

LOUISIANA BOARD OF ETHICS
MINUTES
October 19, 2012

The Board of Ethics met on October 19, 2012 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, Ingrassia, Leggio, McAnelly and Monroe present. Absent were Board Members Duffin, Lemke, Schneider and Stafford. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Aneatra Boykin, Mike Dupree, Brent Durham, Jennifer Land and Suzanne Mooney.

Mr. Thomas Robichaux, a candidate for State Representative, District 93 in the May 1, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 10-585 in connection with a request for reconsideration of the Board's order assessing a \$6,000 fine against him for failing to file an EDE-P and 10-G report in connection with the 2010 election. After hearing from Mr. Robichaux, the Board declined the request to reconsider the matter.

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

Mr. Thomas Robichaux, a candidate for State Representative, District 93 in the May 1, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 12-1590 in connection with a request for an advisory opinion regarding whether a candidate may add a proviso on a report that states that the report is accurate to the best knowledge of the candidate. After hearing from Mr. Robichaux, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Campaign Finance Disclosure Act is presented by the candidate places a proviso regarding the accuracy of the report

as long as the candidate places all "true and correct" information to the best of his knowledge in the report and does not deliberately omit information regarding those expenditures and contributions received during the campaign.

Mr. Thomas Robichaux, a candidate for State Representative, District 93 in the May 1, 2010 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 12-1779 in connection with a request for an advisory opinion regarding whether the Campaign Finance Disclosure Act prohibits a candidate from spending money from any campaign account for any office or only from the account from which the fine arises.

Board Member Lemke arrived at the meeting at 9:23 a.m.

After hearing from Mr. Robichaux, on motion made, seconded and unanimously passed, the Board concluded that in review of Section 1505.2I(3) of the Campaign Finance Disclosure Act, it appears that the candidate is prohibited from using any campaign funds regardless of the date of the contribution to make an expenditure as long as he owes fines with the supervisory committee. The statute does not limit those expenditures made by the candidate, but prioritizes how the expenditures must be made with payments of those fines or penalties owed to the supervisory committee to be paid first. The Board further declined to discuss issues regarding the constitutionality of La. R.S. 18:1505.2I(3), as the Board does not have judicial power to review constitutional challenges to the Campaign Finance Disclosure Act.

The Board considered a request in Docket No. 12-509 for reconsideration of a waiver of the \$1,500 late fee assessed against Romona Guillory for filing her 2009 Tier 2.1 annual personal financial disclosure statement 291 days late. On motion made, seconded and unanimously passed, the Board temporarily deferred consideration of the matter until later in the meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1170 for reconsideration of a waiver of the \$1,500 late fee assessed against Barbara Norton, a candidate for State Representative, District 3 in the October 22, 2011 election, for filing her 40-G campaign finance disclosure report 25 days late. On motion made, seconded and unanimously passed, the Board temporarily deferred consideration of the matter until later in the meeting.

The Board considered a request in Docket No. 12-1436 for a waiver of the \$1,350 late fee assessed against Sterling Lejeune for filing his 2010 Tier 2.1 annual personal financial disclosure statement 27 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the November meeting.

Mr. Gordon P. Mese, a candidate for Mayor-President of the City of Baton Rouge in the November 6, 2012 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1664 for a waiver of the \$1,000 and \$1,000 campaign finance late fees assessed against him for filing his Annual and 180-P campaign finance disclosure reports 175 and 90 days late. After hearing from Mr. Mese, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$2,000 but suspended \$1,400 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Rob Guidry appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, on behalf of Empower PAC in connection with a request in Docket No. 12-1665 for a waiver of the \$1,200 late fee assessed against the committee for filing its Monthly campaign finance disclosure report 6 days late. After hearing from Mr. Guidry, on motion made,

seconded and unanimously passed, the Board declined to waive the \$1,200 late fee.

Mr. Robert Rieger, attorney for Delta PAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1668 for a waiver of the \$1,400 late fee assessed against the committee for filing its 90-P campaign finance disclosure report 7 days late. After hearing from Mr. Rieger, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,400 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Brian Guillot, attorney for Troy Henry, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1669 for a waiver of the \$2,500 late fee assessed against Mr. Henry, a candidate for Mayor of the City of New Orleans in the February 6, 2010 election, for filing his Supplemental campaign finance disclosure report 437 days late. After hearing from Mr. Rieger, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

Mr. Michael Durbin, a candidate for Winn Parish Sheriff in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 12-1723 for a waiver of the \$600 late fee assessed against him for filing his EDE-P campaign finance disclosure report 311 days late. After hearing from Mr. Durbin, on motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Darrell Glasscock appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, on behalf of Winston Roberts in connection with a

request in Docket No. 12-1364 for a waiver of the \$400 and \$1,000 campaign finance late fees assessed against Mr. Roberts, a candidate for Grant Parish Police Juror, District 6 in the October 22, 2011 election, for filing his EDE-P and 10-G campaign finance disclosure reports 139 and 131 days late. After hearing from Mr. Glasscock, on motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fee and declined to waive the \$1,000 late fee but suspended \$640 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Daniel Austin and Ms. Kristin McLaren, representatives of the Department of Wildlife and Fisheries, appeared before the Board in connection with a request for an advisory opinion in Docket No. 12-1782 regarding whether members of the Louisiana Seafood Promotion and Marketing Board (LSPMB) may participate in a LSPMB trade show booth and whether it is a conflict of interest if LSPMB Board members inadvertently received a benefit from Distributor Promotions and Incentive Programs conducted by the Seafood Marketing Campaign Team. After hearing from Mr. Austin and Ms. McLaren, on motion made, seconded and unanimously passed, the Board concluded that based on the specific facts as presented, no violation of the Code of Governmental Ethics is presented by the LSPMB members leasing space in the LSPMB booth at the trade show. The Board agreed to allow the withdrawal of the request for an advisory opinion with respect to the issue involving the LSPMB Board members inadvertently received a benefit from Distributor Promotions and Incentive Programs conducted by the Seafood Marketing Campaign Team.

The Board considered a request in Docket No. 12-509 for reconsideration of a waiver of the \$1,500 late fee assessed against Romona Guillory for filing her 2009 Tier 2.1 annual personal financial disclosure statement 291 days late. On motion made, seconded and unanimously passed,

the Board declined to waive the \$1,500 late fee but, based on the unique circumstances, suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1170 for reconsideration of a waiver of the \$1,500 campaign finance late fee assessed against Barbara Norton, a candidate for State Representative, District 3 in the October 22, 2011 election, for filing her 40-G campaign finance disclosure report 25 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the November meeting at Ms. Norton's request.

The Board recessed at 11:08 a.m. and resumed back into general business session at 11:17 a.m.

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 G12-G33 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 G12-G33, excluding items G12, G13, G14, G20, G22 and G30, taking the following action:

Allowed the withdrawal of the request for an advisory opinion in Docket No. 12-575 regarding whether Trent Forest may serve on the Tangipahoa Parish Drinking Water Protection Committee when decisions by the Committee may affect land owned by Mr. Forest and his immediate family members.

Declined to render an advisory opinion in Docket No. 12-665 regarding Homer Sullivan, a

full time firefighter in Plain Dealing, running for Mayor of Plain Dealing and continuing to serve as a firefighter, since Mr. Sullivan decided not to qualify for the election.

Absent requested specific information, declined to render an advisory opinion in Docket No. 12-675 regarding whether William Hanrahan, a building inspector with the City of Gretna, may apply for and received a permit from the City of Gretna.

Adopted an advisory opinion in Docket No. 12-1468 concluding that based on the facts as presented and on current law, no violation of the Code of Governmental Ethics is presented by George Wallace, a Right of Way Review Appraiser employed by the Department of Transportation and Development (DOTD), performing contract work as a real estate appraiser if he were at this time to terminate his employment with the DOTD, since Mr. Wallace would be providing different services and would not be working on any of the same transactions that he previously worked on during his employment at the DOTD.

Adopted an advisory opinion in Docket No. 12-1546 concluding that, based on the facts as presented, no violation of the Code of Governmental Ethics is presented by Bridgette Andrews, a sanitarian employed by the Department of Health and Hospitals (DHH), contracting with LaSalle Parish to provide water sampling services on her private time, since those services are not under the supervision or jurisdiction of her agency.

Declined to render an advisory opinion in Docket No. 12-1591 regarding the participation by a member of the Westlake City Council voting for himself as Mayor Pro Temp of the council when the appointment allows for a 48% pay raise, since the request involved past conduct.

Adopted an advisory opinion in Docket No. 12-684 concluding that no violation of the Code of Governmental Ethics is presented by Trudy Gosserand becoming a contract employee with

Northwestern State University (NSU) following her retirement from the Department of Children and Family Services (DCFS), since Ms. Gosserand will not provide the same services she provided while employed with DCFS.

Allowed the withdrawal of the request for an advisory opinion in Docket No. 12-710 regarding Tanya McGee, an employee of the Department of Health and Hospitals, applying for the Executive Director position of the Imperial Calcasieu Human Service Authority, since the request involved past conduct.

Allowed the withdrawal of the request for an advisory opinion in Docket No. 12-1415 regarding whether an attorney may be employed with the District Attorney's Office in the 18th Judicial District when he co-owns a building with another attorney who has a criminal defense practice, since the facts pertaining the request are moot.

Adopted an advisory opinion in Docket No. 12-1419 concluding that no violation of the Code of Governmental Ethics is presented by Corliss Green, a contract worker with the Governor's Office of Elderly Affairs, contracting with the Area Agency on Aging/Council on Aging (AAA/COA) in the future and advising Ms. Green that she is required to complete the mandatory ethics training pursuant to Section 1170A(3) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 12-1430 concluding that no violation of the Code of Governmental Ethics is presented by Shelley Anderson, a Lieutenant with the Bossier City Marshal's Office, providing compensated private consulting services to private clients in civil matters, since the provision of the private consulting services would not be substantially related to the duties and responsibilities, programs, or operations of the Bossier City Marshal's office and in which she has participated. Further, none of Ms. Anderson's clients have or will seek any

contractual, business or financial relationships with the Bossier City Marshal's office; nor will her clients conduct operations or activities that are regulated by the office; or have a substantial economic interest that may be affected by the performance or nonperformance of her official job duties with the office.

Confirmed an emergency advisory opinion in Docket No. 12-1489 concluding that Section 1121B of the Code of Governmental Ethics prohibits Carol Passmore from accepting a position with The Rapides Foundation to oversee professional development in the 2012-2013 STEM/CTE Grant following her retirement from the Rapides Parish School District, since she would be assisting another person in a transaction, or in an appearance in connection with a transaction in which she participated during her public employment. The Board further advised that if Ms. Passmore were to retire from the Rapides Parish School Board and then enter into a contractual relationship involving the School Board or the Rapides Foundation to provide the services she rendered as a public employee she would also run afoul of the second provision found in Section 1121B.

Adopted an advisory opinion in Docket No. 12-1547 concluding that, under the narrow circumstances presented, no violation of the Code of Governmental Ethics is presented by Erma McCray, an employee of the Florida Parish Human Service Authority (FPHSA), contracting with the Happy Haven to provide consulting and training on issues regarding federal regulation of group homes, since she will not be providing the same services she provides in her employment nor will she be entering a transaction with anyone which she interacted with in her official capacity at FPHSA.

Adopted an advisory opinion in Docket No. 12-1549 concluding that pursuant to the exception in Section 1123(15) of the Code of Governmental Ethics, no violation of the Code of

Governmental Ethics is presented by Allen Brown, an officer with the St. James Parish Sheriff's office, accepting free rent from a newly constructed subdivision in exchange for private security services.

Adopted an advisory opinion in Docket No. 12-1552 concluding that no violation of the Code of Governmental Ethics is presented by Tommie Vassel, the former President Pro Tem for the Sewerage and Water Board (SWB) of New Orleans, and his firm performing work for companies that have contracts with the SWB and while his wife is employed as a Supervisor for the Disadvantage Business Department of the SWB. The Board further advised that (1) Section 1121 of the Code of Governmental Ethics will prohibit Mr. Vassel from assisting those companies in transactions in which he participated with the SWB within the two year period following his termination with the SWB; (2) Section 1113 of the Code of Governmental Ethics will prohibit Mr. Vassel or his firm from providing services to the DBE. There is no prohibition for Mr. Vassel or his firm to perform services for companies that have had contracts with SWB in the past; and, (3) Section 1111C(2)(d) of the Code of Governmental Ethics will prohibit Mr. Vassel or his firm from receiving compensation from a company that has a business relationship with his spouses agency, the DBE.

Declined to render an advisory opinion in Docket No. 12-1582 regarding whether the St. Tammany Fire Protection District #4 is required to request bids on an annual basis for the Annual health insurance options and the broker or sales representative to be used for health coverage, since the issues are not under the Board's jurisdiction.

Adopted an advisory opinion in Docket No. 12-1583 concluding that no violation of the Code of Governmental Ethics is presented by Amy Martinez's service on an Advisory Board of the

Lafourche Council on Aging, Inc. while she is employed with Entergy and the Council on Aging seeks a grant through Entergy, since the financial relationship is between the Lafourche Council on Aging, Inc. and Entergy, not with the Advisory Board. The Board further concluded that Section 1112B(3) of the Code of Governmental Ethics prohibits Ms. Martinez from participating in any transactions involving Entergy that come before the Advisory Board in which Entergy has a substantial economic interest.

Adopted an advisory opinion in Docket No. 12-1586 concluding that no violation of the Code of Governmental Ethics is presented by Ronnie Vidrine accepting a promotion with the Department of Health and Hospitals which would put him in direct supervision of his former wife, Shelly Lavergne, since Ms. Lavergne is not Mr. Vidrine's immediate family member.

Adopted an advisory opinion in Docket No. 12-1588 concluding that no violation of the Code of Governmental Ethics is presented by Penny Font, the spouse of the Mayor of the City of Walker, entering into a contract with Livingston Parish Convention & Visitors Bureau while her husband serves as Mayor of Walker, since Mayor Font's agency is the City of Walker and the Livingston Parish Convention & Visitor's Bureau is not under the jurisdiction of the City of Walker.

Adopted an advisory opinion in Docket No. 12-1593 concluding that Section 1119 of the Code of Governmental Ethics prohibits Lisa Babin, a current employee of the West Baton Rouge Parish Water District No. 2, from being employed by the Utility Department for the West Baton Rouge Parish Council while Daryl Babin, Mrs. Babin's husband's brother, is the director of the Utility Department, since Mrs. Babin is Daryl Babin's immediate family member.

The Board unanimously accepted for filing, the disclosure statements filed in Docket No. 12-1724 for September, 2012.

Confirmed an emergency advisory opinion in Docket No. 12-1728 concluding that, based on the facts as presented, no violation of the Code of Governmental Ethics is presented by Denver Ballard being employed with the Denham Springs City Fire Department at a time when his father serves as the Deputy Fire Chief. The Board further advised that Section 1112B(1) of the Code of Governmental Ethics prohibits Mr. Ballard's father from participating in any matters involving the Denham Springs City Fire Department in which Mr. Ballard would have a substantial economic interest.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the September 20-21, 2012 meetings.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G35-G39 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 G35-G39, excluding item G35, taking the following action:

The Board considered a request for reconsideration in Docket No. 12-868 for a waiver of the \$1,500 late fee assessed against Paula McNabb for filing her 2010 Tier 3 candidate personal financial disclosure statement 59 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$1,500 late fee due to the death of Ms. McNabb's spouse.

The Board considered a proposed declaratory opinion in Docket No. 12-1043 regarding Ralph Stassi, Jr., father of Iberville Parish Sheriff Brett Stassi, continuing to write bail bonds for persons arrested by the Iberville Parish Sheriff's Office. On motion made, seconded and unanimously passed, the Board adopted the proposed declaratory opinion in which the Board

concluded that no violation of the Code of Governmental Ethics is presented by A Professional Bail Bonds, L.L.C., a company owned by Ralph Stassi, Jr., continuing to write bail bonds for persons arrested by the Iberville Parish Sheriff's Office while Mr. Stassi's son, Brett Stassi, serves as Iberville Parish Sheriff, since the transaction under these specific circumstances is ministerial in nature and therefore acceptable.

The Board considered a request for an advisory opinion in Docket No. 12-1578 from Stacey Ashy of the Lafayette Parish School System, regarding whether it is the responsibility of the employees or the employer to ensure that the annual ethics training requirement is met once the employees have been notified of the annual requirement, and whose responsibility it is to keep the related supporting documentation. On motion made, seconded and unanimously passed, the Board concluded that Section 1170A of the Code of Governmental Ethics places the responsibility to comply with the annual ethics training requirements on each individual public servant. The Board further concluded that Section 1170E(1) of the Code of Governmental Ethics designates the responsibility to keep related supporting documentation as an obligation of the Board of Ethics.

The Board considered a request for an advisory opinion in Docket No. 12-1581 regarding whether V.J. St. Pierre, Jr. may accept registration and financial assistance from Kijang County to attend the Kijang Forum for Safety and Prosperity with Nuclear Installations. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by V.J. St. Pierre accept registration and financial assistance from Kijang County to attend the Kijang Forum for Safety and Prosperity with Nuclear Installations, since Kijang County, South Korea, would be providing the financial assistance to Mr. St. Pierre to attend the international forum in South Korea, and not a private entity,

The Board considered a request for an advisory opinion in Docket No. 12-1612 from Mayor Gregory Clark, Town of Lecompte, regarding the appointment of Herman Williams, the current Assistant Chief of Police for the Town of Lecompte, to the position of Chief of Police while his daughter, Tamara Williams, serves as a member of the Town's Board of Aldermen. On motion made, seconded and unanimously passed, the Board concluded that Mr. Williams is prohibited from being appointed to serve as the Town of Lecompte's Chief of Police while his daughter serves as an alderman, since the Mayor recommends will recommend a candidate to the Board of Aldermen who then vote to confirm the appointment. The Board further advised that the selection of the Police Chief is not a routing promotion within the police department.

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

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

Docket No. 12-1500 from Victor Rogers of a \$1,000 late fee;
Docket No. 12-1501 from Traits of Leadership of a \$3,000 late fee, a \$3,00 late fee and a \$3,000 late fee;
Docket No. 12-1666 from Henry Heaton of a \$600 late fee;
Docket No. 12-1670 from Justin Cody Ingram of a \$480 late fee and a \$600 late fee; and,
Docket No. 12-1701 from Tony Guirlando of a \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 12-1499 for a waiver of the \$420 late fee assessed against Mike Pete Huval, a candidate for State Representative, District 46 in the April 2, 2011 election, for filing his Supplemental campaign finance disclosure report 7 days late. On motion made, seconded and unanimously passed, the Board rescinded the \$420 late fee.

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

considered a request in Docket No. 12-1667 for a waiver of the \$600 late fee assessed against M. A. DeJohn, a candidate for East Feliciana Parish Coroner in the October 22, 2011 election, for filing his 30-P campaign finance disclosure report 302 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended \$400 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists in connection with the failure to timely file lobbying expenditure reports:

The Board considered a request in Docket No. 12-1716 for a waiver of the \$300 late fee assessed against Linedda McIver for failure to timely a lobbyist registration and expenditure reports. On motion made, seconded and unanimously passed, the Board declined to waive the \$300 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. 12-1717 for a waiver of the \$1,050 late fee assessed against Rachel Farmer for failure to timely file a lobbyist registration report. On motion made, seconded and unanimously passed, the Board waived the \$1,050 late fee.

The Board considered a request in Docket No. 12-1718 for a waiver of the \$200 late fee assessed against Barbara Davis for failure to timely a lobbyist expenditure report. On motion made, seconded and unanimously passed, the Board declined to waive the \$200 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. 12-1719 for a waiver of the \$50 late fee assessed against Don Redman for failure to timely 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. 12-1720 for a waiver of the \$700 late fee assessed against Don Robin for failure to timely file a lobbyist supplemental registration report. 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 Lobbyist Disclosure Act.

The Board considered a request in Docket No. 12-1721 for a waiver of the \$150 late fee assessed against Elizabeth Harper for failure to timely a lobbyist expenditure report. On motion made, seconded and unanimously passed, the Board declined to waive the \$150 late fee.

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

The Board considered a request in Docket No. 12-1120 for a waiver of the \$1,500 late fee assessed against Gerard Frey for filing his 2009 Tier 2.1 annual personal financial disclosure statement 364 days late. 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. 12-1441 for a waiver of the \$1,500 late fee assessed against Chyrall August for filing his 2009 Tier 3 annual personal financial disclosure statement 483 days late. 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. 12-1513 for a waiver of the \$2,500 late fee assessed against Dr. Brian Brogle for filing his 2009 Tier 2 annual personal financial disclosure statement 581 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. 12-1540 for a waiver of the \$1,100 late fee assessed against Barbara Moore for filing her 2009 Tier 3 candidate personal financial disclosure statement 22 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,100 late fee but suspended \$600 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 12-1589 for a waiver of the \$17,500 late fee assessed against James Donelon for filing his 2011 Tier 1 annual personal financial disclosure 36 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$17,500 late fee but suspended \$16,500 conditioned upon future compliance with the Code of Governmental Ethics. Board Members Backhaus and McAnelly recused themselves.

The Board considered a request in Docket No. 12-941 for a waiver of the \$1,500 late fee assessed against Robert Green, Jr. for filing his 2012 Hospital Disclosure Statement 92 days late. On motion made, seconded and unanimously passed, the Board waived \$1,300 of the \$1,500 late fee. Board Member Blewer recused herself.

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 GS2-GS7 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 GS2-GS7 taking the following action:

The Board considered a request for an advisory opinion in Docket No. 12-1788 from Mary Brown, the former president of the West Feliciana Tourist Commission, regarding a contract held

by the Interim Director's husband, Pat Walsh. On motion made, seconded and unanimously passed, the Board declined to render an advisory opinion, since Ms. Brown is no longer on the board and lacks standing to request the advisory opinion.

The Board considered a request for an advisory opinion in Docket No. 12-1408 regarding Joe Farr, a member of the Louisiana Board of Regents, continuing to serve on the Neville High School Charter Committee. On motion made, seconded and unanimously passed, the Board concluded that (1) no violation of the Code of Governmental Ethics is presented by Mr. Farr continuing his service on the Neville High School Charter School Board while he serves as a member of the Louisiana Board of Regents; (2) the Code of Governmental Ethics will not prohibit Mr. Farr from providing risk manager/insurance consulting services to the Neville High School Charter School Board if he terminates his service on the board prior to it being granted a Type 2 or 3 Charter School Designation. However, Section 1113B of the Code of Governmental Ethics would prohibit Mr. Farr from providing risk manager/insurance consulting services to the Neville High School Charter School Board while he serves as a member of the Neville High School Charter School Board; and, (3) Section 1121A(2) of the Code of Governmental Ethics will prohibit Mr. Farr, for a period of two years from the termination of his service on the Neville High School Charter School Board, from entering into any contracts with the Neville High School Charter School Board if he does not terminate his service prior to obtaining its charter school designation.

The Board considered a request for an advisory opinion in Docket No. 12-1548 regarding (1) whether Maria C. DeFrancesch, a Kenner City Councilwoman, may own Section 8 property; and, (2) whether Tamithia Shaw, the Director of Code Enforcement for the City of Kenner, may volunteer as a Hearing Officer at the Kenner Housing Authority (KHA) Grievance Hearings. On

motion made, seconded and unanimously passed, the Board concluded that (1) no violation of the Code of Governmental Ethics is presented by Councilwoman Maria DeFrancesch's participation in the Section 8 program, since the Kenner Housing Authority is a separate political subdivision from the City of Kenner; and, (2) no violation of the Code of Governmental Ethics is presented by Ms. Shaw serving as an uncompensated Hearing Officer for the Kenner Housing Authority while also serving as the Director of Code Enforcement for the City of Kenner.

The Board considered a request for an advisory opinion in Docket No. 12-1596 regarding whether Christine Faust, a current employee of the North Lake Supports and Services Center, may contract with North Lake Supports and Services Center through the Early Steps Program after it is privatized. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Faust contracting with the Office for Citizens with Developmental Disabilities following the termination of her employment with the North Lake Supports and Services Center through the Early Steps Program after it is privatized, since Ms. Faust's agency was the North Lake Supports and Services Center under the Office for Citizens with Developmental Disabilities, not the entire agency of the Office of for Citizens with Developmental Disabilities.

The Board considered a request for an advisory opinion in Docket No. 12-1730 regarding whether a legal entity owned by a former member of the St. Landry Parish Economic and Industrial Development District may enter into a contract with SLEIDD to give SLEIDD an option to purchase land owned, in part, by the legal entity. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Tomlinson Realty Co., LLC and Opelousas-St.Landry Realty Co., LLC entering into a contract with the

SLEIDD. However, Section 1121A of the Code of Governmental Ethics would prohibit Mr. Tomlinson from assisting both Tomlinson Realty Co., LLC and Opelousas-St.Landry Realty Co., LLC in any transactions (contracts) the companies enter into with SLEIDD. The Board further advised that no violation of the Code of Governmental Ethics is presented by Mr. Tomlinson sharing in any compensation received by another person for assistance which Mr. Tomlinson is prohibited from rendering pursuant to Section 1121A of the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 12-483 regarding whether the wife of mayoral candidate Roland Boudreaux may continue to participate in the Section 8 program by virtue of her ownership of a piece rental property if her husband is elected as Mayor of the City of Rayne. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Boudreaux's wife continuing to participate in the Section 8 program by virtue of her ownership of a piece of rental property if Mr. Boudreaux is elected Mayor of Rayne, since the property owned by Mr. Boudreaux's wife was owned prior to his election as Mayor. The Board further advised that Mr. Boudreaux's wife should not seek renewal of her qualification of the existing housing, seek qualification of new housing, or enter into any other transaction that is under the supervision or jurisdiction of the City of Rayne.

The Board considered proposed changes to the Rules for the Louisiana Board of Ethics concerning procedures for investigations and hearings. On motion made, seconded and unanimously passed, the Board adopted the proposed Rules and instructed the staff to proceed with the promulgation of the Rules.

The Board unanimously resolved into executive session to consider complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

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EXECUTIVE BUSINESS

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The Board unanimously resolved into general business session and announced that the Campaign Finance Rules Committee would meet following adjournment of the Board's November 15th meeting.

The Board unanimously adjourned at 2:23 p.m.

Secretary

APPROVED:

Chairman

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