

LOUISIANA BOARD OF ETHICS  
MINUTES  
June 17, 2011

The Board of Ethics met on June 17, 2011 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Backhaus, Blewer, Bowman, Hymel, Ingrassia, Leggio, Lowrey, Monroe, Simoneaux and Stafford present. Absent was Board Member Schneider. Also present were the acting Executive Secretary, Lyndy Donaldson; and Counsel, Alesia Ardoin, Tracy Barker, Aneatra Boykin, Michael Dupree, Brent Durham and Deidra Godfrey.

Mr. Jack Sessions, a candidate for Chief of Police of the Town of Pearl River, in the October 2, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-481 in connection with a request for a waiver of the \$1,000, \$1,000, \$400, \$1,000, \$1,000 and \$400 (\$4,800 total) late fees assessed against him for filing his 30-P report 131 days late, 10-P report 111 days late, EDE-P report 91 days late, 10-G report 78 days late, EDE-G report 60 days late, and 40-G 29 days late. After hearing from Mr. Sessions, on motion made, seconded and unanimously passed, the Board (1) declined to waive the \$400 late fee and the \$400 late fee assessed for the failure to timely file the EDE-P and EDE-G reports, but suspended \$600 of the late fees totaling \$800 based on the level of activity and no prior late filings; and, (2) declined to waive the \$1,000 late fee assessed for the failure to timely file the 30-P report, the \$1,000 late fee assessed for the failure to timely file the 10-P report, the \$1,000 late fee assessed for the failure to timely file the 10-G report and the \$1,000 late fee assessed for the failure to timely file the 40-G report, but suspended \$2,000 of the late fees totaling \$4,000 based on future compliance.

Kathleen Allen, Ethics Administrator, and Deborah Grier, Executive Secretary, arrived at the meeting at 9:20 a.m.

Brenda Leroux Babin, a candidate for Terrebonne Parish School Board, District 5, in the October 2, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-802 in connection with request for a waiver of the \$280 late fee assessed against her for filing her Supplemental campaign finance disclosure report 7 days late. After hearing from Ms. Babin, on motion made, seconded and passed by a vote of 7 yeas by Board Members Backhaus, Bowman, Hymel, Leggio, Lowrey, Simoneaux and Stafford and 3 nays by Board Members Blewer, Ingrassia and Monroe, the Board declined to waive the \$280 late assessed for the failure to timely file the Supplemental report but suspended the entire late fee conditioned upon future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-811 for a waiver of the \$1,200 late fee assessed against Charles L. Porter, a candidate for District Judge, 16th Judicial District Court, in the October 5, 2002 election, whose Supplemental campaign finance disclosure report was due February 15, 2011 and was filed 20 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the August meeting, since Judge Porter had trials scheduled for July and could not make his scheduled appearance before the Board.

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

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted for publication, a consent opinion in Docket No. 10-969 in which The Committee to Re-Elect Judge

Mark Jeansonne, a candidate for Judge, 12<sup>th</sup> Judicial District in the October 4, 2008 election, agrees that a violation of Section 1505.2H of the Campaign Finance Disclosure Act occurred by receiving loans in excess of the contribution limit and in which The Committee to Elect Judge Mark Jeansonne agrees to pay a fine of \$500.

Board Member Schneider arrived at the meeting at 9:30 a.m.

Adopted an advisory opinion in Docket No. 11-691 concluding that Section 1113B of the Code of Governmental Ethics prohibits Gentry Major, the son of Regional Transit Authority (RTA) Commissioner Barbara Major, from being employed with Veolia Transportation Services, Inc., while his mother serves as a member of the Board of Commissioners of the RTA, since Gentry Major is providing services to Veolia pursuant to its contract with the RTA and he is “in any way interested” in a contract under the supervision and jurisdiction of his mother’s agency, the Board of Commissioners of the RTA. Board Member Monroe recused himself.

Declined to render an advisory opinion in Docket No. 11-696 regarding the affidavit required by R.S. 38:2196.1, since the Board has no supervisory authority over the contents or recordation of such affidavit nor does the Board have any authority to penalize anyone who violates the statute.

Adopted an advisory opinion in Docket No. 11-719 concluding that no violation of the Code of Governmental Ethics is presented by Michael Ricca, an employee of the Louisiana Department of Transportation and Development, becoming a contract engineer following his retirement provided that, during the restricted two-year period, he does not perform services in connection with any transaction in which he participated as a public employee and he does not contract with his former agency to render any service he rendered for the agency as an employee for the same two-year period.

Adopted an advisory opinion in Docket No. 11-720 concluding that no violation of the Code of Governmental Ethics is provided by Lea Dauphine, who currently has a contract with the Office of Addictive Disorders (OAD) to provide consulting services to adult women who have substance abuse problems, becoming a provider with the Department of Child and Family Services (DCFS), as long as she does not serve the same clients she services through her contract with the OAD. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Ms. Dauphine from referring clients she services through her contract with OAD to her private practice for other services.

Adopted an advisory opinion in Docket No. 11-721 concluding that no violation of the Code of Governmental Ethics is presented by Brennan Matherne, the Public Information Officer for Lafourche Parish Government, providing compensated graphic design services to the Chackbay Volunteer Fire Department while he serves as the Public Information Officer for the Lafourche Parish Government, since the services he will be providing to the Chackbay Volunteer Fire Department are not devoted substantially to the responsibilities, programs, or operations of the Public Information Office of the Lafourche Parish Government and in which he has participated.

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

Adopted an advisory opinion in Docket No. 11-724 concluding that no violation of the Code of Governmental Ethics is presented by Sgt. Gary Scott of the Leesville Police Department continuing to serve as a part-time probation officer for Leesville City Court while he serves as Sgt. of the Police Department, since as a probation officer, Sgt. Scott is responsible for supervising offenders who have been released from jail and it does not appear that the supervision of formerly incarcerated individuals is a service that is devoted substantially to the responsibilities, operations,

or programs of the police department.

Adopted an advisory opinion in Docket No. 11-725 concluding that Section 1119A of the Code of Governmental Ethics prohibits Lekeisha Lucas-Powell from being employed by the East Carroll Parish Library when her mother serves as the Clerk for the East Carroll Parish Police Jury, since her mother's agency includes all agencies, departments, divisions, boards and commissions of East Carroll Parish, including the East Carroll Parish Library.

Adopted an advisory opinion in Docket No. 11-744 concluding that Section 1113 of the Code of Governmental Ethics prohibits Glen Womack, the owner of Womack and Sons Construction, or any other entity in which Mr. Womack or an immediate family member has a controlling interest, from submitting a bid to construct the Town of Ferriday's new water plant or to furnish and install the town's water meters, while Mr. Womack's company, JCP Management, runs the town's water system, since JCP Management and all of the employees of JCP Management involved in the operation of the Town's water system are public employees by virtue of JCP Management's contracts with the Town for the limited scope of running the water system. JCP Management and those employees working on the Town's water system are subject to the provisions of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 11-859 concluding that Section 1115A(1) of the Code of Governmental Ethics will prohibit Friends of Jefferson Parish Public Library (FRIENDS) from continuing to provide scholarships to library staff attending graduate schools based on language from a Cooperative Endeavor Agreement between the Jefferson Parish Library and FRIENDS, since based upon the contractual relationship between FRIENDS and the Library, FRIENDS is a prohibited source. Further, staff members of the Library are required to make an

application to FRIENDS to receive the scholarship in question which is a solicitation of a thing of economic value by a public servant.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the May 19-20, 2011 meetings.

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:

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

Docket No. 11-797 from Ruben LeBlanc of a \$600 late fee;  
Docket No. 11-799 from Warren Montgomery of a \$600 late fee;  
Docket No. 11-800 from Eddie Soileau of a \$780 late fee;  
Docket No. 11-801 from Joe Bishop of a \$120 late fee;  
Docket No. 11-805 from Oliver Jenkins of a \$400 late fee;  
Docket No. 11-806 from Ira Thomas of a \$480 late fee and a \$300 late fee;  
Docket No. 11-808 from Joella Wilson of a \$400 late fee;  
Docket No. 11-838 from Tehmi Chassion of a \$320 late fee; and,  
Docket No. 11-839 from Lawrence Landry of a \$280 late fee.

Board Member Blewer recused herself from Docket No. 11-805.

The Board unanimously waived the \$100 late fee assessed in Docket 11-798 against Robert E. Jones, III, a candidate for Judge, Orleans Parish Traffic Court in the October 2, 2010 election, whose Supplemental campaign finance disclosure report was filed 1 day late, since Mr. Jones was able to provide documentation proving that he timely attempted to file the required report and that the report was rejected due to an incorrect candidate numbers.

The Board unanimously reduced the \$1,440 late fee assessed against Glenn Waguespack to \$100 in Docket No. 11-803, since Mr. Waguespack filed his Annual report in paper format, rather than electronically, and immediately filed the electronically report upon receipt of notice.

The Board unanimously reduced the \$780 late fee assessed against Charles Heck, Jr. to \$240 in Docket No. 11-809, since Mr. Heck did not receive a Notice of Delinquency within four (4) days of the report being due.

The Board unanimously reduced the \$560 late fee assessed against Everett C. Hobbs to \$160 in Docket No. 11-810, since Mr. Hobbs did not receive a Notice of Delinquency within four (4) days of the report being due.

The Board unanimously rescinded the \$400 late fee assessed against James E. “Jimmy” Lawson in Docket No. 11-834, since Mr. Lawson submitted medical information that he was undergoing cancer treatment at the time the report was due.

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 unanimously declined to waive the \$200 late fee in Docket No. 11-868 assessed against Keith Lejeune for filing his Tier 3 candidate personal financial disclosure statement 4 days late, but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics in accordance with the wavier guidelines.

The Board unanimously declined to waive the \$150 late fee in Docket No. 11-874 assessed against Anthony Lewis for filing his amended 2009 Tier 2.1 personal financial disclosure statement 3 days late, but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics in accordance with the wavier guidelines.

Chairman Simoneaux resumed the Chair.

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

The Board considered a request for an advisory opinion in Docket No. 11-858 regarding whether Robin Clark, an employee of the Department of Education, may provide educational consulting services. On motion made, seconded and unanimously passed, the Board concluded the following:

(a) May Ms. Clark provide educational consulting services through her company, Gateway Consulting Services, Inc. (GCS), which focuses on consulting and training in education, business, and music. The Board concluded that Section 1111C(1)(a) of the Code of Governmental Ethics will prohibit Ms. Clark from providing educational consulting services to any person or entity that may receive similar consulting services through Ms. Clark's agency and her work with the Local Education Agencies (LEA). The Board further concluded that Section 1111C(2)(d) of the Code prohibits Ms. Clark from accepting anything of economic value from a person (1) who has or is seeking to have a contractual, business, or financial relationship with the public servant's agency; (2) conducts operations or activities which are regulated by the public servant's agency; or (3) who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public servant's official duty. Ms. Clark may sell her educational products and books online to persons who are not prohibited sources. However, Section 1112 of the Code of Governmental Ethics prohibits Ms. Clark from referring any person, school, or other entity she works with through the Department of Education, to her private company for any services or materials. The Board advised that Ms. Clark should request an advisory opinion regarding specific services and products she may



want to provide so that the Board may determine the propriety of these activities on a case-by-case basis.

(b) May Ms. Clark work as a certified Louisiana Pathways Trainer through Northwest State University? The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark working as a certified Trainer, since the services do not appear to be within the purview of the Department of Education. The Board further advised that Ms. Clark should be mindful of the restrictions set forth in Section 1111 of the Code of Governmental Ethics.

(c) May Ms. Clark continue to volunteer with Families Helping Families of Greater Baton Rouge (FHFGBR) which receives some funding from the Louisiana Department of Education? The Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Clark continuing to volunteer with FHFGBR, as long as she does not receive any compensation for her services. If she should receive any compensation, Ms. Clark should request an advisory opinion to determine whether or not her activities would be prohibited by the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 11-522 regarding whether a company owned by Dale Huval, a member of the St. Martin Parish Economic Development Authority (SMEDA), may enter into a contract with a company that has a contract with the St. Martin Parish Government. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Huval's company, Alanzie Ventures, LLC, providing compensated services to John T. Campo & Associates,

Inc. in obtaining tax credits for the St. Martin Parish Government while he serves on the SMEDA, since Campo does not have a contractual relationship with his agency, SMEDA, and the services to be provided by his company, Alanzie, are not for SMEDA.

The Board considered a request for an advisory opinion in Docket No. 11-840 as to the propriety of Dale G. Nix, Jr., Chief of Police for the Town of Mooringsport, or his company, Dale's Oil Well Cementing, Inc., purchasing surplus property from the town. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Chief Nix or Dale's Oil Well Cementing, Inc., purchasing the surplus property from the Town of Mooringsport, since Chief Nix's agency is the police department, not the Town of Mooringsport. The Board further advised that since the Code of Governmental Ethics does not restrict Chief Nix's ability to purchase the property, there are no procedures set out by the Code for his acquisition of the property.

The Board considered a request for an advisory opinion in Docket No. 11-930 regarding whether Josie Frank, a member of the St. Landry Parish School Board, may participate in the debate and vote regarding a charter school application involving a charter school on which her son serves as a board member. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Frank participating in the vote to approve/disapprove a charter school application submitted to the St. Landry Parish School Board on behalf of a nonprofit organization on which her son serves as a board member, since her son does not appear to have a substantial economic interest in the nonprofit organization. The Board further concluded that Section 1113A of the Code of Governmental Ethics would prohibit Ms. Frank's son from appearing before the St. Landry Parish School Board on behalf of the nonprofit organization

while she serves as a member of the school board.

The Board accepted for filing, the ethics disclosure statements filed in Docket No. 11-962 for April 2011.

The Board accepted for filing, the ethics disclosure statements filed in Docket No. 11-963 for May 2011.

Mr. Jeff Cormier, an attorney with the Plaquemines Public Defender's Office, appeared before the Board in connection with a request for an advisory opinion in Docket No. 11-998 regarding whether Marla Cooper and Jeff Edgecombe, members of the Plaquemines Parish Council, may vote on funding for the 25th Judicial District Public Defenders' Office (PDO) when some of the indigent clients of the PDO are related to the councilmembers. After hearing from Mr. Cormier, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Councilmembers Cooper and Edgecombe voting on funding to 25th Judicial District Public Defenders' Office, since Councilmember Edgecombe's niece is not considered an immediate family member for purposes of the Code. Also, even though Councilmember Cooper's brother and sister-in-law are members of her immediate family, neither of these individuals have a substantial economic interest in funding to the 25th Judicial District Public Defenders' Office. These individuals have no greater interest in appropriations to the PDO than any other individual who is considered indigent and entitled to the representation of the PDO.

The Board considered a request for advisory opinion in Docket No. 11-1012 regarding whether the contractor selected by Louisiana School Employees' Retirement System (LSERS) to work on one project may be eligible to bid on a second project. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is

presented by the contractor selected on the first project from bidding on and being selected to provide services for the second project, since the architectural document created in project one will be available for the contractor in the second project, the contractor selected in the first project will not develop the RFP for the second project, and the RFP for the second project is open to the public to bid on, the contractor for the first project will have no interest that is of greater benefit to the contractor than to any other potential contractors on the second project.

The Board considered a request for an advisory opinion in Docket No. 11-1014 regarding whether LSU at Eunice, Division of Health Sciences and Business Technology, Fire & Emergency Service may transact business with Bonaventure Company, Inc. when the wife of Steven Gervais, the Fire & Emergency Service Program Director, is employed with Bonaventure Company. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Geravais' agency, Louisiana State University-Eunice (LSUE), Division of Health Sciences and Business Technology, Fire and Emergency Services, contracting with Bonaventure Company, Inc. while his wife, Tommie Gervais, is employed with Bonaventure Company, since Mrs. Gervais(1) is a salaried or wage-earning employee; (2) her salary will remain substantially unaffected by the contractual relationship; (3) owns less than a "controlling interest" in the company; and (4) is neither an officer, director, trustee, nor partner in the company. The Board also advised that Section 1112C of the Code of Governmental Ethics would prohibit Mr. Gervais from participating in any matters that involve his wife and he must disqualify himself from such participation in accordance with Section 1112C of the Code of Governmental Ethics and the Rules of the Louisiana Board of Ethics. The Board further concluded that Section 1114 of the Code of Governmental Ethics requires Mrs. Gervais to file a disclosure statement with the Board of Ethics

stating the: 1) amount of income, 2) nature of the business, 3) name and address and relationship of the public servant, and, 3) the name of the legal entity to which she is employed annually by May 1st of each year LSUE has a business relationship with Bonaventure Company.

Ms. Allen provided a status report with respect to legislation passed during the 2011 Regular Legislative Session that affects the laws administered by the Louisiana Board of Ethics.

The Board considered a request for an advisory opinion in Docket No. 11-867 regarding the privatization of certain services performed by the Department of Health and Hospitals (DHH), Office of Public Health (OPH), Vital Records Registry (VRR). On motion made, seconded and unanimously passed, the Board concluded that, based on the unique circumstances of the privatization of governmental services, no violation of the Code of Governmental Ethics is presented by the job appointees in the VRR call center, the Orleans Parish Marriage Office, archives and data quality being employed by the Area Health Education Center to perform those same services under the contract between Area Health Education Center and the VRR, provided those employees did not participate in the decision to privatize the services performed by those agencies.

The Board unanimously adjourned at 10:31 a.m.

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Secretary

APPROVED:

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Chairman

