

Louisiana Board of Ethics
LaSalle Building - First Floor
617 North 3rd Street
Baton Rouge, Louisiana

November 20, 2009
9:00 a.m. (LaBelle Room)

GENERAL

Consent Agenda, Consent Opinions
&
Items Requiring No Board Action

G14. Docket No. 07-481

Consideration of a consent opinion concerning Edward J. Price, III reporting a loan made to his company, Craftsmen Investments, from campaign funds.

G15. Docket No. 07-1050

Consideration of a consent opinion concerning Will Torres, Jr., an unsuccessful candidate for Terrebonne Parish Sheriff in the October 20, 2007 election, failing to disclose guarantors on loans made to his campaign.

G16. Docket No. 08-246

Consideration of a proposed consent opinion concerning Mary Ann Wiggins, an unsuccessful candidate for State Representative, District 24, in the October 20, 2007 primary and November 17, 2007 general elections, receiving contributions in excess of the permissible limits.

G17. Docket No. 08-668

Consideration of a proposed consent opinion regarding John T. Lavarine, III, an unsuccessful candidate for Councilman at Large for the City of Kenner, in the April 1, 2006 using funds from one election to pay the debts of a prior election.

G18. Docket No. 08-906

Consideration of a proposed consent opinion regarding an employee of the Lafayette Consolidated Government, Public Works Department, being employed with an agency that does business with the Public Works Department.

G19. Docket No. 08-984

Reconsideration of a request for an advisory opinion regarding whether the members of the Ethics Review Board for the City of New Orleans are subject to the financial disclosure laws.

G20. Docket No. 08-990

Consideration of charges regarding a person making expenditures in connection with a proposition in the November 4, 2008 election and failing to file required campaign finance disclosure reports.

G21. Docket No. 09-710

Consideration of a request for an advisory opinion regarding an employee of the Sabine River Authority entering into transactions with the Sabine River Authority.

G22. Docket No. 09-738

Consideration of charges filed against the following candidate that failed to file her Personal Financial Disclosure Statement within 10 days of qualifying for the April 4, 2009 election: Patricia Cravins.

G23. Docket No. 09-916

Consideration of a request for an advisory opinion regarding whether an employee of the Office of Addictive Disorders (OAD) may accept part-time employment with an Access to Recovery Provider.

G24. Docket No. 09-941

Consideration of a request for an advisory opinion regarding whether a member of the Louisiana State Arts Council may accept a nomination to sit as an officer of the Louisiana Partnerships for the Arts Board, a nonprofit organization that receives grant funding from the Council.

G25. Docket No. 09-961

Consideration of a request for an advisory opinion regarding whether a town clerk may continue her employment when her prospective mother-in-law serves as an alderman of the town.

G26. Docket No. 09-968

Consideration of a request for an advisory opinion regarding an employee of the Department of Wildlife and Fisheries seeking part-time employment at the Bass Pro Shop.

G27. Docket No. 09-969

Consideration of request for advisory opinion regarding whether an alderman can vote on a project when his employer is providing materials for the project.

G28. Docket No. 09-994

Consideration of a request for an advisory opinion regarding whether the Director of the Traffic & Transportation Department of Lafayette Consolidation Government may serve as an expert witness in a case involving the Louisiana Department of Transportation & Development.

G29. Docket No. 09-999

Consideration of a request for an advisory opinion regarding whether the purchasing agent for St. John the Baptist School Board may issue a purchase order to a company that has a business agreement with the purchasing agent.

G30. Docket No. 09-1001

Consideration of a request for an advisory opinion regarding the appointment of a contractor with the Department of Health and Hospitals Chronic Disease Prevention and Control Unit to the Diabetes Advisory Council.

G31. Docket No. 09-1002

Consideration of a request for an advisory opinion regarding whether an employee for the Louisiana Department of Transportation and Development may sell his personal residence to a consultant for the Louisiana Department of Transportation and Development.

G32. Docket No. 09-1003

Consideration of a request for an advisory opinion regarding whether a Project Engineer with the Louisiana Department of Transportation and Development may submit construction plans for review and approval to the Louisiana Department of Transportation and Development on behalf of the consultant architect for the Town of Jena.

G33. Docket No. 09-1011

Consideration of a request for an advisory opinion regarding whether Baton Rouge Police officers may accept gift certificates from Sullivan's Steak House.

G34. Docket No. 09-1039

Consideration of a request of certification of training for members of the House of Representatives.

General Item

Ethics Board Docket No. BD 2008-984 11/20/2009

RE:

Reconsideration of a request for an advisory opinion regarding whether the members of the Ethics Review Board for the City of New Orleans are subject to the financial disclosure laws.

Relevant Statutory Provisions, Advisory Opinions:

1124.2.1 and 2008-715

Comments:

At the December 2008 Board meeting, the Board issued an advisory opinion which stated that the members of the City of New Orleans Ethics Review Board were not required to file annual personal financial disclosure statements. The Board based the opinion on the fact that the Ethics Review Board does not have the authority to expend, disburse or invest \$10,000 or more in funds, instead, the Ethics Review Board must first seek approval from the Chief Administrative Officer before any expenditure may be made. The CAO holds final authority on the expenditure of any funds.

Since the issuance of this advisory opinion, the City of New Orleans has amended its Home Rule Charter to provide for the guaranteed funding of the Ethics Review Board in terms of the overall General Budget of the City of New Orleans. However, the Ethics Review Board still must first seek approval from the Chief Administrative Officer before any expenditures may be made on behalf of the Ethics Review Board. The CAO still holds final authority on the expenditure of any funds. (TKM)

Recommendations:

Affirm the prior advisory opinion.

Date

DRAFT

Mr. Kevin Wildes, S. J., Ph.D.
6363 St. Charles Avenue
Campus Box 9
New Orleans, Louisiana 70118-6143

Re: Ethics Board Docket No. 2008-984

Dear Mr. Wildes:

DRAFT

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for reconsideration of an advisory opinion issued on December 16, 2008 stating that the members of the City of New Orleans Ethics Review Board were not subject to the annual personal financial disclosure requirements under Section 1124.2.1 of the Code of Governmental Ethics. You stated that after the issuance of the December 16, 2008 advisory opinion, the City of New Orleans amended its Home Rule Charter to provide for the guaranteed funding of the Ethics Review Board. However, you stated that the Ethics Review Board still does not have the authority to expend, disburse or invest \$10,000 or more in funds. You stated that the Ethics Review Board still must first seek approval from the Chief Administrative Officer before any expenditure may be made. The CAO holds final authority on the expenditure of any funds.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not require the members of the City of New Orleans Ethics Review Board to file annual financial disclosure reports pursuant to Section 1124.2.1 of the Code. Section 1124.2.1 of the Code provides that each member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year shall file financial disclosure statements. Since the City of New Orleans Ethics Review Board does not have the authority to expend, disburse or invest \$10,000 or more in funds nor does it have the authority to make recommendations that must be followed on the expenditure, disbursement or investment of such funds, the City of New Orleans Ethics Review Board is not subject to the financial disclosure laws.

DRAFT

The Board issues no opinion as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

DRAFT

**2008-984**

Created By: Sylvia Scott on 12/16/2008 at 04:16 PM
Category: Ethics Advisory Opinions
Caption:

December 16, 2008

Mr. Kevin Wildes, S. J., Ph.D.
6363 St. Charles Avenue
Campus Box 9
New Orleans, Louisiana 70118-6143

Re: Ethics Board Docket No. 2008-984

Dear Mr. Wildes:

The Louisiana Board of Ethics, at its December 11, 2008 meeting, considered your request for an advisory opinion as to whether the members of the City of New Orleans Ethics Review Board are required to file annual financial disclosure statements pursuant to the Louisiana Code of Governmental Ethics. You stated that the City of New Orleans Ethics Review Board was not created by statute, but by Ordinance No. 9-402 of the Home Rule Charter of the City of New Orleans. The Ethics Review Board does not have the authority to expend, disburse or invest \$10,000 or more in funds, instead, the Ethics Review Board must first seek approval from the Chief Administrative Officer before any expenditure may be made. The CAO holds final authority on the expenditure of any funds.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not require the members of the City of New Orleans Ethics Review Board to file annual financial disclosure reports pursuant to Section 1124.2.1 of the Code. Section 1124.2.1 of the Code provides that each member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year shall file financial disclosure statements. Since the City of New Orleans Ethics Review Board does not have the authority to expend, disburse or invest \$10,000 or more in funds nor does it have the authority to make recommendations that must be followed on the expenditure, disbursement or investment of such funds, the City of New Orleans Ethics Review Board is not subject to the financial disclosure laws.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

200-407



**CITY OF NEW ORLEANS
ETHICS REVIEW BOARD**

525 St. Charles Avenue, New Orleans, LA 70130-3409, 504-681-3200

October 9, 2009

Kathleen Allen
Ethics Administrator
Louisiana Ethics Administration
P.O. Box 4368
Baton Rouge, LA 70821

2009 OCT 13 PM 4:13
RECEIVED
FINANCE
SECTION

Dear Ms. Allen,

I write to you in my capacity as Chair of the Ethics Review Board (ERB) for the City of New Orleans to request another advisory opinion concerning the interpretation of the financial disclosure requirements that may apply to the Members of the ERB pursuant to the Louisiana Code of Governmental Ethics, Section 1124.2.1. In that regard, as you may recall, at the behest of the ERB, the Board of Ethics issued an advisory opinion last year concerning the financial disclosure requirements applicable to the members of the ERB. *See*, Advisory Opinion dated December 16, 2008, Docket Number 2008-984.

Although the ERB is of the opinion that the original advisory opinion issued by the Board of Ethics is correct and remains legally sound, this request for another advisory opinion is submitted in an abundance of caution in order to provide the Board of Ethics additional information. After the Board of Ethics provided its original advisory opinion in this matter, an amendment to the City of New Orleans Home Rule Charter became effective on January 1, 2009 for the 2009 fiscal year. This amendment to the Home Rule Charter provides for the guaranteed funding of the ERB in terms of a percentage of the overall General Budget of the City of New Orleans.

In light of the foregoing change to the Home Rule Charter, the ERB would like to know whether the Board of Ethics' original opinion is still applicable and governs the financial disclosure requirements of the Members of the ERB? However, as outlined in further detail below, it is of critical importance to note that despite this amendment to the Home Rule Charter, nothing has changed since the Board of Ethics issued its original advisory opinion concerning the manner in which the ERB's budget is approved, or concerning the ERB's authority to expend, disburse or invest funds in excess of ten thousand dollars (\$10,000).

The ERB is funded, pursuant to Sec. 9-401 of the Home Rule Charter for the City of New Orleans, by the City of New Orleans and its budget is subject to the approval of the New Orleans City Council. The ERB still does not have the authority to expend, disburse, or invest ten thousand dollars (\$10,000) or more in funds. In order to expend funds within the ERB's



**CITY OF NEW ORLEANS
ETHICS REVIEW BOARD**

525 St. Charles Avenue, New Orleans, LA 70130-3409, 504-681-3200

approved budget, the Board must still submit requests and receive approval from the Chief Administrative Office, as was the case before the Home Rule Charter amendment.

Enclosed please find a copy of the original advisory opinion request, the Board of Ethics original opinion, and a copy of the Home Rule Charter referenced above.

Thank you in advance for your consideration of this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kevin Wm. Wildes". The signature is written in a cursive style with a long horizontal flourish at the end.

Kevin Wm. Wildes, S.J., Ph.D.
Chair, Ethics Review Board

General Item

Ethics Board Docket No. BD 2008-990

11/20/2009

RE:

Consideration of charges regarding a person making expenditures in connection with a proposition in the November 4, 2008 election and failing to file required campaign finance disclosure reports.

Relevant Statutory Provisions, Advisory Opinions:

18:1486

Comments:

The Board at its October 27, 2009 meeting filed charges against Cecilia Giannobile for failing to file required campaign finance disclosure reports. The report was filed and late fees have been assessed. (AMA)

Recommendations:

Dismiss charges.

General Item
Ethics Board Docket No. BD 2009-710
11/20/2009

RE: Consideration of a request for an advisory opinion regarding an employee of the Sabine River Authority entering into transactions with the Sabine River Authority.

Relevant Statutory Provisions, Advisory Opinions: 1113A

Comments:

FACTS:

Harold Temple is employed by the Sabine River Authority as the Shoreline Manager. His job duties include permitting activity on the "Buffer Zone" around the Toledo Bend Reservoir, including piers, boathouses and water withdrawals. The Buffer Zone is also called a leaseback since the Authority purchased the land for flooding, erosion, pollution protection and aesthetic value and leased the land back to the original landowner subject to certain rules and regulations by the Authority.

One of the activities offered to anyone who has access to the Reservoir or permission from a person that has such access is a small commercial water contract. The water contract allows the person with access to purchase raw lake water for 15 cents per 1000 gallons. The Shoreline department handles the water contracts and permits.

Mr. Temple owns land around the Toledo Bend Reservoir and intends to purchase raw lake water. In addition, Mr. Temple owns land he may develop in the future. In order to develop his land, he would need a dredging permit to put in a neighborhood launch, meet all the standard terms and conditions and have his drawings reviewed and approved by his direct supervisor.

LAW:

Section 1113A of the Code prohibits a public servant from bidding on or entering into a contract, subcontract or other transaction that is under the supervision or jurisdiction of his agency.

ANALYSIS:

Since Mr. Temple's water withdrawal from the Toledo Bend Reservoir would require him entering into a contract with his agency, the Shoreline Department, Mr. Temple is prohibited from entering into a water withdrawal contract with his agency. Further, Mr. Temple is prohibited from applying for a dredging permit as such application and approval involves his agency, the Shoreline Department. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Harold H. Temple
SRA of LA Shoreline Manager
15091 Texas Highway
Many, Louisiana

Re: Ethics Board Docket No. 2009-710

Dear Mr. Temple:

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion as to whether you may enter into a water withdrawal contract with the Sabine River Authority, Shoreline Department; and whether you may obtain a dredging permit from the Sabine River Authority ("Authority"), Shoreline Department. You states that you are employed by the Sabine River Authority as the Shoreline Manager. Your job duties include permitting activity on the "Buffer Zone" around the Toledo Bend Reservoir, including piers, boathouses and water withdrawals. The Buffer Zone is also called a leaseback since the Authority purchased the land for flooding, erosion, pollution protection and aesthetic value and leased the land back to the original landowner subject to certain rules and regulations by the Authority.

You stated that one of the activities offered to anyone who has access to the Toledo Bend Reservoir or has permission from a person that has such access is a small commercial water contract. The water contract allows the person with access to purchase raw lake water for 15 cents per 1000 gallons. You stated that the Shoreline Department handles the water contracts, as well as the permits.

You stated that you own land around the Toledo Bend Reservoir and intend to purchase raw lake water. In addition, you own land that you may develop in the future. In order to develop your land, you stated that you would need a dredging permit to put in a neighborhood launch, meet all the standard terms and conditions and have your drawings reviewed and approved by your direct supervisor.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you from entering into a water withdrawal contract as well as submitting an application for and obtaining a dredging permit from the Sabine River Authority Shoreline Department while you are employed as the Shoreline Department Manager. Section 1113A of the Code prohibits a public servant from bidding on or entering into any contract, subcontract or other transaction that is under the supervision or jurisdiction

Mr. Harold H. Temple

Date

Ethics Board Docket No. 2009-710

Page 2

of his agency. Since the water withdrawal contract and the dredging permit are under the supervision and jurisdiction of the Shoreline Department, you are prohibited from entering into the water withdrawal contract and obtaining a dredging permit while you are employed as the manager of the Shoreline Department.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board



Sabine River Authority

8-12-2009

To: Tracy K. Meyer,
LA Bd. Of Ethics
PO Box 4368
Baton Rouge, LA 70821



BOBBY JINDAL
GOVERNOR

From: Harold H. Temple
SRA of LA Shoreline Mgr
15091 Texas Hwy
Many, LA 71449

RE-Et. Bd. Docket No.-2009-710

Ms. Meyer,

Any one who has access or permission from same qualifies for said policies and will not be denied. This request is over kill on "The Directors" part as I understand due to the possible large potential profits should I spend considerable monies to install a water depot to offer drilling companies for frac.water in the Haynesville Shale. I happen to have purchased many years ago a rare location on the lake and the Converse crossroads at the current southern point of drilling activity.

My direct supervisor issues those water sales contracts to anyone who qualifies but I am close enough to the picture to see competition is fierce and I may or may not go forward with those plans due to risk factors.

As far as developing issue I would need a dredging permit to put in a neighborhood launch, meet all standard terms and conditions and have drawing and final reviewed and approved by my direct supervisor Carl Chance. Many employees and Board members live on the lake and are allowed to permit such items. (see attached L/B contract)

The "Authority has no connection with minerals; I just included them since I am the mineral owner in perpetuity in several areas under the lake.

Sorry if this all seems unnecessary but it was suggested by my Director.
I have included various related attachments for review.
If you have any questions feel free to contact me.

Harold H. Temple

A handwritten signature in black ink, appearing to be 'HT' or similar initials.

SRA of LA Shoreline Mgr.

2009 AUG 13 PM 1:36

RECEIVED
FINANCE
SECTION

SABINE RIVER AUTHORITY
STATE OF LOUISIANA
15091 TEXAS HWY.
MANY, LA 71449-5718
(318) 256-4112

PRIVATE USE PERMIT APPLICATION

APPLICATION NO. _____
PAID/CHECK # _____
RECEIPT # _____

1. Applicant _____ Home Phone: _____
Mailing _____ Daytime Phone: _____
Address _____ Other Phone: _____

2. (a) Physical Address (if none) legal description of lakeside property: _____
_____ Section _____ Township _____ Range _____

(b) Name of Subdivision _____ Blk _____ Lot No. _____

3. (a) Check one: Applicant _____ owns, or _____ leases the land referred to in item 2

(b) Is leaseback area included in deed or lease: _____ yes _____ no

4. Type of structure/s to be placed on leaseback property : _____

Attach a dated and signed site drawing of the shoreline and property lines showing the placement and dimensions of proposed structure or structures.

5. Attach a copy of your deed including leaseback assignment, and/or lease agreement.

*** Applications will not be accepted unless the items listed in 4 and 5 above are included with application.**
Applicant agrees to abide by the rules and regulations of the Sabine River Authority, as well as State, Parish, and Federal laws that are applicable to the Toledo Bend area.

The following applicable fees are payable to the SRA of LA.:

An inspection fee of \$ 35.00 for each permit application (All permits remain pending until all required documents are provided, the project is completed, and a final inspection has been requested and approved. Permits may remain pending for 18 months before expiration. Existing structures, transfers, and current projects may be included in one permit. At the end of the pending period, a final inspection will be performed and the permit closed, providing that all documents are provided and the completed improvements pass final inspection. Fees on all private structures and shoreline improvements are payable one time upon application for said permit; and shall be valid so long as said structure meets reasonable requirements of structural soundness, endurance, and appearance. **Additional private use permit information is available by request from the Shoreline Department.**

A Permit transfer fee of \$ 35.00 is required for ownership changes.

Water withdrawal - an annual fee of \$ 50.00 (no tax) to mechanically remove or pump un-metered lake water.

The Authority does not take responsibility for protecting the applicant's property nor guarantee that said property will not be used by other persons in the absence of applicant. It being expressly intended that the Authority assumes no responsibility for the conduct of activities herein permitted which shall be at the sole risk of the applicant. Applicant agrees that in the event any lawsuit or claim is filed, for any reason, naming the SRA, arising out of the issuance of this permit, that Permittee agrees to hold harmless, defend, and indemnify the SRA.

I certify that the above information is true and correct to the best of my knowledge.

Signature of Applicant Date _____

KEEP THIS INFORMATION FOR YOUR RECORDS, DO NOT RETURN!
Private Use Permit
Information

The Toledo Bend Joint Project, Sabine River Authority of Texas, and Sabine River Authority of Louisiana owns and regulates respective portions of Toledo Bend Reservoir as well as a "Buffer Zone" known as "Leaseback", around the Reservoir, which was (in LA), leased back to the original owners for a period of 99 years. This interest must be assigned to the current adjacent landowner to exercise the exclusive rights stated therein.

Although habitable structures and or sewage facilities are prohibited on or below Leaseback; structures such as storage buildings (with windows for inspection), piers, boathouses, decks, outdoor pavilions, seawalls, boat launches, and private water withdrawal systems are permitted only with the express consent and supervision of the Shoreline Department.

In an effort to distribute the use of the Reservoir with regard to the public interest, an individuals contractual L/B Rights, and neighborhood concerns, it is the policy of the Authority to limit an individuals designates area below the 172 MSL contour to:

1. A maximum of 1/3 of a cove (note-smaller coves boat lanes may require in excess Of 1/3 for boat traffic)
2. A minimum of 100 L/F form a buoyed boat lane
3. Not to exceed 300 L/F (if area is available)
4. Not to exceed 160 MSL lake bottom elevation on structure which extend more than 50 L/F from the 172 MSL contour

In the instance of a natural depth year around access (160 MSL) channel, the primary goal of 1/3 of a cove may or may not be adjusted on a case-by-case basis. Priority will be given to the public issue vs. feasibility of dredging and the need for individual access.

Should an issue arise in regard to an existing structure being beyond the 1/3 rule, a review of the permit file data will be performed to determine the future of said structure. Structures and activities, which extend laterally into an adjacent area, may only remain with a written release from said areas leaseback assignee. The 1/3 rule and boat lane safety issues cannot be optioned off.

It is the Shoreline Managers policy to design and present permit applicants, upon request, with a drawing describing subject area below 172 MSL. Applicants must draw in structures with dimensions, depth at a specific date (or convert to lake bottom MSL), sign drawing and return with applicable permit fees (\$35 for structures and dredges etc.), application and deed or lease which includes an assignment of Leaseback Rights.

Each set of activities requires a permit which remains pending up to 18 months or until completion, notification, final inspection and approval by the Shoreline Department. Pending projects may be modified by submitting a signed revised drawing for review and

approval. Permit approval is permanent to the current owner as long as they are of sound structure or ownership changes.

A permit plat will be issued for each site and/or water withdrawal. **These plates must be displayed.** Damaged or lost plates will be replaced at no charge.

A water withdrawal permit is required to mechanically withdraw untreated water from Toledo Bend Reservoir. Private use water withdrawal permits are payable one year in advance. The fee is \$50 with no applicable tax, per household and approximately one acre irrigated area, and will be billed annually on the first of the month of the one-year expiration.

Permits remain in effect and annual renewal payments are due until such time as you chose to advise the Authority in writing or by acknowledging in the space provided on your renewal statement which states that you do not wish to renew said permit and you **HAVE REMOVED** your pump and surface lines.

An inspection will be made, normally within two weeks, to confirm that pump and surface lines are removed and your responsibility ceases. Should facilities be locked or otherwise inaccessible, please communicate with the Shoreline Department. Until said written request and inspection is completed, a contract is still in effect!

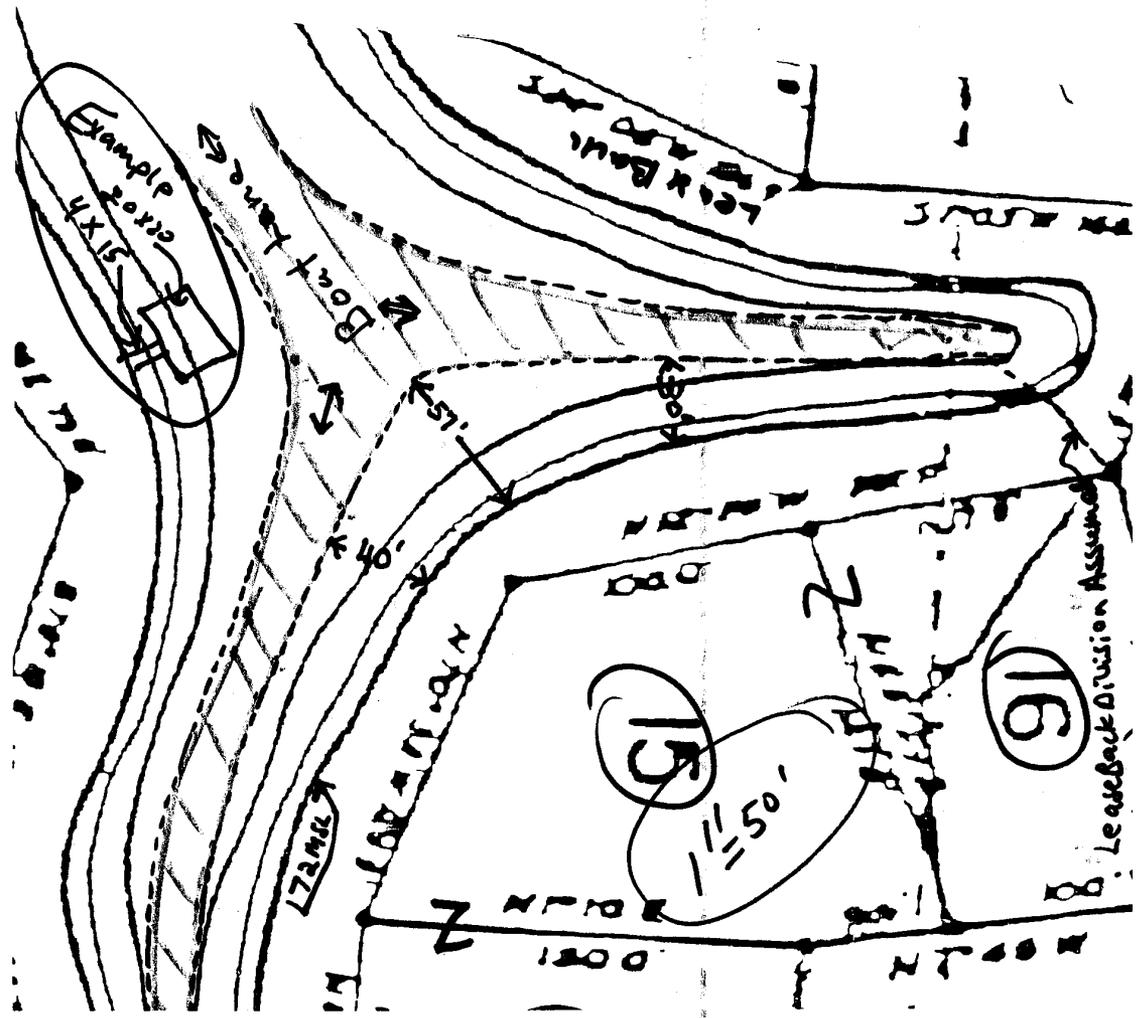
Should you sell your property, it is your responsibility to notify the Authority of the new owners name and address, to advise him of his obligation to transfer all applicable permits, or to remove the system yourself and advise the Authority you wish to cancel your permit and you have removed your pump and surface lines, and request an inspection.

SRA Headquarters is located a 15091 Texas Highway Many, LA 71449
Hwy. 6 @ Pendleton Bridge.
Phone-318-256-4112 Fax-317-256-4179
Harold H. Temple-Shoreline Manager

HB div. not shown
on old Plat - see disclaimer

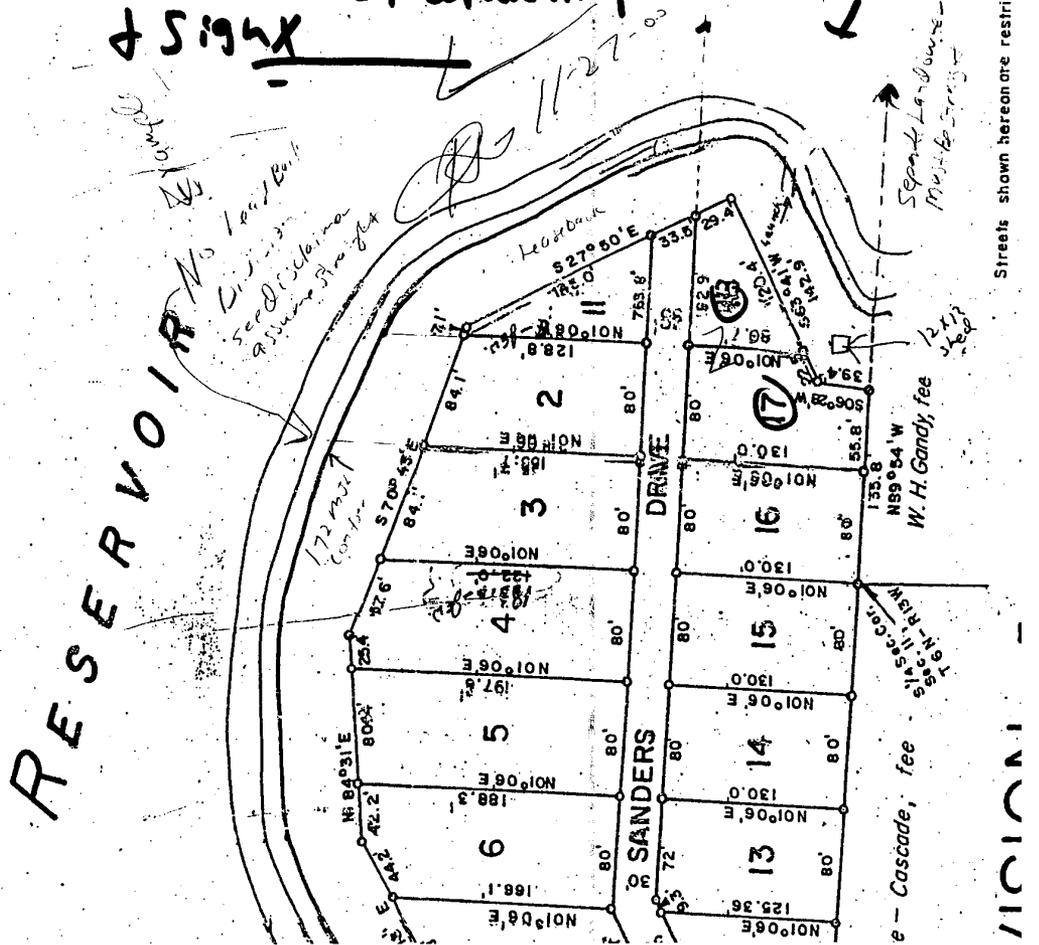
EX 91424

Draw in structures & sign Kevin W. Champagne
owner



Example. J Leyoran area
Based on their tie along the
Take line and what is available
in the Lake!

Owner must draw in proposed structure
& sign



LEASEBACK DISCLAIMER TO ACCOMPANY PERMITS

PERMITTEE has heretofore submitted a general plan with a request for a permit to construct, operate and maintain certain facilities for their private use on land/water owned by the **AUHTORITY**, some of which may be leaseback land assigned to **PERMITTEE** by the original lessee or by a pervious lessee, which plans and details have been reviewed, approved, and relied upon by the **AUTHORITY** as a moving cause in its execution of this permit.

The **AUTHORITY** assumes **NO** responsibility for the delineation, designation, location, or description of the leaseback adjacent and contiguous to the **PERMITTEE'S** private property and makes no warranty, expressed or implied, as to its suitability for the proposed use. **PERMITTEE** agrees and stipulates that the use and any future reassignment of the "UNDEFINED" leaseback adjacent and contiguous to **PERMITTEE'S** private property shall be at **PERMITTEE'S** sole risk. **PERMITTEE** hereby agrees to indemnify and hold the **AUTHORITY** harmless from any and all claims for damages to persons, including loss of life or illness, or for damage to property arising out of or in any way connected with the use of the undefined leaseback adjacent to the Toledo Bend Reservoir by **PERMITTEE**, their guests, invites or anyone using **PERMITTEE'S** facilities and does expressly agree to defend any suit of any nature brought against the **AUTHORITY** and pay any judgment which may result from said suit as it relates to this permit. **PERMITTEE** further agrees to indemnify and hold the **AUTHORITY** harmless from the claims of any and all parties arising out of any accident, injury or cause of action or event occurring or arising in connection with the design, installation, maintenance or use of their facilities and does expressly agree to defend any suit of any nature brought against the **AUTHORITY** and pay any judgment which may result from said suit as it relates to this permit. Should the adjacent and contiguous leaseback be delineated, designated, located and/or described in the future in such a manner that **PERMITTEE'S** facilities are found not to be on their leaseback, **PERMITTEE** shall, at their sole expense remove the facilities from leaseback delineated, designated, located and /or described as not being rightfully assigned to **PERMITTEE**.

Should any individual or group of individuals request a permit to construct certain improvements in an area of leaseback previously designated for use by **MEMBERS** of a neighborhood launch group, or designees in an approved adjacent subdivision, when there is no designated individual, association, corporation, or other entity in existence to receive said permit, the **AUTHORITY** will issue such permit to the applicant who demonstrates they are members of the group so designated. The **AUTHORITY** establishes no covenant, warranty or other obligation to **PERMITTEE** when issuing a permit under these conditions.

It is understood and agreed by **PERMITTEE** hereto that the Toledo Bend Dam and Reservoir Project is a multiple purpose water conservation project, the operation of which will result in considerable fluctuation of the Reservoir. The **AUTHORITY** has heretofore executed and entered into contracts and agreements relating to the operation of the Project which will require substantial drawdown of the Reservoir.

PERMITTEE is advised, and acknowledges by execution hereof, that they undertake the installation and operation of the facilities to serve their sole need at their sole risk. The **AUTHORITY** makes no guarantee as to the water elevation at which the proposed facilities will remain usable to meet the intentions of the permit and it is understood, stipulated and agreed that the **AUTHORITY** shall have no liability to **PERMITTEE** or any assignee of **PERMITTEE** as a result of a lowering of the water level of the Toledo Bend Reservoir to a level such that **PERMITTEE'S** facilities become unusable.

PERMITTEE agrees to abide by the rules, regulations and resolutions of the **AUTHORITY**, and the **AUTHORITY** is hereby given the option of canceling and terminating this permit and all rights and obligations set forth herein should **PERMITTEE** fail to abide by such rules, regulations and resolutions. It is expressly understood that there shall be no sewage facilities or habitable structures of any kind located on any leaseback area.

I have read, understand and agree to the conditions of this disclaimer,

PERMITTEE

DATE

REQUIREMENTS OF CUSTOMER:

1. SUBMIT A DATED, WRITTEN REQUEST FOR A WATER SALES CONTRACT INCLUDING THE FOLLOWING INFORMATION:
 - A. PROVIDE A DESIRED QUANTITY (GALLONS PER MINUTE, ACRE FEET PER DAY, GALLONS PER MONTH, ACRE FEET PER MONTH, ETC.).
 - B. PROVIDE THE LOCATION OF THE DIVERSION FACILITY (SECTION, TOWNSHIP, AND RANGE, COORDINATES, LATITUDE AND LONGITUDE, BETWEEN TAKELINE POINTS NUMBER ____ AND ____, ETC.).
2. PROVIDE A COPY OF AUTHORIZATION FROM ANY AFFECTED ADJACENT PRIVATE PROPERTY OWNER AND/OR LESSEE, TO USE THE ADJACENT PRIVATELY OWNED PROPERTY AND/OR THE LEASEBACK FOR DIVERSION FACILITY, PIPELINE, ETC.

*Small commercial W20
meat 1 & 2 & approved!*

EXAMPLE OF HOW THE CONTRACT SHOULD WORK

Assume a contract effective date of May 23 and that the first \$25.00 administrative charge for the period from May 23 through June 22 has been received. The total amount of *water* taken from May 23 through June 22 shall be reported to the Authority on the attached sheet and will be used to compute the charges for the *water* withdrawn. The Authority shall submit an invoice to the customer for this amount (plus tax if applicable).

If the customer has not completed the project requiring the *water* and wants to extend the contract for another period, he must pay another \$25.00 administrative fee at the time he pays for the *water* withdrawn during the previous period.

This sequence can be followed for a total of eleven (11) renewals which will then total one year. If the contract needs to be continued beyond the one year, another contract must be executed.

If no *water* is taken during a period, no charge for *water* withdrawn would be due; the only payment due would be another advance administrative charge if the contract is to be extended.

SHORT TERM *WATER* SALES CONTRACT

TOLEDO BEND RESERVOIR AND SABINE RIVER

WHEREAS, _____, whose mailing address is _____, hereinafter referred to as **CUSTOMER**, desires to purchase raw, untreated water, herein referred to as *water*, from the SABINE RIVER AUTHORITY, STATE OF LOUISIANA, a governmental agency of the State of Louisiana, acting by and through its duly authorized undersigned officer, hereinafter referred to as **AUTHORITY**, such *water* to be diverted from the Toledo Bend Reservoir or the Sabine River below the Toledo Bend Reservoir;

WHEREAS, **CUSTOMER** desires to purchase such *water* for the purpose(s) of _____;

WHEREAS, **AUTHORITY** has agreed to sell *water* to **CUSTOMER** for the proposed use for the consideration and upon the conditions hereinafter set forth.

NOW, THEREFORE, in consideration of mutual promises, covenants, and considerations set forth herein, the parties do agree as follows:

WITNESSETH

I

CUSTOMER agrees and promises to pay to **AUTHORITY** in advance, an administrative charge of Twenty-Five and No/100 (\$25.00) Dollars per billing period which shall entitle **CUSTOMER** to withdraw and use up to _____ per _____ of *water* from the Toledo Bend Reservoir or the Sabine River below the Toledo Bend Reservoir during the contract term with the diversion facility to be located _____ in accordance with the attached request.

All *water* withdrawn and used during the contract term shall be paid for at the rate of fifteen cents (\$0.15) per 1,000 gallons. It is recognized by **CUSTOMER** that the rate stated herein is the rate in effect as of the date of this contract and is subject to revision by **AUTHORITY**. Should the rate be revised by **AUTHORITY**, new rates will not be utilized until this existing contract or any renewal term expires and a new contract is entered into by the two parties.

11

report shall be used to determine the amount of *water* to be paid for by **CUSTOMER**. **CUSTOMER** will be invoiced for *water* used and shall submit payment within fifteen (15) days from the date of the invoice. All *water* withdrawals shall be measured by a meter complying with current American Water Works Association standards. **AUTHORITY** shall be notified and given the opportunity to inspect **CUSTOMER'S** operation for the purpose of contract compliance.

III

It is understood and agreed that failure to pay such sums of money as are provided for herein shall be sufficient reason for the cancellation of this contract by **AUTHORITY** without prejudice to any other remedy available to **AUTHORITY**.

IV

This contract shall take effect as of the date of execution hereof and shall extend for a billing period of approximately thirty (30) days unless sooner terminated by either of the parties hereto or as provided for herein. It may, subject to **AUTHORITY** approval, which approval shall not be unreasonably withheld, be renewed for an additional period of approximately thirty (30) days, up to a maximum of eleven times, by the payment of an additional \$25.00 advance administrative charge along with payment for the *water* withdrawn during the previous billing period.

V

It is understood and agreed by the parties hereto that the Toledo Bend Dam and Reservoir Project is a multiple purpose *water* conservation project, the operation of which will result in considerable fluctuation of the *water* levels of the Toledo Bend Reservoir and the Sabine River below the Toledo Bend Reservoir. **CUSTOMER** is advised and acknowledges such by execution hereof that the installation of any diversion facility to provide for withdrawal of *water* as contemplated by this contract is at its sole risk. **AUTHORITY** makes no guarantee as to the elevation at which *water* can be diverted from the Toledo Bend Reservoir or the Sabine River below the Toledo Bend Reservoir to meet the commitments of this contract; and it is understood, stipulated and agreed that **AUTHORITY** shall have no liability to **CUSTOMER** as the result of lowering of the *water* level of the Toledo Bend Reservoir or the Sabine River below the Toledo Bend Reservoir to a level below that of any intake structure to be installed by **CUSTOMER** with resultant failure of water supply.

VI

AUTHORITY assumes no responsibility for the purity or palatability of the *water* provided and makes no warranty, expressed or implied, as to its suitability for use as contemplated by this contract. **CUSTOMER** agrees and stipulates that the use of said *water* shall be at the sole risk of **CUSTOMER** and in connection therewith **CUSTOMER** hereby agrees to indemnify and hold

use of said *water*. **CUSTOMER** further agrees to indemnify and hold **AUTHORITY** harmless from the claims of any and all parties arising out of any accident, injury or cause of action or event occurring or arising in connection with **CUSTOMER'S** installation, maintenance, or use of any diversion facility hereunder, or **CUSTOMER'S** withdrawal and use of said *water*.

VII

CUSTOMER agrees to abide by all the properly promulgated rules, regulations and resolutions of **AUTHORITY** now in force or hereinafter passed, and **AUTHORITY** is hereby given the option of canceling and termination this contract and all rights and obligations set forth herein should **CUSTOMER** fail to abide by such rules, regulations and resolutions of **AUTHORITY**; provided, however, **AUTHORITY** shall give **CUSTOMER** written notice of any such violation and fifteen (15) days in which to correct such violation, in which event, should said violation not be corrected, **AUTHORITY**, without further notice, may immediately cancel this contract.

VIII

CUSTOMER agrees to take all reasonable precautions to prevent pollution and contamination of the Toledo Bend Reservoir and the Sabine River below the Toledo Bend Reservoir as a result of its operation. It is expressly understood and agreed that all rules and regulations of the Louisiana Department of Health and Human Resources or any other agency with appropriate jurisdiction shall be complied with as the same may pertain to the contemplated use of the *water* or any disposal facilities appurtenant thereto. **CUSTOMER** hereby agrees that it shall take all reasonable steps to not suffer or permit its employees, agents or contractors to conduct any operation in violation of the rules and regulations of the Sabine River Authority, State of Louisiana or any other agency with appropriate jurisdiction.

CUSTOMER is hereby advised to familiarize himself with the State of Louisiana regulations relative to transportation of noxious aquatic plants from one body of *water* to another and **CUSTOMER** does hereby agree that it will comply with such regulations. Transportation of plant material may possibly occur as the result of relocating the diversion facility and pumping equipment from one location to another or from one *water* body to another or by the withdrawal of *water* from one *water* body and discharging into a different *water* body.

Notwithstanding any provision herein above set forth, failure by **CUSTOMER** to comply with the terms of this section shall, at the option of **AUTHORITY**, terminate this contract and the

IX

This contract is entered into by the parties hereto, subject to the provisions of the applicable federal, state and local laws presently in force or any amendments thereto, and nothing contained herein shall be construed as exempting **CUSTOMER** from obtaining and complying with any permits, licenses or laws applicable to the installation and operation of the *water* withdrawal herein contemplated or the use and disposal of such *water*.

X

AUTHORITY will execute such permits or other legal instruments as may be necessary to permit the installation by **CUSTOMER** of a diversion structure and intake facilities on the Toledo Bend Reservoir or the Sabine River below the Toledo Bend Reservoir at the requested location, in the manner and in accordance with plans and/or specifications which may be submitted, provided there is no conflict with any policies, rules and regulations of the **AUTHORITY**, to all of which express reference is made. It is agreed that only one such point of diversion and intake structure shall be located by **CUSTOMER** on the Toledo Bend Reservoir or the Sabine River below the Toledo Bend Reservoir under the terms and provisions of this contract. In the event any other diversion location is required to conveniently meet the needs of **CUSTOMER**, another contract shall be required between the parties. **CUSTOMER** shall be responsible for securing authorization, easements, right-of-ways, or permission of private land owners and/or lessees to obtain access to the *water* at the point of diversion.

IN TESTIMONY WHEREOF, the parties hereto have executed the foregoing on the _____ day of _____, 20____.

CUSTOMER:

SABINE RIVER AUTHORITY,
STATE OF LOUISIANA

BY: _____

JAMES W. PRATT
EXECUTIVE DIRECTOR

TITLE: _____

ATTEST:

ATTEST:

SABINE RIVER AUTHORITY
STATE OF LOUISIANA

15091 TEXAS HIGHWAY, MANY, LA 71449

DATE

CUSTOMER: _____

ADDRESS: _____

Billing for *water* withdrawn from _____, 20__ to _____, 20__.

Total withdrawal during the period: _____ 1000 gallons

At a price of fifteen cents (\$0.15) per 1000 gallons, the amount to be paid for *water* withdrawn is:

\$ _____

Plus tax at the rate of _____%: \$ _____

Equals the **GRAND TOTAL DUE**: \$ _____

**SHOULD YOU DESIRE TO RENEW YOUR CONTRACT FOR ANOTHER MONTH,
PLEASE SUBMIT THE ADVANCE ADMINISTRATIVE CHARGE OF \$25.00 WITH
YOUR PAYMENT.**

2009-710
7/20/09
Sabine River AuthorityBOBBY JINDAL
GOVERNOR

To: LA Board of Ethics
P O. Box 4368
Baton Rouge, LA 70821

6-17-2009

From: Harold H Temple
Shoreline Manager, SRA of LA
15091 Texas Hwy
Many, LA 71449

Subject: Confirmation Routine Business not Ethics Issue.

Dear Sir,

I am employed by the SRA of LA in the role of permitting activity on the buffer zone around the Reservoir. This zone is called leaseback owned for the simple fact that the Authority purchased said tracts for flooding, erosion, pollution protection and aesthetic value but leased it back to the original landowner to use but subject to rules and regulations.

I don't make the rules just permit those activities (piers, boathouses and water withdrawals etc.) authorized by said rules under a supervisor. Any activity which is not appropriate is forwarded up the ladder for review or action.

One activity which is offered to anyone is a small commercial water contract. In short any party with access to the reservoir or has permission of he who has access, may purchase raw lake water for 15 cents per 1000 gallons to do with as he chooses. I am planning to purchase water in the future. I was instructed by Jim Pratt, SRA Exec. Dir., to request an opinion regarding buying water and while at it ask about a development I have been involved in for over a year.

I own property on the lake and plan to exercise my rights as would any party. SRA employees and board members have historically been allowed to exercise their contractual rights and I intend to be treated equally. I also am a partner in a water front subdivision adjacent to the reservoir. I accepted an offer to sell my interest, however this has not been completed to date. I also own minerals under the lake and plan to sell to the first buyer.

Should there be any ethics reason why I should not be allowed my contractual rights concerning these three issues please advice.

Respectfully,

A handwritten signature in dark ink, appearing to read "H. Temple".

Harold H. Temple

THE STATE OF LOUISIANA,

PARISH OF _____

Example

This lease between SABINE RIVER AUTHORITY, STATE OF LOUISIANA, hereafter called AUTHORITY, and _____

_____, (naming status and address of Lessee) hereafter called LESSEE, witnesseth:

WHEREAS, AUTHORITY, in cooperation with the SABINE RIVER AUTHORITY OF TEXAS, is in the process of building a hydroelectric and water conservation project on the Sabine River, generally known as the Toledo Bend Project;

WHEREAS, AUTHORITY has purchased property from LESSEE situated in the Parish of _____, which will form part of the reservoir of such project and will be subject to overflow in the rise and fall of the said reservoir, the said property being described as follows, to-wit:

All that land lying between the 172 and 175 foot contour levels and/or at least a 50 foot distance horizontally and/or laterally back or landward from the 172 foot contour, in the

NOW, THEREFORE, for the consideration hereinafter shown, AUTHORITY has leased and by these presents does hereby lease, let and hire said above described property unto LESSEE.

This lease shall be for a term of ninety-nine (99) years, unless terminated sooner by mutual consent of the parties hereto, and except as hereinafter provided.

The consideration shall be the sum of _____ (\$ _____ Dollars, (being a maximum of 75% of the original purchase price paid by AUTHORITY for the acreage herein leased), cash in hand paid by LESSEE, the receipt of which is hereby acknowledged by AUTHORITY and full discharge and acquittance granted therefor.

The parties hereto agree that in executing this lease, AUTHORITY in no wise surrenders any right in the property herein leased necessary to the construction, operation, maintenance or financing of said project, or directly or indirectly connected therewith. It does not invest in LESSEE any right or privilege inconsistent with such rights.

The LESSEE, his heirs and assigns shall have the right to remain in possession for the ninety-nine (99) year period of the lease solely for the following exclusive specific purposes, to-wit:

- (a) To construct and to own docks and wharves for boating, fishing and swimming and boat houses and related installations on the shore line for the use of LESSEE;
- (b) To dredge out small harbors and inlets and slips for boats and to connect these to the lake, but only with the express consent of the AUTHORITY and under the AUTHORITY'S supervision;
- (c) To enjoy the exclusive use of the whole area to grow and to cultivate and to cut and to remove timber and agricultural crops, including the grazing of animals, subject to the conditions hereafter provided;
- (d) To construct and to maintain upon the leased property roads and paths to the water front to insure full and free ingress and egress there. The right of said ingress and egress being specifically granted herein.

It is expressly agreed by and between AUTHORITY and LESSEE that LESSEE assumes full responsibility for injuries to third parties and damages to their property which may be occasioned by LESSEE'S construction, maintenance or use of said hereinabove described property, and shall hold the AUTHORITY harmless for any such injuries and/or damages.

The rights and privileges of LESSEE as above stated are granted with full recognition that the exercise of any right or privilege by LESSEE must be in conformity with the safety, sanitary and zoning requirements prescribed or to be prescribed hereafter by the AUTHORITY, or by State or Parish Laws.

LESSEE expressly recognizes that the property in whole or in part is to be at all times subject to flooding as a part of the reservoir, and LESSEE expressly assumes the risk of any damage resulting from such flooding, and agrees to hold the AUTHORITY harmless therefor.

LESSEE also expressly agrees that the AUTHORITY shall have the right at any time to occupy and to exclusively possess such parts and portions of the area leased as may be required for the carrying out and completion of the construction program. After completion of construction, and where required by the AUTHORITY, parts and portions of the area leased may be occupied and exclusively possessed by the AUTHORITY for additional construction purposes, for the maintenance, operation and financing of the project. Written notice shall be given to the LESSEE at the address shown herein, at least ninety days prior to the exercise of any such right, and in the meantime the LESSEE shall be entitled to cut and to remove timber, harvest crops and generally to do any and all things to minimize his damages. This right of exclusive possession and/or repossession of parts and portions of the area leased herein shall be for rights-of-way and relocations and for buildings, installations and structures when needed for or related to the construction, maintenance, operation and financing of the project. These specific purposes are illustrative and are not exclusive. LESSEE agrees that except as to the rights expressly granted herein, all other rights are reserved to the AUTHORITY.

Where the right of repossession of any part of the leased property is exercised by the AUTHORITY a proportionate amount of rental paid by LESS shall be immediately refunded, including reimbursement for the reasonable value of authorized improvements placed thereon by LESSEE.

The parties hereto recognize that in the public interest, the lake must be fully protected against contamination of any kind, and against hazardous and unsafe installations or constructions contrary to building, safety and sanitary requirements now existing or to be hereafter adopted by the AUTHORITY.

The AUTHORITY is denied the right to sell or to lease to third parties all or any part of the property leased herein for any purpose and guarantee. LESSEE, his heirs and assigns that except as to the power of AUTHORITY to repossess parts and portions of this property for the purposes stated above, the AUTHORITY will make no use of the property which will interfere in any way with the specific rights and privileges granted to LESSEE herein.

It is agreed by the parties hereto that the general public is to have the right of ingress and egress to and from the water front over the leased area and that LESSEE shall erect no fences within fifty (50) lateral feet of the mean contour level. The right of the general public to ingress and egress does not include the right to utilize the authorized private structures and facilities placed thereon by LESSEE.

If hereafter it is ascertained by the AUTHORITY that other rights can be invested in the LESSEE, his heirs and assigns, such rights shall be granted for no additional consideration.

LESSEE shall not have the right to make any commercial use of said property without the written consent of AUTHORITY.

With respect to all matters where this lease is silent, the laws of the State of Louisiana and ordinances of the appropriate Parish or Municipal shall apply.

LESSEE shall comply with all regulations regarding safety, sanitation and zoning now existing or hereafter adopted by AUTHORITY, or by State or Parish ordinance. The failure to do so and/or the failure to comply with any other condition hereof shall constitute grounds for the dissolution of this lease upon the continued failure to comply after sixty (60) days written notice by AUTHORITY to LESSEE at the address shown above.

THUS DONE, READ AND SIGNED by the AUTHORITY at _____, Louisiana, on this _____ day of _____, 196____, in the presence of the undersigned competent witnesses.

WITNESSES:

SABINE RIVER AUTHORITY,
STATE OF LOUISIANA

BY _____

THUS DONE, READ AND SIGNED by _____

at _____, Louisiana, on this _____ day of _____, 196____.

In the presence of the undersigned competent witnesses:

WITNESSES:

LESSEE

Example

LEASE

TO

SABINE RIVER AUTHORITY,
STATE OF LOUISIANA

From

APPROVED AS TO: Contents _____
Execution _____
Recording _____

RETURN TO:

SABINE RIVER AUTHORITY
STATE OF LOUISIANA
c/o TOLEDO BEND PROJECT
JOINT OPERATION
P. O. Box 428

Sabine River Authority
 State of Louisiana
 5091 Texas Hwy.
 Many, LA 71449-5718
 (318) 256-4112

PRIVATE USE PERMIT APPLICATION

APPLICATION NO. _____
PAID/CHECK # _____
RECEIPT # _____

Applicant _____ Home Phone: _____

Mailing _____ Daytime Phone: _____

Address _____ Other Phone: _____

2. (a) Physical Address (if none) legal description of lakeside property: _____

Section _____ Township _____ Range _____

(b) Name of Subdivision _____ Blk _____ Lot No. _____

3. (a) Check one: Applicant _____ owns, or _____ leases the land referred to in item 2

(b) Is leaseback area included in deed or lease: _____ yes _____ no

4. Type of structure/s to be placed on leaseback property: _____

Attach a **dated and signed site drawing** of the shoreline and property lines showing the placement and dimensions of proposed structure or structures.

5. Attach a copy of your **deed** including leaseback assignment, and/or lease agreement.

*** Applications will not be accepted unless the items listed in 4 and 5 above are included with application.**

Applicant agrees to abide by the rules and regulations of the Sabine River Authority, as well as State, Parish, and federal laws that are applicable to the Toledo Bend area.

The following applicable fees are payable to the **SRA of LA.**:

An inspection **fee of \$ 35.00 for each permit application** (All permits remain pending until all required documents are provided, the project is completed, and a final inspection has been requested and approved. Permits may remain pending for 18 months before expiration. Existing structures, transfers, and current projects may be included in one permit. At the end of the pending period, a final inspection will be performed and the permit closed, providing that all documents are provided and the completed improvements pass final inspection. Fees on all private structures and shoreline improvements are payable one time upon application for said permit; and shall be valid so long as said structure meets reasonable requirements of structural soundness, endurance, and appearance. **Additional private use permit information is available by request from the Shoreline Department.**

A **Permit transfer fee** of \$ 35.00 is required for ownership changes.

Water withdrawal - an annual fee of \$ 50.00 (no tax) to mechanically remove or pump un-metered lake water.

The Authority does not take responsibility for protecting the applicant's property nor guarantee that said property will not be used by other persons in the absence of applicant. It being expressly intended that the Authority assumes no responsibility for the conduct of activities herein permitted which shall be at the sole risk of the applicant. Applicant further agrees that all of the above provisions shall be made a part of the permit issued on the basis of this application and agrees to all terms and conditions as set forth in this application, under penalty of revocation, and liability for expenses incurred for non-compliance.

I certify that the above information is true and correct to the best of my knowledge.

Signature of Applicant Date _____

Final Inspection and Permit Approved

By: _____
Date _____

Title: _____

THE STATE OF LOUISIANA,

PARISH OF _____

Example

This lease between SABINE RIVER AUTHORITY, STATE OF LOUISIANA, hereafter called AUTHORITY, and _____

_____ (naming status and address of Lessee) hereafter called LESSEE, witnesseth:

WHEREAS, AUTHORITY, in cooperation with the SABINE RIVER AUTHORITY OF TEXAS, is in the process of building a hydroelectric and water conservation project on the Sabine River, generally known as the Toledo Bend Project;

WHEREAS, AUTHORITY has purchased property from LESSEE situated in the Parish of _____, which will form part of the reservoir of such project and will be subject to overflow in the rise and fall of the said reservoir, the said property being described as follows, to-wit:

All that land lying between the 172 and 175 foot contour levels and/or at least a 50 foot distance horizontally and/or laterally back or landward from the 172 foot contour, in the

NOW, THEREFORE, for the consideration hereinafter shown, AUTHORITY has leased and by these presents does hereby lease, let and hire said above described property unto LESSEE.

This lease shall be for a term of ninety-nine (99) years, unless terminated sooner by mutual consent of the parties hereto, and except as hereinafter provided.

The consideration shall be the sum of _____ (\$ _____) Dollars, (being a maximum of 75% of the original purchase price paid by AUTHORITY for the acreage herein leased), cash in hand paid by LESSEE, the receipt of which is hereby acknowledged by AUTHORITY and full discharge and acquittance granted therefor.

The parties hereto agree that in executing this lease, AUTHORITY in no wise surrenders any right in the property herein leased necessary to the construction, operation, maintenance or financing of said project, or directly or indirectly connected therewith. It does not invest in LESSEE any right or privilege inconsistent with such rights.

The LESSEE, his heirs and assigns shall have the right to remain in possession for the ninety-nine (99) year period of the lease solely for the following exclusive specific purposes, to-wit:

- (a) To construct and to own docks and wharves for boating, fishing and swimming and boat houses and related installations on the shore line for the use of LESSEE;
- (b) To dredge out small harbors and inlets and slips for boats and to connect these to the lake, but only with the express consent of the AUTHORITY and under the AUTHORITY'S supervision;
- (c) To enjoy the exclusive use of the whole area to grow and to cultivate and to cut and to remove timber and agricultural crops, including the grazing of animals, subject to the conditions hereafter provided;
- (d) To construct and to maintain upon the leased property roads and paths to the water front to insure full and free ingress and egress thereof. The right of said ingress and egress being specifically granted herein.

It is expressly agreed by and between AUTHORITY and LESSEE that LESSEE assumes full responsibility for injuries to third parties and damages to their property which may be occasioned by LESSEE'S construction, maintenance or use of said hereinabove described property, and shall hold the AUTHORITY harmless for any such injuries and/or damages.

The rights and privileges of LESSEE as above stated are granted with full recognition that the exercise of any right or privilege by LESSEE must be in conformity with the safety, sanitary and zoning requirements prescribed or to be prescribed hereafter by the AUTHORITY, or by State or Parish Laws.

LESSEE expressly recognizes that the property in whole or in part is to be at all times subject to flooding as a part of the reservoir, and LESSEE expressly assumes the risk of any damage resulting from such flooding, and agrees to hold the AUTHORITY harmless therefor.

LESSEE also expressly agrees that the AUTHORITY shall have the right at any time to occupy and to exclusively possess such parts and portions of the area leased as may be required for the carrying out and completion of the construction program. After completion of construction, and where required by the AUTHORITY, parts and portions of the area leased may be occupied and exclusively possessed by the AUTHORITY for additional construction purposes, or for the maintenance, operation and financing of the project. Written notice shall be given to the LESSEE at the address shown herein, at least ninety (90) days prior to the exercise of any such right, and in the meantime the LESSEE shall be entitled to cut and to remove timber, harvest crops and generally to do any and all things to minimize his damages. This right of exclusive possession and/or repossession of parts and portions of the area leased herein shall be for rights-of-way and relocations and for buildings, installations and structures when needed for or related to the construction, maintenance, operation and financing of the project. These specific purposes are illustrative and are not exclusive. LESSEE agrees that except as to the rights expressly granted herein other rights are reserved to the AUTHORITY.



2001-302

Created By: Sylvia Scott on 09/17/2002 at 11:16 AM
Category: Ethics Rulings
Caption:

LOUISIANA BOARD OF ETHICS

DATE: September 12, 2002 **OPINION NO.:** 2001-302

RE: In the matter of Aubrey Gravois, Lloyd Becnel, Aubrey Gravois, Inc., and Beck-Stein Service, Inc.

The Louisiana Board of Ethics (the "Board"), at its June 13, 2002 meeting, conducted a public hearing for the purpose of exploring the following charges:

I.

That Aubrey Gravois, an appointed member of the Lafourche Basin Levee District, may have violated Section 1112B(1) of the Code of Governmental Ethics (LSA-R.S. 42:1112B(1)) by participating as a matter of law in transactions in which members of his immediate family had a substantial economic interest in the following manner to wit:

- By taking part in and/or sharing responsibility for the issuance of any and/or all of the following permits and/or renewals of permits by the Lafourche Basin Levee District:
 - ▶ Transfer of Permit No. 1035 from T.L. James & Company, Inc. to Aubrey Gravois, Inc. as Permit No. 1078 on December 3, 1998 with an expiration date of November 6, 1999.
 - ▶ Renewal of Permit No. 1078 as Permit No. 2000 on December 2, 1999 with an expiration date of December 2, 2000.
 - ▶ Renewal of Permit No. 2000 as Permit No. 2016 on January 16, 2001 with an expiration date of December 28, 2001.
- At a time when Mr. Gravois' children wholly owned Aubrey Gravois, Inc. which submitted the requests for such permit and/or permit renewals.

II.

That Lloyd Becnel, an appointed member of the Lafourche Basin Levee District, may

have violated Section 1112B(2) and/or 1112B(3) of the Code of Governmental Ethics (LSA-R.S. 42:1112B(2) and/or (3)) by participating as a matter of law in transactions in which a corporation in which he owned a substantial economic interest and/or for which he served as an officer had a substantial economic interest in the following manner to wit:

- By taking part in and/or sharing responsibility for the issuance of any and/or all of the following permits and/or renewals of permits by the Lafourche Basin Levee District:
 - ▶ Renewal of Permit No. 1037 as Permit No. 1050 on November 16, 1997 with an expiration date of December 11, 1998.
 - ▶ Renewal of Permit No. 1050 as Permit No. 1079 on December 10, 1998 with an expiration date of December 11, 1999.
 - ▶ Renewal of Permit No. 1079 as Permit No. 1098 on December 2, 1999 with an expiration date of December 2, 2000.
 - ▶ Renewal of Permit No. 1098 as Permit No. 2015 on December 14, 2000 with an expiration date of December 14, 2001.
 - ▶ Renewal of Permit No. 1042 as Permit No. 1073 on July 13, 1998 with an expiration date of July 13, 1999.
 - ▶ Renewal of Permit No. 1073 as Permit No. 1091 on July 6, 1999 with an expiration date of July 13, 2000.
 - ▶ Renewal of Permit No. 1091 as Permit No. 2009 on August 9, 2000 with an expiration date of August 9, 2001.
 - ▶ Renewal of Permit No. 2009 as Permit No. 2022 on August 2, 2001 with an expiration date of August 9, 2002.

- At a time when Mr. Becnel wholly owned and served as the president of Beck-Stein Service, Inc. which submitted the requests for such permits and permit renewals.

III.

That Aubrey Gravois, Inc., a corporation wholly owned by the children of Lafourche Basin Levee District Member Aubrey Gravois, may have violated Section 1113B of the Code of Governmental Ethics (LSA-R.S. 42:1113B) by entering into and/or being in any way interested in transactions which were under the supervision or jurisdiction of Aubrey Gravois' agency in the following manner to wit:

- By requesting any and/or all of the following permits and/or permit renewals from the Lafourche Basin Levee District:
 - ▶ Transfer of Permit No. 1035 from T.L. James & Company, Inc. to Aubrey Gravois, Inc. as Permit No. 1078 on December 3, 1998 with an expiration date of November 6, 1999.

- ▶ Renewal of Permit No. 1078 as Permit No. 2000 on December 2, 1999 with an expiration date of December 2, 2000.
- ▶ Renewal of Permit No. 2000 as Permit No. 2016 on January 16, 2001 with an expiration date of December 28, 2001.

IV.

That Beck-Stein Service, Inc., a corporation wholly by Lafourche Basin Levee District Member Lloyd Becnel, may have violated Section 1113B of the Code of Governmental Ethics (LSA-R.S. 42:1113B) by entering into and/or being in any way interested in transactions which were under the supervision or jurisdiction of Lloyd Becnel's agency in the following manner to wit:

- By requesting any and/or all of the following permits and/or permit renewals from the Lafourche Basin Levee District:
 - ▶ Renewal of Permit No. 1037 as Permit No. 1050 on November 16, 1997 with an expiration date of December 11, 1998.
 - ▶ Renewal of Permit No. 1050 as Permit No. 1079 on December 10, 1998 with an expiration date of December 11, 1999.
 - ▶ Renewal of Permit No. 1079 as Permit No. 1098 on December 2, 1999 with an expiration date of December 2, 2000.
 - ▶ Renewal of Permit No. 1098 as Permit No. 2015 on December 14, 2000 with an expiration date of December 14, 2001.
 - ▶ Renewal of Permit No. 1042 as Permit No. 1073 on July 13, 1998 with an expiration date of July 13, 1999.
 - ▶ Renewal of Permit No. 1073 as Permit No. 1091 on July 6, 1999 with an expiration date of July 13, 2000.
 - ▶ Renewal of Permit No. 1091 as Permit No. 2009 on August 9, 2000 with an expiration date of August 9, 2001.
 - ▶ Renewal of Permit No. 2009 as Permit No. 2022 on August 2, 2001 with an expiration date of August 9, 2002.

On the basis of the evidence and testimony adduced, the Board now makes the following essential:

I.

FINDINGS OF FACT

1.

Aubrey Gravois has served as an appointed member of the Board of Commissioners for the Lafourche Basin Levee District (“Levee District”) for over 20 years, and at all pertinent times, has served as the president of the Levee District.

2.

Lloyd Becnel has served as an appointed member of the Levee District Board since 1995.

3.

Five members of Aubrey Gravois’ immediate family wholly own equal shares of Aubrey Gravois, Inc.

4.

From 1996 until February 2002, Lloyd Becnel served as the president of and owned 17% of Beck-Stein Service, Inc. and his two sons, Dean Becnel and Wayne Becnel, owned the remaining shares of the company. Since February 2002, Dean Becnel owns 51% of Beck-Stein, Inc. and Wayne Becnel owns the remaining 49% interest in the company.

5.

The primary responsibility of the Levee District Board is the care of the levee, which includes issuing permits. Permit applications are submitted to the Levee District, along with drawings and an application fee. The applicant must also submit a bond to cover any damage that is caused to the levee by the applicant.

6.

The permit application, including attachments, is received by the staff of the Levee District Board which is headed by Randy Trosclair, Administrative Manager, who is a civil service employee.

7.

The staff of the Levee District Board forwards the application and information to the Louisiana Department of Transportation and Development and the U. S. Corps of Engineers for their review and recommendation. After ensuring that all of the required documentation has been received and upon receiving the recommendations and letter of no objection from the Louisiana Department of Transportation and Development and the U. S. Corps of Engineers, the staff places the permit application and related documents on the agenda of the Levee District Board.

8.

Once an application is approved by the Levee District Board, its staff prepares the permit and includes the recommendations of the Department of Transportation and Development (DOTD) and the U.S. Corps of Engineers.

9.

If the levee is damaged by a permittee, it is the responsibility of the Levee District Board to ensure that the levee is repaired by the permittee.

10.

When an application to renew or transfer a permit is submitted to the Levee District, it

is put on the Levee District Board's next agenda, at which time the Levee District Board votes on whether to grant the renewal or transfer.

11.

The following permits were issued by the Levee District Board to Aubrey Gravois, Inc., which permitted the company to conduct business on property within the Levee District:

1. Permit No. 1078 granted on July 2, 1998 by the Levee District Board and issued on December 3, 1998. Brent Gravois, President of Aubrey Gravois, Inc. and son of Aubrey Gravois, submitted the application to transfer Permit No. 1035 previously issued to T.L. James & Company, Inc. to Aubrey Gravois, Inc.
2. Permit No. 2000 granted and issued on December 2, 1999 by the Levee District Board - Aubrey Gravois submitted the application to renew Permit No. 1078.
3. Permit No. 2016 granted on December 4, 2000 by the Levee District Board and issued on January 16, 2001. Kent Gravois, Vice-President of Aubrey Gravois, Inc. and son of Aubrey Gravois, submitted the application to renew Permit No. 2000.

12.

The minute entry for the Levee District Board's July 2, 1998 meeting reflects that Mr. Gravois was present at the meeting in his capacity as president, but he did not vote on the motion to grant Permit No. 1078. The minute entries for the December 2, 1999 and December 4, 2000 meetings reflect that Mr. Gravois was present and acting in his capacity as president at both meetings, but do not show Mr. Gravois abstaining, recusing or not participating in the vote to grant Permit Nos. 2000 and 2016. As president of the Levee District Board, Mr. Gravois only voted on matters when there was a tie in the voting. The minutes of the above meetings indicate that the permits were unanimously

approved.

13.

The following permits were issued by the Levee District Board to Beck-Stein Service, Inc., which permitted the company to conduct business on property within the Levee

District:

1. Permit No. 1050 granted on July 1, 1997 and issued on November 16, 1997, which renewed permit No. 1037.
2. Permit No. 1079 granted and issued on December 10, 1998 by the Levee District Board. Lloyd Becnel, as the president of Beck-Stein Service, Inc. submitted the application to renew Permit No. 1050.
3. Permit No. 1098 granted and issued on December 2, 1999 by the Levee District Board - Lloyd Becnel, as the president of Beck-Stein Service, Inc. submitted the application to renew Permit No. 1079.
4. Permit No. 2015 granted on December 4, 2000 and issued on December 14, 2000 by the Levee District Board - Lloyd Becnel, as the president of Beck-Stein Service, Inc. submitted the application to renew Permit No. 1098.
5. Permit No. 1073 granted on July 2, 1998 and issued on July 13, 1998 by the Levee District Board - Lloyd Becnel, as the president of Beck-Stein Service, Inc. submitted the application to renew Permit No. 1042.
6. Permit No. 1091 granted on July 1, 1999 and issued on July 6, 1999 by the Levee District Board - Lloyd Becnel, as the president of Beck-Stein Service, Inc. submitted the application to renew Permit No. 1073.
7. Permit No. 2009 granted on August 3, 2000 and issued on August 9, 2000 by the Levee District Board - Lloyd Becnel, as the president of Beck-Stein Service, Inc. submitted the application to renew Permit No. 1091.
8. Permit No. 2022 granted on and issued on August 2, 2001, which renewed permit No. 2009.

14.

Mr. Becnel was present at the meetings at which the permits referenced in Fact No. 10 were granted. The minute entries from the Levee District Board meetings at which the permits in Fact No. 10 were issued, show that Mr. Becnel abstained from voting on

whether to grant the permits to Beck-Stein Services, Inc.

15.

At the present time, Aubrey Gravois, Inc. does not hold any active permits issued by the Levee District Board, but Beck-Stein Service, Inc. does hold permits issued by the Levee District Board that remain in effect.

II.

APPLICABLE LAW

Section 1112 of the Code prohibits a public servant from participating in a transaction in which he, his immediate family member or their company has a substantial economic interest. This Section provides in pertinent part:

§1112. Participation in certain transactions involving the governmental entity

A. No public servant, except as provided in R.S. 42:1120, shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

B. No public servant, except as provided in R.S. 42:1120, shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any of the following persons has a substantial economic interest:

- (1) Any member of his immediate family.
- (2) Any person in which he has a substantial economic interest of which he may reasonably be expected to know.
- (3) Any person of which he is an officer, director, trustee, partner, or employee.

* * *

C. Every public employee, excluding an appointed member of any board or commission, shall disqualify himself from participating in a transaction involving the governmental entity when a violation of this Part would result. The procedures for such disqualification shall be established by regulations issued pursuant to R.S. 42:1134(1).

D. No appointed member of any board or commission, except as provided in R.S. 42:1120.1 and R.S. 42:1120.2, shall participate or be interested in any transaction involving the agency when a violation of this Part would result.

Section 1113B of the Code prohibits an appointed member of a board, his immediate family or their company from entering into or being in any way interested in a transaction that is under the supervision or jurisdiction of that board. This Section provides in pertinent part:

§1113. Prohibited contractual arrangements

* * *

B. Other than a legislator, no appointed member of any board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest shall bid on or enter into or be in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

* * *

The following terms are defined in Section 1102 of the Code and are relevant when analyzing the above Sections:

(2)(a) "Agency" means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, "agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean:

* * *

(vi) For public servants of political subdivisions, it shall mean the agency in which the public servant serves, except that for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity. Public servants of political subdivisions shall include, but shall not be limited to, elected officials and public employees of municipalities, parishes, and other political subdivisions; sheriffs and their employees; district attorneys and their employees; coroners and their employees; and clerks of court and their employees.

* * *

(12) "Governmental entity" means the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.

(13) "Immediate family" as the term relates to a public servant means his children,

the spouses of his children, brothers, sisters, parents, spouse, and the parents of his spouse.

(15) "Participate" means to take part in or to 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, the rendering of advice, investigation, or the failure to act or perform a duty.

(21) "Substantial economic interest" means an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons, except:

(a) The interest that the public servant has in his position, office, rank, salary, per diem, or other matter arising solely from his public employment or office.

(b) The interest that a person has as a member of the general public.

(23) "Transaction involving the governmental entity" means any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know:

(a) Is, or will be, the subject of action by the governmental entity.

(b) Is one to which the governmental entity is or will be a party.

(c) Is one in which the governmental entity has a direct interest. A transaction involving the agency of a governmental entity shall have the same meaning with respect to the agency.

III.

OPINION

Section 1112B(1) of the Code prohibits a public servant from participating in a transaction in which a member of his immediate family has a substantial economic interest. Sections 1112B(2) and 1112B(3) prohibit a public servant from participating in a transaction in which a company, in which a public servant has a substantial economic interest or serves as an officer, has a substantial economic interest. The definition of "participate" includes sharing responsibility for the actions of a governmental entity

through approval or decision. In affirming an opinion rendered by the Commission on Ethics for Public Employees Act 64 of the 1996 1st Extraordinary Session provided that all matters pending before the Commission on Ethics for Public Employees (“Commission”) as of January 1, 1997, when the Louisiana Board of Ethics (“Board”) was created, were deemed to be matters pending before the Board. that Sections 1111C(2)(d), 1112B(2) and (3), and 1113B of the Code prohibit a member of the Board of Supervisors for LSU from entering into business transactions with LSU, the Louisiana Supreme Court held “participation occurs not only when a public servant acts affirmatively in his official capacity, but also when the public servant has or shares responsibility for some actions.” *In re Beychok* , 495 So.2d 1278, 1281 (La. 1986). Section 1112D of the Code does not permit an appointed member of a board or commission to recuse himself from participating in a transaction to avoid a potential violation of Section 1112. Therefore, the only option available to an appointed member of a board to avoid a potential violation of Section 1112 of the Code is to resign from the board or divest himself of the interest that is creating the conflict prior to his participation.

It is the opinion of the Board that Aubrey Gravois violated Section 1112B(1) of the Code by virtue of his participation as a member of the Levee District Board in the approval of permits issued to Aubrey Gravois, Inc., which is owned by members of his immediate family. At the time that Permit Nos. 1078, 2000, and 2016 were issued to Aubrey Gravois, Inc., Mr. Gravois served as the president of the Levee District Board.

And, as an appointed board member, Mr. Gravois shared responsibility with the Levee District Board in approving the permits issued to Aubrey Gravois, Inc.. Therefore, by virtue of his service on the Board at the time that the permits were approved, Mr. Gravois shared responsibility and, thereby, participated in the approval of the permits issued to his immediate family member's company, Aubrey Gravois, Inc.

Likewise, it is the opinion of the Board that Lloyd Becnel violated Sections 1112B(2) and 1112B(3) of the Code by virtue of his participation as a member of the Levee District Board in the approval of permits issued to Beck-Stein Service, Inc. when he served as the president of and owned an interest in the company. At the time that Permit Nos. 1050, 1079, 1098, 2015, 1073, 1091, 2009, and 2022 were issued to Beck-Stein Service, Inc., Mr. Becnel served as an appointed member of the Levee District Board. Despite the fact that Mr. Becnel abstained from voting to grant the permits, Mr. Becnel shared responsibility with the Levee District Board in approving the permits issued to his company. Therefore, by virtue of Mr. Becnel's service on the Levee District Board at the time that the permits were approved, Mr. Becnel shared responsibility and, thereby, participated in the approval of the permits issued to his company, Beck-Stein Service, Inc.

Section 1113B of the Code prohibits a legal entity, in which an appointed member of a board or his immediate family has a substantial economic interest, from entering into or being in any way interested in a transaction that is under the supervision or jurisdiction of the board member's agency. It is the opinion of the Board that Aubrey Gravois, Inc. and Beck-Stein Service, Inc. violated Section 1113B of the Code by requesting and receiving

permits from the Levee District Board, when Aubrey Gravois and Lloyd Becnel served as board members.

The Board rejects the respondents' argument that the issuance of the permits was not discretionary and that it was merely routine. Although there was testimony that the Levee District Board never denied a permit application, it was within the Levee District Board's authority to do so. The Levee District Board's primary responsibility is for the care of the levee, and as such is responsible for issuing the permits, requiring permittees to obtain a bond, assuring that no damage has been caused to the levee by permittees, and if damage is caused, the Levee District Board is responsible for ensuring that repairs are made to the levee.

This case is distinguished from the situation in *Hill v. Commission on Ethics for Public Employees*, 453 So.2d 558 (La. 1984). In *Hill*, the Louisiana Supreme Court held that the renewal of a beauty shop license of a member of the Board of Cosmetology was "a routine and mechanical thing," *Id.* at 562. relying on the fact that the Board of Cosmetology did not "vote or otherwise exercise authority with respect to the renewal of shop licenses." *Id.* In this case, the Levee District Board is the authority that is responsible for issuing and renewing permits and ensuring that permittees are complying with provisions of the permits.

At the time the permits that are the subject of the opinion were issued, Aubrey Gravois' immediate family members owned Aubrey Gravois, Inc. and Lloyd Becnel and his sons owned Beck-Stein Service, Inc. The permits obtained by Aubrey Gravois, Inc.

and Beck-Stein Service, Inc. assisted the companies in conducting their businesses. Therefore, by requesting and receiving the permits from the Levee District Board, Aubrey Gravois, Inc. and Beck-Stein Service, Inc. entered into and were interested in transactions that were under the supervision and jurisdiction of the Levee District Board and, thereby, violated Section 1113B of the Code.

The Louisiana Board of Ethics is authorized to impose a penalty of up to \$10,000 for each of the above violations of the Code. In this particular situation, given the findings of fact outlined above, the Board imposes a penalty of \$1,000 upon Aubrey Gravois and Lloyd Becnel for each permit issued to Aubrey Gravois, Inc. and Beck-Stein Service, Inc., respectively, for violating Section 1112 of the Code; thereby, imposing a \$3,000 fine upon Aubrey Gravois and an \$8,000 fine upon Lloyd Becnel. The Board also suspends Mr. Becnel from serving on the Levee District Board until such time as the violations of the Code are eliminated. Finally, the Board imposes a fine of \$5,000 each upon Aubrey Gravois, Inc. and Beck-Stein Service, Inc. for violating Section 1113B of the Code.

IV.

DECREE AND ORDER

IT IS DECREED that Aubrey Gravois violated Section 1112B(1) of the Code by participating in transactions as a member of the Levee District Board in which his immediate family members had a substantial economic by virtue of the approval of Permit Nos. 1078, 2000, and 2016 issued by the Levee District Board to Aubrey Gravois, Inc., which is owned by members of Mr. Gravois' immediate family.

IT IS ORDERED that a fine of \$1,000 for each of the three permits issued to Aubrey Gravois, Inc., for a total fine of \$3,000 made payable to the Treasurer of the State of Louisiana, be imposed upon Aubrey Gravois for violating Section 1112B(1) of the Code.

IT IS DECREED that Aubrey Gravois, Inc. violated Section 1113B of the Code by requesting and receiving the three permits from the Levee District Board, when the immediate family members of Levee District Board Member Aubrey Gravois owned Aubrey Gravois, Inc.

IT IS ORDERED that a fine of \$5,000 made payable to the Treasurer of the State of Louisiana, be imposed upon Aubrey Gravois, Inc. for violating Section 1113B of the Code.

IT IS DECREED that Lloyd Becnel violated Sections 1112B(2) and 1112B(3) of the Code by participating in transactions as a member of the Levee District Board in which his company, Beck-Stein Service, Inc., had a substantial economic by virtue of the approval of Permit Nos. 1050, 1079, 1098, 2015, 1073, 1091, 2009, and 2022 issued by the Levee District Board to Beck-Stein Service, Inc., when Mr. Becnel was the president of and had an ownership interest in the company.

IT IS ORDERED that a fine of \$1,000 for each of the eight permits issued to Beck-Stein Service, Inc., for a total fine of \$8,000 made payable to the Treasurer of the State of Louisiana, be imposed upon Lloyd Becnel for violating Sections 1112B(2) and 1112B(3) of the Code and that Mr. Becnel is suspended from serving as a member of the Levee District Board until the violation is eliminated.

IT IS DECREED that Beck-Stein Service, Inc. violated Section 1113B of the Code by requesting and receiving the eight permits from the Levee District Board, when Levee District Board Member Lloyd Becnel served as the president and an owner of Beck-Stein Service, Inc.

IT IS ORDERED that a fine of \$5,000 made payable to the Treasurer of the State of Louisiana, be imposed upon Beck-Stein Service, Inc. for violating Section 1113B of the Code.

BY ORDER OF THE BOARD, this 12th day of September, 2002.

s/Robert L. Roland
Robert L. Roland, Chairman †

s/T. O. Perry, Jr.
T. O. Perry, Jr., Vice-Chairman ‡

Absent and did not participate
in adoption of opinion.
Janice Martin Foster ‡

s/Judge John W. Greene
Judge John W. Greene

Absent and did not participate
in adoption of opinion.
Judge E. L. Guidry, Jr. †‡

s/R. L. Hargrove, Jr.
R. L. Hargrove, Jr.

s/Michael J. Kantrow, Sr.
Michael J. Kantrow, Sr. ‡

s/Joseph Maselli
Joseph Maselli

s/Henry C. Perret, Jr.
Henry C. Perret, Jr. ‡

s/Ascension Delgado Smith
Ascension Delgado Smith

s/Edwin O. Ware

Edwin O. Ware†

† Dissented as to the amount of the penalty imposed upon Aubrey Gravois and Lloyd Bechel.

‡ Dissented as to the amount of the penalty imposed upon Aubrey J. Gravois, Inc. and Beck-Stein Services, Inc.

.....

**2009-376**

Created By: Elizabeth Sanders on 06/05/2009 at 06:35 PM
Category: Ethics Advisory Opinions
Caption: An advisory opinion concerning members of Lafourche Port Commission obtaining a Coastal Use Permit in the Tenth Ward of Lafourche Parish.

June 5, 2009

Mr. Bryce Autin
16829 East Main Street
P.O. Drawer 490
Galliano, LA 70354

RE: Ethics Board Docket No. 2009-376

Dear Mr. Autin:

The Louisiana Board of Ethics, at its April 29, 2009 Board meeting, considered your request for an advisory opinion regarding whether members of the Greater Lafourche Port Commission may apply for and /or receive coastal use permits for work to be performed in the Tenth Ward. You stated that the Greater Lafourche Port Commission (Port) is a political subdivision of the State and was established by La. R.S. 34:1651. The Port is governed by a Board of nine elected commissioners and is charged with the duty of regulating commerce and traffic within the Tenth Ward of Lafourche Parish. Specifically, the Port has the authority to own, administer, construct, acquire, operate and maintain docks, wharves, landings, elevators, sheds, warehouses, basins, locks, slips, laterals, canals, levees and all other property, structures, equipment, facilities and works of public improvements necessary and proper for the use and development of the business of the commission.

Under La. R.S. 49:214.30, "No person shall commence a use of state or local concern without first applying for and receiving a coastal use permit. Decisions on coastal use permit applications shall be made by the secretary, except that the local government shall make coastal use permit decisions as to uses of local concern in areas where an approved local program is in effect." Applications for coastal use permits are required to be placed on Joint Public Notice (JPN). JPNs are placed in The Advocate. Any person may submit a comment or request a hearing regarding a JPN. The Port has adopted the practice of reviewing all JPNs covering work in their jurisdiction, the Tenth Ward. Coastal Use Permits are issued and denied by the Louisiana Department of Natural Resources. The Port has no authority over the approval or denial of a Coastal Use Permit.

You specifically ask the following questions regarding employees and members of the Port:

1. Can a commissioner or employee of the Port apply for and receive a coastal permit for work to be performed in the Tenth Ward?
2. Can a Commissioner or employee of the Port enter into a contract to perform compensated work in the Tenth Ward for which a coastal permit is required?
3. Can a Commissioner recuse himself from voting on the issue of whether or not the Port comments on the JPN covering the work which he wants to perform and thereby perform such work without violating the Code?
4. Would the answer to 1 or 2 be any different if the Port's approval was necessary prior to performing work which requires issuance of a coastal use permit?
5. Would the answer to 1 or 2 be any different if the Port's approval was only necessary prior to performing work on or over the batture, banks or beds of that section of the Bayou Lafourche located in the Tenth Ward?
6. Would the answer to 1 or 2 be different if the Commissioners did not review the JPN?

The Board concluded, and instructed me to advise you, that under the Code of Governmental Ethics, Commissioners for the Port are not prohibited from receiving coastal permits for work in the Tenth Ward. Section 1113A of the Code prohibits a public servant or a member of his immediate family from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of that public servant. Since the approval or denial of a coastal permit or work to be performed in the Tenth Ward is not within the authority of the Port, there is no violation of the Code if members or employees of the Port receive a coastal use permit or perform work in the Tenth Ward.

Additionally, Section 1120 of the Code provides an exception for elected members of a board or commission to recuse themselves from voting on matters that violate Section 1112 of the Code. Provided that they disclose the conflict prior to discussion, the elected members who recuse themselves from voting may participate in discussion or debate concerning the matter. Therefore, Commissioners should recuse themselves from commenting on JPN covering work in which the Commissioner would like to perform.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**2006-284B**

Created By: Whitney Jobe on 05/16/2006 at 09:24 AM
Category: Ethics Advisory Opinions
Caption:

May 16, 2006

Mr. Harlan Cashiola, Councilman
West Baton Rouge Parish
420 Lobdell Highway
Port Allen, LA 70767

RE: Ethics Board Docket No . 2006-284B

Dear Mr. Cashiola:

The Board of Ethics, at its May 11, 2006 meeting, considered additional information in connection with your request for an advisory opinion regarding whether your brother may apply for a liquor permit issued by the Parish. The West Baton Rouge Parish ordinances governing the issuance and regulation of liquor permits provide authority to the Parish Council to refuse to issue a liquor permit when deemed advisable and for the general welfare. Additionally, under the Parish's ordinances, no liquor permit can be issued without the approval of the Parish Council.

Based on the information provided, the Board concluded that your brother would be prohibited from submitting an application to West Baton Rouge Parish for a liquor permit. Section 1113A of the Code of Governmental Ethics prohibits a public servant, his immediate family member or a legal entity in which they own a controlling interest from entering into any transaction that is under the supervision or jurisdiction of the public servant's agency. Since the Parish Council must approve the application in order for the permit to be issued and can exercise discretion in determining whether to grant or deny a permit, Section 1113A of the Code prohibits your brother from seeking a liquor permit from the West Baton Rouge Council while you continue to serve as a member of such council.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

**2005-346**

Created By: Whitney Jobe on 07/18/2005 at 11:18 AM
Category: Ethics Advisory Opinions
Caption:

July 18, 2005

Mr. Stephen C. Braud
Ballay, Braud & Colon, APLC
8114 Highway 23
Belle Chasse, LA 70037-2611

Re: Ethics Board Docket No. 2005-346

Dear Mr. Braud:

The Louisiana Board of Ethics, at its July 14, 2005 meeting, considered your request for an advisory opinion as to whether Mike Mudge, a Plaquemines Parish Councilman, may apply for a building permit for the construction of his personal residence when such permit requires approval by the Council. Mr. Mudge has purchased a lot in a subdivision which is located in the flood plain. The Parish requires that the Parish Council approve all building permits issued for construction in the flood plain. To your knowledge, the Parish Council has never denied a building permit for the flood zone unless it failed to meet the Parish's Building Code requirements.

The Board concluded, and instructed me to inform you that Section 1113A of the Code does not prohibit Councilman Mudge from applying for and receiving the building permit. Generally, Section 1113A of the Code prohibits a public servant from entering into a transaction that is under the supervision or jurisdiction of his agency. However, the Board has previously held that if a building permit is for the construction of the public servant's own personal residence and does not require a "special approval" by his agency, then no violation of Section 1113A is presented. Since the Parish Council does not appear to have any discretion in whether to approve or deny a residential building permit for the construction of a residence in the flood zone and the building permit is for the construction of Councilman Mudge's own personal residence, the proposed action is not prohibited.

The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS



2004-017

Created By: Sylvia Scott on 06/21/2007 at 09:46 AM
Category: Ethics Rulings
Caption:

LOUISIANA BOARD OF ETHICS**DATED: June 14, 2007****OPINION NO: 2004-017****RE: In the matter of Mike Mudge**

The Board of Ethics (the "Board") pursuant to the authority contained in LSA-R.S. 42:1141, conducted a confidential investigation concerning information that Mike Mudge may have violated Section 1113A of the Code of Governmental Ethics (LSA-R.S. 42:1101 et seq.) (the "Code") by applying for and receiving a variance for his private property from the Parish of Plaquemines while he served as a member of the Plaquemines Parish Council and that Mike Mudge Contractors, Inc., through its sole owner Mike Mudge, may have violated Section 1113A of the Code by applying for building permits issued by the parish for persons whose homes it was contracted to build. Furthermore, Mike Mudge Contractor, Inc., through its owner Mike Mudge, may have violated Section 1111E of the Code by receiving compensation for assisting persons in obtaining building permits from the Parish.

On the basis of information obtained during the investigation, and with the concurrence of Mike Mudge, the Board now makes the following essential:

I.**FINDINGS OF FACT****1.**

Mike Mudge has served as a Plaquemines Parish Councilman at various times since

1985. His current term began in 2003 and will expire in 2006.

2.

In March 2003, Mike Mudge applied to the Plaquemines Parish Development Board for a variance of the front yard requirements of a piece of property where he is building his private residence.

3.

There were 23 lots in the subdivision, including Mr. Mudge's lot, that required a variance to meet the minimum 'buildable area' for construction of a residence according to the regulations set forth by Plaquemines Parish.

4.

The Plaquemines Parish Council considered and approved variances for the other affected lots in the subdivision.

5.

In May 2003, the Plaquemines Parish Council approved Councilman Mudge's application for variance. Councilman Mudge was absent from this meeting and did not participate in the vote to approve the variance.

6.

Councilman Mudge is the owner of Mike Mudge Contractor, Inc., which engages in residential and commercial construction.

7.

On several occasions, Mike Mudge Contractor, Inc., through its owner, applied for building permits for individuals from the Plaquemines Parish Department of Planning, Permits

and Zoning in order to build their houses.

8.

Mike Mudge, as the owner of Mike Mudge Contractor, Inc., contracts with persons to oversee the construction of their homes for a fee. Part of the services that he provides is to provide the necessary information to those persons so that they may obtain a building permit from the Plaquemines Parish Department of Planning, Permits and Zoning.

II.

APPLICABLE LAW

1.

Section 1111E of the Code of Governmental Ethics provides:

E. No public servant, and no legal entity of which such public servant is an officer, director, trustee, partner, or employee, or in which such public servant has a substantial economic interest, shall receive or agree to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of the public servant.

2.

Section 1113A of the Code of Governmental Ethics provides:

A. No public servant, ..., or member of a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

III.

OPINION

It is the opinion and conclusion of the Board that Mike Mudge violated Section 1113A of the Code of Governmental Ethics by applying for and receiving a variance from the Plaquemines Parish Council while he served as a member of such council. Furthermore, it is the opinion and

conclusion of the Board that Mike Mudge Contractor, Inc., through its owner Mike Mudge, violated Section 1113A by applying for building permits from the Plaquemines Parish Department of Planning, Permits and Zoning on behalf of clients, in order to build their homes. Section 1113A of the Code prohibits a public servant or a legal entity in which he owns a controlling interest from entering into a contract, subcontract, or other transaction that is under the supervision or jurisdiction of public servant's agency. As a member of the Plaquemines Parish Council, Mike Mudge's agency consisted of the entire parish government. Furthermore, the Board has consistently held that the submission of an application for a variance or building permit with one's agency constitutes a transaction. Therefore, although Councilman Mudge was one of several lot owners requiring the same variance in order to build a residence on his lot, he was prohibited from applying for and receiving variances from the parish. Furthermore, Mike Mudge Contractors, Inc., through its owner Mike Mudge, was prohibited from applying for and receiving building permits from the Parish on behalf of individuals for the construction of their houses.

It is the opinion and conclusion of the Board that Mike Mudge Contractors, Inc., through its owner Mike Mudge, violated Section 1111E of the Code of Governmental Ethics by assisting persons, for compensation, in the completion and submission of applications for building permits issued by the Plaquemines Parish Department of Planning, Permits and Zoning. Mike Mudge Contractor, Inc., through its sole owner, would enter into contracts with persons to oversee the construction of their homes. As part of the services pursuant to such contract, such persons would be provided with the information needed to complete the application for a building permit and the individuals would apply for their own building permits. Section 1111E of the Code

prohibits a public servant or a legal entity in which he has a substantial economic interest from receiving compensation for assisting a person in a transaction involving his agency. Therefore, the Code prohibited Mike Mudge, individually or through his company Mike Mudge Contractor, Inc., from assisting individuals, for compensation, in the completion of their applications for building permits issued by Plaquemines Parish.

The Board is authorized to impose a civil penalty of up to \$10,000 upon finding that a violation of the Code has occurred. In this particular situation, given the facts outlined above, it is the conclusion of the Board that the interest of the public would be served by the imposition of a civil penalty of \$1,500.

IV.

DECREE AND ORDER

For the foregoing reasons:

IT IS ORDERED, ADJUDGED AND DECREED that the Board finds as a matter of fact and as a conclusion of law that Mike Mudge violated Section 1113A of the Code of Governmental Ethics by applying for and receiving a variance for his private property from the Parish of Plaquemines while he served as a member of the Plaquemines Parish Council.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Board finds as a matter of fact and as a conclusion of law that Mike Mudge Contractor, Inc., through its sole owner Mike Mudge, violated Section 1113A of the Code of Governmental Ethics by applying for building permits issued by the parish on behalf of individuals.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Board finds as a matter of fact and as a conclusion of law that Mike Mudge Contractor, Inc., through its sole

owner Mike Mudge, violated Section 1111E of the Code of Governmental Ethics by assisting individuals, for compensation, in the completion of their applications for building permits issued by Plaquemines Parish.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a civil penalty of \$1,500 be and is hereby imposed upon Mike Mudge.

By Order of the Board this 14th day of June 2007

s/Hank Perret

Henry C. Perret, Chairman

s/John W. Greene

Judge John W. Greene, Vice-Chairman

s/Herbert V. Baptiste, Sr.

Dr. Herbert V. Baptiste, Sr.

s/Clayton Davis

Clayton Davis

s/Joanne C. Ferriot

Dr. Joanne C. Ferriot

s/Gwendolyn P. Hamilton

Gwendolyn P. Hamilton

s/Michael T. Johnson

Michael T. Johnson

s/C.W. Lowrey, MD

Dr. Cedric Lowrey

s/Joseph Maselli

Joseph Maselli

Absent and did not participate.

Dr. Ernest Douglas Peterson

s/Dolores R. Spikes

General Item

Ethics Board Docket No. BD 2009-738 11/20/2009

RE:

Consideration of charges filed against the following candidates that failed to file their Personal Financial Disclosure Statement within 10 days of qualifying for the April 4, 2009 election:
Patricia Cravins

Relevant Statutory Provisions, Advisory Opinions:

18:1495.7

Comments:

Patricia Cravins has filed the required personal financial disclosure statement, thus charges should be dismissed. (TKM)

Recommendations:

Dismiss charges.



STATE OF LOUISIANA
 DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
 P. O. BOX 4368
 BATON ROUGE, LA 70821
 (225) 219-5600
 FAX: (225) 381-7271
 1-800-842-6630
 www.ethics.state.la.us

700818900803
 8150 6581

August 12, 2009

Ms. Patricia Cravins
 327 E. Grolee Street
 Opelousas, Louisiana 70570

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-738

Dear Ms. Cravins:

The Louisiana Board of Ethics, at its July 28-29, 2009 meeting, considered a staff report regarding your failure to file your Personal Financial Disclosure Statement within 10 days of qualifying for the April 4, 2009 election.

The Board, by a majority vote of its membership, ordered that a public hearing be conducted for the purpose of exploring the following:

CHARGE

That Patricia Cravins, a candidate for State Senator, District 24, in the April 4, 2009 election, may have violated Section 1495.7A of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1495.7A) by failing to file the personal financial disclosure statement required by the provisions of Section 1495.7A of the CFDA (La. R.S. 18:1495.7A) to be filed within 10 days of qualifying for the April 4, 2009 election, and is therefore subject to civil penalties of \$100 a day until the statement is filed, not to exceed \$2,500.

The hearing will be held in the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana, on **October 28, 2009 at 9:00 a.m.** This public hearing will be conducted in accordance with the procedural requirements set forth in R.S. 18:1511.4C, provisions of the Administrative Procedure Act and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Board may impose **additional** civil sanctions of up to \$10,000 as per R.S. 18:1505.4A(4)(b).

In order to fully cooperate with you in this matter, the designated trial attorney will, upon request, provide you with copies of all documents that may be introduced into evidence and the names and addresses of all witnesses that the designated trial attorney intends to call. If you desire the attendance of any witnesses, the Board, through its Executive Secretary, Deborah Grier, can issue subpoenas for those witnesses. In order to have subpoenas issued

Ms. Patricia Cravins
August 12, 2009
Ethics Board Docket No. 2009-738
Page 2 of 2

you must, at least ten (10) days in advance of the hearing, supply the names and addresses of the persons to be subpoenaed to the attention of the Executive Secretary.

If you need any additional information, please contact Tracy K. Meyer, the designated trial attorney, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS


Frank Simoncaux
For the Board

EB:FS:tkm

Enclosure

General Item

Ethics Board Docket No. BD 2009-916

11/20/2009

RE: Consideration of a request for an advisory opinion regarding whether an employee of the Office of Addictive Disorders (OAD) may accept part-time employment with an Access to Recovery Provider.

Relevant Statutory Provisions, Advisory Opinions: 1111C(1)(a), 1111C(2)(d)

Comments:

FACTS:

Alice Roeling is a retired employee of the Office of Addictive Disorders (OAD). Prior to her retirement, Ms. Roeling served as an Inpatient Facility Manager for the Springs of Recovery Adolescent Program. She is currently working sporadically as a Work As Executed (WAE) employee for the Springs of Recovery Program for special projects through the Office of Addictive Disorders. She has been approached by the Miracle Place Church to provide contract work to supervise counselors in training. Miracle Place Church has applied for funding through the Access to Recovery program with OAD.

LAW:

Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Section 1111C(2)(d) prohibits a public servant from being compensated from a person who has or is seeking a contractual relationship with the public agency of the public servant.

ANALYSIS:

As long as you are not providing services to clients at the Miracle Place Church who can receive the treatment through the Springs of Recovery program, nor does the Miracle Place Church have or is seeking a contractual agreement with the Springs of Recovery Program, there is no violation of Section 1111C(1)(a) or 1111C(2)(d) of the Code if you accept employment with Miracle Place Church. (APB)

Recommendations:

Adopt the proposed advisory opinion.

Date

Alice Roeling
2219 Myrtledale Avenue
Baton Rouge, LA 70808

RE: Ethics Board Docket No. 2009-916

Dear Ms. Roeling:

The Louisiana Board of Ethics, at its November 20, 2009 Board meeting, considered your request for an advisory opinion regarding whether you may accept employment with the Miracle Place Church while you are currently employed with the Office of Addictive Disorders in the Springs of Recovery Adolescent Program. You stated that you are a retired employee of the Office of Addictive Disorders (OAD). Prior to your retirement, you served as an Inpatient Facility Manager for the Springs of Recovery Adolescent Program. You are currently working sporadically as a Work As Executed (WAE) employee for the Springs of Recovery Program for special projects through the Office of Addictive Disorders. You have been approached by the Miracle Place Church to provide contract work to supervise counselors in training. Miracle Place Church has applied for funding through the Access to Recovery program with OAD

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit your employment with the Miracle Place Church. Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Section 1111C(2)(d) prohibits a public servant from being compensated from a person who has or is seeking a contractual relationship with the public agency of the public servant. As long as you are not providing services to clients at the Miracle Place Church who can receive the treatment through the Springs of Recovery program, nor does the Miracle Place Church have or is seeking a contractual agreement with the Springs of Recovery Program, there is no violation of Section 1111C(1)(a) or 1111C(2)(d) of the Code if you accept employment with Miracle Place Church.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

2009-916

Alice F. Roeling
2219 Myrtledale Avenue
Baton Rouge, Louisiana 70808

August 31, 2009

To Whom It May Concern,

I am a retired State employee who is currently working sporadically as a WAE employee, for special projects through Office for Addictive Disorders. I have been approached by Miracle Place Church in Baker, LA with a request to contract with them to supervise their Counselors in Training. I retired as OAD Inpatient Facility Manager for The Springs of Recovery Adolescent Program and am still on their payroll for my WAE duties.

The Springs of Recovery is considered an Access to Recovery provider, although the federal funding has been converted to the state general budget. Miracle Place Church has applied for funding through Access to Recovery II for their Intensive Outpatient program.

I have been advised to get a ruling from the Ethics Board regarding my working for Miracle Place Church. I have spoken with Frank Perez with DHH legal, and he does not see any conflict; however I want to cover all my bases. I am asking that you let me know if there is any problem with my doing part-time work for both OAD and Miracle Place Church. My email addresses are: (personal) – brmommee@cox.net; (state) alice.roeling@la.gov. My cell phone number is 225-241-9296.

Sincerely,



Alice F. Roeling,
LAC, CCS, CCDP-D-

2009 SEP -1 PM 4:32

STATE OF LOUISIANA
DEPARTMENT OF REVENUE
RECEIVED

General Item

Ethics Board Docket No. BD 2009-941

11/20/2009

RE:

Consideration of a request for an advisory opinion regarding whether a member of the Louisiana State Arts Council may accept a nomination to sit as an officer of the Louisiana Partnerships for the Arts Board, a nonprofit organization that receives grant funding from the Council.

Relevant Statutory Provisions, Advisory Opinions:

1111C(2)(d), 1112

Comments:

FACTS:

The Louisiana Partnership for the Arts(LPA) is a nonprofit organization that receives funding from the Louisiana State Arts Council (Council). The LPA would like to nominate a member of the Council, who also serves as an executive director of a regional arts council, to serve as an officer of the LPA Board.

LAW:

Section 1111C(2)(d) prohibits a public servant from receiving compensation from a person who has or is seeking a business or financial relationship with the agency of the public servant. Section 1112 of the Code prohibits a public servant from participating in transactions in which a person, in which the public servant is an officer, has a substantial economic interest.

ANALYSIS:

As a member of the Council, the executive director would be prohibited from participating in any transactions that come before the Council involving LPA. Additionally, if the Executive Director is to be compensated in his position as an officer of the LPA, then there is a violation of the Code for him to continue his service on the Council.

(APB)

Recommendations:

Adopt proposed advisory opinion.

Date

David Tatman
Administrative Manager
Louisiana Partnership for the Arts

RE: Ethics Board Docket No. 2009-941

Dear Mr. Tatman:

The Louisiana Board of Ethics, at its November 20, 2009 Board meeting, considered your request for an advisory opinion regarding whether a member of the Louisiana State Arts Council (Council) who also sits as Executive Director of a regional arts council may accept nomination as an officer of the Louisiana Partnership for the Arts, a non-profit organization that receives funding from the Council. You stated that the Louisiana Partnership for the Arts (LPA) is a nonprofit organization that receives funding from the Louisiana State Arts Council (Council). The LPA would like to nominate a member of the Council, who also serves as an executive director of a regional arts council, to serve as an officer of the LPA Board.

The Board concluded, and instructed me to advise you, that if the Executive Director is to be compensated in his position with LPA, the Code of Governmental Ethics would prohibit his service as an officer of the LPA board. Section 1111C(2)(d) prohibits a public servant from receiving compensation from a person who has or is seeking a business or financial relationship with the agency of the public servant. Section 1112 of the Code prohibits a public servant from participating in transactions in which a person, in which the public servant is an officer, has a substantial economic interest. As a member of the Council, the Executive Director would be prohibited from participating in any transactions that come before the Council involving LPA. Additionally, if the Executive Director is to be compensated in his position as an officer of the LPA, then there is a violation of Section 1111C(2)(d) of the Code for him to continue his service on the Council.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

AB



2009-941

Louisiana Partnership for the Arts

September 17, 2009

Louisiana Ethics Administration Program
P.O. Box 4368
Baton Rouge, Louisiana 70821

2009 SEP 21 PM 4: 39
ETHICS ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

Dear Ethics Advisory Administration:

The Louisiana Partnership for the Arts (LPA) is a nonprofit organization that receives state arts grant funding through the Louisiana State Arts Council (LSAC).

The LPA would like to nominate the Executive Director of a regional arts council to serve as an officer of our board. This Executive Director, whose organization also receives state arts grant funding from LSAC, also serves on the LSAC, the agency that awards the state arts grant funding.

Is this a conflict of interest?

Sincerely,

David Tatman
Administrative Manager
Louisiana Partnership for the Arts

General Item

Ethics Board Docket No. BD 2009-961 11/20/2009

RE:

Request for an advisory opinion regarding whether a town clerk may continue her employment when her prospective mother-in-law serves as an alderman of the town.

Relevant Statutory Provisions, Advisory Opinions:

1119

Comments:

Facts: Ms. Kimberly Seals has worked for the Town of Greensburg since August 6, 2007. On February 10, 2009, she was appointed as the town clerk. Ms. Seals is engaged to marry Mr. Hoyt McNabb on November 28, 2009. Mr. McNabb's mother is a member of the Board of Aldermen of the Town of Greensburg.

Issue: May Ms. Seals continue to be employed by the agency of her prospective mother-in-law?

Rule: Section 1119B(1) states that no member of the immediate family of a member of a governing authority shall be employed by the governmental entity. Ms. Seals' prospective mother-in-law is a member of a governing authority of a governmental entity, however, Section 1119C(2) states that this prohibition will not preclude the continued employment of any public employee, nor hinder, alter, or in any way affect normal promotional advancements for such employee where a member of the public employee's immediate family becomes the agency head of the public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family member becoming agency head.

Analysis/Conclusion: Since Ms. Seals has been employed by the Town of Greensburg for more than one year, her continued employment will not be prohibited by the Code of Ethics even though her prospective immediate family member is a member of the town's governing authority. (DLG)

Recommendations:

Adopt proposed advisory opinion

Date

Clifton T. Speed
P.O. Box 728
Greensburg, LA 70441

Re: Board Docket No. 2009-961

Dear Mr. Allen ,

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion regarding whether a town clerk may continue her employment when her prospective mother-in-law serves as an alderman of the town. You stated that Ms. Kimberly Seals has worked for the Town of Greensburg since August 6, 2007. On February 10, 2009, she was appointed as the town clerk. Ms. Seals is engaged to marry Mr. Hoyt McNabb on November 28, 2009. Mr. McNabb's mother is a member of the Board of Aldermen of the Town of Greensburg.

The Board concluded, and instructed me to inform you that of the Code Governmental Ethics will not prohibit Ms. Seals' continued employment. Section 1119B(1) states that no member of the immediate family of a member of a governing authority shall be employed by the governmental entity. Ordinarily, since Ms. McNabb is a member of a governing authority of a governmental entity, none of her immediate family members could be employed by that the governmental entity. However, Section 1119C(2) states that this prohibition will not preclude the continued employment of any public employee, nor hinder, alter, or in any way affect normal promotional advancements for such employee where a member of the public employee's immediate family becomes the agency head of the public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family member becoming agency head. Since Ms. Seals has been continuously employed by the governmental entity (the Town of Greensburg) for more than one year, she may continue her employ.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board

DC

CLIFTON T. SPEED

2009-461

ATTORNEY AT LAW
14498 LA. HWY. 37
P. O. BOX 728
GREENSBURG, LOUISIANA 70441

(225)222-4780 (225)222-3205
FAX (225)222-4160

Email: speedlawoffice@centurytel.net

2009 SEP 30 PM 4: 01
CAMPAIGN FINANCE
RECEIVED

September 28, 2009

Louisiana Board of Ethics
For Public Employees
Post Office Box 4368
Baton Rouge, Louisiana 70821

Re: Town of Greensburg

Dear Sirs:

Ms. Kimberly Seal is currently employed by the Town of Greensburg as town clerk. Ms. Seal has worked for the Town of Greensburg since August 6, 2007. Ms. Seal was appointed as clerk of the Town of Greensburg on February 10, 2009. Ms. Seal is now engaged to marry Mr. Hoyt McNabb, whose mother, Paula D. McNabb, is a member of the Board of Aldermen of the Town of Greensburg on November 28, 2009. The question that this raises is that since on the date of her marriage, Kimberly Seal, will become a member of the immediate family of Ms. Paula D. McNabb, a member of the Board of Aldermen of the Town of Greensburg, does her employment for in excess of one (1) year act as an exemption for her continued employment by the Town of Greensburg as the town clerk after her marriage. Mayor W. Burke Jones has asked me to seek this advisory opinion. Both he and Ms. Seal would very much appreciate it if this opinion could be rendered prior to the scheduled date of her marriage so that she would have a clear understanding as to the consequences of her impending marriage in November, 2009.

Thanking you for your assistance in this regard, I remain

Yours very truly,


Clifton T. Speed

CTS:lhr

cc: Hon. W. Burke Jones, Mayor
Town of Greensburg
Post Office Box 160
Greensburg, Louisiana 70441

General Item

Ethics Board Docket No. BD 2009-968 11/20/2009

RE:

Consideration of a request for an advisory opinion regarding an employee of the Department of Wildlife and Fisheries seeking part-time employment at the Bass Pro Shop.

Relevant Statutory Provisions, Advisory Opinions:

1111C(1)(a); 1111C(2)(d)

Comments:

FACTS: Jonathan LeBlanc is a Biologist Manager for the Dept. of Wildlife and Fisheries. He is the educational manager for the department. He would like to work for the Bass Pro Shop as a retail sales associate. He would not be selling licenses which are issued by the Dept. of Wildlife and Fisheries. The Dept. of Wildlife and Fisheries does not have any contractual, business or other financial relationship with the Bass Pro Shop.

LAW: Section 1111C(1)(a) of the Code prohibits a public employee from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Section 1111C(2)(d) of the Code prohibits a public servant, or a legal entity in which he owns in excess of 25% or exercises control over, from receiving a thing of economic value for services rendered to or for a person that has, or is seeking to have, a contractual, business, or financial relationship with his agency.

ANALYSIS: The Code does not prohibit Mr. LeBlanc from working for the Bass Pro Shop. His job at the Bass Pro Shop as a retail associate does not involve subject matter which is regulated by the Dept. of Wildlife and Fisheries. And there is no contractual relationship between the Bass Pro Shop and the Dept. of Wildlife and Fisheries. (AMA)

Recommendations:

Adopt the proposed advisory opinion concluding that Mr. LeBlanc's employment is permitted under the Code.

DATE

Jonathan B. LeBlanc
23751 Rosemont Drive
Denham Springs, LA 70726

Re: Ethics Board Docket No. 2009-968

Dear Mr. LeBlanc:

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion as to the propriety of your employment with the Bass Pro Shop, a retail sales associate while you are employed with the Department of Wildlife and Fisheries. The Board concludes that as a Biologist Manager you serve as the Education Manager for DWF. You request that DWF does not have any contractual or business or financial relationship with the Bass Pro Shop.

The Board concluded and instructed me to inform you that your employment with the Bass Pro Shop is permitted under the Code of Governmental Ethics, Section 1111C(2)(a). The Code prohibits a public servant from providing compensated services to a person who has a contractual, business or financial relationship with his agency. Section 1111C(2)(b) of the Code prohibits payment for services the subject matter of which are devoted substantially to the responsibilities, programs or operations of the agency of the public servant and in which the public servant has participated. There is no contractual, business or financial relationship between DWF and the Bass Pro Shop. Also as a retail sales associate you would sell hunting clothes and hunting paraphernalia and would not sell hunting licenses; therefore, the services you would provide to the Bass Pro Shop are not substantially related to the programs and operations of your agency.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues advisory opinions on past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

AA

ETHICS ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED



2009-968

BOBBY JINDAL
GOVERNOR

2009 SEP 23 AM 8: 20 State of Louisiana

ROBERT J. BARHAM
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF WILDLIFE

JIMMY L. ANTHONY
ASSISTANT SECRETARY

To: La. Ethics Board
From: Jonathan B. LeBlanc, L.D.W.F.
Re: Request for Advisory Opinion
Date: 9/18/09

I am requesting an advisory opinion for outside employment. I am currently a Biologist Manager for the La. Dept. of Wildlife & Fisheries. Functional duty is Education Manager for the department. Please see attached job description for evaluation of request.

I am requesting to work "part time" for Bass Pro in Denham Springs. I have interviewed and they would like me to work as a P.A.C.E employee in the hunting section. Basically a PACE worker is strictly a part time associate that works on my schedule, not theirs. This means I only work when I want to. This would be on nights and weekends on my days off. I will not be selling licenses or anything that would link me to the department. Strictly retail hunting clothes, decoys, calls, and other hunting paraphernalia.

I have been a state employee for over 33 years, finished DROP, and just trying to make extra money to pay for my daughters wedding.

Please advise when this is under consideration and on your docket.

Thank you for your consideration.

Jonathan B. LeBlanc
23751 Rosemont Dr.
Denham Springs, La. 70726
Home- 664-6479
Cell- 572-8480
Work- 763-5788



State of Louisiana

DEPARTMENT OF STATE CIVIL SERVICE

www.civilservice.la.gov

160740

BIOLOGIST MANAGER

TS314 \$44,845 - \$89,253

Creation Date: 11/01/1996

Change Date: 07/01/2009

FUNCTION OF WORK:

To develop and manage biological and environmental research/management activities.

LEVEL OF WORK:

Manager.

SUPERVISION RECEIVED:

General from a Biologist Program Manager or higher-level Biologist.

SUPERVISION EXERCISED:

Direct line over Biologist Supervisor(s) or an equivalent unit of professional biologists.

LOCATION OF WORK:

Department of Wildlife and Fisheries.

JOB DISTINCTIONS:

Differs from Biologist Supervisor by the responsibility for supervision of Biologist Supervisor(s) or an equivalent professional biologist staff.

Differs from Biologist Program Manager by absence of responsibility for supervising a subordinate Biologist Manager or equivalent mix of supervisory staff.

EXAMPLES OF WORK:

EXAMPLES BELOW ARE A BRIEF SAMPLE OF COMMON DUTIES ASSOCIATED WITH THIS JOB TITLE. NOT ALL POSSIBLE TASKS ARE INCLUDED.

Responsible for personnel management, including recommendations for hiring, promotions, annual merit increases, performance reviews, and approval of leave requests.

Makes recommendations to the division administrator and the Secretary for management and regulation of game or non-game wildlife or inland or marine fishes.

Develops, approves, or establishes research projects for game or non-game wildlife or inland or marine fishes.

Analyses highly technical biological data and prepares or edits technical and popular papers for publication.

Participates on scientific committees or taskforces at the state or national level.

<http://www.civilservice.la.gov/asp/OneStopJobInfo/DisplayJobSpec.aspx?JobCode=160740> 9/18/2009

Coordinates department public outreach programs, such as conducting field trips to school and civic groups and providing information upon request on game or non-game wildlife or inland or marine fishes.

Responsible for developing species management plans.

QUALIFICATION REQUIREMENTS:

MINIMUM QUALIFICATIONS:

A baccalaureate degree in a biological science, marine science, environmental science, wildlife or fisheries management, animal science, or forestry followed by six years of professional experience in wildlife or fisheries research, management, education or conservation.

SUBSTITUTIONS:

Graduate training in qualifying fields may be substituted for up to one year of the required experience on the basis of thirty semester hours for one year of experience.

A non-thesis master's degree in qualifying fields will substitute for one year of the required experience.

A master's degree with completed thesis in qualifying fields will substitute for two years of the required experience.

A Ph.D. in qualifying fields will substitute for two years of the required experience.

NOTE:

Examples of non-qualifying degrees are science education (of any discipline), geology, geography, nuclear science, and agribusiness.

NOTE:

Any college hours or degree must be from a school accredited by one of the following regional accrediting bodies: the Middle States Association of Colleges and Schools; the New England Association of Schools and Colleges; the North Central Association of Colleges and Schools; the Northwest Commission on Colleges and Universities; The Southern Association of Colleges and Schools; the Western Association of Schools and Colleges.

General Item

Ethics Board Docket No. BD 2009-969

11/20/2009

RE:

Consideration of request for advisory opinion regarding whether an alderman can vote on a project when his employer is providing materials for the project.

Relevant Statutory Provisions, Advisory Opinions:

1112B(3)

Comments:

Facts: The Veterans Memorial Committee requested the Village of Albany to donate funds to help build a memorial in Albany. The Village of Albany's Board consists of three aldermen. One Alderman, Mr. G. Glascock is on the Board of Directors for Memorial. Another Alderman, Mr. B. Martin works for LaFarge Corp., a company that is supplying concrete for the project.

Issue: May Aldermen Martin vote on donating funds to the Veterans Memorial Committee when this issue comes before the board:

Rule: Section 1112B(3) 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. Section 1123(1) of the Code provides an exception to permit a public servant to participate in the affairs of a charitable or public service organizations when no compensation is received.

Analysis/Conclusion: Since Mr. Martin nor Mr. Glascock will receive compensation for their participation in the vote to donate funds to the Veterans Memorial Committee, there is no violation of the Code if Alderman Martin or Glascock vote to donate funds to the Veteran's Memorial Committee. (DLG)

Recommendations:

Adopt proposed advisory opinion.

Date

Mr. Thomas A. Stewart
Mayor, Village of Albany
P.O. Box 1000
Albany, LA 70711

RE: Board Docket No. 2009-969

Dear Mayor Stewart:

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion regarding whether Alderman B. Martin could vote on a project when his employer is providing materials for the project. You stated that the Veterans Memorial Committee requested that the Village of Albany donate funds to help build a memorial in Albany, Louisiana. You also stated that the Village of Albany's Board consists of three aldermen. One Alderman, Mr. G. Glascock is on the Board of Directors for Memorial. Another Alderman, Mr. B. Martin works for LaFarge Corp., a company that is supplying concrete for the project.

The Board concluded, and has instructed me to advise you that the Code of Governmental Ethics would not prohibit Alderman Martin or Alderman Glascock from voting on donating funds to the Veterans Memorial Committee. Section 1112 of the Code prohibits a public servant from participating in a transaction involving the governmental entity in which he or his employer has a substantial economic interest. Section 1123(1) of the Code provides an exception to permit a public servant to participate in the affairs of a charitable or public service organization when no compensation is received. Since Mr. Martin nor Mr. Glascock will receive compensation for their participation in the vote to donate funds to the Veterans Memorial Committee, there is no violation of the Code if Alderman Martin or Glascock vote to donate funds to the Veteran's Memorial Committee.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board

VILLAGE OF ALBANY
29816 S. MONTPELIER
P. O. BOX 1000
ALBANY, LOUISIANA 70711

2009-969

MAYOR
THOMAS A. STEWART
CLERK
SANDY STEWART SMITH

ALDERMEN
EDMOND HARRIS
GENE GLASCOCK
LLOYD "BEE" MARTIN

August 31, 2009

Louisiana State Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

Re: Veterans Memorial
Albany, LA

Dear Sirs;

The Mayor and Board of Aldermen of the Village of Albany request an opinion from your office on the following situation.

The Veterans Memorial Committee has requested donated funds from the Village of Albany to help build their memorial in our town.

The Board consists of 3 Aldermen, One Alderman Mr. G. Glascock cannot vote because he is on the Board of Directors for Memorial. The second Alderman Mr. B. Martin is uncertain whether he can vote because the company that he works for, LaFarge Corp. is supplying the concrete for the project.

Your consideration to this matter is greatly appreciated.

Sincerely,



Thomas A. Stewart
Mayor

TAS/ss

2009 SEP 22 AM 10:11
CITY ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

General Item

Ethics Board Docket No. BD 2009-994 11/20/2009

RE: Consideration of a request for an advisory opinion regarding whether the Director of the Traffic & Transportation Department of Lafayette Consolidation Government may serve as an expert witness in a case involving the Louisiana Department of Transportation & Development.

Relevant Statutory Provisions, Advisory Opinions: 1111C(1)(a), 1111C(2)(d), 1102(16)

Comments:

FACTS:

Tony Tramel is the Director of the Traffic and Transportation Department for the Lafayette Consolidated Government and a registered professional engineer in Louisiana, Texas, Florida, and Oklahoma. In Mr. Tramel's role as Director, he is responsible for the administration of two contracts between Lafayette Consolidated Government (LCG) and Louisiana Department of Transportation and Development (LADOTD). The contracts involve traffic signal maintenance, Metropolitan Planning Organization agreements and an engineering/planning study. Mr. Tramel has been asked by an attorney representing LADOTD to serve as an expert in an expropriation case in the City of New Iberia. Mr. Tramel's service as an expert will require a contract agreement between himself and LADOTD and compensation will be given for the contemplated effort.

LAW:

Section 1111C(2)(d) of the Code prohibits a public servant from receiving a thing of economic value from any person who has or is seeking a business or contractual relationship with the public servant's agency. Section 1111C(1)(a) of the Code prohibits a public servant from receiving anything of economic value for a non-public service that is devoted substantially to the responsibilities, programs, and operations of the agency of the public servant and in which the public servant has participated. Section 1102(16) of the Code defines a person as an individual or legal entity other than a governmental entity.

ANALYSIS:

Because Mr. Tramel will not be contracting with a "person" to perform the proposed services, but instead with the LADOTD, Section 1111C(2)(d) of the Code will not apply to the above facts. Additionally, as long as Mr. Tramel is not participating in matters with the City of New Iberia in which he has participated in as Director of the Traffic and Transportation Department of LCG, there is no violation of the Code if he serves as an expert in the expropriation case in New Iberia. (APB)

Recommendations: Adopt the proposed advisory opinion.

Date

Tony Tramel
112 Dayna
Carencro, LA 70520

RE: Ethics Board Docket No. 2009-994

Dear Mr. Tramel:

The Louisiana Board of Ethics, at its November 20, 2009 Board meeting, considered your request for an advisory opinion regarding whether you, as Director of the Traffic and Transportation Department of the Lafayette Consolidated Government (LCG) may serve as an expert for the Louisiana Department of Transportation and Development (LADOTD) in an expropriation case in New Iberia. You stated that you are a registered professional engineer in Louisiana, Texas, Florida, and Oklahoma. In your role as Director, you are responsible for the administration of two contracts between LCG and LADOTD. The contracts involve traffic signal maintenance, Metropolitan Planning Organization agreements and an engineering/planning study. You have been asked by an attorney representing LADOTD to serve as an expert in an expropriation case in the City of New Iberia. Your service as an expert will require a contract agreement between yourself and LADOTD. Compensation will be given for the contemplated effort.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit your service as an expert in an expropriation case in the City of New Iberia. Section 1111C(2)(d) of the Code prohibits a public servant from receiving a thing of economic value from any person who has or is seeking a business or contractual relationship with the public servant's agency. Section 1111C(1)(a) of the Code prohibits a public servant from receiving anything of economic value for a non-public service that is devoted substantially to the responsibilities, programs, and operations of the agency of the public servant and in which the public servant has participated. Section 1102(16) of the Code defines a person as an individual or legal entity other than a governmental entity. Because you will not be contracting with a "person" to perform the proposed services, but instead with the LADOTD, Section 1111C(2)(d) of the Code will not apply to the above facts. Additionally, as long as you are not participating in matters with the City of New Iberia in which you, as Director of the Traffic and Transportation Department of LCG, have participated with the City of New Iberia, there is no violation of the Code if you serve as an expert in the expropriation case in New Iberia.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you

have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

DRAFT

REGISTRATION
LAFAYETTE FINANCE
RECEIVED

2009 OCT -7 PH 4: 28

209-994

Tony Tramel, PE, PTOE
112 Dayna
Carencro, LA 70520

October 4, 2009

Ms. Aleshia Ardoin
Louisiana Board of Ethics
P. O. Box 4368
Baton Rouge, LA 70821

Dear Ms. Ardoin:

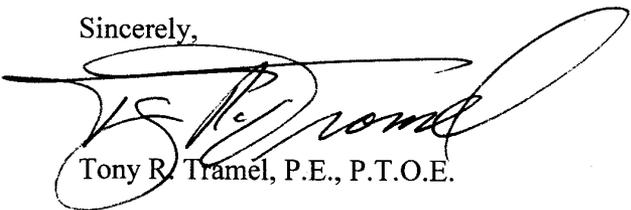
Please let this confirm our telephone conversation on October 1, 2009, the subject matter being my request for an ethics opinion. I am an agency head. I am the Director of the Traffic & Transportation Department for Lafayette Consolidated Government (LCG). I am a registered professional Engineer in Louisiana, Texas, Florida, and Oklahoma. Attached is an organization chart of the department of Traffic and Transportation. I report directly to our President of Lafayette Consolidated Government. I am an appointed position and serve at the pleasure of the President.

I have been approached by an attorney who represents the Louisiana Department of Transportation & Development (LaDOTD) in an expropriation case in New Iberia. This attorney has requested I serve as an expert witness in this case. A contract between myself and the LaDOTD would be required and compensation would be anticipated for the contemplated expert witness effort.

In my role as an agency head, I am responsible for administration of two specific contracts between LCG and the LaDOTD. These contracts include traffic signal maintenance agreements, Metropolitan Planning Organization agreements and an engineering/planning study which is funded through agreements with the LaDOTD.

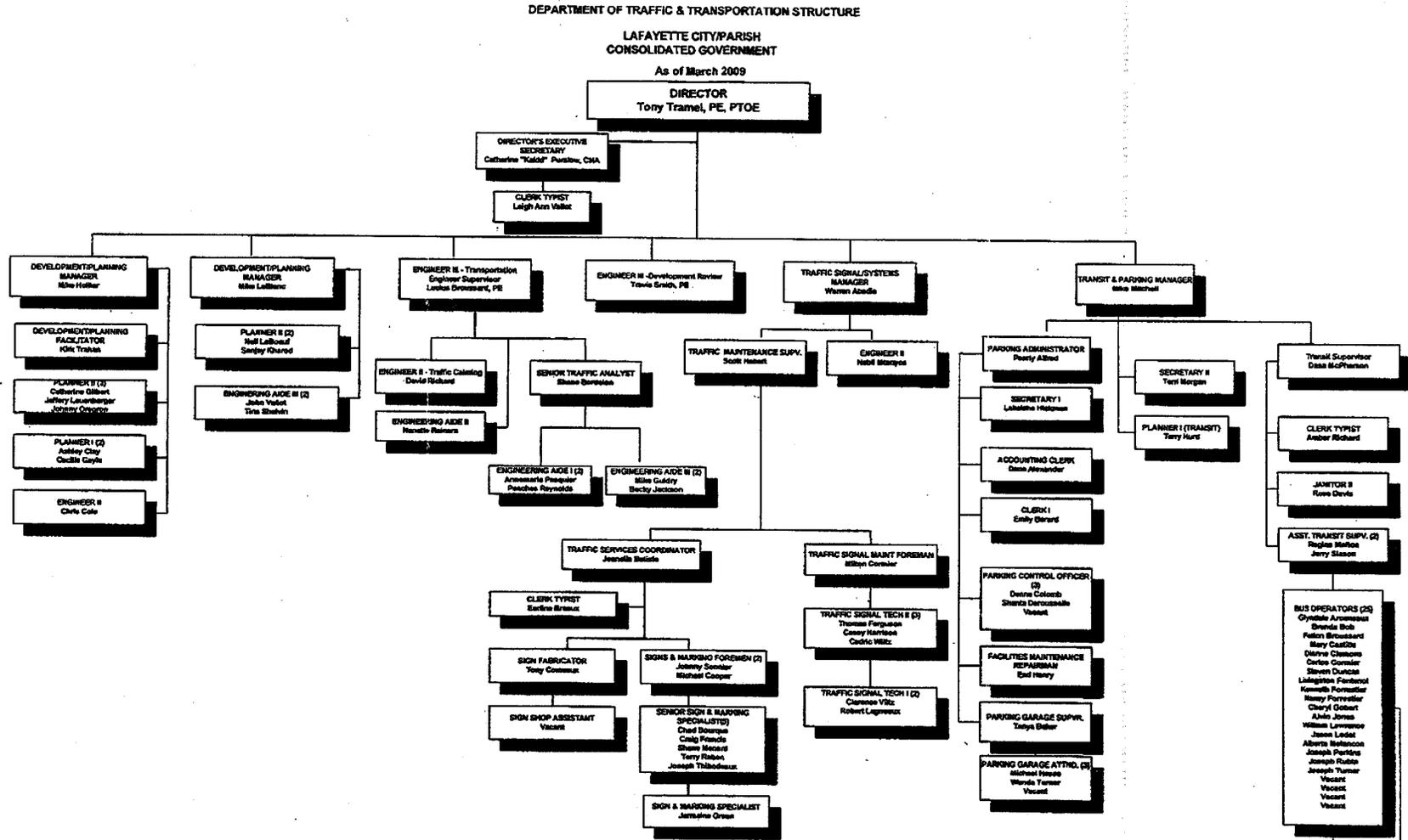
In my review of the ethics guidelines, it would appear the conditions I have just described would make it unethical for me to enter into an agreement with the LaDOTD. Please confirm this assertion, or provide guidance concerning same.

Sincerely,



Tony R. Tramel, P.E., P.T.O.E.

cc. Dee Stanley, CAO, LCG
Joey Durel, President, LCG



General Item

Ethics Board Docket No. BD 2009-999

11/20/2009

RE:

Consideration of a request for an advisory opinion regarding whether the purchasing agent for St. John the Baptist School Board may issue a purchase order to a company that has a business agreement with the purchasing agent.

Relevant Statutory Provisions, Advisory Opinions:

1111C(2)(d)

Comments:

FACTS:

Peter Montz is the purchasing agent for St. John the Baptist Parish School Board(Board). He received a request to procure two storage buildings for the School District. The lowest quote submitted was from Tuff Sheds Inc. Tuff Sheds Inc. rents a commercial building in St. John the Baptist Parish of which Mr. Montz owns a 9% interest.

LAW:

Section 1111C(2)(d) of the Code prohibits a public servant from receiving compensation from a person who has or is seeking a business or financial relationship with the public servant's agency. Section 1102(7) of the Code defines compensation as anything of economic value which is paid, loaned, granted, given, donated, transferred or to be paid, loaned, given, donated or transferred for or in consideration of personal services to any person.

ANALYSIS:

Since Mr. Montz is not being paid for a personal service that he is providing to Tuff Sheds, a company seeking a business relationship with the Board, there is no violation of the Code if Tuff Sheds Inc. is issued a purchase order for St. John the Baptist School District. (APB)

Recommendations:

Adopt the proposed advisory opinion.

Date

Peter Montz
P.O. Drawer AL
Reserve, LA 70084

RE: Ethics Board Docket No. 2009-999

Dear Mr. Montz:

The Louisiana Board of Ethics, at its November 20, 2009 Board meeting, considered your request for an advisory opinion regarding whether St. John The Baptist Parish School Board (Board) may issue a purchase order to Tuff Sheds Inc. for storage buildings where you, as the purchasing agent for Board, rent commercial property to Tuff Sheds Inc. You stated that you received a request to procure two storage buildings for the Board. The lowest quote submitted was from Tuff Sheds Inc. Tuff Sheds Inc. rents a commercial building in St. John the Baptist Parish of which you own a 9% interest.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit Tuff Sheds Inc. from accepting a purchase order from the Board. Section 1111C(2)(d) of the Code prohibits a public servant from receiving compensation from a person who has or is seeking a business or financial relationship with the public servant's agency. Section 1102(7) of the Code defines compensation as anything of economic value which is paid, loaned, granted, given, donated, transferred or to be paid, loaned, given, donated or transferred for or in consideration of personal services to any person. Since you are not being paid for a personal service that you are providing to Tuff Sheds, a company seeking a business relationship with the Board, there is no violation of the Code if Tuff Sheds is issued a purchase order for St. John the Baptist School District.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board



St. John the Baptist Parish School Board

2009-999

Making *A+* Difference: Accountability Assessment Achievement

Gerald J. Keller, Ph.D.

Board President

Patrick H. Sanders

Vice-President

Courtney P. Millet, Ph.D.

Superintendent

BOARD MEMBERS

Russell Jack

District No. 1
P.O. Box 75
Edgard, LA 70049
985-497-8395

Albert Burl, III

District No. 2
P.O. Box 593
Garyville, LA 70051
985-535-2969

Gerald J. Keller, Ph.D.

District No. 3
P.O. Box 347
Reserve, LA 70084
985-536-6570

Patrick H. Sanders

District No. 4
137 E. 31st Street
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985-536-4247

James R. Maders

District No. 5
7 Holly Drive
LaPlace, LA 70068
985-652-5555

Keith Jones

District No. 6
P.O. Box 952
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985-652-5170

Phillip Johnson

District No. 7
1117 Cincialr Loop
LaPlace, LA 70068
985-651-4290

Russ Wise

District No. 8
2131 Marion Drive
LaPlace, LA 70068
985-652-7211

Lowell Bacas

District No. 9
517 Parlange Loop
LaPlace, LA 70068
985-652-6882

Matthew J. Ory

District No. 10
640 S. Golfview Drive
LaPlace, LA 70068
504-915-0849

Clarence Triche

District No. 11
1614 Main Street
LaPlace, LA 70068
985-652-6193

October 12, 2009

Louisiana Board of Ethics
PO Box 4368
Baton Rouge, LA 70821

Dear Board:

I am the purchasing agent for St. John the Baptist Parish School Board.

I recently received a request to procure two storage buildings to be used in the district. Per our local policy, I obtained three quotes for this expenditure over \$1,000.00.

The low quote was from Tuff Sheds.

Tuff Sheds rents a commercial building in St. John Parish of which I have a 9% ownership interest.

I am requesting an opinion, based on the aforementioned information, if I can issue a purchase order to Tuff Sheds for the two storage buildings.

Sincerely,

Peter T. Montz, C.P.M.
Purchasing Agent

2009 OCT 12 PM 1:07
CAMPAIGN FINANCE
RECEIVED

General Item
Ethics Board Docket No. BD 2009-1001
11/20/2009

RE: Consideration of a request for an advisory opinion regarding the appointment of a contractor with the Department of Health and Hospitals Chronic Disease Prevention and Control Unit to the Diabetes Advisory Council.

Relevant Statutory Provisions, Advisory Opinions:

1113A

Comments:

FACTS:

Dr. Leonard Jack is a contractor with the Department of Health and Hospitals Chronic Disease Prevention and Control Unit. In 2003, the Legislature created the Diabetes Advisory Council. The present Co-chair of the Council would like to appoint Dr. Jack to the position of Co-chair. The Council has no involvement in Dr. Jack's contract with CDCPU. The appointment will be made by the present Co-chair.

LAW:

Section 1113A of the Code prohibits a public servant from entering into a transaction that is under the supervision or jurisdiction of his agency.

ANALYSIS:

Dr. Jack's agency is limited to the scope of his contract with CDCPU. Since Dr. Jack's agency does not include the Diabetes Advisory Council and it is the Council that will be appointing him, no issues under the Code of Ethics are presented. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Mathew Valliere, Director
DHH Chronic Disease Prevention and Control Unit
P.O. Box 3118
Baton Rouge, Louisiana 70821-3118

Re: Ethics Board Docket No. 2009-1001

Dear Mr. Valliere:

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion as to whether Dr. Leonard Jack, a contractor with DHH Chronic Disease Prevention and Control Unit, may be appointed by the former Co-chair of the Diabetes Advisory Council to the position of Co-chair of the Diabetes Advisory Council. You stated that the Diabetes Advisory Council has no involvement with Dr. Jack's contract or duties with DHH Chronic Disease Prevention and Control Unit.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the former Co-chair of the Diabetes Advisory Council appointing Dr. Leonard Jack to the position of Co-chair on the Diabetes Advisory Council while he has a contract with DHH Chronic Disease Prevention and Control Unit. Section 1113A of the Code prohibits a public servant from entering into any transactions that are under the supervision or jurisdiction of his agency. Since Dr. Jack is not being appointed by his agency, the DHH Chronic Disease Prevention and Control Unit, and the Diabetes Advisory Council has no involvement with his contract with DHH Chronic Disease Prevention and Control Unit, Dr. Jack's appointment to the position of Co-chair on the Diabetes Advisory Council is not prohibited.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

Bobby Jindal
GOVERNOR



2009-1001

ALAN LEVINE
SECRETARY
ADMINISTRATION
RECEIVED

State of Louisiana

Department of Health and Hospitals 2009 OCT -7 PM 4: 35
Bureau of Primary Care and Rural Health

October 5, 2009

Louisiana Ethics Administration Program
Post Office Box 4368
Baton Rouge, LA 70821

RE: Request for Advisory Opinion

We are requesting an advisory opinion on whether it is a conflict of interest for Leonard Jack, PhD to serve as both a contractor with the Department of Health and Hospitals (DHH) Chronic Disease Prevention and Control Unit (CDCPU) and acting as Co-Chair of the Diabetes Advisory Council, and whether he is considered a "public servant."

Dr. Jack is currently a contractor with the CDCPU to provide outside evaluation for our Asthma, Diabetes, Heart Disease and Stroke, and Tobacco programs. Recently Peggy Bourgeois, the current Co-Chair of the Diabetes Advisory Council met with Dr. Jack to ask him to serve as the next Council Co-Chair, alongside William Cefalu, MD. Dr. Jack is very interested in serving in this capacity; however we want to make sure there is not a conflict of interest in his doing so.

Dr. Jack has over 14 years of public health experience with the Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia where he served previously as a Senior Behavioral Scientist, Community Intervention Section Chief, and Leader of the Applied Behavioral Research, Epidemiology, Surveillance, and Evaluation (ABRESE) Team within the Division of Cancer Prevention and Control and the Division of Diabetes Translation (DDT). His areas of research expertise include socio-cultural aspects of disease management; psychosocial aspects of managing diabetes; family and community-based research; and men's health. Dr. Jack's qualifications and experience make him an ideal candidate to serve as the Co-Chair of the Diabetes Advisory Council.

The Diabetes Advisory Council was established by the Senate Concurrent Resolution No. 49 of the 2003 Regular Session. The membership is uncompensated and the Council itself is unfunded. Staff members of the Diabetes Prevention and Control Program serve as facilitators for the Council meetings.

Should you need any additional information, please feel free to contact Natasha McCoy at 225-342-2663 or Natasha.McCoy@la.gov.

Sincerely,

Matthew Valliere, Director
DHH Chronic Disease Prevention and Control Unit

MV:ct

ENROLLED

Regular Session, 2003

SENATE CONCURRENT RESOLUTION NO. 49

BY SENATOR HINES AND REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To establish the Louisiana Diabetes Advisory Council as the entity that will provide statewide leadership to prevent diabetes, strive to continuously improve the lives of all Louisianians affected by diabetes mellitus, and reduce the burden of the disease.

WHEREAS, six point two percent of the United States adult population has a diagnosis of diabetes mellitus; and

WHEREAS, seven point two percent of adults in Louisiana are diagnosed with diabetes mellitus; and

WHEREAS, diabetes mellitus is the sixth leading cause of death in the United States; and

WHEREAS, Louisiana has the highest death rate due to diabetes mellitus of all other states in the United States; and

WHEREAS, diabetes mellitus costs the United States nearly one hundred billion dollars each year, in health care costs, including the numerous complications caused by diabetes mellitus, and in costs related to reduced productivity; and

WHEREAS, diabetes mellitus costs Louisiana over two billion dollars each year; and

WHEREAS, complications of diabetes mellitus include heart disease, stroke, high blood pressure, blindness, kidney disease, nervous system disease,

SCR NO. 49**ENROLLED**

amputations, dental disease, and complications during pregnancy.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby establish the Louisiana Diabetes Advisory Council as the entity that will provide statewide leadership to prevent diabetes, strive to continuously improve the lives of all Louisianians with diabetes mellitus, and reduce the burden of the disease.

BE IT FURTHER RESOLVED that the Louisiana Diabetes Advisory Council shall be composed of a representative from each of the following groups or organizations:

1. A representative of the Quality Improvement Organization.
2. A representative of the Louisiana Hospital Association.
3. A representative of the Department of Health and Hospitals, office of public health.
4. A representative of the Louisiana Nurses Association.
5. A representative of the Louisiana State Medical Society.
6. A representative of the Louisiana Medical Association.
7. A representative of the Louisiana Diabetes Educators Association.
8. A representative of the Louisiana State University Health Sciences Center, Health Care Services Division.
9. A representative of the Louisiana Association of Health Plans.
10. A representative of the Louisiana Department of Insurance.
11. A physician who practices endocrinology to be recommended by the Louisiana State Medical Society.
12. A representative of the Louisiana Ophthalmology Association.
13. A representative of the Juvenile Diabetes Research Foundation.
14. A representative of the Louisiana Independent Pharmacy Association.

SCR NO. 49**ENROLLED**

BE IT FURTHER RESOLVED that the members of this council shall serve without compensation, except any per diem or expenses reimbursement to which they may be individually entitled as members of the constituent organizations.

BE IT FURTHER RESOLVED that the members of the council shall select among themselves a chairperson and a vice chairperson who shall conduct the meetings of this council and shall work with staff as provided for in this Resolution to maintain communication among the council members.

BE IT FURTHER RESOLVED that the Louisiana Diabetes Advisory Council shall be facilitated and staffed by the office of public health, Diabetes Prevention and Control Program.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

Tracy Meyer

From: Natasha McCoy
Sent: Friday, October 30, 2009 4:47 PM
To: Tracy Meyer
Subject: RE: Ethics Docket No. 2009-1003
Attachments: image001.gif

No problem. Please find my responses below:

1. We will be sure to submit a copy of the contract as soon as possible. My supervisor has the present copy.
2. The Diabetes Advisory Council has no involvement with Dr. Jack's contracted job duties and responsibilities. Dr. Jack's services are exclusively for the programs within DHH's Chronic Disease Prevention and Control Unit.
3. Dr. Jack currently does not have an official appointment to the Council. Dr. Jack's placement into the Co-Chair position will be appointed to him by the current Co-Chair, Peggy Bourgeois, who self-selected Dr. Jack to serve in this role.

Natasha McCoy

Natasha M. McCoy, BS, MPH
Program Manager
Louisiana Diabetes Prevention and Control Program
Bureau of Primary Care and Rural Health
Chronic Disease Prevention and Control Unit
Bienville Building
628 North 4th Street, P.O. Box 3118
Baton Rouge, LA 70802
Phone: 225-342-2663
Fax: 225-342-2652
Natasha.McCoy@LA.GOV

"Those who walk together strengthen each other."

From: Tracy Meyer
Sent: Friday, October 30, 2009 4:34 PM
To: Natasha McCoy
Subject: Ethics Docket No. 2009-1003

Ms. McCoy,

I have a few more questions.

- (1) Please send me a copy of Dr. Jack's contract with DHH.
- (2) Does the Diabetes Advisory Council have any involvement in Dr. Jack's contract with DHH or with his job duties and responsibilities under his contract?
- (3) Has Dr. Jack already been appointed to the Council? If so, who appointed him to the Council? Who will appoint him to the position of Co-chair?

Please provide the information as soon as possible.

Thank you.

Tracy K. Meyer, Staff Attorney
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, Louisiana 70821
Telephone: (225) 219-5600 / (800) 842-6630
Facsimile: (225) 381-7271
www.ethics.state.la.us

DISCLAIMER: The contents of this message are for information purposes only and does not constitute an advisory opinion of the Board of Ethics. If you would like to request an advisory opinion from the Louisiana Board of Ethics, please refer to <http://www.ethics.state.la.us/BoardProcedures.aspx> for information about submitting a request for an advisory opinion.

PRIVILEGED AND CONFIDENTIAL COMMUNICATION: DO NOT read, copy or disseminate this communication unless you are the intended recipient. This communication may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are on notice that any unauthorized disclosure, copying distribution, or taking of any action in reliance on the contents of the electronically transmitted materials is prohibited. If you have received this communication in error, please call us immediately at (225) 219-5600 and ask to speak to the sender of the communication. Also, please notify us immediately via e-mail if you have received this communication in error.

General Item
Ethics Board Docket No. BD 2009-1002
11/20/2009

RE: Consideration of a request for an advisory opinion regarding whether an employee for the Louisiana Department of Transportation and Development may sell his personal residence to a consultant for the Louisiana Department of Transportation and Development.

Relevant Statutory Provisions, Advisory Opinions: 1111C(2)(d) and 1102(20.1)

Comments:

FACTS:

Hossein Ghara is a Bridge Employee with the Louisiana Department of Transportation and Development ("DOTD") and a former member of the Consultant Evaluation Committee, which was dissolved as of June 2009 pursuant to legislation. Mr. Ghara's personal friend is a consultant for DOTD. In the past, Mr. Ghara performed evaluations regarding his personal friend as a consultant.

Mr. Ghara has received an offer from his personal friend to purchase Mr. Ghara's personal residence. Mr. Ghara would like to accept the purchase agreement, which places the purchase price below the appraisal value.

LAW:

Section 1111C(2)(d) of the Code prohibits a public servant from providing compensated services to a person that has or is seeking a contractual, financial or other business relationship with his agency.

Section 1102(20.1) of the Code defines "service" as work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property.

ANALYSIS:

The sale of immovable property is a services as defined by the Code of Ethics. As such, Mr. Ghara is prohibited from selling his immovable property to a person that has a contractual, financial or other business relationship with his agency. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Hossein Ghara
4970 Bardwell Drive
Baton Rouge, Louisiana 70808-1829

Re: Ethics Board Docket No. 2009-1002

Dear Mr. Ghara:

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion as to whether you may sell your personal residence to a friend who is also a consultant for the Louisiana Department of Transportation and Development ("DOTD") while you serve as a Bridge Engineer for the DOTD. You stated that you are a Bridge Employee with the DOTD and a former member of the Consultant Evaluation Committee, which was dissolved as of June 2009 pursuant to legislation. You stated that your personal friend is a consultant for DOTD. In the past, you stated that you have performed evaluations regarding your personal friend as a consultant.

In addition, you stated that you have received an offer from your personal friend to purchase your personal residence. You stated that you would like to accept the purchase agreement, which places the purchase price below the appraisal value.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you from selling your personal residence to your personal friend while your personal friend is a consultant for the Louisiana Department of Transportation and Development and while you are also employed with DOTD. Section 1111C(2)(d) of the Code prohibits a public servant from providing compensated services to a person that has or is seeking a contractual, financial or other business relationship with his agency. Section 1102(20.1) of the Code defines "service" as work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property. Since the sale of immovable property is a services as defined by the Code of Ethics, you are prohibited from selling your immovable property to a person that has a contractual, financial or other business relationship with your agency.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The

Mr. Hossein Ghara

Date

Ethics Board Docket No. 20009-1002

Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

DRAFT

2009-1002

September 29, 2009

Louisiana Board of Ethics

LaSalle Building, Suite 10-36

617 North 3rd Street

Baton Rouge, Louisiana 70802

Hossein Ghara
4970 Bardwell Drive
Baton Rouge, LA 70808-1829

2009 OCT -5 PM 4:50
RECEIVED
REGISTRATION
FINANCE
CARRIAGE

Dear Louisiana Board of Ethics

I am writing to receive your opinion on a matter of much interest to me as professional Engineer licensed in Louisiana since 1980. I am currently employed with Louisiana DOTD and serve in the capacity of the DOTD Bridge Engineer Administrator. I have worked for DOTD as a career employee and in the capacity of the Bridge Engineer in the past 8 years. In addition to my position as the Bridge Engineer I have also served as a member of the Department's Consultant Evaluation Committee where I have assisted in the evaluation of the consulting firms. This evaluation in combination with other factors will result in the development of a short list to aid the Secretary of DOTD with the selection. In this process, I do not personally prepare the short list nor do I make recommendation to influence its makeup.

As the Bridge Engineer, I also do not supervise nor do I manage any projects or consultants. To that end, I do not grade their performance which may influence their ranking in the future evaluation. Since I do not manage consultants or any of their work products, I also do not review their invoices and nor do I get involved with matters of financial nature.

As a result of a new Legislation, the Consultant Evaluation Committee at DOTD has been abolished and therefore as of June of 2009 I am not a member of this committee since it is no longer in existence.

My fiancé and I have built a new house which we hope to move in by January 2010. We have placed our existing home on the market for sale and have received a purchase offer from a friend who is also a consultant doing business with DOTD.

We have not responded to their offer because we were interested in your opinion first.

We have an official appraisal of our home and we intend to sell it at less than its appraised value if we decide to sell it to these people. Considering the conditions, we would like to know your opinion on whether or not there would be a conflict of interest in selling our home to someone who does business with my organization despite the fact I am not in any position to benefit them financially or to provide them with opportunities which could be construed as unfair advantage.

In rendering your opinion please also consider the following:

I have not selected this particular consultant or any other consultants in the past, though I have evaluated all of them based on their qualification which is provided to us by their proposal.

I have not managed any consultants since my job as a Bridge Engineer in the past 8 years and neither have I approved any of their invoices for payment during that time.

These people were our mutual friends long before they had a job with DOTD.

I have no doubt in my own mind that there is nothing unethical about this trade since everything we do will be above table and to be sure of that we will take less for our property than its appraised value.

As a veteran professional engineer and someone who has been with DOTD for more than 33 years in good standing, I would like to leave no doubt that what I am doing is within the ethical bounds of engineering profession and nothing less. I appreciate your opinion on this matter.

Sincerely Yours,



Hossein Ghara, P.E., M.B.A.

General Item
Ethics Board Docket No. BD 2009-1003
11/20/2009

RE: Consideration of a request for an advisory opinion regarding whether a Project Engineer with the Louisiana Department of Transportation and Development may submit construction plans for review and approval to the Louisiana Department of Transportation and Development on behalf of the consultant architect for the Town of Jena.

Relevant Statutory Provisions, Advisory Opinions: 1113A and 1111C(1)(a)

Comments:

FACTS:

Justin Reeves is a Project Engineer with DOTD in the Construction Department for District 58. Mr. Reeves office is responsible for construction contract administration, which includes project inspection and all aspects of contract administration during the construction phase. Mr. Reeves owns a private engineering and land surveying firm. Mr. Reeves has been contacted to provide professional engineering services and land surveying services by the consultant architect for the Town of Jena. During Mr. Reeves work on this project, it was determined that improvements will be constructed in a DOTD right-of-way. As such, the construction documents are required to be submitted to DOTD for approval and construction permits. The construction documents are required to be submitted to the Design (which includes Traffic and Permitting) Department for review and approval. This department is separate from the Construction Department.

LAW:

Section 1113A of the Code prohibits a public servant or a legal entity in which he has a controlling interest from entering into any contract, subcontract or other transaction that is under the supervision or jurisdiction of his agency.

Section 1111C(1)(a) of the Code prohibits a public employee from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

ANALYSIS:

Since Mr. Reeves would not be submitting the construction documents to his agency, which is the Construction Department, but to the Design Department, no prohibition is presented by Mr. Reeves' request. Further, since the services being render by Mr. Reeves to the consultant architect/Town of Jena are not substantially related to the responsibilities, programs, or

operations of his agency and in which he has participated, again, no prohibition is presented by Mr. Reeves request. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Justin B. Reeves, PE
320 Emma Road
Trout, Louisiana 71371

Re: Ethics Board Docket No. 2009-1003

Dear Mr. Reeves:

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion as to whether you are prohibited from submitting construction documents on behalf of the consultant architect/Town of Jena to the Louisiana Department of Transportation and Development's ("DOTD") Design Department for District 58 while you are employed with the Construction Department for District 58. You stated that you are a Project Engineer with DOTD in the Construction Department for District 58. You stated that your office is responsible for construction contract administration, which includes project inspection and all aspects of contract administration during the construction phase. Further, you stated that you own a private engineering and land surveying firm. You stated that you have been contacted to provide professional engineering services and land surveying services by the consultant architect for the Town of Jena. During your work on this project, it was determined that improvements will be constructed in a DOTD right-of-way. As such, the construction documents are required to be submitted to DOTD for approval and construction permits. The construction documents are required to be submitted to the Design (which includes Traffic and Permitting) Department for review and approval. You stated that this department is separate from the Construction Department.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from providing professional engineering services to the consultant architect/Town of Jena nor submitting the construction documents to the DOTD Design Department for District 58 while you are employed with the DOTD Construction Department for District 58. Section 1111C(1)(a) of the Code prohibits a public employee from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Since the services being render by you to the consultant architect/Town of Jena are not substantially related to the responsibilities, programs, or operations of your agency and in which you have participated, you are not prohibited from providing professional engineering services to the consultant

Mr. Justin B. Reeves

Date

Ethics Board Docket No. 2009-1003

Page 2

architect/Town of Jena while you are employed with the DOTD Construction Department for District 58.

Further, Section 1113A of the Code prohibits a public servant or a legal entity in which he has a controlling interest from entering into any contract, subcontract or other transaction that is under the supervision or jurisdiction of his agency. Since you would not be submitting the construction documents to your agency, that is the Construction Department, but to the Design Department, you are not prohibited from submitting the construction documents to the DOTD Design Department for District 58 while you are employed with the DOTD Construction Department for District 58.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

Tracy Meyer

From: Justin Reeves
Sent: Friday, October 30, 2009 3:39 PM
To: Tracy Meyer
Cc: Ken Mason
Subject: RE: Board Docket No. 2009-1003

Ms. Meyer,

The following is the additional information requested below.

- (1) Justin B. Reeves, PE, Project Engineer / Engineer 6
LA DOTD District 58, Construction, Gang 231 – Project Engineer's Office
The primary function of our office is construction contract administration. Our responsibilities include project inspection and all aspects of contract administration during the construction phase.
- (2) Ken Mason, PE, Assistant District Administrator - Engineering / Engineer 8
LA DOTD District 58, Design (includes Traffic and Permitting)

Please let me know if additional information / clarification is required.

Thanks,
Justin B. Reeves, PE
LA DOTD Jena PE Office
(318) 992-5995 (p)
(318) 992-0380 (f)

From: Tracy Meyer
Sent: Friday, October 30, 2009 2:35 PM
To: Justin Reeves
Subject: Board Docket No. 2009-1003

Mr. Reeves,

The Louisiana Board of Ethics received your request for an advisory opinion regarding your provision of engineering services to the Town of Jena that will involve approval by the LA DOTD while you are employed with the LA DOTD.

In order for the Board to issue an opinion, additional information is needed:

- (1) Please provide the name of the department/section with which you work for LA DOTD. Please provide your title and a description of your responsibilities and duties as an employee of the LA DOTD.
- (2) Please provide the name of the department/section of the LA DOTD with which you will be submitting the construction drawings/documents to for review and approval.

Please provide this information as soon as possible.

Sincerely,

Tracy K. Meyer, Staff Attorney
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, Louisiana 70821
Telephone: (225) 219-5600 / (800) 842-6630
Facsimile: (225) 381-7271
www.ethics.state.la.us

DISCLAIMER: The contents of this message are for information purposes only and does not constitute an advisory opinion of the Board of Ethics. If you would like to request an advisory opinion from the Louisiana Board of Ethics, please refer to <http://www.ethics.state.la.us/BoardProcedures.aspx> for information about submitting a request for an advisory opinion.

PRIVILEGED AND CONFIDENTIAL COMMUNICATION: DO NOT read, copy or disseminate this communication unless you are the intended recipient. This communication may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are on notice that any unauthorized disclosure, copying distribution, or taking of any action in reliance on the contents of the electronically transmitted materials is prohibited. If you have received this communication in error, please call us immediately at (225) 219-5600 and ask to speak to the sender of the communication. Also, please notify us immediately via e-mail if you have received this communication in error.

2009-1003



BOBBY JINDAL
GOVERNOR

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

P.O. Box 94245
Baton Rouge, Louisiana 70804-9245

www.dotd.la.gov
(318) 992-6995



WILLIAM D. ANKNER, Ph.D.
SECRETARY

October 12, 2009

Louisiana Ethics Administration Program
Louisiana Board of Ethics
PO Box 4368
Baton Rouge, LA 70821

2009 OCT 12 PM 4: 20
RECEIVED
FINANCE
ADMINISTRATION

RE: Request for Advisory Opinion

Dear Board Representative:

I am hereby requesting an advisory opinion concerning private work. I am employed with the LA Department of Transportation & Development as a Project Engineer; I am also co-owner of a private engineering and land surveying firm.

Our private firm was recently contacted by a consultant architect for the Town of Jena, LA who requested that we provide certain professional engineering and land surveying services associated with proposed sidewalk improvements along US 84 within the corporate limits of the town. As a result of our work, we discovered that the proposed improvements will be within LA DOTD right-of-way; therefore, the Town must submit construction documents to LA DOTD for approval and construction permits. Both the consultant architect and Town officials are aware that I am also employed by LA DOTD. The consultant architect has indicated that he would like to continue using our firm to assist in the development of construction drawings to be submitted to LA DOTD for review/approval.

Please note that while these documents will be submitted to LA DOTD for review and approval, such review and approval/denial will not be performed by the LA DOTD office/section or chain-of-command in which I work.

In consideration of these facts and given that I am employed as a Project Engineer with LA DOTD, would my continued involvement with this project through my private firm be considered a conflict of interest? Please advise. If further information is required, please do not hesitate to contact me at (318) 201-6358, Justin.Reeves@LA.gov, or jreeves_pe@Yahoo.com.

Please return opinion to: Justin B. Reeves, PE
320 Emma Road
Trout, LA 71371

Thank you,

Justin B. Reeves, PE

General Item

Ethics Board Docket No. BD 2009-1011 11/20/2009

RE:

Consideration of a request for an advisory opinion regarding whether Baton Rouge Police officers may accept gift certificates from Sullivan's Steak House.

Relevant Statutory Provisions, Advisory Opinions:

1111A

Comments:**FACTS:**

Charles Dirks, attorney for the Baton Rouge Union of Police, Local 237 states that a few months ago three officers responded to a 911 call regarding a house fire. The police officers were the first to arrive on the scene. The officers entered the home and safely removed three individuals from the house while it was on fire. The officers were recognized for their actions at a banquet on October 21, 2009. The owner of Sullivan's Steak House has offered to present each of the officers with a gift certificate for a free meal for two at its restaurant.

ISSUE: May the police officers accept the gift certificates? NO

LAW:

Section 1111A(1) prohibits a public employee from receiving anything of economic value other than their salary and benefits for which they are duly entitled for the performance of their public duties.

ANALYSIS:

The committee may honor those employees with the "award" of recognition and provide a luncheon for the employees. However, the giving of gift certificates or other things of economic value for the performance of the police officer's duties is a violation of Section 1111A(1).
(MDD)

Recommendations:

Adopt the proposed advisory opinion.

Date

Charles Dirks
Avant & Falcon
429 Government Street
Baton Rouge, LA 70802

RE: Ethics Board Docket No. 2009-1011

Dear Mr. Dirks:

The Louisiana Board of Ethics, at its November 20, 2009 Board meeting, considered your request for an advisory opinion regarding whether Baton Rouge Police Officers may accept gift certificates from Sullivan's Steak House. You stated that a few months ago, three officers responded to a 911 call regarding a house fire. The police officers were the first to arrive on the scene. The officers entered the home and safely removed three individuals from the house while it was on fire. The officers were recognized for their actions at a banquet on October 21, 2009. The owner of Sullivan's Steak House has offered to present each of the officers with a gift certificate for a free meal for two at its restaurant.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would prohibit the Baton Rouge Police Officers from accepting the gift certificates. Section 1111A(1) prohibits a public employee from receiving anything of economic value other than the salary and benefits for which they are duly entitled for the performance of their public duties. Although there is no violation of the Code if the officers are honored with the "award" of recognition and provided with a luncheon for their services, the giving of gift certificates or other things of economic value for the performance of the police officer's duties is a violation of Section 1111A(1).

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

2009-1011

110

FLOYD J. FALCON, JR
 DANIEL L. AVANT
 MARK E. FALCON
 SHERRI L. GREGOIRE
 CHARLES L. DIRKS, III
 BENJAMIN M. CHAPMAN

REGISTRATION
 CAMPAIGN FINANCE
 RECEIVED
AVANT & FALCON
 A LAW CORPORATION
 2009 SEP 25 AM 9:47
 447 GOVERNMENT STREET
 BATON ROUGE, LOUISIANA 70802
 TELEPHONE (225) 387-4462
 TELEFAX NUMBER (225) 387-4547

ADDRESS MAIL TO:
 P. O. BOX 2667
 BATON ROUGE, LA 70821

September 18, 2009

Frank Simoneaux, Chairman
 Louisiana Board of Ethics
 P.O. Box 4368
 Baton Rouge, LA 70821

Re: *Advisory Opinion Concerning Baton Rouge Police Officers*

Dear Sirs:

This office represents that Baton Rouge Union of Police, Local 237. Its members consist of full time, active duty officers employed in a law enforcement capacity with the Baton Rouge Police Department. Recently three of our members requested that I seek an advisory opinion from your office relative whether or not certain conduct may violate the ethics laws governing public employees.

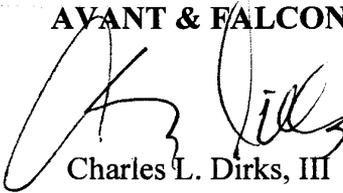
A few months ago, the three officers in question responded to a 911 call regarding a house fire. The officers were the first persons to arrive on the scene. They entered the home and safely removed three individuals from same while it was on fire. The officers received commendations for their actions.

The officers will be recognized for their actions, along with several firefighters, at a banquet to be held on October 21, 2009. Last week the owner of Sullivan's Steak House contacted the Baton Rouge Union Of Police, Local 237, advising that it would like to present each of the officers with a "gift certificate" for a free meal for two people at its restaurant as part of the award. Our client is concerned that if these officers, or any other police officer for that matter, accept a gift certificate from a private business that said actions may cause the officer to violate state ethics laws.

On behalf of my client and its members, I request an advisory opinion from the Board of Ethics as to whether or not the described conduct would violate any ethics laws of the State of Louisiana. The awards ceremony in question will occur on October 21, 2009. If possible, please provide us with an advisory opinion prior to said date. It would be greatly appreciated. If you need any other information from me, my client or its members regarding this matter, do not hesitate to contact.

Yours truly,

AVANT & FALCON

A handwritten signature in black ink, appearing to read "Charles L. Dirks, III", is written over the printed name. The signature is fluid and cursive.

Charles L. Dirks, III

CLD/bac

General Item

Ethics Board Docket No. BD 2009-1039

11/20/2009

RE:

Consideration of a request of certification of training for a member of the House of Representatives.

Relevant Statutory Provisions, Advisory Opinions:

1170A

Comments:

Alfred Speer, Clerk of the House of Representatives, certifies that Rep. Nick Lorusso received one and a half hours of training on the Code of Governmental Ethics on September 17, 2009 and that Rep. Ledricka Thierry received one and a half hours of training of October 14, 2009. The training was provided by Alfred Speer and Patricia Lowrey-Dufour, ethics liaisons for the House of Representatives. Pursuant to Section 1170A of the Code, members of the legislature are required to receive one hour of training annually on the Code of Governmental Ethics. (CDJ)

Recommendations:

Certify and approve the training for Rep. Lorusso and Rep. Thierry



STATE OF LOUISIANA

ALFRED W. SPEER
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281
BATON ROUGE, LOUISIANA 70804-4281
(225) 342-7259

October 16, 2009

Mr. Frank Simoneaux, Chairman
LA Board of Ethics
P. O. Box 4368
Baton Rouge, Louisiana 70821

VIA: E-mail & USPS

Re: Continuing Education of Representatives under 42:1170A

Dear Mr. Simoneaux:

R.S. 42:1170A requires each member of the House of Representatives receive a minimum of one hour of education and training on the Code of Governmental Ethics during the every year of their term of office.

September 17th of this year I presented a one and one-half hour education and training session on the Code of Governmental Ethics to Rep. Nicholas Lorusso.

October 14th of this year, Ms. Patricia Lowrey-Dufour and I presented a one and one-half hour education and training session on the Code of Governmental Ethics to Rep. Ledricka Thierry.

I hereby certify the named members of the LA House of Representatives attended a one and one-half hour training session on the Code of Governmental Ethics presented by Mr. Alfred W. Speer and Ms. Patricia Lowrey-Dufour. These named Representatives should be credited with satisfying their R.S. 42:1170A education and training requirements for 2009.

Sincerely yours;

A handwritten signature in cursive script, appearing to read "Alfred W. Speer".

Alfred W. Speer

pc: Speaker Jim Tucker
Rep. Nicholas Lorusso
Rep. Ledricka Thierry