

LOUISIANA BOARD OF ETHICS
MINUTES
October 21, 2011

The Board of Ethics met on October 21, 2011 at 9:00 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana, with Board Members Backhaus, Blewer, Hymel, Leggio, Lowrey, Monroe, Simoneaux and Stafford present. Absent were Board Members Bowman, Ingrassia and Schneider. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Michael Dupree, Brent Durham and Deidra Godfrey.

The Board considered a request for reconsideration in Docket No. 11-541 for a waiver of the \$550 late fee assessed against Kenneth Thompson for filing his candidate personal financial disclosure statement 11 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the November meeting.

The Board considered a request for reconsideration in Docket No. 11-645 for a waiver of the \$1,500 late fee assessed against Charles Mayeux, Jr. for filing his candidate personal financial disclosure statement 72 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the November meeting.

Ms. Emily Black Grey and Mr. Gregory Frost, attorneys for the Louisiana Ambulance Alliance (LAA), appeared before the Board in Docket No. 11-1259 in connection with a request for an advisory opinion regarding employees, officers, directors, owners or others associated with a governmental or private ambulance provider and members of the LAA Board of Directors being appointed to the Statewide Ambulance Service District Board of Commissioners. After hearing from Ms. Grey and Mr. Frost, on motion made, seconded and unanimously passed, the Board

concluded that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit employees, officers, directors, owners or others who provide compensated services to private ambulance providers that have or are seeking a cooperative endeavor agreement with the SASD from being appointed to the SASD Board of Commissioners.

Ms. Mattie Ann Fincher Coxe, the former Environmental Impact Manager for the Louisiana Housing Finance Agency (LHFA), appeared before the Board in Docket No. 11-1209 in connection with a request for an advisory opinion regarding the applicability of the post employment restrictions if she pursues employment as an environmental consultant. After hearing from Ms. Coxe, on motion made, seconded and unanimously passed, the Board concluded that Section 1121B of the Code of Governmental Ethics would prohibit Ms. Coxe, for a period of two years, from contracting back with the Home Department of LHFA to perform environmental reviews for the Neighborhood Stabilization Program, the Home Program, and the CDBG Disaster Recovery Program; and from assisting a person in a transaction involving an environmental review that she participated in for the Neighborhood Stabilization Program, the Home Program, and the CDBG Disaster Recovery Program of LHFA. The Board further advised that the post employment restrictions would not prohibit Ms. Coxe from contracting with the Louisiana Housing Corporation or assisting a person in a transaction involving the Louisiana Housing Corporation.

Ms. Cyndi Nguyen appeared before the Board in Docket No. 11-1031 in connection with a request for a waiver of the \$2,500 late fee assessed against her for filing her amended 2008 Tier 2 personal financial disclosure statement 211 days late. After hearing from Ms. Nguyen, 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.

The Board unanimously resolved into executive session.

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EXECUTIVE SESSION

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The Board unanimously resolved into general session and agreed to consider the following supplemental agenda items:

Ms. Kimberly L. Robinson, attorney for the Board of Directors for the Research Park Corporation, appeared before the Board in connection with a request for an advisory opinion in Docket No. 11-1354 regarding whether members of the Research Park Corporation may invest in companies that are "incubated" with the Louisiana Technology Park and invest in a company that is partially owned by the Research Park Corporation. After hearing from Ms. Robinson, on motion made, seconded and unanimously passed, the Board deferred the matter to the November meeting to allow for further analysis of the request.

The Board considered a request for an advisory opinion in Docket No. 11-1272 regarding whether Layton Ricks may serve as Livingston Parish President when his employer has contracts with Livingston Parish Government. On motion made, seconded and unanimously passed, the Board declined to render an advisory opinion, since the requestor, James Camp, did not have standing to request the advisory opinion. The Board further instructed the staff to forward Mr. Camp a copy of the advisory opinion rendered in Docket No. 2011-728.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for an advisory opinion in Docket No. 11-1302 regarding the applicability of the Campaign Finance Disclosure Act to Lila Tritico Hogan, a candidate for Family Court Judge in

the 21st Judicial District. On motion made, seconded and unanimously passed, the Board concluded the following: (1) Section 1491.3A of the Campaign Finance Disclosure Act (CFDA) allows a candidate to designate one political committee as his or her principal campaign committee. The CFDA, however, does not establish any timeline as to when a candidate may do so; therefore, there is no prohibition against establishing a campaign committee immediately; (2) Section 1491.4D of the CFDA states that the chairman of each political committee shall designate one or more national or state banks or state or federally chartered savings and loan associations or savings banks, or state or federally chartered credit unions, as the campaign depositories of the committee and may invest in a money market mutual fund and designate such fund as a campaign depository. The CFDA further requires that contributions be deposited into such account(s); and with limited exception, all expenditures shall be drawn on such account(s). Thus, Ms. Hogan's committee will be required to open a bank account to deposit funds and to make expenditures; and, (3) the CFDA does not prohibit the acceptance of unsolicited campaign contributions. The CFDA does not distinguish between solicited and unsolicited contributions; therefore, Ms. Hogan should check with the Judiciary Commission as to how this distinction affects if and when unsolicited campaign funds may be used. The CFDA also does not establish timelines for the use of campaign contributions. However, the dates of contributions and expenditures will trigger the filing of campaign finance disclosure reports

The Board considered a request for an advisory opinion in Docket No. 11-1360 regarding members of the Regional Military Museum and Veteran's Memorial Park in Terrebonne Parish soliciting monetary or in-kind donations. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics may prohibit a public board member [a

member of the Terrebonne Veterans' Memorial District] who is also a member of one of the private boards [Regional Military Museum and Veteran's Memorial Park] from soliciting monetary or in-kind donations. Section 1115 of the Code of Governmental Ethics prohibits a public servant from soliciting or accepting any thing of economic value as a gift or gratuity from any person (1) who has or is seeking to obtain a business, financial or other contractual relationship with the public servant's, board member's, agency, (2) who is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency, (3) who conducts operations or activities which are regulated by the public servant's agency, and (4) who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public servant's official job duties. If the persons the board members wish to solicit funds from do not fall within any of the above enumerated categories, the board members are not prohibited from soliciting donations and funds for the private non-profits. The Board advised that in order to render a more detailed advisory opinion as to whether a board member will be able to solicit funds from a specific person, more detailed information about the person and the basis of any relationship between the person and the Terrebonne Veteran's Memorial District should be submitted to the Board.

The Board considered a request for an advisory opinion in Docket No. 11-1380 regarding La'Nette Buras, an LPN at Lallie Kemp Medical Center, accepting a prize package based upon her submission of the winning photo essay in a public contest. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Buras's acceptance of the prize package from Bristol-Myers Squibb Company (BMS), since (1) BMS does not have a contractual, business or financial relationship with her agency, the Lallie Kemp Medical Center; (2) BMS does not have a substantial economic interest that

can be affected by the performance or non-performance of Ms. Buras's job duty, since Ms. Buras does not have authority to prescribe medications in her capacity as an LPN; and, (3) since the contest Ms. Buras entered, and ultimately won, was open to the public and presumably not awarded to her for the performance of her public duties.

The Board considered a request for an advisory opinion in Docket No. 11-1432 regarding whether Zachary Smith, an employee of the City of New Orleans, may be employed with Broadmoor Design Group. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Smith's employment with Broadmoor Design Group, since the architectural firm does not presently have any projects being reviewed by the Department of Safety and Permits, nor does it have any other business, financial or contractual relationship with the Department. The Board further advised that if the firm later submits projects that must be reviewed by the Department, Mr. Smith may continue his employment with the firm based on the exception created in BD 82-02D which creates an exception to Section 1111C(2)(d) of the Code when the following factors are met: (1) the employee must be a salaried or wage-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company; and (4) the public servant must be neither an officer, director, trustee, nor partner in the company. This exception only applies to public servants who are existing employees of the person or entity that has or is seeking a business or financial relationship with the public servant's agency. Thus, should Broadmoor Design Group ever submit projects to the Department, Mr. Smith may continue his employment with the firm. The Board also cautioned that Section 1112B(3) of the Code of Governmental Ethics states that no public servant shall participate in a transaction involving

the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest. Therefore, Mr. Smith would be prohibited from participating in any project submitted to the Department by the Broadmoor Design Group.

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

Adopted for publication, a consent opinion in Docket No. 09-959 in which Craig Matthews, a member of the St. Mary Parish Council, agrees that a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by providing compensated services to Bayou Teche Community Health Network at a time when he was serving as a member of the St. Mary Parish Council and while Bayou Teche Community Health Network had a contractual relationship with St. Mary Parish and in which Mr. Matthews agrees to pay a fine of \$500.

Absent specific information, declined to render an advisory opinion in Docket No. 11-154 regarding a disqualification plan for the hiring of Jerry O. Payne as principal of the St. Helena Central High School while his spouse, Nedra Irvin-Payne, serves as the Curriculum Supervisor at St. Helena Central High School.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, noted the Judgment of Dismissal in Docket No. 11-748 in connection with a lawsuit filed by Vincent Castillo, a former candidate, against the Board of Ethics with respect to a fine assessed against him for a violation of the campaign finance disclosure act in 2007.

Adopted an advisory opinion in Docket No. 11-1213 concluding that no violation of the Code of Governmental Ethics is presented by Jimmie W. Husser, Treasurer of the Loranger

Volunteer Fire Department, continuing to conduct business with the Loranger Fire Department through his business, Husser's City Glass, since Mr. Husser receives no compensation in his capacity as treasurer of the Loranger Volunteer Fire Department and the chief and the assistant chief of the fire department exercise supervision over his agency, thus he is not an agency head. Therefore, so long as Mr. Husser does not participate in the contract on behalf of the Fire Department, the exception provided in Section 1123(35) of the Code of Governmental Ethics will apply. Thus, Mr. Husser should recuse himself from making any decisions regarding whether his business will be selected to provide services to the Fire Department, and he should continue to have such checks signed by the chief and assistant chief. The Board further concluded that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits the relationship between Mr. Husser's business, Husser's City Glass, and the Loranger Fire Department while his wife remains a compensated employee of the Fire Department, since Mr. Husser's business has a business relationship with his wife's agency, the Loranger Volunteer Fire Department.

Adopted an advisory opinion in Docket No. 11-1296 concluding that no violation of the Code of Governmental Ethics is presented by Fred Wherland, a former Administrative Law Judge employed by the Louisiana Workforce Commission, providing compensated assistance as a hearing representative/employer advocate in the same type of unemployment insurance administrative law hearings, so long as he does not participate in any case in which he participated in during his former employment as an Administrative Law Judge. The Board furthered advised that Section 1121B of the Code would prohibit Mr. Wherland, for a period of two years following his termination as an administrative law judge, from receiving compensation for assisting individuals in connection with

an administrative hearing in which he participated as an administrative law judge.

Adopted an advisory opinion in Docket No. 11-1297 concluding that no violation of the Code of Governmental Ethics is presented by Ann Smith continuing her service as a member of both the Tangipahoa School Board and the Board of Supervisors at Southern University, since neither board is under the supervision or jurisdiction of the other and neither board has a contractual, financial, or other business relationship with the other. The Board further advised that the advisory opinion request appeared to present an issue associated with the Louisiana Dual Office Holding laws, which is under the jurisdiction of the Louisiana Attorney General's Office.

Adopted an advisory opinion in Docket No. 11-1300 concluding that no violation of the Code of Governmental Ethics is presented by Janet Beavers, the Office Manager for the Springhill Office of Motor Vehicles, opening an auto title company and public tag agency, since the application for a tag agency permit is processed under the authority of the Vehicle Management Division of the Office of Motor Vehicles and not under the Springhill Office of Motor Vehicle's Office. The Board further concluded that Section 1121 of the Code of Governmental Ethics will prohibit Ms. Beavers, for a period of two years following her termination of employment with the Office of Motor Vehicles, from assisting individuals or dealerships in transactions with the Office of Motor Vehicles in which she participated as an employee of the Office of Motor Vehicles or from rendering any services back to the Office of Motor Vehicles on a contractual basis.

Adopted an advisory opinion in Docket No. 11-1304 concluding that no violation of the Code of Governmental Ethics is presented by Mark J. LeBlanc, the Assistant Public Works Director for Capitol Improvements for the City of Baton Rouge/Parish of East Baton Rouge, accepting a part-time position with the Institute for Building Technology and Safety (IBTS), since IBTS does not

have a business, financial, or contractual relationship with Baton Rouge City-Parish. The Board further advised that Section 1111C(2)(d) of the Code of Governmental Ethics would, however, prohibit Mr. LeBlanc from rendering compensated services to IBTS if IBTS has substantial economic interests which may be substantially affected by the performance or nonperformance of his official duties.

Adopted an advisory opinion in Docket No. 11-1305 concluding that no violation of the Code of Governmental Ethics is presented by Larry Small, an alderman for the Town of Haughton, continuing to work for Louisiana Machinery Co., LLC if he is re-elected to the Bossier Parish Police Jury while the company currently does business with the Town and the Parish, since Mr. Small is a salaried employee of Louisiana Machinery, his salary will be unaffected by Louisiana Machinery's relationship with the Town of Haughton or Bossier Parish and he has no ownership interest in the company, thereby, Mr. Small meets all of the qualifications of the 82-02D exception. The Board further advised that pursuant to Section 1114 of the Code of Governmental Ethics, Mr. Small will be required to file disclosure reports with the Board of Ethics.

Adopted an advisory opinion in Docket No. 11-1307 concluding that Section 11121B of the Code of Governmental Ethics would prohibit Shelton Evans, a former employee of the Department of Health and Hospitals (DHH), for a period of two years from the date of his termination of employment with the DHH, from assisting Louisiana Healthcare Connections, Inc. in any transaction involving the Medicaid Management and Information Systems Section in which he participated while he was employed with that Section. The Board further concluded Section 1121C of the Code of Governmental Ethics would prohibit Louisiana Healthcare Connections from assisting another person in a transaction involving the Medicaid Management and Information Systems Section in

which Mr. Evans participated while employed with that Section.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted an advisory opinion in Docket No. 11-1314 concluding that no violation of the Campaign Finance Disclosure Act (CFDA) is presented by Arnie Fielkow, a member of the New Orleans City Council, using campaign funds to make a restricted donation to a 501 (c)(3) organization, since the subsection in Section 1505.2I of the CFDA provides that excess funds may be used for a future campaign; returned to contributors on a pro-rata basis; given as charitable contributions or contributions to 501C(3) organizations; or in support of or opposition to a proposition, political committee, or candidate

Adopted an advisory opinion in Docket No. 11-1315 concluding that no violation of the Code of Governmental Ethics is presented by the Baton Rouge Area Foundation (BRAAF) or The Water Institute of the Gulf's Delta (the "Water Institute") paying for the travel expenses of a proposed delegation to The Netherlands to study the possibility of creating a new coastal research center for Louisiana, since it appears as though BRAAF and The Water Institute are not prohibited sources so long as neither is regulated by the public agency of an employee whose trip costs will be reimbursed. The Board further concluded that since BRAAF and the Water Institute are not prohibited sources of gifts, then they may make an unconditional donation to the agencies in question, which the agency may use for reimbursement of said travel expenses

Adopted an advisory opinion in Docket No. 11-1330 concluding that no violation of the Code of Governmental Ethics is presented by Dr. Patricia Burch-Nevels, a potential employee of the Louisiana Community College System, continuing to use office space at The Birth Center which is

owned by E. Edwards Barham, a member of the Louisiana Technical College System Board, if she is hired as a professor of the College system, since Mr. Barham and Dr. Burch-Nevils do not have a contractual relationship nor does Mr. Barham or The Birth Center receive any compensation from Dr. Burch-Nevils for her use of the space.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, deferred to the November meeting and instructed the staff to obtain additional information in connection with a request for an advisory opinion in Docket No. 11-1331 regarding whether individual family members of a candidate may individually contribute the maximum contribution to a campaign where the family members also own a partnership and the partnership wants to make a contribution to the same campaign.

Adopted an advisory opinion in Docket No. 11-1332 concluding the following with respect to Larry Rolling, a member of the Covington City Council, and the limitations on his business which has previously had business relationship with the City of Covington:

1.) Is it permissible for Councilman Rolling, through his company, to sell products on which the city logo is imprinted to the City of Covington and paid for with City of Covington funds?

_____ Section 1113A(1)(a) of the Louisiana Code of Ethics prohibits a public servant or legal entity in which he owns a controlling interest from bidding on, entering into a contract, subcontract or any other transaction under the supervision or jurisdiction of his agency. A “controlling interest” is defined in Section 1102(8) of the Code as an interest in a company that exceeds 25%. Since Mr. Rolling has a 100% interest

then the controlling interest is apparent. As councilman, Mr. Rolling's agency is the City of Covington. As such, his business would be prohibited by the Code of Ethics from entering into transactions with the City of Covington. Further, Section 1112 of the Code prohibits a public servant from participating in transactions involving his governmental entity in which he would have a substantial economic interest. Section 1102(15) states that participate means to take part in or have or share responsibility for action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, rendering of advice, investigation or failure to act or perform a duty. Thus, Councilman Rolling may not participate in a matter in which his business would have a substantial economic interest.

2.) Is it permissible for Councilman Rolling, through his company, to sell products on which the city logo is imprinted to other individuals other than the City?

_____ Generally, the Code of Ethics would not prohibit Councilman Rolling's company from selling products in which the city logo is imprinted to other individuals besides the City absent those specific instances delineated in this opinion . However, due to the open-ended nature of this question, the Board declined to render an opinion on this particular issue. If there is a specific person that is not listed in the other questions, then the Board would request that Councilman Rolling submit an opinion request for the Board's consideration at that time.

3.) Is it permissible for Councilman Rolling, through his company, to sell products on which the city logo is imprinted to a city employee and can the city employee pay for the products with his personal funds?

Councilman Rolling would not be prohibited from selling products with the city logo, through his company, to city employees so long as the city employee pays for such products with his or her personal funds. As such, no violation of the Code of Ethics is presented by this question.

4.) Is it permissible for Councilman Rolling, through his company, to sell products on which the city logo is imprinted to a city employee and can the city employee pay for the products with his personal funds but then request to be reimbursed by the City?

Section 1113A(1)(a) of the Louisiana Code of Ethics also applies to a public servant or legal entity in which he owns a controlling interest from entering into a *subcontract or other transaction* under the supervision or jurisdiction of his agency. Thus, Councilman Rolling's business would be prohibited by the Code of Ethics from using the employees of the City of Covington as a channel to enter into a transaction with his agency. The aforementioned prohibitions discussed in Section 1112 (See Question 1 above) of the Code would also be applicable in such a situation.

5.) Since Councilman Rolling's company does contract work and sells to other vendors, if the other vendors bring in items to be imprinted with the city logo

and that company is contracted with the city, is it permissible for his company to do the work?

Section 1111C(2)(d) of the Code states that a public servant may not receive anything of economic value for or in consideration of services which are performed for or compensated by a person from whom the public servant is prohibited from receiving a gift by Section 1115A(1). This includes a person who has or is seeking a contractual, business, or financial arrangement with the agency of the public servant. Since these “other vendors” would have a financial arrangement with Councilman Rolling’s agency (The City of Covington) then Councilman Rolling would be prohibited from providing compensated services to such vendors. Similarly, the prohibitions set out in Question 4, under Section 1113A(1)(a) and 1112 of the Code would also be applicable in such a situation.

Adopted an advisory opinion in Docket No. 11-1341 concluding that no violation of the Code of Governmental Ethics is presented by a Northwestern State University faculty member serving on the Keep Louisiana Beautiful (KLB) Board of Directors at a time when Northwestern State may be applying for grant funds, since service on the KLB Board of Directors is uncompensated. The Board further concluded that the Code of Governmental Ethics would not prohibit the faculty member’s participation in matters before the KLB Board of Directors, since Section 1123(1) of the Code of Governmental Ethics provides that the Code of Ethics does not prohibit participation in the affairs of charitable, religious, nonprofit educational, public service, or civic organizations.

Adopted an advisory opinion in Docket No. 11-1353 concluding that no violation of the Code of the Code of Governmental Ethics is presented by a company, Duplessis Group, owned by Ryan Duplessis, an employee of the New Orleans Office of Community Development, entering into a cooperative endeavor agreement with the New Orleans Hornets and the New Orleans Recreation Department to perform refurbishment on a basketball court while Mr. Duplessis is employed with the New Orleans Office of Community Development, since Duplessis Group would be contracting with a separate agency, the New Orleans Recreation Department. The Board further concluded that since the duties under the cooperative endeavor agreement which Duplessis Group will be performing are not devoted substantially to the responsibilities, programs, or operations of the Office of Community Development and in which Mr. Duplessis has participated, Duplessis Group is not prohibited from performing said services under the cooperative endeavor agreement while Mr. Duplessis is employed with the Office of Community Development.

Adopted an advisory opinion in Docket No. 11-1356 concluding that no violation of the Code of Governmental Ethics is presented by the daughter of Kathy Blakenship, the Deputy Undersecretary for the Louisiana Department of Economic Development, contracting with the Department of Economic Development's Fast Start program while Ms. Blakenship serves as the Deputy Undersecretary of the Office of Management and Finance for the Department of Economic Development, since the Louisiana Fast Start program is under the Deputy Secretary and not the Undersecretary, which is Ms. Blakenship's agency. The Board further concluded that Section 1112B(1) of the Code of Governmental Ethics would prohibit Ms. Blakenship from participating in any matters involving her daughter's contract with the Fast Start program. The Board noted that

Ms. Blakenship submitted a disqualification plan pursuant to La. R.S. 42:1112C and Rule 1403 of the Rules of Board of Ethics which stated that all contractor invoices submitted by her daughter that may be routed to the Office of Management and Finance will be reviewed and paid by the Louisiana Economic Development Undersecretary, Kristy McKearn; and that neither Ms. Blakenship nor any other subordinate will have contact with these invoices. The Board approved the submitted disqualification plan.

Adopted an advisory opinion in Docket No. 11-1379 concluding that no violation of the Code of Governmental Ethics is presented by the wife of Michael Dawson, a candidate for St. Charles Parish Council, having an interest in a company that does business with St. Charles Parish, since Mr. Dawson's spouse does not own a controlling interest in the fuel company. The Board further concluded that Section 1111C(2)(d) of the Code of Governmental Ethics will prohibit Mr. Dawson and his spouse from accepting dividends from the fuel company as long as the company has a business relationship with St. Charles Parish.

Accepted for filing, the disclosure statements filed in Docket No. 11-1408 for September, 2011.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the September 15-16, 2011 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered an Order in Docket No. 10-294 regarding Tiffany Foxworth, a candidate for East Baton Rouge Parish Metro Council in the October 4, 2008 election, failing to file her Supplemental

campaign finance disclosure report by February 17, 2010. On motion made, seconded and unanimously passed, the Board rescinded the \$4,000 late fee and fine, since Ms. Foxworth was on active military duty and has since filed an amended report to forgive personal loans to her campaign. The Board noted that had Ms. Foxworth timely filed the report forgiving her loans, the 2009 Supplemental report due on February 17, 2010 would not have been required.

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

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 11-936 for a waiver of the \$2,000 late fee assessed against Denise Holden, a candidate for Orleans Parish Council in the February 6, 2010 election, whose Supplemental campaign finance disclosure report was filed 35 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the November meeting and instructed the staff to obtain additional information.

Chairman Simoneaux resumed the Chair.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 11-1121 for a waiver of the \$1,000, \$1,000, \$400, \$800, \$1,000, \$680, and \$360 (\$5,240 total) campaign finance late fees assessed against Gregory Young, a candidate for Caddo Parish Commissioner in the April 2, 2011 election, whose 30-P, 10-P, (3) Specials, EDE-P, and 10-G campaign finance disclosure reports were filed 57, 37, 36, 32, 28, 17, and 9 days late. On motion made, seconded and unanimously passed, the Board affirmed the decision to decline to waive the late fees totaling \$5,240 based on the level of activity.

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

reconsidered a request in Docket No. 11-1124 for a waiver of the \$2,500 late fee assessed against Marie Williams, a candidate for Orleans Parish Juvenile Court Judge, Div. E in the February 6, 2010 election, whose Supplemental campaign finance disclosure report was filed 115 days late. On motion made, seconded and unanimously passed, the Board affirmed the decision to decline to waive the \$2,500 late fee based on the level of activity.

The Board considered a request for an advisory opinion in Docket No. 11-1211 regarding whether Chris Piehler, Administrator of the Inspection Division of the Louisiana Department of Environmental Quality, may receive payments related to a lease agreement. On motion made, seconded and unanimously passed, the Board deferred the matter to the November meeting, since Mr. Piehler has retained counsel.

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists:

The Board unanimously waived the \$200 late fee in Docket No. 11-1376 assessed against Robert Toepfer for failure to timely file his July 2011 Executive lobbying expenditure report, since Mr. Toepfer resigned from his position at Novo Nordisk on August 8, 2011 and assumed that Novo Nordisk would send notification of his termination and since Mr. Toepfer filed the required report as soon as he receive notification that it had not been filed.

The Board unanimously waived the \$50 late fee in Docket No. 11-1377 assessed against Charles Major for failure to timely file his July 2011 Legislative lobbying expenditure report, since Mr. Major was under a doctor’s care and receiving medical treatment on the day of the filing deadline.

The Board considered a request for a “good cause” waiver of a late fee assessed against the following individual in connection with the failure to timely file a personal financial disclosure statement:

The Board unanimously declined to waive the \$1,500 late fee in Docket No. 11-1352 assessed against Tahira Abdul-Rahman for filing her 2009 Tier 2.1 personal financial disclosure statement 86 days late, based on the waiver guidelines.

The Board unanimously adjourned at 1:03 p.m.

Secretary

APPROVED:

Chairman

