

LOUISIANA BOARD OF ETHICS
MINUTES
May 7, 2021

The Board of Ethics met on May 7, 2021 at 9:08 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 Bãnos, Bruneau, Ellis, Grand, Lavastida, McAnelly, Roberts and Speer present. Board Members Couvillon was absent. Also present were the Ethics Administrator, Kathleen Allen; Administrative Coordinator, Shannon Dykes; and Counsel Tracy Barker, David Bordelon, LaToya Jordan, Suzanne Mooney, Charles Reeves and Greg Thibodeaux. Executive Secretary, Carolyn Abadie Landry was absent.

On motion made, seconded and unanimously passed, the Board deferred until next month the reconsideration waiver request in Docket No. 20-790 regarding the \$2,500 and \$800 campaign finance late fees assessed against Jonathan Holloway, Sr., a candidate for East Baton Rouge Assessor in the October 12, 2019 election, whose 10-P and 2019 Supplemental campaign finance disclosure reports were filed 29 and 8 days late, respectively.

Ralph “Big Guy” Johnson, Sr., candidate for Council Member, City of St. Gabriel, Iberville Parish, appeared before the Board in Docket No. 21-042 regarding a reconsideration of a waiver request for a \$1,000 campaign finance late fee assessed against him in the March 30, 2019 election, for his 10-G campaign finance disclosure report that was filed 29 days late. Mr. Johnson was presented paperwork to review and so the Board chose to move this docket to later in the meeting to give time for Mr. Johnson to review.

Board Member Colomb arrived at 9:20 a.m.

Patricia “Pat” Gilley, a candidate for District Attorney, 1st Judicial District Court, in the November 3, 2020 election, appeared before the Board in Docket No. 21-126 regarding a request

to waive the \$100 and \$900 campaign finance late fees assessed for her 90-P and 30-P campaign finance disclosure reports that were filed 1 and 9 days late, respectively. After hearing from Ms. Gilley, on motion made, seconded and unanimously passed, the Board affirmed the staff recommendation to decline to waive the 90-P and with respect to 30-P, suspend all but \$300 based on future compliance.

After reviewing the documents received, Mr. Ralph “Big Guy” Johnson, Sr., appeared before the Board in Docket No. 21-042. After hearing from Mr. Johnson, on motion made, seconded and unanimously passed, the Board reduced the \$1,000 late fee to \$600 based on future compliance.

Mr. W. Jeff Reynolds and Attorney Alesia Ardoin appeared before the Board requesting an advisory opinion in Docket No. 21-130 regarding whether the post-employment provisions in the Code of Governmental Ethics would prohibit, W. Jeff Reynolds, from being employed as the Chief Financial Officer with Ochsner Clinic Foundation after the termination of his public employment with LSU Health Services Center-Shreveport. On motion made, seconded and unanimously passed, the Board concluded as the Vice Chancellor, Mr. Reynolds was the agency head for LSUHSC-S. A member of the Board, Mr. Reynolds also served as an agency head over OLSH-NL. Mr. Reynolds’ employment with Ochsner Clinic Foundation is not prohibited by Section 1121A(1) of the Code of Governmental Ethics since he is not assisting Ochsner Clinic Foundation in transactions involving his former agency, the LSUHSC-S or OLHS-NL, and Mr. Reynolds is not rendering any services back to the LSUHSC-S or OLHS-NI. The Board further concluded that Section 1121B(1) of the Code of Governmental Ethics would not prohibit Mr. Reynolds’ employment with Ochsner Clinic Foundation since Mr. Reynolds is not participating

in any transactions in which he participated while employed by LSUHSC-S, and he is not rendering the same services back to the LSUHSC-S.

On motion made, seconded and unanimously passed, the Board deferred an advisory opinion request in Docket No. 21-178 to the June meeting.

On motion made, seconded and unanimously passed, the Board added to the agenda the letter regarding Robert Murray's Objection to Candidacy and 10-year judgement against him.

On motion made, seconded and unanimously passed, the Board moved the letter regarding Robert Murray's Objection to Candidacy to Executive Session for discussion since it involved litigation.

The Board unanimously resolved into executive session at 9:50 A.M. to consider complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

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EXECUTIVE SESSION

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Mr. Blane A. Wilson, attorney, representing Mr. Robert Lee Murray, appeared before the Board to request an advisory opinion to see if the Board intends to pursue further action against Mr. Murray arising from foregoing matters, or if the Board will object to any subsequent qualification for candidacy. On motion made, seconded and unanimously passed, the Board declined to take any action.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G7-G14 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G7-G14, excluding items G10, G11, G12 and G13 taking the following action:

The Board adopted an advisory opinion in Docket No. 20-727 concluding that members of the Capital Area Transit System Employees' Pension Fund Board of Trustees are not required to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics since the Capital Area Transit System Employees' Pension Fund does not meet the definition of a "board or commission" as defined in Section 1124.2.1D(1)(a) of the Code of Governmental Ethics.

The Board adopted an advisory opinion in Docket No. 21-134 concluding that the Code of Governmental Ethics would not prohibit Molly Talbot to serve as a non-compensated member of the board of Pointe Coupee Early Childhood Center ("PCECC") while simultaneously employed by the Louisiana Department of Education, provided that Molly Talbot does not participate as a Louisiana Department of Education employee in any transaction in which PCECC has a substantial economic interest.

The Board adopted an advisory opinion in Docket No. 21-143 concluding that Section 1119 of the Code of Governmental Ethics does not prohibit the Pearl River Police Department from hiring Elexis Emmitt since her mother, Somer Emmitt, is not the agency head over the Communications Division. The Board further concluded that the proposed disqualification plan meets the requirements of Chapter 14 of Title 52 of the Louisiana Administrative Code Rules of the Board of Ethics to prevent potential violation of Section 1112B(1) of the Code of Governmental Ethics.

The Board approved a disqualification plan in Docket No. 21-220 regarding Angela Clement, Alexis Clement, and Alissa Clement, employees of the Lafourche Parish Clerk of Court.

The Board considered a request for an advisory opinion in Docket No. 21-150 from John Volentine, a Wildlife Agent for Louisiana Department of Wildlife and Fisheries regarding supplying vending machines at various state parks. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Mr. Volentine from contracting or entering into transactions with the Louisiana Department of Agriculture or Louisiana State Parks and Tourism to provide vending machines at various fishing and camping venues in Louisiana, provided he is not servicing the machines during work hours.

The Board considered a request for an advisory opinion in Docket No. 21-152 regarding Audrey Pugh, Executive Director of Youth Character Camp, relating to the provision of youth camp services while she is an employee of the Louisiana Department of Education. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Audrey Pugh to serve as a compensated officer of Youth Character Camp while simultaneously employed by Louisiana Department of Education provided that (1) Ms. Pugh does not participate as a Louisiana Department of Education employee in any transaction in which Youth Character Camp has a substantial economic interest, (2) Ms. Pugh's work as executive director of Youth Character Camp is not devoted substantially to her work for Louisiana Department of Education, and (3) Youth Character Camp is not seeking funding from Louisiana Department of Education. The Board instructed staff to include the definitive of "person" in the advisory opinion.

The Board considered a request for an advisory opinion in Docket No. 21-203 regarding whether the Louisiana Code of Governmental Ethics would prohibit Mervin Allen, Jr., an Alderman for the Town of White Castle, from donating part of his salary to fund utility vouchers. On motion made, seconded and unanimously passed, the Board noted that while they express no opinion as to how the town may use any funds donated by Mr. Allen, the Board concluded that the Code of Governmental Ethics does not prohibit Mr. Allen from making a donation of his salary to the Town of White Castle.

The Board considered a request of an advisory opinion in Docket No. 21-205 from Kathy Dwyer, Chair for the State Advisory Committee for the Louisiana Office for Citizens with Developmental Disabilities. On motion made, seconded and unanimously passed the Board concluded that (1) Regional Advisory Committee members would not be prohibited by Section 1111C(2)(d) of the Code of Governmental Ethics from receiving employment compensation from The Families Helping Families Private Network (“FHF”) while they serve on their respective Regional Advisory Committees, since FHF does not have a contractual, business, or financial relationship with any of the Regional Advisory Committees, is not regulated by any of the Regional Advisory Committees, and does not have substantial economic interests which can be affected by the performance of the duties of a member of the Regional Advisory Committees; (2) State Advisory Committee members would not be prohibited by Section 1111C(2)(d) of the Code of Governmental Ethics from receiving employment compensation from FHF while they serve on the State Advisory Committee, since FHF does not have a contractual, business, or financial relationship with the State Advisory Committee, is not regulated by the State Advisory Committee, and does not have substantial economic interests which can be affected by the performance of the duties of a member of the State Advisory Committee; (3) Section 1113B of

the Code of Governmental Ethics does not prohibit an appointed member of one of the Regional Advisory Committees from entering into a transaction with the local human services district for disability services, since the application for services is under the supervision or jurisdiction of the local human services district and is not under the supervision or jurisdiction of the Regional Advisory Committee; (4) Section 1111C(2)(d) of the Code of Governmental Ethics does not prohibit an appointed member of one of the Regional Advisory Committees from receiving compensation from a public school system, since the public school system is not a "person" for purposes of the Code; (5) An appointed member of one of the Regional Advisory Committees and of the State Advisory Committee would be required to recuse themselves from discussion, debate, and vote on any issue that presents a possible violation of the provisions in Section 1112 of the Code of Governmental Ethics. Ms. Dwyer should be cautioned that a transaction with either the Regional Advisory Committee or the State Advisory Committee which would present a potential violation of Section 1113B of the Code of Governmental Ethics and cannot be cured by recusal. However, the exception to the Code in Section 1123(23) of the Code of Governmental Ethics would allow the committee member to remain employed by an entity seeking to contract with OCDD. Any specific member should request an advisory opinion prior to entering into any transaction in the event a potential conflict of interest arises.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the April 8th and April 9th, 2021 meetings.

The Board considered a proposed consent opinion in Docket No. 18-1404 signed by Melissa Guitreau regarding receipt of a thing of economic value which she was not entitled to receive while she was employed as the Secretary/Treasurer for the Livingston Parish Fire

Protection District No. 8. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion and dismissed the pending charges before the Ethics Adjudicatory Board.

The Board considered a proposed consent opinion in Docket No. 19-1249 in the matter of Kevin M. Berken using campaign funds to pay his son's company. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion signed by Kevin M. Berken.

The Board considered an advisory opinion request in Docket No. 21-105 regarding former Mechanical Inspectors for the Safety and Permits Division with the City of New Orleans, Kenneth Conerly and Mario Anderson, and their company, Khan's Codes and Standards, LLC., providing inspections to third parties within two years of the termination of their employment. On motion made, seconded and unanimously passed, the Board adopted the proposed advisory opinion which concluded that Mr. Conerly, Mr. Anderson and their company, Khan's Codes and Standards, LLC will be prohibited, for a period of two years from the termination of their employment with the Mechanical Department of the Safety and Permits Division of the City of New Orleans from assisting a person in a mechanical and/or gas inspection that will be processed by the Safety and Permits Division and in which they participated involving the City of New Orleans while employed with the City of New Orleans. Since inspections are not under the supervision or jurisdiction of the Property Management Department, which is Mr. Anderson's agency, Mr. Anderson is not prohibited from performing inspections under the supervision or jurisdiction of the Safety and Permits Department nor is he prohibited from receiving a thing of economic value for services rendered to Kahns' Code and Standards since the business relationship with Kahn's Code and Standards is with Safety and Permits and not his agency, the Property Management

Department. Mr. Anderson should also be advised that he cannot enter into or represent clients in transactions involving the Property Management Department. Further, Kahn's Code and Standards is prohibited from assisting clients in transactions involving the Property Management Department.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the Ethics Adjudicatory Board Order in Docket No. 21-154 regarding Taranza Arvie, candidate for State Representative, District 38, in the October 12, 2019 election, for his failure to file 30-P, 10-P and 10-G campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Sections 1505.4A(4)(a) and (b) of the Campaign Finance Disclosure Act in connection with the 30-P, 10-P and 10-G campaign finance disclosure reports and to assess the additional \$10,000 penalty for each report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the Ethics Adjudicatory Board Order in Docket No. 21-159 regarding Patrick "Live Wire" Landry, candidate for Governor, in the October 12, 2019 election, for his failure to file 30-P, 10-P and 10-G campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Sections 1505.4A(4)(a) and (b) of the Campaign Finance Disclosure Act in connection with the 30-P, 10-P and 10-G campaign finance disclosure reports and to assess the additional \$10,000 penalty for each report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the Ethics Adjudicatory Board Order in Docket No. 21-161 regarding Lawrence "Gum" Richard, candidate for Sheriff, St. Landry Parish, in the October 12, 2019 election, for his

failure to file 30-P, 10-P and 10-G campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Sections 1505.4A(4)(a) and (b) of the Campaign Finance Disclosure Act in connection with the 30-P, 10-P and 10-G campaign finance disclosure reports and to assess the additional \$10,000 penalty for each report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the Ethics Adjudicatory Board Order in Docket No. 21-162 regarding Lester Smith, candidate for State Representative, District 3, Caddo Parish, in the October 12, 2019 election, for his failure to file 30-P, 10-P and 10-G campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Sections 1505.4A(4)(a) and (b) of the Campaign Finance Disclosure Act in connection with the 30-P, 10-P and 10-G campaign finance disclosure reports and to assess the additional \$10,000 penalty for each report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered the Ethics Adjudicatory Board Order in Docket No. 21-169 regarding Emil Brandy, Sr., candidate for Sheriff, Rapides Parish, in the October 12, 2019 election, for his failure to file a 10-G campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board instructed the staff to assess penalties in accordance with Sections 1505.4A(4)(b) of the Campaign Finance Disclosure Act in connection with the 10-G campaign finance disclosure report and to assess the additional \$10,000 penalty.

The Board considered amendments to the Personal Financial Disclosure Waiver Guidelines. On motion made, seconded and unanimously passed, the Board adopted the proposed amendments to the Personal Financial Disclosure Waiver Guidelines.

The Board moved to consider G25 at the end of the meeting.

The Board took a break from 10:57 A.M. to 11:17 A.M.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against candidates and committees included in the Campaign Finance Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Campaign Finance Waiver Chart, excluding Docket Nos. 21-182, 21-183, 21-184 and 21-186 taking the following action:

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

Docket No. 21-127 from Donald R. Dobbins, EDE-P of a \$2,000 late fee.; and,
Docket No. 21-185 from Darren Roy, SPEC (48hr) of a \$120 late fee.

The Board unanimously reduced to \$628.90 based on Rule 1205C; and declined to waive the late fee assessed against the following:

Docket No. 21-187 from Jason Crockett, SUPP2019 of a \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 21-182 regarding Marian Jacobs Gonzales, a candidate for Member of School Board, District 1, Avoyelles Parish, in the November 6, 2018 election, whose 40-G campaign finance disclosure report was filed 14 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fees.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a \$320 waiver request in Docket No. 21-183 regarding Willie Brooks, a candidate for Chief of Police, City of Baker, West Baton Rouge Parish, in the July 11, 2020 election, whose 10-G campaign finance disclosure report was filed 8 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$100 of the late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a \$440 waiver request in Docket No. 21-184 regarding Toby Thibodeaux, a candidate for Police Juror, Ward 7, Assumption Parish, in the October 12, 2019 election, whose 40-G campaign finance disclosure report was filed 11 days late. On motion made, seconded and unanimously passed, the Board waived the late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 21-186 regarding Lee V. Faulkner, Jr., a candidate for District Judge, 24th Judicial District Court, ES 3, Div. P, Jefferson Parish, in the November 3, 2020 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 fees.

The Board considered the following general supplemental business agenda items:

The Board deferred to the next meeting the request for an advisory opinion in Docket No. 21-263 from Melissa M. Grand, attorney for Sunset French Immersion School, relative to if a board member can provide collateral to Sunset French Immersion School Foundation to secure financing to purchase property which in turn will be leased to the school.

The Board considered a request for an advisory opinion in Docket No. 21-264 regarding the application of La. R.S. 47:9072A to W. Beau Black, as a member of the Louisiana Lottery Corporation Board of Directors, while he also serves as an elected member of the Plaquemines Parish Council and an ex-officio member of the Plaquemines Parish Port, Harbor and Terminal District. The Board voted separately on all four questions with the answers as follows: 1) On motion made, seconded and passed by a vote of seven yeas by Board Members Baños, Colomb, Ellis, Lavastida, McAnelly, Roberts and Speer and two nays by Board Members Bruneau and Grand, the Board concluded that La. R.S. 47:9072A would prohibit Mr. Beau Black, in his

capacity as an elected member of the Plaquemines Parish Council, from voting on, discussing, or debating any motions to place propositions on the ballot for a vote of the general public. 2) On motion made, seconded and unanimously passed, the Board concluded that La. R.S. 47:9072A would not prohibit Mr. Beau Black, while serving as a member of the Lottery Corporation Board of Directors, from attending functions of other elected officials, as long as the purpose of the function is not to contribute to, endorse, support, or oppose an elected official's campaign. 3) On motion made, seconded and unanimously passed, the Board concluded that La. R.S. 47:9072A would prohibit Mr. Beau Black from attending fundraiser functions and contributing to candidates. 4) On motion made, seconded and unanimously passed, the Board concluded that La. R.S. 47:9072A would not prohibit Mr. Beau Black from qualifying to be a candidate for public office. However, La. R.S. 47:9072A would prohibit Mr. Black from asking or soliciting any support or endorsements for his campaign; asking or soliciting any campaign contributions for his campaign; asking or soliciting someone to ask or solicit support or endorsements on his campaign's behalf; or, asking or soliciting someone to ask or solicit campaign contributions on his campaign's behalf.

Board Member Ellis left the meeting at 12:08 P.M.

Board returned to Item G25 – Legislation –The Board considered a bill introduced for the 2021 Regular Legislative Session that affect the laws under the jurisdiction of the Board of Ethics. Ms. Allen, brought to the board amended language on House Bill 113 that was adopted by the committee. Ms. Doreen Brasseaux, President CEO of the American Council of Engineering Companies of Louisiana appeared before the Board to explain the history and background of House Bill 113. On motion made, seconded and unanimously passed, the Board voted to take no position on the amended House Bill 113 provided amendments were added to

include language to add 1-year grandfather clause and to reference the disclosure provision in Section 1114.

Board Member Bãnos recused herself from voting on Docket No.19-123.

The Board considered the charges issued against Tracy Stewart, Brionne Stewart, and David James in Docket No. 19-123. On motion made, seconded and unanimously passed, the Board dismissed charges filed against Tracy Stewart, Brionne Stewart, and David James.

The Board considered the Objection to Candidacy regarding Brian Pope. On motion made, seconded and unanimously passed, the Board instructed staff to reissue the late fee order that was not properly served.

On motion made, seconded and unanimously passed, the Board unanimously adjourned at 12:47 P.M.

Secretary

Chairman