

LOUISIANA BOARD OF ETHICS

**LaSalle Building
First Floor - LaBelle Room**

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

**November 20, 2009
9:00 a.m.**

GENERAL

Regular Business

G35. Approval of the minutes from the Louisiana Board of Ethics October 27-28, 2009 meeting.

G36. Docket No. 09-674

Consideration of a request for an advisory opinion concerning an accounting firm providing risk services for Jefferson Parish.

G37. Docket No. 09-753

Consideration of a disqualification plan that allows an employee of the Terrebonne Parish Consolidated Government to submit an application to re-divide lots.

G38. Docket No. 09-1013

Consideration of a request for a payment plan in connection with late fees against Sandra Cabrina Jenkins, a candidate in the May 21, 2005 and November 2, 2004 election, whose Supplemental reports were 15 days late.

G39. Docket No. 09-1040

Consideration of a request for an advisory opinion regarding whether the newly elected assessor for Pointe Coupee Parish may participate in office training while his father continues to serve as Parish Assessor.

LOUISIANA BOARD OF ETHICS
MINUTES
October 28, 2009

The Board of Ethics met on October 28, 2009 at 9:06 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Boyer, Hymel, Ingrassia, Lowrey, Monroe, Schneider, Simoneaux and Stafford present. Absent were Board Members Bareikis, Bowman and Frazier. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Aneatra Boykin, Michael Dupree, Deidra Godfrey and Tracy Meyer.

Mr. Jonathan Bolar, a successful candidate for Gretna City Council in the April 2, 2005 election and an unsuccessful candidate for State Senate in the October 20, 2007 election, and his attorney, Mr. Marion Floyd, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 08-297 in connection with a request for rehearing regarding an Order for \$2,800 against him for failure to pay assessed late fees for the late filing of campaign finance reports. After hearing from Mr. Bolar and Mr. Floyd on motion made, seconded and unanimously passed, the Board denied the request for rehearing.

Board Member Bareikis arrived at the meeting at 9:07 a.m.

Mr. Jonathan Bolar, a successful candidate for Gretna City Council in the April 2, 2005 election and an unsuccessful candidate for State Senate in the October 20, 2007 election, and his attorney, Mr. Marion Floyd, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 08-301 in connection with a request for rehearing regarding an Order for \$3,000 against him for failure to pay assessed late fees for the late filing of campaign finance reports. After hearing from Mr. Bolar and Mr. Floyd on motion made, seconded

and unanimously passed, the Board denied the request for rehearing. In addition, on motion made, seconded and unanimously passed, the Board modified the Order to waive the additional civil penalty and issued a \$1,000 Order against Jonathan Bolar which is in conformity with the petition filed against him in the 19th JDC.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 08-328 to explore charges that the following candidates failed to file campaign finance disclosure reports in connection with the February 9, 2008 election:

On motion made, seconded and unanimously passed, the Board continued the public hearing regarding Edward "Eddie" Price, since proper service had not been obtained.

The Board called the public hearing regarding Ali Moghimi. Mr. Moghimi was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-6. On motion made, seconded and unanimously passed, the Board ordered Mr. Moghimi to file the required campaign finance disclosure reports, to pay civil penalties of \$60 per day per report until the reports are filed, not to exceed \$2,000 per report, with an additional civil penalty to be incurred if the reports are not filed within 30 days of the Board's Order.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 09-163 in connection with an Order against Mark Sigur, a candidate for Representative, District 76 in the October 20, 2007 election, for failure to pay assessed late fees for the late filing of a campaign finance disclosure report. Mr. Sigur was called but did not appear. The Board unanimously deferred the hearing until later in the meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-172 to obtain an Order against Concerned Civil Leaders

of Jefferson Parish for failure to pay assessed late fees for the late filing of campaign finance disclosure reports. Mr. Reynaldo Favorite, Vice President of the committee, Mr. Louis Favorite, Jr., CEO of the committee, and Mr. Mel Favorite, President of the committee, appeared before the Board. After hearing from Mr. Reynaldo Favorite, Mr. Louis Favorite and Mr. Melvin Favorite, on motion made, seconded and passed the Board imposed the late fees totaling \$12,000 but suspended \$9,000 conditioned upon future compliance with the Campaign Finance Disclosure Act. Board member Monroe requested that the staff meet with the Favorites to formulate a payment plan.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for rehearing in Docket No. 09-216 in connection with (1) a \$2,000 Order against Dallas Derral Jones, an unsuccessful candidate for State Representative, District 71 in the October 20, 2007 election, for his failure to timely file the Supplemental campaign finance disclosure report; (2) a \$5,000 Order against Oliver Thomas, a successful candidate for Orleans Parish Council at Large in the April 22, 2006 election, for his failure to file the Supplemental campaign finance disclosure report; and, (3) a \$3,000 Order against Denis Bechac, a candidate for Mandeville City Council in the March 9, 2004 and February 9, 2008 elections, for his failure to file the Supplemental campaign finance reports:

Mr. Jones was called and appeared before the Board. After hearing from Mr. Jones, on motion made, seconded and unanimously passed, the Board denied the request for rehearing.

Mr. Thomas was called but was not present. On motion made, seconded and unanimously passed, the Board rescinded the Order against Oliver Thomas, since he is incarcerated and is not scheduled for release until February, 2011 and he had not received notice.

Mr. Bechac was called but was not present. On motion made, seconded and unanimously

passed, the Board rescinded the Order against Mr. Bechac, since he was not required to file the Supplemental reports.

Mr. Dallas Derral Jones, an unsuccessful candidate for State Representative, District 71 in the October 20, 2007 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 09-950 for a waiver of the \$1,750 late fee assessed against him for filing the 10-G report 625 days late. After hearing from Mr. Jones, on motion made, seconded and unanimously passed, the Board suspended the \$1,750 late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-600 to obtain an Order against Laura Jo Johnson for failure to pay assessed late fees for the late filing of campaign finance disclosure reports. Ms. Johnson was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-6. On motion made, seconded and unanimously passed, the Board ordered Ms. Johnson to pay the late fees totaling \$1,150.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-656 to obtain Orders against the following candidates for failure to pay assessed late fees for the late filing of campaign finance disclosure reports:

On motion made, seconded and unanimously passed, the Board dismissed the charges against Reginald Badeaux, since the late fees had been paid.

The Board called the public hearing regarding Ameila LaFont. Ms. LaFont was called and appeared before the Board. Staff counsel introduced and filed into the record Exhibits 1-9. After hearing from Ms. LaFont, on motion made, seconded and unanimously passed, the Board waived

the late fees totaling \$1,200.

The Board called the public hearing in Docket No. 09-669 to obtain Orders against the following lobbyists who failed to pay assessed late fees for the late filing of lobbying expenditure reports:

On motion made, seconded and unanimously passed, the Board dismissed the charges against James Gilmore, since the late fees had been paid.

On motion made, seconded and unanimously passed, the Board continued the public hearing regarding Wallace McGee, since proper service had not been obtained.

The Board called the public hearing in Docket No. 09-738 to obtain Orders against the following candidates who failed to file their Personal Financial Disclosure Statement within 10 days of qualifying for the April 4, 2009 election:

On motion made, seconded and unanimously passed, the Board dismissed the charges against Neil Kalberg, since the required personal financial disclosure statement had been filed.

On motion made, seconded and unanimously passed, the Board continued the public hearing regarding Kelly Daniels, since proper service had not been obtained.

The Board called the public hearing in Docket No. 09-739 to obtain Orders against the following filers who failed to file a corrected Personal Financial Disclosure Statement within 14 days of receipt of a Notice of Delinquency:

On motion made, seconded and unanimously passed, the Board dismissed the charges against Betty Cunningham, since she was not required to file.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-829 to obtain Orders against the following candidates for

failure to pay assessed late fees for the late filing of campaign finance disclosure reports:

On motion made, seconded and unanimously passed, the Board dismissed the charges against Ray Bright, since the late fee had been paid.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-849 to obtain Orders against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports:

On motion made, seconded and unanimously passed, the Board dismissed the charges against Adam Ackel, Tarvald Anthony Smith and Arthur Thomas, since the late fees had been paid.

On motion made, seconded and unanimously passed, the Board continued the public hearing regarding Leroy Doucette, Jr., Reginald "Reggie" Laurent, Charles Primeaux, Progressive Women on the Move and Gail Masters Reimonenq, since proper service had not been obtained.

The Board called the public hearing regarding Bobby Higginbotham. Mr. Higginbotham was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Mr. Higginbotham to pay the late fees totaling \$1,200.

The Board called the public hearing regarding Calvin Ben Lester. Mr. Lester was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Mr. Lester to pay the \$400 late fee.

The Board called the public hearing regarding Donald Sauviac, Jr. Mr. Sauviac was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Mr. Sauviac to pay the \$1,000 late fee.

The Board called the public hearing regarding Derrick Spell. Mr. Spell was called but was

not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Mr. Spell to pay the \$540 late fee.

On motion made, seconded and unanimously passed, the Board rescheduled to November the hearings in Docket Nos. 09-163 and 09-846 with respect to Mark Sigur.

The Board called the public hearing regarding Johnny "Nick" Duncan. Mr. Duncan was called and appeared before the Board. Staff counsel introduced and filed into the record Exhibits 1-4. After hearing from Mr. Duncan, on motion made, seconded and passed by a vote of 7 yeas by Board Members Bareikis, Boyer, Hymel, Ingrassia, Schneider, Simoneaux and Stafford and 2 nays by Board Members Frazier and Monroe, the Board imposed the late fees totaling \$560 but suspended \$360 conditioned upon future compliance with the Campaign Finance Disclosure Act and to be paid in monthly installments over a twelve month period. Board Member Lowrey was out of the room.

The Board called the public hearing in Docket No. 09-877 to obtain Orders against the following lobbyists who failed to pay assessed late fees for the late filing of lobbying expenditure reports:

On motion made, seconded and unanimously passed, the Board dismissed the charges against Terry Bromell, since the late fees had been paid.

On motion made, seconded and unanimously passed, the Board continued the public hearing regarding Britton Loftin and Steven C. Stewart, since proper service had not been obtained.

The Board recessed at 10:44 a.m. and resumed back into general business session at 11:00 a.m.

Mr. James Howell, LSU Facility Planning; Mr. Jason Bonaventure, Deputy General Counsel,

Division of Administration; Mr. James Ellis, attorney for Milton Womack, Inc.; and, Mr. John Davis, Director of the Office of Facility Planning and Control, appeared before the Board in Docket No. 09-378 in connection with a request for an advisory opinion as to whether the architectural firm of Washer Hill Lipscomb Cabaniss Architecture, which has entered into contracts with the State of Louisiana through the Office of Facility Planning and Control, would be subject to the provisions of the Code of Governmental Ethics. After hearing from Mr. Howell, Mr. Bonaventure, Mr. Ellis, Mr. Davis and staff counsel, on motion made, seconded and passed by a vote of 6 yeas by Board Members Bareikis, Boyer, Ingrassia, Monroe, Schneider and Stafford and 4 nays by Board Members Frazier, Hymel, Lowrey and Simoneaux, the Board concluded that Washer Hill Lipscomb Cabaniss Architecture is a public servant and is subject to provisions of the Code of Governmental Ethics.

The Board recessed at 12:01 p.m. and resumed back into general business session at 12:49 p.m.

On motion made, seconded and unanimously passed, the Board instructed the staff to return a draft of the advisory opinion in Docket No. 09-378 to the November agenda for the Board's review and deferred consideration of the request for an advisory opinion in Docket No. 09-377 to the November meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 09-534 for reconsideration of a waiver of the \$2,000 late fee assessed against Wilson Fields, successful candidate for Judge, 19th Judicial District Court in the October 4, 2008 election, whose 30-P report was filed 189 days late. On motion made, seconded and unanimously passed, the Board reduced the \$2,000 late fee to \$240.

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

considered a request in Docket No. 09-546 for a waiver of the \$3,000 late fee and the \$5,000 reassessed late fee against LA Consumer Finance Association PAC, a political committee that supported candidates in the March 7, 2009 election whose 10-G report was filed 42 days late. On motion made, seconded and unanimously passed, the Board accepted the settlement proposal of \$4,000.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 09-564 for a waiver of the two \$600 late fees assessed against John Nicholson, an unsuccessful candidate for Justice of the Peace, 2nd Justice Court, Jefferson Parish in the October 4, 2008 election, whose EDE-P report and 10-G report were filed late. On motion made, seconded and unanimously passed, the Board reduced the \$600 late fee for the 10-G report to \$60 and declined to waive the \$600 late fee for the EDE-P report.

The Board considered a request in Docket No. 09-816 for reconsideration of a waiver of the \$150 late fee assessed against Tracy Smith, Legislative Lobbyist, for his failure to timely file the Legislative ER-5/09 lobbying report. On motion made, seconded and unanimously passed, the Board continued the matter, since Mr. Smith was subpoenaed to be in court in New Orleans and could not attend the Board meeting.

Ms. Harmony Minturn, a Loan Compliance Agent employed by the Finance Authority of New Orleans, and her attorney, Ms. Aubrey Harris, appeared before the Board in connection with a request for an advisory opinion in Docket No. 09-884 regarding Ms. Minturn receiving a loan through the Finance Authority's Pathway to Homeownership Soft Second Loan Program. After hearing from Ms. Minturn and Ms. Harris, on motion made, seconded and unanimously passed, the Board declined to render an advisory opinion, since the request involved past conduct as Ms.

Minturn was no longer employed by the Finance Authority of New Orleans. The Board further advised that no violation of Section 1121B of the Code of Governmental Ethics would be presented by Ms. Minturn's participation in the Pathway to Homeownership Soft Second Loan Program.

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

Adopted for publication, a consent opinion in Docket No. 06-1034 in which Mayor Maurice Brown, Town of White Castle, agrees that a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by his performing approximately \$15,003.31 worth of security services for Popingo's convenience store from August, 2004 to December 31, 2006 while the Town of White Castle purchased gasoline from the convenience store through use of its fleet card and in which Mayor Brown agrees to pay a fine of \$3,000 to be paid in monthly installments of \$50.

On motion made, seconded and unanimously passed, the Board agreed to take action on items 23-27 and adopted the staff recommendations taking the following action:

Adopted for publication, a consent opinion in Docket No. 07-419 in which Collis Temple, a member of the Baton Rouge Recreation Commission (BREC), agrees that a violation of Section 1112 of the Code of Governmental Ethics occurred by his participation in matters before BREC which involved his father-in-law, Joe Terrell, and a company owned by his father-in-law, Unemployment Compensation Control Systems (UCCS), and in which no civil penalty is imposed.

Adopted for publication, a consent opinion in Docket No. 07-691 in which Lisa Butchee, an Alderman for the Village of Creola, agrees that a violation of Section 1112 of the Code of Governmental Ethics occurred by virtue of her participation, as a member of the Village of Creola Board of Aldermen, in sewerage and annexation votes before the Village Council which involved

her employer, Judge Michael Wahlder, and in which Ms. Butchee agrees to pay a fine of \$500.

Adopted for publication, a consent opinion in Docket No. 08-1057 in which Craig DeAngelis agrees that a violation of Section 55 of the Lobbyist Disclosure Act occurred by his failure to timely file the 2008 Executive Lobbyist Expenditure Report which was due on August 15, 2008 and in which Mr. DeAngelis agrees to pay a fine of \$300 to be suspended conditioned upon future compliance with the Lobbyist Disclosure Act.

Adopted for publication, a consent opinion in Docket No. 08-1065 in which Monique Thierry agrees that a violation of Section 55 of the Lobbyist Disclosure Act occurred by her failure to timely file the 2008 Executive Lobbyist Expenditure Report which was due on August 15, 2008 and in which Ms. Thierry agrees to pay a fine of \$300 to be suspended conditioned upon future compliance with the Lobbyist Disclosure Act.

Adopted for publication, a consent opinion in Docket No. 08-1070 in which Jeffrey Haddox agrees that a violation of Section 55 of the Lobbyist Disclosure Act occurred by his failure to timely file the 2008 Executive Lobbyist Expenditure Report which was due on August 15, 2008 and in which Mr. Haddox agrees to pay a fine of \$300 to be suspended conditioned upon future compliance with the Lobbyist Disclosure Act.

On motion made, seconded and unanimously passed, the Board agreed to take action on items 28-53 en globo subject to any item being individually designated for further discussion.

The staff requested that items 39 and 41, Docket Nos. 09-908 and 09-911, be considered individually. Chairman Simoneaux requested that item 42, Docket No. 09-913, be considered individually.

On motion made, seconded and unanimously passed, the Board adopted the staff

recommendations on items 28-53, with the exception of items 39, 41 and 42, taking the following action:

Adopted an advisory opinion in Docket No. 09-553 concluding that no violation of the Code of Governmental Ethics is presented by Lloyd Suire, a member of the White Lake Advisory Board, bidding on or contracting with the Department of Wildlife and Fisheries (DWF) for aerial applications of herbicide over waterways that are not located within the White Lake Wetlands Conservation Area (WLWCA), as long as the services provided pursuant to the contract with DWF do not involve lands located in the WLWCA.

Adopted an advisory opinion in Docket No. 09-683 concluding that the members of the Clean Power & Energy Research Consortium are not required to file annual personal financial disclosures statements, since it does not appear that the Clean Power & Energy Research Consortium was created by law, executive order or by a political subdivision.

Adopted an advisory opinion in Docket No. 09-827 concluding that no violation of the Code of Governmental Ethics is presented by John Andrus, deputy commissioner of the Vermilion Parish Assessor's Office, being appointed by the Vermilion Parish Police Jury to serve on the Coulee Kinney Drainage District, since Mr. Andrus would not be appointed by his agency, the Vermilion Parish Assessor's Office.

Adopted an advisory opinion in Docket No. 09-830 concluding that, based on the information provided, no violation of the Code of Governmental Ethics is presented by William Cox, formerly employed as the Vice-President of Security by the Louisiana Lottery Corporation, working for a company that has a contract with the Lottery Corporation, provided he does not assist them with any contract that would involve the Security Division of the Lottery Corporation.

Adopted an advisory opinion in Docket No. 09-881 concluding that Section 1119A of the Code of Governmental Ethics prohibits Kimberly Slack, a certified teacher, from being employed at Benton Middle School while her brother-in-law, Dwayne Slack, serves as the principal of Benton Middle School, since she was not employed with Benton Middle School for at least one (1) year prior to her brother-in-law becoming the principal. The Board further advised that Section 1119A or Section 1113A of the Code would prohibit Ms. Slack's employment/provision of services as the cheerleading sponsor to Benton Middle School while her brother-in-law, Dwayne Slack, serves as the principal of Benton Middle School. However, Ms. Slack would not be prohibited from donating her services as cheerleading sponsor to Benton Middle School.

Adopted an advisory opinion in Docket No. 09-882 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits James B. Henderson, Chancellor at the Bossier Parish Community College (BPCC), from purchasing advertising time from KSLA, a business which employs his wife as an account executive, since by virtue of community property laws, Chancellor Henderson would be deemed to have received a thing of economic value from KSLA, through his wife's salary and performance of services to or for KSLA.

Adopted an advisory opinion in Docket No. 09-883 concluding that members of the board of directors of Friends of Connections Academy, Inc. are not required to file Tier 2.1 Personal Financial Disclosure Statements, since it does not appear that the Connections Academy is a board or commission created by law.

Adopted an advisory opinion in Docket No. 09-885 concluding that no violation of the Code of Governmental Ethics is presented by Cari Farmer, the niece of teachers employed in Allen Parish schools, selling items through her business, Tagen's Sports & Tees, to Fairview High School and

Elizabeth High School, since a niece is not included in the definition of immediate family members within the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 09-890 concluding that no violation of the Code of Governmental Ethics is presented by the continued employment of Dr. Daryl Burkel, a professor of accounting at McNeese State University, as an independent contractor providing business valuation services to the Department of Transportation and Development (DOTD), since performing business valuations or giving advice or opinions on expropriations is not substantially related to the responsibilities, programs, or operations of the accounting department and in which Dr. Burkel has participated.

Adopted an advisory opinion in Docket No. 09-896 concluding that no violation of the Code of Governmental Ethics is provided by Representative Regina Barrow entering into a subcontract with Caring to Love Ministries/Life Choice Project, a nonprofit organization, which has a contract with the Department of Social Services, as long as the Department of Social Services is not a party to the subcontract and is not required to approve the subcontract.

Declined to render an advisory opinion in Docket No. 09-906 regarding non-competition clauses in a contract between Brian O'Malley, a physical engineer formerly employed by James Lee Witt, and Benetech, LLC, since no ethics issues were presented.

Adopted an advisory opinion in Docket No. 09-909 concluding that no violation of the Code of Governmental Ethics is presented by Edward R. Washington, III, former Deputy City Attorney with the New Orleans City Attorney's Office, representing individuals and entities before the New Orleans City Council, the Board of Zoning Adjustments and the City Planning Commission, since his participation will be limited to matters in which he did not participate as a public employee. The

Board further advised that no violation of the Code of Governmental Ethics is presented by Mr. Washington assisting the East New Orleans Neighborhood Advisory Commission, of which he is a former member, on a voluntary, pro bono basis, since Section 1123(30) of the Code of Governmental Ethics allows a public servant to donate services to his agency.

Adopted an advisory opinion in Docket No. 09-915 concluding that no violation of the Code of Governmental Ethics is presented by Mark Allen, whose technology business has a contract with the Town of Merryville, running for and being elected to the Merryville Town Council, since Section 1123(22) of the Code of Governmental Ethics provides an exception to the 1113A prohibition for a member of a governing authority of a municipality with a population of 5,000 or less. The Board further advised that, if elected to the Merryville Town Council, Mr. Allen would be required to file a disclosure plan and quarterly affidavits with the Board of Ethics as provided for under Section 1123(22) of the Code.

Adopted an advisory opinion in Docket No. 09-921 concluding that no violation of the Code of Governmental Ethics is presented by an architecture firm which employs the son-in-law of Jo Ann Graul, the President of the Livingston Library Board of Controls, submitting a bid to design the new main library, as long as the Mrs. Graul's son-in-law, L. Layton Ricks, is a salaried employee who does not own a controlling interest in the architecture firm nor is he an employee whose income may be affected by the award of the contract with the Library Board. The Board further advised that as long as Mr. Ricks' income will not be affected by the potential contract between the architecture firm and the Library Board, he does not have a "substantial economic interest" in the transaction involving the Board and Mrs. Graul will not be prohibited by Section 1112B(3) of the Code of Governmental Ethics from participating as a member of the Board in any review of proposals

submitted by the architecture firm.

Adopted an advisory opinion in Docket No. 09-922 concluding that no violation of the Code of Governmental Ethics is presented by J.C. Ceaser, a former employee of the Louisiana Housing Finance Agency (LHFA), accepting re-employment with the Tax Credit Department of the LHFA, since Mr. Ceaser is seeking full time employment with LHFA as opposed to contractual work. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Mr. Ceaser from participating in any transaction with LHFA that may involve the funding he received from the Louisiana Housing Trust Fund.

Adopted an advisory opinion in Docket No. 09-924 concluding that no violation of the Code of Governmental Ethics is presented by members of the Livingston Parish Council soliciting signatures for a petition concerning roads within the parish, since the individual councilmen do not have any greater interest in the strengthening of the ordinances than that of other electors in the parish.

Adopted an advisory opinion in Docket No. 09-928 concluding that no violation of the Code of Governmental Ethics is presented by Gwennith N. Byars, an employee of the Louisiana Supreme Court Drug Court Office, engaging Dr. Doug Marlowe, J.D., who has provided contractual services to the Louisiana Supreme Court Drug Court, to sit on a three member committee in connection with a project required by her master's degree program at UNO, as long as Ms. Byars does not receive a discount from Dr. Marlowe for his services on her committee.

Adopted an advisory opinion in Docket No. 09-929 concluding that John Matte, a newly elected councilman for the City of Oakdale, is required to file a Tier 3 Personal Financial Disclosure Statement pursuant to Section 1124.3 of the Code of Governmental Ethics, since Section 1124.3 of

the Code requires persons holding a public office who represent a voting district having a population of less than 5,000 to file a financial disclosure statement. The Board further advised that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Mr. Matte from providing continued employment with the car dealership as long as the City of Oakdale continues to use the car dealership to service its vehicles and to purchase parts, since he is a commissioned employee who earns commission from the sale of parts.

Adopted an advisory opinion in Docket No. 09-930 concluding that no violation of the Code of Governmental Ethics is presented by James McFaul, a consultant for the Lafayette Association of Retarded Citizens, Inc. (LARC), being appointed to the Region IV Human Service District Board, as long as LARC does not have or is not seeking a contractual, financial or other business relationship with the Region IV Human Service District Board. The Board further advised that Mr. McFaul would be required to recuse himself from any matters that may come before the Board in which LARC has a substantial economic interest.

Granted the request to withdraw a request for an advisory opinion in Docket No. 09-931 regarding the a Lafayette City-Parish Councilman working for a company that contracts with the Lafayette Parish Sheriff's Office to provide nurses for the Lafayette Parish Correctional Center, since the councilman is no longer employed with the company.

Declined to render an advisory opinion in Docket No. 09-938 regarding whether the City Clerk for the City of Oakdale is prohibited by the Code of Governmental Ethics from taking city financial information to work on at her personal residence, since no ethics issues were presented. The Board instructed that staff to refer the requestor to the local district attorney or the Attorney General.

Adopted an advisory opinion in Docket No. 09-951 concluding that Section 1113A of the

Code of Governmental Ethics prohibits Ed Lopez, District Defender for the 27th Judicial District, from continuing to receive reimbursement of 2/3 of his offices expenses by the 27thJudicial District Defenders Office, since Mr. Lopez is the District Defender and he may not enter into a contract with the District Defender's Office to defray his office expenses.

Adopted an advisory opinion in Docket No. 09-972 concluding that no violation of the Code of Governmental Ethics is presented by Penn-Tex Helicopters, Inc., a company owned by Ken Squires, having a lease with the Jeanerette Airport if Mr. Squires is elected to the Iberia Parish Airport Authority, provided the lease is under the same terms, conditions, and availability as offered to the general public. The Board further advised that Section 1113B of the Code of Governmental Ethics would not affect the existing contract, but it would preclude Mr. Squires or his company from entering into a new lease agreement with the Authority. However, Section 1123(20) of the Code of Governmental Ethics provides an exception to Section 1113 by allowing an airport authority member or employee in an airport in a parish with a population of 200,000 or less, if the airport over which such airport authority has jurisdiction does not have scheduled air service, to utilize any of the services available at the airport over which the authority has jurisdiction, provided the services are offered to the public servant under the same terms, conditions, and availability as offered to any member of the general public. Since Iberia Parish has a population of less than 200,000, this situation falls under this exception, and Mr. Squires may renew his lease agreement, provided it is under the same terms and conditions offered to the general public.

The Board considered the following general business agenda items:

The Board considered a request for an advisory opinion in Docket No. 09-908 regarding whether Brian Fairburn, the former Director of the Livingston Parish Office of Emergency

Preparedness, may be involved in a contract between his new employer, Alvin Fairburn & Associates, LLC, and his former agency. On motion made, seconded and unanimously passed, the Board deferred action on the matter and instructed the staff to obtain additional information.

The Board considered a request for an advisory opinion in Docket No. 09-911 regarding the purchase of supplies and other products from Frank's Supermarket in Larose by various schools in the South Lafourche area when certain family members of the store owners work at the local schools. On motion made, seconded and unanimously passed, the Board concluded that Section 1113A of the Code of Governmental Ethics prohibits Frank's Supermarket from entering into any contract or transaction with Larose Lower Elementary School, since a member of Celeste LeBoeuf's immediate family (Faith LaBoeuf) owns a controlling interest in Frank's. None of the other public servants have any immediate family members who individually or collectively own a controlling interest in Frank's. Therefore, Franks' Supermarket would not be prohibited from selling supplies to Golden Meadow Lower Elementary and South Lafourche High School.

The Board considered a request for an advisory opinion in Docket No. 09-913 regarding Redell Miller, the Tourist Coordinator for the City of Scott, being compensated for giving tours of the City through her touring company. On motion made, seconded and unanimously passed, the Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Ms. Redell and her touring company from entering into such compensated arrangement with the City of Scott, since her company would be a prohibited source of income by virtue of the contract with her agency. The arrangement would also represent a prohibited transaction under 1112(B)(2) of the Code of Governmental Ethics as Ms. Redell would be participating in a transaction involving the city and her company, an entity in which she has a substantial economic interest. Also, Section 1113 of the

Code of Governmental Ethics prohibits Ms. Redell's company from entering into any contract or other transaction with her agency (the City of Scott).

On motion made, seconded and unanimously passed, the Board approved the minutes of the September 29-30, 2009 meetings.

Dr. Lowrey, Chairman of the Committee on Late Filings, and Ms. Allen provided an overview of the Committee's meeting on October 27, 2009. The Committee agreed to submit four (4) recommendations to the Board for its consideration: (a) the elimination of two (2) campaign finance disclosure reports, the EDE-P and the EDE-G reports, since those reports are repetitive, require additional paperwork and result in fines by otherwise conscientious candidates; (b) fix a maximum late fee, with respect to the \$500 per day late fee, of \$12,500 for Tier 1 filers in connection with the Personal Financial Disclosure Statements and a maximum of \$7,500, with respect to the \$500 per day late fee, for other persons or political committees with contributions or expenditures over \$50,000 in a calendar year who electronically file their campaign finance disclosure reports; (c) waiver guidelines with respect to the automatic assessment of late fees for Campaign Finance, Lobbying, Hospital Service District and School Board Disclosure and Personal Financial Disclosure Statements; and, (d) the format for waiver requests as presented to the Board.

On motion made, seconded and passed by a vote of 7 yeas by Board Members Boyer, Hymel, Ingrassia, Lowrey, Monroe, Schneider and Stafford and 2 nays by Board Members Frazier and Simoneaux, the Board agreed to recommend to the Legislature that the EDE-P and EDE-G reports be eliminated. Board Member Bareikis abstained.

On motion made, seconded and passed by a vote of 9 yeas by Board Members Bareikis, Boyer, Frazier, Hymel, Ingrassia, Lowrey, Monroe, Simoneaux and Stafford and 1 nay by Board

Member Schneider, the Board agreed to recommend to the Legislature to fix a maximum late fee, with respect to the \$500 per day late fee, of \$12,500 for Tier 1 filers in connection with the Personal Financial Disclosure Statements.

On motion made, seconded and unanimously passed, the Board agreed to recommend to the Legislature to fix a maximum of \$7,500, with respect to the \$500 per day late fee, for other persons or political committees with contributions or expenditures over \$50,000 in a calendar year who electronically file their campaign finance disclosure reports.

On motion made, seconded and unanimously passed, the Board accepted the Committee's recommendation with respect to the staff's proposed guidelines regarding waiver reconsideration requests.

On motion made, seconded and unanimously passed, the Board accepted the Committee's recommendation with respect to the staff's proposed guidelines regarding campaign finance waiver requests.

On motion made, seconded and unanimously passed, the Board accepted the Committee's recommendation with respect to the staff's proposed guidelines regarding lobbying waiver requests.

On motion made, seconded and unanimously passed, the Board accepted the Committee's recommendation with respect to the staff's proposed guidelines regarding hospital service district and school board waiver requests.

On motion made, seconded and unanimously passed, the Board accepted the Committee's recommendation with respect to the staff's proposed guidelines regarding personal financial disclosure statement waiver requests.

On motion made, seconded and unanimously passed, the Board approved the proposed

formatting of the Board's agenda sheets in connection with waiver requests.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for an advisory opinion in Docket No. 09-547 regarding Kevin Conner, the successful candidate for District Court Judge in the October 4, 2008 election, amending a prior campaign finance disclosure report to reflect the receipt of personal loans rather than contributions. On motion made, seconded and unanimously passed, the Board concluded that the Campaign Finance Disclosure Act prohibits Judge Conner from amending his campaign finance disclosure report in which he erroneously listed \$1,000 in personal funds as a contribution to his campaign rather than a loan, since the information would have been inaccurately reported when the report was filed.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 09-842 for a payment plan in connection with a \$600 Order against Avis Brock, a candidate for Orleans Parish School Board in the October 4, 2008 election, whose EDE-P report was filed 162 days late. On motion made, seconded and unanimously passed, the Board approved the payment plan of \$100 per month commencing on October 19, 2009 and concluding on March 22, 2010.

The Board considered a request for an advisory opinion in Docket No. 09-907 regarding Temica R. Dukes, daughter of Pointe Coupee Parish Police Juror Albert Dukes, Jr. and sister of Pointe Coupee Parish Police Juror Cornell Dukes, representing a client in litigation against the Pointe Coupee Parish Police Jury. On motion made, seconded and unanimously passed, the Board concluded that Section 1112B(1) of the Code of Governmental Ethics prohibits Albert Dukes, Jr., and Cornell Dukes from voting on the settlement recommendation before the police jury, since Ms.

Dukes has a substantial economic interest in the settlement offer by virtue of the fact that she is acting as the attorney in this matter. The Board further concluded that Section 1113A of the Code of Governmental Ethics prohibits Ms. Dukes from submitting a settlement recommendation to the Pointe Coupee Parish Police Jury on behalf of her client, since the submission of the settlement recommendation is a transaction with her immediate family member's agency, the Pointe Coupee Parish Police Jury. Finally, the Board concluded that Section 1113A of the Code of Governmental Ethics prohibits the Pointe Coupee Parish Police Jury from hiring the Law Offices of Temica R. Dukes to perform professional services, since Section 1113A prohibits a public servant's immediate family member, or a legal entity in which the immediate family member has an ownership interest greater than 25%, from bidding on or entering into a contract, subcontract or other transaction under the supervision or jurisdiction of the public servant's agency.

The Board considered additional information in connection with a request for an advisory opinion in Docket No. 09-920 regarding whether public servants who qualify under the New Orleans Redevelopment Authority (NORA) are prohibited from purchasing property solely on the basis of the office they hold. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented in the described situation, given the special circumstances in this particular program where there is no preferential treatment given to participants in the "Lot Next Door Program", eligibility is determined by NORA, there are no negotiations on NORA's sale price and Representative Edwin Murray is the only qualifying participant for the property.

Chairman Simoneaux vacated the Chair and Vice Chairman Frazier assumed the Chair.

The Board considered a request for an advisory opinion in Docket No. 09-934 regarding the

Office of Risk Management (ORM) privatizing services and requesting that outsourcing companies hire its employees who were formerly employed in those privatized sections. On motion made, seconded and passed by a vote of 7 yeas by Board Members Bareikis, Boyer, Hymel, Ingrassia, Lowrey, Monroe and Stafford and 1 nay by Board Member Frazier, the Board concluded that no violation of the Code of Governmental Ethics is presented by ORM employees affected by the privatization being hired by the vendors awarded the contract, since ORM will no longer provide the claim adjusting and loss prevention services once they are privatized and the ORM employees affected by the privatization will not participate in the drafting of the RFP nor did they participate in ORM's decision to privatize the services. Board Members Schneider and Simoneaux abstained.

Vice Chairman Frazier vacated the chair and Chairman Simoneaux resumed the chair.

The Board considered a request for an advisory opinion in Docket No. 09-935 regarding the Office of Coastal Protection and Restoration (OCPR) hiring a person whose spouse works for an engineering firm that has contracts with the OCPR. On motion made, seconded and unanimously passed, the Board deferred the matter to November.

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

The Board unanimously declined to waive the \$600 late fee assessed against Isaiah Marshall in Docket No. 09-898.

The Board unanimously declined to waive the two \$400 late fees assessed against Anthony Landry in Docket No. 09-927 but suspended \$300 of each \$400 late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered requests for waivers of late fees assessed against the following

Legislative and Executive branch lobbyists:

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

Docket No. 09-900 from Shacara Lewis, Legislative Lobbyist, of a \$500 late fee;
 Docket No. 09-973 from Jennifer Ansardi, Legislative Lobbyist, of a \$500 late fee;
 Docket No. 09-974 from Mary Ann Newton, Executive Lobbyist, of a \$450 late fee;
 Docket No. 09-975 from Slater W. Bayliss, Executive Lobbyist, of a \$150 late fee;
 Docket No. 09-976 from James Joyner, Legislative Lobbyist, of a \$500 late fee; and,
 Docket No. 09-976 from James Joyner, Executive Lobbyist, of a \$500 late fee.

The Board considered tentative meeting dates for 2010. On motion made, seconded and unanimously passed, the Board agreed to the following meeting schedule for 2010:

| | |
|----------------------------|------------------|
| January 14 TH | Griffon Room |
| January 15 TH | LaBelle Room |
| February 18 TH | Griffon Room |
| February 19 TH | LaBelle Room |
| March 18 TH | To Be Determined |
| March 19 TH | LaBelle Room |
| April 15 TH | Griffon Room |
| April 16 TH | LaBelle Room |
| May 20 TH | Griffon Room |
| May 21 ST | LaBelle Room |
| June 17 TH | Griffon Room |
| June 18 TH | LaBelle Room |
| July 15 TH | Griffon Room |
| July 16 TH | LaBelle Room |
| August 19 TH | Griffon Room |
| August 20 TH | LaBelle Room |
| September 16 TH | Griffon Room |
| September 17 TH | LaBelle Room |
| October 14 TH | Griffon Room |

| | |
|---------------------------|--------------|
| October 15 TH | LaBelle Room |
| November 18 TH | Griffon Room |
| November 19 TH | LaBelle Room |
| December 16 TH | Griffon Room |
| December 17 TH | LaBelle Room |

The Board unanimously agreed to consider the following supplemental agenda items:

The Board unanimously deferred to November the public hearing in Docket No. 09-738 to obtain Orders against Patricia Cravins for her failure to file the Personal Financial Disclosure Statement within ten (10) days of qualifying for the April 4, 2009 election.

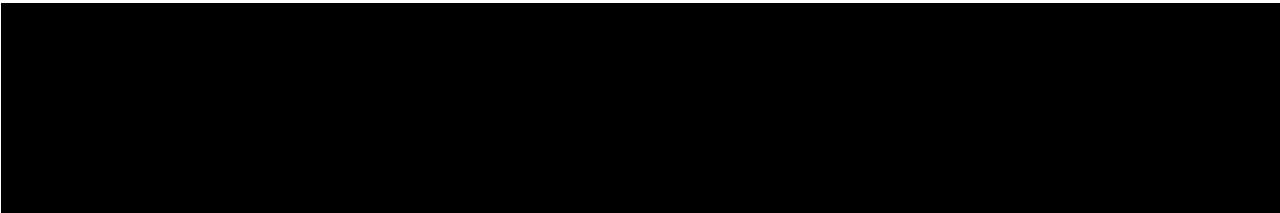
The Board considered a proposed consent opinion in Docket No. 08-540 in which Tony Choate, agrees that a violation of Section 1113A of the Code of Governmental Ethics occurred by virtue of his appointment by the Village of Saline to a position on the Board of the Bienville Parish Fire Protection District 7 while his wife, Peggy Choate, served as the Mayor of the Village of Saline and in which Mr. Choate agrees to pay a fine of \$1,000. On motion made, seconded and unanimously passed, the Board adopted the consent opinion for publication.

The Board considered a request for an advisory opinion in Docket No. 09-948 regarding the biological aunt, but legal sister-in-law, of a St. Bernard Parish School Board Member being employed as a cafeteria worker. On motion made, seconded and unanimously passed, the Board concluded that, based on the special circumstances involved, no violation of the Code of Governmental Ethics is presented by Mrs. Smith, the biological aunt and legal sister-in-law of a St. Bernard Parish School Board Member, being employed as a cafeteria worker by the St. Bernard Parish School Board.

The Board considered correspondence in Docket No. 09-980 requesting that the Board approve Danny Malone, a registered lobbyist in Louisiana, to provide mandatory lobbyist training. On motion made, seconded and unanimously passed, the Board declined the request and instructed the staff to begin drafting Rules regarding an accreditation process for potential trainers.

The Board considered proposed changes to the Personal Financial Disclosure forms. On motion made, seconded and unanimously passed, the Board instructed the staff to proceed with the promulgation of the Personal Financial Disclosure forms.

The Board considered the compensation for the Ethics Administrator, Kathleen Allen. Following discussion and on motion made, seconded and unanimously passed, the Board fixed Ms. Allen's compensation at \$130,000 annually to be effective September 30, 2009. Additionally, the Board noted the increased workload for the Chief Counsel, the Deputy Ethics Administrator and the Executive Secretary and instructed the staff to evaluate the salary ranges for those positions.



The Board unanimously resolved into general business session.

On motion made, seconded and unanimously passed, the Board instructed the staff to draft Supervisory Writs for the Board's review to be submitted to the 1st Circuit Court of Appeal in connection with the Gallot matter in Docket No. 07-485.

On motion made, seconded and unanimously passed, the Board adjourned at 3:11 p.m.

Secretary

APPROVED:

Chairman

General Item

Ethics Board Docket No. BD 2009-674 11/20/2009

RE: Consideration of a request for an advisory opinion concerning an accounting firm providing risk services for Jefferson Parish.

Relevant Statutory Provisions, Advisory Opinions: 1111C(2)(d), 2009-154, 2008-1150

Comments:

FACTS:

Jefferson Parish has advertised for "Statements of Qualifications" from firms interested in providing Actuarial and Risk Consulting Services. Jefferson Parish has selected the firm of Sigma Consulting Corp. (Sigma) as Actuarial Consultants and the firm of Aparicio, Walker & Seeling Risk Management, LLC (AWS-RM) to perform risk consulting for Jefferson Parish. It proposes to enter into a three-year contract with AWS-RM.

As risk consultants, AWS-RM will be assigned tasks such as cost estimate, scopes of work to be assigned on an as needed basis as directed by the Director of Risk Management in making claim and insurance programs work, which may include writing specifications for the Parish's Producer of Record to go to market; assist in the review of submittals and make recommendations based on its review; evaluate existing insurance policies and make recommendations; make valuation recommendations based on self-insured needs; and make valuations of real property.

AWS-RM is not a licensed insurance agency, nor does it represent insurance companies. AWS-RM does not transact sales of insurance of any kind and ASW-RM has no financial interest in any insurance policy that Jefferson Parish may purchase.

The principals of AWS-RM also have an interest in three other companies; Aparicio, Walker & Seeling, Inc. (AWS), Aparicio, Walker & Seeling Benefits, LLC (AWS-B) and Aparicio, Walker & Seeling of Baton Rouge, LLC (AWS-BR). AWS-RM shares the same ownership, same offices, and same employees with AWS.

Additional information suggests that AWS-RM will not make any recommendations to Jefferson Parish to purchase insurance through any of the affiliated companies of AWS-RM (AWS, and AWS-B). AWS-BR is now a defunct company.

AWS does act as an insurance agent broker for insurance policies, however, it does not have a relationship with Jefferson Parish. AWS has indicated that it would not receive any compensation from any buisness that is written for the Parish of Jefferson or a result of business written for the Parish of Jefferson, but it cannot say that it will never receive compensation from an insurance company that has a relationship with Jefferson Parish.

AWS-RM, in accordance with the Risk Management Services Agreement with Jefferson Parish, will provide the Parish with a list of recommended insurance products and companies. The Parish makes the final determination regarding whether they choose to purchase the insurance.

Additional information secured indicates that a potential AWS contract will supplement the parish's staff of personnel that currently perform risk management services for the parish. The parish's risk analyst and Director of Risk Management currently perform the duties.

ISSUE:

Would AWS-RM entering into a three-year contract with Jefferson Parish make it a public employee subject to the provisions of the Ethics Code?

If AWS-RM is a public servant, does the common ownership between the companies affiliated with Aparicio, Walker & Seeling, present participation and prohibited compensation problems for the owners of AWS-RM, if AWS-RM were to make a recommendation to use an insurance company which may provide remuneration to the owners of AWS-RM through one of the affiliated companies such as AWS or AWS-B?

LAW:

Section 1102 provides that a public employee is any person who provides a governmental function.

In Board Docket No. 2008-1150, the Board rendered the opinion that the law firm of Taylor and Porter would not be defined as a "public employee" as defined by the Code of Governmental Ethics by providing legal services to LSU in connection with a single contract with Our Lady of the Lake while Taylor Porter serves as special counsel for both LSU and OLOL. The Board reasoned that "the legal services to be provided by Taylor Porter will not provide medical, education or health care to the public; instead its legal services will indirectly support the LSU's performance of its legally mandated governmental function."

In Board Docket No. 2009-154, the Board rendered the opinion that the Kean Miller law firm would be a public employee as defined by the Code of Governmental Ethics if it entered into an agreement with the OCD/DRU to assist its attorney's with OCD/DRU's appeals process. The Board reasoned that the duties that Kean Miller employees proposed to perform are a part of a service or duty that OCD employees provide to the general public, and as such, Kean Miller's participation in the appeals process, as a representative of the Office of Community Development, would be engaging in the performance of a governmental function for purposes of the Code and as such define Kean Miller as a public employee.

Section 1111C(2)(d) prohibits a public servant from performing a compensated service to a person who has or seeks a business, financial or contractual relationship with the public servant's agency.

ANALYSIS:

AWS-RM would be considered a public servant. In line with the Kean Miller opinion, AWS-RM would be providing services which Jefferson Parish already provides to the public. Jefferson Parish is mandated to protect the investments and property of the citizens by insuring property, as well as insuring the citizens against loss. It provides insurance policies for the benefit of the public. Therefore, the services that AWS-RM would perform, on behalf of Jefferson Parish, for the citizens of Jefferson Parish would classify AWS-RM as a public employee subject the the Code.

Section 1111C(2)(d) of the Code prohibits a public servant, and any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person which has or seeks a business, financial or contractual relationship with the public servant's agency. Because AWS and AWS-RM share common ownership, common employees and common workspace, AWS-RM exercises control of AWS and therefore, AWS' receipt of compensation from an insurer who may contract with Jefferson Parish would be prohibited by Section 1111C(2)(d) if AWS-RM were to enter into a contract with Jefferson Parish. (MDD)

Recommendations: Adopt the proposed advisory opinion.

Date

Mr. Thomas G. Wilkinson
Parish Attorney
Jefferson Parish
P.O. Box 9
Suite 5200
Gretna, LA 70054

RE: Ethics Board Docket No. 2009-674

Dear Mr. Wilkinson:

The Louisiana Board of Ethics, at its September 31, 2009 meeting, considered your request for an advisory opinion concerning whether Aparicio, Walker & Seeling Risk Management, LLC (AWS-RM) may enter into a contract with Jefferson Parish to perform insurance risk consulting services.

Information secured by the Board indicates that, as risk consultants for Jefferson Parish, AWS-RM would be assigned tasks such as providing cost estimates as well as performing work to be assigned on an as needed basis as directed by the Director of Risk Management in making claim and insurance programs work. Such tasks may include writing specifications for the Parish's Producer of Record to go to market; assist in the review of submittals and the making of recommendations to Jefferson Parish based on the review of AWS-RM, the evaluation of existing insurance policies and the making of valuation recommendations based on self-insured needs, as well as the valuation of real property. After the provision of the consulting services by AWS-RM, Jefferson Parish would have the final say as to what insurance to purchase, and from whom to purchase insurance from.

AWS-RM is not a licensed insurance agency, nor does it represent insurance companies. AWS-RM does not transact sales of insurance of any kind and ASW-RM has no financial interest in any insurance policy that Jefferson Parish may purchase.

The principals of AWS-RM also have an interest in two other companies; Aparicio, Walker & Seeling, Inc. (AWS), Aparicio, Walker & Seeling Benefits, LLC (AWS-B). AWS-RM shares the same ownership, same offices, and same employees as AWS.

AWS-RM has indicated that it would not make any recommendations to Jefferson Parish to purchase insurance through AWS, and AWS-B.

AWS does act as an insurance agent broker for insurance policies, however, it does not have a relationship with Jefferson Parish. AWS has indicated that it would not receive any compensation from any business that is written for the Parish of Jefferson or as a result of business written for the Parish of Jefferson. However, AWS may receive compensation from an insurance company that has a business, contractual or financial relationship with Jefferson Parish, through acting as an insurance agent in a separate transaction, apart from Jefferson Parish.

Thomas G. Wilkinson
date
Page -2-

The Board has concluded, and instructed me to inform you that Section 1111C(2)(d) of the Code prohibits AWS-RM from contracting with Jefferson Parish to provide insurance risk consulting services, if AWS receives compensation from insurance companies which Jefferson Parish has a business, contractual or financial relationship with. Section 1111C(2)(d) of the Code prohibits a public servant, and any legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person which has or seeks a business, financial or contractual relationship with the public servant's agency. Because AWS and AWS-RM share common ownership, common employees and common workspace, AWS-RM exercises control of AWS and therefore, AWS' receipt of compensation from an insurer who may contract with Jefferson Parish would be prohibited by Section 1111C(2)(d) if AWS-RM were to enter into a contract with Jefferson Parish.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

**JEFFERSON PARISH
LOUISIANA**

OFFICE OF THE PARISH ATTORNEY

AARON F. BROUSSARD
PARISH PRESIDENT

THOMAS G. WILKINSON
PARISH ATTORNEY

LOUIS G. GRUNTZ, JR.
DEPUTY PARISH ATTORNEY

PEGGY O. BARTON
DEPUTY PARISH ATTORNEY

October 21, 2009

Mr. Michael Dupree
Louisiana Board of Ethics
P. O. Box 4368
Baton Rouge, LA 70821

RE: Ethics Board Docket No. 2009-674

Dear Mr. Dupree:

In response to your letter dated October 13, 2009, please find the additional information requested regarding this matter.

- 1. Did any employees of Jefferson Parish provide the types of risk management services contained in the proposed contract with AWS, prior to Jefferson Parish's desire to contract for these services? If so, whom? When? What was the employee's job description and duties? Does anyone currently fill such a roll? Has the roll been eliminated?**

This contract supplements parish staff in the Department of Risk Management. Current staff that utilizes the services of this contract is the Risk Analyst and the Director of Risk Management. Services are on an as needed and project bases. A copy of the job description and duties are attached for your review. As outlined, the services are to supplement current staff.

- 2. Have these risk services always been contracted out to a third party? Prior to the proposed contract, how did Jefferson Parish fulfill its risk assessment needs?**

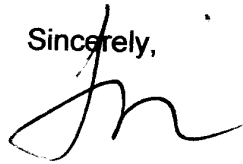
Supplemental services were originally contracted out in 1999. Prior to that date all projects were handle by staff personnel; however, due to work loads the Director determined that additional help was needed in order to accomplish the growing departmental demands.

2009 OCT 22 PM 2:25

REGISTRATION
CARRIED FINANCE
RECEIVED

Please let me know if you need any additional information, you may contact me at (504) 364-3800.

Sincerely,

A handwritten signature in black ink, appearing to be 'TGW', written over the word 'Sincerely,'.

THOMAS G. WILKINSON
Parish Attorney

TGW/pob

cc: Mr. Tim A. Whitmer, CAO

JEFFERSON PARISH, LOUISIANA
CLASS DESCRIPTION, 1997

Class Code:

POSITION TITLE: RISK ANALYST

KIND OF WORK

Under general supervision, the purpose of the position is to assist the Director of Risk Management with the Property and Casualty Insurance Program of the Parish of Jefferson. Employee in this classification is responsible for the timely and accurate compilation and reporting of all financial activities of the Loss Fund and Insurance Program. Work areas include, but are not necessarily limited, to losses, departmental allocations, insurance policies, budgets, fixed assets.

DISTINGUISHING FEATURES OF WORK

This class is distinguished as professional in the field of insurance risk analysis work requiring ability to analyze, prepare and maintain a wide variety of records and reports.

EXAMPLES OF WORKESSENTIAL FUNCTIONS

- The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within the classification. It is not necessarily descriptive of any one position in the class. The omission of an essential function does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the position.
- 1. Ensures that Insurance Agent of Record is consistent with Parish standards, policies, procedures and philosophy in the purchasing of insurance policies; ensures proper direction in purchasing policies in accordance with established coverages and cost reduction programs.
 - 2. Analyzes and evaluates insurance proposals and policies; ensures the timely purchase and renewal of policies to avoid lapses in coverage.
 - 3. Attends Insurance Advisory Committee meetings and provides recommendations; ensures that Parish Attorney's Office has correct information to prepare correspondence and council resolutions for claim settlements.
 - 4. Provide insurance agent with updated lists of vehicles and equipment; ensures that new vehicle and equipment acquisitions are timely reported to agent.

RISK ANALYST

Maintain custody of current and expired insurance policies ensuring that originals are not misplaced; maintain up to date insurance policy inventory.

Maintain fixed property inventory and appraisal list for all Parish immovable property as relates to Property/Fire and Boiler and Machinery coverages; ensures that property inventory list is updated regularly.

Prepares on an annual basis, estimates for all Parish departments' insurance budgets; ensure accuracy of loss data and loss funds to prepare budgets.

Receives and reviews claim payment listings from Third Party Administrators; ensures proper payments to claimants and vendors, and initiates reimbursements to trust funds by the Parish.

Prepares direct expenditures to pay Third Party Administrators, insurance companies, insurance agent, etc; reconciles and /or balances various accounts or items specific to assigned area.

MARGINAL FUNCTIONS

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Performs related work as directed.

NECESSARY KNOWLEDGE, SKILLS AND ABILITIES

Considerable knowledge of fundamentals of insurance.

Considerable knowledge of claims payment and risk analysis.

Knowledge of mathematical functions, i.e., addition, subtraction, multiplication, division, calculating decimals and percentages.

Ability to exchange communication in obtaining information or clarifying details.

Ability to review and analyze a wide variety of forms, statements, reports and documents to verify accuracy of claim loss data, contracts, budgets, payroll records, etc.

RISK ANALYST

Ability to provide advisement/recommendations consistent with evaluative data and supporting documentation.

Knowledge of generally accepted accounting principals and procedures with respect to government accounting.

MINIMUM QUALIFICATION REQUIREMENTS

Associate's degree with Bachelor's degree preferred in Finance, Business, Accounting, Insurance or related discipline; supplemented by three (3) years progressively knowledgeable and skilled experience in risk analysis and evaluation, insurance principles and procedures, insurance coverage analysis and evaluation and/or accounting evaluation experience that includes governmental accounting principles and procedures; or an equivalent combination of education, training and experience.

ADA COMPLIANCE

Physical Ability: Tasks involve some physical effort, i.e., some standing and walking, or frequent light lifting (5-10 pounds); or minimal dexterity in the use of fingers, limbs or body in the operation of shop or office equipment. Tasks may involve extended periods of time at a keyboard or work station.

Sensory Requirements: Some tasks require visual perception and discrimination. Some tasks require oral communications ability.

Environmental Factors: Tasks are regularly performed without exposure to adverse environmental conditions (e.g., dirt, cold, rain, fumes).

§ 2-92

JEFFERSON PARISH CODE

Sec. 2-92. Public information officer.

(a) *Appointment.* The public information officer shall be appointed by the parish president with the approval of the council.

(b) *Duties.* The public information officer shall:

- (1) Develop an education and media program to inform parish residents of major issues concerning the parish;
- (2) Manage the parish president's schedule;
- (3) Manage media relations;
- (4) Perform publication research;
- (5) Coordinate special events and publicize special events within the parish;
- (6) Be responsible for any and all publication and publications for the parish;
- (7) Direct staff assigned to public information;
- (8) Prepare policy statements and plans for public information.

(c) *Salary.* The salary of public information officer shall be established by the parish president within group III of the executive pay plan. (Ord. No. 17468, § 1, 3-9-88)

Sec. 2-93. Department and position of director created.

There is hereby created the department of risk management and the position of director of risk management which office and position shall endeavor to identify all potential sources of loss and to establish a method to assist parish departments in minimizing or eliminating their risks through implementation loss control.

(Ord. No. 17445, § 1, 2-10-88; Ord. No. 18406, § 1, 11-20-91; Ord. No. 19980, § 1, 3-26-97; Ord. No. 21410, § 1, 10-10-01; Ord. No. 21526, § 1, 2-27-02)

Sec. 2-93.1. Qualifications, appointment and salary of director.

(a) *Qualifications.* The director of risk management shall be qualified by education, training and prior administrative and/or management experience and shall devote his entire efforts to the purpose for which this position has been created.

(b) *Appointment.* The position of director of risk management shall be appointed by the parish president with the approval of the council.

(c) *Salary.* The salary of the director of risk management shall be established by the parish president within the executive pay grade 17.

(Ord. No. 18406, § 1, 11-20-91; Ord. No. 19980, § 1, 3-26-97; Ord. No. 21410, § 1, 10-10-01; Ord. No. 21526, § 1, 2-27-02)

Sec. 2-93.2. Duties of director.

The director of risk management shall:

- (1) Administer the parish's risk management program and establish a risk funding system;
- (2) Manage all parish insurance covering property and liability exposure through commercial underwriters or self-insurance;
- (3) In coordination with the parish attorney, manage all tort claims made against the parish or any department of the parish;
- (4) Review, evaluate and recommend on existing and prospective insurance coverages to the insurance advisory committee;
- (5) Act in conjunction with agent(s), broker placing the parish's commercial insurance coverage, to investigate and request necessary coverages, maintain the insurance policies and files, and coordinate contracts;
- (6) Establish risk identification systems and procedures, including the organization of information, data analysis, documentation, and rules and regulations to establish procedures governing parish risk;
- (7) Coordinate insurance accounting data with finance department;
- (8) Meet regularly with the parish's third party claims administrators;
- (9) Supervise and evaluate workers involved in the risk management department;
- (10) Advise and direct security personnel on security procedures;

ADMINISTRATION

§ 2-95

- (11) In coordination with the parish attorney assist in the settlement of all claims in excess of ten thousand dollars (\$10,000.00) and direct, advise and supervise the third party administrator in the settlement of all claims not to exceed ten thousand dollars (\$10,000.00);
- (12) Prepare statistical studies, quarterly financial reports and research planning for future programs, systems and benefits;
- (13) Submit to the parish president, parish council, insurance advisory committee a formal annual report on the parish's risk management program;
- (14) Maintain an inventory of values of parish owned property and contents;
- (15) Provide policy guidance to the parish president in the area of risk management;
- (16) Manage risk prevention programs and maintain a system of accident records and reports on all departments of parish government;
- (17) All other such duties or responsibilities that are related to risk management.
(Ord. No. 18406, § 1, 11-20-91; Ord. No. 19980, § 1, 3-26-97; Ord. No. 21410, § 1, 10-10-01; Ord. No. 21526, § 1, 2-27-02)
- (2) Monitor legislative and regulatory activities concerning matters that affect the public health service delivery systems and advise the parish government as to the impact and appropriate courses of action;
- (3) Represent the parish government to the general public in matters of public health;
- (4) Serve as a member or ad hoc member, as appropriate, of related boards, committees and commission;
- (5) Assist in planning and implementation of parish budgets for public health services;
- (6) Represent the parish at national, state and regional meetings concerning public health services;
- (7) Prepare and submit impact statements on legal and regulatory initiatives concerning public health services, and monitor implementation of those initiatives as they occur;
- (8) Supervise workers involved in the department(s);
- (9) Perform all other such duties or responsibilities that are related to public health services.

(c) *Qualifications.* The director of public health services shall have a thorough working knowledge of public sector health services delivery systems and shall possess the following qualifications: A minimum of a bachelor's degree plus three (3) years' experience in public health or human services, or a master's degree in a related field of study.

(d) *Appointment.* The position of director of public health shall be appointed by the parish president with the approval of the parish council.

(e) *Salary.* The salary of the director of public health shall be established by the parish president within group III of the executive pay plan. (Ord. No. 17874, § 1, 11-29-89)

Sec. 2-95. Correctional system liaison officer.

(a) *Position created; purpose.* The position of correctional system liaison officer is hereby created to serve the Parish of Jefferson, the Jefferson

Sec. 2-94. Director of public health services.

(a) *Position created; purpose.* The position of the director of public health services is hereby created to serve the parish council and administration as the principal director, coordinator and monitor of public health services so as to better assure the quality of life for parish citizens who receive public health services.

(b) *Duties.* The director of public health services shall:

- (1) Direct, coordinate, monitor and serve as liaison between the parish government and providers of public health services limited to departments and agencies of the federal and state governments and such other agencies and entities which form the public health service delivery system to parish residents;

General Item

Ethics Board Docket No. BD 2009-753 11/20/2009

RE: Consideration of a disqualification plan that allows an employee of the Terrebonne Parish Consolidated Government to submit an application to re-divide lots.

Relevant Statutory Provisions, Advisory Opinions: 1113A, 1112A, and 1112C; 2007-273

Comments:

FACTS:

Jeanne P. Bray is a staff engineer in the Engineering Division for the Terrebonne Parish Consolidated Government's Department of Public Works. Ms. Bray oversees the activities of the Engineering Division with regard to capital projects and subdivision reviews for the Houma-Terrebonne Regional Planning Commission (HTRPC). The Engineering Division reviews drainage calculations regarding certain applications before the HTRPC.

Ms. Bray owns two adjacent lots in Terrebonne Parish. Three houses sit on the two lots. Ms. Bray would like to re-divide the lots so that each house has its own lot for mortgage purposes. In order to accomplish this re-division, Ms. Bray would have to submit an application for a "Process D" to the HTRPC.

The HTRPC requires drainage calculations for a "Process D" application located in a forced drainage system. It is also the policy of the HTRPC not to require such calculations when a "Process D" application is located in a gravity drainage system. Ms. Bray's property is located in a gravity drainage system; therefore, based on past history of the HTRPC, a review by the Engineering Division would not be necessary or required.

The HTRPC determines whether or not an application filed with the HTRPC requires review by the Engineering Division.

Ms. Bray has submitted a disqualification plan in an abundance of caution in the case that a review is needed by the Engineering Division. If this occurs, the Director of the Public Works Department or a consultant engaged by the Director would perform any reviews needed on Ms. Bray's application.

LAWS:

Section 1113A of the Code prohibits a public servant from entering into a contract, subcontract, or other transaction under the jurisdiction or supervision of the public servant's agency.

Section 1112A of the Code prohibits a public servant from participating in a transaction involving his governmental entity in which he has a substantial economic interest.

Section 1112C of the Code allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code.

ANALYSIS:

Since it is the HTRPC and not the Engineering Division which makes the determination regarding which applications will require a review by the Engineering Division filed with the HTRPC, Ms. Bray would not be entering into a transaction that is under the supervision or jurisdiction of her agency by filing an application with the HTRPC. Further, Ms. Bray's disqualification plan sufficiently removes her from any participation in a review process if the HTRPC determines that her application should be reviewed by the Engineering Division. (TKM)

Recommendations: Accept the disqualification plan.

Date

Mr. Gregory E. Bush, LTC, USA, Retired
Director of Public Works
Terrebonne Parish Consolidated Government
P.O. Box 2768
Houma, Louisiana 70361

Re: Ethics Board Docket No. 2009-753

Dear Mr. Bush:

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion and approval of a disqualification plan involving Jeanne P. Bray, a staff engineer in the Terrebonne Parish consolidated Government Engineering Division, regarding her submittal to the Houma-Terrebonne Regional Planning Commission of an application to re-divide property. You stated that Jeanne P. Bray is a staff engineer in the Engineering Division for the Terrebonne Parish Consolidated Government's Department of Public Works. You stated that Ms. Bray oversees the activities of the Engineering Division with regard to capital projects and subdivision reviews for the Houma-Terrebonne Regional Planning Commission (HTRPC). The Engineering Division reviews drainage calculations regarding certain applications before the HTRPC. You stated that it is the HTRPC that determines whether or not an application filed with the HTRPC requires review by the Engineering Division.

You stated that Ms. Bray owns two adjacent lots in Terrebonne Parish. Three houses sit on the two lots. Ms. Bray would like to re-divide the lots so that each house has its own lot for mortgage purposes. In order to accomplish this re-division, Ms. Bray would have to submit an application for a "Process D" to the HTRPC.

You stated that the HTRPC requires drainage calculations for a "Process D" application located in a forced drainage system. It is also the policy of the HTRPC not to require such calculations when a "Process D" application is located in a gravity drainage system. Ms. Bray's property is located in a gravity drainage system; therefore, based on past history of the HTRPC, a review by the Engineering Division would not be necessary or required.

You have submitted on Ms. Bray's behalf a disqualification plan in an abundance of caution in the case that a review is needed by the Engineering Division. If this occurs, the Director of the Public Works Department or a consultant engaged by the Director would perform any reviews needed on Ms. Bray's application.

Mr. Gregory E. Bush, LTC, USA, Retired

Date

Ethics Board Docket No. 2009-753

Page 2

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Jeanne P. Bray from submitting an application with the Houma-Terrebonne Regional Planning Commission to re-subdivide her property. Section 1113A of the Code prohibits a public servant from entering into a contract, subcontract, or other transaction under the jurisdiction or supervision of the public servant's agency. Since it is the HTRPC and not the Engineering Division which makes the determination regarding which applications will require a review by the Engineering Division filed with the HTRPC, Ms. Bray would not be entering into a transaction that is under the supervision or jurisdiction of her agency by filing an application with the HTRPC.

Further, Section 1112A of the Code prohibits a public servant from participating in a transaction involving his governmental entity in which he has a substantial economic interest. Section 1112C of the Code allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code.

The Board concluded, and instructed me to inform you, that it approves the disqualification plan submitted by virtue of which the Director of the Public Works Department or a consultant engaged by the Director would perform any reviews needed on Ms. Bray's application if needed as determined by the Houma-Terrebonne Regional Planning Commission.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board



P. O. BOX 6097
HOUMA, LOUISIANA 70361
(985) 868-5050



P. O. BOX 2768
HOUMA, LOUISIANA 70361
(985) 868-3000

**TERREBONNE PARISH
CONSOLIDATED GOVERNMENT**

August 12, 2009

Louisiana Board of Ethics
Attn: Kathleen Allen
2415 Quail Drive, Third Floor
Baton Rouge, LA 70808

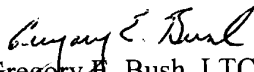
RE: Ethics Board Docket No 2009-753
Request for consideration of disqualification plan

2009 OCT 13 PM 4:07
CAMPAIGN FINANCE
RECEIVED

Dear Members of the Board:

As requested in your letter dated August 5, 2009, the following should satisfy your question. The Engineering Division does not make the determination that an application should be reviewed by the Engineering Division. The Houma-Terrebonne Regional Planning Commission makes the determination whether or not the application should be reviewed by the Engineering Division. This is not a decision that is made by the Engineering Division.

Sincerely,


Gregory E. Bush, LTC, USA, Retired
Director of Public Works
Terrebonne Parish Consolidated Government

/gb

cc: Michel Claudet, Parish President
Al Levron, Parish Manager
Courtney Alcock, Parish Attorney
Council Reading File
Department Reading File

2009-753



P. O. BOX 6097
HOUMA, LOUISIANA 70361
(985) 868-5050



P. O. BOX 2768
HOUMA, LOUISIANA 70361
(985) 868-3000

TERREBONNE PARISH CONSOLIDATED GOVERNMENT

Department of Public Works

July 8, 2009

Louisiana Board of Ethics
Attn: Kathleen Allen
2415 Quail Drive, Third Floor
Baton Rouge, LA 70808

RE: Ethics Opinion for a re-division of property
Request for consideration of disqualification plan

Dear Members of the Board:

Jeanne P. Bray works in the Engineering Division as a Staff Engineer for the Department of Public Works in Terrebonne Parish Consolidated Government (TPCG). She oversees the activities of the Engineering Division with regard to capital projects and subdivision reviews for the Houma-Terrebonne Regional Planning Commission (HTRPC).

Jeanne P. Bray owns two adjacent lots of record in Terrebonne Parish. On these two lots she owns three houses. Ms. Bray is desirous of re-dividing her lots so that each house would have it's own lot of record. In order to fulfill this desire to re-divide these lots, she would have to place an application for a "Process D" on the HTRPC for a re-division of property.

Ms. Bray would like to request an opinion/ruling of the Ethics Commission. To avoid any potential conflict, and in accordance with LA R.S. 42:1112 (c), Ms. Jeanne Bray has provided me with written correspondence to the effect that her general supervisory role as Staff Engineer, may result in a violation of Section 1112 of the Code of Governmental Ethics, as she has a 100% interest in her 2 lots of record, attempts to re-divide the property for mortgages purposes in Terrebonne Parish.

Ms. Bray would like to avoid any potential or actual violation of Article 1112, when her re-division of property goes before the Houma-Terrebonne Regional Planning Commission (Planning Commission) for a "Process D".

The Planning Commission is an agency established in accordance with state law. It is self funded from filing fees; has legal counsel from the District Attorney's Office, maintains its own bank accounts and is independently audited. However, the Terrebonne Parish Consolidated Government provides support staff for the Planning Commission and the Engineering Division reviews drainage calculations regarding certain applications.

2009 JUL 20 PM 3:37

CAJON FINANCE
RECEIVED

Ethics Opinion for a re-division of property; disqualification plan

GEB Letter to KA Dated 7/8/09

Page 2

To my knowledge and after discussions with the Director of Planning and Zoning, it has come to my attention that it has been a policy of the HTRPC to require drainage calculations for a Process D located in a Forced Drainage system. It has also been a policy of the HTRPC not to require drainage calculations when a Process D application is located in a Gravity Drainage system. Ms. Bray's property is located within a Gravity Drainage System Based on past history of the HTRPC, a review by the Engineering Division would not be necessary or required.

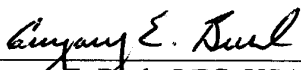
If for some reason, the HTRPC determined that the property owned by Ms. Bray would require a review of calculations by the Engineering Division, Ms. Bray, as set out in the attached letter, has proposed the following option to disqualify herself from any potential participation.

- 1) Ms. Bray proposes to turn over the supervision or recuse herself from the supervision of any issues associated with the Houma-Terrebonne Regional Planning Commission as relates to matters involving her property; the Director of Public Works will either review this application or direct an external consultant to review this application for the Houma-Terrebonne Regional Planning Commission and the consultant will be instructed to report straight to the Director of Public Works on such matters.

As is spelled out in her correspondence and based upon my own review with the various department heads regarding Ms. Bray's actual involvement in these matters, it is my opinion that as Director of Public Works, I can assume whatever minor supervisory duties would arise with respect to the review of these drainage calculations and the Houma-Terrebonne Regional Planning Commission will have little or no impact on the efficient operation of parish government.

I am submitting this letter in an effort to comply with Chapter 14 of the Rules for the Board of Ethics, and would ask that you place this proposal before the Board for their consideration.

Sincerely,



Gregory E. Bush, LTC, USA, Retired
Director of Public Works
Terrebonne Parish Consolidated Government

/gb

cc: Michel Claudet, Parish President
Al Levron, Parish Manager
Courtney Alcock, Parish Attorney
Council Reading File
Department Reading File



P. O. BOX 6097
HOUMA, LOUISIANA 70361
(985) 868-5050



P. O. BOX 2768
HOUMA, LOUISIANA 70361
(985) 868-3000

TERREBONNE PARISH CONSOLIDATED GOVERNMENT

July 8, 2009

BBSul
Gregory E. Bush, ~~LTC~~, USA, Retired
Director of Public Works
Terrebonne Parish Consolidated Government
P.O. Box 2768
Houma, LA 70360

**RE: Ethics Opinion for a re-division of property
Request for consideration of disqualification plan**

Dear Mr. Bush:

As you are aware, I currently oversee the Engineering Division. Within this duty I oversee the activities of the Engineering Division with regard to subdivision reviews for the Houma-Terrebonne Regional Planning Commission (HTRPC).

I currently own two adjacent lots of record in Terrebonne Parish. On these two lots there are three houses. All three of these residences have been there since the 1950's. I am hoping to re-divide my lots so that each house would have its own lot of record for mortgages purposes. In order to fulfill this desire to re-divide these lots, I would have to place an application for a "Process D" on the Houma-Terrebonne Regional Planning Commission (HTRPC) for a re-division of property.

It is my understanding, that the prudent thing to do would be to obtain an opinion/ruling of the Ethics Commission prior to applying to the HTRPC. I would like to avoid any potential or actual violation of Article 1112, when my re-division of property would be presented to the HTRPC for a "Process D".

Based on my 15 years of employment with TPCG and knowledge of the HTRPC, it is my understanding that it has been a policy of the HTRPC to *only* require drainage calculations for a Process D applications located in a Forced Drainage system. It has also been a policy of the HTRPC *not to require drainage calculations* when a Process D application is location in Gravity Drainage system. My property is located within a Gravity Drainage System, therefore, typically, not requiring drainage calculations; Based on past history of the HTRPC, a review by the Engineering Division would not be necessary.

If for some reason, the HTRPC determined that my property would require a review of drainage calculations by the Engineering Division, I propose the following option to disqualify myself from any potential participation in the review or oversight of that particular application.

Ethics Opinion for a re-division of property; disqualification plan

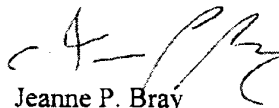
JPB Letter to GEB Dated 7/8/09

Page 2

- 1) I propose to turn over the supervision or recuse myself from the supervision of any issues associated with the Houma-Terrebonne Regional Planning Commission as relates to matters involving my property; the Director of Public Works will either review this application or direct an external consultant to review this application for the Houma-Terrebonne Regional Planning Commission and the consultant will be instructed to report straight to the Director of Public Works on such matters.

I am submitting this letter in an effort to comply with Chapter 14 of the Rules for the Board of Ethics, and would ask if you agree with this proposal, that you forward this proposal to the Board of Ethics for their consideration.

Sincerely,



Jeanne P. Bray
Staff Engineer

**2007-273**

Created By: Wendy Ingram on 04/20/2007 at 03:33 PM
Category: Ethics Advisory Opinions
Caption:

April 16, 2007

Mr. Eric Conner
3200 Vincent Road
Lake Charles, LA 70605

Re: Ethics Board Docket No. 2007-273

Dear Mr. Connor:

The Louisiana Board of Ethics, at its April 12, 2007 meeting, considered your request for an advisory opinion regarding whether you may perform engineering work on projects which are submitted for review by your brother's agency. You stated that you are a civil engineer and that you perform storm water, sanitary sewer, and roadway design for some clients in Calcasieu Parish. Such designs are a part of subdivision plats which are submitted to the Parish for review and approval. You further stated that your brother is also an engineer and that he works for the Parish managing the Engineering Department which reviews such plats.

The Board concluded, and instructed me to inform you that Section 1112 of the Code of Governmental Ethics will prohibit your brother from participating in the review and approval of any projects for which you perform engineering services. Section 1112B of the Code prohibits a public servant from participating in a transaction in which his immediate family member has a substantial economic interest. However, Section 1112C of the Code will allow for your brother to disqualify himself from participating in such transactions to avoid any potential participation violations by confecting a disqualification plan pursuant to Chapter 14, §1401- §1404 of the Rules for the Board of Ethics. I have attached a copy of the Rules for your convenience.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Peggy A. Sabadie
For the Board

.....

General Item

Ethics Board Docket No. BD 2009-1013

11/20/2009

RE:

Consideration of a request for a payment plan in connection with late fees against Sandra Cabrina Jenkins, a candidate in the May 21, 2005 and November 2, 2004 election, whose Supplemental reports were 15 days late.

Relevant Statutory Provisions, Advisory Opinions:

18:1505.4, 42:1157

Comments:

Sandra Jenkins has been assessed late fees in the amounts of \$600 and \$1,000 (\$1,600) total. Ms. Jenkins is requesting a payment plan of \$100 a month beginning October 30, 2009. Inform Ms. Jenkins that the Board will proceed with a public hearing if she does not maintain compliance with a payment plan. (AMA)

Recommendations:

Approve the payment plan.

2009-1013

SANDRA CABRINA JENKINS
Attorney at Law, LLC

909 Poydras Street
Suite 2556
New Orleans, Louisiana 70112
Office Telephone: (504) 525-4361
Office Fax: (504) 525-4380

Direct Dial: (225) 614-1164

Email: scj@nola-law.com

October 14, 2009

Alesia M. Ardoin, Esq.
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

2009 OCT 14 AM 10:43
RECEIVED
STRATTON
CAMPAIGN FINANCE

Re: Ethics Board Docket No. 2009-656

Dear Ms. Ardoin:

I spoke with you a few weeks ago in reference to my desire to pay my delinquents fine for failure to timely file campaign finance reports. I am experiencing extreme financial difficulty and would like to enter into a payment plan. I would like to pay \$100.00 per month beginning October 30, 2009.

Thank you for your consideration.

Sincerely,

Sandra C. Jenkins

General Item

Ethics Board Docket No. BD 2009-1040 11/20/2009

RE: Consideration of a request for an advisory opinion regarding whether the newly elected assessor for Pointe Coupee Parish may participate in office training while his father continues to serve as Parish Assessor.

Relevant Statutory Provisions, Advisory Opinions: 1119

Comments:

FACTS:

James Laurent is the current Assessor for Pointe Coupee Parish. He will retire on December 31, 2009. His son, Jimmy Laurent, Jr. was elected on October 17, 2009 as the succeeding Assessor. Jimmy Laurent will take office January 1, 2010. La. R. S. 47:1901 et seq. and Op. Atty. Gen. No. 95-57 provide that in general, the term of an assessor does not commence on January 1 following the year in which the assessor is elected, but the year thereafter.

Mr James Laurent, states that since this was not a regular election, his son will take office in two and a half months and not receive the fourteen month (14) orientation period. Therefore, Mr. Laurent would like to hire his son and begin hands on training immediately. Mr. Laurent states that if any other candidate had won he would have employed them also. Mr. Laurent states that although there is no statute that requires the training or employment of the assessor-elect during the fourteen month orientation period, in Pointe Coupee Parish, it is at the discretion of the current assessor whether or not to employ and train the assessor-elect during the fourteen month period prior the assessor-elect taking office.

LAW:

Section 1119 of the Code prohibits the immediate family members of an agency head from being employed within his agency.

ANALYSIS:

Mr. James Laurent will be employed as the Assessor and agency head of the Assessor's office until December 31, 2009. Thereafter, Mr. Laurent's son will take office as Assessor. Since there is no statute that requires that the assessor-elect receive training or compensation while he receives training prior to taking office, his son, Jimmy Laurent's employment in the Assessor's office prior to December 31, 2009 is prohibited. (APB)

Recommendations: Adopt the proposed advisory opinion.

Date

James Laurent
Assessor, Pointe Coupee Parish
21 East Main Street, Suite 4 Courthouse Building
New Roads, LA 70760

RE: Ethics Board Docket No. 2009-1040

Dear Mr. Laurent:

The Louisiana Board of Ethics, at its November 20, 2009 Board meeting, considered your request for an advisory opinion regarding whether your son, Jimmy Laurent, may begin receiving compensation for training at the Pointe Coupee Assessor's office prior to his taking office in January 2010. You stated that you are the current Assessor for Pointe Coupee Parish. You will retire on December 31, 2009. Your son, Jimmy Laurent, Jr. was elected on October 17, 2009 as the succeeding Assessor. Jimmy Laurent will take office January 1, 2010. La. R. S. 47:1901 et seq. and Op. Atty. Gen. No. 95-57 provide that in general, the term of an assessor does not commence on January 1 following the year in which the assessor is elected, but the year thereafter.

You state that since this was not a regular election, your son will take office in two and a half months and not receive the fourteen month (14) orientation period. Therefore, you would like to hire your son and begin hands on training immediately. You state that if any other candidate had won you would have employed them also. You further state that although there is no statute that requires the training or employment of the assessor-elect during the fourteen month orientation period, in Pointe Coupee Parish, it is at the discretion of the current assessor whether or not to employ and train the assessor-elect during the fourteen month period prior the assessor-elect taking office.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would prohibit the hiring of your son in Pointe Coupee Parish's Assessor's office prior to January 1, 2010. Section 1119 of the Code prohibits the immediate family members of an agency head from being employed within the agency head's agency. You will be employed as the Assessor and agency head of the Assessor's office until December 31, 2009. Thereafter, your son will take office as Assessor for Pointe Coupee Parish. Since there is no statute that requires that the assessor-elect receive training or compensation while he receives training prior to taking office, your son, Jimmy Laurent's employment in the Assessor's office prior to December 31, 2009 is prohibited.

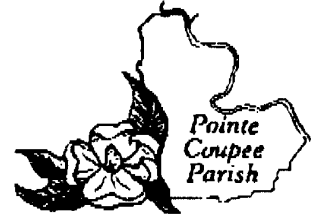
The Board of Ethics does not address whether or not it is appropriate for ORM to include a clause requiring the hiring of its former employees. This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

DRAFT

James A. Laurent, CLA
Assessor, Pointe Coupee Parish
211 East Main Street
Suite 4 – Courthouse Building
New Roads, Louisiana 70760-3661
(225) 638-7077 Fax: (225) 638-4370
Email: pcassessor@bellsouth.net



October 30, 2009

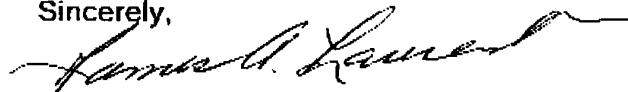
Louisiana Board of Ethics
Attn: Mrs. Anitra Boykin
617 North Third Street
LaSalle Building, Suite 10-36
Baton Rouge, LA 70802

Dear Mrs. Boykin:

Following you will find my letter of request for the Louisiana Board of Ethics as per our earlier discussion. I ask that you please have this letter placed on the agenda for the Board's meeting on November 19, 2009.

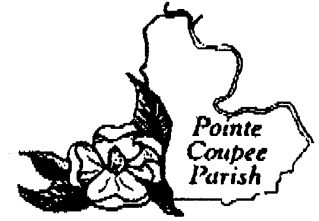
Please contact me if you have any questions.

Sincerely,


James A. Laurent, CLA
Assessor, Parish of Pointe Coupee

2009 OCT 30 PM 1:57
REGISTRATION
CAMPAIGN FINANCE
RECEIVED

James A. Laurent, CLA
Assessor, Pointe Coupee Parish
 211 East Main Street
 Suite 4 – Courthouse Building
 New Roads, Louisiana 70760-3661
 (225) 638-7077 Fax: (225) 638-4370
 Email: pcassessor@bellsouth.net



October 30, 2009

Louisiana Board of Ethics
 617 North Third Street
 LaSalle Building, Suite 10-36
 Baton Rouge, LA 70802

OFFICE OF THE CLERK OF COURTS
 CAMPAIGN FINANCE
 RECEIVED
 2009 OCT 30 PM 1:57

Dear Chairman and Board:


Effective December 31, 2009, I will retire as Assessor of Pointe Coupee Parish. On October 17, 2009 a special election was held to fill the vacancy in this office as well as the renewing of the parish library and fire district millage taxes.

In the election for this office there were three candidates; one of the candidates was my son. He was elected with 70% of the votes cast.

Since this was not a regular election, there is only two and a half months before he takes office, not the regular fourteen months for orientation. Therefore I am requesting permission to bring him into the office with a salary so he can get hands on training. I would have done the same had either of the other candidates won only I would not have had to ask permission. To avoid any appearance of impropriety and to address any nepotism issues, I am formally requesting your permission in this matter.

This is in the best interest of this Office and the Parish. I would appreciate a positive and speedy reply to this request.

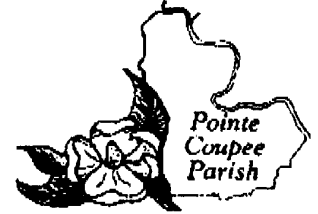
Sincerely,


 James A. Laurent, CLA
 Assessor, Pointe Coupee Parish

James A. Laurent, CLA
Assessor, Pointe Coupee Parish
 211 East Main Street
 Suite 4 Courthouse Building
 New Roads, Louisiana 70760-3661
 (225) 638-7077 Fax: (225) 638-4370
 Email: pcessessor@bellsouth.net

REGISTRATION
 RECEIVED
 FINANCE

2009 NOV -3 AM 10:46



FAX

| | | | |
|-----------|--------------------|--------|----------------------------|
| TO: | Mrs. Anitra Boykin | FROM: | James A. Laurent, Assessor |
| FAX: | 225-381-7271 | PAGES: | 2 (incl. cover) |
| PHONE: | | PHONE: | |
| SUBJECT: | | DATE: | |
| COMMENTS: | | | |

Mrs. Boykin,

The following page which shows the term dates and Louisiana Citations may be of assistance to you in your search.

Sincerely,

James A. Laurent
 James A. Laurent, CLA
 Assessor, Pointe Coupee Parish

GUBERNATORIAL ELECTIONS: OFFICES REGULARLY SCHEDULED TO BE FILLED
PRIMARY: 10/22/2011 GENERAL: 11/19/2011 (4 year terms)

| Office Titles | No. Elected | Beginning of Next Term | Expiration of Next Term | Comm. Issued | Louisiana Citation |
|--|-------------|--|---|--------------|--|
| Governor | 1 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | None | Louisiana Constitution Article IV §3A |
| Lt. Governor | 1 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | None | Louisiana Constitution Article IV §3A |
| Secretary of State | 1 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | SS 402 | Louisiana Constitution Article IV §3A |
| Attorney General | 1 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | SS 402 | Louisiana Constitution Article IV §3A |
| Treasurer | 1 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | SS 402 | Louisiana Constitution Article IV §3A |
| Commissioner of Agriculture | 1 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | SS 402 | Louisiana Constitution Article IV §3A |
| Commissioner of Insurance | 1 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | SS 402 | Louisiana Constitution Article IV §3A |
| Board of Elementary and Secondary Education Member | 8 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | SS 402 | Louisiana Constitution Article VIII §3B |
| State Senators | 39 | 10:00 a.m. 2nd Mon. Jan. 1:9/2012 | 10:00 a.m. 2nd Mon. Jan. 1:11/2016 | SS 435 | Louisiana Constitution Article III §4C and §5A |
| State Representatives | 105 | 10:00 a.m. 2nd Mon. Jan. 1:9/2012 | 10:00 a.m. 2nd Mon. Jan. 1:11/2016 | SS 435 | Louisiana Constitution Article III §4C and §5A |
| Sheriffs (except Orleans in 2010) | 63 | July 1 7/1/2012 | June 30 6:30/2016 | SS 402 | LA Const. Art. V §27 R.S.33:1434B |
| Clerks of Court (except Orleans in 2010) | 63 | July 1 7/1/2012 | June 30 6:30/2016 | SS 402 | LA Const. Art. V §28 R.S.13:759 |
| Assessors (except Orleans in 2010) | 63 | Jan. 1, 2nd year after elec. 1/1/2013 | December 31 12/31/2016 | SS 402 | R.S.47:1901 A.G. Opinion #95-57 |
| Coroners (except Orleans in 2010) | 63 | 4th Mon. March 3/26/2012 | Sun. before 4th Mon. March 3/27/2016 | SS 402 | LA Const. Art. V §29 R.S.33:1551A |
| Parish Presidents (except EBR-2008, Orleans-2010, Plaquemines-2010) | 19 | varies | varies | SS 402 | See Parish Governing Authorities Chart |
| Police Jurors/Parish Council/Parish Comm. (except EBR-2008, Orleans-2010, Plaquemines-2010) | 562 | varies | varies | SS 402 | See Parish Governing Authorities Chart |
| Municipal Offices: Vienna | 4 | Noon, 2nd Mon. Jan. 1:9/2012 | Noon, 2nd Mon. Jan. 1:11/2016 | SS 402 | LA Const. Art. IV §3 Legislative Charter |
| TOTAL OFFICES | 996 | | | | |

Revised 11:08

NOV-09-03-00-10:15:19 AM EST FULL ASSEMBLY 027 000 000 4042

May 1, 1995
OPINION NUMBER 95-57

Thomas O. Wells, Esq.
Assistant District Attorney
Ninth Judicial District
P.O. Drawer 1472
Alexandria, LA 71309

Dear Mr. Wells:

This office is in receipt of your request for an opinion of the Attorney General in regard to calling an election to fill the vacancy in the office of the Assessor for Rapides Parish. You indicate effective January 20, 1995 the Assessor for Rapides Parish resigned his office. The Secretary of State notified the Police Jury to call a special election to fill the unexpired term. Mr. Slay was elected at the general election held in 1991, but his commission was not issued until January 1, 1993. It is your opinion that the term expires on December 31, 1995, and since there is less than one year remaining on that term a special election is not necessary. However, the Secretary of State is of the opinion the term expires on December 31, 1996. Accordingly, you ask when the Assessor's term ends and whether a special election is required to fill the unexpired term.

You refer to various pertinent provisions of law which provide as follows:

Art. 7, Sec. 24, La. Const. 1974 - (A) A tax assessor shall be elected by the electors of each parish, Orleans Parish excepted. His term of office shall be four years. His election, duties, and compensation shall be as provided by law.

* * * * *

(C) When a vacancy occurs in the office of the assessor, the duties of the office, until filled by election as provided by law, shall

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be assumed by the chief deputy assessor, except in Orleans Parish * * *.

R.S. 47:1901 - At the general state election held every four years, there shall be elected in each parish, the parish of Orleans (and any parish divided by the Mississippi River having a population of over 200,000 excepted), by the qualified voters thereof, one tax assessor, who shall hold office for four years from and after the 31st day of December of the year in which he is elected. (The amendment was ruled unconstitutional inasmuch as the constitution only accepted Orleans from having more than one assessor).

R.S. 18:602(E)(1)(a) - If the unexpired term of office covered by Subsection A, B, or C above is one year or less, the person appointed to fill the vacancy or designated to assume the duties of the office shall serve for the remainder of the unexpired term.

(2)(a) If the unexpired term exceeds one year, the governing authority of the local governmental subdivision in which the vacancy occurs, * * * within ten days after the vacancy occurs shall issue a proclamation ordering a special election to fill the vacancy. * * *

R.S. 18:513 - A. Within thirty days after the date on which a general election is scheduled to be held the secretary of state shall certify the name of each candidate elected for a full term to the appropriate official in the following manner:

* * * * *

(5) The name of a candidate elected to any other office, except governor or lieutenant governor, shall be certified to the governor, who shall issue a commission to the elected official on the date the term begins as pro-

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vided by law or the home rule charter or plan of government. If the term begins for an elected official is not provided by law or home rule charter or plan of government, the governor shall issue a commission.* * *

This office previously rendered an opinion which is consistent with the position of the Secretary of State. In Atty. Gen. Op. No. 83-831 this office recognized that the assessor shall serve a four year term and concluded that the assessor elected in October, 1983 would not assume the office until January 1, 1985. It was further observed, even though the assessor may not assume office until January 1, 1985, he must accept his commission within thirty days after the date the governor is inaugurated and take the oath of office within thirty days after the receipt of the commission.

The logic of this conclusion is based upon the constitutional provision that has provided for a four year term for assessors prior to the change of the general election from February to the proceeding fall. Under the earlier system an assessor elected in the February general election would not take office until after the 31st of December of that year. To allow for the full four year term for the assessors in office at the time the date of the general election was moved forward, the newly elected assessor could not take office until those terms were completed. Therefore, the assessors have not been enjoying one year extra, but to allow all to have a four year term the assessor's term does not commence on the 1st of January after the year elected but the following January. Since there is more than one year left in the present term, an election must be called.

We hope this sufficiently answers your question, but if we can be of further assistance, do not hesitate to contact us.

Sincerely yours,

RICHARD P. IEYOUB
Attorney General

By: _____
BARBARA B. RUTLEDGE

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An assessors term does not
commence on Jan. 1 following
the year in which elected, but
the year after that.

4 - Assessors
R.S. 47:1801
R.S. 18:602