

Louisiana Board of Ethics

**LaSalle Building
First Floor - Griffon Room**

**1:00 p.m.
November 19, 2009**

**617 North 3rd Street
Baton Rouge, Louisiana**

Note: Meetings begin on November 19 and continue to November 20, 2009

Executive Session

Consideration of complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

**November 20, 2009
Public Hearings (LaBelle Room)
Begin at 9:00 a.m.**

G1. Docket No. 04-532

Request for a rehearing in connection with a Board Opinion published on February 8, 2007 concluding that Rep. Morrell violated Section 1111E by providing compensated legal services to persons in actions involving agencies of the State.

G2. Docket No. 08-328

Public hearing to explore charges against Edward "Eddie" Price who failed to file campaign finance disclosure reports in connection with the February 9, 2008 election.

G3. Docket No. 09-163

Re-hearing in connection with an Order against Mark Sigur, a candidate for Representative, District 76 in the October 20, 2007 election who has failed to pay assessed late fees for the late filing of a campaign finance report.

G4. Docket No. 09-664

Public hearing to explore charges issued against the following candidates in the April 4, 2009 election who failed to file the required campaign finance disclosure reports: Ray Armstrong, Eddie Clark, Kelly Daniels, Leroy Doucette, Kurt Garcia, Clarence Hawkins, Kevin H. Johnson, Philip Montelepre, Ray Touchet, and Gary Wainwright.

G5. Docket No. 09-849

Public hearing to obtain orders against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: Leroy Doucette Jr., Reginald "Reggie" Laurent, Charles Primeaux, Progressive Women on the Move, and Mark Sigur.

G6. Docket No. 09-871

Consideration of Board orders assessed prior to 1999 against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: David Fergurson Sr., JoAnn Gines, Charles Theus, Joseph Tosh, and Chuck West.

G7. Docket No. 09-875

Public hearing to obtain orders against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: Ray Bright, Johnnie Brown, Michael Fesi, LA Consumer Finance Association PAC, and Jason Rogers Williams.

G8. Docket No. 09-877

Public hearing to obtain an order against the following lobbyist who has failed to pay assessed late fees for the late filing of Lobbying Expenditure Reports: Steven C. Stewart.

G9. Docket No. 09-932

Public hearing to obtain orders against the following lobbyists who have failed to pay assessed late fees for the late filing of Lobbying Expenditure Reports: Daryl Blacher and Jennifer Grand.

General Item

Ethics Board Docket No. BD 2004-532 11/20/2009

RE: Request for a rehearing in connection with a Board Opinion published on February 8, 2007 concluding that Rep. Morrell violated Section 1111E by providing compensated legal services to persons in actions involving agencies of the State.

Relevant Statutory Provisions, Advisory Opinions: 1111E, 1112

Comments: Arthur Morrell was charged and found guilty by the Ethics Board of violating Section 1111E and 1112 of the Code of Governmental Ethics by introducing legislation during the 2004 Regular Session which would benefit clients for whom he was providing compensated legal representation and failing to timely file the required affidavits disclosing his representation. (Board Docket No. 2004-532)

Following the hearing, Mr. Morrell appealed to the First Circuit. In his appeal, Mr. Morrell alleged that the Board erred in its factual findings and legal conclusions, its exclusion of alleged exculpatory evidence, and its overall conduct by charging, investigating, and its adjudication of Mr. Morrell. The First Circuit ruled that the Board comported with Mr. Morrell's due process rights and that the hearing was in accordance with statutory guidelines. The Court also held that the penalties imposed by the Board were within the Board's discretion. (First Circuit opinion attached as exhibit A) Mr. Morrell addressed the same arguments in a writ with the Supreme Court and the writ was denied.

Mr. Morrell alleges that during the public hearing staff for the Ethics Board acted inappropriately by failing to give him copies of a letter which showed that he was not in violation of the Code. He argues that prior to his alleged violation in 2006, he had introduced several other resolutions before the legislature and the Ethics Board had determined that he was not in violation of the Code by introducing those resolutions. He further states that two years prior to his charge for the 1112 violation in 2006, a letter was issued on November 19, 2003 to Sally Theil stating that Mr. Morrell would not be in violation of the Code of governmental Ethics by introducing legislation in which his clients had an interest. That is incorrect the letter states that the Board declined to investigate the matter at that time since the complaint did not allege that any particular person was affected by the legislation. In response to the letter sent by Ms. Allen, the complainant submitted a new letter with detailed information regarding persons affected by the legislation. Moreover, the new information included a statement referencing Ms. Allen's letter declining to investigate the matter and why it was incorrect.

Rule 1018 states that any person aggrieved may apply to the Board for a rehearing in writing within 10 days from the date the Board's decision becomes final. The grounds for an application for a rehearing shall be that: 1. the decision or order is clearly contrary to the law and the evidence; 2. the party has discovered, since the hearing, evidence important to the issues which he could not have, with due diligence, obtained before or during the hearing; 3. there is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter; or 4. there is other good ground for further consideration of issues and the evidence in the public interest.

The hearing for Mr. Morrell occurred on March 9, 2006 and September 14, 2007. The Board adopted the Opinion on February 8, 2007. The date of the First Circuit opinion ruling in favor of the Board and against Mr. Morrell was December 21, 2007. The date the Supreme Court denied his request for a Writ of Certiorari was April 25, 2008. The request for rehearing is untimely. (AMA)

Recommendations: Deny the request for rehearing.

THE LAW OFFICE OF SUCHITRA J. SATPATHI
7575 JEFFERSON HWY. #118 • BATON ROUGE, LOUISIANA • 70806
PHONE: 225-229-8994 • FAX: 866-728-1357 • EMAIL: SUCHITRA4LAW@AOL.COM

October 27, 2009

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

VIA FACSIMILE & REGULAR MAIL
225-381-7271

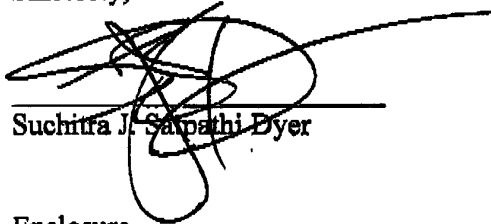
Re: Ethics Board Docket No. 2004-532

Dear Ms. Allen:

As per our discussion, attached please find Mr. Morrell's Request for a Rehearing in the above captioned matter to be placed on the Board of Ethics November Agenda. Mr. Morrell will also be enrolling as counsel in this matter as well. I realize that the rules promulgated under the code provide for the time and manner of these types of requests; however, we are requesting a rehearing as a result of obtaining new evidence that was unavailable during the hearing on this matter and we wish to present it to the board for its consideration.

I appreciate your courtesy and cooperation in this matter.

Sincerely,


Suchitra J. Satpathi Dyer

Enclosure

2009 OCT 28 AM 7:55
RECEIVED
OFFICE OF THE CLERK
STATE OF LOUISIANA
TREASURY & FINANCE

LOUISIANA BOARD OF ETHICSSTATE OF LOUISIANA
COMMISSIONER OF FINANCE
RECEIVED**Re: In the matter of Representative Arthur Morrell No. 2004-532**

2009 OCT 28 AM 7:56

APPLICATION FOR REHEARING

1.

Pursuant to Section 1018 (A) (2), and (4) of the Rules of the Board of Ethics, comes Mr. Arthur Morrell, formerly the State Representative for the 97th House legislative district requesting a rehearing in this matter.

2.

The Louisiana Board of Ethics (the Board) at its Match 9, 2006 meeting, conducted a public hearing for the purpose of exploring an alleged violation under the Code of Governmental Ethics. Specifically, Mr. Morrell was charged with allegedly violating LSA R.S. 42:1112 and for (2) alleged violations of La. Rev. Stat. 42:1111 (E) (2) charges. In preparation for defending his case, in August 2006, petitioner filed discovery requests including a Request for Production of Documents with the Board specifically requesting, "Every document containing statements made by parties or nonparties concerning this hearing or its subject matter." See Exhibit A.

3.

Mr. Morrell filed a timely application for a rehearing which was granted. At the rehearing of September 14, 2006, the Board of Ethics also heard the additional two La. Rev. Stat. 42:1111(E) (2) charges levied against Mr. Morrell regarding the timeliness of disclosures in connection with his representation of Right Start Academy and Preschool and Divine Concepts, Inc.

4.

During the rehearing of the alleged La. Rev. Stat. 42:1112 violation regarding Mr. Morrell's proposal of House Concurrent Resolution 37 during the Louisiana Legislature's 2004 Regular Session Board of Ethics found that Mr. Morrell had violated the code and levied accounts and fined him \$5,000 for violating La. Rev. Stat. 42:1112 of the Code of Governmental Ethics, \$2,000 in connection with his failure to file the required disclosure with regard to Divine Concepts and \$100 in connection with his disclosure for Right Start Academy.

5.

On February 8, 2007 the Board of Ethics published opinion number 2004-532 and the judgments from the consolidated hearings on all issues were final on February 18, 2007.

6.

Mr. Morrell then filed a notice to appeal the judgment of the Board of Ethics.

7.

The First Circuit Court of Appeal affirmed the decision of the Board of Ethics on December 21, 2007.

8.

The petitioner appealed the ruling of the First Circuit through a writ application to the Louisiana Supreme Court.

9.

The petitioner's writ application to the Louisiana Supreme Court was denied, and the matter was not considered.

10.

On or about June 1, 2009 Petitioner made a public records request under the U.S. Freedom of Information Act, Title 5 U.S.C. Section 552 in which previously withheld documents that were originally requested in petitioner's timely discovery request in 2007; were delivered to petitioner upon his request despite being previously deemed as 'confidential' by the Board of Ethics staff and not disclosed to Petitioner in his 2007 request. See Exhibit B.

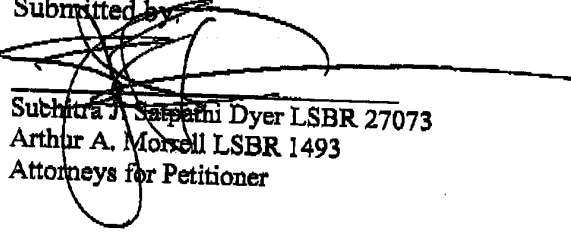
11.

Petitioner urges that the newly released information that was previously withheld by staff for the Board was crucial evidence favorable to his position and was not disclosed properly.

12.

As a result of this newly released evidence, Mr. Morrell respectfully requests an rehearing in this matter, so that all available evidence may be considered prior to a final opinion being this matter.

Submitted by:


Subhira J. Sappathi Dyer LSBR 27073
Arthur A. Morrell LSBR 1493
Attorneys for Petitioner



2004-532

Created By: Sylvia Scott on 02/13/2007 at 03:42 PM
Category: Ethics Advisory Opinions
Caption:

LOUISIANA BOARD OF ETHICS

DATE: February 8, 2007

OPINION NO.: 2004-532

RE: In the matter of Representative Arthur [REDACTED]

The Louisiana Board of Ethics (the "Board"), at its March 9, 2006 meeting and continued to its September 14, 2006 meeting, conducted a public hearing for the purpose of exploring the following:

CHARGE

That Arthur [REDACTED], as a member of the Louisiana House of Representatives, may have violated Section 1112 of the Code of Governmental Ethics (LSA-R.S. 42:1112) by proposing a house concurrent resolution during the Louisiana Legislature's 2004 Regular Session which requested that the Louisiana Department of Health and Hospitals modify its rule regarding the admission of new clients by suspended mental health rehabilitation providers during the appeal process at a time when Representative [REDACTED] was providing compensated legal representation to six of the fourteen providers who were suspended at that time.

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

I.

FINDINGS OF FACT

1.

Arthur [REDACTED] serves as a Louisiana State Representative for the 97th District. He was first elected in October 1999. He was reelected on October 4, 2003.

2.

During the Legislature's 2004 Regular Session, Representative [REDACTED] sponsored House Concurrent Resolution 37.

3.

House Concurrent Resolution 37 sought to modify a rule of the Department of Health and Hospitals to allow suspended mental health rehabilitation program providers to admit new clients during the appeals process.

4.

At the time of the 2004 Legislative session there were 114 mental health providers participating in the mental health rehabilitation program under the Department of Health and Hospitals; fourteen of which were suspended from the mental health rehabilitation program.

5.

Of the fourteen suspended providers, Representative [REDACTED] was representing six of the suspended providers.

II.

APPLICABLE LAW

§1112. Participation

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 be reasonably expected to know.
 - (3) Any person of which he is an officer, director, trustee, partner, or employee.
 - (4) Any person with whom he is negotiating or has an arrangement concerning prospective employment.
 - (5) Any person who is a party to an existing contract with such public servant, or with any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, or who owes any thing of economic value to such public servant, or to any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, and who by reason thereof is in a position to affect directly the economic interests of such public servant.
-

2.

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

(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, . . .

III.**OPINION**

It is the opinion of the Board that Representative ████████ violated Section 1112 of the Code by proposing a house concurrent resolution during the Louisiana Legislature's 2004 Regular Session which requested that the Louisiana Department of Health and Hospitals modify its rule regarding the admission of new clients by suspended mental health rehabilitation providers during the appeals process at a time when Representative ████████ was providing compensated legal representation to six of the fourteen providers who were suspended at that time. 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. Representative ██████'s clients' substantial economic interests would be affected by the resolution proposed since it would enable them to continue to accept new clients while they appealed their suspensions. Representative ██████'s proposal of the resolution also affected his substantial economic interests as he was being compensated to assist his clients, the suspended providers, in connection with the appeal of their suspensions.

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 fine of \$5,000 upon Representative ██████ for violating Section 1112 of the Code.

IV.

DECREE AND ORDER

IT IS ORDERED, ADJUDGED AND DECREED that the Board finds as a matter of fact and as a conclusion of law that Representative ██████

violated Section 1112 of the Code by proposing a house concurrent resolution during the Louisiana Legislature's 2004 Regular Session which requested that the Louisiana Department of Health and Hospitals modify its rule regarding the admission of new clients by suspended mental health rehabilitation providers during the appeals process at a time when Representative ██████ was providing compensated legal representation to six of the fourteen providers who were suspended at that time.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a fine of \$5,000, made payable to the Treasurer of the State of Louisiana, be imposed upon Representative ██████ for violating Section 1112 of the Code.

BY ORDER OF THE BOARD, this 8th day of February, 2007.

s/Robert L. Roland

Robert L. Roland, Chairman

s/Hank Perret

Henry C. Perret, Jr.,
Vice-Chairman

Absent and did not participate in the
public hearing. public hearing.

Greene
Herbert V. Baptiste, Sr.

Did not participate in the
Judge John W.

Absent and did not participate in the s/Gwendolyn P.
Hamilton publication of the opinion.

Gwendolyn P. Hamilton
Judge E. L. Guidry, Jr.†

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

s/Michael T. Johnson
Michael T. Johnson

s/Joseph Maselli
Joseph Maselli

s/Ascension Delgado Smith
Ascension Delgado Smith

s/Dolores R. Spikes
Dr. Dolores R. Spikes

† Participated in the public hearing

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Westlaw

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(Cite as: 2007 WL 4480770 (La.App. 1 Cir.))

H

UNPUBLISHED OPINION. CHECK COURT
RULES BEFORE CITING.

Court of Appeal of Louisiana,
First Circuit.

In re Representative Arthur **MORRELL**.
No. 2007 CA 0890.

Dec. 21, 2007.

On Appeal from a Decision of the Louisiana Board of **Ethics**, Parish of East Baton Rouge, Docket Number 2004-532, Robert L. Roland, Presiding Chairman, Henry C. Perret, Jr., Vice-Chairman, Gwendolyn P. Hamilton, R.L. Hargrove, Jr., Michael T. Johnson, Joseph Maselli, Ascension Delgado Smith, Dr. Dolores R. Spikes, Members. Kathleen M. Allen, Alesia M. Ardoin, Tracy M. Walker, Baton Rouge, LA, for Plaintiff/Appellee, Louisiana Board of **Ethics**.

Suchitra J. Satpathi, Baton Rouge, LA, for Defendant/Appellant, Arthur **Morrell**.

Before GAIDRY, McDONALD, and Mc-
CLENDON, JJ.

GAIDRY, J.

*1 Arthur **Morrell**, a member of the Louisiana House of Representatives, appeals two separate decisions, both rendered on February 8, 2007, by the Louisiana Board of **Ethics** (the Board), finding him guilty as charged on three counts of violating certain provisions of the Code of Governmental **Ethics**, La. R.S. 42:1101 *et seq.* (the Code), and imposing three civil penalties totaling \$7,100. After a thorough review of the record, as well as the numerous assignments of errors raised by Rep. **Morrell** in this appeal, we affirm the decisions of the Board.

FACTUAL BACKGROUND

By letter dated December 9, 2005, Rep. **Morrell** was informed by the Board that he had been investigated and that a public hearing was being ordered to consider charges against him for potential violations of Sections 1111E and 1112 of the Code. The letter alleged two violations of Section 1111E in connection with Rep. **Morrell's** legal representation for compensation of certain entities and his failure to file timely the statutorily required disclosure statements related thereto. Specifically, Rep. **Morrell** was alleged to have received compensation for his legal representation of Right Start Academy and Preschool in a hearing before the Louisiana Department of Social Services on January 14, 2004; and, also received compensation for legal services provided to Divine Concepts, Inc., in a legal action against the Louisiana Department of Health and Hospitals (DHH) on December 15, 2003. The affidavits of disclosure required by statute to be filed prior to or within ten days of this type of representation were not filed by Rep. **Morrell** until January 27, 2004.

The third allegation levied against Rep. **Morrell** was heard on a different date and decided in a separate decision rendered on the same date as the above two Section 1111E charges. Specifically, Rep. **Morrell** was charged with a potential violation of Section 1112 of the Code by proposing a house concurrent resolution during the Louisiana Legislature's 2004 Regular Session requesting certain modifications to the DHH's rules that would benefit certain clients for whom he was providing related, compensated legal representation.

After two separate public hearings,^{FNI} the Board found **Morrell** had violated both sections of the Code as charged. **Morrell** was fined \$2,000 for the violation in connection with his representation of Divine Concepts, Inc., based on the finding that the disclosure statement therefor was filed well after the ten-day statutory requirement. For his violation

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in connection with his representation of Right Start Academy, however, the Board imposed a fine of only \$100, expressly considering as mitigation the fact that the affidavit had been mailed within ten days of that representation, although it had been mailed to an incorrect address and was received and filed beyond the statutory mandate. After finding Rep. Mon-ell guilty on the Section 1112 violation as well, the Board noted that it was authorized to impose a fine of up to \$10,000 for such violation, and imposed a fine of only \$5,000.

FN1. Apparently, Rep. **Morrell** requested that the Board sever the Section 1112 charge from the two Section 1111E charges since they arose out of separate facts. The Board granted this request, and the hearing on the alleged 1112 violation was held on March 9, 2006. Mon-ell was found guilty of that charge; however, before the hearing on the other two charges, **Morrell** sought, and was granted, a rehearing on the 1112 charge on the basis of newly discovered evidence. On September 14, 2006, the Board held the hearing on the two charges under Section 1111E, as well as the rehearing on the 1112 charge.

*2 The Board returned for further proceedings on February 8, 2007, to craft, review, and adopt for publication written opinions on its findings regarding the three charged violations. These opinions were finalized as judgments on February 23, 2007. It is from both of these opinions that Rep. **Morrell** appeals.

APPLICABLE LAW

Pertinent to two of the charges against Rep. **Morrell**, Section 42:1111E of the Code prohibits public servants from accepting payments for rendering assistance to certain persons. Subsection (2)(a) of that provision allows a limited exception to this prohibition, providing as follows:

No elected official of a governmental entity 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 governmental entity or its officials or agencies, *unless he shall file a sworn written statement with the board prior to or at least ten days after initial assistance is rendered.*

(Emphasis added).^{FN2} Rep. **Morrell's** legal representation for compensation provided to Right Start Academy and Divine Concepts, Inc., and his failure to file timely disclosure statements related thereto, form the basis of the alleged violations of the aforementioned prohibition.

FN2. It is undisputed that the governmental entity for an elected member of the legislature is the State of Louisiana. See La. R.S. 42:1102(12).

Section 1112A, pertinent to the third charge levied against Rep. **Morrell**, prohibits a public servant from participating 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." Subsection B(5) of 1112 further prohibits a public servant from participating in a transaction in which the person with whom the public servant has a contract, has a substantial economic interest, and thereby can affect the economic interest of the public servant.

Substantial economic interest is defined in the Code as "an economic interest which is of greater benefit to the public servant or other person than to the general class or group of persons," except for the interest he has that arises solely from his public employment or office or the interest that a person has as a member of the general public. La. R.S. 42:1102(21).

Rep. **Morrell's** actions in proposing a house concurrent resolution that had the potential of directly and primarily benefitting clients for whom he was providing related compensated services at the time

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form the basis for the alleged violation of the aforementioned prohibition.

ISSUES ON APPEAL

Although Rep. **Morrell** alleges eleven separate assignments of error, we have determined that these assignments collectively raise three issues for our review on appeal: (1) whether the Board erred in making certain factual findings and legal conclusions and determining Rep. **Morrell's** actions constituted violations of the Code; (2) whether certain evidentiary rulings by the Board, specifically the admission of alleged hearsay and the exclusion of alleged exculpatory evidence from **Morrell's** proffer, were erroneous; and (3) whether the Board's overall conduct in charging, investigating, and adjudicating Rep. **Morrell**, and in allowing a commingling of a prosecutorial role with an adjudicative role during his hearings violated the Louisiana Constitution and deprived Rep. **Morrell** of his fundamental and procedural due process rights. For all of the following reasons, we find no merit to any of **Morrell's** assignments of error or arguments, and accordingly, affirm the judgment.

FUNDAMENTAL AND PROCEDURAL DUE PROCESS

*3 Mr. R. Gray Sexton, counsel for the Board, and Peggy Sabadie served as co-counsel staff trial attorneys in the public hearings before the Board on the charges against Rep. **Morrell**. Rep. **Morrell** claims he was deprived of his fundamental and procedural due process rights to a fair and impartial tribunal on several fronts in connection with Sexton's alleged dual-representation at the hearings. First, he claims the Board impermissibly failed to designate a trial attorney for his hearing on these matters who was separate from Sexton, who was also counsel for the Board, causing an alleged "inherent misstep into the realm of adjudication on the part of the prosecutor." Further, Rep. **Morrell** claims the Board exceeded its authority and committed a "de facto viol-

ation of due process" by conducting the investigative, prosecutorial, and adjudicative functions of this matter *en banc*. According to **Morrell**, by sitting *en banc* to investigate the charges, and then sitting in adjudication of those charges, "the ultimate fact finders have already decided the defendant's fate prior to the hearing," thus, depriving him of an impartial and neutral tribunal, as well as a fair and impartial hearing. Notwithstanding these broad sweeping allegations, **Morrell** fails to present any concrete evidence in the record of these proceedings to establish or support the contention that either Sexton's involvement in the proceedings, or the investigative and prosecutorial activities by the Board actually deprived him of any of his fundamental due process rights. Indeed, our review of the record in its entirety reveals that the Board and Sexton acted in careful and strict compliance with the Code, the Rules for the Board of **Ethics**, the Administrative Procedure Act, and in accordance with the jurisprudential guidelines addressing these due process issues in this context.

No case could be more instructive than one decided by this court in 2000, which involved the same issue regarding Sexton's participation, the same alleged violations of the Code, and in which the same arguments were presented. In *In re Ronald Bankston and Lounges, Inc.*, 96-1764 (La.App. 1st Cir.5/12/00), 761 So.2d 716, the salient issue before us was "whether the combined role of R. Gray Sexton and the Board [of **Ethics** for Elected Officials] staff denied Bankston due process." ^{FN3} As does Rep. **Morrell**, Bankston asserted that Sexton and his staff served as investigators, prosecutors, and authors of the Board's written opinion and that Sexton's dual role as counsel for the Board and staff trial counsel gave him undue control of the case and "critically impinged on Bankston's right to a neutral adjudicator." *Id.*, at p. 718. In resolving this issue in **Bankston**, the court carefully reviewed the Board's written opinion and the transcript of the proceedings held. We noted that the opinion of the Board detailed numerous findings of fact that we found were amply supported by the record and evidence

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presented at the hearing. Moreover, we reviewed the "opinion" section of the Board's decision detailing the specific actions taken by Bankston and how they constituted violations of certain sections of the Code. Our review revealed that the Board's decision included input from many sources and incorporated these, the evidence presented at the hearing, and the deliberations and considerations of the Board itself. We concluded the Board's conduct, proceedings, and Sexton's alleged "commingled prosecutorial and adjudicative functions" did not violate any due process rights, nor did they result in any adverse consequences to his right to meaningful judicial review. *Id.*, at p. 719.

FN3. The only factual yet insignificant distinction between the cases is that the present case concerns a member of the Louisiana House of Representatives and Mr. Bankston was an elected member of the Tangipahoa Parish Council.

*4 Our careful review of the transcript of the hearing in this case, as well as our review of the overall functioning of the Board during these proceedings as reflected by the record, leads us to the same conclusion reached in **Bankston**. First and foremost, in contrast to the cases relied on by Rep. **Morrell**,^{FN4} there is no evidence in this record that Sexton in any way participated in the formulation, drafting or writing of the decision of the Board, or in the findings of fact or opinions of law detailed in that decision. Moreover, the Board has adopted rules to safeguard against such a perceived violation of impartiality and bias by carefully delineating the duties of the trial attorney and expressly forbidding such attorney from participating in the formulation of the Board's opinion and from giving the Board any advice or counsel. Notwithstanding plaintiff's assertions to the contrary, our careful review of the transcript of the hearing reveals many instances in which both the Board and Sexton were acutely and expressly aware of the bifurcated functions and took every precaution to keep the roles clearly delineated and not commingled. Moreover, the record

reveals that the Board repeatedly afforded both parties the same and equal opportunities to hear and respond to the questions and discussions of the Board. For example, in one instance, Rep. **Morrell** objected to questions from the Board to Sexton, and the Board (member) responded:

FN4. See *In re Georgia Gulf Corporation v. Board of Ethics for Public Employees*, 96-1907 (La.5/9/97), 694 So.2d 173; *Allen v. Louisiana State Bd. of Dentistry*, 543 So.2d 908 (La.1989).

Let me say this. *I'm not seeking legal advice*. I want to understand his position. *I'm going to ask you some questions in a minute as well. I want to understand your position as well.*

(Emphasis added). In another instance, in responding to a question from the Board concerning the appropriateness of the penalty to be imposed, Sexton specified:

This is my answer and my argument. *I'm not purporting to give legal advice to the Board*. This is my argument as trial counsel.

Following Sexton's answer, counsel for Rep. **Morrell** was given equal opportunity to respond and argue regarding the appropriateness of the penalty.

Finally, we find without merit Rep. **Morrell's** claim that the Board, by sitting *en banc* in both the investigative and adjudicative functions in this matter, committed a "de facto violation of due process." Again, notwithstanding **Morrell's** broad sweeping allegations, he cites no authority or evidentiary support to establish he suffered a deprivation of due process rights. **Morrell** argues that the Board violated the statutory procedure provided by La. R.S. 42:1141; however, a plain reading of the statute makes it abundantly clear that the Board has the discretion to conduct all functions *en banc* or in separate panels, the only mandate being the panels must comprise no less than three members. Moreover, the statute does not forbid Board mem-

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bers from participating in both the investigative and adjudicative functions required, and **Morrell** has failed to establish any deprivation of rights suffered by him as a result. Lastly, we note that these are the types of concerns and arguments more properly addressed through the legislative process; it is not a function of the courts to rewrite or interpret clear legislative provisions.

FACTUAL FINDINGS

Section 1112 Violation

*5 Rep. **Morrell** raises several issues regarding the factual findings of the Board that underlie its finding him in violation of Section 1112 of the Code. He also argues that the penalties imposed for these infractions are excessive.

Morrell claims the Board erred in finding that he violated Section 1112 of the Code in connection with his proposal of a resolution (HCA 37 of the 2004 Regular Session) on two fronts. First, he contends that he attempted to introduce the same resolution during the 2001 Legislative Regular Session and was neither investigated nor charged with a violation at that time. However, other than to state that fact, **Morrell** presents no argument and cites no authority, nor do we know of any, to support the proposition that the Board cannot investigate or charge an elected official with a violation of the Code if the elected official engaged in the same or similar actions in the past without being charged with a violation.

Secondly, **Morrell** argues that the Board erred in finding that he had a substantial economic interest in the resolution as a result of his legal representation of only a small number of clients affected by such legislation. **Morrell** contends the Board erred in concluding that either he or his clients benefited or stood to benefit more from the resolution than the general class of persons who would benefit from such legislation, if passed.

Morrell also contends the Board erred in finding a violation since the resolution was never voted on, passed, or enacted. It is of no moment in this matter that the resolution did not go any further than it did in the legislative process. Section 1112 of the Code prohibits *participation in* certain activities, notwithstanding the success or outcome of those activities. **Morrell** does not deny that he authored the resolution or that at the same time he represented six clients who would benefit directly from the resolution, if passed. Therefore, there is no merit to the argument that no violation could be found since **Morrell** did not succeed in his efforts.

Nor is there any merit to **Morrell's** contention that he did not have a sufficient substantial economic interest in the resolution to constitute a violation of the Code. As noted earlier, substantial economic interest is defined in the Code as an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons.

The resolution at issue sought to amend a rule promulgated by the DHH, which at the time, prohibited mental health rehabilitation facilities *that had been subject to sanctions* (been placed on probation) by DHH from admitting any new clients during the entire appeal process of their sanctions. The change sought by the resolution was to allow *suspended* providers to admit new clients during the appeal process, on the grounds that the appeal process was taking up to a year, and the financial loss to the providers from not being able to admit new clients during that time was devastating and a serious impediment to their ability to remain open and provide services.

*6 The record reveals that at the time **Morrell** authored and introduced the resolution, there were a total of one hundred and twenty-eight mental health rehabilitation agencies. Of those providers, fourteen had been sanctioned (prohibited from accepting new clients) and were awaiting the appeal process. **Morrell** had contracts with, and was providing legal services for compensation *to six of those fourteen*

Not Reported in So.2d, 2007 WL 4480770 (La.App. 1 Cir.), 2007-0890 (La.App. 1 Cir. 12/21/07)
(Cite as: 2007 WL 4480770 (La.App. 1 Cir.))

suspended providers. **Morrell** argues that the resolution, if passed, would have equally benefited all one hundred and twenty-eight providers, and not just his clients. Therefore, he claims that neither he nor his clients had a substantial economic interest in the resolution greater than the benefit that would befall the general class of mental health rehabilitation providers.

Morrell's argument lacks proof and logic. A plain reading of the resolution and its intended purpose reveals that *suspended* providers would benefit directly. There was no evidence presented about the remaining providers who were not sanctioned or on probation. Certainly, at the time of the resolution, those remaining providers would not benefit from its passage, as they were not being prohibited from accepting new clients. The lack of evidence regarding any history of sanctions and suspensions of these providers renders it impossible to determine if they would ever benefit from the resolution. It is just as possible that these providers were always in compliance and never sanctioned or on probation. Thus, there is no evidence to establish that these other providers would ever belong to a general class of persons or entities who would benefit from the resolution. Indeed, the evidence is abundantly clear that the substantial economic benefit to be directly derived by the passage of **Morrell's** resolution was by the fourteen suspended providers, six of whom were **Morrell's** clients for compensation.

The record fully supports the Board's factual findings and legal conclusions that **Morrell's** participation in HCA 37 of the 2004 Regular Session of the Louisiana Legislature constitutes a direct and clear violation of Section 1112 of the Code and its prohibition against such participation. Therefore, the Board did not err in finding him guilty and imposing a penalty for the violation.

Penalty Imposed

Morrell's contention that the penalties imposed are excessive is wholly without merit. The penalty to

be imposed for a violation of the Code is within the Board's discretion. Our review of the Board's discretion consists solely of a search for arbitrary and capricious conduct. *Giazer v. Commission of Ethics for Public Employees*, 431 So.2d 752, 761 (La.1983). **Morrell's** claim pertains only to the penalties imposed for the failure to provide timely disclosures in connection with Section 1111E(2) of the Code. (He makes no argument with regard to the \$5,000 penalty imposed for the Section 1112 violation; therefore, that penalty is not under review.)

As noted earlier, the Board imposed a \$2,000 penalty for the violation in connection with **Morrell's** disclosure statement concerning his representation of Divine Concepts, Inc., which was filed approximately one year beyond the required date. With respect to the untimely disclosure statement filed in connection with his representation of Right Start, the Board generously gave consideration to the fact the statement had been mailed within the requisite time period, but was received untimely as a result of its having been mailed to an old address. Although this mistake does not excuse the violation, the Board considered it greatly mitigated the violation and imposed a penalty of only \$100 for that violation.

*7 Section 1153 of the Code provides that a penalty of up to \$10,000 may be assessed for a single violation of the Code. Therefore, the total penalty of \$2,100 for two violations assessed against **Morrell** in this matter was well within the Board's great discretion, and certainly neither arbitrary nor capricious.

EVIDENTIARY RULINGS

Finally, **Morrell** assigns error to the Board's allowing into evidence at the hearing The Advocacy Report, claiming it was impermissible hearsay. He also claims the Board erred by "excluding exculpatory evidence offered in defendant's proffer," thereby denying him the opportunity to completely present his case." Again, these contentions lack

Not Reported in So.2d, 2007 WL 4480770 (La.App. 1 Cir.), 2007-0890 (La.App. 1 Cir. 12/21/07)
(Cite as: 2007 WL 4480770 (La.App. 1 Cir.))

merit.

The Advocacy Report was submitted in conjunction with the testimony of the State Medical Director, and served to lay out the general history and purpose of DHH's policy regarding the ability of sanctioned providers to accept new patients during the appeal process. Notwithstanding its submission, we find it was not directly relevant to the charges against **Morrell** or the determination of his actions as being in violation of the Code. There is absolutely no mention of the report made in the Board's opinion, nor is there any other indication that the Board either considered or relied on the report in making its findings regarding **Morrell's** conduct and actions. Therefore, without addressing the propriety of admitting the report or its alleged classification as hearsay, we find that, even if improperly admitted, the evidence had no impact on the Board's considerations or ultimate findings and was totally harmless to Rep. **Morrell**.

The evidence sought to be introduced by Rep. **Morrell** was the testimony of an employee of DHH regarding the actual number of new clients the suspended providers might have gained if the DHH rule was suspended or amended by the resolution. The Board excluded this testimony, expressly finding it to be irrelevant to the critical determination of whether **Morrell** had a substantial economic interest in the passage of the resolution. The Board was correct: the issue was whether **Morrell** and his clients would benefit from being given the opportunity to accept new clients, not whether they actually did. Because the Board correctly deemed the evidence irrelevant to the issues before it, it acted within its discretion in disallowing its introduction.

CONCLUSION

For the foregoing reasons, we find that the proceedings conducted by the Board comported with Rep. **Morrell's** constitutional fundamental and procedural due process rights, and were in accordance with the statutory guidelines and scheme. The record

fully supports the Board's findings of fact and conclusion of law in its determination that Rep. **Morrell** committed violations of the Code. And finally, the record reveals that the penalties imposed were well within the Board's discretion and certainly not arbitrary or capricious. Accordingly, the decision of the Board is affirmed in its entirety. Costs of this appeal are assessed to Rep. **Morrell**.

***8 AFFIRMED.**

La.App. 1 Cir., 2007.

In re **Morrell**

Not Reported in So.2d, 2007 WL 4480770 (La.App. 1 Cir.), 2007-0890 (La.App. 1 Cir. 12/21/07)

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 [West Reporter Image \(PDF\)](#)

978 So.2d 365, 2008-0191 (La. 4/25/08)

Supreme Court of Louisiana.
In re Representative Arthur **MORRELL**.

No. 2008-C-0191.
April 25, 2008.

Prior report: La.App., [973 So.2d 180](#).

In re **Morrell**, Arthur; -Plaintiff; Applying for Writ of Certiorari and/or Review, Parish of E. Baton Rouge, Louisiana Board of **Ethics**, No. 2004-532; to the Court of Appeal, First Circuit, No. 2007 CA 0890.

Denied.

[JOHNSON, J.](#), would grant.

La. 2008.

In re **Morrell**

978 So.2d 365, 2008-0191 (La. 4/25/08)

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 [West Reporter Image \(PDF\)](#)

Adobe Reader is required to view PDF images.



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General Item

Ethics Board Docket No. BD 2008-328

11/20/2009

RE:

Public hearing to explore charges against Edward "Eddie" Price who failed to file campaign finance disclosure reports in connection with the February 9, 2008 election.

Relevant Statutory Provisions, Advisory Opinions:

18:1505.4, 42:1157

Comments:

Proceed with the public hearing against Edward "Eddie" Price. (AMA)

Recommendations:

Issue Order.



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
2415 QUAIL DRIVE
THIRD FLOOR
BATON ROUGE, LA 70808
(225) 763-8777
FAX: (225) 763-8780
1-800-842-6630
www.ethics.state.la.us



April 10, 2008

Edward J. "Eddie" Price
105 Live Oak Street
Mandeville, LA 70448-4531

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2008-328

Dear Mr. Price:

The Louisiana Board of Ethics, at its April 10, 2008 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with the February 9, 2008 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 Edward J. "Eddie" Price, a candidate for Mayor, City of Mandeville, in the February 9, 2008 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1495.4B(3) of the CFDA (La. R.S. 18:1495.4B(3)) to be filed by January 10, 2008 and covering the reporting period beginning with the date of the first contribution/expenditures through December 31, 2007, and is therefore subject to civil penalties of \$40 a day until the report is filed, not to exceed \$1,000.

The hearing will be held in the Louisiana Housing Finance Agency Building Board Room, 2415 Quail Drive, 1st Floor, Baton Rouge, Louisiana on **July 10, 2008 at 10:00 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.

BD 2008-328 - Edward J. "Eddie" Price
Page 2 of 2

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 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 Alesia M. Ardoin, the designated trial attorney, or Deborah Grier, the Executive Secretary, at (225) 763-8777 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS



Henry C. Perret, Jr.
For the Board

EB:HCP:ama

Enclosure

General Item

Ethics Board Docket No. BD 2009-163 11/20/2009

RE:

Re-hearing in connection with an Order against Mark Sigur, a candidate for Representative, District 76 in the October 20, 2007 election who has failed to pay assessed late fees for the late filing of a campaign finance report.

Relevant Statutory Provisions, Advisory Opinions:

18:1505.4, 42:1157

Comments:

MARK SIGUR RE-HEARING-- The Board issued an Order at its May 27, 2009 meeting making the late fees totaling \$1,140 assessed against Mr. Sigur final and absolute. Rule 1018 states that any person aggrieved may apply to the Board for a rehearing in writing within 10 days from the date the Board's decision becomes final. A copy of the Order was sent to him on June 8, 2009 but was returned unclaimed. The Order was sent again via regular mail to the Johanna Court address on July 7, 2009. The request for rehearing was submitted on July 10, 2009. Mr. Sigur was assessed a late fee of \$1,140 for filing his 10-G report 19 days late. This was Mr. Sigur's first campaign. He was also assessed a \$360 late fee for filing his 10-P 6 days late, that late fee has been paid. He was further assessed a \$600 late fee for filing his Supplemental report 360 days late. The \$600 late fee is set for hearing at this meeting in BD 2009-849. (AMA)

Recommendations:

Decline to modify Order.

Mark S. Sigur
106 Johanna Ct.
Slidell, LA. 70458

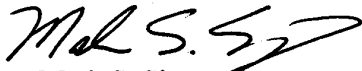
Thursday, 09/10/2009

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

Dear Ethic Board Members,

I am writing this letter requesting a re-hearing from the Louisiana Board of Ethics to reconsider its judgments against me. The Ethics Board Docket No. 2009-163 was heard on May 27, 2009 and I was unable to attend this hearing.

Regards,


Mark S. Sigur

2009 SEP 23 PM 4:06

RECEIVED
OFFICE OF THE
COMMISSIONER OF
LABOR AND
INDUSTRY



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

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DOCKET NO. 2009-163

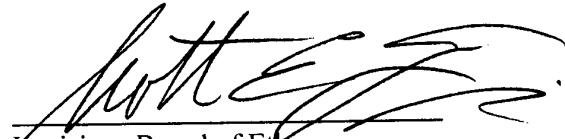
ORDER

This matter came before the Board of Ethics on the 27th day of May 2009. After considering all available information, the Board on motion duly made and seconded, and by a majority vote rendered the following order:

IT IS ORDERED AND DECREED that the assessment of \$1,140 in late fees upon Mark Sigur for failure to timely file his tenth day prior to the general election (10-G) campaign finance disclosure report, in connection with the October 20, 2007 election by November 7, 2007, be and it hereby is made absolute.

The total late fee of \$1,140, payable to the State Treasurer, is to be paid on or before the 29th day of June 2009.

Order rendered in a public meeting on the 27th day of May 2009 and signed on the 4th day of June, 2009 at Baton Rouge, Louisiana.


Louisiana Board of Ethics
Scott E. Frazier, Vice Chairman

General Item

Ethics Board Docket No. BD 2009-664

11/20/2009

RE:

Public hearing to explore charges issued against the following candidates in the April 4, 2009 election who failed to file to file the required campaign finance disclosure reports: Ray Armstrong, Eddie Clark, Kelly Daniels, Leroy Doucette, Kurt Garcia, Clarence Hawkins, Kevin H. Johnson, Philip Montelepre, Ray Touchet, and Gary Wainwright.

Relevant Statutory Provisions, Advisory Opinions:

18:1505.1

Comments:

Dismiss the charges against the following candidates since they have filed the required reports: Roy Armstrong, Kelly Daniels, Clarence Hawkins, Kevin H. Johnson and Philip Montelepre.

Continue the public hearing against the following candidates since proper service has not been obtained: Leroy Doucette, and Gary Wainwright.

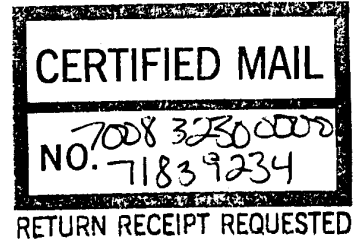
Proceed with the public hearing against the following candidates: Eddie Clark, Kurt Garcia, and Ray Touchet. (AMA)

Recommendations:

Issue Orders.



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



August 27, 2009

Roy Armstrong
1216 Martin Luther King S
Bastrop, LA 71220

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Armstrong:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 Roy Armstrong, a candidate for Alderman, City of Bastrop in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1532 of the CFDA (La. R.S. 18:1532) to be filed by May 12, 2009 reporting any and all election day expenditures, and is therefore subject to civil penalties of \$40 a day until the report is filed, not to exceed \$1,000.

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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).


BD 2009-664 - Roy Armstrong
Page 2 of 2

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 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 Alesia M. Ardoin, the designated trial attorney, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

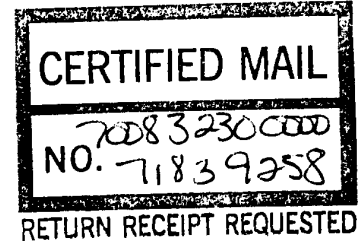

Frank P. Simoneaux
For the Board

EB:FS:ama

Enclosure



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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



August 27, 2009

Eddie Clark
 702 Jackson St.
 Monroe, LA 71202

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Clark:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 Eddie Clark, a candidate for Councilman, City of Monroe in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1532 of the CFDA (La. R.S. 18:1532) to be filed by May 12, 2009 reporting any and all election day expenditures, and is therefore subject to civil penalties of \$40 a day until the report is filed, not to exceed \$1,000.

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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).

BD 2009-664 - Eddie Clark


Page 2 of 2

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 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 Alesia M. Ardoin, the designated trial attorney, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

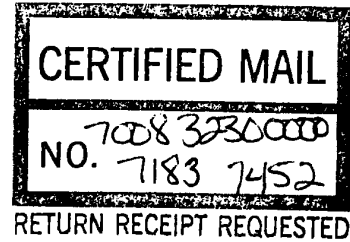

Frank P. Simoneaux
For the Board

EB:FS:ama

Enclosure



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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



August 27, 2009

Kelly Daniels
322 Carrolton Ave.
Metairie, LA 70005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Daniels:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 I

That Kelly Daniels, a candidate for Councilman, Jefferson Parish, District 5 in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1495.4B(3) of the CFDA (La. R.S. 18:1495.4B(3)) to be filed by March 5, 2009 and covering the reporting period beginning with the date of the first contribution/expenditures through February 23, 2009, and is therefore subject to civil penalties of \$60 a day until the report is filed, not to exceed \$2,000.

CHARGE II

That Kelly Daniels, a candidate for Councilman, Jefferson Parish, District 5 in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1495.4B(4) of the CFDA (La. R.S. 18:1495.4B(3)) to be filed by March 25, 2009 and covering the reporting period beginning with the date of February 24, 2009 through March 15, 2009, and is therefore subject to civil penalties of \$60 a day until the report is filed, not to exceed \$2,000.

BD 2009-664 - Kelly Daniels
Page 2 of 3

CHARGE III

That Kelly Daniels, a candidate for Councilman, Jefferson Parish, District 5 in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1532 of the CFDA (La. R.S. 18:1532) to be filed by April 14, 2009 reporting any and all election day expenditures, and is therefore subject to civil penalties of \$60 a day until the report is filed, not to exceed \$2,000.

CHARGE IV

That Kelly Daniels, a candidate for Councilman, Jefferson Parish, District 5 in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1495.4B(5) of the CFDA (La. R.S. 18:1495.4B(5)) to be filed by April 22, 2009, and covering the reporting period beginning March 16, 2009 through April 12, 2009 and is therefore subject to civil penalties of \$60 a day until the report is filed, not to exceed \$2,000.

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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 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.

BD 2009-664 - Kelly Daniels
Page 3 of 3

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

Yours truly,

LOUISIANA BOARD OF ETHICS

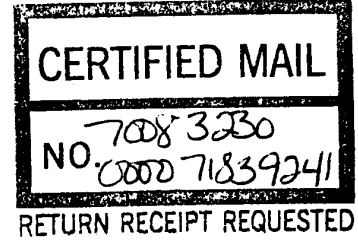

Frank P. Simoneaux
For the Board

EB:FS:ama

Enclosure



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



August 27, 2009

Leroy Doucette
3937 Piedmont Dr.
New Orleans, LA 70122

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Doucette:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 I

That Leroy Doucette, a candidate for Representative, 97th District in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1532 of the CFDA (La. R.S. 18:1532) to be filed by May 12, 2009 reporting any and all election day expenditures, and is therefore subject to civil penalties of \$60 a day until the report is filed, not to exceed \$2,000.

CHARGE II

That Leroy Doucette, a candidate for Representative, 97th District in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1495.4B(5) of the CFDA (La. R.S. 18:1495.4B(6)) to be filed by June 11, 2009, and covering the reporting period beginning April 13, 2009 through June 1, 2009 and is therefore subject to civil penalties of \$60 a day until the report is filed, not to exceed \$2,000.

BD 2009-664 - Leroy Doucette
Page 2 of 2

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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 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 Alesia M. Ardoin, 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 P. Simoneaux
For the Board

EB:FS:ama

Enclosure



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



August 27, 2009

Kurt C. Garcia
1507 Nursery Ave.
Metairie, LA 70005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Garcia:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 Kurt Garcia, a candidate for Jefferson Parish School Board, District 4 in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1495.4B(3) of the CFDA (La. R.S. 18:1495.4B(3)) to be filed by March 5, 2009 and covering the reporting period beginning with the date of the first contribution/expenditures through February 23, 2009, and is therefore subject to civil penalties of \$60 a day until the report is filed, not to exceed \$2,000.

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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).

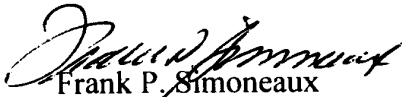
BD 2009-664 - Kurt Garcia
Page 2 of 2

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 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 Alesia M. Ardoin, the designated trial attorney, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

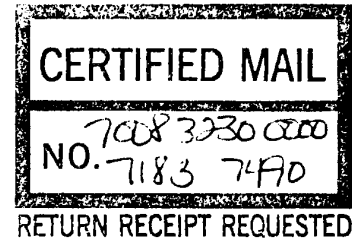

Frank P. Simoneaux
For the Board

EB:FS:ama

Enclosure



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1-800-842-6630
www.ethics.state.la.us



August 27, 2009

Clarence Hawkins
2506 Providence Ave.
Bastrop, LA 71220

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Hawkins:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 Clarence Hawkins, a candidate for Mayor, City of Bastrop in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1532 of the CFDA (La. R.S. 18:1532) to be filed by April 14, 2009 reporting any and all election day expenditures, and is therefore subject to civil penalties of \$40 a day until the report is filed, not to exceed \$1,000.

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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).

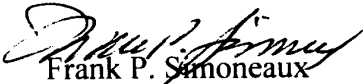
BD 2009-664 - Clarence Hawkins
Page 2 of 2

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 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 Alesia M. Ardoin, the designated trial attorney, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

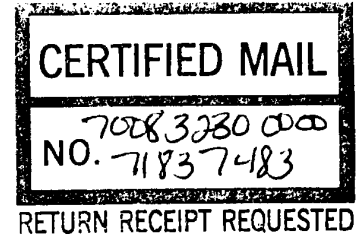

Frank P. Simoneaux
For the Board

EB:FS:ama

Enclosure



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August 27, 2009

Kevin H. Johnson
202 Mays Drive
Monroe, LA 71202

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Johnson:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 Kevin H. Johnson, a candidate for Councilman, City of Monroe in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1532 of the CFDA (La. R.S. 18:1532) to be filed by April 14, 2009 reporting any and all election day expenditures, and is therefore subject to civil penalties of \$40 a day until the report is filed, not to exceed \$1,000.

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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).

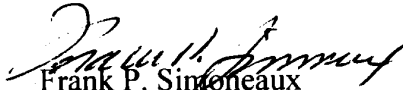
BD 2009-664 - Kevin H. Johnson
Page 2 of 2

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 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 Alesia M. Ardoin, the designated trial attorney, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

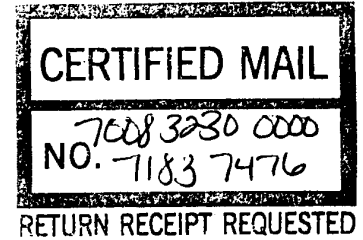

Frank P. Simoneaux
For the Board

EB:FS:ama

Enclosure



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August 27, 2009

Philip Montelepre
1639A Lakeshore Drive
New Orleans, LA 70122

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Montelepre:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 Philip Montelepre, a candidate for Judge, Orleans Parish Municipal Court in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1532 of the CFDA (La. R.S. 18:1532) to be filed by April 14, 2009 reporting any and all election day expenditures, and is therefore subject to civil penalties of \$100 a day until the report is filed, not to exceed \$2,500.

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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).


BD 2009-664 - Philip Montelepre
Page 2 of 2

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 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.

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Yours truly,

LOUISIANA BOARD OF ETHICS

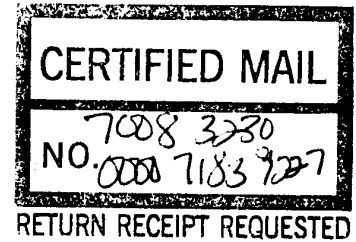

Frank P. Simoneaux
For the Board

EB:FS:ama

Enclosure



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August 27, 2009

Ray Touchet
703 W. Nezpique St.
Jennings, LA 70546

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Touchet:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 Ray Touchet, a candidate for Mayor, City of Jennings in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1495.4B(5) of the CFDA (La. R.S. 18:1495.4B(5)) to be filed by April 22, 2009, and covering the reporting period beginning March 16, 2009 through April 12, 2009 and is therefore subject to civil penalties of \$40 a day until the report is filed, not to exceed \$1,000.

The hearing will be held in the LaBelle Room, LaSalle Building, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 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).

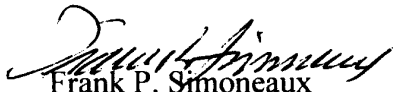
BD 2009-664 - Ray Touchet
Page 2 of 2

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 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 Alesia M. Ardoin, the designated trial attorney, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

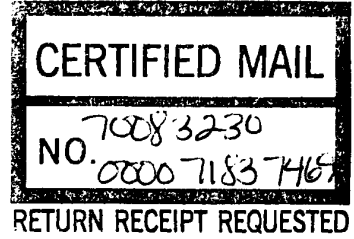

Frank P. Simoneaux
For the Board

EB:FS:ama

Enclosure



STATE OF LOUISIANA
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www.ethics.state.la.us



August 27, 2009

Gary Wainwright
2913 Ponce De Leon
New Orleans, LA 70119

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ethics Board Docket No. 2009-664

Dear Mr. Wainwright:

The Louisiana Board of Ethics, at its August 25, 2009 meeting, considered a staff report regarding your failure to file a required campaign finance disclosure report in connection with 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 I

That Gary Wainwright, a candidate for Judge, Orleans Parish Juvenile Court in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1532 of the CFDA (La. R.S. 18:1532) to be filed by April 14, 2009 reporting any and all election day expenditures, and is therefore subject to civil penalties of \$100 a day until the report is filed, not to exceed \$2,500.

CHARGE II

That Gary Wainwright, a candidate for Judge, Orleans Parish Juvenile Court in the April 4, 2009 election, may have violated Section 1505.1B of the Campaign Finance Disclosure Act ("CFDA") (La. R.S. 18:1505.1B) by failing to file the campaign finance disclosure report required by the provisions of Section 1495.4B(5) of the CFDA (La. R.S. 18:1495.4B(5)) to be filed by April 22, 2009, and covering the reporting period beginning March 16, 2009 through April 12, 2009 and is therefore subject to civil penalties of \$100 a day until the report is filed, not to exceed \$2,500.

BD 2009-664 - Gary Wainwright
Page 2 of 2

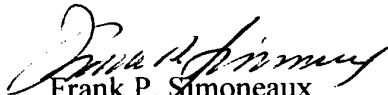
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In order to fully cooperate with you in this matter, the designated trial attorney will, upon request, provide you with copies of all documents that may be introduced into evidence and the names and addresses of all witnesses that the designated trial 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 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 Alesia M. Ardoin, 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 P. Simoneaux
For the Board

EB:FS:ama

Enclosure

General Item

Ethics Board Docket No. BD 2009-849

11/20/2009

RE:

Public hearing to obtain orders against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: Leroy Doucette Jr., Reginald "Reggie" Laurent, Charles Primeaux, Progressive Women on the Move, and Mark Sigur.

Relevant Statutory Provisions, Advisory Opinions:

18:1505.4, 42:1157

Comments:

Continue the hearing against the following candidates since proper service has not been obtained: Leroy Doucette Jr. and Charles Primeaux.

Proceed with the hearing against the following candidates: Reginald Laurent, Progressive Women on the Move and Mark Sigur.

Mark Sigur submitted a request that the Board consider waiving his late fees since he is unemployed and the fines that the Board has levied against him are almost half of what he spent on his campaign. Mr. Sigur was an unsuccessful candidate for State Representative in the October 20, 2007 election. He filed his 2007 Supplemental report 360 days late, the report was due on February 17, 2008 and it was filed February 6, 2009. The report shows no activity. The late fee was reduced from \$2,000 to \$600 based on the level of activity. This was Mr. Sigur's first campaign. Mr. Sigur has also been assessed \$1,140 in late fees for filing his 10-G report 19 days late. The Board obtained an Order against Mr. Sigur on May 27, 2009 in BD 2009-163. His request for a rehearing was docketed for the Board's consideration at this meeting. (AMA)

Recommendations:

Issue Orders.



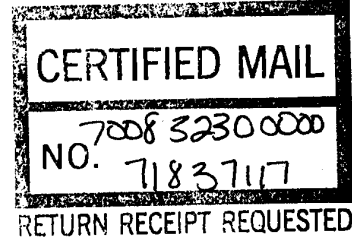
STATE OF LOUISIANA
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BATON ROUGE, LA 70821
(225) 219-5600
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www.ethics.state.la.us

August 11, 2009

Mr. Leory Doucette, Jr.
3937 Piedmont
New Orleans, LA 70122

RE: Ethics Board Docket No. 2009-849



Dear Mr. Doucette:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
EDE-P	04/04/2009	8	\$480	06/19/2009
			\$480	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **October 28, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



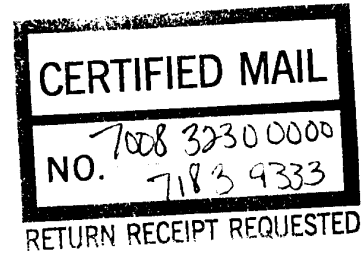
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August 11, 2009

Mr. Reginald "Reggie" Laurent
367 Kostmayer Avenue
Slidell, LA 70458

RE: Ethics Board Docket No. 2009-849



Dear Mr. Laurent:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report	Election	No. of	Total Fee	Date Fee Due
EDE-P	10/04/2008	111	\$600	04/16/2009
10-G	10/04/2008	98	\$600	04/16/2009
			\$1,200	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **October 28, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

CERTIFIED MAIL
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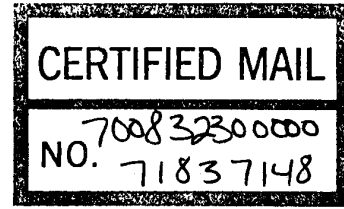


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August 11, 2009

Mr. Charles Primeaux
230 Topeka Road
Scott, LA 70583



RETURN RECEIPT REQUESTED

RE: Ethics Board Docket No. 2009-849

Dear Mr. Primeaux:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
SUPP	10/20/2007	340	\$400	06/19/2009
			\$400	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617N. Third Street, 1st Floor, Baton Rouge, Louisiana on **October 28, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

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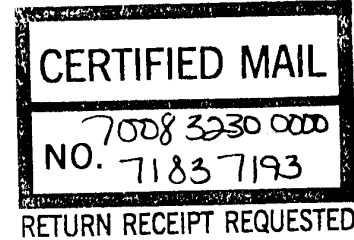


STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

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BATON ROUGE, LA 70821
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FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

August 11, 2009

Ms. Shauntrice Dial, Chairperson
Progressive Women on the Move for the Democratic Party
P.O. Box 740193
New Orleans, LA 70174



RE: Ethics Board Docket No. 2009-849

Dear Ms. Dial:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
10-G	04/04/2009	4	\$800	06/19/2009
			\$800	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **October 28, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

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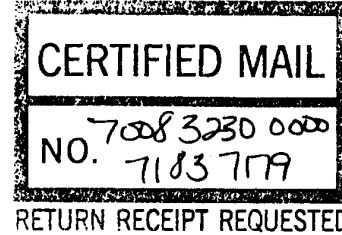


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August 11, 2009

Mr. Mark Sigur
106 Johanna Ct.
Slidell, LA 70458



RE: Ethics Board Docket No. 2009-849

Dear Mr. Sigur:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
SUPP	10/20/2007	360	\$600	06/19/2009
			\$600	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **October 28, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

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General Item

Ethics Board Docket No. BD 2009-871 11/20/2009

RE:

Consideration of Board orders assessed prior to 1999 against the following candidates who failed to pay assessed late fees for the late filing of campaign finance disclosure reports: David Ferguson Sr., JoAnn Gines, Charles Theus, Joseph Tosh, and Chuck West.

Relevant Statutory Provisions, Advisory Opinions:

18:1505.4, 42:1157

Comments:

The following candidate did not receive notice of the hearing: JoAnn Gines and Chuck West.

The following candidates received notice of the hearing: David Ferguson Sr., Charles Theus, and Joseph Tosh.

Prior to 1999 the maximum late fee for any office level was \$10,000 currently the late fees are \$40/day up to a maximum of \$1,000 for an "any other" level candidate, \$60/day up to a maximum of \$2,000 for a "district" level candidate and \$100/day up to a maximum of \$2,500 for a "major" level candidate. These candidates all have Board Orders prior to 1999 making final and absolute the late fee assessed against them. (AMA)

Recommendations:

Modify the pre-1999 Orders to reflect the maximum under the law currently.

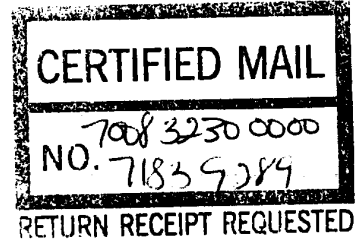


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August 27, 2009

Mr. David Ferguson Sr.
1115 Haig St.
Baton Rouge, LA 70802

RE: Ethics Board Docket No. 2009-871



Dear Mr. Ferguson:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	Total Fee Assessed	Date Fee Due
SUPP	10/21/1995	\$5,220	05/15/1997
		\$5,220	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Arjoin
Alesia M. Arjoin
For the Board

EB:AMA

CERTIFIED MAIL
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STATE OF LOUISIANA
BOARD OF ETHICS

DOCKET NO. 97-186

ORDER

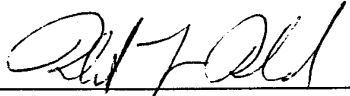
This matter came before the Board of Ethics on the 15th day of May, 1997. After considering the evidence, the Board on motion duly made and seconded, and by a majority vote:

ORDERED AND DECREED that David Ferguson, Sr. is found in violation of Section 1505.1B of the Campaign Finance Disclosure Act for the failure to timely file a supplemental campaign finance disclosure report by February 17, 1997.

THE BOARD FURTHER ORDERED AND DECREED that a penalty of \$5,220.00 plus \$60.00 per day for each day until the described report is filed, be imposed upon David Ferguson, Sr. provided that the sum of said penalty not exceed \$10,000.00.

THE BOARD FURTHER ORDERED AND DECREED that an additional civil penalty of \$6,000.00 be imposed upon David Ferguson, Sr., but that said additional civil penalty be suspended if the required report is filed by June 16, 1997.

Order rendered and signed in public meeting at Baton Rouge, Louisiana, this 15th day of May, 1997.



Board of Ethics
Robert L. Roland
Chairman

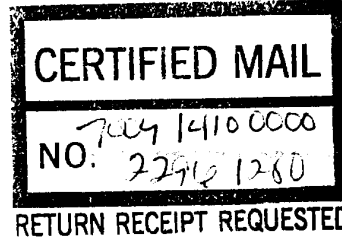


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October 29, 2009

Ms. JoAnn Gines
6750 Peachtree Industrial Blvd.
Apt.#520
Doraville, GA 30360



RE: Ethics Board Docket No. 2009-871

Dear Ms. Gines:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report	Election	Total Fee	Date Fee Due
SUPP	10/01/1994	\$7,200	01/01/1997
SUPP	10/01/1994	\$16,000	01/01/2001
		\$23,200	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

CERTIFIED MAIL
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*STATE OF LOUISIANA
BOARD OF ETHICS*

DOCKET NO. 99-121

ORDER

This matter came before the Board of Ethics on the 17th day of June, 1999. After considering all available information, the Board on motion duly made and seconded, and by a majority vote rendered the following order:

IT IS ORDERED AND DECREED that JoAnn Gines is found in violation of Section 1505.1B of the Campaign Finance Disclosure Act for the failure to timely file a supplemental campaign finance disclosure report by February 15, 1999 and she is hereby ordered to file the required report.

IT IS ORDERED AND DECREED that JoAnn Gines be and is hereby commanded to pay the sum of \$60 per day up to \$10,000 for each day the report is late until it is filed.

IT IS FURTHER ORDERED AND DECREED that an additional civil penalty of \$6,000 be imposed upon JoAnn Gines, but that said additional civil penalty be suspended if the required report is filed by July 19, 1999.

Order rendered and signed in a public meeting at Baton Rouge, Louisiana, the 17th day of June, 1999.



Board of Ethics
Robert L. Roland
Chairman



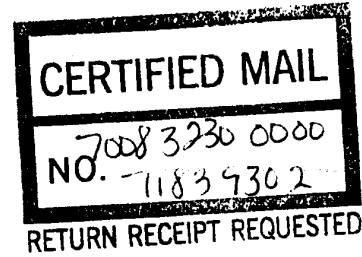
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1-800-842-6630
www.ethics.state.la.us

August 27, 2009

Mr. Charles Theus
115 Michigan St.
Delhi, LA 71232

RE: Ethics Board Docket No. 2009-871



Dear Mr. Theus:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	Total Fee Assessed	Date Fee Due
SUPP	03/12/1996	\$7,140	03/12/1996
		\$7,140	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

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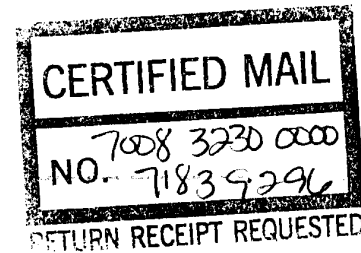


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August 27, 2009

Mr. Joseph J. Tosh
300 Huey P. Long Ave.
Gretna, LA 70053



RE: Ethics Board Docket No. 2009-871

Dear Mr. Tosh:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

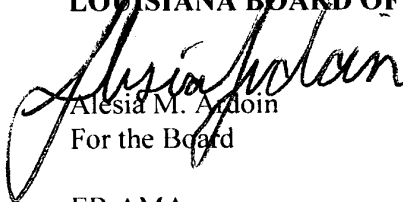
Report Late	Election	Total Fee Assessed	Date Fee Due
SUPP	10/21/1995	\$5,000	07/31/1997
		\$5,000	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS


Alesia M. Andoin
For the Board

EB:AMA

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STATE OF LOUISIANA
BOARD OF ETHICS

DOCKET NO. 97-186

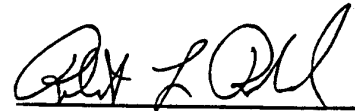
ORDER

This matter came before the Board of Ethics for rehearing on the 31st day July, 1997. After considering the evidence, the Board on motion duly made and seconded, and by a majority vote:

ORDERED AND DECREED, by a unanimous vote, that Joseph J. Tosh is found to have violated Section 1505.1B of the Campaign Finance Disclosure Act for the failure to timely file a supplemental campaign finance disclosure report by February 17, 1997.

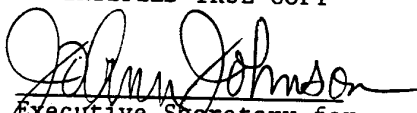
THE BOARD FURTHER ORDERED AND DECREED, by a vote of six to one, that the penalty previously imposed upon Joseph J. Tosh of \$5,220.00 plus \$60.00 per day for each day until the described report was filed, which totaled \$7,140.00, be reduced to \$5,000.00; accordingly, it is FURTHER ORDERED AND DECREED that Joseph J. Tosh be and he is hereby commanded to pay to the State of Louisiana the sum of \$5,000.00 together with legal interest from this date until paid.

Order rendered and signed in public meeting at Baton Rouge, Louisiana, this 31st day of July, 1997.



Board of Ethics
Robert L. Roland
Chairman

A CERTIFIED TRUE COPY


Executive Secretary for
the Louisiana Board of
Ethics





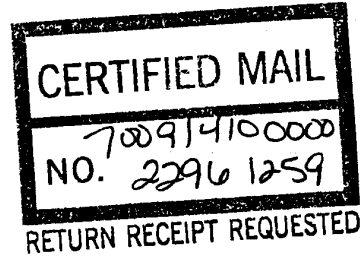
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1-800-842-6630
www.ethics.state.la.us

October 22, 2009

Mr. Chuck West
1108 37th Avenue
Gulf Port, MS 39501

RE: Ethics Board Docket No. 2009-871



Dear Mr. West:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report	Election	Total Fee	Date Fee
EDE-P	02/07/1998	\$10,000	10/01/1998
10-G	02/07/1998	\$10,000	10/01/1998
		\$20,000	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
Alesia M. Ardoin
For the Board

EB:AMA

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STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
8401 UNITED PLAZA BOULEVARD
SUITE 200
BATON ROUGE, LA 70809-7017
(504) 922-1400
FAX: (504) 922-1414

A TRUE COPY
John Johnson
Executive Secretary for the
Supervisory Committee for
Campaign Finance Disclosure

September 1, 1998

Chuck West
P O Box 840217
New Orleans, LA 70184-0217

RE: Ethics Board Docket No. 98-515

Dear Mr. West:

The Louisiana Board of Ethics, at its August 20, 1998 meeting, considered your correspondence of July 24, 1998 concerning your election day expenditures and tenth day prior to the general campaign finance disclosure reports in connection with your candidacy in the February 7, 1998 election. The Board determined that your filing of the necessary reports was sufficient to allow it to rescind the charges previously issued against you in Docket No. 98-374. The hearing scheduled for October 15, 1998 has therefore been canceled.

The Board further instructed me to inform you that your election day expenditure report was 159 days late and your tenth day prior to the general report was 151 days late. A \$10,000 late fee was therefore assessed as to each report. The late fee was based upon the \$100 per day automatic late fee assessment times the number of days late, but subject to the maximum late fee of \$10,000.

The Board then considered your explanation of the reasons why your report was late. You indicated that you had entrusted the mailing of the reports to an employee who had mailed them to the wrong address and had evidently not notified you of the return of those reports to him. The Board concluded that the filing of the reports was still your responsibility and the late filing is subject to a late fee. However, the Board reduced the \$10,000 late fees to \$1,000 each if paid within 30 days.

Therefore, submit a check for \$2,000 payable to the Treasurer of the State of Louisiana to the above address by October 1, 1998.

If you have any questions, you may call me at (225) 922-1400.

Sincerely,

LOUISIANA BOARD OF ETHICS

Maris LeBlanc McCrory

Maris LeBlanc McCrory
For the Board

MLM:ksd



ENROLLED

Regular Session, 1999

SENATE BILL NO. 450

BY SENATOR DARDENNE AND REPRESENTATIVES BRUNEAU,
LANCASTER AND MURRAY

AN ACT

To amend and reenact R.S. 18:1505.4 and R.S. 42:1119(B)(2)(a)(ii) and (b)(ii), 1124(D), and 1157(A)(1) and to enact R.S. 42:1157(A)(5), all relative to certain reports, registrations and statements to be filed with the Board of Ethics; to make the imposition of late fees for not timely filing certain campaign finance reports discretionary; to make the imposition of certain civil penalties discretionary; to provide for the maximum late fees applicable to certain reports, registrations and statements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1505.4 is hereby amended and reenacted to read as follows:

§1505.4. Civil penalties; failure to file; timely and accurate filing

A.(1) Any candidate, the treasurer or chairman of a political committee, or any other person required to file any reports under this Chapter, who knowingly fails to file or who knowingly fails to timely file any such reports as are required by this Chapter ~~shall~~ **may** be assessed a civil penalty as provided in R.S. 42:1157 for each day until such report is filed.

(2) The amount of such penalty ~~shall~~ **may** be:

(a) One hundred dollars per day, not to exceed ~~ten thousand~~ **two**

SB NO. 450

ENROLLED

thousand five hundred dollars, for each candidate for major office and any treasurer or chairman of any political committee designated as a principal campaign committee or subsidiary committee of such a candidate.

(b) Sixty dollars per day, not to exceed ~~ten thousand~~ **two thousand** dollars, for any candidate for district office and any treasurer or chairman of any political committee designated as a principal campaign committee or subsidiary committee of such a candidate.

(c) Forty dollars per day, not to exceed ~~ten thousand~~ **one thousand** dollars, for any candidate for all other offices and any treasurer or chairman of any political committee designated as a principal campaign committee or subsidiary committee of such a candidate.

(d) Forty dollars per day, not to exceed ~~ten thousand~~ **one thousand** dollars, for any person or the treasurer or chairman of any political committee, not supporting or opposing a candidate, but only supporting or opposing any proposition or question submitted to the voters or any recall of a public officer.

(e) Two hundred dollars per day, not to exceed ~~twenty thousand~~ **three thousand** dollars, for the treasurer or chairman of any political committee supporting or opposing a candidate, other than a candidate's principal or subsidiary campaign committee.

(f) The late filing fees for any report required by R.S. 18:1491.6(C) or R.S. 18:1495.4(C) shall **may not exceed** be twice those otherwise applicable as provided in this Section.

(3)(a) If a person, other than a political committee, required to file is supporting or opposing a candidate or candidates, the penalty

SB NO. 450**ENROLLED**

applicable to such candidate or candidates as provided in Subparagraph (a),(b), or (c) of Paragraph (2) of this Subsection shall apply.

(b) If a person, other than a political committee, required to file is supporting or opposing candidates with different penalty levels, the penalty shall be the highest penalty for any such candidate.

(4)(a) For reports required by this Chapter which are required to be filed between the time a candidate qualifies and election day, in addition to any penalties ~~required by~~ **which may be imposed under** this Section or any other law, the supervisory committee ~~shall~~ **may** impose on any person required to file such a report who has not filed such report by the sixth day after the report is due, after a hearing by the supervisory committee pursuant to the provisions of R.S. 18:1511.4(C), with notice to the party who is the subject of the hearing, an additional civil penalty not to exceed ten thousand dollars.

(b) For all other reports required by this Chapter, in addition to any penalties ~~required by~~ **which may be imposed by** this Section or any other law, the supervisory committee ~~shall~~ **may** impose on any person required to file such a report who has not filed such report by the eleventh day after the report is due, after a hearing by the supervisory committee pursuant to the provisions of R.S. 18:1511.4(C), with notice to the party who is the subject of the hearing, an additional civil penalty not to exceed ten thousand dollars.

B. Any candidate, the treasurer or chairman of any political committee, or any other person required to file reports under this Chapter who knowingly and willfully fails to disclose, or knowingly and willfully fails to accurately disclose, any information required by this Chapter to be disclosed in the reports required herein, ~~shall~~ **may** be

SB NO. 450

ENROLLED

assessed a civil penalty for each day until such information is disclosed by amendment to the appropriate report of such candidate, political committee, or other person. "Knowingly and willfully", for purposes of this Subsection, means conduct which could have been avoided through the exercise of due diligence. Such penalties shall be as provided in Subsection A above.

R.S. 18:1505.4(C) is all new law.

C. Notwithstanding the provisions of Subsection A of this Section and the provisions of R.S. 42:1157, for committees that are supporting, opposing, or otherwise influencing the nomination or election of a person to public office the maximum amount of the penalty that shall be imposed for knowingly failing to file or knowingly failing to timely file any reports required by this chapter for a special election shall be the total of the expenditures made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person or persons to public office in such special election or the maximum penalty under the provisions of Subsection A of this Section, whichever is less. This Subsection shall not apply to a candidate's principal campaign committee or any designated subsidiary committee of a candidate.

Section 2. R.S. 42:1119(B)(2)(a)(ii), 1124(D) and 1157(A)(1) are hereby amended and reenacted and R.S. 42:1157(A)(5) is hereby enacted to read as follows:

§1119. Nepotism

* * *

B.

* * *

SB NO. 450

ENROLLED

(2) Notwithstanding the provisions of Paragraph B(1):

(a)

* * *

(ii) In addition, within thirty days after the beginning of each school year, any school board member or superintendent whose immediate family member is employed by the school board shall file a disclosure statement with the Board of Ethics stating the facts of such employment. **Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42:1157.2.**

(b)

* * *

(ii) In addition, no later than January thirtieth of each year, any chief executive and any member of a board of a hospital service district or hospital public trust authority whose immediate family member is employed by the hospital service district or hospital public trust authority shall file a disclosure statement with the Board of Ethics stating the facts of such employment. **Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42:1157.2.**

* * *

§1124. Financial disclosure for the governor

* * *

D.~~(1)~~ Whoever knowingly and willfully files a false report required by this Part shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor

SB NO. 450

ENROLLED

more than ten thousand or imprisoned in parish prison for not ~~less~~ **more** than six months, or both. **Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.**

§1157. Late filing fees

A.(1) The staff of the board shall ~~may~~ **may** automatically assess and order the payment of late filing fees, **in accordance with rules adopted by the board,** for any failure to timely file any report or statement due under any law under its jurisdiction as provided in ~~R.S. 42:1131(C) or R.S. 42:1132(C)~~ **R.S. 42:1132(C)** or R.S. 24:50 et seq. The board shall promulgate rules to facilitate the carrying out of the provisions of this Chapter regarding order for and payment of late fees. Any appeal of such order for the payment of late fees shall be to the board, which shall promulgate rules governing the procedure for appeals of late filing fees.

* * *

R.S. 42:1157(A)(5) is all new law.

(5) Any late filing fees assessed by the board or the staff of the board, for any failure to timely file any report or statement due, shall not exceed the following:

(a) If the fee is forty dollars per day, the maximum shall be one thousand dollars.

(b) If the fee is fifty dollars per day, the maximum shall be one thousand five hundred dollars.

(c) If the fee is sixty dollars per day, the maximum shall be two thousand dollars.

(d) If the fee is one hundred dollars per day, the maximum shall be two thousand five hundred dollars.

SB NO. 450

ENROLLED

(e) If the fee is two hundred dollars per day, the maximum shall be three thousand dollars.

* * *

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

General Item

Ethics Board Docket No. BD 2009-875

11/20/2009

RE:

Public hearing to obtain orders against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: Ray Bright, Johnnie Brown, Michael Fesi, LA Consumer Finance Association PAC, and Jason Rogers Williams.

Relevant Statutory Provisions, Advisory Opinions:

18:1505.4, 42:1157

Comments:

Continue the hearing against Ray Bright since proper service has not been obtained.

Proceed with the hearing against the following candidates: Johnnie Brown, Michael Fesi, LA Consumer Finance Association PAC, and Jason Rogers Williams. (AMA)

Recommendations:

Issue Orders.



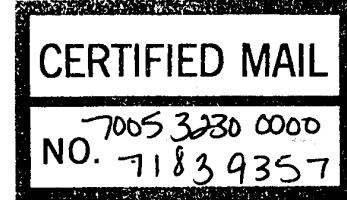
STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

September 4, 2009

Mr. Ray Bright
1515 Poydras St., Ste. 2215
New Orleans, LA 70112

RE: Ethics Board Docket No. 2009-875



RETURN RECEIPT REQUESTED

Dear Mr. Bright:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
10-G	04/04/2009	20	\$1,000	08/06/2009
			\$1,000	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Andoin
For the Board

EB:AMA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

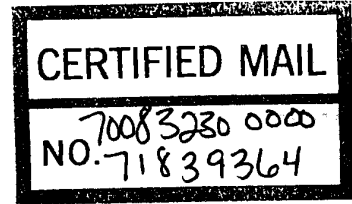
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www.ethics.state.la.us

September 4, 2009

Mr. Johnnie Brown
5653 Lancaster Ave.
Baton Rouge, LA 70805

RE: Ethics Board Docket No. 2009-875

Dear Mr. Brown:



RETURN RECEIPT REQUESTED

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
30-P	10/04/2008	189	\$2,000	05/21/2009
10-P	10/04/2008	180	\$600	05/21/2009
EDE-P	10/04/2008	160	\$900	05/21/2009
10-G	10/04/2008	147	\$600	05/21/2009
			\$4,100	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009** at **9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

Alesia M. Ardoin
LOUISIANA BOARD OF ETHICS
Alesia M. Ardoin
For the Board

EB:AMA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

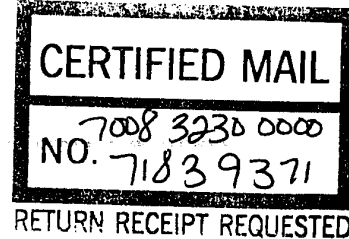


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September 4, 2009

Mr. Michael "Mike" Fesi
128-B Grand Villa Court
Houma, LA 70364



RE: Ethics Board Docket No. 2009-875

Dear Mr. Fesi:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
SUPP	10/20/2007	9	\$540	05/01/2009
			\$540	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

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RETURN RECEIPT REQUESTED



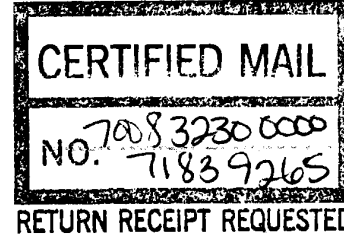
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August 28, 2009

Angela W. Adolph, Attorney at Law
LA Consumer Finance Association PAC
339 Florida Street, Suite 300
Baton Rouge, LA 70801-1726

RE: Ethics Board Docket No. 2009-875



Dear Ms. Adolph:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of the PACs required campaign finance reports that were late.

Report Late	Election	No. Of Days Late	Total Fee Assessed	Date Fee Due
30-P	10/04/2003	166	\$2,000	04/12/2004
10-P	10/04/2003	146	\$2,000	04/12/2004
10-G	10/04/2003	104	\$1,000	04/12/2004
10-G	03/07/2009	42	\$3,000	06/19/2009
			\$8,000	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Adoin
Alesia M. Adoin
For the Board

EB:AMA

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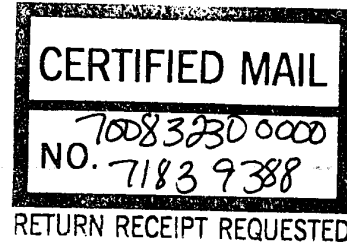
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September 4, 2009

Mr. Jason Rogers Williams
631 St. Charles Avenue
New Orleans, LA 70130

RE: Ethics Board Docket No. 2009-875



Dear Mr. Williams:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 18:1505.4 the following late fees were assessed for each of your required campaign finance reports that were late.

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
10-P	10/04/2008	181	\$1,500	05/01/2009
10-G	10/04/2008	148	\$2,500	05/01/2009
SUPP	10/04/2008	161	\$1,000	09/03/2009
			\$5,000	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **November 20, 2009** at **9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

If you have any questions, please feel free to contact me.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

EB:AMA

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General Item

**Ethics Board Docket No. BD 2009-877
11/20/2009**

RE:

Public hearing to obtain an order against the following lobbyist who has failed to pay assessed late fees for the late filing of Lobbying Expenditure Reports: Steven C. Stewart.

Relevant Statutory Provisions, Advisory Opinions:

24:58

Comments:

Continue the hearing against Steven C. Stewart since proper service has not been obtained.
(MDD)

Recommendations:

Continue.



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1-800-842-6630
www.ethics.state.la.us

October 6, 2009

Baton Rouge Union of Police
Mr. Steven C. Stewart
Post Office Box 4351
Baton Rouge, Louisiana 70821

RE: Ethics Board Docket No. 2009-877

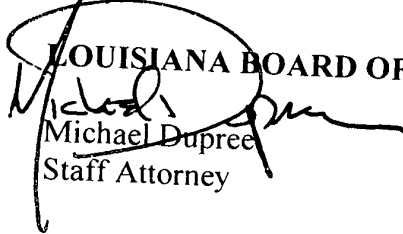
Dear Mr. Stewart:

The Louisiana Board of Ethics, at its June 24, 2009 meeting, declined your request for a waiver of the \$500 late fee assessed. Your payment of this fine was due by August 10, 2009, to date, the late fee has not been paid. On September 2, 2009, our office sent to you a Notice of Public Hearing by certified mail. Confirmation that you received this Notice was not returned to us by the post office and the hearing on October 28, 2009 has been continued.

This matter has now been set to be heard by Board at **10:00 a.m. on November 20, 2009** in the **LaBelle Room, 1st Floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana 70802** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70802.

If you have any questions, please feel free to contact me at (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
Staff Attorney

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CERTIFIED MAIL
7009 1410 0000
NO. 2296 3185
RETURN RECEIPT REQUESTED

General Item

Ethics Board Docket No. BD 2009-932

11/20/2009

RE:

Public hearing to obtain orders against the following lobbyists who have failed to pay assessed late fees for the late filing of Lobbying Expenditure Reports: Daryl Blacher and Jennifer Grand.

Relevant Statutory Provisions, Advisory Opinions:

24:58, 49:76

Comments:

Continue the hearing on Jennifer Grand since proper service has not been obtained.

Proceed with the hearing against Daryl Blacher.
(MDD)

Recommendations:

Issue Order



STATE OF LOUISIANA
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LOUISIANA BOARD OF ETHICS
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 BATON ROUGE, LA 70821
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 1-800-842-6630
 www.ethics.state.la.us

September 18, 2009

Daryl Blacher
 301 Main Street, Suite 1012
 Baton Rouge, Louisiana 70825

**RE: Ethics Board Docket No. 2009-932
 Legislative & Executive Filing Penalty
 June 2009 Legislative & Executive Lobbyist Expenditure Report**

Dear Mr. Blacher:


Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 24:58(D)(1), LSA-R.S. 49:78 (D)(1) a late fee of \$50 per day was assessed against you for each day your required Legislative and Executive Lobbyist expenditure reports, which were **6 days** late. Accordingly, a late fee of **\$300** and **\$300** was assessed and was due by **September 7, 2009**.

To date, the late fee has not been paid. Therefore, this matter will be heard by the Louisiana Board of Ethics at **10:00 a.m. on November 20, 2009** in the **LaBelle Room, 1st Floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana 70802** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein.

If you have any questions, please feel free to contact me

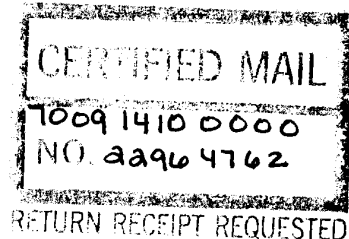
Sincerely,

~~LOUISIANA BOARD OF ETHICS~~



Michael Dupree
 Staff Attorney

**CERTIFIED MAIL
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STATE OF LOUISIANA
 DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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 FAX: (225) 381-7271
 1-800-842-6630
 www.ethics.state.la.us

September 18, 2009

Jennifer Grand
 Post Office Box 53523
 Lafayette, Louisiana 70505

**RE: Ethics Board Docket No. 2009-932
 Legislative & Executive Filing Penalty
 June 2009 Legislative & Executive Lobbyist Expenditure Report**

Dear Ms. Grand:

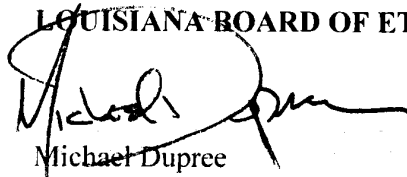
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To date, the late fee has not been paid. Therefore, this matter will be heard by the Louisiana Board of Ethics at **10:00 a.m.** on **November 20, 2009** in the **LaBelle Room, 1st Floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana 70802** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein.

If you have any questions, please feel free to contact me

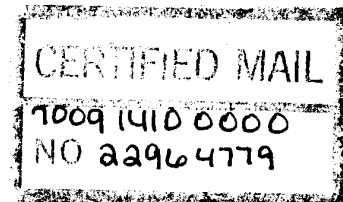
Sincerely,

LOUISIANA BOARD OF ETHICS



Michael Dupree
 Staff Attorney

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