

LOUISIANA BOARD OF ETHICS

**LaSalle Building
First Floor - LaBelle Room**

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

**February 19, 2010
9:00 a.m.**

GENERAL

**Consent Agenda, Consent Opinions
&
Items Requiring No Board Action**

G12. Docket No. 07-131

Consideration of a consent opinion regarding possible Ethics Code violations by developers involving a Rapides Parish Police Juror.

G13. Docket No. 07-223

Consideration of consent opinion regarding an employee of the City of Pineville receiving income from entities that have a contractual relationship with the city.

G14. Docket No. 10-015

Consideration of a request for an advisory opinion regarding whether Shonta Manuel, a student worker with DHH's Tobacco Control Program (LTCP), may serve as a contractor for LTCP.

G15. Docket No. 10-018

Consideration of a request for an advisory opinion regarding whether elected Police Chief of Carencro, Carlos Stout, may work overtime through initiatives funded by grants from state and federal agencies.

G16. Docket No. 10-042

Consideration of a request for an advisory opinion regarding an employee of the Louisiana Department of Education becoming an Adjunct Professor with Tulane University.

G17. Docket No. 10-061

Consideration of a request for an advisory opinion concerning a company owned by Anthony Amoroso, a member of the Board of Alcohol Beverage and Control Board of East Baton Rouge, and the East Baton Rouge Metropolitan Airport, applying for a commercial lessor charitable gaming license.

G18. Docket No. 10-063

Consideration of a request for an advisory opinion regarding whether an office clerk may also serve on the Town of Kinder's zoning board.

G19. Docket No. 10-065

Consideration of a request for an advisory opinion as to the propriety of Mayor Goldsby of the Town of Amite City hiring the daughter of his Assistant.

G20. Docket No. 10-070

Consideration of a request for an advisory opinion concerning a member of the City of Slidell's Planning and Zoning Commission selling property to the City of Slidell.

G21. Docket No. 10-071

Consideration of a request for an advisory opinion concerning the son-in-law of Ed Muniz, a recently appointed member of the Regional Planning Commission, continuing to perform services for the Regional Planning Commission.

G22. Docket No. 10-072

Consideration of a request for an advisory opinion regarding whether Mark Archer, Chairman of Concordia Recreation District #3, violated the Ethics Code by purchasing certain tracts of land.

G23. Docket No. 10-073

Consideration of a request for an advisory opinion regarding whether the son of a member of the Central Lafourche Ambulance District Board may continue his employment with Acadian Ambulance Service in St. John the Baptist when Acadian Ambulance Service has a contract with the Central Lafourche Ambulance District.

G24. Docket No. 10-074

Consideration of a request for an advisory opinion regarding what restrictions the former Deputy Engineer Administrator for the Department of Transportation and Development (DOTD), Gordon Nelson, would have with employment with a firm that has contracts with DOTD.

G25. Docket No. 10-093

Consideration of a request by Covington City Councilman, Marty Benoit, regarding a proposed ordinance which restricts a member of a decision-making body from voting on a matter affecting land in which he has an interest or in which he has an interest in adjoining property.

G26. Docket No. 10-098

Consideration of an request for an advisory opinion concerning Marilyn Shraberg, an employee of the Catholic Charities Archdiocese of New Orleans, applying to become an OCS mental health services provider.

G27. Docket No. 10-099

Consideration of a request for an advisory opinion concerning Frank Auderer, Jr., a St. Bernard Parish Councilman, selling his property to a company which has a business relationship with St. Bernard Parish Government.

G28. Docket No. 10-100

Consideration of a request for an advisory opinion regarding whether the Assistant Fire Chief of Pierre Part Volunteer Fire Department (Department), Ronnie Mabile, may conduct business with the Department and/or other Parish entities.

G29. Docket No. 10-106

Consideration of a request for an advisory opinion regarding whether the appointment of Mr. Mitch Theriot to Director of the Water Department in Jefferson Parish, would create a conflict of interest or otherwise violate the Code of Ethics.

General Item

Ethics Board Docket No. BD 2010-015 02/19/2010

RE: Consideration of a request for an advisory opinion regarding whether Shonta Manuel, a student worker with DHH's Tobacco Control Program (LTCP), may serve as a contractor for LTCP.

Relevant Statutory Provisions, Advisory Opinions: 1121B(1)

Comments:

Facts: Shonta Manuel is a student worker with DHH's Tobacco Control Program (LTCP)--a program administered through DHH Chronic Disease Prevention and Control Unit. Her current duties include (1) database development and management, (2) performing administrative tasks, and (3) assisting in the research of tobacco issues. Shonta would terminate her employ as a student worker and would become a contractor for LTCP, the same program she currently works for. The duties she would provide as a contractor are entirely different from those she performs as a student worker. Shonta has the skill set and education to perform the new duties, and she is interested in doing so through a contract due to the current hiring freeze.

Issue: May Shonta become a contractor of the LTCP after termination of her employ as a student worker with the same program.

Law: Section 1121B(1) states that no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction or in an appearance in connection with a transaction in which the former public employee participated at any time during his public employment and which involves his former public employer, or for a period of two years following termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

Analysis/Conclusion: Ms. Manuel will not be precluded from working as a contractor with the Tobacco Program. The services that she will render to her agency as a contractor differ from the services/duties she performed as a student worker. (DLG)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Matthew Valliere
Director, DHH Chronic Disease Prevention and Control Unit
P.O. Box 3118
Baton Rouge, LA 70181-3118

Re: Board Docket No. 2010-015

Dear Mr. Valliere:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion regarding whether Shonta Manuel, a student worker with DHH's Tobacco Control Program (LTCP), may serve as a contractor for LTCP. You stated that Ms. Manuel is a student worker with DHH's Tobacco Control Program (LTCP)—a program administered through DHH Chronic Disease Prevention and Control Unit. Her current duties include (1) database development and management, (2) performing administrative tasks, and (3) assisting in the research of tobacco issues. You also stated that Ms. Manuel would terminate her employ as a student worker and become a contractor for LTCP. The duties she would provide as a contractor are entirely different from those she performs as a student worker. Ms. Manuel has the skill set and education to perform the new duties, and she is interested in doing so through a contract due to the current hiring freeze.

The Board concluded, and instructed me to advise you, that the Code of Ethics will not preclude Ms. Manuel from working as a contractor with the LTCP. Section 1121B(1) states that no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction or in an appearance in connection with a transaction in which the former public employee participated at any time during his public employment and which involves his former public employer, or for a period of two years following termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed. As long as the services she will render to the agency as a contractor differ from duties and/or services she performed as a student worker, there will be no prohibition.

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,

Bobby Jindal
GOVERNOR

REGISTRATION
CAMPAIGN FINANCE
RECEIVED



2010-015

D13

Alan Levine
SECRETARY

State of Louisiana

2009 DEC 29 PM 3:16 Department of Health and Hospitals
Bureau of Primary Care and Rural Health

December 29, 2009

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

RE: Request for Advisory Opinion

We are requesting an advisory opinion on whether it is a conflict of interest for Shonta Manuel a current student worker with the Department of Health and Hospitals' (DHH) Tobacco Control Program to serve as a contractor for the program in regards to Tobacco-related Disparities. The Office of Contractual Review has requested that we ask for an opinion due to the fact that the individual will be performing duties for the same program.

During the internal DHH contract review process, it was requested that DHH Human Resources review the contract to determine if it was a conflict. Upon review from Human Resources, it was found that because the nature of the duties was entirely different approval was granted.

Shonta is currently a student worker who duties include: (1) database development and management, (2) administrative duties (filing documents, making phone calls, etc.), and (3) assisting in research regarding tobacco issues. Also see the Statement of Work (Attachment A) for the proposed contract which is included as an enclosure. Shonta has the skill set and education to perform advanced program related work and is interested in performing these duties through a contract due to the current hiring freeze. Shonta has previous experience in the areas of research and working in the public health arena.

Should you need any additional information, please feel free to contact Matthew Valliere at 225-342-2655 or Matthew.Valliere@la.gov.

Sincerely,

Matthew Valliere, MPA
Director, DHH Chronic Disease Prevention and Control Unit

Enclosure: Attachment A – Statement of Work

HAND DELIVERED

Attachment A
Statement of Work
Contractor: Shonta Manuel

Goals/Purpose

The contractor will coordinate the Disparities Initiatives of the Department of Health and Hospitals Bureau of Primary Care and Rural Health Tobacco Control Program (LTCP) and provide training and technical assistance in statewide and community interventions of the LTCP. The objectives associated with this contract work toward the accomplishment of the LTCP disparities goals:

- Prevent initiation of tobacco use among young people
- Eliminate exposure to secondhand smoke
- Promote cessation among adults and young people who use tobacco
- **Identify and eliminate disparities among specific population groups**
- Cultivate and maintain statewide infrastructure for Tobacco Prevention and Control efforts

LTCP has been dedicated to serving and educating the disparate populations of Louisiana on harmful effects of tobacco use and secondhand smoke in an effort to reduce the disproportionate disease burden and mortality suffered by these populations. LTCP's Disparities Initiatives include, but are not limited to:

- LA Tobacco-Related Health Disparities Coalition,
- American Indian Initiative,
- Disparities Consultant
- Regional Community Capacity Building Grants Program
- Program development targeting to Medicaid, Low SES, Rural, and Youth populations,
- LTCP Staff strategic planning, evaluation, and program development,
- Statewide and national trainings and meetings related to Disparities Programming, and
- Program alignment with The Louisiana Campaign for Tobacco-Free Living and the Communities of Color Network.

Outcome:

The Contractor will be work a full-time schedule of 40 hours per week at DHH Headquarters to provide program coordination of the Disparities Program initiatives. This will include coordination of the Disparities Coalition meetings, technical assistance and trainings; as well as monitoring contracts related to Disparities Program initiatives. The Contractor will ensure program implementation targeting American Indians, Low Socio-Economic Population, Medicaid Population, Rural Population, 18-24 year olds "straight-to-work", and African-American Population.

Deliverables:

The Contractor will:

- Provide administrative support to coordinate the LTCP Disparities Program Initiatives,
- Develop an annual action plan with timeline and identified performance measures,
- Host LA Tobacco-Related Health Disparities Coalition,
- Coordinate the American Indian Initiative,
- Monitor Disparities Consultant and Regional Community Capacity Building Grantees serving 18-24 year old population,
- Coordinate Regional Community Capacity Building Grants Program
- Work with LTCP Staff to incorporate program reach to Medicaid, Low SES, Rural, and Youth populations,
- Assist LTCP Staff with program strategic planning, evaluation, and program development,
- Participate in statewide and national trainings and meetings related to Disparities Programming, and
- Participate in statewide program alignment with The Louisiana Campaign for Tobacco-Free Living and the Communities of Color Network.

Monitoring Plan

Contract monitoring will be on the basis of fulfillment of the program deliverables and action plan. The action plan with performance measures will be completed by November 2009 and used to monitor performance. A bi-weekly report of activities will accompany each invoice for service. Monitor will also facilitate bi-weekly contractor meetings, monthly staff meeting, and review monthly and annual contract reports.

Contract Monitor: Tiffany J. Netters, LTCP Program Manager
225-342-2664

General Item

Ethics Board Docket No. BD 2010-018 02/19/2010

RE:

Consideration of a request for an advisory opinion regarding whether elected Police Chief of Carencro, Carlos Stout, may work overtime through initiatives funded by grants from state and federal agencies.

Relevant Statutory Provisions, Advisory Opinions:

1102(21), 1112A; Bd. Docket Nos. 2008-1140, 1998-207

Comments:

Facts: Carlos Stout is the Police Chief of Carencro, Louisiana. Chief Stout would like to work overtime and work paid details within Lafayette Parish, outside of the municipality where he is elected. These overtime opportunities are funded by grants from state and federal agencies. All officers may sign up to work overtime under these grants as long as it does not conflict with their normal work schedules. The hours worked and the schedule of eligible candidates will be maintained by the assistant police chief. The pay is a fixed amount and all participating officers will receive the same pay regardless of their rank or class. As the grants are awarded to the city, the time sheets are turned in to the city to document the hours worked, and the city issues the officers checks for hours worked.

Issue: May the Carencro Police Chief work paid details within Lafayette Parish?

Law: Section 1112A prohibits a public servant from participating in a transaction involving his governmental entity in which he has a personal substantial economic interest. Section 1102(21) defines a "substantial economic interest" as an economic interest which is of greater benefit to the public servant than to a general class or group of persons.

Analysis/Conclusion: Chief Stout will not be precluded from working overtime under the grants since his economic interest is not greater than the general class of eligible officers. (DLG)

Recommendations:

Adopt proposed advisory opinion.

Date

Chief Carlos J. Stout
P.O. Drawer 10
Carencro, LA 70520

Re: Board Docket No. 2010-018

Dear Chief Stout:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion regarding whether you, elected Police Chief of Carencro, may work overtime through initiatives funded by grants from state and federal agencies. You stated you would like to work overtime and work paid details within Lafayette Parish, outside of the municipality where you are elected. All officers may sign up to work overtime under these grants as long as it does not conflict with their normal work schedules. The hours worked and the schedule of eligible candidates will be maintained by the assistant police chief. You also stated that the overtime pay is a fixed amount and all participating officers will receive the same pay regardless of their rank or class. As the grants are awarded to the city, the time sheets are turned in to the city to document the hours worked, and the city issues the officers checks for hours worked.

The Board concluded, and instructed me to advise you, that the Code of Ethics will not prohibit you from working paid overtime under these grants. Section 1112A prohibits a public servant from participating in a transaction involving his governmental entity in which he has a personal substantial economic interest. Section 1102(21) defines a "substantial economic interest" as an economic interest which is of greater benefit to the public servant than to a general class or group of persons. Since your economic interest is not greater than that of the general class of eligible officers, this work will not be prohibited by the Code.

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

**CITY OF CARENCRO POLICE DEPARTMENT**

110 CENTENNIAL DRIVE • POST OFFICE DRAWER 10
CARENCRO, LOUISIANA 70520
www.carencropd.com
OFFICE: (337) 896-6132 / FAX: (337) 896-1937
LAFAYETTE PARISH

2010-018

LOUISIANA ASSOCIATION OF CHIEFS OF POLICE - FIRSTVICE PRESIDENT
SOUTHWEST CHIEFS OF POLICE ASSOCIATION- PRESIDENT

CARLOS STOUT
CHIEF

December 14, 2009

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

RE: Consideration of request for an advisory opinion

To Whom It May Concern:

Can you please research or render an opinion on whether or not an elected Chief of Police can participate in working overtime grants that are awarded from both State and Federal agencies. The hours worked would be documented and a schedule of eligible candidates would be maintained so that the grant is competitive and fair to all that sign up to work. The pay is a set amount and all participating officers will receive the same pay no matter what rank or class. The grant is awarded to the city and a time sheet is turned in to document the hours worked. (The Chief does not administer the grant nor does he conduct the scheduling) The city in return issues the officer a check for the hours worked. This grant and others do not conflict with a normal work schedule.

Can you also research or render an opinion on whether or not an elected Chief of Police who also holds a commission with a local Sheriff's Department is allowed to work paid details within the Parish in exception for the municipality in which he is elected.

Thank you in advance for your time and assistance.

Sincerely,

Carlos J. Stout
Chief of Police
Carencro City Police Department
Web site -www.carencropd.com
E-mail- chiefstout@carencropd.com



2008-1140

Created By: Elizabeth Sanders on 02/02/2009 at 04:01 PM

Category: Ethics Advisory Opinions

Caption: An advisory opinion the Livingston Parish Chief of Police working a program administered by the Louisiana Highway Safety Commission.

December 16, 2008

Randy Dufrene
Chief of Police
Town of Livingston Police Department
P.O. Box 430
Livingston, LA 70754

RE: Ethics Board Docket No. 2008-1140

Dear Mr. Dufrene:

The Louisiana Board of Ethics, at its December 11, 2008 Board meeting, considered your request for an advisory opinion concerning whether you may accept overtime employment with the DWI program which is administered by the Louisiana Highway Safety Commission (LHSC). You stated that the LHSC is administering a DWI enforcement program through the holidays and throughout the 2009 calendar year. By telephone, you stated that during the program Livingston Parish police officers are paid overtime to patrol the area and monitor cars for speeding and signs of reckless and/or drunk driving. LHSC pre-determines the amount of bulk hours to be allotted to each parish for the police officers to work. LHSC only requires that the police officers assigned to the program are full-time employees. As Chief of Police, you keep track of the police officers who are to receive the overtime and the amount of overtime to be received. You stated that every police officer in your unit is eligible for the overtime hours as long as the available hours are not during the police officers scheduled work time. Currently, the Livingston Parish Police Department employs four full-time police officers who work twelve-hour shifts. Out of the four police officers, only one officer is available to work the overtime. The other three officers are scheduled to work the night shift. Because you work the daytime shift, you would like to be added to the list of officers available to work the program.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit your employment with the LHSC DWI program. Generally, Section 1112 of the Code prohibits a public servant from participating in a transaction with a governmental entity in which he has a substantial economic interest. Section

1102 of the Code defines "substantial economic interest" as an economic interest which is of greater benefit to the public servant than to a general class or group of persons. Since the DWI program will be offered to all full-time Livingston Parish police officers, before you yourself accept the overtime, you as the police chief do not have an interest that is of greater benefit to you than to the general class of police officers in your Parish. Therefore, the employment is permitted.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

EB:APB

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1998-207

Created By: Kathy Dedon on 04/24/98 at 09:11 AM
Category: Ethics Advisory Opinions
Caption:

April 17, 1998

Chief Roy L. Juncker, Jr.
417 Avenue A
Westwego, LA 70094

RE: Ethics Board Docket No. 98-207

Dear Chief Juncker:

The Louisiana Board of Ethics, at its April 16, 1998 meeting, considered your request for an advisory opinion concerning the propriety of you working on the Municipal Drug Task Force. You stated that the task force involves several different agencies from the New Orleans area and is funded through the Jefferson Parish Criminal Justice Coordinating Council. All full time participants in the program are paid overtime through a federal grant. The Board concluded, and instructed me to inform you that the Code of Governmental Ethics would not prevent your involvement in this program. The Board's conclusion was based on its determination that the interest you have in such overtime pay is one arising from your public employment. Therefore, you have no "substantial economic interest" in the overtime work as prohibited by Section 1112A of the Code.

If you have any questions, please call me at (504) 922-1400.

Sincerely,

LOUISIANA BOARD OF ETHICS

Maris LeBlanc McCrory
For the Board

MLM:ksd

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General Item

Ethics Board Docket No. BD 2010-042 02/19/2010

RE: Consideration of a request for an advisory opinion regarding an employee of the Louisiana Department of Education becoming an Adjunct Professor with Tulane University.

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

Comments:

FACTS:

Caroline Wood is currently employed by the Louisiana Department of Education as an Education Consultant 3. She works in Hammond at the Region II Education Service Center. Her focus is in the area of High School Redesign and Dropout Prevention. Ms. Wood works with administrators at schools to help implement dropout prevention strategies and provides professional development as it relates to dropout prevention and high school redesign. Ms. Wood would like to accept a position with Tulane as an Adjunct Instructor teaching a Methods II class for science teacher preparation.

LAW:

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

Section 1111C(2)(d) of the Code prohibits a public servant 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' agency.

ANALYSIS:

Since the services Ms. Wood would be providing as an Adjunct Instructor to Tulane are not devoted substantially to the responsibilities, programs, or operations of her agency and in which she has participated, she is not prohibited from accepting the position of Adjunct Instructor to teach a Methods II class at Tulane.

Further, as long as Tulane does not have any contractual, business or other financial relationship with the Region II Education Service Center, Ms. Wood is not prohibited from providing services as an Adjunct Instructor to Tulane. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Ms. Caroline Wood
3011 Walden Place
Mandeville, Louisiana 70448

Re: Ethics Board Docket No. 2010-042

Dear Ms. Wood:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion as to whether you may accept a position as Adjunct Professor with Tulane University while you serve as an Education Consultant 3 with the Louisiana Department of Education. You stated that as an Education Consultant 3 with the Louisiana Department of Education, you work in Hammond at the Region II Education Service Center. You stated that your focus is in the area of High School Redesign and Dropout Prevention. You work with administrators at schools to help implement dropout prevention strategies and provide professional development as it relates to dropout prevention and high school redesign. You stated that you would like to accept a position with Tulane University as an Adjunct Instructor teaching a Methods II class for science teacher preparation.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from accepting a position as Adjunct Professor with Tulane University while you serve as an Education Consultant 3 with the Louisiana Department of Education. Section 1111C(1)(a) of the Code prohibits a public employee from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Since the services Ms. Wood would be providing as an Adjunct Instructor to Tulane are not devoted substantially to the responsibilities, programs, or operations of her agency and in which she has participated, she is not prohibited from accepting the position of Adjunct Instructor to teach a Methods II class at Tulane.

In addition, 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. As long as Tulane does not have any contractual, business or other financial relationship with the Region II Education Service Center, you are not prohibited from providing services as an Adjunct Instructor to Tulane.

Ms. Caroline Wood

Date

Ethics Board Docket No. 2010-042

Page 2

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

2010-042 TR

REGISTRATION
CAMPAIGN FINANCE
RECEIVED

2009 DEC -8 AM 11:38

CAROLINE WOOD
3011 WALDEN PLACE
MANDEVILLE, LA 70448

December 8, 2009

Louisiana Board of Ethics

P.O. Box 4368

Baton Rouge, LA 70821

Please review the information I am sending you relating to my employment with the Louisiana Department of Education and a position that I am seeking as an Adjunct Instructor in the Department of Teacher Education at Tulane University in New Orleans.

I am currently employed by the Louisiana Department of Education as a Education Consultant 3 housed in Hammond at the Region II Education Service Center. My focus is in the area of High School Redesign and Dropout Prevention. I work with the Career Technical Education staff both at the school and state level. I also work with administrators at the school to help implement dropout prevention strategies. I provide professional development as it relates to dropout prevention and high school redesign with school staff including teachers and administrators.

The position I am applying for as Adjunct Instructor will involve the instruction of a Methods II class for science teacher preparation. This is a part-time position, after hours one day a week with approximately 2-3 students in my class and under my supervision.

I am requesting that a review and determination be made as soon as possible. Due to the position, as Adjunct Instructor, classes are being formed at this time. My contact at Tulane would like to know this week, if possible.

I do not believe that the Adjunct Instructor position is in conflict with my present job but I am seeking an opinion from the Board of Ethics. Enclosed you will find the job description for my current position with the Louisiana Department of Education (High School Redesign Program Consultant 3) and a brief outline of the duties of Adjunct Instructor at Tulane. I look forward to your response.

Sincerely,



Caroline Wood

High School Redesign Education Program Consultant 3

Job Responsibilities

- Provide support and technical assistance to 9th Grade Initiative schools. Conduct school visits, learn about and support the implementation of effective programs, identify issues and help to reconcile. Plan and facilitate quarterly leadership meetings, identify effective practices and resources being used, then use this information to support schools throughout the region.
- Provide support and assistance to Summit Schools with grade 8 – 12 configurations by visiting the school, learning about their programs and issues, meeting with the LDE liaison and consultant assigned to the school, assisting with implementation of consultant programs/recommendations, the implementation of the 100 Day Charge, and promoting the affiliation with the Partner School.
- Support the Breaking Ranks initiative by becoming trained in the program, supporting the schools attempting to implement the program and fostering support of the initiative within other schools.
- Assist with planning and implementing the LDE High School Conference.
- Identify schools participating in the LDE Literacy Plan, provide support and assistance to high schools in the implementation of the identified strategies.
- Participate in Roundtable discussions with business, industry, technical and community colleges; support and implement appropriate activities as identified by the LDE staff.
- Become familiar with the E Portal system and assist with the implementation by schools.
- Become knowledgeable about the Early Warning System, assist schools in reviewing data, developing and implementing effective intervention programs.
- Provide support and technical assistance to high schools in the implementation of effective remediation and credit recovery programs that will help struggling students catch-up and stay on track for graduation.
- As requested, participate in meetings with LDE High School Redesign Committee.
- Gather information and research on effective high school programs in this and other states, use that information to guide recommendations for improving/redesigning high school programs.
- Promote and develop partnerships with regional business, industry, technical college, community colleges and higher education to enact programs that positively contribute to success for students in high schools.

JOB DESCRIPTION

Tulane University

Adjunct Instructor

Teacher Preparation and Certification Program

Teacher Wave Program

The Teacher Preparation and Certification Program (TPCP) is a licensure program, with the focus being to ensure that specific areas of knowledge and skills are addressed in the area of secondary science.

The Secondary Methods II courses will cover differentiation, gifted education, special needs and ESL within the syllabus. (Techniques and strategies for teaching the content to students with those identifications will be emphasized.)

These specific areas are addressed in more detail in the student's final project: their Understanding By Design (UBD) unit.

Formative assessments are determined by the instructor. Requirements for TaskStream Level 3 must be considered.

General Item

Ethics Board Docket No. BD 2010-061 02/19/2010

RE: Consideration of a request for an advisory opinion concerning a company owned by Anthony Amoroso, a member of the Board of Alcohol Beverage and Control Board of East Baton Rouge, and the East Baton Rouge Metropolitan Airport, applying for a commercial lessor charitable gaming license.

Relevant Statutory Provisions, Advisory Opinions: 1113B

Comments:

FACTS:

Anthony Amoroso is a member of the Board of Alcohol Beverage and Control Board of East Baton Rouge (ABC Board), and the East Baton Rouge Metropolitan Airport. Mr. Amoroso is also the managing member in Professional Realty Services, LLC. Professional Realty Services, LLC is in the process of applying for a commercial lessor charitable gaming license. The ABC Board does not have any oversight over charitable gaming issues and does not regulate charitable gaming in East Baton Rouge Parish. The Airport Board does not regulate gaming. Charitable gaming licenses are administered by the Department of Revenue Office of Charitable Gaming.

ISSUE:

May Professional Realty Services, LLC receive a charitable gaming license?

LAW:

Section 1113B prohibits an appointed member of a Board or Commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

ANALYSIS:

Mr. Amoroso's agencies are the ABC Board and East Baton Rouge Parish Airport Board. Because Professional Realty Services, LLC has not submitted a request or application to either Board, no violation of the Section 1113B is presented. (MDD)

Recommendations: Adopt the proposed advisory opinion.

Date

Mr. Anthony Amoroso
12336 Lake Sherwood Avenue South
Baton Rouge, LA 70816

RE: Ethics Board Docket No. 2010-061

Dear Mr. Amoroso:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion concerning whether Professional Realty Services, LLC, a company of which you are the managing member, may apply for and receive a Commercial Lessor Charitable Gaming License. You indicated that you are a member of the Board of Alcohol Beverage and Control Board of East Baton Rouge (ABC Board), and the East Baton Rouge Metropolitan Airport Board. The ABC Board does not have any oversight over charitable gaming issues and does not regulate charitable gaming in East Baton Rouge Parish. The East Baton Rouge Metropolitan Airport Board does not regulate gaming. Commercial Lessor Charitable Gaming Licenses are administered by the Louisiana Department of Revenue, Office of Charitable Gaming.

The Board concluded, and instructed me to inform you, that Section 1113B of the Code of Governmental Ethics does not prohibit Professional Realty Services, LLC from applying to, and receiving from, the Louisiana Department of Revenue, Office of Charitable Gaming, a Commercial Lessor Charitable Gaming License. Section 1113B prohibits an appointed member of a Board or Commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member. Because the Louisiana Department of Revenue, Office of Charitable Gaming is not an agency in which you serve, no potential violation of the Code is presented.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

2010-061

Anthony J. Amoroso
12336 Lake Sherwood Ave South
Baton Rouge, LA 70816

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

2009 DEC 22 PM 3:50

LOUISIANA ETHICS ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

8/15/2008

TO WHOM IT MAY CONCERN:

I currently serve on two boards the Alcohol Beverage Control Board of East Baton Rouge and the East Baton Rouge Metropolitan Airport. I am also the managing member in a limited liability corporation, Professional Realty Services, LLC.

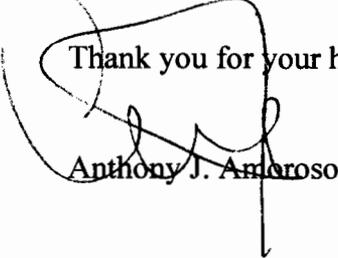
Professional Realty Services is in the process of applying for a Commercial Lessor charitable gaming license.

Serving on the Alcohol Beverage Control Board I only has oversight on alcohol licenses and issues concerning alcohol. I do not have any oversight over charitable gaming, nor do I have any control of its staff. The staff is completely independent of the Board.

It is my understanding that the staff of the ABC office does regulates charitable gaming in East Baton Rouge.

Even though both boards that I serve on does not regulate charitable gaming is there any conflict with me serving on these boards.

Thank you for your help in this issue.



Anthony J. Amoroso

General Item

**Ethics Board Docket No. BD 2010-063
02/19/2010**

RE:

Consideration of a request for an advisory opinion regarding whether an office clerk may also serve on the Town of Kinder's zoning board.

Relevant Statutory Provisions, Advisory Opinions:

Comments:

There is not enough information in the request to render an advisory opinion. In the request, it cannot be determined who the office clerk is or for what office the person is employed. I attempted to contact the person who requested the opinion, however, the phone number given has been disconnected. (APB)

Recommendations:

Decline to render an advisory opinion.

2010-063

January 5, 2010

ETHICS ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

2010 JAN -5 AM 8: 30

Louisiana Board of Ethics
Attn: Ms. Aneatra Boykin
617 North Third Street
LaSalle Building, Ste. 10-36
Baton Rouge, LA 70802

Dear Ms. Boykin:

Is it unethical for an office clerk who issues building permits – one of the clerk's several jobs – to serve on the town's zoning board? The office clerk is not a check signer or on any of the town's bank accounts. She would not be an officer or supervisor on the zoning board; she would simply be one of its members.

I look forward to receiving your response or that of the ethics board. I can be reached at 337.738.2835 or at P. O. Box 58; Kinder, LA 70648.

Respectfully submitted,

Ferda Wykoff
Town of Kinder

General Item

Ethics Board Docket No. BD 2010-065 02/19/2010

RE:

Consideration of a request for an advisory opinion as to the propriety of Mayor Goldsby of the Town of Amite City hiring the daughter of his Assistant.

Relevant Statutory Provisions, Advisory Opinions:

1119, 1113

Comments:

FACTS: Mayor Goldsby of the Town of Amite submitted a request for an advisory opinion regarding the propriety of Emily Gallagher, the daughter of his Assistant, Pris DiLorenzo, being hired to work for the Clerk of City Court. He states that the City Clerk of Court reports to him and that Ms. Gallagher would not be working with or under her mother.

APPLICABLE LAW: Section 1119 of the Code prohibits an immediate family member of an agency head from being employed within the agency head's agency. Section 1112B(1) of the Code prohibits a public servant from participating in a transaction involving the governmental entity in which any member of his immediate family has a substantial economic interest.

ANALYSIS: As an Assistant to the Mayor, Ms. DiLorenzo would not be considered an "agency head." Therefore, Ms. Gallagher's employment with the Clerk of City Court is not prohibited. However, Ms. DiLorenzo may not participate in matters involving Ms. Gallagher's employment with the Clerk of Court. (AMA)

Recommendations:

Adopt the proposed advisory opinion.

DATE

R.E. Goldsby, Mayor
Town of Amite
212 E. Oak Street
Amite, LA 70422

RE: Ethics Board Docket No. 2010-065

Dear Mayor Goldsby:

The Louisiana Board of Ethics, at its February 18-19, 2010 meeting, considered your request for an advisory opinion concerning whether Emily Gallagher may be employed with the Clerk of City Court when her mother Pris DiLorenzo is the assistant to the Mayor. You state that the Clerk of City Court is located in the Amite City Hall and reports to the Mayor.

The Board has concluded, and has instructed me to inform you, that Section 1119 of the Code of Governmental Ethics does not prohibit Emily Gallagher from being employed with the Clerk of City Court. Section 1119 of the Code prohibits an immediate family member of an agency head from being employed within the agency head's agency. As an Assistant to the Mayor, Ms. DiLorenzo would not be considered an "agency head." Therefore, Ms. Gallagher's employment with the Clerk of City Court is not prohibited.

The Board has also instructed me to inform you that Section 1112B(1) of the Code prohibits a public servant from participating in a transaction involving the governmental entity in which any member of his immediate family has a substantial economic interest. Section 1102(15) states that to participate means to take part in or have or share responsibility for action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, rendering of advice, investigation or failure to act or perform a duty. Ms. DiLorenzo may not participate in matters involving Ms. Gallagher's employment with the Clerk of Court.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

AP

2010-065

COMMISSION REGISTRATION
CAMPAIGN FINANCE
RECEIVED

2009 DEC -9 PM 3:48



Town of Amite

212 E. Oak Street
Amite, LA 70422
(985) 748-8761
(985) 748-9850
Fax: (985) 748-3729

November 24, 2009

R. E. Goldsby, M.D.
Mayor

Council

Walter Daniels, III

District 1

Jonathon Foster

District 2

Mark D. Vining

District 3

Neil Currier

District 4

Rose Sumrall

District 5

Jerry Trabona

Chief of Police

Mary Lou Lee

City Clerk

Louisiana Board of Ethics
2415 Quail Drive, 3rd Floor
Baton Rouge, LA 70808

To Whom It May Concern:

The Town of Amite City has an opening for a part-time employee to assist the Clerk of Court (city court) with court-related duties such as filing, filling out reports, mailings and miscellaneous activities. The Clerk of Court is located in the Amite City Hall and reports to the Mayor.

The Town of Amite City requests an advisory opinion on the hiring of the daughter of the Mayor's assistant as the part-time employee working directly with the Clerk of Court. The part-time employee will not be working with or under her mother. Her mother is the Assistant to the Mayor, is not a department head and does not have any employees reporting to her.

Thank you for your consideration. Please feel free to contact me if you need additional information.

Sincerely,

R. E. Goldsby, M.D.
Mayor

General Item

Ethics Board Docket No. BD 2010-070 02/19/2010

RE: Consideration of a request for an advisory opinion concerning a member of the City of Slidell's Planning and Zoning Commission selling property to the City of Slidell.

Relevant Statutory Provisions, Advisory Opinions: 1113B

Comments:

FACTS:

The City of Slidell would like to purchase land adjacent to property owned by a City community center to provide parking. The owner of the lots, Mr. Glynn Pichon, is a member of the City of Slidell's Planning and Zoning Commission.

ISSUE:

May a member of the City's Planning and Zoning Commission enter into a transaction with the City of Slidell to sell the City property? Would such a transaction with the City of Slidell amount to a prohibited transaction contained in Section 1113 of the Code?

LAW:

Section 1113B prohibits an appointed member of a Board or Commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

ANALYSIS:

Mr. Pichon's agency is the City of Slidell Planning and Zoning Commission. Because the Planning and Zoning Commission has no supervision or jurisdiction over the contract of sale between the City of Slidell and Mr. Pichon, there is no violation of Section 1113B if the Planning or Zoning Commissioner sells the property to the City of Slidell. (MDD)

Recommendations: Adopt the proposed advisory opinion.

Date

Mayor Ben Morris
City of Slidell
P.O. Box 828
Slidell, LA 70459

RE: Ethics Board Docket No. 2010-070

Dear Mayor Morris:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion concerning whether the City of Slidell may purchase land, adjacent to property currently owned by the City, in an effort to provide additional parking for a community center, from Mr. Glynn Pichon, a member of the City of Slidell's Planning and Zoning Commission. The City of Slidell's Planning and Zoning Commission will not have any supervision or jurisdiction over the sale of property from Mr. Pichon to the City of Slidell.

The Board concluded, and instructed me to inform you, that Section 1113B of the Code of Governmental Ethics does not prohibit Mr. Pichon from selling the land to the City of Slidell. Section 1113B prohibits an appointed member of a Board or Commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member. Because Mr. Pichon's agency is the City of Slidell's Planning and Zoning Commission, and such agency does not have any supervision or jurisdiction over the sale of the property, no violation of Section 1113B is presented.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board



The City of Slidell

P. O. Box 828 • Slidell, Louisiana 70459
Telephone (985) 646-4333
Fax (985) 646-4209

2010-070

MU

BEN O. MORRIS
MAYOR

December 11, 2009

Ethics Board:

In June, 2009 the City of Slidell was in informal negotiations to buy four lots adjacent to City owned property upon which a community center was located. The center was heavily damaged by Hurricane Katrina. The City is looking to rebuild the center but will need additional parking, hence the need for the four adjacent lots. No price could be agreed upon during the informal negotiations. Since that time the owner of the lots, Glynn Pichon, was appointed to the City's Planning and Zoning Commission. Mr. Pichon recently informed the City that he would be willing to sell the lots to the City for a favorable price. A resubdivision of the four lots with the City owned property would be required. Ordinarily, the City's Planning and Zoning Commission reviews resubdivision requests. However, since fewer than five lots are involved the City's Planning Department can approve the resubdivision administratively and without involvement of any nature by the Planning and Zoning Commission pursuant to Ordinance 3458 (attached).

We are requesting the Board's opinion as to whether a sale of the property by Glynn Pichon to the City of Slidell would be proper.

Should you have any questions please contact Slidell City Attorney, Tim Mathison, at 985-646-4396.

Thank you,


Ben O. Morris
Mayor

2009 DEC 15 PM 4:41
CAMPBELL FINANCE RECEIVED

Sec. 5.6. Provisions for application and approval process for an administrative re-subdivision of land.

5.6.Administrative plat approval. Notwithstanding other provisions of this chapter or other law to the contrary, the administrative procedures for approving or certifying certain plats involving minor modifications of existing parcels of land are hereby established.

A. The categories of such modifications qualifying for such administrative approval or certification are:

1. The realignment or shifting of lot boundary lines, including removal, alignment, or shifting of interior lot boundary lines, or the re-designation of lot numbers provided the application meets the following requirements:

- a. Does not involve the creation of any new street or public improvement;
- b. Does not increase the number of lots of record;
- c. Does not involve more than five lots of record;
- d. Does not reduce a lot size below the minimum area or dimension requirements established by the City of Slidell Zoning Ordinance;
- e. Does not involve more than one acre;
- f. The property must be zoned as residential only.
- g. Otherwise meets all the requirements of the City of Slidell Subdivision Regulations.

2. Parcels of land where a portion has been expropriated or has been dedicated, sold, or otherwise transferred to the city, thereby leaving a severed portion of the original property which requires a re-designation of lot number and establishment of new lot boundary lines.

B. All plats approved or certified by an administrative procedure provided for herein, shall designate such fact on the plat and the plats shall be recorded in the conveyance records of the St. Tammany Parish Clerk of Court. Any plat so approved shall have the same force and effect and legal status of a subdivision application approved by the established legislative process.

1. *Procedure:* Applicant shall submit an application for an administrative re-subdivision.

Applications are available in the City of Slidell Planning Department.

2. Submittal requirements shall be the same as those of a regular re-subdivision.

3. *Fees:* All plats submitted to the City of Slidell Planning Department for administrative approval shall be accompanied by a City of Slidell fee of \$35.00 and a separate fee for the St. Tammany Parish Clerk of Court in the amount of \$35.00 for an 18" X 24" plat and \$45.00 for a 24" X 36" plat.

4. The planning director may, upon review of the submittals and review of the plat, at his/her discretion, require that the request go through the regular re-subdivision process with the review and decision being made by the City of Slidell Planning and Zoning Commission.

5. The plat shall include:

- a. The name of the original subdivision;
- b. The parcels or lots to be divided;
- c. Old boundary lines and lot designations shaded and new boundary lines and lot designations in bold;
- d. Date title, name, and location of proposed re-subdivision, including section, township, range, city, parish, and state.
- e. Written metes and bounds description of the property to be re-subdivided.
- f. Property measurements for dimensions and area;
- g. The location of all buildings on the lots to be subdivided.
- h. The names and location of all adjoining rights of way, streets and subdivisions.

- i. Verbiage stating that the plat is "The administrative re-subdivision of lot(s) _____, into lot(s) _____ of the _____ Subdivision."
- j. The flood zone designation;
- k. The zoning district designation;
- l. All existing and proposed easements;
- m. Vicinity map and north arrow;
- n. A certified land surveyor's seal must be clearly stamped on the plat, which is submitted for approval.
- o. Signature block to include the planning director, map file number, and date filed for record.
(Ord. No. 3458, 3-25-2008)

General Item

Ethics Board Docket No. BD 2010-071 02/19/2010

RE: Consideration of a request for an advisory opinion concerning the son-in-law of Ed Muniz, a recently appointed member of the Regional Planning Commission, continuing to perform services for the Regional Planning Commission.

Relevant Statutory Provisions, Advisory Opinions: 1102(13), 1113B

Comments:

FACTS:

The Regional Planning Commission (RPC) is a political subdivision of the state, comprised of 5 parishes in southeast Louisiana, tasked with performing advisory duties to keep the member parishes eligible to receive federal aid funds in the areas of economic development, transportation and environmental planning. The RPC consists of 26 members (15 elected officials, 10 private citizens and the Secretary of the DOTD). In August of 2007 the RPC entered into a business relationship with CommTech International, Inc., a computer consulting firm, which is paid on a time and materials basis for repairs and maintenance to the RPC computers. There is no formal contract between CommTech International, Inc., and the RPC. In November of 2009, Mr. Ed Muniz, the Mayor of Kenner, Louisiana, was appointed as a member of the RPC. Ed Muniz is the father in law of the owner of CommTech International, Inc., Mr. Darryl D. D'Aquin.

ISSUE:

May CommTech International, Inc. continue to do business with the RPC, when it is owned by an immediate family member of a Commissioner?

LAW:

Section 1102(13) defines "immediate family" as a public servant's children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

Section 1113B prohibits an appointed member of a Board or Commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

ANALYSIS:

Because CommTech International, Inc. is owned by an immediate family member of an RPC Commissioner, it is prohibited from continuing to maintain the business relationship with the RPC, because it would be "any way interested" in a transaction which is under the supervision or jurisdiction of Mr. Muniz' agency, the RPC. (MDD)

Recommendations: Adopt the proposed advisory opinion.

Date

Mr. Ernest Burguières, III
631 St. Charles Avenue
New Orleans, LA 70130

RE: Ethics Board Docket No. 2010-071

Dear Mr. Burguières:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion concerning whether CommTech International, Inc., may continue to do business with the Regional Planning Commission (RPC). You indicated that the RPC is a political subdivision of the state, comprised of 5 parishes in southeast Louisiana, tasked with performing advisory duties to keep the member parishes eligible to receive federal aid funds in the areas of economic development, transportation and environmental planning. The RPC consists of 26 members (15 elected officials, 10 private citizens and the Secretary of the DOTD). In August of 2007 the RPC entered into a business relationship with CommTech International, Inc., a computer consulting firm, which is paid on a time and materials basis for repairs and maintenance to the RPC computers. There is no formal contract between CommTech International, Inc., and the RPC. In November of 2009, Mr. Ed Muniz, the Mayor of Kenner, Louisiana, was appointed as a member of the RPC. Ed Muniz is the father in law of the owner of CommTech International, Inc., Mr. Darryl D. D'Aquin.

The Board concluded, and instructed me to inform you, that Section 1113B of the Code of Governmental Ethics prohibits CommTech International, Inc., from continuing to perform compensated services to the RPC. Section 1102(13) of the Code defines "immediate family" as a public servant's children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse. Section 1113B prohibits an appointed member of a Board or Commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member. Because CommTech International, Inc. is owned by an immediate family member of an RPC Commissioner, it is prohibited from continuing to maintain the business relationship with the RPC, because it would be "any way interested" in a transaction which is under the supervision or jurisdiction of Mr. Muniz' agency, the RPC.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

2010-071

ERNEST A. BURGUIÈRES, III
A PROFESSIONAL LAW CORPORATION

631 ST. CHARLES AVENUE
NEW ORLEANS, LOUISIANA 70130

December 18, 2009

2009
TEL: (504) 523-3456
FAX: (504) 523-4852
eab@bellsouth.net
RECEIVED
DEC 21 PM 4:13

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

RE: Regional Planning Commission
Request for Ethics Opinion

Dear Sirs:

I am general counsel to the Regional Planning Commission for the parishes of Orleans, Jefferson, St. Bernard, St. Tammany and Plaquemines. In connection with this representation I have been asked to request a formal ethics opinion from you regarding potential conflicts of interest arising out of a pre-existing contract for computer maintenance services and a recently appointed Commission member.

The Regional Planning Commission is comprised of twenty-six (26) members, fifteen (15) elected officials from the five member Parishes, ten (10) citizen members from the five member Parishes plus the Secretary of the Louisiana Department of Transportation and Development. The City of Kenner was not eligible to be a member of the Regional Planning Commission until an act of the Louisiana Legislature in 2000, and then only on a rotating basis with the City of Gretna, which has been invoked on an infrequent basis.

The Commission typically votes on consulting contracts with designers, engineers and planners, etc. in connection with its duties established by law. The Commission typically does not vote on professional services contracts utilized by the Commission for its operations.

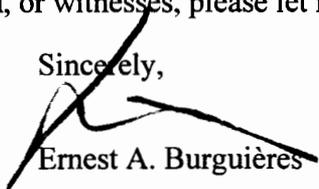
In August, 2007 the Regional Planning Commission commenced utilizing the professional services of a company known as CommTech International, Inc., a Louisiana based computer consulting firm based in Kenner, Louisiana owned by Darryl D. D'Aquin. CommTech has been paid on a time and materials basis for repairs and maintenance to RPC computers.

In November, 2009 Ed Muniz, as mayor of the City of Kenner, was installed as a member of the Jefferson Parish delegation to the Regional Planning Commission replacing the City of Gretna as part of the rotation policy referred to above.

At a recent social function a member of the RPC staff was reminded that Ed Muniz, the mayor of the City of Kenner, was the father in law of Darryl D. D'Aquin, the owner of CommTech. Even though the contractual relationship between the Regional Planning Commission and CommTech pre-dated the membership of Ed Miniz on the Regional Planning Commission and the fact that there is no specific contract with CommTech that the Commission would ever vote on, the Regional Planning Commission, in an abundance of caution requests an opinion as to whether this arrangement poses any ethical concerns for the Commission, Ed Muniz and/or CommTech.

Should the board wish further information, or witnesses, please let me know.

Sincerely,


Ernest A. Burguières

General Item

Ethics Board Docket No. BD 2010-072

02/19/2010

RE:

Consideration of a request for an advisory opinion regarding whether Mark Archer, Chairman of Concordia Recreation District #3, violated the Ethics Code by purchasing certain tracts of land.

Relevant Statutory Provisions, Advisory Opinions:

Bd. Docket No. 2009-1028

Comments:

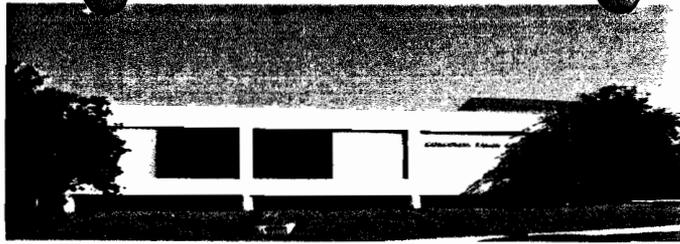
Facts: Concordia Parish Recreation District #3 recently purchased property to develop a recreation complex. The Town of Vidalia purchased property near this site to develop a municipal complex. Archer Investments, LLC, bought two tracts of land beside the site for the recreation complex. Archer Investments, LLC, is partly owned by Mark Archer, Chairman of the Recreation District. Complainant, Concordia Parish Police Jury, believes that Mr. Archer, as chairman, knows that these two complexes could increase the value of the property purchased by Archer Investments.

Conclusion: Decline to render an opinion as this matter concerns past conduct. (DLG)

Recommendations:

Decline to render advisory opinion

Carey Cook
Joseph Parker, Sr.
Willie Dunbar
Randy Temple
Whest Shirley
Jerry Beatty
Melvin Ferrington
Jimmy Jernigan
Red Tiffie



2010-072

OFFICERS

MELVIN FERRINGTON
PRESIDENT

RED TIFFEE
VICE PRESIDENT

HAZEL DICKSON
SECRETARY-TREASURER

CONCORDIA PARISH POLICE JURY

4001 CARTER STREET, RM 1
VIDALIA, LOUISIANA 71373
PHONE-318-336-7151 FAX-318-336-9915
E-MAIL - hdickson@conppi.org

December 29, 2009

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

CERTIFIED MAIL RECEIPT #7008 1300 0001 8078 1329

Dear Sir or Madam;

At the regular meeting of the Concordia Parish Police Jury held on December 14, 2009, I was asked to send you this letter to request your opinion on the following matter:

Concordia Parish Recreation District #3 recently purchased a piece of property for the development of a recreation complex. The Town of Vidalia has purchased a piece of property near the proposed recreation complex for the development of a municipal complex. Archer investments, L.L.C., partly owned by Mr. Mark Archer, Chairman of Concordia Recreation District #3, has purchased two tracts of land beside
What will be the new recreational complex.

What the Police Jury is asking is; As Mr. Archer is a member of the recreation district and has knowledge that these two complexes could cause the property value of the two tracts purchase by his firm to increase, is this a conflict of interest? Is Mr. Archer in violation of the ethics law?

I have enclosed copies of articles from the Concordia Sentinel and the Natchez Democrat that may help you to understand this better.

Sincerely,

Hazel Dickson
Secretary-Treasurer

Enc.

2010 JAN -7 PM 4:40
RECEIVED
CONCORDIA PARISH POLICE JURY

2010-072

www.natchezdemocrat.com 50¢

Leaders discuss rec plans

BY EMILY HAM
THE NATCHEZ DEMOCRAT

NATCHEZ — With a resounding “yes” from Adams County voters, local leaders are discussing the next steps toward a recreation complex. “I want people to know we’re still working on (recreation plans),” Supervisor Mike Lazarus said.

Lazarus, who was a vocal supporter of the non-binding referendum presented to Adams County voters on Nov. 3, said every Friday a group of 10 to 12 people meet at the Chamber of Commerce and talk recreation over a meal donated by area businesses. “We’re keeping the issue alive until after the holidays,” Lazarus said.

Lazarus said the Natchez-Adams County School Board, Board of Aldermen and Board of Supervisors will be meeting in January to discuss the next step and name a nine-member committee to oversee financial and legal recreational matters. “We’ve been meeting over a year on this now. We didn’t want it to lose any steam,”

Lazarus said. Lazarus said the meetings also serve to meet with other local leaders in the Miss-Lou to figure out what is happening in other cities and towns that Adams County might want to emulate. “We had a guy come in last Friday, and he talked about

SEE RECREATION, 3A

der of business focused on preparing a letter to send to a company scheduled to meet with supervisors on Dec. 17 about developing on the Belwood site.

Grand jury to get case in inmate scheme

JACKSON (AP) — A federal grand jury will consider the case of two men charged in an alleged scam the promised to help prisoners get out early for a hefty fee. Monterro Paul and Mark Amos, both convicted felons from New Orleans, were arrested Dec. 4 in Jackson.

leans would rebuild and Murray; attorney Robert and Norbert P. Rome.

RECREATION: Group meets Fridays to discuss rec plans

FROM PAGE 1A

some possible grants that might be out there,” Lazarus said. “(Recently) we met with Vidalia and found out what they are doing with their recreational facility.” Lazarus and Supervisor Darryl Grennell said the main purpose of the Friday meetings is to provide legwork to find suitable, qualified members of the community to present to the three boards for inspection.

“We are basically trying to help these three boards out in terms of developing a list of recommendees,” Grennell said. “For the (nine-person) commission, itself, we’re trying to recommend individuals with business backgrounds that can help to formulate proper financial and funding numbers (for the project,)” Grennell said. Grennell said more than 40 names have been submitted, but within the next few weeks, the group

would narrow the list to 12. The 12 names will then be carried from board meeting to board meeting where the names will be presented and discussed by board members. “These are recommendations to these boards. The boards make the final decisions,” Grennell said. Grennell said the final list of names is due next week and voting on the 12 candidates to submit to the boards will shortly follow.

2010-072

LABOR DAY SALUTE



ONCORP

0 Cents
incordiasentinel.com

September 2, 2009
Ferriday - Vidalia, La.

Covering Louisiana Since 1876

Rec complex "now a reality"

Special meeting Thursday to complete paperwork

By Joey Martin
Sentinel Writer

Recreation District No. 3 will sign an agreement Thursday with project designer Bryant Hammett & Associates to build a recreation complex near Wal-Mart in Vidalia. The paperwork will be completed during a special meeting. "This starts the whole thing rolling," said Recreation District No. 3 Chairman Mark Archer. "We still have several steps to go from there.

been working on for six years." The \$4 million complex will be located behind and next to Wal-Mart on land donated by the Town of Vidalia. The town purchased 50 acres for \$500,000 for the complex. Vidalia is building a municipal complex near the recreational complex. Archer said Recreation District No. 3 will hold public hearings to allow the public to view the plans and make comments. "We want the public to be a part of

into the funding phase and proceed. Meanwhile, Archer is part of a group that has bought two tracts of land separated by what will be the entrance road to the new recreational complex being built near Wal-Mart. Archer Investments LLC purchased a 2.46-acre tract and a 1.15-acre tract from Charles Johnson and family members. The Johnson family sold part of

ment. Archer Investments paid \$222,385 for the land. The agreement states Archer Investments, LLC acknowledges the existence of standing crops on the acreage and agreed not to conduct any operations or make any use of said property that in any way damages said crops until harvest. "I bought this clearly as a retirement investment because CDs don't pay anything anymore," Archer

LDWF office closure delayed
See Page 2A

2nd amendment

General Item

Ethics Board Docket No. BD 2010-073 02/19/2010

RE: Consideration of a request for an advisory opinion regarding whether the son of a member of the Central Lafourche Ambulance District Board may continue his employment with Acadian Ambulance Service in St. John the Baptist when Acadian Ambulance Service has a contract with the Central Lafourche Ambulance District.

Relevant Statutory Provisions, Advisory Opinions: 1112B(1)

Comments:

FACTS:

Andre' Allemand is a Commissioner on the Central Lafourche Ambulance District Board. Currently, Acadian Ambulance Service is the provider of emergency medical service to the Central Lafourche Ambulance District. St. John the Baptist is not part of the Central Lafourche Ambulance District. Mr. Allemand's son is employed by Acadian Ambulance Service in St. John the Baptist Parish.

LAW:

Section 1112B(1) of the Code prohibits a public servant from participating in a transaction involving their governmental entity in which a member of their immediate family has a substantial economic interest.

ANALYSIS:

Since any contract involving Acadian Ambulance Service coming before the Central Lafourche Ambulance District would not affect St. John the Baptist Parish, it does not appear Mr. Allemand's son would have a substantial economic interest. Mr. Allemand's son's continued employment is not prohibited. Further, no nepotism issues are presented. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Andre' R. Allemand, Commissioner
Central Lafourche Ambulance District
319 Four Point Drive
Raceland, Louisiana 70394

Re: Ethics Board Docket No. 2010-073

Dear Mr. Allemand:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion as to whether your son's employment with Acadian Ambulance Service in St. John the Baptist Parish is prohibited while you serve as a Commissioner on the Central Lafourche Ambulance District Board. You stated that Acadian Ambulance Service currently provides emergency medical service to the Central Lafourche Ambulance District. You stated that any decisions made by the Central Lafourche Ambulance District Board concerning contracts between the Central Lafourche Ambulance District and Acadian Ambulance Service does not affect St. John the Baptist Parish.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you son from continuing to work for Acadian Ambulance Service in St. John the Baptist Parish while Acadian Ambulance Service has a contract with the Central Lafourche Ambulance District and you serve as a Commissioner on such Board. Section 1119A of the Code prohibits the employment of an agency head's immediate family member with the agency head's governmental entity. Since your son is not employed with the Central Lafourche Ambulance District, there is no violation of Section 1119A of the Code presented.

In addition, the Board concluded, and instructed me to inform you of the prohibition set forth in Section 1112B(1) of the Code. Section 1112B(1) of the Code prohibits a public servant from participating in a transaction involving his governmental entity in which a member of his immediate family has a substantial economic interest. However, Section 1120.4 of the Code allows a member of a board or commission to recuse himself from participating and voting on any matter in which a potential violation of Section 1112B(1) of the Code may arise.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

2010-075

Camille A. "Cam" Morvant, II District Attorney



17th Judicial District Parish of Lafourche

Main Office:
406 West Third Street • P.O. Box 431
Thibodaux, LA 70301
(985) 447-2003 • Fax: (985) 446-5810

Juvenile/Child Support Office:
204 Green Street
Thibodaux, LA 70301
(985) 448-3422 • Fax: (985) 448-3429

December 17, 2009

Louisiana Board of Ethics
2415 Quail Drive, Third Floor
Baton Rouge, LA 70808

Re: Request for Opinion

Dear Sir or Madam:

Enclosed please find a letter sent to the Lafourche Parish District Attorney's Office by a volunteer commissioner. The author of the letter, Mr. Andre Allemand, is a commissioner on the Central Lafourche Ambulance District Board. Commissioners are appointed by the Lafourche Parish Council. Please review the enclosed and place the matter on your next available agenda.

Should you have any questions, please feel free to contact me at 985-447-2003.

Sincerely,

Lisa Orgeron
Assistant District Attorney

cc: Andre Allemand

2010 JAN -5 PM 4:19
OFFICE OF THE CLERK OF COURTS
RECEIVED

Andre' Allemand
319 Four Point drive
Raceland, LA 70394
December 14, 2009

Lisa Orgeron
Attorney
Lafourche Parish District Attorneys Office
P.O. Box 431
Thibodaux, LA 70302

Dear Miss Orgeron:

I currently sit as a commissioner on the Central Lafourche Ambulance District Board. I received appointment as a commissioner during the later part of 2008 and have participated in meetings since this time. My role as commissioner affords me the right to vote on the acceptance or denial of contractual agreements concerning ambulance service in this district. Currently, Acadian Ambulance Service is the provider of emergency medical coverage in the Central Lafourche Ambulance District and has provided medical service to the district for many years.

Recently, my son began working for Acadian Ambulance Service. His hire date was September 8, 2009 and is currently working in St. John the Baptist Parish. St. John the Baptist Parish is not affected by decisions or votes that are afforded by me in the Central Lafourche District.

My question to you is since my son works for Acadian Ambulance Service; can this be seen as a conflict of interest or an ethical infringement of Louisiana's nepotism law? I have reviewed R.S. 42:1119 concerning nepotism but could not find any clear guidance on this matter.

Please advise me concerning this issue. I enjoy serving the public as a board member but if resignation is warranted, this will be done without delay to preserve the integrity of the board and its members.

Sincerely,



Andre' R. Allemand, Commissioner
Central Lafourche Ambulance District

2010 JAN -5 PM 4:19

CAJALISEN FINANCE
RECEIVED

General Item

Ethics Board Docket No. BD 2010-074

02/19/2010

RE: Consideration of a request for an advisory opinion regarding what restrictions the former Deputy Engineer Administrator for the Department of Transportation and Development (DOTD), Gordon Nelson, would have with employment with a firm that has contracts with DOTD.

Relevant Statutory Provisions, Advisory Opinions: 1121A(1)

Comments:

FACTS: Prior to Mr. Nelson's employment as Deputy Engineer Administrator, Mr. Nelson served as the Assistant Secretary of Operations for DOTD from February 2001 until February 2009. Gordon Nelson retired from DOTD in November of 2009. At the time of his retirement, Mr. Nelson was employed with DOTD as the Deputy Engineer Administrator in the Office of Operations. As Deputy Engineer, Mr. Nelson had supervision over nine statewide DOTD Districts. Mr. Nelson planned, directed, and oversaw the work in all nine districts. The operation of the Districts included contract administration, maintenance projects, traffic operations, design of minor projects and business functions for the Districts. Mr. Nelson would like to accept employment with C.H. Fenstermaker & Associates as the Transportation Market Leader. As Transportation Leader, Mr. Nelson will formulate marketing plans for engineer design and project oversight, environmental services, surveying and mapping services, to federal, state, local and parish governments and/or private corporations. Mr. Nelson asks what restrictions he would have as an employee of C.H. Fenstermaker doing business with DOTD. Additionally, Mr. Nelson wanted to know the applicable restrictions he would have doing business with DOTD, including non-agency sections of the DOTD of which he had no appointing authority.

LAW:

Section 1121A(1) of the Code prohibits a former agency head, for a period of two years following the termination of his public service, from assisting another person for compensation in a transaction, or in an appearance in connection with a transaction, involving his former agency or render any service on a contractual basis to or for such agency. Section 1102 of the Code defines an agency head as the chief administrative officer of an agency.

ANALYSIS:

As the Deputy Engineer Administrator in the DOTD Office of Operations, Mr. Nelson supervised, planned, directed, and oversaw the work of nine districts in the state. As the chief administrative officer over those districts, Mr. Nelson was an agency head. As such, Mr. Nelson is prohibited, for a period of two years, from participating in contracts or other transactions involving the nine districts in which he supervised. Mr. Nelson is permitted to participate in transactions involving agencies within DOTD, other than those nine districts. (APB)

Recommendations: Adopt the proposed advisory opinion.

Date

Gordon E. Nelson, P.E.
13614 Cypress Ridge Ave.
Baton Rouge, LA 70817

RE: Ethics Board Docket No. 2010-074

Dear Mr. Nelson:

The Louisiana Board of Ethics, at its February 18, 2010 Board meeting, considered your request for an advisory opinion regarding what restrictions you, as former Deputy Engineer Administrator for the Department of Transportation and Development (DOTD), would have with employment with a firm that has contracts with DOTD. You stated that prior to your employment as Deputy Engineer Administrator, you served as the Assistant Secretary of Operations for DOTD from February 2001 until February 2009. You retired from DOTD in November of 2009. At the time of your retirement, you were employed with DOTD as the Deputy Engineer Administrator in the Office of Operations. As Deputy Engineer, you had supervision over nine statewide DOTD Districts. You planned, directed, and oversaw the work in all nine districts. The operation of the Districts included contract administration, maintenance projects, traffic operations, design of minor projects and business functions for the Districts. You would like to accept employment with C.H. Fenstermaker & Associates as the Transportation Market Leader.

As Transportation Leader, you will formulate marketing plans for engineer design and project oversight, environmental services, surveying and mapping services, to federal, state, local and parish governments and/or private corporations. You asks what restrictions you would have as an employee of C.H. Fenstermaker doing business with DOTD. Additionally, you wanted know the applicable restrictions you would have doing business with DOTD, including non-agency sections of the DOTD of which you had no appointing authority.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit you, as former Deputy Engineer Administrator, are prohibited for a period of two years from assisting C. H. Fenstermaker or any other company in a transaction involving those nine districts in which you supervised while employed with DOTD. Section 1121A(1) of the Code prohibits a former agency head, for a period of two years following the termination of his public service, from assisting another person for compensation in a transaction, or in an appearance in connection with a transaction, involving his former agency or render any service on a contractual basis to or for such agency. Section 1102 of the Code defines an agency head as the chief administrative officer of an agency.

As the Deputy Engineer Administrator in the DOTD Office of Operations, you supervised, planned, directed, and oversaw the work of nine districts in the state. As the chief administrative officer over those districts, you were an agency head. As such, you are prohibited, for a period of two years, from participating in contracts or other transactions involving the nine districts in which you supervised.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

DRAFT

2010-074

December 28, 2009

Gordon E. Nelson, P.E.
13614 Cypress Ridge Ave.
Baton Rouge, LA 70817

2010 JAN -7 PM 4:25
RECEIVED
OPERATION

LOUISIANA ETHICS ADMINISTRATION PROGRAM
P.O. Box 4368
Baton Rouge, Louisiana 70821

RE: Advisory Opinion for Gordon E. Nelson, P.E. for Employment Post DOTD
Retirement

Gentlemen:

I had been employed by the Louisiana Department of Transportation and Development (DOTD) since October 4, 1982. I retired effective November 20, 2009, from DOTD in the **Classified Position of Deputy Engineer Administrator**, in the Office of Operations, which I occupied since February 16, 2009.

Attached is Exhibit "A" Organizational Chart for DOTD showing where the Office of Operations is located in relation to the structure of the Department. The Deputy Engineer Administrator had direct supervision and is the Appointing Authority over operations of the nine (9) statewide DOTD districts. The operations of the Districts' include but are not limited to Contract Administration of Construction and Maintenance projects; Traffic Operations; Road and Bridge Maintenance Operations; Design of minor projects and Business functions of the Districts.

Attached is Exhibit "B," Duties and Responsibilities of the Deputy Engineer Administrator. This position serves as the **Assistant to the Unclassified Position of Assistant Secretary of Operations** in the Department. Duties and responsibilities include the following:

- Establishes goals, objectives, policies and procedures for district operations. Schedules and prioritizes work activities. Establishes and measures performance indicators.
- Assists the Unclassified Assistant Secretary of Operations in addressing special and unique problems in the Office of Operations. Handles special projects on an as needed basis.
- Confers, advises and negotiates with federal, state and local officials, private entities, and members of the public and other elected/appointed officials on variety of sensitive and controversial issues.

Page 2

December 5, 2009

Ethics Opinion for Gordon E. Nelson, P.E.

- Represents DOTD on behalf of the Unclassified Assistant Secretary of Operations on various matters and participates in conferences with appointed DOTD officials, division director, and other key staff to correlate and enhance administrative programs.
- Plans, directs, and oversees work of the nine (9) district administrators within the Office of Operations and provide administrative oversight.
- Serves as lead worker during emergency events.

From February 12, 2001 until February 16, 2009, I was in the **Unclassified Position of Assistant Secretary of Operations**, which is an appointed position. Prior to this I occupied several classified positions within the Baton Rouge District 61 Office.

The Assistant Secretary of Operation's position (see Exhibit "C") supervises the Deputy Engineer Administrator and is appointing authority for the Crescent City Connection Bridge and Marine Trust Section; The Statewide Maintenance Operations (Roadway Management, Structures, Marine and Traffic Services) Sections; Statewide Loss Prevention Section; Statewide Intelligent Transportation Systems; and Emergency/Homeland Security Section.

Attached is Exhibit "D," Duties and Responsibilities of the Assistant Secretary of Operations. Duties and responsibilities include the following:

- Carries out initiatives, directives and orders of the Secretary.
- Provides professional engineering expertise, guidance and assistance on variety of matters/concerns related to the operations of the nine (9) districts, the Crescent City Connection, Statewide Traffic Services and other matters as directed by the DOTD Secretary.
- Assists the Secretary in addressing special or unique problems arising in the Operations Division; handles special projects on an as-needed basis.
- Confers, advises, and negotiates with federal, state and local officials, and other elected/appointed officials in order to resolve issues and/or complaints.
- Plans, directs, and oversees, the work of the above sections. Provide administrative oversight that includes planning, review, and evaluation of subordinate performance.
- Represents the department on behalf of the Secretary on various, highly-complex engineering issues as well as on highly publicized decisions or actions in which the media/members of the public are involved.
- Participates in conferences with appointed DOTD officials, division directors, and other key staff to correlate and enhance administrative programs.

Page 3

December 5, 2009

Ethics Opinion for Gordon E. Nelson, P.E.

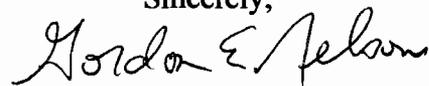
Subsequent to retiring from DOTD, I will be employed by the consulting engineering firm of C.H. Fenstermaker & Associates, Inc. effective January 11, 2009 in the capacity of **Transportation Market Leader**. The job duties of this position will be to formulate marketing plans and to market engineering design and/or project oversight; environmental services; and surveying and mapping services to federal, state, local and parish governments and/or private corporations.

I would like an advisory opinion as to the applicable restrictions I would have with doing business with DOTD, including the "non-agency" sections (non-operations sections) of the Department of which I had no appointing authority status over.

Furthermore, I would also like an advisory opinion on restrictions that I would have in being involved with contracts that the company of C.H. Fenstermaker secured with the Department prior to my employment with the firm. This would include contracts in "non-agency" sections (non-operations sections) of the Department of which I had no appointing authority status over.

Thank you for your assistance in this matter.

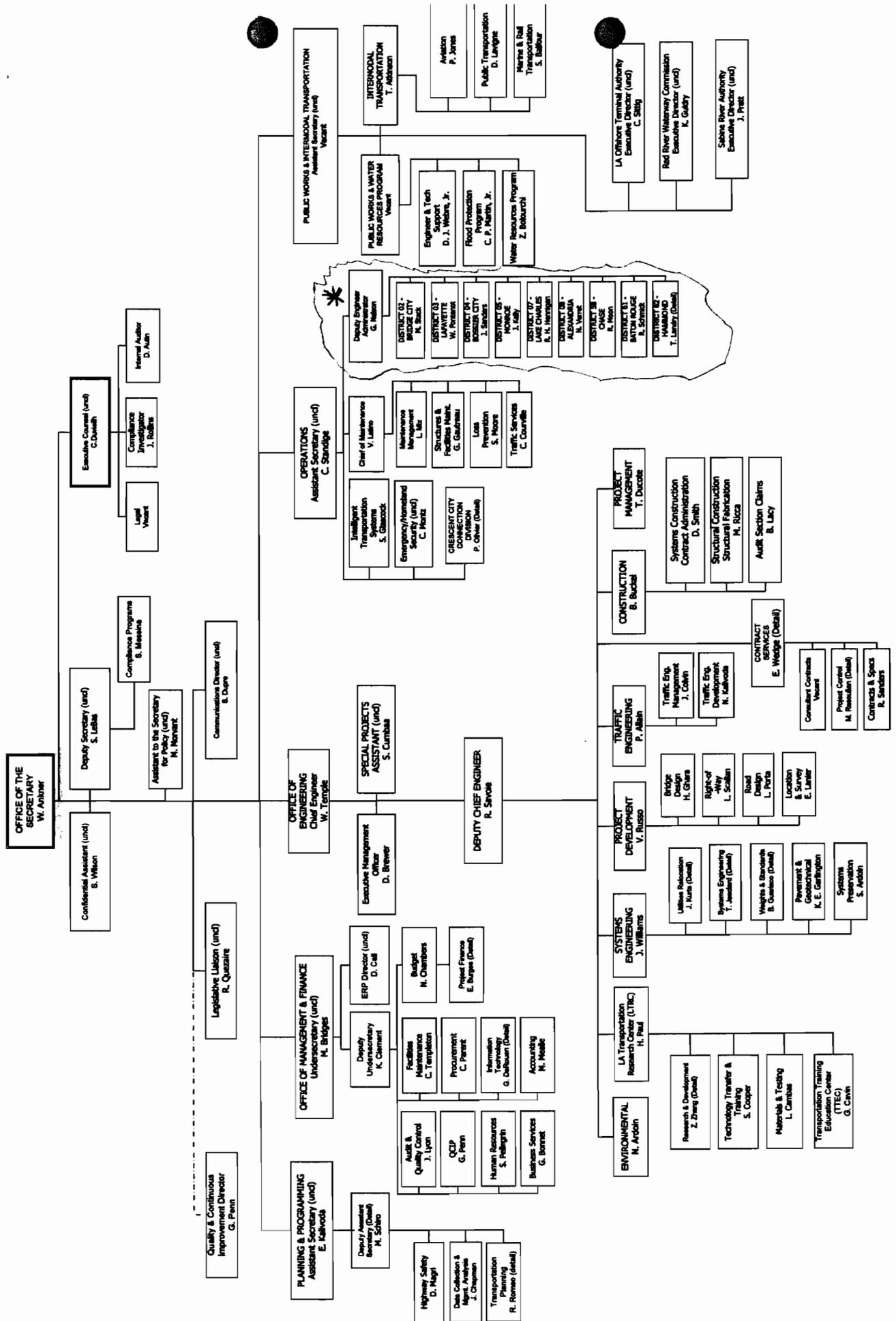
Sincerely,

A handwritten signature in cursive script that reads "Gordon E. Nelson".

Gordon E. Nelson, P.E.

EXHIBIT "A"

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT



REV. 9/9/09

SF-3
Rev. 01/07

DEPUTY ENGINEER ADMINISTRATOR EXHIBIT "B"

DUTIES AND RESPONSIBILITIES

Provide a brief statement describing the function of work or reason why the position exists. List duties indicating the percent of time spent for each area of responsibility. If applicable, describe any unusual physical demands and/or unavoidable hazards of the position. Attach additional pages if necessary.

If duty(s) are short-term / temporary and nonrecurring, note beginning and ending dates and percent of time required to perform the duty(s). Begin the writing of your short-term duty statement(s) as follows: (SHORT-TERM - beginning and ending dates) - Example: (SHORT-TERM - 1/1/99 thru 1/31/99) I count.....

PERCENTAGES
MUST
TOTAL 100%

LIST DUTIES IN DECREASING ORDER OF IMPORTANCE / COMPLEXITY. THE NEED FOR SPECIAL LICENSE, POLICE COMMISSION, KNOWLEDGE OR TRAINING MUST BE INDICATED BELOW, IF APPLICABLE.

Function Statement:

This position serves as assistant to the Unclassified Assistant over the Department of Transportation and Development's Office of Operations that administers all matters related to the district operations of the DOTD's nine districts, as well as other matters as directed by the Department of Transportation and Development Secretary, Travel and/or overtime are required of this position.

- 1) This position serves as an appointing authority and is responsible for managing a staff of approximately 3400 employees and an overall budget of approximately \$190 million.
- 2) Establishes goals, objectives, policies and procedures for district operations in order to achieve desired results; schedules and prioritizes work activities in order to achieve results in a timely and efficient manner; establishes performance indicator criteria or benchmarks against which work efforts will be measured in order to gauge progress and evaluate results actually achieved.

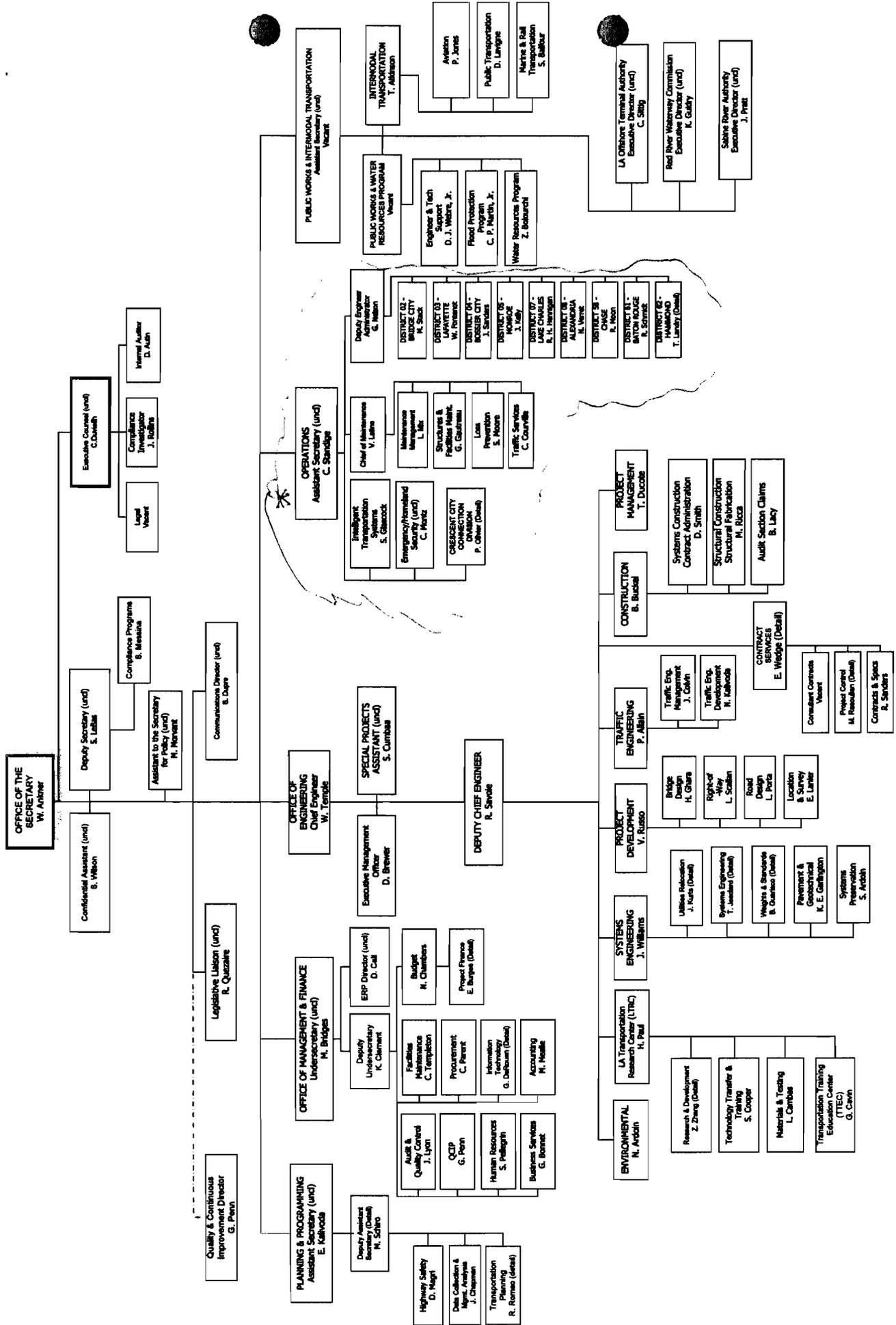
50% Assists the Unclassified Assistant Secretary in addressing special and unique problems arising in the Office of Operations; handles special projects on an as-needed basis. Confers, advises, and negotiates with federal, state and local officials, private entities, members of the public, and other elected/appointed officials on a variety of sensitive and controversial issues. Represents the DOTD on behalf of the Unclassified Assistant Secretary of Operations on various matters and participates in conferences with appointed DOTD officials, division director, and other key staff to correlate and enhance administrative programs.

45% Incumbent plans, directs, and oversees the work of the nine district administrators within DOTD's Office of Operations and incumbent provides administrative oversight that includes the planning, review, and evaluation of subordinate administrative performance.

5% Serves as a lead worker during emergency events that affect DOTD and will be required to work during these events. This position may be required to work nights and weekends.

EXHIBIT "C"

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT



REV. 9/9/09

EXHIBIT "D."

Assistant Secretary of Operations

The incumbent of this position serves as the Assistant Secretary over the Department of Transportation and Development's Operations Division. As such, the incumbent will act in accordance with directives from the Secretary of the Department.

Duties and Responsibilities:

- Carries out initiatives, directives and orders of the Secretary.
- Provides professional engineering expertise, guidance and assistance on a variety of matters/concerns related to the operations of DOTD's nine districts, the Crescent City Connection Division, Statewide Traffic Services, and other matters as directed by the DOTD Secretary.
- Assists the Secretary in addressing special or unique problems arising in the Operations Division; handles special projects on an as-needed basis.
- Confers, advises and negotiates with federal, state and local officials, private entities, and members of the public and other elected/appointed officials on a variety of sensitive and controversial policy or funding issues.
- Represents the department on behalf of the Secretary on various, highly-complex engineering issues as well as on highly publicized decisions or actions in which the media/members of the public are involved.
- Participates in conferences with appointed DOTD officials, division directors, and other key staff to correlate and enhance administrative programs.

General Item

Ethics Board Docket No. BD 2010-093

02/19/2010

RE: Consideration of a request by Covington City Councilman, Marty Benoit, regarding a proposed ordinance which restricts a member of a decision-making body from voting on a matter affecting land in which he has an interest or in which he has an interest in adjoining property.

Relevant Statutory Provisions, Advisory Opinions: 1112, 1120, 1102(21)

Comments:

FACTS: Covington City Councilman, Marty Benoit, is requesting an advisory opinion in connection with an ordinance proposed by the Covington City Council. The proposed ordinance provides that a member of a decision-making body with a financial interest in a property subject to a public hearing shall state that fact and abstain and shall abstain from voting on the matter pursuant to Sections 1112 and 1120 of the Code of Governmental Ethics. The proposed ordinance also includes a “proximity clause” which provides that if a member lives within 500 feet of a property that is the subject of a public hearing, he shall state that fact and abstain from voting. Councilman Benoit feels that the proximity clause may disenfranchise a member of a decision-making body and may result in unequal representation and is requesting an opinion as to whether the ordinance must include the proximity clause to fulfill the requirements under Sections 1112 and 1120 of the Code and the meaning of “substantial economic interest” as provided in the Code. The question he presents is whether a member of a decision-making body be allowed to vote on the re-zoning of a nearby property, which is the subject of a public hearing in order to protect his property and those of adjoining neighbors.

APPLICABLE LAW: Section 1112 of the Code prohibits a public servant from participating in any transaction involving his governmental entity in which he or a legal entity in which he has a substantial economic interest. Section 1102 (21) of the Code defines “substantial economic interest” as an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons.

ANALYSIS: A member of a decision-making body may be prohibited from participating in transactions involving lands in proximity to land he owns. The member should request an opinion with specific facts when an issue involving his participation arises. The Board does not consider local ordinances in its interpretation of Section 1112 of the Code. (AMA)

Recommendations: Adopt the proposed advisory opinion.

DATE

Martin J. Benoit
Councilman District D
City of Covington
P.O. Box 778
Covington, LA 70434

RE: Ethics Board Docket No. 2010-093

Dear Councilman Benoit:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion concerning an ordinance proposed by the Covington City Council. You state that the proposed ordinance provides that a member of a decision-making body with a financial interest in a property subject to a public hearing shall state that fact and abstain and shall abstain from voting on the matter pursuant to Sections 1112 and 1120 of the Code of Governmental Ethics. The proposed ordinance also includes a "proximity clause" which provides that if a member lives within 500 feet of a property that is the subject of a public hearing, he shall state that fact and abstain from voting. You feel that the proximity clause may disenfranchise a member of a decision-making body and may result in unequal representation.

You are requesting an opinion as to whether the ordinance must include the proximity clause to fulfill the requirements under Sections 1112 and 1120 of the Code and the meaning of "substantial economic interest" as provided in the Code. The question you present is whether a member of a decision-making body be allowed to vote on the re-zoning of a nearby property which is the subject of a public hearing in order to protect his property and those of adjoining neighbors.

The Board further concluded, and instructed me to inform you that it declines to render an opinion in connection with the provisions of the City of Covington's proposed ordinance. The Board, in making its determination as to whether or not a conflict of interest is presented and in its interpretation of the provisions of the Code, does not consider any laws other than those contained within the Code.

The Board further concluded, and instructed me to inform you, that Section 1112 of the Code prohibits a public servant from participating in any transaction involving his governmental entity in which he or a legal entity in which he has a substantial economic interest has a substantial economic interest. Section 1102 (21) of the Code defines "substantial economic interest" as an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons.

A member of a decision making body may be prohibited from participating in matters involving the area surrounding the property in which he and/or his immediate family members have an interest. Therefore, the member will need to request an advisory opinion from the Board at the time of each transaction affecting or which may affect his property or property in the area in order for the Board

Ethics Board Docket No. 2010-093

Page 2 of 2

DATE

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

Sincerely,

LOUISIANA BOARD OF ETHICS

**Alesia M. Ardoin
For the Board**

2010-093

CITY OF COVINGTON
Louisiana
317 N. Jefferson Street
P. O. Box 778
Covington, Louisiana 70434
985 / 898-4722
Fax: 898-4723

Martin J. "Marty" Benoit
Councilman, District D
Phone: 985-892-8064
benoitwfa@bellsouth.net

2010 JAN -4 PM 4:38
CITY OF COVINGTON
FINANCE
RECEIVED

December 30, 2010

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

Re: Section 1.804.6

Dear Mr. Simoneaux:

I respectfully request an Ethics Board opinion regarding the following section of a proposed zoning ordinance being considered by the Covington City Council.

"1.804. Conduct of the Hearing.

6. Conflicts: Any member of a decision-making body having any direct or indirect financial interest in property, or who lives within five hundred feet (500') of any property, which is the subject of a public hearing, shall disclose such fact to the hearing and shall abstain from voting on the matter as per LA R.S. 42:1112 and LA.R.S. 42:1120."

It states that a member of a decision-making body with a financial interest in a property subject of a public hearing shall state that fact and shall abstain from voting as per La RS 42:1112 and La RS 42:1120. However, also included is a proximity clause, stating that if a member lives within 500' of a property subject of a public hearing, he shall state that fact and abstain from voting.

The former dealing with a financial interest in property is understandable; the latter proximity clause presents problems. Those who live near a member of a legislative body could be penalized and disenfranchised by this proximity clause. A duly selected member of a decision-making body may not be able to represent the interest of residents who live near him as he would for residents who live outside the 500'. This would amount to unequal representation.

State Board of Ethics ltr.
Page 2 of 2

My questions are these: Is the proximity clause necessary to fulfill the requirements of LA RS 42:1112 and LA RS 42:1120 or would removing the section "or who lives within five hundred feet (500') of any property," maintain the intent of LA RS 42:1112 and LA RS 42:1120? What is considered "substantial economic interest", as referenced in LA RS 42:1112 and LA RS 42:1120? Would a member of a decision-making body be allowed to vote on the rezoning of a nearby property which is subject of a public hearing in order to protect his property and those of adjoining neighbors even with the inclusion of this proximity clause?

I await your opinion on this matter so we may move ahead with our rezoning ordinance.

With Best Regards,



Martin J. "Marty" Benoit
Councilman, District D
City of Covington

MJB/dwm

General Item

Ethics Board Docket No. BD 2010-098 02/19/2010

RE:

Consideration of a request for an advisory opinion concerning Marilyn Shraberg, an employee of the Catholic Charities Archdiocese of New Orleans, applying to become an OCS mental health services provider.

Relevant Statutory Provisions, Advisory Opinions:

1121B

Comments:**FACTS.:**

Marilyn Shraberg is employed as a social worker for the Catholic Charities Archdiocese of New Orleans, a private entity. Ms. Shraberg was formerly employed by the Louisiana Sprit program, a program of the State, for a period of six months in 2007. She would like to become a mental health provider for the Department of Social Services, Office of Community Services

LAW:

Section 1121B of the Code prohibits a former public employee, for a period of two years following the termination of his employment, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or from rendering any service which he had rendered to the agency during the term of his public employment on a contractual basis.

ANALYSIS:

Because more than 2 years have elapsed since the termination of Ms. Shraberg's employment with the State, the provisions of 1121B are not implicated. Ms. Shraberg is no longer a public employee, so the other provisions of the Code would not be applicable to her. (CDJ)

Recommendations:

Adopt the proposed advisory opinion

DATE

Ms. Marilyn R. Shraberg, LCSW
Catholic Charities Archdiocese of New Orleans
1000 Howard Ave.
New Orleans, LA 70113

RE: Louisiana Board of Ethics Docket No. 2010-098

Dear Ms. Shraberg:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion concerning whether you may become an OCS provider of mental health services. You state that you were employed by the Louisiana Spirit Program in 2007 for a period of six months. You state that you are currently employed by the Catholic Charities Archdiocese of New Orleans.

The Board concluded, and instructed me to inform you, that there is no violation of the Code if you become an OCS provider. Section 1121B of the Code prohibits a former public employee, for a period of two years following the termination of his employment, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or from rendering any service which he had rendered to the agency during the term of his public employment on a contractual basis. Because more than two years have elapsed since the termination of your employment with the State, the provisions of Section 1121B are not implicated.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Courtney D. Jackson
For the Board

DEC-22-2009 01:32P FROM:

18008278 2

10:91225381727157049 P.1

KATHOLIC
CAMPAIGN FINANCE
RECEIVED

2009 DEC 22 PM 12: 57

Ms Kathleen Allen
Louisiana Ethics Commission
2415 Quail Drive
Baton Rouge, Louisiana 70808
December 15, 2009

Dear Ms. Allen,

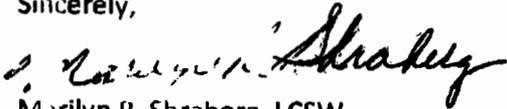
I am submitting this letter to request ethics clearance because I am applying to OCS to be a provider of Mental Health Services.

I was hired by the State of Louisiana in June or July 2007 as a temporary employee with the LA Spirit Program. I never actually worked beyond the orientation period however; my appointment remained in effect for six months.

I am presently working for Catholic Charities Archdiocese of New Orleans and have been employed by them since August 2006.

Thank you for your consideration in this matter.

Sincerely,



Marilyn R. Shraberg, LCSW
Catholic Charities Archdiocese of New Orleans
1000 Howard Ave.
New Orleans, Louisiana 70113
504-310 8743/432-3017
FAX 504 310-8781

General Item

Ethics Board Docket No. BD 2010-099 02/19/2010

RE: Consideration of a request for an advisory opinion concerning Frank Auderer, Jr., a St. Bernard Parish Councilman, selling his property to a company which has a business relationship with St. Bernard Parish Government.

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

Comments:

FACTS: Frank Auderer, Jr., is a St Bernard Parish Councilman. Global Risk Solutions (GRS) has been employed by St. Bernard Parish Government to purchase properties in the area in which rental property which Mr. Auderer owns is located. He would like to sell his property to GRS pursuant to this relationship between GRS and St. Bernard Parish Government. The properties will be removed and the area will be a "green space". The amount to be paid for the property is fair market value of the property pre-Katrina, less insurance proceeds received by the property owner. Mr. Auderer states that St. Bernard Parish Government does not vote or in any way determine which properties will be purchased, or the amount to be paid

LAW: Section 1111C(2)(d) of the Code prohibits a public servant from receiving any thing of economic value for services rendered to or compensated by a person that is a prohibited source pursuant to Section 1115 of the Code. Prohibited sources for public servants pursuant to Section 1115A of the Code include a person that has, or is seeking to have, a contractual, business or other financial relationship with the public servant's agency. The Code defines "service" as the performance of work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property. The Code defines "agency" for members of the governing authority of a governmental entity as the governmental entity.

ANALYSIS: Pursuant to Section 1111C(2)(d) of the Code, Mr. Auderer would be prohibited from rendering any service for compensation to GRS, a company which as a business relationship with St. Bernard Parish Government. The definition of service includes the sale of immovable property. Therefore, Mr. Auderer would be prohibited from selling his rental property to GRS. (CDJ)

Recommendations: Adopt the proposed advisory opinion.

DATE

Mr. Frank P. Auderer, Jr.
2120 Gallant Drive
Chalmette, LA 70043

RE: Louisiana Board of Ethics Docket No. 2010-099

Dear Mr. Auderer:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion concerning whether you may sell rental property which you own to Global Risk Solutions (GRS), a company which is employed by St. Bernard Parish Government to purchase properties in the area where your rental property is located. You state that you currently serve as a member of the St. Bernard Parish Council. You state that you have been contacted by GRS regarding the sale of your property. You further state that the properties would be purchased with hazard mitigation funds, and that once purchased, the properties will be dedicated as "green space". You also state that St. Bernard Parish Government does not vote on or determine which properties will be purchased, the amount to be paid, or have any other involvement in the purchase of these properties.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you from selling your property to GRS according to the facts which you indicate. Section 1111C(2)(d) of the Code prohibits a public servant from receiving any thing of economic value for a service which is rendered to or compensated by a person who has a business, contractual, or other financial relationship with the public servant's agency. Section 1102(20.1) of the Code defines "service" as the performance of work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property. Pursuant to Section 1111C(2)(d) you are prohibited from receiving compensation for selling your immovable property to GRS, a company which has a business relationship with your agency, St. Bernard Parish Government.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Courtney D. Jackson
For the Board

65

2010-099
frank p. auderer, jr.
2120 gallant drive
chalmette, louisiana 70043

December 2, 2009

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

2009 DEC -7 PM 4:44
RECEIVED

Gentlemen:

I am requesting an opinion on a situation in which I find myself.

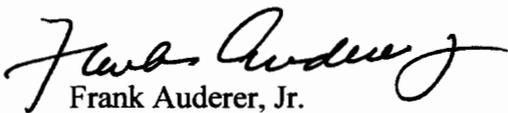
I own a double rental house located in an area that is being purchased by Global Risk Solutions, (GRS). GRS has been employed by St. Bernard Parish Government, of which I am a council member, to purchase properties in the area in which my rental property is located.

GRS has contacted me regarding my interest in selling my property, which will be purchased with hazard mitigation funds. These funds are dedicated for the purchase of properties and once the properties are removed the area will remain "green space." The amount to be paid to the landowners, by GRS is the fair market value of the property pre Katrina less insurance proceeds received by the property owner. My property is one of many properties in the area that GRS is purchasing and will be purchasing. St. Bernard Parish Government does not vote or in any way determine which properties, the amount to be paid or is involved in any other way with the purchase of these properties.

I would appreciate your response as soon as possible, as my property is presently under review by GRS. I can be reached at (504) 756-8563 if additional information is needed.

Thank you for your time and cooperation.

Sincerely,


Frank Auderer, Jr.

General Item

Ethics Board Docket No. BD 2010-100 02/19/2010

RE: Consideration of a request for an advisory opinion regarding whether the Assistant Fire Chief of Pierre Part Volunteer Fire Department (Department) , Ronnie Mabile, may conduct business with the Department and/or other Parish entities.

Relevant Statutory Provisions, Advisory Opinions: 1113

Comments:

FACTS:

Ronnie Mabile states that he is the Assistant Fire Chief for the Pierre Part Volunteer Fire Department in Assumption Parish. Mr. Mabile is not compensated as the Assistant Fire Chief of the Department. As assistant fire chief, Mr. Mabile is starting a business in which he will sell fire safety supplies as well as teach EMS and fire training classes. He will also sell and inspect fire extinguishers. Mr. Mabile would like to know whether he may sell supplies/equipment to the Department in which he serves as Assistant Fire Chief or any other public entity in Assumption.

LAW:

Section 1113 of the Code prohibits a public servant or a legal entity in which the public servant has a controlling interest from bidding on, contracting, subcontracting or entering into any other transaction that is under the supervision of the public servant's agency. Section 1123(35) provides an exception which allows a volunteer fireman or a legal entity in which he has an interest to bid on or enter into a contract, subcontract, or other transaction under the supervision or jurisdiction of his agency, provided that the volunteer fireman receives no compensation or any thing of economic value for his services as a volunteer fireman, that he is not an agency head, and that he does not participate on behalf of his agency in any capacity regarding such contract.

ANALYSIS:

It appears that Mr. Mabile meets the exception provided in Section 1123(35) of the Code. He is a volunteer firefighter receiving no compensation for his services and he is not an agency head. As long as Mr. Mabile does not participate in the contract on behalf of the Fire Department, the 1123(35) exception will apply. Additionally, assuming that Mr. Mabile has no immediate family members employed with other public entities in Assumption Parish, there is no violation of the Code if he conducts business with other public entities in the Parish. (APB)

Recommendations: Adopt the proposed advisory opinion.

Date

Ronnie Mabile
2519 Lee Drive
Pierre Part, LA 70339

RE: Ethics Board Docket No. 2010-100

Dear Mr. Mabile:

The Louisiana Board of Ethics, at its February 18, 2010 Board meeting, considered your request for an advisory opinion regarding whether you, as the Assistant Fire Chief, may conduct business with the Pierre Part Volunteer Fire Department or any other public entities in Assumption Parish. You stated that you are the Assistant Fire Chief for the Pierre Part Volunteer Fire Department in Assumption Parish. You are not compensated as Assistant Fire Chief. You are starting a business in which you will sell fire safety supplies as well as teach EMS and fire training classes. You will also sell and inspect fire extinguishers.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit you, as Assistant Fire Chief of the Pierre Part Volunteer Fire Department, from conducting business with the Fire Department. Section 1113 of the Code prohibits a public servant or a legal entity in which the public servant has a controlling interest from bidding on, contracting, subcontracting or entering into any other transaction that is under the supervision of the public servant's agency. Section 1123(35) provides an exception which allows a volunteer fireman or a legal entity in which he has an interest to bid on or enter into a contract, subcontract, or other transaction under the supervision or jurisdiction of his agency, provided that the volunteer fireman receives no compensation or any thing of economic value for his services as a volunteer fireman, that he is not an agency head, and that he does not participate on behalf of his agency in any capacity regarding such contract.

It appears that you meet the exception provided in Section 1123(35) of the Code. You are a volunteer firefighter receiving no compensation for your services and you are not an agency head. Therefore, as long as you do not participate in the contract on behalf of the Fire Department, the 1123(35) exception will apply. Additionally, assuming that you have no immediate family members employed within other public entities in Assumption Parish, there is no violation of the Code if you conduct business with other public entities in the Parish.

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

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

Sincerely,
LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board



2010-100

113



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

December 3, 2009

Mr. Louis Simon
Ethics Administrator
Board of Ethics for Elected Officials
P.O. Box 4368
Baton Rouge, LA 70821

2009 DEC -7 PM 4:44
RECEIVED
STATE OF LOUISIANA
DEPARTMENT OF JUSTICE

Dear Mr. Simon:

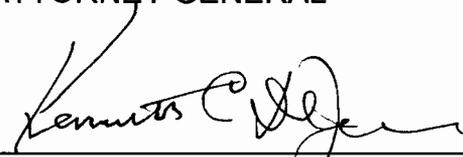
Enclosed please find correspondence from Mr. Ronnie Mabile, 2519 Lee Drive, Pierre, Part, LA 70339. This inquiry involves issues pertinent to the Louisiana Code of Ethics. As this matter is within your jurisdiction, I am forwarding this correspondence to you for your response.

This office would appreciate any effort by your office to expedite this matter.

Very truly yours,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY:



KENNETH C. DEJEAN
GENERAL COUNSEL

KCD:arg

cc: Mr. Ronnie Mabile

November 27, 2009

Dear Louisiana Attorney General's Office:

I am an Assistant Fire Chief to a local Volunteer Fire Department, and am starting a business that sells fire safety supplies as well as teaches EMS, fire training ,and as well as inspect and repair fire extinguishers. I am writing to ask your opinion on dealing with the local Fire Dept. if I am competitively priced. Also being we are a quasi government body under the Assumption Parish Police Jury, I was seeking an opinion on doing business with them and any other entities under the Parish such as in the Sheriffs Office, School board, water board and other parish Fire Departments. The only one I am affiliated with is the local Fire Department. Thanks for any and all help in the matter.

Ronnie Mabile
2519 Lee Drive
Pierre Part , LA 70339

985.513.1806

General Item

Ethics Board Docket No. BD 2010-106 02/19/2010

RE: Consideration of a request for an advisory opinion regarding whether the appointment of Mr. Mitch Theriot to Director of the Water Department in Jefferson Parish, would create a conflict of interest or otherwise violate the Code of Ethics.

Relevant Statutory Provisions, Advisory Opinions: 1112B(1), 1113A(1)(a)

Comments:

Facts: Randy Schuler, Director of the Jefferson Parish Water Department, will retire on March 1, 2010. The parish wants to promote Mitch Theriot, a 12-year employee, to fill this position. The Water Department is one of several departments under the supervision and authority of the Public Works Department. Mr. Theriot's wife, Ann Theriot, is a civil engineer who works part-time for Meyer Engineering. Mrs. Theriot has been employed by Meyer Engineering for 19 years and has no ownership interest in the company. Mrs. Theriot predominantly works on drainage projects and projects for the City of Mandeville and other municipalities. Meyer Engineering has done and continues to perform engineering services for various projects in Jefferson Parish. Projects by Meyer Engineering, as well as other outside engineering consultants are selected by the Jefferson Parish Council and are normally negotiated/coordinated through the Capital Projects Department. Mrs. Theriot does not negotiate contracts for Meyer Engineering, and if appointed Director of the Water Department, Mr. Theriot will not negotiate any contracts with Meyer Engineering.

Issue: Whether the appointment of Mr. Theriot to Director of the Water Department, Jefferson Parish, will create any conflicts of interest, specifically in regard to the fact that his wife's employer has and will continue to enter into contracts with the parish.

Law: Section 1112B(2) of the Code prohibits a public servant from participating in a transaction involving the governmental entity in which, to his actual knowledge, a member of his immediate family has a substantial economic interest. Section 1113A(1)(a) prohibits public servants, their immediate family members, or legal entities in which they have a controlling interest, from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servants.

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

Engineering will not be precluded from seeking contracts with Jefferson Parish, or any of its departments, provided that Mrs. Theriot does not work on any of the projects related to the Jefferson Parish Water Department. Mrs. Theriot may continue to work on projects for Jefferson Parish as long as those projects are not with the Water Department. (DLG)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Jose Gonzalez
COO, Jefferson Parish
P.O. Box 10242
Jefferson, LA 70181-0242

Re: Board Docket No. 2010-106

Dear Mr. Gonzalez:

The Louisiana Board of Ethics, at its February 19, 2010 meeting, considered your request for an advisory opinion regarding whether the appointment of Mr. Mitch Theriot to Director of the Water Department in Jefferson Parish, would create a conflict of interest or otherwise violate the Code of Ethics. You stated that Randy Schuler, Director of the Jefferson Parish Water Department, will retire on March 1, 2010. The parish wants to promote Mitch Theriot, a 12-year employee, to fill this position. The Water Department is one of several departments under the supervision and authority of the Public Works Department.

You also stated that Mr. Theriot's wife, Ann Theriot, is a civil engineer who works part-time for Meyer Engineering. Mrs. Theriot has been employed by Meyer Engineering for 19 years and has no ownership interest in the company. Mrs. Theriot predominantly works on drainage projects and projects for the City of Mandeville and other municipalities. Meyer Engineering has done and continues to perform engineering services for various projects in Jefferson Parish. Projects by Meyer Engineering, as well as other outside engineering consultants, are selected by the Jefferson Parish Council and are normally negotiated/coordinated through the Capital Projects Department. Mrs. Theriot does not negotiate contracts for Meyer Engineering, and if appointed Director of the Water Department, Mr. Theriot will not negotiate any contracts with Meyer Engineering.

The Board concluded, and instructed me to advise you, that Mr. Theriot's appointment to Director of Jefferson Parish's Water Department, in and of itself, will not create a conflict of interest or otherwise contravene the provisions of the Ethics Code. Section 1112B(2) of the Code prohibits a public servant from participating in a transaction involving the governmental entity in which, to his actual knowledge, a member of his immediate family has a substantial economic interest. Section 1113A(1)(a) prohibits public servants, their immediate family members, or legal entities in which they have a controlling interest, from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servants.

Section 1112 will prohibit Mr. Theriot from participating in transactions in which his wife has a substantial economic interest. Moreover, his wife, individually, would be prohibited from entering

into any contract, subcontract, or other transaction under the supervision or jurisdiction of the Water Department. However, Meyer Engineering will not be precluded from seeking contracts with Jefferson Parish, or any of its departments, provided that Mrs. Theriot does not work on any of the projects with the Jefferson Parish Water Department. Mrs. Theriot may continue to work on other projects for Jefferson Parish and its departments as long as those projects are not with the Water Department.

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

2010-106



**JEFFERSON PARISH
LOUISIANA**

**OFFICE OF PARISH PRESIDENT
January 15, 2010**

Our Mission Is:
"Provide the services,
leadership, and vision to
improve the quality of life
in Jefferson Parish."

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

Gentlemen:

This advisory opinion request is made on behalf of the Administration of the Parish of Jefferson. On March 1, 2010, Randy Schuler the Director of the Water Department will retire. The Parish desires to fill this position by promoting an existing 12 year employee, Mitch Theriot¹ to Director.

The Water Department is one of several departments in the organizational chart of Jefferson Parish that falls under the supervision and authority of the Public Works Department. The other departments are: Capital Projects, Drainage, Sewerage, Engineering, Streets and Parkways. (see attached chart).

Mr. Theriot's wife, Ann Theriot, is a Civil Engineer who works part-time (@ 30 hours per week) for Meyer Engineering, and predominately works on drainage projects and projects for the City of Mandeville, and other municipalities. Mrs. Theriot has worked for Meyer for 19 years and has no ownership interest in Meyer Engineering. Meyer Engineering has done and continues to perform engineering services for various projects in Jefferson Parish. Projects by Meyer Engineering, as well as other outside engineering consultants are selected by the Jefferson Parish Council and are normally negotiated/coordinated through the Capital Projects Department.

Mrs Theriot does negotiate contracts for Meyer Engineering, and if appointed Director of the Water Department, Mr. Theriot will not negotiate any contracts with Meyer Engineering.

The Parish desires an opinion on whether the appointment of Mr. Theriot to the position of the Director of the Water Department will create any conflict of interest or otherwise contravene the provisions of the Louisiana Code of Governmental Ethics.

If you need any addition information, please do not hesitate to contact me.

Yours Truly,


Jose Gonzalez
Chief Operating Officer

cc: Parish President, Steve Theriot
Deputy Parish Attorney, Louis Gruntz

¹ No relation to Steve Theriot appointed Acting Parish President by the Jefferson Parish Council on January 13, 2010.

Jefferson Parish Government Structure

