier 2.1 Annual personal financial disclosure statement 299 days late. 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. 13-1391 for a waiver of the \$1,500 late fee assessed against Richard Tassin, a former member of the Marksville City Council, for filing his 2010 Tier 3 Annual personal financial disclosure statement 84 days late. On motion made,

seconded and unanimously passed, the Board waived the \$1,500 late fee due to Mr. Tassin's medical condition.

The Board considered a request for an advisory opinion in Docket No. 13-1478 regarding whether Jefferson Parish employees may purchase sporting event tickets at a discounted rate. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Jefferson Parish employees purchasing sporting event tickets at a discounted rate since the discount is a "commonly offered promotion" offered to similar groups of persons, such as other corporate employees.

The Board considered an untimely request in Docket No. 13-1504 for a waiver of the \$1,500 late fee assessed against Mark McCloud Griggs, a member of the South Tangipahoa Port Commission, for filing his 2010 Tier 2.1 Annual personal financial disclosure statement 332 days late. 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. 13-1535 for a waiver of the \$1,500 late fee assessed against Peter Festus Egan, a member of the Louisiana Public Facilities Authority, for filing his 2010 Tier 2.1 Annual personal financial disclosure statement 344 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the items contained 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. 13-704, 13-1495, 13-1496,

13-1520, and 13-1525, taking the following action:

The Board considered requests for “good cause” waivers of late fees assessed against the following candidates and adopted the staff recommendations on the requests:

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

Docket No. 13-1221 from Richard Dale Wolfe, Sr. of a \$400 late fee, a \$1,000 late fee, and a \$600 late fee; and,
Docket No. 13-1494 from Demetrie Ford of a \$600 late fee and an \$800 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-704 for a waiver of the \$600 late fee assessed against Edward M "Eddie" Brossette, a candidate for Judge, 1st JDC, Elec. Sec. 2, Div. 1 in the October 4, 2008 election, for filing his 2012 Supplemental campaign finance disclosure report 18 days late. On motion made, seconded and unanimously passed, the Board waived the \$600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-1495 for a waiver of the \$360, \$180 and \$540 late fees assessed against John S. Kean IV, a candidate for West Feliciana Parish President, in the October 19, 2013 election, for filing his 30-P, 10-P and 10-G campaign finance disclosure reports 6, 3 and 9 days late. On motion made, seconded and passed by a vote of 9 yeas by Board Members Backhaus, Bruneau, Ingrassia, Larzelere, Leggio, Lemke, McAnelly, Monroe and Shelton and 1 nay by Board Member Blewer, the Board declined to waive the \$360 and \$180 late fees in connection with the 30-P and 10-P reports and declined to waive the \$540 late fee in connection with the 10-G report but suspended \$290 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. 13-1496 for a waiver of the \$60 and \$600 late fees assessed

against Earnestine Anderson-Trahan, a candidate for Judge, 2nd City Court, Orleans Parish in the November 6, 2012 election, for filing her 10-G and EDE-G campaign finance disclosure reports 1 and 192 days late. On motion made, seconded and passed by a vote of 9 yeas by Board Members Backhaus, Blewer, Bruneau, Ingrassia, Larzelere, Leggio, McAnelly, Monroe and Shelton and 1 nay by Board Member Lemke, the Board declined to waive the late fees totaling \$660.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 13-1520 for a waiver of the \$240 and \$400 late fees assessed against Waylon McCormick, a candidate for Justice of the Peace, Ouachita Parish in the October 19, 2013 election, for filing his 10-P and EDE-P campaign finance disclosure reports filed 6 and 10 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$240 late fee but suspended \$140 and declined to waive the \$400 late fee but suspended \$300 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. 13-1525 for a waiver of the \$600 and \$240 late fees assessed against Lea Reid Williams, a candidate for West Feliciana Parish President in the October 19, 2013 election, for filing his 30-P and 10-P campaign finance disclosure reports 11 and 4 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$840.

On motion made, seconded and unanimously passed, the Board agreed to take action on the items contained in the Lobbying 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 Lobbying Waiver Chart,

excluding Docket Nos. 13-1509 and 13-1538, taking the following action:

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists and adopted the staff recommendations on the requests:

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

Docket No. 13-1400 from Nial Patel of a \$1,500 late fee; and
Docket No. 13-1536 from Anne Crochet of a \$100 late fee.

The Board considered a request in Docket No. 13-1446 for a waiver of the \$50 late fee assessed against Julie Mickelberry for her failure to timely file a lobbyist expenditure report. On motion made, seconded and unanimously passed, the Board declined to waive the \$50 late fee but suspended the entire late fee conditioned upon future compliance with the Lobbyist Disclosure Act.

The Board considered a request in Docket No. 13-1509 for a waiver of the \$50 late fee assessed against Jennifer Pappan for her failure to timely file a lobbyist expenditure report. On motion made, seconded and unanimously passed, the Board declined to waive the \$50 late fee.

The Board considered a request in Docket No. 13-1538 for a waiver of the \$150 late fee assessed against Charles Kiernan Koenigerf for his failure to timely file a lobbyist expenditure report. On motion made, seconded and unanimously passed, the Board waived the \$150 late fee.

The Board unanimously agreed to take action on the items 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. 13-822, 13-956, 13-1264, 13-1269, 13-1374, 13-1375 and 13-1506, taking the following action:

The Board considered requests for “good cause” waivers of late fees assessed against the following individuals and adopted the staff recommendations on the requests:

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

Docket No. 13-1156 from Gerald Leglue of a \$1,500 late fee;
Docket No. 13-1367 from Keith Miller of a \$1,500 late fee;
Docket No. 13-1380 from Rex McCarthy of a \$1,500 late fee; and,
Docket No. 13-1390 from Laura Putnam of a \$1,500 late fee.

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

Docket No. 13-1106 from Michael Jones of two \$1,500 late fees; and,
Docket No. 13-1505 from Robert Nuzum of a \$150 late fee.

The Board considered a request in Docket No. 13-1160 for a waiver of the \$1,500 late fee assessed against Jeffery Rose, a St. Landry Parish Constable, for filing his amended 2009 Tier 3 Annual personal financial disclosure statement 556 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-1191 for a waiver of the \$1,500 late fee assessed against Floyd Terrell, Sabine Parish Constable, for filing his 2010 Tier 3 Annual personal financial disclosure statement 287 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-1365 for a waiver of the \$1,500 late fee assessed Sherril S. Clifton, a member of the Workforce Investment Board, for filing her 2010 Tier 2.1 Annual personal financial disclosure statement 357 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late

fee conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-1497 for a waiver of the \$700 late fee assessed against Alan Devon Clayborn, a member of the Ringgold Town Council, for filing his 2011 Tier 3 Annual personal financial disclosure statement 14 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$700 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-1498 for a waiver of the \$1,500 late fee assessed against Thomas Dufrene, Jr., Stonewall Police Chief, for filing his 2011 Tier 3 personal financial disclosure statement 154 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,000 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-1502 for a waiver of the \$500 late fee assessed against Billy Merton Owens, a member of the Kilbourne Board of Aldermen, for filing his 2011 Tier 3 Annual personal financial disclosure statement 10 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$500 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-822 for a waiver of the \$1,000 late fee assessed against John Landrum, a member of the KIPP New Orleans Charter School Board, for filing his 2011 Tier 3 Annual personal financial disclosure statement 20 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the January meeting.

The Board considered a request in Docket No. 13-956 for a waiver of the \$1,500 late fee assessed against Joseph Jason, a candidate for the Evangeline Parish Police Jury, for filing his 2010

Tier 3 Candidate personal financial disclosure statement 463 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the February meeting in order to obtain additional documentation.

The Board considered a request in Docket No. 13-1264 for a waiver of the \$2,500 late fee assessed against David Edwards, a candidate for St. Tammany Parish Clerk of Court, for filing his 2010 Tier 2 Candidate personal financial disclosure statement 550 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board considered a request in Docket No. 13-1269 for a waiver of the \$2,500 late fee assessed against Foster Campbell, Jr., a member of the Public Service Commission, for filing his 2011 Tier 2 Annual personal financial disclosure statement 44 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee. Board Member Backhaus recused himself.

The Board considered a request in Docket No. 13-1374 for a waiver of the four \$2,500 late fees assessed against Terance Irvin, a member of the Gonzales City Council, for filing his 2009 Tier 2 Annual personal financial disclosure statement 282 days late, his amended 2009 Tier 2 Annual personal financial disclosure statement 227 days late, his amended 2010 Tier 2 Annual personal financial disclosure statement 227 days late and his amended 2011 Tier 2 Annual personal financial disclosure statement 227 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee in connection with the 2009 Tier 2 Annual personal financial disclosure statement but suspended \$2,000 conditioned upon future compliance with the Code of Governmental Ethics and waived the remaining three \$2,500 late fees in connection with the amended 2009 Tier 2 Annual personal financial disclosure statement, the amended 2010 Tier 2 Annual

personal financial disclosure statement and the amended 2011 Tier 2 Annual personal financial disclosure statement.

The Board considered a request in Docket No. 13-1375 for a waiver of the \$1,500 late fee assessed against Stephen Thomas Broussard, a member of the Mermentau River Harbor and Terminal District, for filing his 2010 Tier 2.1 Annual personal financial disclosure statement 337 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,250 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 13-1506 for a waiver of the \$600 late fee assessed against Senator Julie Quinn for filing her 2011 Tier 2 Annual personal financial disclosure statement amendment 6 days late. On motion made, seconded and passed by a vote of 8 yeas by Board Members Backhaus, Blewer, Ingrassia, Larzelere, Leggio, McAnelly, Monroe and Shelton and 2 nays by Board Member Bruneau and Lemke, the Board declined to waive the \$600 late fee.

The Board considered a judgement rendered by the Ethics Adjudicatory Board in Docket No. 10-398 involving Scott Fontenot and Fontenot & Associates. On motion made, seconded and unanimously passed, the Board agreed to appeal the decision to the First Circuit Court of Appeal.

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

On motion made, seconded and unanimously passed, the Board agreed to take action on items GS1-GS3 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 GS1-GS3 taking the following action:

The Board considered a request for an advisory opinion in Docket No. 13-1677 regarding

whether David Gorbaty may accept the position of Chief Administrative Officer of St. Bernard Parish while his son, Nathan Gorbaty, serves as a member of the St. Bernard Parish Council. On motion made, seconded and unanimously passed, the Board concluded that (1) Sections 1119A and 1119B of the Code of Governmental Ethics would prohibit David Gorbaty from being employed with St. Bernard Parish as the Chief Administrative Officer while his son, Nathan Gorbaty, serves as a member of the St. Bernard Parish Council; (2) Section 1119C(5) of the Code of Governmental Ethics is not applicable in this situation. Mr. David Gorbaty is a retired Louisiana State Fourth Circuit Court of Appeals judge and served as a St. Bernard Parish police juror from the 1970's to the mid 1980's. Section 1119C(5) provides that La. R.S. 42:1119 shall not be construed to prohibit the *reemployment* of a retiree whose employment was allowed under the provisions of this Section on the date of his retirement. David Gorbaty is not a retiree of St. Bernard Parish. He left office in the mid 1980's. He may be a retiree of the Court of Appeal; however, that is not the agency with which he seeks re-employment; (3) Section 1113A of the Code of Governmental Ethics would prohibit David Gorbaty from contracting with or entering into any transactions with St. Bernard Parish to serve as an independent contractor/consultant for St. Bernard Parish while his son, Nathan Gorbaty, serves as a member of the St. Bernard Parish Council, since Nathan Gorbaty's agency includes the entire political subdivision of St. Bernard Parish, which includes both the executive and legislative branches; and, (4) the Code of Governmental Ethics would not prohibit David Gorbaty from donating his services to St. Bernard Parish while his son serves as a member of the St. Bernard Parish Council as long as his provision of services as the Chief Administrative Officer is not an appointment to the position of Chief Administrative Officer irrespective of compensation.

The Board considered a request for an advisory opinion in Docket No. 13-1678 regarding

whether the Tensas Parish Police Jury may contract with a company owned by John D. "Bubba" Wynn, an elected member of the Tensas Parish Police Jury. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Wynn's company, Wynco, contracting with the Tensas Parish Police Jury, since Tensas Parish has a population of less than ten thousand. The Board further advised that as a member of the Tensas Parish Police Jury, Mr. Wynn must recuse himself from participating in any matters involving Wynco Environmental Group, LLC and that Mr. Wynn is required to file an annual disclosure statement by May 1st with the Board for each year that his agency, Tensas Parish Police Jury, has a business relationship with Wynco Environmental Group, LLC.

The Board considered a request for an advisory opinion in Docket No. 13-1679 regarding whether the Financial Administrators for the Town of Richwood and the Town of Gibsland may enter into a cooperative endeavor agreement with the Legislative Auditors Office (LAO). On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the Financial Administrators for the Town of Richwood and the Town of Gibsland entering into the proposed cooperative endeavor agreements with the LAO, since the Fiscal Administrators' salaries provided for in Article 2.1 of the cooperative endeavor would not be a substantial economic interest which would prohibit the fiscal administrators from participating in the cooperative endeavor agreement as proposed by LAO. The Board further concluded that the Fiscal Administrators will not be entering into a contract in violation of Section 1113 of the Code of Governmental Ethics, since the agreement is between the LAO and the respective political subdivisions.

The Board considered a request for an advisory opinion in Docket No. 13-1549 regarding the

potential appointment of Athan Olivier to the board of Iberia Parish Hospital Service District No. 1, d/b/a Iberia Medical Center while his wife, Dr. Erinn Olivier, maintains admitting privileges with and leases office space from Iberia Medical Center. On motion made, seconded and unanimously passed, the Board concluded that Section 1113B of the Code of Governmental Ethics would prohibit Mr. Olivier's appointment as a board member of Iberia Medical Center while his wife has an existing agreement to lease office space from Iberia Medical Center.

The Board unanimously agreed to continue to the January meeting, consideration of suggestions to propose legislation for consideration during the 2014 Regular Legislative Session.

Ms. Allen introduced Brett Robinson as the new staff attorney hired to fill the vacancy created by Brent Durham's resignation from the agency.

The Board unanimously adjourned at 11:53 a.m.

Secretary

APPROVED:

Chairman

