

**LOUISIANA BOARD OF ETHICS**

**LaSalle Building  
First Floor - LaBelle Room**

**617 North 3<sup>rd</sup> Street  
Baton Rouge, Louisiana**

**December 18, 2009  
9:00 a.m.**

**GENERAL**

**Regular Business**

**G34.** Approval of the minutes from the Louisiana Board of Ethics November 19-20, 2009 meeting.

**G35. Docket No. 09-987**

Request for an advisory opinion regarding whether a member of the St. Charles Parish Council may be employed by a company after such company terminates its contractual relationship with the parish; whether the company can subsequently seek future work from the parish, and whether the councilmember may then remain employed by virtue of the 82-02D exception.

**G36. Docket No. 09-1021**

Consideration of a request for an advisory opinion regarding the Director for the Foundation for Excellence in Louisiana Public Broadcasting being appointed to the Board of Directors of station WLAE in New Orleans by either the Willwood Foundation or the Louisiana Education Television Authority (LETA).

**G37. Docket No. 09-1086**

Consideration of an advisory opinion regarding the Chief Administrative Officer to the Jefferson Parish President receiving commissions from insurance policies issued to employees of the West Jefferson Medical Center.

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**G38. WAIVER REQUESTS - CAMPAIGN FINANCE****Docket No. 09-1004**

Consideration of a request that the Board waive the \$400 late fee assessed against Cranford L. Jordan, Jr., who opposed a sales tax proposition in the October 17, 2009 election, whose 30-P report was due on September 17, 2009 and it was filed 32 days late.

**Docket No. 09-1059**

Consideration of a request that the Board waive the \$400 late fee assessed against Kevin H. Johnson, an unsuccessful candidate for Monroe City Council, Ouachita Parish, in the April 4, 2009 election, whose EDE-P report was due on April 14, 2009 and it was filed 150 days late.

**Docket No. 09-1061**

Consideration of a request that the Board waive the \$37,000 and \$22,000 late fees assessed against American Electric Power Committee, who failed to file its monthly PAC reports electronically as is required under Section 1485E of the Campaign Finance Disclosure Act. The first report in question was due July 10, 2009 and was electronically filed 75 days late. The second report was due August 10, 2009 and was electronically filed 44 days late.

**Docket No. 09-1062**

Consideration of a request that the Board waive the \$2,500 late fee assessed against Austin J. Badon, a candidate for Mayor, Orleans Parish, in the February 6, 2010 election, whose 180-P report was filed 29 days late.

**Docket No. 09-1063**

Consideration of a request that the Board waive the \$400 late fee assessed against Roy Armstrong, a successful candidate for Alderman, District D, Morehouse Parish, in the April 4, 2009 election, whose EDE-G report was filed 115 days late.

**Docket No. 09-1072**

Consideration of a request that the Board waive the \$720 and \$480 late fees assessed against Perry J. Smith who opposed a sales tax proposition in the October 17, 2009 election, whose 30-P report was due on September 17, 2009 and it was filed 32 days late, and 10-P report was due on October 7, 2009 and was filed 14 days late.

**Docket No. 09-1081**

Consideration of a request that the Board waive the \$806.25 late fee assessed against Cecilia Giannobile who opposed a proposition in the November 4, 2008 election, whose 40-G report was due on December 15, 2008 and it was filed 310 days late.

**G39. WAIVER REQUESTS - LOBBYING**

**Docket No. 09-967**

Consideration of a request that the Board waive the \$250 late fee assessed against Dorothy W. Wirth, for failure to timely file an Legislative ER-8/09 lobbying report.

**Docket No. 09-1045**

Consideration of a request that the Board waive the \$150 and \$150 late fees assessed against Brace B. Godfrey Jr., for failure to timely file a Legislative and Executive ER-8/09 lobbying reports.

**Docket No. 09-1046**

Consideration of a request that the Board waive the \$200 late fee assessed against Stacy Birdwell, for failure to timely file a Legislative ER-8/09 lobbying report.

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**G40. WAIVER REQUESTS - PERSONAL FINANCIAL DISCLOSURES****Docket No. 09-859**

Consideration of a request to waive a \$1,500 late fee assessed against Robert Bermudez for filing his annual personal financial disclosure statement 51 days late.

**Docket No. 09-880**

Consideration of a request to waive a \$2,500 late fee assessed against Eddie M. Clark for his failure to timely file his candidate personal financial disclosure statement.

**Docket No. 09-937**

Consideration of a request to waive a \$2,500 late fee assessed against Lincoln Savoie for his failure to timely file his candidate personal financial disclosure statement.

**Docket No. 09-949**

Consideration of a request to waive a \$2,500 late fee assessed against Karl St. Romain for filing his candidate personal financial disclosure statement late.

**Docket No. 09-963**

Consideration of a request to waive a \$2,500 late fee assessed against Lindora Baker for her failure to timely file her candidate personal financial disclosure statement.

**Docket No. 09-1049**

Consideration of a request filed by Anthony James Soileau, Sr. to waive a \$1,100 fine assessed against him for filing his candidate personal financial disclosure statement 11 days late.

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**Docket No. 09-1051**

Consideration of a request filed by Jean Celestine and Earline Roth to waive a \$1,500 fine assessed against each for filing their amended personal financial disclosure statements 56 days late.

**G41. WAIVER REQUESTS - SCHOOL BOARD DISCLOSURES****Docket No. 09-1024**

Consideration of a request to waive a \$600 late fee assessed against nine (9) Jefferson Davis Parish School Board members and the Superintendent for filing their annual 2009-2010 school board disclosure statements 12 days late.

**Docket No. 09-1052**

Consideration of a request to waive a \$750 late fee assessed for filing his 2009-2010 school board disclosure statement 15 days late.

**Docket No. 09-1073**

Consideration of a request to waive a \$50 late fee assessed against the members of the Livingston Parish School Board for filing their 2009-2010 school board disclosure statements one day late.

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LOUISIANA BOARD OF ETHICS  
MINUTES  
November 20, 2009

The Board of Ethics met on November 20, 2009 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bareikis, Bowman, Boyer, Hymel, Lowrey, Monroe, Schneider, Simoneaux and Stafford present. Absent were Board Members Frazier and Ingrassia. 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. Arthur Morrell, a former state representative, appeared before the Board in Docket No. 04-532 in connection with a request for rehearing with respect to a Board Opinion published on February 8, 2007 concluding that he violated Section 1111E by providing compensated legal services to persons in matters involving state agencies.

Board Member Frazier arrived at the meeting at 9:10 a.m.

After hearing from Mr. Morrell, on motion made, seconded and unanimously passed, the Board denied the request for rehearing.

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 against Edward "Eddie" Price for his failure to file a campaign finance disclosure report in connection with the February 9, 2008 election. Mr. Price 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. Price to file the required campaign finance disclosure report, to pay civil penalties of \$40 per day until the report is filed, not to exceed \$1,000, with an additional civil penalty to be incurred if the report is

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. On motion made, seconded and unanimously passed, the Board declined to modify the existing Order and ordered Mr. Sigur to pay the \$1,140 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-664 to explore charges issued against the following candidates who failed to file required campaign finance disclosure reports in connection with the April 4, 2009 election:

On motion made, seconded and unanimously passed, the Board dismissed the charges against Roy Armstrong, Kelly Daniels, Clarence Hawkins, Kevin H. Johnson and Philip Montelepre, since the required reports had been filed.

The Board called the public hearing regarding Eddie Clark. Mr. Clark 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. Clark to file the required campaign finance disclosure report, to pay civil penalties of \$40 per day until the report is filed, not to exceed \$1,000, with an additional civil penalty to be incurred if the report is not filed within 30 days of the Board's Order.

The Board called the public hearing regarding Leroy Doucette. Mr. Doucette was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-7. On motion made,

seconded and unanimously passed, the Board ordered Mr. Doucette 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.

The Board called the public hearing regarding Kurt C. Garcia. Mr. Garcia 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. Garcia to file the required campaign finance disclosure report, to pay civil penalties of \$60 per day until the report is filed, not to exceed \$2,000, with an additional civil penalty to be incurred if the report is not filed within 30 days of the Board's Order.

The Board called the public hearing regarding Ray Touchet. Mr. Touchet 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. Touchet to file the required campaign finance disclosure report, to pay civil penalties of \$40 per day until the report is filed, not to exceed \$1,000, with an additional civil penalty to be incurred if the report is not filed within 30 days of the Board's Order.

The Board called the public hearing regarding Gary Wainwright. Mr. Wainwright 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. Wainwright to file the required campaign finance disclosure reports, to pay civil penalties of \$100 per day per report until the reports are filed, not to exceed \$2,500 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 connection with his earlier appearance before the Board in Docket No. 04-532 requesting a rehearing with respect to a Board Opinion published on February 8, 2007 concluding that he violated Section 1111E by providing compensated legal services to persons in matters involving state agencies, Mr. Arthur Morrell requested that he be allowed to introduce documents for the record. The Board allowed Mr. Morrell to introduce and file into the record Exhibits 1-3 consisting of (1) an MHR Provider Spreadsheet provided by Daniel Duhon, Department of Health and Hospitals-Bureau of Legal Services, via a facsimile transmission dated September 13, 2006; (2) a letter dated January 5, 2006 to Representative Arthur Morrell from Peggy A. Sabadie, staff attorney for the Louisiana Board of Ethics; and, (3) affidavits from various providers in connection with legal representation provided by Mr. Morrell.

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 and political action committee who failed to pay assessed late fees for the late filing of campaign finance disclosure reports:

The Board called the public hearing regarding Progressive Women on the Move. Ms. Shauntrice Dial, Chairperson for the committee, was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-9. On motion made, seconded and unanimously passed, the Board ordered Progressive Women on the Move to pay the \$800 late fee.

The Board called the public hearing regarding Leroy Doucette. Mr. Doucette was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-9. On motion made, seconded and unanimously passed, the Board ordered Mr. Doucette to pay the \$480 late fee.

The Board called the public hearing regarding Charles Primeaux. Mr. Primeaux was called

and appeared before the Board. After hearing from Mr. Primeaux, on motion made, seconded and unanimously passed, the Board continued the hearing to December.

The Board called the public hearing regarding Reginald Laurent. Mr. Laurent was called and appeared before the Board. Staff counsel introduced and filed into the record Exhibits 1-9. After hearing from Mr. Laurent, on motion made, seconded and unanimously passed, the Board imposed the late fees totaling \$1,200 but suspended \$800 based upon the level of activity and conditioned upon future compliance with the Campaign Finance Disclosure Act..

The Board called the public hearing regarding Mark Sigur. Mr. Sigur was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-9. On motion made, seconded and unanimously passed, the Board ordered Mr. Sigur to pay the \$600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-871 in connection with Orders assessed prior to 1991 against the following candidates for failure to pay assessed late fees for the late filing of campaign finance disclosure reports:

Staff attorney Ardoin advised the Board that JoAnn Gines and Chuck West did not receive notice of the hearing.

The Board called the public hearing regarding David Ferguson, Sr. Mr. Ferguson was called but was not present. On motion made, seconded and unanimously passed, the Board declined to modify the Order for \$5,220 against Mr. Ferguson.

The Board called the public hearing regarding Joseph Tosh. Mr. Tosh was called and appeared before the Board. After hearing from Mr. Tosh, on motion made, seconded and unanimously passed, the Board reduced the \$5,000 late fee to \$600 to be paid over nine (9) months.

On motion made, seconded and unanimously passed, the Board declined to modify the Orders against JoAnn Gines for \$23,200; Charles Theus for \$7,140; and, Chuck West for \$20,000.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-875 to obtain Orders against the following candidates and political action committee who failed to pay assessed late fees for the late filing of campaign finance disclosure reports:

On motion made, seconded and unanimously passed, the Board continued the public hearing regarding Ray Bright, since Mr. Bright had faxed a copy of the check to be mailed for payment of the \$1,000 late fee.

On motion made, seconded and unanimously passed, the Board dismissed the charges against LA Consumer Finance Association PAC, since the late fees had been paid.

The Board called the public hearing regarding Johnnie Brown. Mr. Brown was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-9. On motion made, seconded and unanimously passed, the Board ordered Mr. Brown to pay the late fees totaling \$4,100.

The Board called the public hearing regarding Michael Fesi. Mr. Fesi was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-9. On motion made, seconded and unanimously passed, the Board ordered Mr. Fesi to pay the \$540 late fee.

The Board called the public hearing regarding Jason Rogers Williams. Mr. Williams was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-9. On motion made, seconded and unanimously passed, the Board ordered Mr. Williams to pay the late fees totaling \$5,000.

The Board called the public hearing in Docket No. 09-877 to obtain Orders against lobbyist

Steven C. Stewart for failure to pay assessed late fees for the late filing of lobbying expenditure reports. On motion made, seconded and unanimously passed, the Board continued the public hearing regarding Mr. Stewart, since proper service had not been obtained.

The Board called the public hearing in Docket No. 09-932 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 continued the public hearing regarding Jennifer Grand, since proper service had not been obtained.

The Board called the public hearing regarding Daryl Blacher. Mr. Blacher 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. Blacher to pay the late fees totaling \$600.

Mr. Van Mayhall, attorney for members of the Louisiana Life and Health Insurance Guaranty Association (LLHIGA) Board of Directors, and Mr. Bridger Eglin, Chairman of the LLHIGA Board of Directors, appeared before the Board in Docket No. 09-344 in connection with a request for reconsideration of an advisory opinion concluding that members of the LLHIGA Board of Directors are required to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics. After hearing from Mr. Mayhall, on motion made, seconded and passed by a vote of 9 yeas by Board Members Bareikis, Bowman, Boyer, Hymel, Lowrey, Monroe, Schneider, Simoneaux and Stafford and 1 nay by Board Member Frazier, the Board concluded that the members of the LLHIGA Board of Directors are not subject to the financial disclosure laws, since the enabling statute specifically states that LLHIGA "shall not be subject to laws governing such departments, units, agencies, instrumentalities, commissions, or board of the state."

Additionally, the Board considered the minutes of the House and Senate Committees that reviewed the bill to change LLHIGA's enabling statute and determined that the members of those committees understood that with such change in the law, LLHIGA would not be subject to the provisions of the Code of Ethics.

The Board unanimously deferred consideration of a request for an advisory opinion in Docket No. 09-377 as to whether an architecture firm that has entered into contracts with the State of Louisiana through the Office of Facility Planning would be subject to provisions of the Code of Governmental Ethics.

The Board unanimously deferred consideration of a request for an advisory opinion in Docket No. 09-378 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.

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. The Board unanimously deferred the matter to the December meeting.

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

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. 07-481 in which Mayor Edward J. Price, III, City of Mandeville, agrees that a violation of Section 1505.2I of the Campaign Finance Disclosure Act occurred by his use of campaign funds for personal use, a violation of section

1505.1C of the Campaign Finance Disclosure Act occurred by his failure to accurately file his 2006 Supplemental report in connection with the March 9, 2004 election, and a violation of Section 1483 of the Campaign Finance Disclosure Act occurred by his failure to file his 2007 Supplemental report in connection with the March 9, 2004 election as well as his failure to comply with Board orders that he file the required report and pay the maximum late fee of \$1,000 for his failure to file the report and in which Mayor Price agrees to pay a fine of \$3,500.

On motion made, seconded and unanimously passed, the Board agreed to take action on items 15-34 en globo subject to any item being individually designated for further discussion.

Board Member Monroe requested that item 29, Docket No. 09-999, be considered individually.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items 15-34, with the exception of item 29, taking the following action:

Adopted for publication, a consent opinion in Docket No. 07-1050 in which Will Torres, Jr., an unsuccessful candidate for Terrebonne Parish Sheriff in the October 20, 2007 election, agrees that violations of Section 1505.2H of the Campaign Finance Disclosure Act occurred by his receipt of a \$100,800 loan from South Louisiana Bank guaranteed by Barry Alford and by his receipt of a \$75,485 loan from South Louisiana Bank guaranteed by Roy LeBouef, Jr., both of which exceeded Mr. Torres' contribution limit of \$2,500 and a violation of Section 1505.1C of the Campaign Finance Disclosure Act occurred by his failure to accurately disclose the amounts of the loans and the names of the guarantors of the loans received by his campaign and in which Mr. Torres agrees to pay a fine of \$5,000 to be paid in monthly installments of \$200.

Adopted for publication, a consent opinion in Docket No. 08-246 in which Mary Ann

Wiggins, an unsuccessful candidate for State Representative, District 24 in the October 20, 2007 primary and November 17, 2007 general elections, agrees that a violation of Section 1505.2H of the Campaign Finance Disclosure Act occurred by her receipt of contributions/loans in the amount of \$7,999.06 in excess of the permissible limits and in which Ms. Wiggins agrees to pay a fine of \$1,000.

Adopted for publication, a consent opinion in Docket No. 08-668 in which John Lavarine, III, an unsuccessful candidate for Councilman at Large for the City of Kenner in the April 1, 2006 election, agrees that a violation of Section 1505.2H of the Campaign Finance Disclosure Act occurred by his use of campaign funds from one election to satisfy debts from a prior election and in which Mr. Lavarine agrees to pay a fine of \$500.

Adopted for publication, a consent opinion in Docket No. 08-906 in which Mark Pope, the Environmental Quality Manager for the Lafayette Consolidated Government's Public Works Department, agrees that a violation of Section 1112B of the Code of Governmental Ethics occurred by his participation in transactions through his employment with the Department of Public Works in which his employer, KPEL and Regent's Broadcasting, has a substantial economic interest and in which Mr. Pope agrees to pay a fine of \$250.

Affirmed the prior advisory opinion in Docket No. 08-984 concluding that the Code of Governmental Ethics would not require the members of the City of New Orleans Ethics Review Board to file annual financial disclosure reports pursuant to Section 1124.2.1 of the Code of Governmental Ethics, since the City of New Orleans Ethics Review Board does not have the authority to expend, disburse or invest \$10,000 or more in funds nor does it have the authority to make recommendations that must be followed on the expenditure, disbursement or investment of

such funds.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, dismissed the charges against Cecilia Giannobile in Docket No. 08-990 regarding expenditures made in connection with a proposition in the November 4, 2008 election and the failure to file required campaign finance disclosure reports, since the report was filed and late fees had been assessed.

Adopted an advisory opinion in Docket No. 09-710 concluding that Section 1113A prohibits Harold H. Temple, the Shoreline Department Manager for the Sabine River Authority, from entering into a water withdrawal contract as well as submitting an application for and obtaining a dredging permit from the Sabine River Authority Shoreline Department, since the water withdrawal contract and the dredging permit are under the supervision and jurisdiction of the Shoreline Department.

Dismissed the charge filed against Patricia Cravins in Docket No. 09-738 in connection with the failure to file her Personal Financial Disclosure Statement within ten (10) days of qualifying for the April 4, 2009 election, since Ms. Cravins filed the personal financial disclosure statement.

Adopted an advisory opinion in Docket No. 09-916 concluding that no violation of the Code of Governmental Ethics is presented by Alice Roeling, an employee of the Office of Addictive Disorders (OAD) who works as a Work as Executed (WAE) employee for the Springs of Recovery Program, accepting part-time employment with Miracle Place Church, an Access to Recovery Provider, as long as she is not providing services to clients at the Miracle Place Church who are eligible to receive treatment through the Springs of Recovery Program and provided that the Miracle Place Church does not have nor is it seeking to have a contractual agreement with the Springs of Recovery Program.

Adopted an advisory opinion in Docket No. 09-941 concluding that Section 1111C(2)(d) of



the Code of Governmental Ethics prohibits an Executive Director of a regional arts council from being compensated in his position as an officer of the Louisiana Partnership for the Arts (LPA). Additionally, Section 1112 of the Code of Governmental Ethics prohibits the Executive Director, as a member of the Council, from participating in any transactions that come before the Council involving the LPA.

Adopted an advisory opinion in Docket No. 09-961 concluding that no violation of the Code of Governmental Ethics is presented by Kimberly Seal, Town Clerk for the Town of Greensburg, continuing her employment when her prospective mother-in-law, Paula McNabb, serves as an alderman for the Town, since Ms. Seal has been continuously employed by the Town of Greensburg for more than one year prior to becoming Mrs. McNabb's daughter-in-law.

Adopted an advisory opinion in Docket No. 09-968 concluding that no violation of the Code of Governmental Ethics is presented by Jonathan LeBlanc, a Biologist Manager employed by the Department of Wildlife and Fisheries (DWF), accepting part-time employment with the Bass Pro Shop, since his job at Bass Pro as a retail associate does not involve subject matter which is regulated by the DWF and there is no contractual relationship between the Bass Pro Shop and the DWF.

Adopted an advisory opinion in Docket No. 09-969 concluding that no violation of the Code of Governmental Ethics is presented by Gene Glascock and Lloyd Martin, aldermen for the Village of Albany, voting on the donation of funds by the Village to the Veterans Memorial Committee in connection with the building of a memorial in Albany while Mr. Glascock serves on the Board of Directors for the Memorial and Mr. Martin's employer will be supplying concrete for the project, since neither Mr. Glascock nor Mr. Martin will receive compensation for their participation in the vote to donate funds to the Veterans Memorial Committee.

Adopted an advisory opinion in Docket No. 09-994 concluding that no violation of the Code of Governmental Ethics is presented by Tony Tramel, the Director of Traffic and Transportation Department for the Lafayette Consolidated Government (LCG), serving as an expert witness in an expropriation case in New Iberia involving the Louisiana Department of Transportation and Development (DOTD) which will require Mr. Tramel to enter into a contract between himself and the DOTD and for which he will receive compensation, since Mr. Tramel will not be contracting with a "person" to perform the proposed services, but instead with the DOTD and provided that Mr. Tramel is not participating in matters with the City of New Iberia in which he has participated in as Director of the Traffic and Transportation Department of the LCG.

Adopted an advisory opinion in Docket No. 09-1001 concluding that no violation of the Code of Governmental Ethics is presented by the appointment of Dr. Leonard Jack, a contractor with the Department of Health and Hospitals Chronic Disease Prevention and Control Unit (CDPCU), to the Diabetes Advisory Council, since Dr. Jack's agency is limited to the scope of his contract with the CDPCU and his agency does not include the Diabetes Advisory Council.

Adopted an advisory opinion in Docket No. 09-1002 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Hossein Ghara, a Bridge Employee with the Department of Transportation and Development (DOTD) and a former member of the Consultant Evaluation Committee, from selling his personal residence to a consultant for the DOTD, since the sale of immovable property is a service as defined by the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 09-1003 concluding that no violation of the Code of Governmental Ethics is presented by Justin Reeves, a Project Engineer with the Department of Transportation and Development (DOTD), submitting construction plans for review and approval

to the DOTD on behalf of the consultant architect for the Town of Jena, since Mr. Reeves would not be submitting the construction documents to his agency, which is the Construction Department of DOTD, but to the Design Department of DOTD and since the services being rendered by Mr. Reeves to the consultant architect for the Town of Jena are not substantially related to the responsibilities, programs, or operations of his agency and in which he has participated.

Adopted an advisory opinion in Docket No. 09-1011 concluding that Section 1111A of the Code of Governmental Ethics prohibits Baton Rouge police officers from accepting gift certificates from Sullivan's Steak House in connection with their rescue of three individuals from a house fire; however, no violation of the Code of Governmental Ethics is presented if the officers are honored with the "award" of recognition and provided with a luncheon for their services.

Certified and approved the annual training on the Code of Governmental Ethics for Representative Nick Lorusso and Representative Ledricka Thierry in Docket No. 09-1039.

The Board considered the following general business agenda items:

The Board considered a request for an advisory opinion in Docket No. 09-999 regarding Peter Montz, the purchasing agent for St. John the Baptist Parish School Board, issuing a purchase order to a company that has a business agreement with Mr. Montz. On motion made, seconded and unanimously passed, the Board deferred the matter to the December meeting to obtain additional information.

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

On motion made, seconded and unanimously passed, the Board agreed to consider a request for an expedited advisory opinion from the Louisiana Legislative Black Caucus (LLBC) in Docket No. 09-1085 regarding whether an elected official can purchase tickets for entry into the Bayou

Classic football game which includes access into a suite at the Superdome. After hearing from Katrina Jackson, Executive Director of the LLBC, on motion made, seconded and unanimously passed, the Board concluded that, based on the facts presented including the fact that the Southern University Foundation is not a prohibited source of a gift or gratuity pursuant to Section 1115A(1) of the Code of Governmental Ethics, the members of the LLBC are not receiving a thing of economic value by virtue of their ability to purchase suite tickets from the Southern University Foundation to attend the Bayou Classic game.

The Board recessed at 12:01 p.m. and resumed back into general business session at 12:31 p.m. Board Member Bowman was excused from the meeting.

On motion made, seconded and unanimously passed, the Board approved the minutes of the October 27-28, 2009 meetings.

The Board considered a request for an advisory opinion in Docket No. 09-674 regarding the firm of Aparicio, Walker & Seeling Risk Management, LLC providing risk management services for Jefferson Parish. On motion made, seconded and unanimously passed, the Board deferred the matter to the December meeting and instructed the staff to invite a representative from Jefferson Parish to provide information.

The Board considered a disqualification plan in Docket No. 09-753 which will allow Jeanne P. Bray, a staff engineer employed in the Engineering Division of the Terrebonne Parish Consolidated Government's Department of Public Works, to submit an application to the Houma-Terrebonne Regional Planning Commission (HTRPC) to re-divide lots that she owns. On motion made, seconded and unanimously passed, the Board accepted the disqualification plan, since the plan sufficiently removes Ms. Bray from any participation in a review process if the HTRPC determines

that her application should be reviewed by the Engineering Division.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 09-1013 for a payment plan in connection with late fees totaling \$1,600 assessed against Sandra Cabrina Jenkins, a candidate in the November 2, 2004 and May 21, 2005 elections, whose Supplemental reports were filed 15 days late. On motion made, seconded and unanimously passed, the Board approved the payment plan of \$100 per month commencing on October 30, 2009.

The Board considered a request for an advisory opinion in Docket No. 09-1040 regarding whether Jimmy Laurent, Jr., the newly elected Assessor for Pointe Coupee Parish, may participate in office training while his father, James Laurent, continues to serve as the Pointe Coupee Parish Assessor. On motion made, seconded and unanimously passed, the Board concluded that Section 1119 of the Code of Governmental Ethics prohibits Jimmy Laurent, Jr.'s employment in the Assessor's Office prior to his father's retirement as Assessor on December 31, 2009, since there is no statute that requires that the Assessor-elect receive training or compensation while he receives training prior to taking office.

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

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 08-1104 to explore charges issued to Pat Sheila Brewer-Felix, a candidate in the October 4, 2008 election, for failure to file the 30-P report by September 15, 2008 and the 10-P report by September 24, 2008. On motion made, seconded and unanimously passed, the Board deferred the matter to the December meeting.

The Board considered a consent opinion in Docket No. 07-464 in which Betty Brown agrees

that a violation of Section 1113A of the Code of Governmental Ethics occurred by virtue of her employment as a consultant for the Town of St. Joseph's Prevention Education Program while her husband, Edward Brown, Jr., served as mayor and in which Mayor Edward Brown, Jr., Town of St. Joseph, agrees that a violation of Section 1112B(1) of the Code of Governmental Ethics occurred by his signing the contract employing his wife, Betty Brown, as a consultant for the Town of St. Joseph's Prevention Education Program and in which Mayor and Mrs. Brown agree to pay a joint fine of \$2,000. On motion made, seconded and unanimously passed, the Board adopted the consent opinion for publication.

The Board unanimously resolved into executive business session

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board discussed the opinion rendered by the Ethics Adjudicatory Board in Docket No. 07-692 regarding Walter Boasso, a candidate for Governor in the October 20, 2007 election, failing to disclose itemized expenditures.

Executive Item [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Board considered a consent opinion in Docket No. 07-711 in which Louis Rom, the

Director of the Office of Community Development (OCD) for the City of Opelousas, agrees that a violation of Section 1112 of the Code of Governmental Ethics occurred by his participating as the OCD Director in transactions involving the awarding of the grant from OCD to the Evangeline Café when he knew that said proceeds were going to be deposited into his bank account and that a violation of Section 1113A of the Code of Governmental Ethics occurred by his receiving and depositing a \$5,000 loan from the City of Opelousas to his bank account and in which Mr. Rom 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. 09-954 regarding Paul Hogan, a member of the St. Charles Parish Council and an employee of a developer, introducing and voting on ordinances which affect all individuals and businesses wishing to develop property. On motion made, seconded and unanimously passed, the Board declined to render an advisory opinion absent specific information with respect to the ordinances in question.

The Board considered a request for an advisory opinion in Docket No. 09-1012 regarding employees of the Baton Rouge Area Chamber (BRAC) being employed as researchers. On motion made, seconded and unanimously passed, the Board concluded that generally, a BRAC employee who performs research, at the time of which it is performed will be used in or in support of any ongoing or planned direct act or communication with a legislator, the purpose of which is to aid in influencing the passage or defeat of any legislation, then the employee is engaged in "lobbying" as term is defined by LSA-R.S. 24:51(4)(b). If the employee is engaged to perform such research for more than 20% of his time in fulfilling the terms of his engagement or duty which is expected to account for twenty percent or more of a person's time in any given year in performing the

responsibilities of his employment, then by definition, “lobbying” is one of the principal duties of such an employee. If the employee does not make any direct act or have any direct communication with a legislator for the purpose of influencing the passage or defeat of any legislation, then the employee engaged to provide research as a “principal duty” of his employment does not have to register as a lobbyist, in accordance with LSA-R.S. 24:51(5)(b). If the employee engaged to provide research as a “principal duty” of his employment does make any direct act or have any direct communication with a legislator for the purpose of influencing the passage or defeat of any legislation, then such an employee would be required to register as a lobbyist. If any employee of BRAC acts in a representative capacity on behalf of BRAC, and makes an “expenditure” on a legislator, the employee is required to register as a lobbyist regardless if lobbying constitutes one of the employees principal duties.

The Board considered a request for an advisory opinion in Docket No. 09-1047 regarding whether employees of the Office of Community Development (OCD)-Disaster Recovery Unit Hazard Mitigation Program may terminate employment with OCD and accept employment with a private contractor who has entered into an agreement with OCD. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the employment of former employees of OCD by a contractor who contracts to do work with OCD, as long as those former mitigation analysts, who accept employment with the proposed contractor, are not working with or on applications in which they reviewed or participated as an employee of OCD.

The Board reviewed proposed job descriptions and job specifications for the Deputy General Counsel and Deputy Ethics Administrator.



On motion made, seconded and unanimously passed, the Board adjourned at 1:34 p.m.

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Secretary

APPROVED:

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Chairman

## General Item

### Ethics Board Docket No. BD 2009-987 12/18/2009

**RE:** Request for an advisory opinion regarding whether a member of the St. Charles Parish Council may be employed by a company after such company terminates its contractual relationship with the parish; whether the company can subsequently seek future work from the parish, and whether the councilmember may then remain employed by virtue of the 82-02D exception.

**Relevant Statutory Provisions, Advisory Opinions:** 1111C(2)(d), Board Docket No. 82-02D, 1112, 1120

**Comments:**

**Facts:** On October 1, 2009, St. Charles Parish councilmember, Paul Hogan, was sent an advisory opinion stating that the Code of Ethics would preclude him from being employed by BOH Brothers, Inc., a company that had a contractual relationship with the parish. Mr. Hogan was informed that such employment would be a violation of Section 1111C(2)(d) and that the exception created in Board Docket No. 82-02D would not apply. Mr. Hogan now states that the contractual relationship between BOH Brothers, Inc. and St. Charles Parish will terminate in early December. At the termination of the contract, Mr. Hogan would like to be employed by BOH Brothers, Inc. Mr. Hogan will not be an officer, director, trustee or partner in this company.

**Issues:** (1) May Mr. Hogan be employed by BOH Brothers, Inc., upon the termination of the contract between the company and the parish?  
(2) If Mr. Hogan is employed BOH Brothers, Inc., may the company subsequently seek future work with the parish?  
(3) If BOH Brothers, Inc., is successful in obtaining work from the parish, would Mr. Hogan be allowed to remain employed under the 82-02D exception?

**Rules:** Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a business or financial relationship with the public servant's agency. Ethics Board Docket No. 82-02D creates an exception to Section 1111C(2)(d) of the Code when the following factors are met: (1) the employee must be a salaried or wage-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company; and (4) the public servant must be neither an officer, director, trustee, nor partner in the company. This exception only applies to public servants who are existing employees of the person or entity that has or is seeking a business or financial relationship with the public servant's agency.

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Section 1112 of the Code prohibits a public servant from participating in a transaction in which the public servant or his employer has a substantial economic interest. However, Section 1120 permits an elected official to recuse himself from voting on a matter that would cause an 1112 violation. The elected official, however, is not prohibited from participating in discussion and debate concerning the matter, provided he makes the disclosure of his conflict a part of the record of his agency prior to his participation in the discussion or debate and prior to the vote that is the subject of the discussion or debate.

**Analysis/Conclusion:** (1) The Code of Ethics will not preclude Mr. Hogan from being employed by BOH Brothers, Inc., after the termination of the contract between the company and St. Charles Parish. Upon the termination of the contract, BOH Brothers, Inc., will no longer be a prohibited source of payment for Mr. Hogan as prohibited by Section 1111.

(2) BOH Brothers will not be precluded from seeking future contracts with St. Charles Parish. However, Section 1112 of the Code will prohibit Mr. Hogan from participating in any transaction involving St. Charles Parish and BOH Brothers, Inc., if the company has a substantial economic interest in the transaction. Under Section 1120, Mr. Hogan, an elected official, will not be precluded from participating in the debate or discussion on matters concerning the parish and his employer, provided this conflict of interest is reflected in the record prior to his participation in the discussion or debate.

(3) Should BOH Brothers, Inc., be awarded contracts with St. Charles Parish during Mr. Hogan's employ, the board-created exception stated in Board Docket No. 82-02D will allow Mr. Hogan to remain employed. Mr. Hogan would then be considered an "existing employee" as required for the application of the exception. Furthermore, he also meets the enumerated factors. (DLG)

**Recommendations:** Adopt proposed advisory opinion.

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Date

Paul J. Hogan, PE  
P.O. Box 302  
Hahnville, LA 70057

**RE: Ethics Board Docket No. 2009-987**

Dear Mr. Hogan,

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion regarding (1) whether you, a member of the St. Charles Parish Council, may be employed by BOH Brothers, Inc., upon the termination of the contract between the company and the parish; (2) whether BOH Brothers may seek future work with the parish if you are an employee; and (3) whether you would be allowed to remain employed under the 82-02D exception if BOH Brothers, Inc., was successful in obtaining work from the parish. You stated that BOH Brothers, Inc. currently has one contract with the parish, but the contract should be complete by early December. You stated that you would like to be employed by BOH Brothers, Inc. at the expiration of this contract. You stated that you would be a full-time regularly compensated, salaried employee. You also stated that you will not be an officer, director, trustee or partner in this company.

In regard to your first inquiry, the Board concluded and instructed me to advise you that the Code of Governmental Ethics will not preclude your employment by BOH Brothers upon the termination of the contractual relationship between the company and St. Charles Parish. Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a business or financial relationship with the public servant's agency. However, upon the termination of the contract, BOH Brothers, Inc., will no longer be a prohibited source of compensation under Section 1111C(2)(d). Therefore, as long as BOH Brothers has no other contract with the parish and is not in the process of seeking a contract with the parish, your employment will not be prohibited under this section of the Code.

In regard to your second inquiry, the Board concluded and instructed me to advise you that the Code of Ethics will not preclude BOH Brothers from seeking future work with St. Charles Parish. However, Section 1112 of the Code will prohibit you from participating in any transaction involving St. Charles Parish and BOH Brothers, Inc., if the company has a substantial economic interest in the transaction. Under Section 1120 of the Code, you will not be precluded from participating in the debate or discussion on matters concerning the parish and your employer, provided this conflict of interest is reflected in the record prior to your participation in the discussion or debate.

In regard to your third inquiry, the Board concluded and instructed me to advise you that the Code of Ethics will not preclude your continued employment by BOH Brothers should the company be awarded any contract with the Parish. Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a business or financial relationship with the public servant's agency. Ethics Board Docket No. 82-02D creates an exception to Section 1111C(2)(d) of the Code when the following factors are met: (1) the

employee must be a salaried or wage-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company; and (4) the public servant must be neither an officer, director, trustee, nor partner in the company. This exception only applies to public servants who are existing employees of the person or entity that has or is seeking a business or financial relationship with the public servant's agency. Though BOH Brothers would have a contractual relationship with your agency, the board-created exception stated in Board Docket No. 82-02D will allow you to remain employed because you would be considered an "existing employee" as required for the application of the exception and you meet the enumerated factors.

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

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Deidra L. Godfrey  
For the Board



2009-987

# ST. CHARLES PARISH

*PAUL J. HOGAN, PE*  
COUNCILMAN, DISTRICT IV

October 9, 2009

Louisiana Board of Ethics  
2415 Quail Dr., 3<sup>rd</sup> Floor  
Baton Rouge, LA 70808

Dear Board:

I, Councilman Paul J. Hogan, PE, have received and reviewed the attached Louisiana Board of Ethics (LBE) letter dated October 1, 2009, regarding Ethic's Board Docket No. 2009-939. The letter stated that the Code of Ethics prohibits me from currently being employed by Boh Brother's Construction Company (herein referred to as "the Company") per Section 1111C(2)(d) of the Code.

As I informed the LBE, I am a former 10-year employee of the Company and I am seeking re-employment as a full-time, regularly compensated, salaried employee as I was during my previous employment with the Company. I am seeking employment as a result of the poor economy and its impacts resulting in the upcoming termination of my current employment. I would not be an officer, director, trustee, or partner of the Company, just as I was not during my previous employment with them.

The Company currently has one contract with St. Charles Parish, which it received by being the lowest responsible bidder. The contract is expected to be complete in early December 2009. After that contract is completed, the Company will have no business or contractual relationship with St. Charles Parish.

In the LBE letter dated October 1, 2009, it states "The Ethic's Board, through Docket No. 82-02D created an exception to 1111C(2)(d) of the code when the following factors are met: (1) the employee must be a salaried or waged-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company, and (4) the public servant must neither be an officer, director, trustee, nor partner in the company. This exception only applies, however, when the public servant is an existing employee of the entity at the time of the contract".

**Office**

St. Charles Parish  
P.O. Box 302  
Hahnville, LA 70057  
(985) 783-5000  
Fax: (985) 783-2067  
<http://www.st-charles.la.us>

**Residence**

101 Cadow Street  
P.O. Box 250  
Des Allemands, LA 70030  
Phone: (985) 306-0085  
Fax: (985) 306-0285  
Cell: (504) 915-4116  
Email: [phogan@st-charles.la.us](mailto:phogan@st-charles.la.us)

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**FAKED**  
10/9/09

October 9, 2009

Page 2

At the current time, I do not meet the exception requirement as stated in the LBE letter. The three following questions are presented for an opinion:

1) Upon the contract work being terminated resulting in no contractual relationship remaining between the Parish and the Company, can I be hired by the Company in the capacity as stated above per Section 1111C(2)(d) of the code, provided they are not seeking other work with the Parish at the time of hiring by the Company?

And

2) If I were to be employed by the Company as stated in 1), can the Company subsequently seek future work with the Parish?

3) If the Company were to subsequently seek and be successful in obtaining work, would I be able to remain employed per Docket No. 82-02D [the exception to 1111C(2)(d)]?

Sincerely



PAUL J. HOGAN, PE  
COUNCILMAN, DISTRICT IV

PJH/BJT257:ag

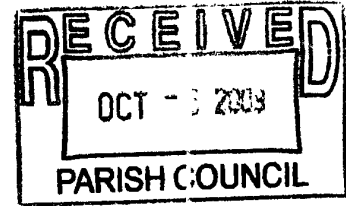
attachment

254



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

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



October 1, 2009

Paul J. Hogan, PE  
P.O. Box 302  
Hahnville, LA 70057

**RE: Ethics Board Docket No. 2009-939**

Dear Mr. Hogan,

The Louisiana Board of Ethics, at its September 30, 2009 meeting, considered your request for an advisory opinion regarding whether an elected member of the St. Charles Parish Council could be hired by BOH Brothers, Inc., a firm that contracts with St. Charles Parish. You stated that the employee would have no ownership in the firm, no controlling interest, and would not be an officer, director, trustee or partner in the firm. You also stated that the firm has previously sought and will continue to seek contracts with St. Charles Parish through the bidding process, and that the firm has one existing contract with St. Charles Parish.

The Board concluded, and has instructed me to advise you that the Code of Governmental Ethics prohibits the council member from being employed by, and receiving compensation from, the contracting firm. Section 1111C(2)(d) of the Code prohibits a public servant from receiving anything of economic value from a person who has or is seeking to have a business or financial relationship with the public servant's agency. The Ethics Board through Docket No. 82-02D created an exception to 1111C(2)(d) of the Code when the following factors are met: (1) the employee must be a salaried or wage-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company; and (4) the public servant must be neither an officer, director, trustee, nor partner in the company. This exception only applies, however, when the public servant is an existing employee of the entity at the time of the contract; therefore, it is not applicable in this case. As the council member is not a current employee of the company, and the company has an existing contract with his agency, Section 1111C(2)(d) prohibits him from being hired by the firm.



EB Docket No. 2009-939

October 1, 2009

Page 2

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

Sincerely,

**LOUISIANA BOARD OF ETHICS**

  
Deidra L. Godfrey

For the Board

EB:DLG

## General Item

### Ethics Board Docket No. BD 2009-1021 12/18/2009

**RE:** Consideration of a request for an advisory opinion regarding the Director for the Foundation for Excellence in LA Public Broadcasting being appointed to the Board of Directors of Station WLAE in New Orleans by either the Willwood Foundation or the Foundation or the LA Education Television Authority (LETA).

**Relevant Statutory Provisions, Advisory Opinions:** 1112B(3) and 1113A

**Comments:**

**BACKGROUND:**

The Louisiana Education Television Authority (“LETA”) was created by the Louisiana Legislature in 1971 in order to operate and license a public television network, which is now known as Louisiana Public Broadcasting (“LPB”). Its powers, duties and functions include soliciting and receiving contributions, matching funds, gifts, bequests and devices from any source, including federal, state or local, public or private. LRS 17:2505(7). LETA is governed by a board which, pursuant to LRS 17:2503C, is to consist of twenty (20) members.

In 1992, the Foundation for Excellence in Louisiana Public Broadcasting (the “Foundation”) was incorporated as a Louisiana nonprofit corporation for the exclusive purpose of promoting, developing, enhancing, and assisting public television in the State of Louisiana through its support of LETA. Initially, the members of the Foundation’s board of directors were appointed by LETA and served without compensation. No member of LETA is eligible to serve as a director of the Foundation. And, initially, LETA’s Board of Directors was authorized by the Foundation’s by-laws to call special meetings of the Foundation’s board, and amend the Articles of Incorporation and By-laws of the Foundation by a majority vote. The Foundation has taken steps to distance itself from LETA by amending its organizational documents taking away the power of LETA to amend the Foundation’s organizational documents and LETA no longer has the power to appoint members to the board of directors.

The Foundation has been recognized by the Internal Revenue Service as an organization exempt from federal income tax under Section 501 of the Internal Revenue Code. According to the Foundation’s Articles of Incorporation, upon its dissolution, the Foundation’s assets are to be distributed only to tax-exempt organizations, the federal government, the State of Louisiana, or local government in the State of Louisiana, with the preferences and priority of the distribution of the assets to be to such organization(s) whose mission is to promote, develop, enhance, and assist public television in Louisiana through its support of LETA or its successor agency. Under the Foundation’s articles of incorporation, the Foundation employs no paid staff and owns no office space; it utilizes the staff of LETA to perform its administrative functions on its behalf; and it pays LETA for the reasonable cost thereof. Consistent with its articles of incorporation, the

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Foundation operates out of the same offices as LETA and carries out its business through LETA employees.

The Foundation's funding is derived from underwriting grants from public and private entities and funds raised by Friends of LPB, a separate Louisiana nonprofit corporation which is governed by a separate Board of Directors. The Foundation uses these funds, in part, to finance the production of programs and documentaries to air on LPB. These programs and documentaries are for the benefit of LPB and become the property of LETA. It also receives funds from the rental of LETA building space and satellite equipment owned by LETA, and it segregates these rental funds on its balance sheet in an account "due to" the State of Louisiana. Funds in this account are used to pay the significant cost of the digital conversion of LETA's network mandated by the FCC. At the time of the formation of the Foundation, LETA requested and received an opinion from the Louisiana Attorney General confirming the legality of the provisions of its articles of incorporation and bylaws noted above. Opinion No. 92123.

**FACTS:**

William Arceneaux is a former member of the LETA Board. He resigned on September 7, 2007. Mr. Arceneaux now serves as the Director of the Foundation. He stated that he is being considered for appointment to the board of directors of station WLAE in New Orleans, which is an affiliate of the Public Broadcasting System. WLAE is owned 50% by Willwood Foundation, a private nonprofit, and owned 50% by LETA. The WLAE board members are not compensated.

**LAW:**

Section 1112B(3) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

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

Section 1113A of the Code prohibits a public servant from entering into any transactions that are under the supervision and jurisdiction of his agency.

**ANALYSIS:**

A public servant's agency is defined as the smallest governmental unit. As such, Mr. Arceneaux's agency is the Foundation. Since it is not the Foundation that would be appointing him to the board of WLAE, the appointment is not prohibited by Section 1113A of the Code.

However, Mr. Arceneaux would be prohibited from participating any matters that come before the Foundation involving WLAE. (TKM)

**Recommendations:** Adopt proposed advisory opinion.

---

Date

Mr. William Arceneaux  
Director  
Foundation for Excellence in Louisiana  
Public Broadcasting  
7733 Perkins Road  
Baton Rouge, Louisiana 70810

**Re: Ethics Board Docket No. 2009-1021**

Dear Mr. Arceneaux:

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion as to whether you may be appointed to the board of directors of station WLAE in New Orleans by either Willwood Foundation or the Louisiana Education Television Authority (LETA). You stated that you are a former member of the LETA Board. You stated that you resigned on September 7, 2007. You stated that you now serve as the Director of the Foundation for Excellence in Louisiana Public Broadcasting (the "Foundation"). You stated that you are being considered for appointment to the board of directors of station WLAE in New Orleans, which is an affiliate of the Public Broadcasting System. WLAE is owned 50% by Willwood Foundation, a private nonprofit, and owned 50% by LETA. The WLAE board members are not compensated.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from being appointed to the board of directors for station WLAE by either Willwood Foundation or LETA, since neither represent your agency. Section 1113A of the Code prohibits a public servant from entering into a transaction that is under the supervision or jurisdiction of his agency.

Further, the Board concluded, and instructed me to inform you, that Section 1112B(3) of the Code would prohibit you from participating in any transactions involving WLAE before the Foundation. Section 1112B(3) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

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

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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**

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Tracy K. Meyer  
For the Board

**DRAFT**

2009-1021

11-11  
Nov.

October 20, 2009

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GENERAL FINANCE

2009 OCT 22 PM 2: 24

Ms. Tracy K. Meyer  
The Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

Dear Ms. Meyer:

As per our telephone conversation of this date, and upon reflection, I thought it best that I request an advisory opinion concerning the issue that we discussed.

I have been informed that I am being considered for appointment to the board of directors of station WLAE in New Orleans, an affiliate of the Public Broadcasting System (PBS). WLAE is owned 50% by the Willwood Foundation, a private 501©3 corporation based in New Orleans, and 50% by the Louisiana Education Television Authority (LETA). Appointments to the board of WLAE are made both by Willwood and by LETA. WLAE board members receive no compensation.

I was a member of the LETA board for 18 years; I resigned on September 7, 2007. I am currently serving as director of the Foundation for Excellence in Louisiana Public Broadcasting (FELPB). If offered an appointment to the WLAE board and I accept, I plan to continue in the employ of FELPB.

This is not something I have to do, but—if offered—it is something I would like to do. If offered the appointment by LETA, would acceptance on my part place me in violation of the Code of Ethics? If offered the appointment by Willwood, would my acceptance be a violation?

Sincerely



William Arceneaux

## **General Item**

**Ethics Board Docket No. BD 2009-1086**

**12/18/2009**

**RE:**

Consideration of an advisory opinion regarding the Chief Administrative Officer to the Jefferson Parish President receiving commissions from insurance policies issued to employees of the West Jefferson Medical Center.

**Relevant Statutory Provisions, Advisory Opinions:**

**Comments:**

Timothy Whitmer is employed as the Chief Administrative Officer for the Jefferson Parish President. In 2006, Lagniappe Industries, LLC, a company owned by he and his wife, entered into a joint venture with Tim Coulon who partnered with Wally Pontiff of B&A Insurance Agency. Wally Pontiff of B&A Insurance was selected as Agent of Record by the West Jefferson Medical Center Hospital Board. The Hospital Board then forwarded its recommendation to the Jefferson Parish Council which sits as the governing authority for the Hospital District. The Council ratified the Board's recommendation. Through its joint venture agreement, Lagniappe receives a portion of the commissions from the insurance services provided to employees of the West Jefferson Hospital.

Mr. Whitmer is requesting an opinion as to whether he and his wife may continue to receive a portion of the commissions, per the joint venture agreement. (AMA)

**Recommendations:**

Decline to render since it appears to involve past conduct.

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2009-1086

REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

2009 NOV -9 AM 8:52

Timothy A. Whitmer  
3809 Lake Winnipeg Dr.  
Harvey LA 70058  
(504) 227-2353

November 5, 2009

VIA FACSIMILE & U.S. Mail  
Louisiana State Ethics Board  
P.O. Box 4368  
Baton Rouge, LA 70821

To Whom It May Concern:

As a public employee of Jefferson Parish, I am asking for an Ethics Board opinion on the facts as presented below:

1. In late 2006, Lagniappe Industries, LLC, which is co-owned by my wife and I (both licensed insurance agents in the State of Louisiana) joint-ventured with two other licensed agents, whereby we agreed to split commissions on all future accounts.
2. One of those agents is Tim Coulon, who partnered with Wally Pontiff of B&A Insurance Agency to pursue an Agent of Record letter on certain supplemental health products at West Jefferson Medical Center.
3. The principal company applying to be the Agent of Record was Wally Pontiff of B&A Insurance Agency. Lagniappe Industries, LLC as well as all other minority participants were not listed on the Agent of Record letter.
4. In 2007, Wally Pontiff of B&A Insurance Agency was selected as the Agent of Record by the West Jefferson Medical Center Hospital Board, who then forwarded the Board's recommendation to the Jefferson Parish Council, which by state law, sits as the governing authority for the Hospital District.
5. The Council sitting as the governing authority for the said District ratified the Board's recommendation.



Tim Whitmer  
November 5, 2009

6. Lagniappe's only participation is pursuant to Lagniappe Industries' joint venture agreement with Tim Coulon and the other agent. Lagniappe receives a portion of commissions from Colonial and then distributes said amount per the joint venture agreement.
7. Neither my wife nor I lobbied any hospital board member or any member of the Jefferson Parish Council, the governing authority of the Hospital district, for this business.
8. West Jefferson Hospital District was created in compliance with Chapter 10 of Title 46. Louisiana Revised Statutes of 1950. The Jefferson Parish Council sits as the governing authority of the West Jefferson Hospital District per the state law.
9. In my capacity, as a public employee, I have no jurisdiction, supervision or control over the West Jefferson Hospital Board, the West Jefferson Hospital District and/or its operations.
10. I work as an at-will employee in the capacity of C.A.O. to the Jefferson Parish President under his administration. The Parish President is not a member of the Jefferson Parish Council and therefore is not a part of the governing authority of the West Jefferson Hospital District, according to state law.
11. Reflective of the state law that created the West Jefferson Hospital District as a separate legal entity, the Jefferson Parish Council deliberates on hospital matters separately on the council agenda under the title of Hospital Districts.

I am asking for an Ethics Board opinion as to whether or not my wife and I may continue to receive a portion of the commissions, per the joint venture agreement with Tim Coulon and the other agent, or will this be an ethics violation.

Please feel free to contact me for any additional assistance or clarification you may need to make a determination on this matter.

Sincerely,



Tim Whitmer

**December 18, 2009 CAMPAIGN FINANCE WAIVER REQUESTS**

No.	Name	Docket No.	Type	Day(s) Late	Fine	First Election	Other late filings	No Activity	Recomm.
1	Cranford L. Jordon, Jr.	2009-1004	30-P	32	\$480	YES	none		Decline to waive
2	Kevin H. Johnson	2009-1059	EDE-P	150	\$400	YES	✓	✓	Decline to waive
3	American Electric Power Committee	2009-1061	MO	75	\$37,000	NA	none		Rescind
4	American Electric Power Committee	2009-1061	MO	44	\$22,000	NA	none		Waive
5	Austin J. Badon	2009-1062	180-P	29	\$2500	NO	none		Decline to waive
6	Roy Armstrong	2009-1063	EDE-G	115	\$400	YES	none	✓	Suspend all but \$100
7	Perry J. Smith	2009-1072	30-P	32	\$720	NO	✓	\$720	Waive
8	Perry J. Smith	2009-1072	10-P	14	\$480	NO	✓	\$480	Waive
9	Cecilia Giannobile	2009-1081	40-G	310	\$806.25	NO	none	\$806.25	Decline to waive

<b><u>Abbreviation</u></b>	<b><u>Type of Report</u></b>
Supp	Supplemental Report, filed after an election when debts are still owed
30-P	30 days prior to the primary election report
10-P	10 days prior to the primary election report
EDE-P	Election Day Expenditures Report for the primary election
10-G	10 days prior to the general election report
EDE-G	Election Day Expenditures Report for the general election
40-G	40 days after the general election report

**Other waiver requests; Appearances:**

## General Item

### Ethics Board Docket No. BD 2009-1004 12/18/2009

**RE:**

Consideration of a request that the Board waive the \$400 late fee assessed against Cranford L. Jordan, Jr., who opposed a sales tax proposition in the October 17, 2009 election, whose 30-P report was due on September 17, 2009 and it was filed 32 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

18:1505.4, 42:1157

**Comments:**

PROPOSITION ELECTION  
TYPE OF REPORT: 30-P  
DAYS LATE: 32  
ASSESSED FEE: \$400  
REPORT DUE: September 17, 2009  
REPORT FILED: October 19, 2009  
ACTIVITY REPORTED: \$240  
OTHER LATE FILINGS: none

Cranford L. Jordan, Jr., who opposed a sales tax proposition in the October 17, 2009 election, states that he had no knowledge of the requirement to file a report. He further stated that he learned from the Clerk of Court that he might have to file a report even though he was not a candidate and filed the reports immediately after learning that he was required to file. Section 1486 of CFDA requires any person who makes expenditures in excess of \$200 in support or opposition to a proposition to file disclosure reports. The report shows \$240 in activity, \$40 over the amount that triggers the filing of reports. The report was due on or before September 17, 2009 and it was filed on October 19, 2009. He has no other late filings. The late fee was reduced from \$1,000 to \$400 based on the level of activity pursuant to Rule 1204D. (AMA)

**Recommendations:**

Decline to waive based on the level of activity reported.

---

AA

2009-1004

**Cranford L. Jordan, Jr.  
P.O. Box 30  
Winnfield, LA 71483**

November 2, 2009

2009 NOV -4 PM 3:19  
CAMPAIGN FINANCE  
RECEIVED

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

Gentlemen:

I am in receipt of your letter dated November 4, 2009, concerning the October 17, 2009.

I would like to formally ask for a waiver concerning the late assessment of \$400.00.

This was not an election with a candidate. This was a sales tax proposition.


When a person qualifies to run for office the Clerk of Court gives him a package detailing the laws and campaign finance reports required. He has sufficient information that he can work with and file the required forms. In this instance I had no knowledge of the required forms.

In this case as a citizen I placed 1 ad in the local newspaper opposing the sales tax. The ad was for \$240.00.

By chance, I learned from the Clerk of Court that I might have to file a campaign finance form even though I was not a candidate. I filed the forms IMMEDIATELY after learning that I was required the disclosure form.

Please consider all of the mitigating circumstances.

Sincerely yours,

  
Cranford L. Jordan, Jr.

## General Item

### Ethics Board Docket No. BD 2009-1059 12/18/2009

**RE:**

Consideration of a request that the Board waive the \$400 late fee assessed against Kevin H. Johnson, an unsuccessful candidate for Monroe City Council, Ouachita Parish, in the April 4, 2009 election, whose EDE-P report was due on April 14, 2009 and it was filed 150 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

18:1505.4, 42:1157

**Comments:**

LEVEL OF OFFICE: Any/Other  
TYPE OF REPORT: EDE-P  
DAYS LATE: 150  
ASSESSED FEE: \$400  
REPORT DUE: April 14, 2009  
REPORT FILED: September 11, 2009  
ACTIVITY REPORTED: none  
OTHER LATE FILINGS: none

Candidate states that he did not file an EDE-P report because he did not have any expenses. He asks that the Board waive the fine. He further states that he did not spend any money on election day and that a report he filed which covered March 16 through April 4 reflected that he had no activity. Candidate states that his report was unintentionally submitted late because his office was not informed that one was due. The report was due on or before April 14, 2009 and it was filed on September 11, 2009. The report shows no activity. The candidate is an "any other" level candidate. This is the candidate's first campaign. The candidate has no other late filings. (AMA)

**Recommendations:**

Suspend all but \$100 conditioned upon future compliance with the Campaign Finance Disclosure Act based on the waiver guidelines since the report shows no activity and the candidate has no other late filings.

---

2009-1059

# KEVIN H. JOHNSON

## ATTORNEY AT LAW

---

October 28, 2009

Louisiana Board of Ethics  
Attn: Lauren Abrams  
P.O. Box 4368  
Baton Rouge, LA 70821

Re: April 4, 2009 Election and October 19, 2009 letter

Dear Ms. Abrams:

I am writing in response to your October 19, 2009 letter. I did not file an Election Day expense report for April 4, 2009 because I did not have any expenses on that day. A radio ad was the main advertisement I relied on. I disclosed that ad in one of the first reports I submitted. I also disclosed that Mrs. Gloria Tatum paid for that ad on my behalf. That ad ran from the middle of February until election day, April 4, 2009. I used \$500 I received from two local attorneys on April 3, 2009 to purchase more radio ad time on April 10, 2009, after I made the runoff.

The point I am trying to make is that I did not spend any money on election day. I thought the report covering March 16 through April 4 would reflect that. I was wrong.

I am asking the Board of Ethics to waive the late fees associated with this matter. I timely filed all documents that I was required to file. I have not, and would not, mislead the board. Further, I would like an opportunity to address the Board of Ethics, if possible.

Sincerely,

  
Kevin H. Johnson

Encl: October 19, 2009 letter from the Board of Ethics  
Campaign Finance Disclosure report 3-16-06 / 4-4-09

---

PHONE (318) 388-4566  
FAX (318)327-1406

P.O. BOX 4755 · MONROE, LA 71211  
400 ST JOHN · MONROE, LA 71201

2009 NOV 30 PM 4:58

RECEIVED  
CAMPAIGN FINANCE  
REGISTRATION



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

2009-1059

October 19, 2009

Kevin H. Johnson  
202 Mays Drive  
Monroe, LA 71202

RE: April 4, 2009 Election

Dear Mr. Johnson:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, has received your EDE-P campaign finance disclosure report, which was due by April 14, 2009. The report was filed on September 11, 2009 and was 150 days late. La. R.S. 18:1505.4A(2)(a)(iii) of the Campaign Finance Disclosure Act provides that an automatic late fee of \$40 per day, up to the maximum of \$1,000, be assessed against you for this late filing.

Accordingly, a late fee of \$1,000 is assessed against you for failure to timely file your campaign finance disclosure report. However, pursuant to Rule 1204D of the Board, the late fee has been reduced to \$400. Please submit a check or money order for \$400 payable to the Treasurer of the State of Louisiana to P.O. Box 4368, Baton Rouge, LA 70821 by November 19, 2009. **Please note under new law now in effect, late fees can only be paid by the candidate or by his campaign.**

La. R.S. 42:1157 provides that the late filer may apply to the Board for a waiver of these late fees **within thirty days after the mailing of this letter**, but only for "good cause shown." "Good cause" is defined in the statute to be "any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing." The Board may also consider, where applicable, the reason for the failure to file timely, the nature of the office sought, and the significance of the information undisclosed. Should you desire the Board to consider waiving the late fees, submit a written statement to the Board specifying your reasons for the late filing, in lieu of your payment, by November 19, 2009. You should provide specific dates and documentation to support a waiver request. If you would like to appear before the Board in connection with such a request, please so indicate in writing. **If the Board does not receive your waiver request by November 19, 2009, you will be prohibited from requesting a waiver.**

Late fees not paid by the due date will be posted on the Board's website. If you timely submit a waiver request, your name will not be posted on the website pending the Board's consideration of your request.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

A handwritten signature in black ink that reads "Lauren Abrams".

Lauren Abrams



Made of Priority Mail  
 at Mail  
 Street, LA

## CANDIDATE'S REPORT

(to be filed by a candidate or his principal campaign committee)

<p>1. Qualifying Name and Address of Candidate</p> <p>Kevin H. Johnson                  202 Mays Drive                  Monroe, LA 71202</p>	<p>2. Office Sought (Include title of office as well as parish, city, town and/or election district.)</p> <p>Monroe City Council                  District 5                  Ouachita Parish                  Monroe, LA</p>	<p><b>OFFICE USE ONLY</b></p>
<p>3. Date of Primary <u>April 4, 2009</u></p> <p>This report covers from <u>3-16-09</u> through <u>4-4-09</u></p>		
<p>4. Type of Report:</p> <p> <input type="checkbox"/> 180th day prior to primary      <input type="checkbox"/> 40th day after general  <input type="checkbox"/> 90th day prior to primary      <input type="checkbox"/> Annual (future election)  <input type="checkbox"/> 30th day prior to primary      <input type="checkbox"/> Supplemental (past election)  <input type="checkbox"/> 10th day prior to primary  <input type="checkbox"/> 10th day prior to general      <input type="checkbox"/> Amendment to prior report                 </p>		
<p>5. FINAL REPORT if:</p> <p> <input type="checkbox"/> Withdrawn      <input type="checkbox"/> Filed after the election AND all loans and debts paid  <input type="checkbox"/> Unopposed                 </p>		
<p>6. Name and Address of Financial Institution (You are required by law to use one or more banks, savings and loan associations, or money market mutual fund as the depository of all campaign funds.)</p> <p>Monroe Telco Federal                  Credit Union                  3220 Louisville Ave.                  Monroe, LA 71201</p>	<p>7. Full Name and Address of Treasurer</p>	
<p>9. Name of Person Preparing Report</p> <p>Daytime Telephone <u>318-512-1687</u></p>		
<p>10. WE HEREBY CERTIFY that the information contained in this report and the attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made nor contributions received that have not been reported herein, and that no information required to be reported by the Louisiana Campaign Finance Disclosure Act has been deliberately omitted.</p> <p>This <u>4th</u> day of <u>April</u>, <u>2009</u>.</p> <p><u>Kevin H. Johnson</u>                  Signature of Candidate/Chairperson                  (To be signed by Chairperson only if report by principal campaign committee)</p> <p style="text-align: right;"><u>(318) 512-1687</u>                  Daytime Telephone</p>		<p>8. FOR PRINCIPAL CAMPAIGN COMMITTEES ONLY</p> <p>a. Name and address of principal campaign committee, committee's chairperson, and subsidiary committees, if any (use additional sheets if necessary).</p>
<p>Signature of Treasurer _____</p>		<p>Daytime Telephone _____</p>

## SUMMARY PAGE

RECEIPTS	This Period
1. Contributions (Schedule A-1)	750.00
2. In-kind Contributions (Schedule A-2)	
3. Campaign paraphernalia sales of \$25 or less	
4. <b>TOTAL CONTRIBUTIONS</b> (Lines 1 + 2 + 3)	750.00
5. Other Receipts (Schedule A-3)	
6. Loans Received (Schedule B)	
7. Loan Repayments Received (Schedule D)	
8. <b>TOTAL RECEIPTS</b> (Lines 4 + 5 + 6 + 7)	750.00

DISBURSEMENTS	This Period
9. Expenditures (Schedule E-1)	64.70
10. Other Disbursements (Schedule E-2)	
11. Loan Repayments Made (Schedule B)	
12. Funds Loaned (Schedule D)	
13. <b>TOTAL DISBURSEMENTS</b> (Lines 9 + 10 + 11 + 12)	64.70

FINANCIAL SUMMARY	Amount
14. Funds on hand at beginning of reporting period <small>(Must equal funds on hand at close from last report or -0- if first report for this election)</small>	17.33
15. <i>Plus</i> total receipts this period <small>(Line 8 above)</small>	767.33
16. <i>Less</i> total disbursements this period <small>(Line 13 above)</small>	702.63
17. <i>Less</i> in-kind contributions <small>(Line 2 above)</small>	
18. Funds on hand at close of reporting period	702.63

## SCHEDULE A-1: CONTRIBUTIONS (Other than In-Kind Contributions)

The following information must be provided for all contributors to your campaign during this reporting period, except for in-kind contributions. Information on in-kind contributions is reported on SCHEDULE A-2: IN-KIND CONTRIBUTIONS. In Column 1, check if the contributor is a political committee or a party committee. Any personal funds a candidate contributes to his campaign must be reported on this schedule. Personal funds a candidate *loans* to his campaign should be reported on Schedule B. For anonymous contributions, see SCHEDULE F. Totals and subtotals are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

1. Name and Address of Contributor	2. Contributions this Reporting Period		3. Total this Election
	a. Date(s)	b. Amount(s)	
Ellen R. Eade, PLC P.O. Box 2191 Monroe, LA 71207  POLITICAL COMMITTEE? _____ PARTY COMMITTEE? _____	3-25-09	\$250.00	\$250.00
Lavelle B. Salomon, PLC P.O. Box 14596 Monroe, LA 71207  POLITICAL COMMITTEE? _____ PARTY COMMITTEE? _____	4-3-09	\$250.00	\$250.00
Amado Leija, Attorney At Law 1203 Royal Ave. Monroe, LA 71201  POLITICAL COMMITTEE? _____ PARTY COMMITTEE? _____	4-3-09	\$250.00	\$250.00
POLITICAL COMMITTEE? _____ PARTY COMMITTEE? _____			
POLITICAL COMMITTEE? _____ PARTY COMMITTEE? _____			
POLITICAL COMMITTEE? _____ PARTY COMMITTEE? _____			
POLITICAL COMMITTEE? _____ PARTY COMMITTEE? _____			
4. SUBTOTAL (this page)			N/A
5. TOTAL (complete only on last page of this schedule)			N/A
6. CONTRIBUTIONS FROM POLITICAL COMMITTEES:			
SUBTOTAL (this page) _____		TOTAL (complete only on last page of this schedule) _____	

## SCHEDULE E-1: EXPENDITURES

Use this schedule to report information on all campaign expenditures for this reporting period. An "expenditure" is any payment made for the purpose of supporting your election to public office and includes monies spent for the campaign's general operating expenses. Any payments made that are not "expenditures" should be reported on SCHEDULE E-2: OTHER DISBURSEMENTS. Totals and subtotals at bottom of page are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

1. Name and Address of Recipient	2. Expenditures this Reporting Period		
	a. Date(s)	b. Purpose(s)	c. Amount(s)
Office Depot 200 Blanchard Dr. West Monroe, LA 71291	3-25-09	Supplies for flyers	\$54.70
Delta Sigma Theta Monroe Metropolitan Alumnae Chapter Monroe, LA	3-28-09	Donation for water and air display	\$10.00
3. SUBTOTAL (optional)			
4. TOTAL (optional - complete only on last page of this schedule)			

## **General Item**

### **Ethics Board Docket No. BD 2009-1061 12/18/2009**

**RE:**

Consideration of a request that the Board waive the \$37,000 and \$22,000 late fees assessed against American Electric Power Committee, who failed to file its monthly PAC reports electronically as is required under Section 1485E of the Campaign Finance Disclosure Act. The first report in question was due July 10, 2009 and was electronically filed 75 days late. The second report was due August 10, 2009 and was electronically filed 44 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

18:1505.4, 42:1157

**Comments:**

Effective July 1, 2009: Political committees that receive contributions in excess of \$50,000 or make expenditures in excess of \$50,000 in a calendar year shall file their campaign finance disclosure reports electronically. Late fees of \$500 per day will be assessed until the report is electronically filed. Since the law went into effect on July 1, 2009, the June report due on July 10, 2009 was not required to be electronically filed. The staff recommends that the Board rescind the \$37,000 late fee for the June report. In connection with the \$22,000 late fee for the late filing of the July report which was due on August 10, 2009, Mr. Shapiro states that he was informed by the staff that the \$50,000 limitation applied only to Louisiana contributions and expenditures. (AMA)

**Recommendations:**

Rescind the \$37,000 late fee. Waive the \$22,000 late fee.

---



AMERICAN ELECTRIC POWER  
 CAMPAIGN FINANCE  
 RECEIVED

2009 OCT 29 AM 9:46

American Electric Power  
 11000 Northway  
 Columbus, OH 43215  
 AEP.com

Rick J. Shapiro  
 Senior Counsel  
 (614) 716-2927 (direct)  
 (614) 716-2014 (fax)  
 rjshapiro@aep.com

October 28, 2009

**VIA OVERNIGHT DELIVERY**

Louisiana Board of Ethics  
 617 N. Third Street  
 10<sup>th</sup> Floor, Room 1036  
 Baton Rouge, LA 70821

**Re: The American Electric Power Committee for Responsible Government**

Dear Louisiana Board of Ethics:

The purpose of this letter is to respectfully request a waiver of \$59,500 in late filing fees imposed against the American Electric Power Committee for Responsible Government (the "AEP PAC"). In a letter dated October 19, 2009, the AEP PAC was notified that the late filing fees were not imposed for the failure to timely file monthly campaign finance disclosure reports due by July 10, 2009 and August 10, 2009, but due to the failure to file these reports electronically.

The relevant facts concerning the filing of these reports are as follows. The AEP PAC timely filed these written reports on July 6, 2009, and August 3, 2009 respectively. On September 18, 2009, the AEP PAC was first contacted by the Board of Ethics and informed that recently enacted legislation, effective July 1, 2009, would require certain "political committees," including the AEP PAC, to file their monthly campaign finance disclosure reports electronically because the AEP PAC receives contributions or makes expenditures in excess of \$50,000 in a calendar year when applying this limitation to both Louisiana and all other state and federal contributions and expenditures. To the AEP PAC's knowledge, this information was in direct conflict to what the Board of Ethics provided to the AEP PAC's third party PAC report filing vendor, Democracy Data & Communications, who informed the AEP PAC that the \$50,000 limitation applied only to Louisiana contributions and expenditures. As soon as the AEP PAC became aware of this obligation from the Board of Ethics, the AEP PAC immediately filed an Electronic Filing Affidavit with the Board of Ethics. Further, as the Board of Ethics October 19, 2009 letter points out, the AEP PAC then filed all reports subject to this electronic filing requirement on September 23, 2009. As you can see, the AEP PAC acted in an expeditious and responsible manner as soon as it became aware of the new electronic filing obligations.

Louisiana Board of Ethics  
October 28, 2009  
Page Two

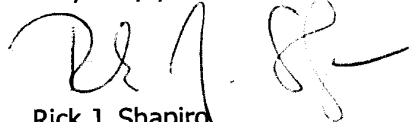
Nonetheless, the AEP PAC was notified in the October 19, 2009 letter that it would be fined \$500 per day for not timely electronically filing the reports due by July 10, 2009 and August 10, 2009 resulting in a total late filing fee of \$59,500. First and foremost, the AEP PAC has been told in writing by the Board of Ethics that the report due July 10, 2009 is not required to be filed electronically. As such, that late filing fee is not applicable and should be rescinded.

Moreover, the AEP PAC believes this late filing fee is excessive and punitive in nature, considering that AEP PAC timely filed written reports, and therefore, the AEP PAC contribution and expenditure information was readily available. Further, under Louisiana law, other late filing fees imposed by the Board of Ethics that impose a per-day fee provide a maximum late filing fee with the largest maximum fee not to exceed \$3,000. See LA R.S. 42:1157. The late filing fees sought to be imposed against the AEP PAC are significantly greater than \$3,000.

It is certainly the AEP PAC's intent to comply with Louisiana's campaign finance laws. The AEP PAC has an exemplary record for timely filing its reports with the Louisiana Board of Ethics. This issue concerning electronically filing these reports was clearly unintentional. As such, based on the foregoing, the AEP PAC respectfully requests that the late filing fees be abated in their entirety.

In the meantime, please contact me if a hearing is necessary to further discuss this matter or if you have any questions or request any additional information.

Very truly yours,



Rick J. Shapiro  
Senior Counsel

cc: Doreen W. Hohl  
Shannon R. Listebarger  
Christopher A. Amatos

## General Item

### Ethics Board Docket No. BD 2009-1062 12/18/2009

**RE:**

Consideration of a request that the Board waive the \$2,500 late fee assessed against Austin J. Badon, a candidate for Mayor, Orleans Parish, in the February 6, 2010 election, whose 180-P report was filed 29 days late

**Relevant Statutory Provisions, Advisory Opinions:**

18:1505.4, 42:1157

**Comments:**

LEVEL OF OFFICE: Major

TYPE OF REPORT: 180-P

DAYS LATE: 29

ASSESSED FEE: \$2,500

REPORT DUE: August 10, 2009

REPORT FILED: September 10, 2009

ACTIVITY REPORTED: \$17,245.11 in receipts, \$48,422.13 in disbursements and \$15,290.14 funds on hand

OTHER LATE FILINGS: Also assessed a \$60 late fee for filing his EDE-G report 1 day late in connection with the October 4, 2003 election. That late fee has been paid.

Candidate states that his report was unintentionally submitted late because his office was not informed that one was due. The staff is not able to inform a candidate that a 180-P report is due since the report is filed prior to a candidate's qualifying date. The report was due on or before August 10, 2009 and it was filed on September 10, 2009. The report shows \$17,245.11 in receipts, \$48,422.13 in disbursements and \$15,290.14 funds on hand. The candidate is a "major" level candidate. The candidate was assessed a \$60 late fee for filing his EDE-G report 1 day late in connection with the October 4, 2003 election. That late fee has been paid. (AMA)


**Recommendations:**

Decline to waive based on the level of activity reported and a prior late filing.



**STATE OF LOUISIANA  
LOUISIANA BOARD OF ETHICS**

**AUDIT REPORT MEMORANDUM**

TO: Mike Dupree  
FROM: Thomas Jackson   
RE: Housing Authority of Rapides Parish  
DATE: November 18, 2009

**Entity Audited:** Housing Authority of Rapides Parish  
119 Boyce Gardens  
Boyce, LA 71409  
Phone: (318) 793-4571

**For Period:** January 1, 2008 - December 31, 2008

**Report By:** John R. Vercher PC  
Certified Public Accountants  
P. O. Box 1608  
Jena, LA 71342  
(318) 992-6348

**Ethics Issues:**

- No potential violations of the Ethics Code found.

---

2009-1062

LOUISIANA HOUSE OF REPRESENTATIVES

5555 Bullard Avenue, Suite 101  
New Orleans, LA 70128  
Email: larep100@legis.state.la.us  
Phone: 504.243.7783  
Fax: 504.243.7785



Chairman, House Education Committee

**AUSTIN J. BADON, JR.**  
State Representative ~ District 100

October 29, 2009

Louisiana Board of Ethics  
Lasalle Building  
617 North 3<sup>rd</sup> Street, 10 Floor  
Baton Rouge, Louisiana 70821

Dear Sir/Madame:

I am asking for a waiver regarding a recently submitted campaign finance report. My report was unintentionally submitted late because my office was not informed that one was due. Bust after a discussion with Ms. Chris Summers and my assistant, we were instructed to immediately submit the report. We complied with that request. Usually my staff received a packet. Therefore we did not know a report was due until after we called. This is my first primary election. Every other report was in on time in regards to my State House seat. I am asking for a "Good Cause" waiver. I appreciate Ms. Summers accessibility and we followed through with the request.

Please feel free to contact me or my assistant Josett Jones, at (504) 243-7783.

Sincerely,

Austin Badon  
State Representative, District 100

2009 OCT 30 AM 11:07  
ETHICS ADMINISTRATION  
CAMPAIGN FINANCE  
RECEIVED

## **General Item**

### **Ethics Board Docket No. BD 2009-1063 12/18/2009**

**RE:**

Consideration of a request that the Board waive the \$400 late fee assessed against Roy Armstrong, a successful candidate for Alderman, District D, Morehouse Parish, in the April 4, 2009 election, whose EDE-G report was filed 115 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

18:1505.4, 42:1157

**Comments:**

Candidate states that he mistakenly overlooked the filing of his EDE-G report. The report was due on or before May 15, 2009 and it was filed on September 4, 2009. The report shows no activity. The candidate is an "any other" level candidate. This is the candidate's first campaign. The candidate has no other late filings. (AMA)

**Recommendations:**

Suspend all but \$100 conditioned upon future compliance with the Campaign Finance Disclosure Act based on the waiver guidelines since the report shows no activity and the candidate has no other late filings.

---

2009-1063

REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

2009 OCT 30 PM 4: 57

October 28, 2009

Roy Armstrong  
1216 Martin Luther King  
Bastrop, LA 71220

Lauren Abrams  
Department of State Civil Service  
P. O. Box 4368  
Baton Rouge, LA 70821

Dear Mrs. Abrams:

I am writing in response to the letter received from you which was dated October 19, 2009. I would like to request a waiver for the \$400.00. This is the first time I have a candidate for an office and was not familiar with the reports to be filed. I mistakenly overlooked the expenditures report that was not submitted.

I was the sole source of funding for this campaign, therefore, the payment of \$400.00 would pose a hardship I have a niece in college whom I support as much as possible. Aside from student loans, I am her father she has no one else to depend on.

Please accept my request for a waiver. Thank you in advance for reconsideration from you and the Board.

Respectfully,

Roy Armstrong  
  
Alderman, City of Bastrop

## General Item

### Ethics Board Docket No. BD 2009-1072 12/18/2009

**RE:** Consideration of a request that the Board waive the \$720 and \$480 late fees assessed against Perry J. Smith who opposed a sales tax proposition in the October 17, 2009 election, whose 30-P report was due on September 17, 2009 and it was filed 32 days late, and 10-P report was due on October 7, 2009 and was filed 14 days late.

**Relevant Statutory Provisions, Advisory Opinions:** 18:1505.4, 42:1157

**Comments:**

1st report  
PROPOSITION ELECTION  
TYPE OF REPORT: 10-P  
DAYS LATE: 14  
ASSESSED FEE: \$480  
REPORT DUE: October 7, 2009  
REPORT FILED: October 21, 2009  
ACTIVITY REPORTED: \$480  
OTHER LATE FILINGS: none

2nd report  
PROPOSITION ELECTION  
TYPE OF REPORT: 30-P  
DAYS LATE: 32  
ASSESSED FEE: \$720  
REPORT DUE: On or before September 17, 2009  
REPORT FILED: October 21, 2009  
ACTIVITY REPORTED: \$720  
OTHER LATE FILINGS: none

Perry Joe Smith, who opposed a sales tax proposition in the October 17, 2009 election, states that he made an honest error and was unaware that an individual was required to file a report when he paid to advertise against a proposed tax. He has two reports that were filed late. The first report is a 10-P report that was due on or before October 7, 2009 and it was filed on October 21, 2009. The report shows a total of \$480 in activity. The second report is a 30-P report that was due September 17, 2009 and was filed on October 21, 2009. The report shows a total of \$720 in activity. He has no other late filings. Both reports were reduced from \$1,000 to \$480 and \$720 based on the level of activity pursuant to Rule 1204D. Information was submitted informing the Board that Mr. Smith passed away recently. (AMA)

**Recommendations:** Waive.

---

STATE ADMINISTRATION  
CAMPAIGN FINANCE  
RECEIVED

2009 NOV 31 PM 12: 58

December 1, 2009

Ms. Kathleen Allen  
Louisiana Board of Ethics  
Post Office Box 4368  
Baton Rouge, La. 70821

Dear Ms. Allen:

I am writing to inform you that Mr. Perry J. Smith, who had received a letter, dated November 4, 2009 concerning late fees that he owed for failure to file 30-P and 10-P campaign finance disclosure reports on time, passed away on November 27, 2009. He had sent back to you a letter asking for a waiver from these fees and was scheduled for the December Board Meeting.

Thank you and should you need any more information please contact me at the number below.

Sincerely,



Mike Smith  
318-628-4631

2009-1072

**Perry Joe Smith  
P.O. Drawer 671  
Winnfield, LA 71483**

November 2, 2009

2009 NOV -4 PM 3:18  
RECEIVED  
CAMPAIGN FINANCE  
COMMISSION

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

Gentlemen:

I am in receipt of your letter dated November 4, 2009.

I would like to request a waiver from these fees. I did not intentionally fail to file the required forms. I was unaware that an individual was required to file a form when he paid to advertise against a proposed tax.

I filed the appropriate forms as soon as I was informed that an individual had to file the forms, even though he used his personal funds.

This was an honest error and was not intentional.

Your consideration of this will be appreciated.

Sincerely yours,



Perry Joe Smith  
Citizen  
Not a Candidate

## General Item

### Ethics Board Docket No. BD 2009-1081 12/18/2009

**RE:**

Consideration of a request that the Board waive the \$806.25 late fee assessed against Cecilia Giannobile who opposed a proposition in the November 4, 2008 election, whose 40-G report was due on December 15, 2008 and it was filed 310 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

18:1505.4, 42:1157

**Comments:**

PROPOSITION ELECTION  
TYPE OF REPORT: 40-G  
DAYS LATE: 310  
ASSESSED FEE: \$806.25  
REPORT DUE: December 15, 2008  
REPORT FILED: October 21, 2009  
ACTIVITY REPORTED: \$806.25  
OTHER LATE FILINGS: none

Cecilia Giannobile states that she was a "non-candidate" who opposed a sales tax proposition in the November 4, 2008 election. She further states that she was unaware that she was required to file a report. The report was due on or before December 15, 2008 and it was filed on October 21, 2009. The report shows \$806.25 in activity. The late fee was reduced from \$1,000 to \$806.25 based on the level of activity pursuant to Rule 1204D. She has no other late filings. (AMA)

**Recommendations:**

Decline to waive based on the level of activity



Nov. 4, 2009

2009-1681

Dear Sir,

On October 3, 2009 I received a letter from the Louisiana Board of Ethics docket number 2008-990 stating that I may have violated section 1486 of the Campaign Finance Disclosure Act by making expenditures in excess of \$200.00 in opposition to a proposition in the November 4, 2008 election and failing to disclose the expenditures on campaign finance reports.

I was very upset to receive the letter and was not aware of the law requiring a report be filed. Years ago I ran for the Hammond city council and was <sup>given</sup> information from the Ethics board that I followed as a candidate. I did not know that a "non-candidate" was subject to ethics laws requiring filings. In my case an acquaintance of mine asked me if I wanted to share the cost of an ad. I agreed and she made the transaction at the newspaper office. If we would have been informed of the requirement for filing at the time this problem would have been resolved immediately.

I have always prided myself on following rules and regulations. This experience has left me embarrassed and humiliated.

I respectfully request that the Board waive the late fee of \$806.25. As I stated, I did not receive the correspondence until almost

REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

2009 NOV -5 PM 4:00

one year later - October 3, 2009 and was not aware of the requirement for filing.

I can be reached at (985) 345-4176 if you have any questions or need me to clarify.

Sincerely,  
Cecilia A. Giannobile

---

**DECEMBER 17-18, 2009 - LOBBYIST LATE FEE WAIVER REQUEST**

<b>No</b>	<b>Name</b>	<b>Docket No.</b>	<b>Type of Lobbyist</b>	<b>Report</b>	<b>Days Late</b>	<b>Fine</b>	<b>Activity</b>	<b>1204D Reduction</b>	<b>Other late filings</b>	<b>Recom.</b>
1.	Dorothy Wirth	2009-967	Legis.	ER-8/09	5	\$250	\$0	No	No	Waive
2.	Brace B. Godfrey Jr.	2009-1045	Legis.	ER-8/09	3	\$150	\$0	No	Yes	Decline to Waive.
	Brace B. Godfrey Jr.	2009-1045	Exec.	ER-8/09	3	\$150	\$0	No	Yes	Decline to Waive.
3.	Stacy Birdwell	2009-1046	Legis.	ER-8/09	4	\$200	\$0	No	No	Waive.

**Abbreviation**

\*  
Legis.  
Exec.  
ER-8/09

**Key**

Reconsideration  
Legislative Lobbyist  
Executive Branch Lobbyist  
Lobbying Report due September 25, 2009 {report period covering 08/01/2009-08/31/2009}

## General Item

### Ethics Board Docket No. BD 2009-967 12/18/2009

**RE:**

Consideration of a request that the Board waive the \$250 late fee assessed against Dorothy W. Wirth, for failure to timely file an Legislative ER-8/09 lobbying report.

**Relevant Statutory Provisions, Advisory Opinions:**

24:58(D)(1)

**Comments:**

BRANCH: Legislative  
REPORT: ER-8/09  
REPORT DUE: September 25, 2009  
REPORT FILED: September 30, 2009  
DAYS LATE: 5  
FEE ASSESSED: \$250  
ACTIVITY REPORTED: \$0  
OTHER LATE FILINGS: None.

Dorothy Wirth filed her Legislative ER-8/09 lobbying report that was due by September 25, 2009, 5 days late September 30, 2009. She was assessed a \$250 late fee.

Ms. Wirth states that on June 6, 2008 she was in a severe automobile accident and as a result she discovered she had epilepsy. For the past two months she has been on a regime of readjusting her medications with the help of one of her doctors. She has since terminated her Lobbying Registration as of August 19, 2009. (MDD)

**Recommendations:**

Waive.

---

9524 W Pomona Dr  
Baton Rouge, LA 70815  
October 13, 2009

Louisiana Board of Ethics  
Attn: Michael D. Dupree  
PO Box 4368  
Baton Rouge, LA 70821

Re: Legislative Filing Penalty  
August 1, 2009 – August 31, 2009 Lobbyist Expenditure Report

2009 OCT 14 PM 4: 24  
RECEIVED  
COMMISSION FINANCE  
SECTION

Dear Mr. Dupree:

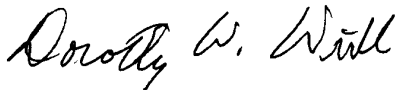
In response to your letter of October 7, 2009, referring to my delinquent expenditure report, you say that I can apply for a waiver only for "good cause shown" and I believe I have a good cause "not within the control of the late filer."

*I had a severe automobile accident June 6, 2008, as a result of which I was discovered to have epilepsy. The epilepsy meant I could no longer drive; the epilepsy medicine had severe side effects, not the least of which was mental fog. In addition, I had major interactions between a number of other of my prescribed meds the effects of which added to the mental and physical problems. For the last two months I have been on a regime of readjusting my meds with the help of one of my doctors and am beginning to come out of the fog, but I do request a waiver of these late fees for these reasons.*

I have resigned as a lobbyist – not being able to drive makes that problematical anyway. My only client was Common Cause and I am no longer paid by them.

Again, I request a waiver of these late fees. Thank you for your consideration.

Sincerely,



Dorothy W. Wirth

## General Item

### Ethics Board Docket No. BD 2009-1045

12/18/2009

**RE:** Consideration of a request that the Board waive the \$150 and \$150 late fees assessed against Brace B. Godfrey Jr., for failure to timely file a Legislative and Executive ER-8/09 lobbying reports.

**Relevant Statutory Provisions, Advisory Opinions:** 24:58(D)(1); 49:78(D)(1)

**Comments:**

BRANCH: Legislative and Executive

REPORT: ER-8/09

REPORT DUE: September 25, 2009

REPORT FILED: September 28, 2009

DAYS LATE: 3

FEE ASSESSED: \$150 and \$150

ACTIVITY REPORTED: \$0

OTHER LATE FILINGS: 4. Mr. Godfrey was assessed late fees for expenditure reports filed untimely for the February, March, April, May, and June 2009 reporting periods. All fees were rescinded.

Brace B. Godfrey Jr. filed his Legislative and Executive ER-8/09 lobbying reports that were due by September 25, 2009, 3 days late September 28, 2009. He was assessed \$150 and \$150 late fees.

Mr. Godfrey states that for the second time in succeeding months he has found his report to the board sitting in his file on our site for a failure to properly transmit. He also states that his office has undergone considerable technology problems in the last few months due to equipment changeovers and the attempts of software experts to eliminate the compromise of their networks. (MDD)

**Recommendations:** Decline to waive.

---



# GODFREY AND SCHNEIDER LTD

A Law Corporation

"THE OLE FIRE HOUSE"  
406 NORTH 4TH STREET  
BATON ROUGE, LOUISIANA 70802  
PHONE: 225.346.5599  
FAX: 225.346.5090

BRACE B. GODFREY, JR., PARTNER  
JOHN D. SCHNEIDER, COUNSEL

October 14, 2009

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

RE: Filing Penalties

Dear Mr. Dupree:

This is to formally request a waiver of late fees. For the second time in succeeding months I have found my report to the board sitting in my file on your site for some failure to properly transmit. We have undergone considerable technology problems in the last few months due to equipment changeovers and the attempts by software experts to eliminate the compromise of our network due to virus invasion or some other type of spy invasion of our equipment. These problems have become so prevalent to date that I would also formally request that the board consider some type of alternative hard copy filing periods when these types of problems become chronic. Just today in fact, I had to find my response from your office designated as spam mail.

You will note that my registration with regard to the executive branch is largely cautionary. I do considerable legal work with regard to various departments, and the work sometimes is not strictly practicing law. But I do not expend any funds on any state employees or officials. Likewise, while I do actually appear before legislative committees on behalf of clients, I do not ever expend any funds on legislators or their staff. Therefore, my reports to you are consistently that I have expended no money in these efforts. That is my business model, and I have technologists looking at my equipment even as I write to eliminate the problem I now highlight. I am informed that your tech staff has the ability to determine exactly when data was entered and there was an attempt to send it to you. If this done in my file, it will establish that for me, this was in late September, 2009 for the current report, and days before the due date of the August report as well.

Very truly yours,

  
Brace B. Godfrey, Jr.

2009 OCT 15 PM 4:51  
RECEIVED  
STATION  
COMMUNITY FINANCE

## General Item

### Ethics Board Docket No. BD 2009-1046 12/18/2009

**RE:**

Consideration of a request that the Board waive the \$200 late fee assessed against Stacy Birdwell, for failure to timely file a Legislative ER-8/09 lobbying report.

**Relevant Statutory Provisions, Advisory Opinions:**

24:58(D)(1)

**Comments:**

BRANCH: Legislative  
REPORT: ER-8/09  
REPORT DUE: September 25, 2009  
REPORT FILED: September 29, 2009  
DAYS LATE: 4  
FEE ASSESSED: \$200  
ACTIVITY REPORTED: \$0  
OTHER LATE FILINGS: None

Stacy Birdwell filed his Legislative ER-8/09 lobbying report that was due by September 25, 2009, 4 days late September 29, 2009. He was assessed a \$200 late fee.

Mr. Birdwell states that in mid August his mother had a stroke and after two and a half weeks had to be placed in a nursing home. He took off work for three weeks, September 18 through October 9 so the filing deadline passed by. (MDD)

**Recommendations:**

Waive.

---



**Professional Firefighters Association of La.****Office of the Secretary Treasurer****9021 Aurora Lane  
Shreveport, La. 71115**

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

October 20, 2009

To whom it may concern,

While I understand that every registered Lobbyist could easily come up with excuses as to why their Lobbyist Expenditure Report was not filed in a timely manner, I would like to ask you to consider waiving my late fee assessment of \$200.

After dealing with a family tragedy in mid August (my mother had a Massive Stroke and after two and a half weeks in the hospital had to be put in a nursing home) I took of work for three weeks, September 18<sup>th</sup> through October 9<sup>th</sup>. Being out of the office and having my mind consumed with other matters, the monthly filing deadline passed me by.

Again I realize that filing requirements are not negated by ones personal misfortunes, but I ask that you also weigh in the fact that I performed no lobbying, nor had any expenditure during the reporting period.

Any leniency that can be given will be greatly appreciated.

Stacy Birdwell  
Sec/Treas – Lobbyist  
Professional Fire Fighters  
Association of Louisiana

2009 OCT 27 PM 3:51  
RECEIVED  
FINANCE  
ASSOCIATION



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

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

October 7, 2009

Professional Fire Fighters Association of Louisiana  
Mr. Stacy Birdwell  
9021 Aurora Lane  
Shreveport, Louisiana 71115

**RE: Legislative Filing Penalty  
August 1, 2009 - August 31, 2009 Lobbyist Expenditure Report**

Dear Mr. Birdwell:

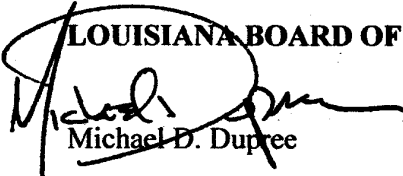
The Louisiana Board of Ethics has received your Legislative lobbying expenditure report, which was due September 25, 2009. The report was electronically filed 4 days late on September 29, 2009. LSA-R.S. 24:58D(1) of the Lobbyist Disclosure Act mandates that an automatic late fee of \$50 per day be assessed for this late filing.

Accordingly, a late fee of \$200 has been assessed against you. Please submit a check or money order in the amount of \$200 payable to the Treasurer of the State of Louisiana to Post Office Box 4368, Baton Rouge, LA 70821 by **November 9, 2009**.

LSA-R.S. 42:1157.2 provides that you may apply to the Board for a waiver of these late fees, but only for "good cause shown" **within thirty days after the mailing of this letter**. "Good cause" is defined in the statute to be "any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing." Should you desire the Board to consider waiving the late fees, submit a written statement to the Board specifying your reasons for the late filing, in lieu of your payment, by November 9, 2009. If you would like to appear before the Board in connection with such a request, please indicate so in writing. **If the Board does not receive your waiver request by November 9, 2009, you will be prohibited from requesting a waiver.**

Sincerely,

**LOUISIANA BOARD OF ETHICS**

  
Michael D. Dupree

MD:lt



## ◆◆ MEMORANDUM ◆◆

To: Louisiana Board of Ethics  
From: Tracy K. Meyer  
Re: Late Filing of Personal Financial Disclosure Statements  
Date: October 21, 2009

The following proposed procedures are for handling waiver requests of late filed personal financial disclosure statements. These procedures will outline how the staff handles the waiver requests as well as the how the staff will come to a recommendation of a waiver or suspension of any late fees assessed.

### LATE FEE ASSESSMENTS:

Tier 1: \$500 per day, no maximum  
Tier 2: \$100 per day, \$2,500 maximum  
Tier 2.1: \$50 per day, \$1,500 maximum  
Tier 3: \$50 per day, \$1,500 maximum

### WAIVER REQUESTS:

The staff will only consider all waiver requests that are timely filed with the Board.

Rule 1205 of the Boards Rules indicated that waivers are considered timely if they are received by the staff, in writing, within 30 days of the staff mailing the assessment of the late fee.

Section 1157.2 of the Louisiana Code of Governmental Ethics provides authority for the Board's waiver of late filing fees based upon "Good Cause."

"Good Cause" is defined in §1157.2 as follows: "*any actions or circumstances which, in the considered judgment of the Board, were not within the control of the late filer and which were the direct cause of the late filing.*"

#### Recommendation to suspend a fine:

- The staff will consider recommending a **suspension of the late fees**, for those persons who have previously filed a late report, only if the following criteria are met:
  1. The waiver request is timely filed with the Board,
  2. The late filer has no more than 1 other late filing with an assessed fine,

3. There are no other late filings without an assessed fine.

- If the filer meets the requirements above, the staff will then look at the specific reason given for the late filing to determine if it merits “Good Cause”.
- If the reason given meets the statutory definition of “Good Cause”, the staff will make a recommendation based on the schedule below:

Tier 1:

1. If between 1 and 10 days late, **suspend the fine.**
2. If between 11 and 20 days late, **suspend all but \$500.**
3. If between 21 and 30 days late, **suspend all but \$700.**
4. If between 31 and 40 days late, **suspend all but \$1,000.**
5. If between 41 and 50 days late, **suspend all but \$1,500.**

Tier 2:

1. If between 1 and 10 days late, **suspend the fine.**
2. If between 11 and 17 days late, **suspend all but \$500.**
3. If between 18 and 25 days late, **suspend all but \$1,000.**

Tier 2.1:

1. If between 1 and 10 days late, **suspend the fine.**
2. If between 11 and 20 days late, **suspend all but \$300.**
3. If between 21 and 30 days late, **suspend all but \$500.**

Tier 3:

1. If between 1 and 10 days late, **suspend the fine.**
2. If between 11 and 20 days late, **suspend all but \$300.**
3. If between 21 and 30 days late, **suspend all but \$500.**

**All suspensions are to be based upon future compliance with the Code of Governmental Ethics.**

- If the filer demonstrates material financial hardship, and there is “Good Cause” for the late filed report, the staff may recommend the suspension of the entire late fee.

**WAIVER RECONSIDERATION REQUESTS:**

The staff will consider *waiver reconsideration requests* that are filed with the Board if they are:

1. Filed, in writing, within 30 days of the Board denying a waiver request,
2. Presents new facts and/or evidence regarding the late filing, and

The staff will only consider **one** waiver reconsideration request per late filing penalty.

If the waiver reconsideration request presents new facts, which the staff deems to be “Good Cause” as defined in §1157.2, it will make a recommendation that the Board consider the reconsideration request.

The staff will then make a recommendation based upon its established waiver guidelines as outlined above.

## General Item

### Ethics Board Docket No. BD 2009-859 12/18/2009

**RE:**

Consideration of a request to waive a \$1,500 late fee assessed against Robert Bermudez for filing his annual personal financial disclosure statement 51 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

1124.2

**Comments:**

TIER: 2.1

TYPE OF REPORT: Annual Report

DAYS LATE: 51

ASSESSED LATE FEE: \$1,500

OTHER LATE FILINGS: No

Mr. Bermudez is a member of the New Orleans Council on Aging. Mr. Bermudez was sent a Notice of Delinquency for filing an incomplete report on August 6, 2009, which was received by Mr. Bermudez on August 26, 2009. The Notice of Delinquency granted Mr. Bermudez another 14 business days to file his report. Mr. Bermudez filed his report on October 16, 2009. Mr. Bermudez was assessed the maximum late fee of \$1,500. (TKM)

**Recommendations:**

Pursuant to the waiver guidelines, decline to suspend.

---

State of Louisiana  
Department of State Civil Service  
Louisiana Board of Ethics  
Attn: Lytoshia Thompson  
P.O. Box 4368  
Baton Rouge, LA 70821

October 19, 2009

Re: 2009 Personal Financial Disclosure Statement

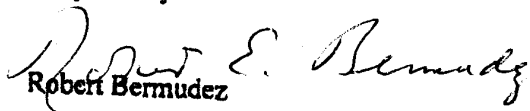
Dear Ms. Thompson:

I, Robert Bermudez, am a member of the Board of Directors for the New Orleans Council on Aging and as such am required to complete a Personal Financial Disclosure Statement with the Board of Ethics. I am requesting a waiver of the late fees for the Personal Financial Disclosure statement. This Statement was sent to the Louisiana Board of Ethics without indication of the New Orleans Council on Aging as the organization for which it belonged to resulting in a Notice of Delinquency. The error has been resolved and all of the paperwork is available to the Louisiana Board of Ethics.

Again, please waive the late fees for the Personal Financial Disclosure Statement as good cause shown for the filing.

Please contact me if you require additional information.

Respectfully

  
Robert Bermudez

2009 OCT 20 PM 4: 17

REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED



## General Item

### Ethics Board Docket No. BD 2009-880 12/18/2009

**RE:**

Consideration of a request to waive a \$2,500 late fee assessed against Eddie M. Clark for his failure to timely file his candidate personal financial disclosure statement.

**Relevant Statutory Provisions, Advisory Opinions:**

1124.2

**Comments:**

TIER: 2

TYPE OF REPORT: Candidate Report

DAYS LATE: 118

ASSESSED LATE FEE: \$2,500

OTHER LATE FILINGS: No

Mr. Clark qualified in February and was required to file a personal financial disclosure statement within 10 days of qualifying. Mr. Clark was sent a Notice of Delinquency which was received by Mr. Clark on April 6, 2009. The Notice of Delinquency granted Mr. Clark another 14 business days to file his report. At the July 2009 meeting, this Board issued charges against Mr. Clark demanding he file his required report. In response to the issuance of charges, Mr. Clark filed his report on August 20, 2009. Mr. Clark was assessed the maximum late fee of \$2,500.

Mr. Clark states that he was unaware of the requirement to file a report within 10 days of qualifying. (TKM)

**Recommendations:**

Pursuant to the waiver guidelines, decline to suspend.

---

**THE LAW FIRM OF  
EDDIE CLARK & ASSOCIATES, L.L.C.**

**ATTORNEYS AT LAW**

1001 Century Boulevard  
Monroe, LA 71202

Phone: (318) 361-9897  
Facsimile: (318) 361-9889

eclark@clarkinjurylawyers.com

September 30, 2009  
**VIA FACSIMILE (225) 381-7271**

Ms. Tracy K. Meyer  
State of Louisiana - Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

**Re: Ethics Board Docket No. 2009-738**

2009 SEP 30 AM 10:39  
CAMPAIGN FINANCE  
RECEIVED  
COMMISSION

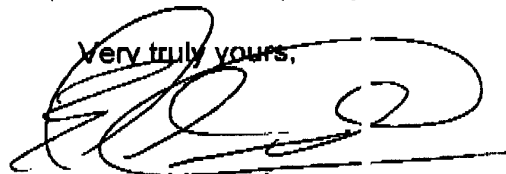
Dear Ms. Meyer:

Please allow this letter to serve as a formal request for a waiver of any and all fines and/or civil sanctions arising out of the above referenced matter. It appears that this matter arises out of a staff report, which suggests that I failed to file my Personal Financial Disclosure Statement within ten (10) days of qualifying for the April 4, 2009 election.

In response to this charge, please be advised that I filed my Personal Financial Disclosure Statement on May 5, 2009. However, it was later discussed with your office that I should have simultaneously filed the same report with another office of the Louisiana Board of Ethics, which I was totally oblivious too. This inadvertent mistake was never intentional and was clearly an oversight. While it has been stated that "ignorance of the law is no excuse," I am not attempting to dodge my responsibility and duty as a public servant, but this was a clear oversight and I was of the impression that all requirements had been satisfied with respect to the April 4, 2009 election. I kindly request that you and/or the Board consider this request for a waiver satisfactory in all respects and waive any and all fines and/or sanctions in this matter.

Thanking you in advance for your time, courtesies, and prompt response, I am

Very truly yours,



Eddie M. Clark

EC/rj

**NOTICE OF DELINQUENCY**

**IN RE: Eddie M. Clark**

**STATE OF LOUISIANA  
BOARD OF ETHICS**

**TO: Eddie M. Clark, 582 Buckhorn Bend Loop Road, Monroe, Louisiana  
71202**

This NOTICE was ordered by Attorney Tracy K. Meyer.

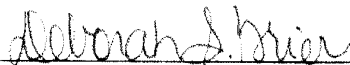
**YOU ARE HEREBY NOTIFIED** in the name of the State of Louisiana and of the Louisiana Board of Ethics that your personal financial disclosure statement for the April 2009 election, which was due within 10 days after the date of qualifying, has not yet been received.

**YOU ARE HEREBY FURTHER NOTIFIED** that you have fourteen (14) business days from the date of receipt of this Notice to file your personal financial disclosure statement with the Board of Ethics<sup>1</sup>.

**YOU ARE HEREBY FURTHER NOTIFIED** that failure to file your personal financial disclosure statement within fourteen (14) business days of receipt of this letter shall subject you to an automatic late filing fee of \$100 per day up to a maximum of \$2,500.

Please submit your personal financial disclosure statement to the Louisiana Board of Ethics by mail addressed to P.O. Box 4368, Baton Rouge, LA 70821, or by facsimile at (225) 381-7271.

By order of the Board this 1<sup>st</sup> day of April, 2009.

  
Deborah S. Grier, Executive Secretary  
(225) 219-5600 or (800) 842-6630

To: 9251823

From: (2253817271)

04/01/09 09:49 AM

Page 7 of 20

\*\*\*\*\*

**RETURN**

Received the above "Notice of Delinquency" on the 06 day of April,  
2009, and on the 12 day of April, 2009, served the same on Eddie Clark  
in person, or made service in the following manner:

In person at law  
ofc.

Tpr. S. Williams #2431  
Signature and Title of Officer

## General Item

### Ethics Board Docket No. BD 2009-937 12/18/2009

**RE:** Consideration of a request to waive a \$2,500 late fee assessed against Lincoln Savoie for his failure to timely file his candidate personal financial disclosure statement.

**Relevant Statutory Provisions, Advisory Opinions:** 1124.2

**Comments:**

TIER: 2  
TYPE OF REPORT: Candidate Report  
DAYS LATE: 150  
ASSESSED LATE FEE: \$2,500  
OTHER LATE FILINGS: No

Mr. Savoie was a candidate for State Senator, District 24, in the April 4, 2009 election. Mr. Savoie qualified in February and was required to file a personal financial disclosure statement within 10 days of qualifying. Mr. Savoie was sent a Notice of Delinquency on March 2, 2009, which was received by Mr. Savoie on March 3, 2009. The Notice of Delinquency granted Mr. Savoie another 14 business days to file his report. At the July 2009 meeting, this Board issued charges against Mr. Savoie demanding he file his required report. In response to the issuance of charges, Mr. Savoie filed his report on August 20, 2009. Mr. Savoie was assessed the maximum late fee of \$2,500.

Mr. Savoie did find the blue sheet in his campaign packet which informed the candidates of the requirement to file a personal financial disclosure statement within 10 days of qualifying.

Mr. Savoie has asserted that the imposition of this fine would create a financial hardship on his family as both he and his wife suffer from chronic illnesses. (TKM)

**Recommendations:** Pursuant to the waiver guidelines, decline to suspend.

---

2009-937

Tracy

CONFIDENTIAL

September 8, 2009

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

RE: Request For A Waiver Of Late Fees

2009 SEP 15 PM 4:44  
 CAMERON FINANCE  
 RECEIVED

Mr. Simoneaux,

As one of the five candidates who qualified in February 2009, for the vacant State Senator seat of District 24, I am asking you to please take a few minutes of your time to analyze the actions I took after I received a certified document on August 14, 09, from your office indicating that I may have been in violation by failing to file the personal financial disclosure statement on a timely basis.

- a. On August 13, 09, I received a notification by the rural postal carrier of a certified document was available to me at the post office in Sunset.
- b. On August 14, 09, (my 72nd birthday) I signed for the document from your office. I immediately read the entire document and within hours I had contacted Tracy K. Meyer of your office. After a brief explanation to her of my situation she directed me to download a Personal Financial Disclosure "Tier 2" form, fill it out and FAX this form to her. After downloading that particular form I searched my initial packet furnished to me on the day I qualified, I realized that this form was not available. I called Ms. Meyer again and advised that the "Tier 2" form had been down loaded and also advised her that I had searched my packet and could not find a form which would have indicated a Personal Financial Disclosure. She advised to fill out the form and FAX it to her.
- c. I filled out a draft of the form and on August 20, 09, I asked a friend and Attorney at Law Thomas Dejean to review this document. I returned to my home, typed out the final form and returned to Mr. Dejean's office to be notarized and forwarded to Ms. Meyer along with a letter of explanation to Ms. Meyer. He did FAX the completed form on August 20th and followed up with a letter and enclosed the Schedule of Reporting and Filing Dates.
- d. To the best of my knowledge during the week of August 24, Mr. Dejean advised me that during a phone conversation with Ms. Meyer, she advised him that there should have been a blue piece of paper inserted in the initial qualifying packet making reference to additional information to a Personal Financial Statement. I immediately searched the contents of the remains of my qualifying packet and found two blue booklets. One was titled "A Summary Of Election Offenses And Penalties" and another titled "Louisiana's Dual Officeholding Laws" both prepared by Attorney General James Caldwell. Further checking into the contents of one of the blue booklets I found folded in the rear of the booklet was a blue sheet indicating information of a Personal Financial Disclosure Form. I immediately FAXed this to Mr. Dejean and informed him where I had found the blue sheet of paper.
- e. During the first week of September I placed a call to Ms. Meyer to determine if she had

Tuesday, September 08, 2009 America Online: Linkvfwla

received the FAX and letter from Mr. Dejean and if she needed more information from me. I was advised to contact Mr. Roy Breese, a compliance officer at 225-219-5600. I called Mr. Breese and after going over my entire story he advised that I could apply to the Board for a "waiver of late fees indicating good cause." He stated that if I choose to file this waiver it would have to be in the Ethics Office before October 2.

f. On September 4 I received a letter in the mail dated September 1, 09, with a signature block of Lytoshia Thompson, Program Compliance Officer. There was no signature. The second paragraph of the letter indicated that my personal financial disclosure statement was considered filed on August 20, 2009; therefore, the maximum penalty in the amount of \$ 2,500 was assessed. I was advised to submit to her office, a check or money order made payable to the Treasurer of the State of Louisiana by October 2, 2009. I immediately FAXed this letter to Mr. Dejean and asked for guidance.

Mr. Simoneaux, with the detailed information I have furnished you, I feel that I am justified in requesting "with good cause" a waiver on the late fee assessment of \$ 2,500. My file in your office will indicate that my total contributions to my campaign was \$ 650.00 and total expenses did not exceed \$ 10,000. I was a one man campaign operation. The submitted Financial Form of August 20, 2009, will certainly indicate I operated alone and financed my own campaign with my own monies minus the \$ 650.00 contributions.

Sir, this \$ 2,500 late fee assessment would be a hardship to me financially. I am a 72 year old retired military person with a 100 percent medical disability after testing positive for chronic lymphocytic leukemia a disease caused of being subjected to Agent Orange while serving a tour of duty in Vietnam in 1969-70. There are benefits but no cure for this disease. An additional hardship in my household is my wife who survived a brain aneurysm and a stroke in 1990. This left her wearing a brace on a leg with a speech impediment. She was formerly employed by the Louisiana Department of Wildlife and Fisheries in Opelousas. Our income consists of our social security and my military medical disability.

I am privileged to have been appointed by Governor Jindal to his Transition Advisory Council on Veterans Affairs. This is my 31st year as a volunteer veterans advocate and was honored to have been elected as State Commander of the VFW for the State of Louisiana in 2003-04. I was privileged to have been selected to receive the Jefferson Award for public service for the state of Louisiana for 2009. I received this award in May of this year in Washington D.C., along with a representative from each of the other states.

Mr. Simoneaux, it is ironic that this particular situation should arise. In November 2006, the Louisiana Association of Independent Colleges and Universities, Inc., submitted my name as a nominee for a five year term as a member of the La. Ethics Commission beginning 2007 pending the approval of my eligibility. I was pleased to appear before the Senate and Governmental Affairs Committee on March 8, 2007. Although I did not receive an appointment I was honored to have been considered.

Sir, any elected official in St. Landry Parish to include Senator Vitter (who presented the Jefferson Award) and Congressman Boustany, will attest to the fact that I am who I say I am. I am an honest citizen who wanted to service my state as I have served my country for 22 years. This includes the Korea and Vietnam wars. I choose to become a candidate for State Senator because I knew I would have conducted myself with honesty and integrity as I am doing so in explaining to you this situation.

Mr. Simoneaux, I would like to emphasize for the record and your information, the packet provided to me at qualifying time contained the attached schedule of reporting and filing dates and this is the guidelines I used for all of my reports. A guideline for for personal financial disclosure was not included on this reporting schedule. I followed the guidelines of what was available to me that being the attached schedule for submitting the required forms on scheduled dates. Records will show that I met all dates required.

Thank you for time in reading this explanation. I am not placing blame on anyone person or department as who is responsible for assembling the qualifying packets. I sincerely hope you will see the human side of this situation and support my request for "waiver with cause" of the assessed fee of \$ 2,500. I hope to hear from you prior to October 2, 2009.

Respectfully,



Lincoln J., Savoie  
U.S. Army Retired  
648 Thelma Drive  
Sunset, La. 70584



**SCHEDULE OF REPORTING AND FILING DATES  
FOR CANDIDATES & PACs SUPPORTING OR OPPOSING CANDIDATES  
PRIMARY ELECTION - APRIL 4, 2009      GENERAL ELECTION - MAY 2, 2009**

NO.	REPORT TYPE	REPORT COVERS PERIOD FROM:	REPORT COVERS PERIOD THROUGH:	REPORT DUE BY:**	FILED BY:
1.	180 <sup>th</sup> day prior to primary (180-P)	<ul style="list-style-type: none"> <li>• if 2007 annual report filed† - January 1, 2008</li> <li>• if first report - date of first contribution/expenditure</li> </ul>	September 26, 2008	<b>October 6, 2008</b>	major office candidates & PACs supporting or opposing only
2.	90 <sup>th</sup> day prior to primary (90-P)	<ul style="list-style-type: none"> <li>• if 2007 annual report filed† - January 1, 2008</li> <li>• if first report - date of first contribution/expenditure</li> <li>• if 180-P filed - September 27, 2008</li> </ul>	December 25, 2008	<b>January 5, 2009</b>	major office candidates & PACs supporting or opposing only
3.	30 <sup>th</sup> day prior to primary (30-P)	<ul style="list-style-type: none"> <li>• if 2008 annual report filed† - January 1, 2009</li> <li>• if first report - date of first contribution/expenditure</li> <li>• if 90-P filed - December 26, 2008</li> </ul>	February 23, 2009	<b>March 5, 2009</b>	all candidates & PACs supporting or opposing in the primary election
4.	10 <sup>th</sup> day prior to primary (10-P)	February 24, 2009	March 15, 2009	<b>March 25, 2009</b>	all candidates & PACs supporting or opposing in the primary election
•	Special (48 hour) report (s)	March 16, 2009	April 4, 2009	within 48 hours of transaction	candidates & PACs supporting or opposing having certain transactions (see over)
5.	Election Day Expenditures	See instructions on reverse side	April 4, 2009	<b>April 14, 2009</b>	all candidates & PACs supporting or opposing in the primary election
6.	10 <sup>th</sup> day prior to general (10-G) <b>LAST REPORT OF PRIMARY ELECTION</b>	March 16, 2009	April 12, 2009	<b>April 22, 2009</b>	<b>LAST REPORT OF PRIMARY ELECTION. MUST BE FILED BY ALL CANDIDATES &amp; PACs SUPPORTING OR OPPOSING IN PRIMARY ELECTION</b>
•	Special (48 hour) report (s)	April 13, 2009	May 2, 2009	within 48 hours of transaction	candidates & PACs supporting or opposing having certain transactions (see over)
7.	Election Day Expenditures	See instructions on reverse side	May 2, 2009	<b>May 12, 2009</b>	all candidates & PACs supporting or opposing in the general election
8.	40 <sup>th</sup> day after general (40-G)	April 13, 2009	June 1, 2009	<b>June 11, 2009</b>	all candidates & PACs supporting or opposing in the general election
9.	Supplemental & Annual	April 13, 2009 if not in general June 2, 2009 in general	December 31, 2009	<b>February 15, 2010</b>	candidates & PACs supporting or opposing with outstanding debts or loans or having additional contributions or expenditures

\* Date of postmark or date receipted on a return receipt requested form from the United States Post Office or receipt or invoice from commercial delivery service.  
† A general election was due by February 17, 2009; if contributions received or expenditures made in 2008.  
Revised 1/4/2009

**Special (48) hour Reports:** Certain transactions that occur during the 20 days preceding an election must be reported within 48 hours of the transaction. Those transactions are (1) the receipt of over \$1,000 by major office candidates or PACs supporting or opposing, or over \$500 by district office candidates or PACs supporting or opposing, or \$250 for any other office candidates or PACs supporting or opposing, or (2) the expenditure of over \$200 to any person who makes endorsements and who must file campaign finance disclosure reports.

**Election Day Expenditures Report:** All candidates who participate in an election and who are required to file reports must file the post election report of election day expenditures, even if none were made. All expenditures made for campaign services performed on election day and advertising broadcast or published on election day must be reported. If none were made, zeros must be reported. PACs, other than a candidate's committee, who participate in an election are required to file a post election report of election day expenditures only if the PAC has made election day expenditures.

**Annual/Supplemental Reports:** A report covering the preceding calendar year may be required to be filed by February 15. An annual report is filed by a candidate who has financial activity in a calendar year prior to the year of his election. A supplemental report is filed by a candidate who had a deficit or surplus from a previous election, or by a candidate who has had financial activity concerning a past election that occurred after the filing of the last required report for that election.

**Withdrawn & Unopposed Candidates:** The final report required will be the next Candidate's Report due as of the date the candidate withdraws or learns that he is unopposed.

**Penalties for Late Filing:** Penalties for late reports for candidates will be automatically imposed at \$40, \$60, or \$100 per day based on the office sought. PACs will be assessed \$200 per day for late reports.

**Proposition Elections & Recall Petitions:** Persons supporting or opposing propositions or filing recall petitions should request a special schedule of reporting and filing dates.

**Gaming Money:** Persons substantially interested in the riverboat and land based casino gaming industry are prohibited from contributing to candidates and committees supporting or opposing candidates.

Supervisory Committee on Campaign Finance Disclosure  
 2415 Quail Drive, 3<sup>rd</sup> Floor  
 Baton Rouge, LA 70808  
 (225) 763-8777 / (800) 842-6630  
 www.ethics.state.la.us

This schedule of reporting and filing dates should be followed by all candidates in this election and by all political committees, including PACs, supporting or opposing candidates in this election. However, PACs may elect to report on a monthly basis.

Candidates for "major offices" and "district offices" must automatically file these reports. Candidates for "any other offices" must file reports only if they spend over \$5,000 or collect contributions from a single source, including their personal funds, of over \$200.

**"Major offices"** include those offices elected statewide, Justices of the Supreme Court, Court of Appeal Judges, Public Service Commissioners, and any office with an election district containing a population in excess of 250,000. Those offices include offices elected parishwide in Caddo, East Baton Rouge, Jefferson, and Orleans.

**"District offices"** include the following offices (assuming the population of the election district is less than 250,000): members of the Louisiana legislature, offices elected parishwide, district court judges (except in Orleans), family court, juvenile, and city court judges, city court marshals and constables, offices elected in more than one parish, and offices elected in an election district having a population of over 35,000. These include offices elected citywide in Alexandria, Bossier City, Kenner, Lafayette, Lake Charles, Marrero, Metairie, Monroe, and Shreveport, and offices elected in East Baton Rouge that are not parishwide.

**"Any other offices"** are those offices which do not fall within the definitions of "major" or "district" offices.

Affidavits in lieu of reports may be filed by major or district office candidates who, for the entire election period, did not have expenditures in excess of \$5,000 and who did not receive contributions from a single source, including their personal funds, totaling in excess of \$200.

There are limits on the amount of funds which may be received by candidates from one source, excluding their personal funds and funds from political parties. Those limits, which apply separately to the primary and the general elections, are as follows:

- \$5,000 - major office candidates
- \$1,000 - any other office candidates
- \$2,500 - district office candidates

If the person making the contribution is a political committee (PAC) with over 250 members who contributed at least \$50 to the PAC in the preceding calendar year, then the limits may be doubled. There are aggregate limits on the total amount of PAC money that may be received by candidates for the primary and general elections combined of \$80,000 for major offices candidates, \$60,000 for district office, and \$20,000 for any other office candidates.

10/21/2009

23:52

25575526041225755264

1BJPKAMÉG SAVOIE

TM  
PAGE 02  
Page 1 of 2ELECTION REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

2009 OCT 23 AM 9:48

October 23, 2009

Frank Simoneaux  
Chairman, Louisiana Board of Ethics

Mr. Simoneaux,

On October 16, 2009, I received your letter indicating that during the September 30, 2009, meeting of the Board of Ethics after considering all available information, the Board on motion duly made and seconded, and by a majority vote decreed that the charges issued against me on July 28, 2009, were hereby dismissed in their entirety.

I give credit to your committee for digging deep and digesting the contents of my letter to you dated September 8, 2009.

Sir, in paragraph D of my letter I indicated that I had found a blue sheet of paper folded in the rear of a booklet written by Louisiana State Attorney General James Caldwell. This document "reminds" the candidate to file a Personal Financial Disclosure Form. The form in question was not attached to the normal stack of forms we were instructed to fill out and send in to your office during the course of the campaign. Each of the available forms were filled out and sent in on a timely basis. The above mentioned document was not discovered until the week of August 24, 2009, after a phone conversation with Ms. Meyer of your office.

A copy of that document is attached. I failed to send it to you with the letter dated September 8, 2009.

I was under the impression that the packet I received when I qualified in February 2009, had been prepared by your office due to the fact the Louisiana Board of Ethics address appeared on the upper left hand corner of the unsealed envelope.

It became very clear to me that this was not the case after reading the bold headlines in the Daily World newspaper dated Thursday October 22, 2009, "3 Faces Ethics Board Fines." The newspaper indicated that St. Landry Parish Clerk of Court Charles Jagneaux's office prepared the candidate packets and were given out during the qualifying process. The news article quotes Mr. Jagneaux, admitting "that this was the first election under the new regulations, and he is investigating the matter to make sure such confusion doesn't happen in the future." That statement indicates that his department is the responsible party. Mr. Simoneaux, this incident of failure to gather and provide some candidates with a complete packet should have never occurred. Attention to detail in this process was not used by the person (s) assigned to this task.

I hope Mr. Jagneaux will make contact with your office before your scheduled meeting of October 28, 2009, and admit to the Ethics Board that he shoulders the responsibility of this entire matter. As a victim who received an incomplete packet I feel that I am justified by suggesting that your office is risking unwarranted negative publicity by allowing your address used as the responsible party.

Again, I would like to thank you and your committee for considering all the information I sent you resulting in all of the charges against me being dropped. I am asking that the contents this letter and the attached document coupled with my letter of September 8,

Friday, October 23, 2009 America Online: Linkvfwla

10/21/2009

23:52

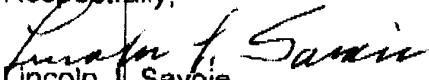
25575526041225755264

1BJPKAMÉG SAVOIE

PAGE 03  
Page 2 of 2

2009, be made available as proof that my Request For A Waiver Of Late Fees be approved.

Respectfully,

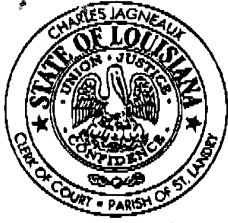
  
Lincoln J. Savoie

## PERSONAL FINANCIAL DISCLOSURE FORMS

Candidates for an office in an election district with a population in excess of 5,000 are required to file personal financial disclosure forms (PFDs) as mandated by La. R.S. 42:1124.2. Below is a list of the offices that have an election district with a population in excess of 5,000 according to our records. Individuals qualifying for the following office(s) must file a completed financial statement within 10 days of qualifying:

<u>Office</u>	<u>Parish</u>
Public Service Commissioner, District 4	Orleans
State Representative, District 97	Bossier
Mayor, City of Bossier City	Bossier
Bossier City Councilmen at Large	Bossier
Bossier City Councilman, District 1	Bossier
Bossier City Councilman, District 2	Bossier
Bossier City Councilman, District 3	Bossier
Bossier City Councilman, District 4	Bossier
Bossier City Councilman, District 5	Bossier
Caddo Parish Commission Member	Caddo
Lake Charles City Councilman, District A	Calcasieu
Lake Charles City Councilman, District B	Calcasieu
Lake Charles City Councilman, District C	Calcasieu
Lake Charles City Councilman, District D	Calcasieu
Lake Charles City Councilman, District E	Calcasieu
Lake Charles City Councilman, District F	Calcasieu
Lake Charles City Councilman, District G	Calcasieu
Iberia School Board, District 14	Iberia
Jefferson Parish Councilman, District 5	Jefferson
Mayor, City of Gretna	Jefferson
Gretna Chief of Police	Jefferson
Gretna Council Member at Large	Jefferson
Mayor, City of Westwego	Jefferson
Westwego Chief of Police	Jefferson
Mayor, City of Jennings	Jefferson Davis
Lafayette City-Parish Council, District 4	Lafayette
Mayor, City of Bastrop	Morehouse
Slidell Council Member at Large	St. Tammany
Tangipahoa School Board Member, District E	Tangipahoa
Tangipahoa School Board Member, District F	Tangipahoa

If you need to file the form and you did not receive the form at the time of qualifying, please contact our office at (800) 842-6630 or (225) 219-5600. Penalties in the amount of \$100 per day will be assessed for each day the disclosure form is not timely filed.



# CHARLES JAGNEAUX

CLERK OF COURT  
27TH JUDICIAL DISTRICT

P.O. BOX 750  
OPELOUSAS, LA 70571-0750

PARISH OF ST. LANDRY  
PHONE 337/942-5606

October 26, 2009

Lincoln Savoie  
648 Thelma Dr.  
Sunset, LA. 70584

Dear Mr. Savoie,

I am in receipt by FAX of a copy of the letter you sent Mr. Simoneaux, Chairman of the Louisiana Board of Ethics dated October 23, 2009. Your FAX cover sheet had the notation "Charley, Please take the action for which you are responsible".

I empathize with you in that you are faced with the possibility of a fine and the embarrassment of unfavorable public opinion in regard to the untimely filing of required documents with the Board of Ethics. However, after reviewing the letter and the newspaper article you referred to I must inform you that the facts do not support your allegations.

#1. The packets you referred to are prepared by the Office of Campaign Finance and not by this office. Our responsibility was to make sure you received the packet and signed for it, which we did.

#2. Although the statement you quoted "that this was the first election under the new regulations, etc" was in the newspaper article, I have learned because of this the Office of Campaign Finance made a special effort to reduce the "confusion" by sending you a letter allowing you an extra 14 days to file the report in question.

My office has carried out its responsibilities in this matter and your assertions to the contrary are without foundation.

In your letter you requested I make contact with the Mr. Simoneaux's office prior to a hearing, therefore I am forwarding a copy of this letter to the Board of Ethics.

Sincerely

Charles Jagneaux

St. Landry Parish Clerk of Court

CC: Mr. Frank Simoneaux

Louisiana State Board of Ethics

2009 OCT 26 PM 2:51  
CAMPAIGN FINANCE  
RECEIVED



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DAILYWorld

Patricia Cravins

### 3 face Ethics Board fines

BY WILLIAM JOHNSON • [WJOHNSON@DAILYWORLD.COM](mailto:WJOHNSON@DAILYWORLD.COM) • OCTOBER 22, 2009

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Three candidates in the April 4 state Senate District 24 special election are facing up to \$2,500 in fines for failure to timely file a personal financial disclosure form with the state Ethics Board.

All three, Kelly J. Scott, Patricia Cravins and Link Savoie, argue the matter is a misunderstanding brought about by confusion concerning the new state ethics laws.

"We were the first candidates to go through the new process," Cravins said. "I crossed every 't' and dotted every 'i.' I don't think it is fair to fine me when I did what I was told to do."

"They are saying I didn't file my form in a timely manner, but I didn't have the form," Savoie said.

The new ethics laws, which were passed in 2008 as part of a sweeping revision of the state's ethics laws in the first of two special sessions of the Legislature, have caused confusion in many quarters.

When almost the entire state Ethics Board resigned following that special session, there was no functioning ethics board at the state level for almost a year.

The candidates argued that if someone is at fault, it is Clerk of Court Charlie Jagneaux, whose office prepared the candidate packets that were given out during the qualify process in late February.

According to the candidates, that packet contained a long list of forms and reports they had to file and other steps required to meet state election laws. However, they said the packet didn't obviously contain the form in question.

Savoie said, once he got the letter from the state Ethics Board informing him of the violation, he rechecked the package and did find the form folded up inside a brochure. Even then, he found the form confusing.

"It listed a lot of jurisdictions, but I didn't see mine. It wasn't obvious that this applied to me," Savoie said.

Jagneaux, admitting that this was the first election under the new regulations, said he is investigating the matter to make sure such confusion doesn't happen in the future.

Charges against the candidates were filed by the Ethics Board on July 28, and a hearing is set for Tuesday in Baton Rouge.



Link Savoie



Kelly Scott



According to the Ethics Board, both Cravins and Savoie filed the required forms as soon as they were notified of the violation, and the board has since dropped all charges against them.

Even so, both still face up to a \$2,500 fine for the late filing.

"I'm happy it has been dismissed, but I'm concerned about the possible fine," Savoie said.

Scott said Wednesday he has also filed the required form and he will be attending the hearing next week to get this straightened out.

All three were unsuccessful candidates in the contest that was eventually won by then-state Rep. and now-state Sen. Elbert Lee Gulliford.

In that election, Savoie came in third out of field of five candidates in the primary, and Cravins eventually would lose to Gulliford in the May runoff.

In Your Voice | READ REACTIONS TO THIS STORY

Newest first



wrote:

I don't know about Scott and Savoie, but you would think Cravins would know a little something about running for office since it is the family business.

10/22/2009 7:38:28 PM

Recommend(1) New post Reply to this Post Report Abuse

wrote:

Typical democrats, when you get caught blame someone else.

10/22/2009 5:13:02 PM

Recommend(1) New post Reply to this Post Report Abuse

wrote:

I was confused by the news report. In order to get the story correct I attempted to contact the three candidates. The only person I could talk to was Mr. Savoie. He states the reporter failed to report the single piece of paper folded in a booklet was not the financial form. This was notification and a reminder who should file the form in question. The form in question was not available in the packet. He stated that when he signed for the certified letter from the Board of Ethics on August 14th, within hours he made contact with the Board and was instructed to download the financial form, fill it out and send it in, he accomplished this as directed with a full explanation about the contents of the packet. Mr. Savoie further stated that on October 16 he received an official notification from the Board that by a majority vote the charges issued against him were dismissed in their entirety. I am inclined to trust him. Negative news headlines sells faster.

10/22/2009 2:14:14 PM

Recommend New post Reply to this Post Report Abuse

wrote:

"On one hand Link Savoie said he didn't have the form and on the other hand said he did find the form folded up inside a brochure - which is it" Quote from sparrow...

The story written by Bill Johnson is a little confusing in itself lol bird.

"Savoie said, once he got the letter from the state Ethics Board informing him of the violation, he rechecked the package and did find the form folded up inside a brochure. Even then, he found the form confusing".

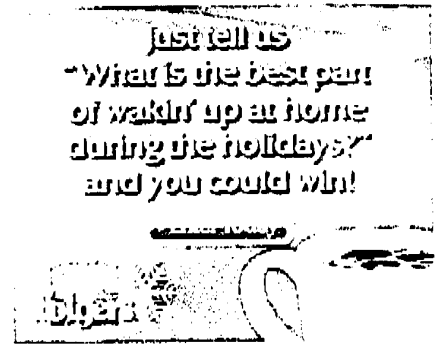
The problem with reporters trying to make sense from a phone interview is shown here well. The hack split up one statement trying to make a point for three respondents and at the same time fill in the space between the ads...

Why did Link pass over certain literature sent to him by the clerk of courts? These stories by the Daily Whirlid seem to be composed by a grammar school level journalist where the information needed to understand a story is hardly ever complete or correct. I find posts more informative than the story.

10/22/2009 11:12:39 AM

Recommend(2) New post Reply to this Post Report Abuse

wrote:



ADDED POLS 5:00 PM Get Listed Here

Win A Year of Travel

Register on AA.com for a Chance at 12 Trips and Premiere Tickets!

AA.com/Up-In-The-Air

Opelousas Refinance at 4.25% FIXED!

No hidden fees! (4.4% APR) Get 4 FREE Quotes! No SSN reqd.

www.LendGo.com

AARP Auto Insurance From The Hartford

Over 50? Save \$402 on Your Auto Insurance In Minutes w/ The Hartford.

AARP.TheHartford.com



I think these three are looking for excuses but the law was perfectly clear. If Patricia Cravins crossed every 't' and dotted every 'i' she wouldn't be in this predicament, so she is not being very truthful. These three were running for the State Senate for God's sake and they were confused about filling out a form. On one hand Link Savole said he didn't have the form and on the other hand said he did find the form folded up inside a brochure - which is it? If it's the law that everyone file a personal financial disclosure form, why did Link think that it didn't apply to him - did he think he was privileged? Scott said he will be attending the hearing next week to get things straightened out, there is nothing to straighten out bud. You three blew it now take your lick and pay the fine, you are not privileged. You better thank your lucky stars the Ethics Board has dropped the charges against you. I hope next time you won't be too confused to do what's required of you!

10/22/2009 10:20:39 AM    [Recommend\(1\)](#)    [New post](#)    [Reply to this Post](#)    [Report Abuse](#)

1 2 >> Last

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1000 characters left  
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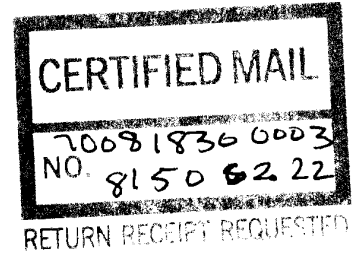
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STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
P. O. BOX 4368  
BATON ROUGE, LA 70821  
(225) 219-5600  
FAX (225) 381-7271  
1-800-842-6630  
www.ethics.state.la.us



March 2, 2009

Mr. Lincoln L. Savoie  
648 Thelma Drive  
Sunset, Louisiana 70584

NOD - 3/13/09  
DUE - 3/17/09

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF DELINQUENCY**

Within **10 days** after the date of qualifying, all candidates shall file a personal financial disclosure statement with the Board of Ethics. Your personal financial disclosure statement for the April 2009 election due by **February 23, 2009** has not yet been received. Unless that statement was timely postmarked, you are subject to automatic late filing fees for every day that the statement is late.

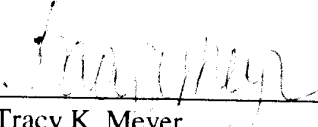
**You have fourteen (14) business days from the date of receipt of this letter to file your personal financial disclosure statement with the Board of Ethics<sup>1</sup>.**

**Failure to file your personal financial disclosure statement within fourteen (14) business days of receipt of this letter shall subject you to an automatic late filing fee of \$100 per day up to a maximum of \$2,500.**

If you have any questions, please do not hesitate to contact me at (225) 219-5600, or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

  
\_\_\_\_\_  
Tracy K. Meyer  
For the Board

<sup>1</sup>  
A personal financial disclosure statement shall be deemed timely filed if mailed on or before the last day of the delay for filing. If the personal financial disclosure statement is received by mail on the first business day following the expiration of the delay, there shall be a rebuttable presumption that it was timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof. For these purposes, the term "by mail" applies only to the United States Postal Service. Personal financial disclosure statements forwarded by private delivery or courier service shall be deemed timely filed only if received by the Board of Ethics on or before the last day of the delay for filing.

## General Item

### Ethics Board Docket No. BD 2009-949 12/18/2009

**RE:**

Consideration of a request to waive a \$2,500 late fee assessed against Karl St. Romain for filing his candidate personal financial disclosure statement late.

**Relevant Statutory Provisions, Advisory Opinions:**

1124.2

**Comments:**

TIER: 2

TYPE OF REPORT: Candidate Report

DAYS LATE: 167

ASSESSED LATE FEE: \$2,500

OTHER LATE FILINGS: No

Mr. St. Romain qualified in February and was required to file a personal financial disclosure statement within 10 days of qualifying. Mr. St. Romain was sent a Notice of Delinquency on March 2, 2009, which was received by Mr. St. Romain on March 12, 2009. The Notice of Delinquency granted Mr. St. Romain another 14 business days to file his report. At the July 2009 meeting, this Board issued charges against Mr. St. Romain demanding he file his required report. In response to the issuance of charges, Mr. St. Romain filed his report on September 15, 2009. Mr. St. Romain was assessed the maximum late fee of \$2,500.

Mr. St. Romain states that the letter in the packet did not include his office as requiring a personal financial disclosure statement. (TKM)

**Recommendations:**

Pursuant to the waiver guidelines, decline to suspend.

---

IKM  
Oct.



KARL ST, ROMAIN  
421 PECAN STREET  
DERIDDER, LA 70634

September 8, 2009

State of Louisiana  
Department of State Civil Service  
Louisiana Board of Ethics  
P O Box 4368  
Baton Rouge, LA 70821

Dear Ms Meyers,

Please allow this letter to confirm our telephone conversation in which I advised that I was unaware of any problems regarding ethics violations until reading the American Press regarding charges against me. As we discussed that morning, I did not have anything in my qualifying material that would have suggested that I needed to file a personal financial statement. As you have seen the blue form that you advised required the filing of the personal financial statement does not include any candidate qualifying for office in the City of DeRidder or Parish of Beauregard.

As I mentioned, I unsuccessfully ran for office without accepting any contributions and spending less than \$200 during my campaign. I believe the charges against me are wholly unfair and warrant closer review by your office. It is my understanding that your office will attempt to make this clear for the future.

I am interested in having a resolution to these charges as soon as possible. Finally I am forwarding the Personal Financial Disclosure Form as you have requested. Please let me know if your office will forego charges, penalties and fines.

Respectfully Submitted

  
Karl St. Romain

2009 SEP 18 PM 5:10  
CAMDEN STATION  
RECEIVED



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

7003 1830 0003  
 8150 6002

March 2, 2009

Mr. Karl St. Romain  
 421 Pecan Street  
 DeRidder, Louisiana 70634

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF DELINQUENCY**

Within **10 days** after the date of qualifying, all candidates shall file a personal financial disclosure statement with the Board of Ethics. Your personal financial disclosure statement for the April 2009 election due by **February 23, 2009** has not yet been received. Unless that statement was timely postmarked, you are subject to automatic late filing fees for every day that the statement is late.

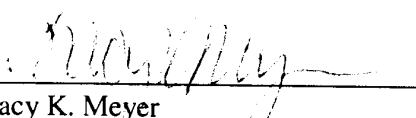
**You have fourteen (14) business days from the date of receipt of this letter to file your personal financial disclosure statement with the Board of Ethics<sup>1</sup>.**

**Failure to file your personal financial disclosure statement within fourteen (14) business days of receipt of this letter shall subject you to an automatic late filing fee of \$100 per day up to a maximum of \$2,500.**

If you have any questions, please do not hesitate to contact me at (225) 219-5600, or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

  
 Tracy K. Meyer  
 For the Board

---

<sup>1</sup> A personal financial disclosure statement shall be deemed timely filed if mailed on or before the last day of the delay for filing. If the personal financial disclosure statement is received by mail on the first business day following the expiration of the delay, there shall be a rebuttable presumption that it was timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof. For these purposes, the term "by mail" applies only to the United States Postal Service. Personal financial disclosure statements forwarded by private delivery or courier service shall be deemed timely filed only if received by the Board of Ethics on or before the last day of the delay for filing.

## General Item

### Ethics Board Docket No. BD 2009-963 12/18/2009

**RE:**

Consideration of a request to waive a \$2,500 late fee assessed against Lindora Baker for her failure to timely file her candidate personal financial disclosure statement.

**Relevant Statutory Provisions, Advisory Opinions:**

1124.2

**Comments:**

TIER: 2

TYPE OF REPORT: Candidate Report

DAYS LATE: 146

ASSESSED LATE FEE: \$2,500

OTHER LATE FILINGS: No

Ms. Baker qualified in February and was required to file a personal financial disclosure statement within 10 days of qualifying. Ms. Baker was sent a Notice of Delinquency on March 2, 2009, which was received by Ms. Baker on March 16, 2009. The Notice of Delinquency granted Ms. Baker another 14 business days to file her report. At the July 2009 meeting, this Board issued charges against Ms. Baker demanding she file her required report. In response to the issuance of charges, Ms. Baker filed her report on August 27, 2009. Ms. Baker was assessed the maximum late fee of \$2,500.

Ms. Baker states that she did not understand the forms. (TKM)

**Recommendations:**

Pursuant to the waiver guidelines, decline to suspend.

2009-963



# CADDO PARISH COMMISSION

**LINDORA L. BAKER**  
COMMISSIONER-DISTRICT 6

P.O. Box 6041  
SHREVEPORT, LA 71136



PH: (318) 868-8340  
FAX: (318) 219-9674  
EMAIL: lbaker-olivebranch@comcast.net

September 29, 2009

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

To the Louisiana Board of Ethics:

I am applying to The Louisiana Board of Ethics to conduct a "good cause hearing" for the late filing of my personal financial disclosure statement.

The reason for the late filing of my financial statement is not having a good understanding of how to fill it out – how early I can file and I mailed the form without getting it notarized.

Please accept this as a letter of request for a "good cause hearing".

Thank you for your consideration.

May God bless

*Lindora Baker*  
Lindora Baker

Caddo Commissioner, District 6

2009 OCT -1 PM 4:18  
LINDORA L. BAKER  
CAMPAIGN FINANCE  
RECEIVED





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

PH 04 002175

70081930 0003  
81505070

March 2, 2009

Ms. Lindora Baker  
 451 E. 78<sup>th</sup> Street  
 Shreveport, Louisiana 71106-5009

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

### NOTICE OF DELINQUENCY

Within **10 days** after the date of qualifying, all candidates shall file a personal financial disclosure statement with the Board of Ethics. Your personal financial disclosure statement for the April 2009 election due by **February 23, 2009** has not yet been received. Unless that statement was timely postmarked, you are subject to automatic late filing fees for every day that the statement is late.


**You have fourteen (14) business days from the date of receipt of this letter to file your personal financial disclosure statement with the Board of Ethics<sup>1</sup>.**

**Failure to file your personal financial disclosure statement within fourteen (14) business days of receipt of this letter shall subject you to an automatic late filing fee of \$100 per day up to a maximum of \$2,500.**

If you have any questions, please do not hesitate to contact me at (225) 219-5600, or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

  
 \_\_\_\_\_  
 Tracy K. Meyer  
 For the Board

\_\_\_\_\_

A personal financial disclosure statement shall be deemed timely filed if mailed on or before the last day of the delay for filing. If the personal financial disclosure statement is received by mail on the first business day following the expiration of the delay, there shall be a rebuttable presumption that it was timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or by official receipt or certificate from the United States Postal Service made at the time of mailing which indicates the date thereof. For these purposes, the term "by mail" applies only to the United States Postal Service. Personal financial disclosure statements forwarded by private delivery or courier service shall be deemed timely filed only if received by the Board of Ethics on or before the last day of the delay for filing.



## General Item

### Ethics Board Docket No. BD 2009-1049 12/18/2009

**RE:**

Consideration of a request filed by Anthony James Soileau, Sr. to waive a \$1,100 fine assessed against him for filing his candidate personal financial disclosure statement 11 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

1124.2

**Comments:**

TIER: 2

TYPE OF REPORT: Candidate Personal Financial Disclosure

DUE DATE: July 31, 2009

DATE FILED: August 11, 2009

DAYS LATE: 11 days

OTHER LATE FILINGS: No

Anthony James Soileau, Sr. qualified for the September 4, 2009 election and was required to file a personal financial disclosure statement within 10 days of qualifying for such election. Mr. Soileau received a Notice of Delinquency on July 13, 2009 giving him 14 business days to file the required personal financial disclosure report.

Mr. Soileau states that the campaign packet given to him at the time of qualifying was confusing. If he had known of this requirement, he would have filed the required report at that time. Further, Mr. Soileau states that the \$1,100 fine would create a financial hardship on his family as he was severely injured in an accident and is trying to support a family of six plus his wife. (TKM)

**Recommendations:**

Pursuant to the waiver guidelines, suspend all but \$500 based on future compliance.

TM

2009-1049

Anthony James Soileau, Sr.  
P.O. Box 513  
Washington, LA 70589  
(337) 292-0740

September 25, 2009

Ms. Lytoshia Thompson  
LA Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

2009 SEP 28 PM 4: 09  
CAMPAIGN FINANCE  
RECEIVED

**RE: Personal Financial Disclosure Statement (Special Election)**

Dear Ms. Thompson,

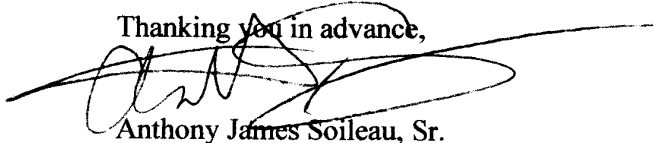
I apologize for the late filing of the Personal Financial Disclosure Statement and write this letter in hopes of receiving a waiver.

This was the first time that I ran for an office requiring these disclosures and the packet that I received at the time of qualifying was unclear. In addition, I filed the required papers according to the information received from the St. Landry Parish Clerk of Court's office. I had no intent of deceiving anyone and if the disclosure were timely filed, it would not have provided anything different, any conflict of interest, violations, etc. I think the "spirit" of the law was not violated. I strongly agreed we needed these changes to keep politicians from deceiving the public. Everything that was required to be reported and then some was disclosed on my either campaign website or flyers.

I pray that these fees will be waived. I did not spend the assessed fine on my campaign. I was severely injured by an elected official (Fire Chief of Grand Cateau) who had no insurance on his vehicle. My income went from \$6,000.00 to \$3,200 per month. I am married with six (6) children.

If needed, and if the Board would like me to appear in their presence, I would be more than happy to fully explain the misunderstanding.

Thanking you in advance,



Anthony James Soileau, Sr.

## General Item

### Ethics Board Docket No. BD 2009-1051 12/18/2009

**RE:**

Consideration of a request filed by Jean Celestine and Earline Roth to waive a \$1,500 fine assessed against each for filing their amended personal financial disclosure statements 56 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

1124.2.1

**Comments:**

TIER: 2.1

TYPE OF REPORT: Annual Personal Financial Disclosure

DUE DATE: August 21, 2009

DATE FILED: October 16, 2009

DAYS LATE: 56 days

OTHER LATE FILINGS: No

Both Mr. Celestine and Ms. Roth submitted their original personal financial disclosure statements timely. However, both reports contained errors. Both Mr. Celestine and Ms. Roth received a Notice of Delinquency giving them 14 business days to file an amended corrected report by August 21, 2009. On October 7, 2009, a late fee assessment letter was issued since the reports had not been received. In response to the late fee assessment, both Mr. Celestine and Ms. Roth faxed their amended personal financial disclosure statements on October 16, 2009. Both Mr. Celestine and Ms. Roth assert they mailed the amended reports on August 14, 2009. However, the staff has no record of receipt of the amended reports and no proof of mailing has been submitted by Mr. Celestine and Ms. Roth. (TKM)

**Recommendations:**

Pursuant to the waiver guidelines, decline to waive.

---

TM

2009-1051

# HALEY & MCKEE, L.L.C.

*Attorneys and Counselors at Law*

Randy G. McKee

(504) 581-5902 (Direct Line)  
rmckee@haleymckee.com

November 5, 2009

2009 NOV - 6 AM 9: 53  
REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

**VIA FACSIMILE & FEDERAL EXPRESS**

Tracy Meyer, Esq.  
Louisiana Board of Ethics  
617 North Third Street  
Suite 10-36  
Baton Rouge, LA 70802

**RE: REQUEST FOR WAIVER OF LATE FEES  
REGIONAL TRANSIT AUTHORITY BOARD OF COMMISSIONERS  
JEAN CELESTIN AND EARLINE ROTH**

Dear Ms. Meyer:

Our office serves as General Counsel to the Regional Transit Authority Board of Commissioners. Pursuant to LSA-R.S. 42:1157, I am writing to request that the Louisiana Ethics Board issues a full and complete waiver of any late fees that have been assessed against Commissioner Jean Celestin and Commissioner Earline Roth in regard to the 2008 Personal Financial Disclosure Statements.

Mr. Celestin's original disclosure statement was submitted in a timely fashion. He received a Notice of Delinquency on August 3, 2009 advising him to submit an amended report by August 21, 2009. The only change in the report was on page one, line two, where Mr. Celestin inadvertently wrote his name instead of "Regional Transit Authority Board of Commissioners." I spoke to Roy Brees on August 4, 2009, and he informed me of the necessary change.

Deslie Isidore, the RTA Board's Executive Assistant, mailed the amended disclosure statement on August 14, 2009. Ms. Isidore also faxed and mailed the amended disclosure statement on October 16, 2009, after receiving the October 7, 2009 correspondence from Lytoshia Thompson of the Board of Ethics.

**Tracy Meyer, Esq.**  
**November 5, 2009**  
**Page Two**

Ms. Roth's original disclosure statement was submitted in a timely fashion. She received a Notice of Delinquency advising her to submit an amended report by August 21, 2009. The only change related to per diem income information of \$1,050.00 that she received as a commissioner.

Ms. Isidore also mailed the amended disclosure statement on August 14, 2009. Ms. Isidore also faxed and mailed the amended disclosure statement on October 16, 2009, after receiving the October 7, 2009 correspondence from Lytoshia Thompson of the Board of Ethics.

It is my understanding that your office does not have information reflecting the receipt of the amended forms, prior to August 21, 2009. The original and amended statements were both mailed to your office.

This request is being made, due to the timeliness of both commissioners' original and amended reports. Further, my communication with representatives of your office in August demonstrates the compliance that the commissioners exercised with the request for the amended reports. Finally, the information sought with the amended reports did not unreasonably delay any determination that your office had to make regarding overall compliance with the new ethics laws.

If you have any questions or need additional information, please call or email me.

Thank you for your review and consideration of this matter.

With best regards, I am

Sincerely,

  
Randy G. McKee

Enclosures  
cc: File

P.01/01

## TRANSACTION REPORT

OCT/16/2009/FRI 10:35 AM

FAX (TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
001	OCT/16	09:51AM	912253817271	0:00:58	6	OK	SG3 8643



VIA FAX #225.381.7271  
6 pages including Cover Letter

October 16, 2009

Lytoshia Thompson  
 Program Compliance Officer  
 Louisiana Board of Ethics  
 P.O. Box 4368  
 Baton Rouge, LA 70821

Dear Ms. Thompson,

Regional  
 Transit  
 Authority

Re: Letters to RTA Commissioners Celestin and Roth

The Regional Transit Authority Board Office mailed the amended reports referenced in your letter of October 7, 2009 on August 14, 2009. Your letter indicates that your office has not received them. I am submitting copies of these amended reports by fax and would appreciate a confirmation of receipt.

As the amended reports were mailed timely, I am respectfully requesting a waiver of the late fees.

If there are any questions or if additional information is required please contact me at 504.827.8330 or by email at [disidore@norta.com](mailto:disidore@norta.com).

2817 Canal Street,  
 New Orleans,  
 Louisiana  
 70119

Sincerely,

Deslie Ann Isidore  
 Executive Assistant  
 Regional Transit Authority Board of Commissioners

Board of Commissioners  
 504-827-8330  
 Facsimile

/DAI

Enclosures



**VIA FAX #225.381.7271**  
**6 pages including Cover Letter**

October 16, 2009

Lytoshia Thompson  
Program Compliance Officer  
Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

Dear Ms. Thompson,

Re: Letters to RTA Commissioners Celestin and Roth

Regional  
Transit  
Authority

The Regional Transit Authority Board Office mailed the amended reports referenced in your letter of October 7, 2009 on August 14, 2009. Your letter indicates that your office has not received them. I am submitting copies of these amended reports by fax and would appreciate a confirmation of receipt.

As the amended reports were mailed timely, I am respectfully requesting a waiver of the late fees.

If there are any questions or if additional information is required please contact me at 504.827.8330 or by email at [disidore@norta.com](mailto:disidore@norta.com).

2817 Canal Street,  
New Orleans,  
Louisiana  
70119

Sincerely,

Deslie Ann Isidore  
Executive Assistant  
Regional Transit Authority Board of Commissioners

Board of Commissioners  
504-827-8330  
Facsimile  
504-827-8420

/DAI

Enclosures

**PERSONAL FINANCIAL DISCLOSURE  
"TIER 2.1"**

**LSA-R.S. 42:1124.2.1**

ORIGINAL REPORT

AMENDED REPORT

This Report Covers Calendar Year 2008

Name of Board or Commission Regional Transit Authority Board of Commissioners

Full Name of Filer: Jean Celestin

Full Name of Spouse: N/A

Mailing Address: 6911 Lake Willow Dr  
Street Apt. #  
New Orleans LA 70126  
City State Zip Code

Spouse's Occupation: N/A

Spouse's Principal Business Address, if any:

Street Suite #  
City State Zip Code

- (A) I certify that I have filed my federal income tax return for the previous year.
- (B) I certify that I have filed my state income tax return for the previous year.
- or
- (A) I certify that I have filed for an extension of my federal income tax return for the previous year.
- (B) I certify that I have filed for an extension of my state income tax return for the previous year.

I do hereby certify that neither I nor any member of my immediate family has a personal or financial interest in any entity, contract, or business, or a personal or financial relationship, that in any way poses a conflict of interest, which would affect the impartial performance of my duties.

OR

I have attached a statement describing each conflict and action I am taking to resolve or avoid this conflict.

**[CERTIFICATION OF ACCURACY ON FOLLOWING PAGE]**



**CERTIFICATION OF ACCURACY**

**I do hereby certify that the information contained in this personal financial disclosure form is true and correct to the best of my knowledge and belief.**



\_\_\_\_\_  
Signature of Filer

PERSONAL FINANCIAL DISCLOSURE  
"TIER 2.1"  
LSA-R.S. 42:1124.2.1

ORIGINAL REPORT

AMENDED REPORT

This Report Covers Calendar Year 2008

Name of Board or Commission REGIONAL TRANSIT AUTHORITY

Full Name of Filer: EARLINE BOTH

Full Name of Spouse: N/A

Mailing Address: 929 TERPSICHOPE STREET  
Street Apt. #  
NO LA 70130  
City State Zip Code

Spouse's Occupation: N/A

Spouse's Principal Business Address, if any:

\_\_\_\_\_  
Street Suite #  
\_\_\_\_\_  
City State Zip Code

- (A) I certify that I have filed my federal income tax return for the previous year. N/A
- (B) I certify that I have filed my state income tax return for the previous year. N/A
- or
- (A) I certify that I have filed for an extension of my federal income tax return for the previous year.
- (B) I certify that I have filed for an extension of my state income tax return for the previous year.

I do hereby certify that neither I nor any member of my immediate family has a personal or financial interest in any entity, contract, or business, or a personal or financial relationship, that in any way poses a conflict of interest, which would affect the impartial performance of my duties.

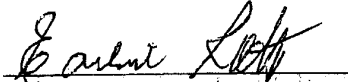
OR

I have attached a statement describing each conflict and action I am taking to resolve or avoid this conflict.

[CERTIFICATION OF ACCURACY ON FOLLOWING PAGE]

**CERTIFICATION OF ACCURACY**

I do hereby certify that the information contained in this personal financial disclosure form is true and correct to the best of my knowledge and belief.

  
Signature of Filer

**SCHEDULE B  
INCOME FROM THE STATE, POLITICAL SUBDIVISIONS,  
AND/OR GAMING INTERESTS**

The name, address, type, and amount of each source of income received by you or your spouse, or by any business in which you or your spouse, either individually or collectively, owns an interest which exceeds ten percent of that business, which is received from any of the following:

- the state or any political subdivision as defined in Article VI of the Constitution of Louisiana;
- services performed for or in connection with a gaming interest as defined in R.S. 18:1505.2L(3)(a).

**Note: For this page ONLY, the "amount of income" must be reported as an exact dollar figure.**

Filer  Spouse  Business Amount of Income \$ 1050.00

Name of Business, if applicable REGIONAL TRANSIT AUTHORITY

Name of Source of Income MEETING PER DIEMS

Type of Income:  State  Political Subdivision  Gaming Interest

Address 2817 CADAL STREET

Street Suite #

NO LA 70119

City Zip Code

Filer  Spouse  Business Amount of Income \$ \_\_\_\_\_

Name of Business, if applicable \_\_\_\_\_

Name of Source of Income \_\_\_\_\_

Type of Income:  State  Political Subdivision  Gaming Interest

Address \_\_\_\_\_

Street Suite #

\_\_\_\_\_

City Zip Code

Filer  Spouse  Business Amount of Income \$ \_\_\_\_\_

Name of Business, if applicable \_\_\_\_\_

Name of Source of Income \_\_\_\_\_

Type of Income:  State  Political Subdivision  Gaming Interest

Address \_\_\_\_\_

Street Suite #

\_\_\_\_\_

City Zip Code

**DECEMBER 18, 2009 SCHOOL BOARD DISCLOSURE STATEMENTS WAIVER CHART**

No.	Agenda Page #	Docket #	Name	Days Late	Fine	Other Late Filings	Reccom.
1	124	09-1024	Jefferson Davis School Board Members	12	\$600	No	Waive.
2	137	09-1052	George Rabb	15	\$750	No	Waive.
3	139	09-1073	Livingston School Board Members	1	\$50	No	Waive.

## ◆◆ MEMORANDUM ◆◆

To: Louisiana Board of Ethics  
From: Tracy K. Meyer  
Re: Late Filing of School Board and Hospital Service District Disclosure Statements  
Date: October 21, 2009

The following proposed procedures are for handling waiver requests of late filed school board and hospital service district disclosure statements. These procedures will outline how the staff handles the waiver requests as well as the how the staff will come to a recommendation of a waiver or suspension of any late fees assessed.

### WAIVER REQUESTS:

The staff will only consider all waiver requests that are timely filed with the Board.

Rule 1205 of the Boards Rules indicated that waivers are considered timely if they are received by the staff, in writing, within 30 days of the staff mailing the assessment of the late fee.

Section 1157.2 of the Louisiana Code of Governmental Ethics provides authority for the Board's waiver of late filing fees based upon "Good Cause."

"Good Cause" is defined in §1157.2 as follows: "*any actions or circumstances which, in the considered judgment of the Board, were not within the control of the late filer and which were the direct cause of the late filing.*"

### Recommendation to waive a fine:

- The staff will consider recommending a **waiver of the late fees** only if the following criteria are met:
  1. The waiver request is timely filed with the Board, and
  2. The late filer is a first time offender.
- If the filer meets the requirements above, the staff will then look at the specific reason given for the late filing to determine if it merits "Good Cause".
- If the reason given meets the statutory definition of "Good Cause", then the staff will make a recommendation based on the schedule below:
  1. If between 1 and 10 days late, **waive the fine.**
  2. If between 11 and 20 days late, waive all but \$300.
  3. If between 21 and 30 days late, waive all but \$500.

- If the filer demonstrates material<sup>1</sup> financial hardship, and there is “Good Cause” for the late filed report, the staff may recommend waiver of the entire late fee.

Recommendation to *suspend* a fine:

- The staff will consider recommending a **suspension of the late fees**, for those persons who have previously filed a late report, only if the following criteria are met:
  1. The waiver request is timely filed with the Board, and
  2. The late filer has no more than 1 other late filing with an assessed fine.
- If the filer meets the requirements above, the staff will then look at the specific reason given for the late filing to determine if it merits “Good Cause”.
- If the reason given meets the statutory definition of “Good Cause”, the staff will make a recommendation based on the schedule below:
  1. If between 1 and 10 days late, **suspend the fine**.
  2. If between 11 and 20 days late, **suspend all but \$300**.
  3. If between 21 and 30 days late, **suspend all but \$500**.

*All suspensions are to be based upon future compliance with the Code of Governmental Ethics.*

- If the filer demonstrates material financial hardship, and there is “Good Cause” for the late filed report, the staff may recommend the suspension of the entire late fee.

**WAIVER RECONSIDERATION REQUESTS:**

The staff will consider *waiver reconsideration requests* that are filed with the Board if they are:

1. Filed, in writing, within 30 days of the Board denying a waiver request,
2. Presents new facts and/or evidence regarding the late filing, and

The staff will only consider **one** waiver reconsideration request per late filing penalty.

If the waiver reconsideration request presents new facts, which the staff deems to be “Good Cause” as defined in §1157.2, it will make a recommendation that the Board consider the reconsideration request.

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<sup>1</sup> Material financial hardship should be shown by documentary evidence, not just testimony.

The staff will then make a recommendation based upon its established waiver guidelines as outlined above.



## General Item

### Ethics Board Docket No. BD 2009-1024 12/18/2009

**RE:**

Consideration of a request to waive a \$600 late fee assessed against nine (9) Jefferson Davis Parish School Board members and the Superintendent for filing their annual 2009-2010 school board disclosure statements 12 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

1119B(2)

**Comments:**

David Clayton, Superintendent for the Jefferson Davis Parish School Board, and the following school board members; Jason Bouley, Michael Heinen, James Segura, Mark Boudreaux, Sr., Charles Bruchhaus, Donald Dees, Robert Menard, Phillip Arceneaux, and David Capdeville, are requesting a waiver of the \$600 late fee assessed for filing their school board disclosure statements 12 days late.

Since they aforementioned school board members and superintendent did not receive a notice of delinquency within 4 days of the due date, the fine should be reduced from \$600 to \$200.

No one has any other late filings.  
(TKM)

**Recommendations:**

Pursuant to the waiver guidelines, waive the late fee assessments.

---

2009-1024

TM



**MICHAEL C. CASSIDY**

DISTRICT ATTORNEY  
31ST JUDICIAL DISTRICT  
STATE OF LOUISIANA  
POST OFFICE BOX 1388  
JENNINGS, LOUISIANA 70546  
TELEPHONE (337) 824-1893  
FAX (337) 824-3311



**BENNETT R. LAPOINT**  
ASSISTANT DISTRICT ATTORNEY  
**KEVIN D. MILLICAN**  
ASSISTANT DISTRICT ATTORNEY  
**STACEY C. NAQUIN**  
ASSISTANT DISTRICT ATTORNEY

**DAVID P. BRUCHHAUS**  
ASSISTANT DISTRICT ATTORNEY  
**CHRIS A. MYERS**  
INVESTIGATIVE ASSISTANT  
**RODNEY M. STEED**  
ADMINISTRATIVE ASSISTANT

October 14, 2009

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

RE: 2009-2010 School Board Disclosure Statement

Dear Sirs:

As the attorney for the Jefferson Davis Parish School Board, I was notified that several school board members and the superintendent inadvertently filed their 2009-2010 school board disclosure statement several days late. LA R.S. 42:1119(B)(2)(a)(iii) requires any school board member or superintendent whose immediate family member is employed by the school board to file a disclosure statement within thirty days after the beginning of each school year.

The Jefferson Davis Parish School Board has thirteen (13) members. Nine (9) of the members and the superintendent have an immediate family member employed by the school board; therefore, a total of ten (10) disclosure statements must be filed.

The board members and the superintendent relied on the superintendent's secretary to file these statements in accordance with the law. This secretary replaced the person who served in that position for thirty years. She did not totally understand the process or the time requirements. Consequently, she filed the statements twelve days late.

Enclosed herein is a personal request from each board member and the superintendent requesting that the Board of Ethics waive the late fees for good cause shown, in accordance with LA. R.S. 42:1157.2.

Please note that this school board has never filed these disclosure statements after the due date. The same procedure was used by the former secretary during that time; however, she was personally aware of the time requirement. The board members and superintendent obviously assumed that the current secretary understood the complete process, and they totally relied on her to get the disclosure statements filed properly and timely.

2009 OCT 19 PM 4:53  
RECEIVED  
COURT CLERK  
STATE OF LOUISIANA

October 14, 2009

Page 2

The secretary, who feels absolutely terrible about the inadvertent mistake, collected the statements from the nine members and superintendent, and mailed them together. There was certainly no intention to disrespect the law or procedure. The superintendent and I have met with the secretary to set up safeguards to guarantee that this will not happen again.

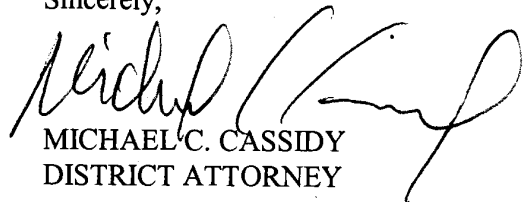
Please note that none of the board members or the superintendent are in violation of having relatives employed improperly or in violation of the nepotism provisions. Consequently, the untimely filing of the disclosure statements was purely accidental, and there was no harm as a result thereof.

The superintendent accepts the responsibility for this error. The board members do not have personal secretaries, so they depend on the school board staff to take care of these matters. The superintendent and his secretary feel terrible that the financial penalty is so high for the school board members whose gross salary is \$600.00 per month.

Finally, please note that the members and the superintendent did not receive a notice of delinquency in the matter. The law, LA. R.S. 42:1157(B) requires the staff of the Board of Ethics to mail such notice within four days of the due date of which the staff has reason to know the report is due. Obviously, the delinquency notice would have guaranteed that the school board members and the superintendent would have inquired about this matter with the secretary, and the disclosure statements would have been immediately faxed to the Board of Ethics.

Based upon the actions and circumstances in this case, I am requesting that the late filing fees in all ten cases be waived for good cause shown. I appreciate your time and consideration in this matter. If you have any questions, please do not hesitate to call.

Sincerely,



MICHAEL C. CASSIDY  
DISTRICT ATTORNEY

MCC/cc

---

# JEFFERSON DAVIS PARISH SCHOOL BOARD

P.O. BOX 640 203 EAST PLAQUEMINE STREET  
JENNINGS, LOUISIANA 70546

DAVID CLAYTON  
SUPERINTENDENT

TELEPHONE (337) 824-1834  
FAX (337) 824-9737

October 14, 2009

Louisiana Board of Ethics  
Post Office Box 4368  
Baton Rouge, LA 70821

Re: 2009-2010 School Board Disclosure Statements

2009 OCT 19 PM 4:53  
RECEIVED  
FINANCE

Dear Sirs:

As the superintendent for the Jefferson Davis Parish School Board, I am required to file a disclosure statement within thirty (30) days after the beginning of each school year concerning the employment of an immediate family member by the school board. Unfortunately, my statement was inadvertently filed twelve days late, and I have been notified that a late fee of \$600.00 has been imposed upon me.

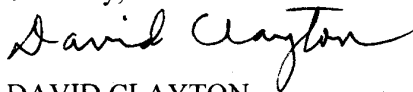
I am hereby requesting the Board of Ethics to waive the late fees for good cause shown, as indicated and explained in the cover letter from our legal counsel, District Attorney Michael C. Cassidy.

I gave the completed statement to the school board secretary before the due date. I relied on her to file it timely, as it has been done for many years. New procedures have been adopted to prevent this mistake from happening again. Also, I did not receive a delinquency notice, or I would have filed my statement sooner.

Finally, please note that I do not have any immediate family members employed by the Jefferson Davis Parish School Board in a manner that is improper or unlawful.

Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,



DAVID CLAYTON  
Superintendent

# JEFFERSON DAVIS PARISH SCHOOL BOARD

P.O. BOX 640 203 EAST PLAQUEMINE STREET  
JENNINGS, LOUISIANA 70546

DAVID CLAYTON  
SUPERINTENDENT

TELEPHONE (337) 824-1834  
FAX (337) 824-9737

October 14, 2009

Louisiana Board of Ethics  
Post Office Box 4368  
Baton Rouge, LA 70821

Re: 2009-2010 School Board Disclosure Statements

Dear Sirs:

As an elected school board member in Jefferson Davis Parish, I am required to file a disclosure statement within thirty (30) days after the beginning of each school year concerning the employment of an immediate family member by the school board. Unfortunately, my statement was inadvertently filed twelve days late, and I have been notified that a late fee of \$600.00 has been imposed upon me.

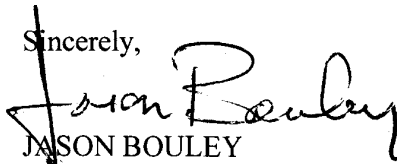
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Finally, please note that I do not have any immediate family members employed by the Jefferson Davis Parish School Board in a manner that is improper or unlawful.

Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,

  
JASON BOULEY

2009 OCT 19 PM 4:55  
CLAYTON  
RECEIVED

# JEFFERSON DAVIS PARISH SCHOOL BOARD

P.O. BOX 640 203 EAST PLAQUEMINE STREET  
JENNINGS, LOUISIANA 70546

DAVID CLAYTON  
SUPERINTENDENT

TELEPHONE (337) 824-1834  
FAX (337) 824-9737

October 14, 2009

2009 OCT 19 PM 4:54  
RECEIVED  
FINANCE  
SECTION

Louisiana Board of Ethics  
Post Office Box 4368  
Baton Rouge, LA 70821

Re: 2009-2010 School Board Disclosure Statements

Dear Sirs:

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Finally, please note that I do not have any immediate family members employed by the Jefferson Davis Parish School Board in a manner that is improper or unlawful.

Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,

  
MICHAEL HEINEN

# JEFFERSON DAVIS PARISH SCHOOL BOARD

P.O. BOX 640 203 EAST PLAQUEMINE STREET  
JENNINGS, LOUISIANA 70546

DAVID CLAYTON  
SUPERINTENDENT

TELEPHONE (337) 824-1834  
FAX (337) 824-9737

October 14, 2009

2009 OCT 19 PM 4:54  
JEFFERSON DAVIS PARISH SCHOOL BOARD  
RECEIVED

Louisiana Board of Ethics  
Post Office Box 4368  
Baton Rouge, LA 70821

Re: 2009-2010 School Board Disclosure Statements

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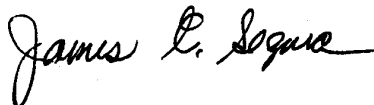
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Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,

JAMES E. SEGURA



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Finally, please note that I do not have any immediate family members employed by the Jefferson Davis Parish School Board in a manner that is improper or unlawful.

Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,

  
MARK E. BOUDREAUX, SR.

2009 OCT 19 PM 4:54  
RECEIVED  
STATEMENT



# JEFFERSON DAVIS PARISH SCHOOL BOARD

P.O. BOX 640 203 EAST PLAQUEMINE STREET  
JENNINGS, LOUISIANA 70546

DAVID CLAYTON  
SUPERINTENDENT

TELEPHONE (337) 824-1834  
FAX (337) 824-9737

October 14, 2009

Louisiana Board of Ethics  
Post Office Box 4368  
Baton Rouge, LA 70821

2009 OCT 19 PM 4:54  
RECEIVED  
LAW OFFICE OF  
MICHAEL C. CASSIDY

Re: 2009-2010 School Board Disclosure Statements

Dear Sirs:

As an elected school board member in Jefferson Davis Parish, I am required to file a disclosure statement within thirty (30) days after the beginning of each school year concerning the employment of an immediate family member by the school board. Unfortunately, my statement was inadvertently filed twelve days late, and I have been notified that a late fee of \$600.00 has been imposed upon me.

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Finally, please note that I do not have any immediate family members employed by the Jefferson Davis Parish School Board in a manner that is improper or unlawful.

Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,



CHARLES R. BRUCHHAUS

# JEFFERSON DAVIS PARISH SCHOOL BOARD

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October 14, 2009

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Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,



DONALD DEES

2009 OCT 19 PM 4:54  
CLAYTON FINANCE RECEIVED

# JEFFERSON DAVIS PARISH SCHOOL BOARD

P.O. BOX 640 203 EAST PLAQUEMINE STREET  
JENNINGS, LOUISIANA 70546

DAVID CLAYTON  
SUPERINTENDENT

TELEPHONE (337) 824-1834  
FAX (337) 824-9737

October 14, 2009

Louisiana Board of Ethics  
Post Office Box 4368  
Baton Rouge, LA 70821

Re: 2009-2010 School Board Disclosure Statements

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Finally, please note that I do not have any immediate family members employed by the Jefferson Davis Parish School Board in a manner that is improper or unlawful.

Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,

  
ROBERT W. MENARD

2009 OCT 19 PM 4:54  
RECEIVED  
FINANCE  
SECTION

# JEFFERSON DAVIS PARISH SCHOOL BOARD

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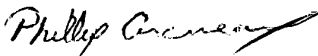
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Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,



PHILLIP ARCENEAUX

2009 OCT 19 PM 4:54  
CLERK OF COURSE  
CAMPAIGN FINANCE  
RECEIVED

# JEFFERSON DAVIS PARISH SCHOOL BOARD

P.O. BOX 640 203 EAST PLAQUEMINE STREET  
JENNINGS, LOUISIANA 70546

DAVID CLAYTON  
SUPERINTENDENT

TELEPHONE (337) 824-1834  
FAX (337) 824-9737

October 14, 2009

Louisiana Board of Ethics  
Post Office Box 4368  
Baton Rouge, LA 70821

Re: 2009-2010 School Board Disclosure Statements

2009 OCT 19 PM 4:54  
RECEIVED  
FINANCE  
NATION

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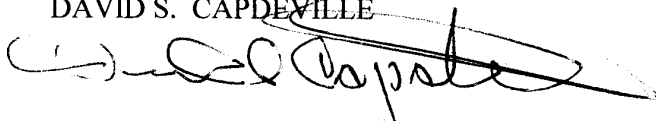
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Finally, please note that I do not have any immediate family members employed by the Jefferson Davis Parish School Board in a manner that is improper or unlawful.

Consequently, please waive the late fees in this matter. Your consideration would be greatly appreciated.

Sincerely,

DAVID S. CAPDEVILLE



## **General Item**

### **Ethics Board Docket No. BD 2009-1052 12/18/2009**

**RE:**

Consideration of a request to waive a \$750 late fee assessed for filing his 2009-2010 school board disclosure statement 15 days late.

**Relevant Statutory Provisions, Advisory Opinions:**

1119B

**Comments:**

TYPE OF REPORT: School Board

DAYS LATE: 3

ASSESSED LATE FEE: \$150

OTHER LATE FILINGS: No

Mr. Rabb filed his annual school board disclosure statement 3 days late. (TKM)

**Recommendations:**

Pursuant to the waiver guidelines, waive the late fee.

T M

2009-1052

George Rabb  
10320 Deerfield Dr  
New Orleans, La 70127  
November 6, 2009

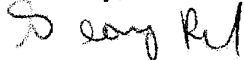
Lytoshia Thompson  
Program Compliance Officer  
Louisiana Board of Ethics  
PO Box 4366  
Baton Rouge, La 70821

Dear Ms. Thompson

I am in receipt of your letter dated October 6, 2009 describing the violation of timely filing of the 2009-2010 School Board Disclosure Statement. I would like to request an abatement of the penalty because of address changes occurring due to rebuilding of residence and mail problems at the new address. The difficulty of mail is a recurring problem in this area because of significant personnel problems with the mail service.

I am not taking the violations lightly. In fact your letter has made me consider a PO Box because of the persistence of the problem. I hope you will consider the significance of the problems and consider abating this penalty.

Sincerely,



George Rabb

2009 NOV -6 AM 9:31  
REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

## **General Item**

### **Ethics Board Docket No. BD 2009-1073 12/18/2009**

**RE:**

Consideration of a request to waive a \$50 late fee assessed against the members of the Livingston Parish School Board for filing their 2009-2010 school board disclosure statements 1 day late.

**Relevant Statutory Provisions, Advisory Opinions:**

1119B

**Comments:**

TYPE OF REPORT: School Board

DAYS LATE: 1

ASSESSED LATE FEE: \$50

OTHER LATE FILINGS: No

The members of the Livingston Parish School Board filed their annual school board disclosure statements 1 day late. (TKM)

**Recommendations:**

Pursuant to the waiver guidelines, waive the fines.

---



IM



# Livingston Parish Public Schools

## *Excellence in Education!*

13909 Florida Boulevard  
 P.O. Box 1130  
 Livingston, Louisiana 70754-1130  
 Phone: (225) 686-7044 Fax: (225) 686-3052 Website: www.lpsb.org

**Bill Spear**  
 Superintendent

**John Watson**  
 Assistant Superintendent

**Thomas Cothorn**  
 Assistant Superintendent

2009-1073

October 8, 2009

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

RE: 2009/2010 School Board Disclosure Statement

2009 OCT -9 PM 4: 24  
 FINANCIAL ADMINISTRATION  
 CAMPAIGN FINANCE  
 RECEIVED

TO WHOM IT MAY CONCERN:

I am asking for a waiver of the late fees imposed upon the Livingston Parish School Board members in reference to their Disclosure Statements being submitted late for the following reason:

The Executive Secretary to the Board Members collected each individual Board Members completed Disclosure Statements Forms and mailed to the Louisiana Board of Ethics with the mailing address on Quail Drive. The forms were returned by the post office to the school board about two (2) weeks later. The Executive Secretary called the Ethics Board Office and informed them of the dilemma and received the correct address to return the forms. The forms were submitted by mail the same day.

Thank you for your consideration of this request and if addition additional information, please contact me.

Sincerely,

Bill Spear  
 Superintendent

BS/dd

November 4, 2009<sup>TM</sup>

2009-1060

Dear Board Members,

REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

2009 NOV 06 AM 8:26

I received a letter dated October 6, 2009 stating my 2009-2010 School Board Disclosure Statement was two days late and I was being fined \$100.00. I am asking you to please waive my \$100.00 late fee.

In each of my seven years as a school board member, I and the other board members have filled out our disclosure statements and given them to our Executive Secretary. The secretary would mail all the disclosure statements to your office.

This year our secretary mailed the disclosure statements to your old address on Quail Drive. The post office returned them to the school board office and the secretary then mailed them to your current address. This is the reason for my statement being late.

Enclosed is a copy of a letter sent to you by Superintendent Bill Spese. Thank you for allowing me to appeal and thank you for your consideration.

Sincerely,  
David Tate  
School Board Member

5491 OLD LA HWY 16  
ENHAM SPRINGS, LA  
70706



# Livingston Parish Public Schools

*Excellence in Education!*

13909 Florida Boulevard  
P.O. Box 1130

Livingston, Louisiana 70754-1130

Phone: (225) 686-7044 Fax: (225) 686-3052 Website: www.lpsb.org

(late)

**Bill Spear**  
Superintendent

**John Watson**  
Assistant Superintendent

**Thomas Cothem**  
Assistant Superintendent

2009-1060

October 8, 2009

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

RE: 2009/2010 School Board Disclosure Statement

2009 NOV -6 AM 8:27  
CAMPAIGN FINANCE  
RECEIVED

TO WHOM IT MAY CONCERN:

I am asking for a waiver of the late fees imposed upon the Livingston Parish School Board members in reference to their Disclosure Statements being submitted late for the following reason:

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Thank you for your consideration of this request and if addition additional information, please contact me.

Sincerely,

Bill Spear  
Superintendent

BS/dd