

Louisiana Board of Ethics

**LaSalle Building
First Floor - Griffon Room**

**February 19, 2010
1:00 p.m.**

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

Note: Meetings begin on February 18, 2010 and continue to February 19, 2010.

Executive Session

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

Discussion in Executive Session of pending litigation in the matter involving Jason Ebey and Terry Gardner (*Docket No. 2008-909*).

Discussion in Executive Session of pending litigation in the matter involving Craig Webre (*Docket No. 2007-527*) and Leon Vial (*Docket No. 2008-669*).

**February 19, 2010
Public Hearings (LaBelle Room)
Begin at 9:00 a.m.**

G1. Docket No. 08-934

Request for rehearing in connection with Board Orders ordering the payment of late fines totaling \$10,800 and a hearing to obtain Orders for late fees totaling \$2,220 assessed against Cynthia Cade, a successful candidate for Orleans Parish School Board in the September 18, 2004 and October 4, 2008 elections who has failed to timely file campaign finance disclosure reports.

G2. Docket No. 09-1007

Public hearing to obtain an Order against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: Brent Callais, Yolanda Dupaty-Zeigler, John Nicholson, and Maurice Tynes.

G3. Docket No. 10-005

Public hearing to obtain an Order against Darrel Flanel for failure to pay assessed late fees for the late filing of his Executive and/or Legislative Lobbyist Expenditure Reports.

General Item

Ethics Board Docket No. BD 2008-934

02/19/2010

RE: Request for rehearing in connection with Board Orders ordering the payment of late fines totaling \$10,800 and a hearing to obtain Orders for late fees totaling \$2,220 assessed against Cynthia Cade, a successful candidate for Orleans Parish School Board in the September 18, 2004 and October 4, 2008 elections who has failed to timely file campaign finance disclosure reports.

Relevant Statutory Provisions, Advisory Opinions: 18:1505.4, 42:1157.2; Rule 1018

Comments: Cynthia Cade was a successful candidate for Orleans Parish School Board in the September 18, 2004 and October 4, 2008 elections. In connection with the September 18, 2004 election, Ms Cade filed her 30-P report 40 days late and her 10-P report 20 days late. Late fees of \$2,000 and \$1,200 was assessed against her. The Board held a public hearing in connection with the payment of the \$3,200 in late fees on April 20, 2005. At the public hearing the \$3,200 late fees were imposed with all but \$400 suspended based on future compliance with the Campaign Finance Disclosure Act. A copy of the Order in BD 2005-035 has been enclosed.

Ms. Cade's 10-G report in connection with the September 18, 2004 election indicated that she had a deficit which required her to file a Supplemental report each year by February 15th. Ms. Cade filed the Supplemental report for 2005 but did not file the reports for 2006 and 2007. At a public hearing held on October 12, 2006 in connection with her failure to file the 2006 Supplemental report the Board issued an Order ordering her to pay fines totaling \$4,000. The fines consist of \$2,000 maximum late fee and a \$2,000 civil penalty. A copy of the Order in BD 2006-290 has been enclosed. At a public hearing held on July 12, 2007 in connection with her failure to file the 2006 Supplemental report the Board issued an Order ordering her to pay fines totaling \$4,000. The fines consist of \$2,000 maximum late fee and a \$2,000 civil penalty. A copy of the Order in BD 2006-290 has been enclosed. The 2006 and 2007 Supplemental reports were filed on July 9, 2008. The Board has filed suit against Ms. Cade in connection with these Orders and at this time she has incurred approximately \$440 in court costs.

Ms. Cade has also been assessed a \$600 late fee for filing her 2007 Supplemental report 145 days late. Ms. Cade was assessed a \$420 late fee for filing her 10-P report 7 days late in connection with the October 4, 2008 election. Further, as a result of the new late fees, the suspended portion of the late fees (\$2,800) assessed in BD 2005-035 have been reassessed.

Most recently Ms. Cade was assessed \$600 and \$600 late fees for filing her 2008 Supplemental reports in connection with the September 18, 2004 and October 4, 2008 elections. She requested a waiver of those late fees which was denied at the Board's September 30, 2009 meeting.

Rule 1018 states that any person aggrieved may apply to the Board for a rehearing in writing within 10 days from the date the Board's decision becomes final. Ms. Cade appeared at the Board's November 13, 2008 meeting in connection with a request for a reduction of these fines. The Board declined to waive any of the late fees or fines imposed. (AMA)

Recommendations: Deny the request for rehearing. Issue Orders ordering the payment of \$2,220 for most recent late filings.

**STATE OF LOUISIANA
BOARD OF ETHICS**

DOCKET NO. 2005-035

ORDER

This matter came before the Board of Ethics on the 20th day of April 2005. After considering all available information, the Board on motion duly made and seconded, and by a majority vote rendered the following order:

IT IS ORDERED AND DECREED that the assessment of \$2,000 in late fees upon Cynthia Cade for failure to timely file a thirtieth day prior to the primary (30-P) campaign finance disclosure report by September 8, 2004 be and it hereby is made absolute.

IT IS ORDERED AND DECREED that the assessment of \$1,200 in late fees upon Cynthia Cade for failure to timely file a tenth day prior to the primary (10-P) campaign finance disclosure report by September 8, 2004 be and it hereby is made absolute.

The total late fee of \$3,200 with all but \$400 suspended conditioned upon future compliance with the Campaign Finance Disclosure Act, payable to the State Treasurer, is to be paid on or before the 20th day of May 2005.

Order rendered in a public meeting on the 20th day of April 2005 and signed on the 26th day of April 2005 at Baton Rouge, Louisiana.



Board of Ethics
Robert L. Roland, Chairman

**STATE OF LOUISIANA
BOARD OF ETHICS**

DOCKET NO. 2006-290

ORDER

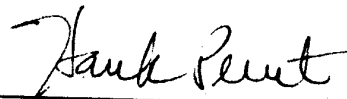
This matter came before the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, on the 12th day of October 2006. After considering all available information, the Board on motion duly made and seconded, and by a majority vote rendered the following order:

IT IS ORDERED AND DECREED that Cynthia Cade is found in violation of Section 1505.1B of the Campaign Finance Disclosure Act for the failure to file an Annual/Supplemental campaign finance disclosure report, in connection with the September 18, 2004 election, that was due by February 15, 2006, and he is hereby ordered to file the required report.

IT IS ORDERED AND DECREED that Cynthia Cade be and is hereby commanded to pay the sum of \$60 per day, up to the maximum of \$2,000, for the Annual/Supplemental campaign finance disclosure report.

IT IS FURTHER ORDERED AND DECREED that an additional civil penalty of \$2,000 be imposed upon Cynthia Cade, but that said additional civil penalty be suspended if the required report is filed by November 13, 2006.

Order rendered and signed in a public meeting on the 12th day of October 2006 at Baton Rouge, Louisiana.



Louisiana Board of Ethics
Henry C. Perret, Jr., Vice Chairman

**STATE OF LOUISIANA
BOARD OF ETHICS**

DOCKET NO. 2007-237

ORDER

This matter came before the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, on the 12th day of July 2007. After considering all available information, the Board on motion duly made and seconded, and by a majority vote rendered the following order:

IT IS ORDERED AND DECREED that Cynthia Cade is found in violation of Section 1505.1B of the Campaign Finance Disclosure Act for the failure to file an Annual/Supplemental campaign finance disclosure report, in connection with the September 18, 2004 election, that was due by February 15, 2007, and she is hereby ordered to file the required report.

IT IS ORDERED AND DECREED that Cynthia Cade be and is hereby commanded to pay the sum of \$60 per day, up to the maximum of \$2,000, for the campaign finance disclosure report.

IT IS FURTHER ORDERED AND DECREED that an additional civil penalty of \$2,000 be imposed upon Cynthia Cade, but that said additional civil penalty be suspended if the required report is filed by August 13, 2007

Order rendered and signed in a public meeting on the 12th day of July 2007 at Baton Rouge, Louisiana.



Louisiana Board of Ethics
Henry C. Perret, Jr., Chairman



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

P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 763-8777
FAX: (225) 763-8780
1-800-842-6630
www.ethics.state.la.us

October 3, 2008

Cynthia Cade
7816 Devine Avenue
New Orleans, Louisiana 70127

RE: October 4, 2008 Election

Dear Ms. Cade:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, has received your 10-P campaign finance disclosure report, which was due by September 24, 2008. The report was filed on October 1, 2008 and was 7 days late. La. R.S. 18:1505.4A(2)(a)(ii) of the Campaign Finance Disclosure Act provides that an automatic late fee of \$60 per day be assessed against you for this late filing.

Accordingly, a late fee of \$420 is assessed against you for failure to timely file your campaign finance disclosure report. In Ethics Board Docket No. 2005-035 the Board suspended all but \$400 of the \$3,200 late fee imposed against you for filing your 30-P report 40 days late and 10-P report 20 days late in connection with the September 18, 2004 election. The suspension of the \$2,800 was conditioned upon your future compliance with the Campaign Finance Disclosure Act, therefore the \$2,800 late fee is now being reassessed as a result of this new late filing. Please submit a check or money order for \$3,220 payable to the Treasurer of the State of Louisiana to 2415 Quail Drive, Third Floor, Baton Rouge, LA 70808 by November 3, 2008. **Please note under new law now in effect, late fees can only be paid by the candidate or by his campaign.**

La. R.S. 42:1157 provides that the late filer may apply to the Board for a waiver of these late fees **within thirty days after the mailing of this letter**, but only for "good cause shown." "Good cause" is defined in the statute to be "any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing." The Board may also consider, where applicable, the reason for the failure to file timely, the nature of the office sought, and the significance of the information undisclosed. Should you desire the Board to consider waiving the late fees, submit a written statement to the Board specifying your reasons for the late filing, in lieu of your payment, by November 3, 2008. You should provide specific dates and documentation to support a waiver request. If you would like to appear before the Board in connection with such a request, please so indicate in writing. **If the Board does not receive your waiver request by November 3, 2008, you will be prohibited from requesting a waiver.**

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

Sincerely,

LOUISIANA BOARD OF ETHICS

A handwritten signature in cursive script that reads "Lauren Abrams".

Lauren Abrams

Cynthia Cade
P. O. Box 870986
New Orleans, Louisiana 70187
504-717-3106
Cade_Cynthia@yahoo.com

October 8, 2008

Alesia M. Ardoin
Louisiana Board of Ethics
2415 Quail Drive
Baton Rouge, LA 70808

RE: Ethics Board Hearing on Assessed Late Fines

Dear Alesia M. Ardoin:

In reference to your letters dated September 10, and October 4 about late fees for filing my campaign finance disclosure reports late, I am humbly requesting a waiver from the Board of Ethics of all late fees assessed against me as a candidate for the Orleans Parish School Board District 2.

I also ask that, these filing all be heard before the Ethics Board at the hearing that is schedule for November 13, 2008.

Your soon response Attorney Ardoin will be greatly appreciated. Thanks so much.

Sincerely,

Cynthia Cade

Cynthia Cade
7618 Devine Ave
New Orleans, LA 70127
504-717-5130

July 9, 2008

Alesia M. Ardoin
Louisiana Board Of Ethics
2415 Quail Drive
Baton Rouge, LA 70808

RE: Ethics Board Rehearing on Assessed Late Fines

Dear Alesia M. Ardoin:

Pursuant to your letter dated June 20th 2008, and our conversation July 9th 2008, all required supplemental reports have been filed. Therefore, I am humbly requesting the Board of Ethics grant a rehearing in the matter of assessed fines for failure to file supplemental reports in connection with the September 18th 2004 election. It is my understanding that the scheduled hearing for July 10, 2008 would have possibly dismissed the late fines because of my submitting all reports as requested. It is unfortunate that the schedule hearing has been postponed to a later date.

Again, thanks so much Ms. Ardoin for your assistance in this matter.

Sincerely,


Cynthia Cade

General Item

Ethics Board Docket No. BD 2009-1007 02/19/2010

RE: Public hearing to obtain an Order against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: Brent Callais, Yolanda Dupaty-Zeigler, John Nicholson, and Maurice Tynes.

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

Comments: Dismiss the hearing against the following candidate since the candidate has paid: Maurice Tynes

Continue the hearing against the following candidates since proper service has not been obtained: Brent Callais, and John Nicholson.

Proceed with the hearing against the following candidate: Maurice Tynes, and Yolanda A. Dupaty-Zeigler.

Yolanda A. Dupaty-Zeigler: Pursuant to the guidelines adopted by the Board, untimely waiver requests are presented to the Board at the Public Hearing in connection with the late fee. In a letter dated November 3, 2009, Ms. Dupaty was notified of the late fee assessed for her failure to timely file a Supplemental report in connection with the October 20, 2007 election. The notice also informed her that pursuant to La. R.S. 42:1157, a "good cause" waiver must be submitted prior to October 12, 2009. Ms. Dupaty's waiver request was submitted on November 16, 2009. The Supplemental report was due February 17, 2009 and filed August 18, 2009. The late fee for the Supplemental report was reduced from \$2000 to \$600 based on the level of activity pursuant to Rule 1204D. The report shows \$0 activity. This is the candidate's first election. She was also assessed a \$600 late fee for filing her Supplemental report 550 days late in connection with the October 20, 2007 election, and the late fee has been paid. (AMA)

Recommendations: Issue Orders



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

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

November 19, 2009

Mr. Brent Callias
P.O. Box 1154
Cutoff, LA 70345

RE: Ethics Board Docket No. 2009-1007

Dear Mr. Callias:

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

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
SPEC	08/01/2009	1	\$60	10/12/2009
SPEC	08/01/2009	7	\$420	10/12/2009
			\$480	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **February 19, 2010 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

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

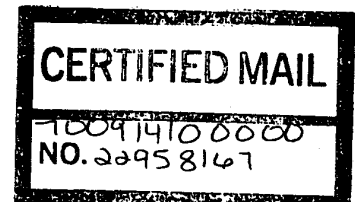
Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardois
Alesia M. Ardois
For the Board

EB:AMA

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DEPARTMENT OF STATE CIVIL SERVICE
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November 19, 2009

Ms. Yolanda Dupaty-Zeigler
5930 Doral Court
New Orleans, LA 70128

Re: Waver request

Dear Ms. Dupaty-Zeigler:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, has received your waiver request dated November 13, 2009, however it is **untimely**.

In our letter dated November 3, 2009, you were given notice of late fees assessed for failure to timely file your campaign finance disclosure report. In the letter we advised that any request for a "good cause" waiver must be submitted prior to **October 12, 2009**. La. R.S. 42:1157 provides that the late filer may apply to the Board for a waiver of late fees **within thirty days after the mailing of notice**.

Please be advised that your waiver request will be submitted to the board at a public hearing scheduled for **February 19, 2010**.

Sincerely,

LOUISIANA BOARD OF ETHICS

Delesuia Womack
Delesuia A. Womack

00000000

COMMISSION ON CAMPAIGN FINANCE RECEIVED

November 13, 2009

2009 NOV 16 AM 10: 25

To Louisiana State Board of Ethics:

The purpose of this letter is to respectfully request a waiver of good cause for the late fee assessed for my failure to timely file my campaign finance report. Please be advised that my report was mailed to the appropriate office; however, was never received. I have submitted all previous reports within the prescribed timeframe and feel that the non-receipt of my final report was a postal system error. I have been working closely with the staff of the Ethics office to resolve this issue and view this and other requirements imposed by the Board of Ethics with the utmost regard.

I thank you in advance for your attention and anticipated cooperation in this matter. Should you wish to contact me directly, I can be reached at 504.628.5141.

Sincerely,



Yolanda A. Dupaty-Zeigler

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For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Send to
 Street Apt. No., or PO Box No. Yolanda Dupaty-Zeigler
 City, State, ZIP+4 New Orleans, LA 70128
 PS Form 3800, August 2006 See Reverse for Instructions

DW/FA
NOV 2009-1007
Postmark Here

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Yolanda Dupaty-Zeigler
 5930 Dorale Court
 New Orleans, LA 70128


7009 1410 0000 2295 8174

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee

B. Received by (Printed Name) DW/FA C. Date of Delivery 11/24/09

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 Restricted Delivery? (Extra Fee) Yes

7009 1410 0000 2295 8174



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
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www.ethics.state.la.us

November 25, 2009

Mr. John Nicholson
1428 Ave. F
Marrero, LA 70072

RE: Ethics Board Docket No. 2009-1007

Dear Mr. Nicholson:

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

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
10-G	10/04/2008	17	\$60	11/30/2009
EDE-P	10/04/2008	160	\$600	11/30/2009

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **February 19, 2010 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

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

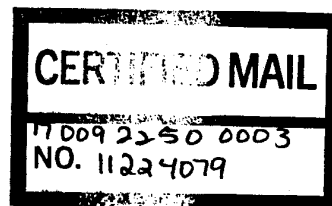
Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
Alesia M. Ardoin
For the Board

EB:AMA

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www.ethics.state.la.us

November 19, 2009

Mr. Maurice Tynes
352 Pati Lane
Sulphur, LA 70663

RE: Ethics Board Docket No. 2009-1007

Dear Mr. Tynes:

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

Report Late	Election	No. of Days Late	Total Fee Assessed	Date Fee Due
SUPP	10/04/2008	162	\$600	10/12/2009
			\$600	

To date, the above late fees have not been paid. Therefore, this matter will be heard by the Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure at the LaSalle Building, LaBelle Room, 617 N. Third Street, 1st Floor, Baton Rouge, Louisiana on **February 19, 2010 at 9:00 a.m.** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70821.

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

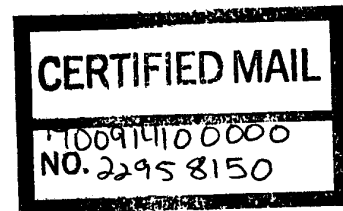
Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Arden
Alesia M. Arden
For the Board

EB:AMA

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 Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$

Sent to Maurice Tynes
 Street, Apt. No.: 352 Pati Lane
 or PO Box No. Sulphur, LA 70663
 Zip, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. **DW/AA** so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits. **2009-1007**

1. Article Addressed to:
Maurice Tynes
352 Pati Lane
Sulphur, LA 70663

7009 1410 0000 2295 8150

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ONLY

A. Signature Agent
 Addressee

B. Received by (Printed Name) **Pamela Tynes** C. Date of Delivery **11-20-09**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

102595-02-M-1540

General Item

**Ethics Board Docket No. BD 2010-005
02/19/2010**

RE:

Public hearing to obtain an Order against Darrel Flanel for failure to pay assessed late fees for the late filing of his Executive and/or Legislative Lobbyist Expenditure Reports.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

Continue the hearing against Darrel Flanel since proper service has not been obtained. (MDD)

Recommendations:

Continue.

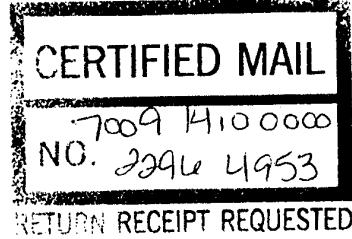


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www.ethics.state.la.us

December 15, 2009

Merrill Lynch
c/o Mr. Darrel Flanel
250 Vesey St., 4 World Financial Center
New York, NY 10080



RE: Ethics Board Docket No. 2010-005

Dear Mr. Flanel:

Pursuant to LSA-R.S. 42:1157 and LSA-R.S. 49:78(D)(1) a late fee of \$50 per day was assessed against you for each day your required Executive Lobbyist expenditure report was late. Accordingly, a late fee of **\$250** was assessed and was due by **November 9, 2009**.

To date, the late fee has not been paid. Therefore, this matter will be heard by the Louisiana Board of Ethics at **10:00 a.m.** on **February 19, 2010** in the **LaBelle Room, 1st Floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana 70802** for the purpose of issuing an order of the Board demanding payment. If you wish to be present, please arrive at the time and place indicated herein. If you wish to pay the assessed late fee prior to the hearing date, please mail a check or money order, made payable to the State Treasurer, to P.O. Box 4368, Baton Rouge, LA 70802.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
Staff Attorney

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