

LOUISIANA BOARD OF ETHICS  
MINUTES  
September 19, 2014

The Board of Ethics met on September 19, 2014 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Blewer, Bruneau, Ingrassia, Larzelere, Leggio, McAnelly, Michiels and Monroe present. Absent was Board Members Backhaus, Lemke and Shelton. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, Mike Dupree, Jennifer Land, Suzanne Mooney, Brett Robinson and Haley Williams.

Ms. Dawn Collins appeared before the Board in connection with a request in Docket No. 13-1253 for a waiver of the late fees totaling \$1,450, of which \$950 had previously been suspended conditioned upon future compliance with the Code of Governmental Ethics, assessed for her failure to timely file her Lobbyist Registration and a lobbyist expenditure report.

Board Member Lemke arrived at the meeting at 9:10 A.M.

After hearing from Ms. Collins, on motion made, seconded and unanimously passed, the Board declined to waive the \$500 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 14-953 for a waiver of the \$280 late fee assessed against Arthur Lee, a candidate for Mayor of the City of Tallulah, Madison Parish, in the May 3, 2014 election, for filing his Special Report 7 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the October meeting.

Mr. Randy P. Battaglio, report preparer for Sheriff Mark Hebert, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with

a request in Docket No. 14-986 for a waiver of the \$2,000 late fee assessed against Mark Hebert, a candidate for St. Mary Parish Sheriff in a future election, for filing his 2013 Annual Report 125 days late. After hearing from Mr. Battaglio, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 but suspended \$1,000 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request for an advisory opinion in Docket No. 14-1023 regarding whether Picciola Construction Company (PCC), completely owned by the immediate family members of Joseph Picciola, can enter into a construction contract for a project with the Town of Golden Meadow when Picciola & Associates, Inc. (PAI), completely owned by Joseph Picciola, II, is the consultant project manager on the project. On motion made, seconded and unanimously passed, the Board concluded that (1) Section 1112B(1) of the Code of Governmental Ethics prohibits PAI from participating in the award of the construction contract to PCC, since PAI is a public employee by virtue of its oversight over all CDBG projects resulting from Hurricanes Gustav and Ike. Thus, PAI cannot approve, recommend or award the contract to PCC as PCC is owned by Joseph Picciola's immediate family member, John Picciola; (2) Section 1113 of the Code of Governmental Ethics prohibits PCC from being awarded the construction contract on the Golden Meadow town hall improvements project, since the contract is under the supervision of PAI through CDBG projects within Lafourche Parish; and, (3) the Board declined to render an advisory opinion regarding PCC's bid on the Golden Meadow town hall improvement as it pertains to past conduct.

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 G5-G24 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 G5-G24, excluding items G7, G9, G14, G16, G17 and G23, taking the following action:

Adopted an advisory opinion in Docket No. 14-274 concluding that Section 1121A(1) of the Code of Governmental Ethics prohibits Wendi French, a former GIS Manager within the Information Services Section of the East Baton Rouge Parish System, for a period of two years following the termination of her employment with East Baton Rouge City/Parish, from assisting any person in a transaction involving the Information Services Section of the East Baton Rouge City Parish or from contracting back with the Information Services Section to provide any service.

Adopted an advisory opinion in Docket No. 14-930 concluding that no violation of the Code of Governmental Ethics is presented by Cliff New, a certified PE teacher for the Legacy Elementary School, providing services through his business, Newstripes, LLC, to other schools within the Bossier Parish School System, since his agency is Legacy Elementary School and not all the schools within the Bossier Parish School System and as long as he does not provide any services to Legacy Elementary School for parking lot striping services.

Adopted an advisory opinion in Docket No. 14-933 concluding that Section 1121A(1) of the Code of Governmental Ethics prohibits Charles Calvi, Patrick Powers, and Sylvia Theriot, former employees of the Office of Group Benefits (OGB), for a period of two years from the termination of their public employment, from assisting Louisiana Health Cooperative (LAHC) in transactions involving OGB or contracting as a consultant with LAHC to assist with transactions involving OGB. The Board further advised that Section 1121A(1) of the Code of Governmental Ethics would not,

however, prohibit the continued employment of Charles Calvi, Patrick Powers and Sylvia Theriot with LAHC provided they do not participate with transactions involving OGB.

Adopted an advisory opinion in Docket No. 14-939 concluding that no violation of the Code of Governmental Ethics is presented by Kristyn Childers, an employee of the Livingston Parish Assessor's Office (LPAO), providing tax services pertaining to ad valorem taxes to taxing districts outside of Livingston Parish through Millage Management, LLC.

Declined to render an advisory opinion in Docket No. 14-941 regarding whether the Lower Cameron Ambulance Service District 1 may enter into an agreement with the Cameron Ambulance Service District 2 that would require 911 dispatchers to send ambulances and personnel from the Lower Cameron Ambulance Service District 1 into District 2 on stand-by whenever District 2 ambulances are occupied on patient transports to hospitals, since the request did not present an issue under the supervision and jurisdiction of the Code of Governmental Ethics. The Board further instructed the staff to advise the requester to seek advise from the Attorney General's Office.

Adopted an advisory opinion in Docket No. 14-942 concluding that no violation of the Code of Governmental Ethics is presented by Emile Bertucci serving on the St. Bernard Parish Hospital District Board at a time when his brother, Dr. Bryan Bertucci, serves as the St. Bernard Parish Coroner.

Adopted an advisory opinion in Docket No. 14-943 concluding that (1) no violation of the Code of Governmental Ethics is presented by the appointment of Donna Johnigan as an uncompensated member of the Housing Authority of New Orleans (HANO) board of commissioners by the Citywide Tenant Association, since the Citywide Tenant Association is a private association and not a public agency. The Board further advised that Ms. Johnigan would be prohibited by

Section 1112 of the Code of Governmental Ethics from participating in any matter which came before the HANO board of commissioners regarding her public housing tenancy; and, (2) Sections 1111C(2)(d) and 1111E of the Code of Governmental Ethics would prohibit the appointment of Constance Haynes as an uncompensated member of the HANO board of commissioners because Ms. Haynes receives payment for her submission of monthly reports to HANO regarding the activities of the Fischer Development.

Adopted an advisory opinion in Docket No. 14-968 concluding that, pursuant to the exception in BD 82-02D, no violation of the Code of Governmental Ethics is presented by Dr. Monique Attuso maintaining her employment with RKM Primary Care Clinic while she is employed with the Eastern Louisiana Mental Health System (ELMHS), since Dr. Attuso is a salaried employee of RKM, receives no financial compensation from any contract between RKM and ELMHS, holds no ownership interest in RKM, and is not an officer, director, trustee or partner of RKM. The Board further advised that Section 1112B(3) of the Code of Governmental Ethics would prohibit Dr. Attuso from referring patients from ELMHS to RKM, since she is an employee of RKM.

Adopted an advisory opinion in Docket No. 14-974 concluding that (1) with respect to Yolanda Rodriguez, the former Executive Director of the New Orleans City Planning Commission (CPC), conducting historical research for clients on real property located in Orleans Parish to determine if restrictions or permitting violations exist, Section 1121A of the Code of Governmental Ethics would prohibit Ms. Rodriguez from preparing research to assist in a transaction involving her former agencies, the CPC and the Board of Zoning Adjustments (BZA), and Section 1121B would also prohibit Ms. Rodriguez from providing research on any project in which she participated in during her public employment; (2) with respect to Ms. Rodriguez preparing property analysis and

providing feedback on preliminary site plans to identify a property's development potential, Section 1121A of the Code of Governmental Ethics would prohibit Ms. Rodriguez from preparing research to assist in a transaction involving her former agencies, the CPC and BZA, and Section 1121B would also prohibit Ms. Rodriguez from providing research on any project in which she participated in during her public employment; (3) with respect to Ms. Rodriguez assisting clients with preparation of zoning, appeals and subdivision requests requiring an advisory recommendation and legislative action, Section 1121A of the Code of Governmental Ethics would prohibit Ms. Rodriguez, as a former agency head, from assisting in the preparation of zoning, appeal and subdivision requests for two years from the termination of her public service; and, (4) with respect to Ms. Rodriguez serving as the agent of record for clients requiring land use decisions and appearing on their behalf at public meetings before the CPC, BZA and the New Orleans City Council, Section 1121A of the Code of Governmental Ethics would prohibit Ms. Rodriguez from serving as the agent of record for clients requiring land use decisions and appearing on their behalf at public meetings before the CPC, BZA and the New Orleans City Council.

Adopted an advisory opinion in Docket No. 14-984 concluding that Section 1113 of the Code of Governmental Ethics would prohibit Chad Kellogg, an appointed board member of the Community Center and Playground District No. 1 of Ward 6, from contracting with the City of DeQuincy to make electrical repairs to a recreation center, since the contract would be under the supervision of his agency.

Adopted an advisory opinion in Docket No. 14-1005 concluding that no violation of the Code of Governmental Ethics is presented by Melissa Arrigo continuing her employment with the Department of Transportation and Development (DOTD) following her marriage to the son of Sherri

H. LeBas, the Secretary of DOTD, since Ms. Arrigo has been employed by DOTD for more than one year prior to becoming an immediate family member of the agency head. The Board further advised that Secretary LeBas must submit a disqualification plan for approval by the Board of Ethics pursuant to Section 1112C of the Code of Governmental Ethics in which she is completely removed from any responsibility regarding Melissa Arrigo.

Adopted an advisory opinion in Docket No. 14-1006 concluding that no violation of the Code of Governmental Ethics is presented by Christopher A. Pittman, a sergeant with the City of Pineville Police Department, working as a Deputy Sheriff Reserve with the Grant Parish Sheriff's Office, since the Grant Parish Sheriff's Office is a separate agency from the City of Pineville Police Department. The Board further advised that Mr. Pittman should also contact the Attorney General's office regarding dual office holding laws.

Adopted an advisory opinion in Docket No. 14-1007 concluding that Section 1113 of the Code of Governmental Ethics would prohibit Charley Vance, a Talented Teacher in Tangipahoa Parish, from photographing school functions, through his photography business, at any of the schools at which he teaches, since each school where Mr. Vance teaches would be considered his agency.

Adopted an advisory opinion in Docket No. 14-1022 concluding that no violation of the Code of Governmental Ethics is presented by the son of Paul Connick, Jr., the District Attorney for Jefferson Parish, working for Porteous, Hainkel & Johnson, LLP at a time when Porteous, Hainkel & Johnson, LLP provides legal services to the Jefferson Parish District Attorney's office, as long as Mr. Connick's son is not working on or performing any legal services on behalf of the District Attorney's office. The Board further advised that since Mr. Connick's son is not sharing in the firm's

profits, it does not appear that Mr. Connick is participating in a transaction (engaging the law firm for legal services) in which his son has a substantial economic interest.

Adopted an advisory opinion in Docket No. 14-931 concluding that (1) Section 1113A of the Code of Governmental Ethics would prohibit Chance Brasiel, a full time West Monroe Police Officer, from purchasing property from the City of West Monroe which was used exclusively by the police department; and, (2) while Section 1113 of the Code of Governmental Ethics generally would prohibit an employee from purchasing surplus property from his agency, Keith Kimball, a West Monroe Reserve Police Officer, would be allowed to purchase the property, since Section 1123(35) provides an exception for volunteer non-compensated law enforcement officers, provided the officer is not an agency head and has not participated in the transaction. Under the circumstances set forth, and provided Mr. Kimball is not an agency head, he may purchase the property.

Deferred to the October meeting, consideration of a request for an advisory opinion in Docket No. 14-935 regarding whether an education management organization that contracts to manage the operation of a charter school which charter is issued to a nonprofit by a local school board or other charter authorizer in accordance with the Charter School Demonstration Programs Law becomes a "public employee" by virtue of said management contract.

Deferred to the October meeting, consideration of a request for an advisory opinion in Docket No. 14-967 regarding the Lake Providence Port Commission hiring Lee Denny to the administrative assistant position with the Commission.

Adopted an advisory opinion in Docket No. 14-969 concluding that no violation of the Code of Governmental Ethics is presented by a company, Durel Properties, L.L.C., owned by L.J. "Joey" Durel, Jr., Lafayette Consolidated City Parish Government President, purchasing an office building

in the City of Lafayette, since the issuance of the Certificate of Occupancy would be ministerial and Durel Properties, L.L.C. would not be prohibited from entering into a transaction to have a routine inspection of the property conducted.

Deferred to the October meeting, consideration of a request for an advisory opinion in Docket No. 14-972 regarding Kedric Smith being assigned to be an assistant head basketball coach at Peabody Magnet High School when his father, Charles, serves as the head basketball coach and athletic director.

Adopted an advisory opinion in Docket No. 14-1009 concluding that no violation of the Code of Governmental Ethics is presented by Kenneth Johnson accepting a position with the Oberlin Utilities Department following his resignation from the Oberlin Police Department, since the Oberlin Utilities Department is not considered a person within the meaning of the Code of Governmental Ethics. As such, Mr. Johnson would not be in violation of his post employment restrictions set forth in 1121B(1) of the Code of Governmental Ethics.

In connection with an Answer submitted by Sharon W. Hewitt, a member of the St. Tammany Parish Recreation District Board, in Docket No. 14-990 in response to a notice of delinquency issued requesting she file her 2011 and 2012 Tier 2.1 Annual personal financial disclosure statement, instructed the staff to advise Ms. Hewitt that she has 7 business days to file her 2012 Tier 2.1 Annual personal financial disclosure statement.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the August 14-15, 2014 meetings.

The Board considered a proposed consent opinion in Docket No. 11-974 regarding B. Jason

Taylor, the Live Oak Sports Complex Commissioner, receiving a commission from selling insurance policies to the baseball leagues put on by the Commission. On motion made, seconded and unanimously passed, the Board adopted the for publication, the consent opinion in which B. Jason Taylor agrees that a violation of Section 1113 of the Code of Governmental Ethics occurred when, at a time when was employed by the Livingston Parish Recreation District #2 as the Commissioner of the Live Oaks Sports Complex, he entered into a contract with the Livingston Parish Recreation District through his company, the Insurance Warehouse, to provide the District with basketball and baseball related insurance policies and a violation of Section 1112 of the Code of Governmental Ethics occurred when, at a time when was employed by the Livingston Parish Recreation District #2 as the Commissioner of the Live Oaks Sports Complex, he provided a quote for insurance to the District indicating his company, the Insurance Warehouse, should be used to insure the District and in which Mr. Taylor agrees to pay a fine of \$500.

The Board considered a proposed consent opinion in Docket No. 13-124 regarding the late filing of a R.S. 42:1123(41) affidavit by Michelle Haj-Broussard. On motion made, seconded and unanimously passed, the Board adopted the for publication, the consent opinion in which Michelle Haj-Broussard, an employee of McNeese State University, agrees that a violation of Section 1111A of the Code of Governmental Ethics occurred by accepting complimentary lodging and transportation from the American Education Research Association when she failed to file a La. R.S. 42:1123(41) disclosure affidavit with the Board of Ethics within sixty days of receipt of the complimentary transportation and lodging from the American Education Research Association and in which Ms. Haj-Broussard agrees to pay a fine of \$500.

The Board considered the proposed 2015 calendar for meetings of the Louisiana Board of

Ethics. On motion made, seconded and unanimously passed, the Board approved the proposed 2015 meeting schedule.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for “good cause” waivers of late fees assessed against candidates and a political action committee included in the Campaign Finance Waiver Chart:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 14-924 for a waiver of the \$1,000, \$400 and \$400 late fees assessed against April Francis Foulcard, a candidate for Mayor of the City of Jeanerette, Iberia Parish, in the October 19, 2013 election, for filing her 10-P, 10-G and EDE-P Reports 223, 195 and 203 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,800.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 14-954 for a waiver of the \$2,600 late fee assessed against Louisiana Legislative Black Caucus PAC, Herbert Dixon, Chairman and Regina Barrow, Treasurer, for filing the May Monthly campaign finance disclosure report 13 days late. On motion made, seconded and passed by a vote of 5 yeas by Board Members Blewer, Bruneau, Ingrassia, McAnelly and Michiels and 4 nays by Board Members Larzelere, Leggio, Lemke and Monroe, the Board declined to waive the \$2,600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 14-1008 for a waiver of the six \$1,000 late fees assessed against LaToya F. Julien, a candidate for councilman, District 3, St. John the Baptist Parish in the October 22, 2011 election, for failing to file her 10-G, 30-P, 10-P, EDE-P, 2012 Supplemental and 2013

Supplemental campaign finance reports. On motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$6,000.

The Board considered a request in Docket No. 14-988 for a waiver of the \$50 late fee assessed against David Tatman for his failure to timely file a lobbyist expenditure report. On motion made, seconded and unanimously passed, the Board declined to waive the \$50 late fee.

The Board considered a request in Docket No. 14-664 for a waiver of the \$1,500 late fee assessed Mary Collins, a member of the Campti Town Council, Natchitoches Parish, for filing her 2011 Tier 3 Annual personal financial disclosure statement 272 days late. On motion made, seconded and unanimously passed, the Board reduced the \$1,500 late fee to \$500, since Ms. Collins faxed in the report when she received the Notice of Delinquency and was only ten (10) days late.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for reconsideration in Docket No. 14-409 of a request for a waiver of the \$1,600 late fee assessed against Lafitte Organization for Voter Education Inc., for filing the 10-G campaign finance disclosure report 8 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,600 late fee but suspended \$1,100 conditioned upon future compliance with the Campaign Finance Disclosure Act based on the waiver guidelines.

The Board considered a request for reconsideration in Docket No. 14-558 of a request for a waiver of the \$350 late fee assessed against Kelli Bottger for her failure to timely file a Lobbyist Supplemental Registration. On motion made, seconded and unanimously passed, the Board declined to waive the \$350 late fee.

The Board considered a Judgment from the Court of Appeal, First Circuit in Docket No. 10-1080 regarding Lafourche Parish President Charlotte Randolph leasing her private camp to BP at

a time when BP was providing funding to Lafourche Parish for the oil spill clean-up. On motion made, seconded and unanimously passed, the Board instructed the staff to file a Writ with the Louisiana Supreme Court.

Ms. Allen advised the Board that the campaign finance and personal financial disclosure forms had been transmitted to the President of the Senate and the Speaker of the House for approval. Due to a technical error on the FAQ Cover Sheet of the personal financial disclosure forms, the Board unanimously agreed to add the amended FAQ Cover Sheet to the agenda for consideration. Following a review of the amended FAQ Cover Sheet, on motion made, seconded and unanimously passed, the Board approved the amended FAQ Cover Sheet which added the Executive Director of the Louisiana Housing Corporation and Members of the Board of Pardons to the list of individuals who are required to file a Tier 2 Annual personal financial disclosure statement.

Ms. Allen advised the Board of the numerous Objections of Candidacy that were filed throughout the state following the qualifying period. Of the 14 objections that were filed, 11 were successful and \$71,837.72 was collected. Ms. Allen and Board Member Blewer commended the staff attorneys for their work on the Objections to Candidacy.

Ms. Allen advised the Board that a quarterly report from the Attorney General's Office with respect to fines/fees levied and collected would be forthcoming.

Chairman Monroe introduced and welcomed Ms. Kay Michiels as the new appointee to the Board.

The Board unanimously adjourned at 10:13 a.m.

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Secretary

APPROVED:

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Chairman