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

Regular Business

G30. Approval of the minutes from the Louisiana Board of Ethics January 14-15, 2010 meeting.

G31. <u>Docket No. 09-250</u>

Consideration of a Staff Memorandum to dismiss charges against Legislative Lobbyists who failed to file a required lobbying expenditure report by February 17, 2009, covering the reporting period of July 1, 2008 through December 31, 2008.

G32. Docket No. 09-256

Consideration of a Staff Memorandum to dismiss charges against Legislative Lobbyists who failed to file a required lobbying expenditure report by February 17, 2009, covering the reporting period of July 1, 2008 through December 31, 2008.

G33. <u>Docket No. 10-021</u>

Consideration of a request for an advisory opinion regarding the Chief Engineer for DOTD, William Temple, being employed with Barriere Construction after his resignation.

G34. Docket No. 10-078

Consideration of a request for an advisory opinion in connection with Representative Nancy Landry's fund-raising efforts on behalf of candidates during a regular legislative session.

G35. Docket No. 10-080

Consideration of a request for an advisory opinion regarding whether employees of the Office of State Building (OSB) who are affected by the privatization of the OSB may accept employment with potential vendors for the OSB.

G36. Docket No. 10-136

Consideration of a request for an advisory opinion regarding whether employees of the Louisiana Department of Environmental Quality (LDEQ) may accept employment with a vendor of LDEQ.

G37. WAIVER REQUEST - CAMPAIGN FINANCE

Docket No. 10-092

Consideration of a request that the Board waive the \$500, \$500, and \$1,000 late fees assessed against Green Light Committee, who supported a proposition in the November 14, 2009 election who failed to file its 48 hr Special reports electronically as is required under Section 1485E of the Campaign Finance Disclosure Act.

G38. WAIVER REQUEST - LOBBYING

Docket No. 10-010

Consideration of a request that the Board waive the \$200 late fee assessed against Arnold West, for failure to timely file an Executive ER-10/09 lobbying report.

Docket No. 10-012

Consideration of a request that the Board waive the \$200 late fee assessed against Michael Andrews, for failure to timely file an Executive ER-10/09 lobbying report.

Docket No. 10-013

Consideration of a request that the Board waive the \$500 late fee assessed against Jason Widener, for failure to timely file an Executive ER2 lobbying report.

Docket No. 10-014

Consideration of a request that the Board waive the \$500 late fee assessed against John Schnacke, for failure to timely file a Legislative ER-10/09 lobbying report.

Docket No. 10-085

Consideration of a request that the Board waive the \$150 and \$150 late fees assessed against Jessica Monroe, for failure to timely file a Legislative and Executive ER-09/09 lobbying report.

Docket No. 10-102

Consideration of a request that the Board waive the \$100 late fee assessed against Joseph Hebert, for failure to timely file an Executive ER-11/09 lobbying report.

Docket No. 10-103

Consideration of a request that the Board waive the \$500 late fee assessed against Cynthia Witkin, for failure to timely file an Legislative ER2 lobbying report.

G39. WAIVER REQUEST - SCHOOL BOARD DISCLOSURE

Docket No. 07-742

Consideration of a request to waive a \$1,500 late fee assessed against Iberia Parish School Board member Dan LeBlanc for his failure to timely file his 2006-2007 school board disclosure statement.

G40. Consideration of proposed legislation concerning the laws administered by the Louisiana Board of Ethics.

MINUTES

LOUISIANA BOARD OF ETHICS MINUTES January 15, 2010

The Board of Ethics met on January 15, 2010 at 9:00 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bareikis, Boyer, Hymel, Ingrassia, Lowrey, Monrose, Simoneaux and Stafford present. Absent were Board Members Bowman, Frazier and Schneider. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Aneatra Boykin, Michael Dupree, Deidra Godfrey and Courtney Jackson

Board Member Bowman arrived at the meeting at 9:03.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 07-922 in connection with a \$4,000 Order issued against Moses Junior Williams, an unsuccessful candidate for State Representative in the October 20, 2007 election, for failing to file his 10-G campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board denied Mr. Williams' request for rehearing since the required report had not been filed.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 08-297 in connection with a \$300 Order issued against Moses Junior Williams, an unsuccessful candidate for State Representative in the October 20, 2007 election, for failing to pay assessed late fees for the late filing of campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board denied Mr. Williams' request for rehearing since the required report that was the subject of the Board Order in Docket No. 07-922 had not been filed.

The Board called the public hearing in Docket No. 08-568 to obtain an Order against Walter Willard for his failure to pay assessed late fees for the late filing of his February 15, 2008 (ER2) Legislative Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board continued the public hearing, since proper service had not been obtained.

The Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, considered a request for rehearing in Docket No. 08-934 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, the successful candidate for Orleans Parish School Board in the September 18, 2004 and the October 4, 2008 elections, for failure to timely file campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board continued the matter to the February meeting, since Ms. Cade had a prior commitment and was unable to attend the January meeting.

The Board called the public hearing in Docket No. 10-005 to obtain Orders against the following lobbyists for failure to pay assessed late fees for the late filing of their Executive and/or Legislative Lobbyist Expenditure Reports:

On motion made, seconded and unanimously passed, the Board dismissed the hearing regarding Stacy Birdwell, Joseph Booth, Jennifer Jantz, Terrance Lockett, Elizabeth Reynolds, Claire Rivette and Thomas Screen, since the late fees had been paid.

Board Members Frazier and Schneider arrived at the meeting at 9:06 a.m.

On motion made, seconded and unanimously passed, the Board continued the hearing regarding Darrel Flanel, Roman Knysh and Patrick McEvoy, since proper service had not been obtained.

The Board called the public hearing regarding Elizabeth Bryant. Ms. Bryant was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Ms. Bryant to pay the late fees totaling \$3,000.

The Board called the public hearing regarding Ronnie Duncan. Mr. Duncan was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Mr. Duncan to pay the \$300 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-006 to obtain Orders against the following candidates for failure to pay assessed late fees for the late filing of campaign finance disclosure reports:

On motion made, seconded and unanimously passed, the Board dismissed the hearing regarding Jared Beiriger and Bruce Frazier, since the late fees had been paid.

On motion made, seconded and unanimously passed, the Board continued the hearing regarding Shawn Barney, Kevin James and Ray Touchet, since proper service had not been obtained.

The Board called the public hearing regarding Larry Callier, II. Mr. Callier was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-5. On motion made, seconded and unanimously passed, the Board ordered Mr. Callier to pay the \$400 late fee.

The Board called the public hearing regarding Eddie Clark. Mr. Clark was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-5. On motion made, seconded and unanimously passed, the Board ordered Mr. Clark to pay the late fees totaling \$1,800.

The Board called the public hearing regarding James P. Johnson. Mr. Johnson was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-5. On motion

made, seconded and unanimously passed, the Board ordered Mr. Johnson to pay the \$600 late fee.

The Board considered a request for an advisory opinion in Docket No. 09-377 as to whether an architecture firm that entered into contracts with the State of Louisiana through the Office of Facility Planning would be subject to provisions of the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board declined to render the advisory opinion, since the issue was most due to the bid being withdrawn by TTM Construction.

Mr. Mike Patterson, attorney for Washer Hill Lipscomb Cabaniss Architecture (Washer Hill), appeared before the Board in Docket No. 09-378 in connection with a request for an advisory opinion regarding whether Washer Hill, an architecture firm that has entered into a contract with the Division of Administration, Office of Facility Planning and Control (FPC) to be the designer on the New Clinical Research Facility, LSU Pennington Biomedical Research Center (Pennington Project), is a public employee and therefore subject to the provisions of the Code of Governmental Ethics and as to whether any conflict is presented if a company partially owned by the brother of Michael Hill, a principal in Washer Hill, is awarded a contract on the Pennington Project. After hearing from Mr. Patterson and Mr. Jason Bonaventure, Deputy General Counsel for the Division of Administration, on motion made, seconded and passed by a vote of 6 years by Board Members Bareikis, Bowman, Ingrassia, Monrose, Schneider and Stafford and 4 yeas by Board Members Boyer, Frazier, Hymel and Simoneaux, the Board concluded that Washer Hill is a public employee by virtue of its contract with FPC for the limited purposes of the scope of the contract between FPC and Washer Hill and is subject to the provisions of the Code of Governmental Ethics, since Washer Hill's responsibility is directly related to FPC's governmental function pursuant to its statutory duties under La. R.S. 39:121namely that FPC exercises supervision over the expenditure of Capital Outlay Funds;

supervises construction; approves estimates; selects personnel necessary for the administration of contracts for projects; performs periodic inspections of projects; directs payment for work done on each project; determines whether contract documents have been fully complied with by inspecting the project during construction; makes a final inspection of the project during the warranty period; and gives prompt written notice to the contractor of defects in workmanship. Further, the Board declined to issue an advisory opinion as to the award of the contract to Milton J. Womack, Inc. as it concerns past conduct. Michael Hill, as a principal in Washer Hill, is considered a public employee for the limited purposes of the scope of the contract between FPC and Washer Hill and the services that he provides pursuant to the contract, and is therefore subject to the participation restrictions contained in Section 1112 of the Code of Governmental Ethics. As the Pennington Project proceeds, Michael Hill is prohibited from participating in any transactions involving Milton J. Womack, Inc. and/or Terry Hill. Board Member Lowrey abstained.

The Board recessed at 9:58 a.m. and resumed back into general business session at 10:12 a.m.

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

Mr. Richard Ieyoub appeared before the Board in Docket No. 09-610 in connection with a request for a waiver of the two \$250 late fees assessed against him for failure to timely file the Legislative and Executive ER-2/09 lobbying reports. After hearing from Mr. Ieyoub, on motion made, seconded and unanimously passed, the Board waived the late fees. Board Members Boyer and Simoneaux recused themselves.

Chairman Simoneaux resumed the Chair.

The Board considered a request for an advisory opinion in Docket No. 09-674 regarding the

accounting firm of Aparicio, Walker & Seeling Risk Managment, LLC (AWS-RM) providing risk management services for Jefferson Parish. On motion made, seconded and unanimously passed, the Board continued the matter to the February meeting, since the attorney representing Jefferson Parish was ill and unable to attend the meeting.

Ms. Celeste Hood and her assistant, Sarah Gaudet Rhodes, appeared before the Board in Docket No. 10-035 in connection with a request for a waiver of the two (2) \$500 late fees assessed against her for failure to timely file the Legislative and Executive ER-9/09 lobbying reports. After hearing from Ms. Hood and Ms. Rhodes, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$500 but suspended the entire late fee conditioned upon future compliance with the Lobbyist Disclosure Act.

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

On motion made, seconded and unanimously passed, the Board agreed to take action on items 12-23 en globo subject to any item being individually designated for further discussion. Board Member Frazier requested that items #21 and 22 be considered individually.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items 12-23, with the exception of items 21 and 22, taking the following action:

Adopted for publication, a consent opinion in Docket No. 08-220 in which Roscoe Timmons, husband of Northeast Bossier Parish Protection District No. 5 Board Member Janet Timmons, agrees that a violation of Section 1113 of the Code of Governmental Ethics occurred by virtue of Roscoe's, an auto repair service wholly owned by Mr. Timmons, entering into eight separate transactions with

the Northeast Bossier Parish Fire District No. 5 for the provision of auto repair and maintenance services, valued at \$7,942.97, at a time when his wife served as a member of the Northeast Bossier Parish Fire District No. 5 Board and in which Mr. Timmons agrees to pay a fine of \$1,000.

Adopted for publication, a consent opinion in Docket No. 08-701 in which Mike Lee, son of Evangeline Parish Clerk of Court Walter Lee, agrees that a violation of Section 1113A of the Code of Governmental Ethics occurred by the sale of three pre-paid cell phones to the Clerk's office through his company, Mike Lee Enterprises, and in which Mr. Lee agrees to pay a fine of \$300 to be suspended conditioned upon future compliance with the Code of Governmental Ethics.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, adopted for publication, a consent opinion in Docket No. 08-998 in which Joseph Bowman Cormier, a candidate for Marshal of Lafayette City Court in the October 4, 2008 election, agrees that a violation of Section 18:1495.5 of the Campaign Finance Disclosure Act occurred by his failure to include all of his expenditures on his campaign finance disclosure reports and in which Mr. Cormier agrees to pay a fine of \$1,000 of which \$600 is to be suspended conditioned upon future compliance with the Campaign Finance Disclosure Act.

Adopted an advisory opinion in Docket No. 10-031 concluding that no violation of the Code of Governmental Ethics is presented by the NW Allen Parish Water district retaining Craig R. Hill, son of State Representative Dorothy Sue Hill, as the attorney for an expansion project and also contracting with him for future services, since the contract would be with Allen Parish and not the State of Louisiana.

Approved and certified the mandatory ethics training received by Senator Robert M. Marionneaux, Jr. in Docket No. 10-033.

Adopted an advisory opinion in Docket No. 10-043 concluding that no violation of the Code of Governmental Ethics is presented by Kenneth Fabre, Jr., an alderman for the Village of Moreauville, using tickets for events at Paragon Casino given to his spouse by the Tunica Biloxi Tribe, since there is no relationship between the Tunica Biloxi Tribe and the Village of Moreauville, and since the tickets are being given to Mr. Fabre's wife as a result of her membership in the Tribe and not because of his position as an alderman.

Approved and certified the mandatory ethics training received by State Treasurer John N. Kennedy, in his capacity as the ethics liaison for the Department of Treasury, in Docket No. 10-047.

Adopted an advisory opinion in Docket No. 10-053 concluding that no violation of the Code of Governmental Ethics is presented by Joseph Jackson, President of the East Carroll Parish Police Jury, being employed by the Delta Recovery Center (DRC) in light of DRC's relationship with various entities in East Carroll Parish, since there is no contractual relationship or other transaction between Mr. Jackson's agency, East Carroll Parish, and DRC, his prospective employer.

Adopted an advisory opinion in Docket No. 10-056 concluding that no violation of the Code of Governmental Ethics is presented by Priscilla Renee Carter, currently employed by the Board of Regents, receiving a Supplemental Educational Services (SES) grant once she is employed with the Department of Education as the Contracts & Fiscal Coordinator for Louisiana Gaining Early Awareness and Readiness for Undergraduate Programs (LA GEAR UP), since she would be contracting with a local school district rather than with her own agency and since tutoring would not be a part of her job duties with the Department of Education and she would not be contracting with any school district for which she would be processing invoices.

Adopted an advisory opinion in Docket No. 10-089 concluding that no violation of the Code

of Governmental Ethics is presented by a company, JWS Construction, Inc., owned by Julius and Monette Scott, volunteer firefighters with the Husser Volunteer Fire Department (HVFD), submitting a sealed bid for the construction of a new fire station for the HVFD, since Julius and Monette Scott are volunteer firefighters receiving no compensation for their services, they are not agency heads and they will not be participating in the contract on behalf of the HVFD.

Chairman Simoneaux advised the Board and staff that he would be filing a dissenting opinion in Docket No. 09-378.

The Board considered the following general business agenda items:

The Board considered a request for an advisory opinion in Docket No. 10-080 regarding whether employees of the Office of State Buildings (OSB) who are affected by the privatization of the OSB accepting employment with potential vendors for the OSB. On motion made, seconded and unanimously passed, the Board deferred the matter and instructed the staff to obtain additional information.

The Board considered a request for an advisory opinion in Docket No. 10-087 regarding the privatization of positions by the Louisiana Department of Veterans Affairs. On motion made, seconded and unanimously passed, the Board deferred the matter and instructed the staff to obtain additional information.

On motion made, seconded and unanimously passed, the Board approved the minutes of the December 17-18, 2009 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 10-024 for a payment plan in connection with a Board Order in the amount of \$3,140 for late fees assessed against Lindora Baker, an unsuccessful candidate for

State Representative, 3rd District in the October 20, 2007 election, whose 30-P report was filed nineteen (19) days late and EDE-P report was filed seventy-three (73) days late and for a payment plan in connection with a Board Order in the amount of \$600 for late fees assessed for filing her Supplemental report three hundred sixty-eight (368) days late. On motion made, seconded and unanimously passed, the Board approved a payment plan of \$200 per month.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 10-037 for a waiver of the \$1,000 and \$360 late fees assessed against Ollibeth Reddix, a candidate for Ouachita Parish Police Juror in the October 17, 2009 election, whose 10-P report was filed nine (9) days late and 30-P report was filed twenty-nine (29) days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees based upon the level of activity reported.

The Board considered requests for "good cause" waivers of late fees assessed against the following lobbyists:

The Board unanimously declined to waive the two \$50 late fees assessed against Charlie Smith, Executive and Legislative Branch lobbyist, in Docket No. 10-036.

The Board unanimously declined to waive the two \$200 late fees assessed against Dena Sher, Legislative and Executive Branch lobbyist, in Docket No. 10-038 but suspended \$200 of the late fees totaling \$400 conditioned upon future compliance with the Lobbyist Disclosure Act.

The Board unanimously declined to waive the two \$200 late fees assessed against Sandra Adams, Legislative and Executive Branch lobbyist, in Docket No. 10-083 but suspended \$200 of the late fees totaling \$400 conditioned upon future compliance with the Lobbyist Disclosure Act.

The Board unanimously waived the two \$200 late fees assessed against Dr. William

Harrison, Legislative and Executive lobbyist, in Docket No. 10-084.

The Board considered the opinion rendered by the Ethics Adjudicatory Board (EAB) in Docket No. 07-676 concluding that a violation of Section 1113 A of the Code of Governmental Ethics occurred by Ceasar Comeaux's appointment as interim Iberia Parish President while he also served as a member of the Iberia Parish Council and in which no fine was imposed. On motion made, seconded and passed by a vote of 8 yeas by Board Members Bareikis, Boyer, Frazier, Hymel, Ingrassia, Lowrey, Simoneaux and Stafford and 3 nays by Board Members Bowman, Monrose and Schneider, the Board acknowledge receipt of the opinion rendered by the Ethics Adjudicatory Board. On motion made, seconded and passed by a vote of 6 yeas by Board Members Bowman, Ingrassia, Lowery, Monrose, Schneider and Stafford and 5 nays by Board Members Bareikis, Boyer, Frazier, Hymel and Simoneaux, the Board adopted the opinion rendered by the Ethics Adjudicatory Board.

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

The Board considered a request for an advisory opinion in Docket No. 09-908 regarding Brian Fairburn, the former Livingston Parish Director of the Office of Emergency Preparedness (OEP), being involved in a contract between his new employer, Alvin Fairburn & Associates, LLC, and Livingston Parish, his former agency. On motion made, seconded and unanimously passed, the Board concluded that Section 1121A of the Code of Governmental Ethics prohibits Mr. Fairburn, as the former agency head of the Livingston Parish OEP, from assisting another person for compensation in any transaction or appearance before the Livingston Parish OEP for a period of two years. The Board further advised that Mr. Fairburn is also precluded from rendering any service on a contractual basis to the Livingston Parish OEP for two years.

The Board considered a request for an advisory opinion in Docket No. 10-007 regarding

Harold Stewart accepting employment as a special education teacher at Zwolle Elementary School while his father serves as a member of the Sabine Parish School Board. On motion made, seconded and unanimously passed, the Board concluded that pursuant to Section 1119B(2)(a)(I) of the Code of Governmental Ethics, no violation is presented by Mr. Stewart's employment as a special education teacher at Zwolle Elementary School while his father serves as a member of the Sabine Parish School Board as long as Mr. Stewart's teaching certification includes the area of special education.

The Board considered a request for an advisory opinion in Docket No. 10-008 regarding the Terrebonne Parish Consolidated Government (TPCG) selecting and contracting with a developer to build a housing development when Barry Blackwell, former Terrebonne Parish Manager, is a 50% owner of the proposed development site. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the TPCG contracting with a developer to build the proposed housing development when Mr. Blackwell is a 50% owner of the proposed development site, since two years have elapsed since Mr. Blackwell ended his service as Terrebonne Parish Manager.

The Board considered a request for an advisory opinion in Docket No. 10-034 regarding a staff member of the National Association of Charter Authorizers (NACSA) participating as a member of an evaluation team making recommendations to the Department of Education pursuant to a contract between NACSA and the Department of Education. On motion made, seconded and unanimously passed, the Board deferred the matter to the February agenda.

Chairman Simoneaux requested that Board members submit their thoughts on proposed legislation for the upcoming session in March to Ms. Allen with a copy submitted to Mr. Simoneaux. The information will be compiled by the staff and presented at the Board's February meeting.

On motion made, seconded and unanimously passed, the Board agreed to add to the supplemental agenda, consideration of the proposed schedules to the Personal Financial Disclosure forms. Following discussion of the proposed schedules, the Board instructed the staff to process the promulgation of the forms.

Board Member Lowrey advised the Board that he received correspondence from the LA Association of Justice with respect to lobbyists having to file monthly expenditure reports even though they have no expenditures to report and that he will work with the staff to explore the possibility of alleviating the monthly reporting requirement for lobbyists who have no expenditures or perhaps require those lobbyists to report only once or twice per year.

The Board discussed whether the February meeting could be moved to an alternative date in February and instructed the staff to check the availability of the Griffon and LaBelle meeting rooms.

Following a discussion of whether to revert back to the one day Board meetings, the Chairman suggested that the Board continue with the two day meetings for the time being.

Ms. Allen provided the Board with a report on the status of hiring new employees and advised the Board that a report regarding the video streaming of the Board meetings will be presented at the March meeting.

On motion made, seconded and unanimously passed, the Board adjourned at 11:35 a.m.

Secretary	Secretary

APPROVED:

Chairman

General Item

Ethics Board Docket No. BD 2009-250 02/19/2010

RE:

Consideration of Staff Memorandum to dismiss charges against Legislative Lobbyists who failed to file a required lobbying expenditure report by February 17, 2009, covering the reporting period of July 1, 2008 through December 31, 2008.

Relevant Statutory Provisions, Advisory Opinions:

24:50 et seq.

Comments:

Lobbyists Jesse Barr, Lauren Geesey, Rhonda JAckson, Michael LaBorde, Steven Snyder, and Cynthia Witkin have filed the required reports.

Charges against these lobbyist should be dismissed and late fees assessed. (MDD)

Recommendations:

Dissmiss charges.

MEMO

TO:

Michael Dupree

FROM:

Lauren Abrams

RE:

2009-250-Failure to file Legislative Lobbyist Expenditure Reports

DATE:

January 28, 2010

The following lobbyist have filed their expenditure report due February 17, 2009 covering the reporting period July 1, 2008 through December 31, 2008.

Jesse Barr Lauren Geesey Rhonda Jackson Michael LaBorde Steven Snyder Cynthia Witkin



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

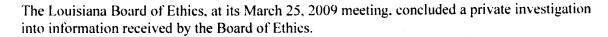
P. O. BOX 4368 BATON ROUGE, LA 70821 (225) 219-5600 FAX. (225) 381-7271 1-800-842-6630 www.ethics.state.la.us

November 20, 2009

Louisiana Cotton Association c/o Mr. Jesse S. Barr 3000 Kilpatrick Blvd., Suite 100 Monroe, LA 71201

RE: Ethics Board Docket No. 2009-250A

To: Mr. Barr



Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:

CHARGES

I.

That Mr. Jesse Barr violated Section 24:55 of the Lobbyist Disclosure Act [LSA R.S. 24:55] by virtue of his failure to file his required 2008 Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

In order to fully cooperate with you in this matter, the designated trial attorney will, upon request, provide you with copies of all documents that may be introduced into evidence and the names and addresses of all witnesses that the designated trial attorney intends to call. If you desire the attendance of any witnesses, the Ethics Adjudicatory Board can issue subpoenas for those witnesses.

CERTIFIED MAIL

1009 1410 0000

NO. 2395 8808

RETURN RECEIPT REQUESTED

Mr. Jesse Barr November 20, 2009 Page -2-

If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

For the Board

Enclosure

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



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 20, 2009

Ms. Lauren B. Geesey P.O. Box 14204 Baton Rouge, LA 70898

RE: Ethics Board Docket No. 2009-250B

To: Ms. Geesey

The Louisiana Board of Ethics, at its March 25, 2009 meeting, concluded a private investigation into information received by the Board of Ethics.

Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:



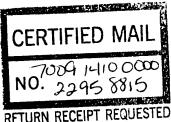
I.

That Ms. Lauren Geesey violated Section 24:55 of the Lobbyist Disclosure Act [LSA R.S. 24:55] by virtue of her failure to file her required 2008 Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

In order to fully cooperate with you in this matter, the designated trial attorney will, upon request, provide you with copies of all documents that may be introduced into evidence and the names and addresses of all witnesses that the designated trial attorney intends to call. If you desire the attendance of any witnesses, the Ethics Adjudicatory Board can issue subpoenas for those witnesses.



Ms. Lauren Geesey November 20, 2009 Page -2-

If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

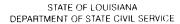
LOUISIANA BOARD OF ETHICS

For the Board

Enclosure

CERTIFIED MAIL
RETURN RECEIPT REQUESTED





LOUISIANA BOARD OF ETHICS

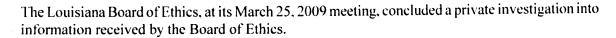
P O. BOX 4368 BATON ROUGE. LA 70821 (225) 219-5600 FAX (225) 381-7271 1-800-842-6630 www.ethics.state.la.us

November 20, 2009

Ms. Rhonda Jackson 8947 Lakemist Baton Rouge, LA 70810

RE: Ethics Board Docket No. 2009-250E

To: Ms. Jackson



Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:

CHARGES

I.

That Ms. Rhonda Jackson violated Section 24:55 of the Lobbyist Disclosure Act [LSA R.S. 24:55] by virtue of her failure to file her required 2008 Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

In order to fully cooperate with you in this matter, the designated trial attorney will, upon request, provide you with copies of all documents that may be introduced into evidence and the names and addresses of all witnesses that the designated trial attorney intends to call. If you desire the attendance of any witnesses, the Ethics Adjudicatory Board can issue subpoenas for those witnesses.

CERTIFIED MAIL

JOD9 1410 0000

NO. 2295 8846

RETURN RECEIPT REQUESTED

Ms. Rhonda Jackson November 20, 2009 Page -2-

If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly.

LOUISIANA BOARD OF ETHICS

Frank P. Simoneau For the Board

Enclosure

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STATE OF LOUISIANA DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

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

November 20, 2009

Mr. Michael J. Laborde 611 North Street Baton Rouge, LA 70808

> Ethics Board Docket No. 2009-250G RE:

Mr. Laborde To:

The Louisiana Board of Ethics, at its March 25, 2009 meeting, concluded a private investigation into information received by the Board of Ethics.

Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:



I.

That Mr. Michael J. Laborde violated Section 24:55 of the Lobbyist Disclosure Act [LSA R.S. 24:55] by virtue of his failure to file his required 2008 Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

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RETURN RECEIPT REQUESTED

Mr. Michael J. Laborde November 20, 2009 Page -2-

If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

Enclosure

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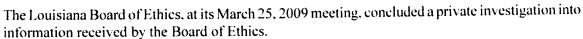
November 20, 2009

Modular Building Systems Association c/o Mr. Steven R. Snyder 2411 N. Front St., Suite 200 Harrisburg, PA 17110

RE: Ethics Board Docket No. 2009-250I

KE. Ethics board Docker No. 2007-250

To: Mr. Snyder



Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:

CHARGES

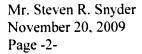
I.

That Mr. Steven R. Snyder violated Section 24:55 of the Lobbyist Disclosure Act [LSA R.S. 24:55] by virtue of his failure to file his required 2008 Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

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If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>. or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

Enclosure

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STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

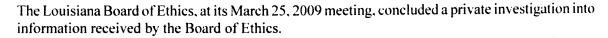
P O. BOX 4368 BATON ROUGE, LA 70821 (225) 219-5600 FAX: (225) 381-7271 1.800-842-6630 www.ethics.state.la.us

November 20, 2009

Ms. Cynthia D. Witkin 3001 Park Center Drive, #606 Alexandria, VA 22302

RE: Ethics Board Docket No. 2009-250J

To: Ms. Witkin



Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:

CHARGES

I.

That Ms. Cynthia D. Witkin violated Section 24:55 of the Lobbyist Disclosure Act [LSA R.S. 24:55] by virtue of her failure to file her required 2008 Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

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Ms. Cynthia D. Witkin November 20, 2009 Page -2-

If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>. or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

Enclosure

For the Board

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General Item

Ethics Board Docket No. BD 2009-256 02/19/2010

RE:

Consideration of a staff memorandum to dismiss charges against Executive Lobbyists who failed to file a required lobbying expenditure report by February 17, 2009, covering the reporting period of July 1, 2008 through December 31, 2008.

Relevant Statutory Provisions, Advisory Opinions:

49:71 et seq.

Comments:

Executive lobbyists Roman Knysh, Leon Stamps, and Jason Widener have filed the required expenditure reports.

The charges against these lobbyists should be dismissed and late fees assessed. (MDD)

Recommendations:

Dismiss charges.

MEMO

TO:

Michael Dupree

FROM:

Lauren Abrams

RE:

2009-256-Failure to file Executive Lobbyist Expenditure Reports

DATE:

January 28, 2010

The following lobbyist have filed their expenditure report due February 17, 2009 covering the reporting period July 1, 2008 through December 31, 2008.

Roman Knysh Leon Stamps Jason Widener



STATE OF LOUISIANA

DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

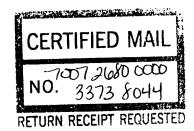
P. O. BOX 4368 BATON ROUGE, LA 70821 (225) 219-5600 FAX: (225) 381-7271 1-800-842-6630 www.ethics.state.la.us

November 20, 2009

Fisher Investments e/o Mr. Roman D. Knysh 13100 Skyline Boulevard Woodside, CA 94062

RE: Ethics Board Docket No. 2009-256C

To: Mr. Knysh



The Louisiana Board of Ethics, at its March 25, 2009 meeting, concluded a private investigation into information received by the Board of Ethics.

Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:

CHARGES

I.

That Mr. Roman D. Knysh violated Section 49:76 of the Executive Branch Lobbyist Disclosure Act [LSA R.S.49:76] by virtue of his failure to file his required 2008 Executive Branch Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

In order to fully cooperate with you in this matter, the designated trial attorney will, upon request, provide you with copies of all documents that may be introduced into evidence and the names and addresses of all witnesses that the designated trial attorney intends to call. If you desire the attendance of any witnesses, the Ethics Adjudicatory Board can issue subpoenas for those witnesses.

Mr. Roman D. Knysh November 17, 2009 Page -2-

If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

Enclosure

For the Board

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November 20, 2009

Fisher Investments c/o Mr. Leon P. Stamps 13100 Skyline Boulevard Woodside, CA 94062

RE: Ethics Board Docket No. 2009-256E

To: Mr. Stamps

The Louisiana Board of Ethics, at its March 25, 2009 meeting, concluded a private investigation into information received by the Board of Ethics.

Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:

CHARGES

I.

That Mr. Leon P. Stamps violated Section 49:76 of the Executive Branch Lobbyist Disclosure Act [LSA R.S.49:76] by virtue of his failure to file his required 2008 Executive Branch Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

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Mr. Leon P. Stamps November 17, 2009 Page -2-

If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>. or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

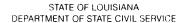
LOUISIANA BOARD OF ETHICS

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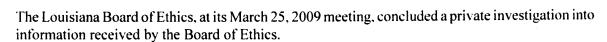
P. O. BOX 4368 BATON ROUGE, LA 70821 (225) 219-5600 FAX: (225) 381-7271 1-800-842-6630 www.ethics.state la.us

November 20, 2009

Denver Investment Advisors, LLC. c/o Mr. Jason A. Widener 1225 17th Street, 26th Floor Denver, CO 80202

RE: Ethics Board Docket No. 2009-256F

To: Mr. Widener



Following this private investigation, the Board, by a majority vote of its membership, at its March 25, 2009 meeting, ordered that a public hearing be conducted for the purpose of exploring the following:

CHARGES

I.

That Mr. Jason A. Widener violated Section 49:76 of the Executive Branch Lobbyist Disclosure Act [LSA R.S.49:76] by virtue of his failure to file his required 2008 Executive Branch Lobbying Expenditure Report, due February 17, 2009.

The hearing will be held at a time and place that will be set by the Ethics Adjudicatory Board. You will be contacted by the Ethics Adjudicatory Board in order to confect a Pre-hearing Scheduling Order.

The public hearing will be conducted in accordance with the procedural requirements set forth in Section 1141E and 1143 of the Code, and in conformity with the Rules adopted by the Board, a copy of which is enclosed. At the conclusion of this public hearing, the Ethics Adjudicatory Board shall determine whether a violation has occurred and, if so, shall determine what the civil sanctions, contained in Part III, Subpart C of the Code, shall be imposed.

In order to fully cooperate with you in this matter, the designated trial attorney will, upon request, provide you with copies of all documents that may be introduced into evidence and the names and addresses of all witnesses that the designated trial attorney intends to call. If you desire the attendance of any witnesses, the Ethics Adjudicatory Board can issue subpoenas for those witnesses.

Mr. Jason A. Widener November 17, 2009 Page -2-

If you need any additional information, please contact Michael Dupree, the <u>designated trial attorney</u>, or Deborah Grier, the Executive Secretary, at (225) 219-5600 or (800) 842-6630.

Yours truly,

LOUISIANA BOARD OF ETHICS

Enclosure

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General Item

Ethics Board Docket No. BD 2010-021 02/19/2010

RE:

Consideration of a request to withdraw a request for an advisory opinion regarding the Chief Engineer for DOTD, William Temple, being employed with Barriere Construction after his resignation.

Relevant Statutory Provisions, Advisory Opinions:

1121

Comments:

FACTS: William Temple is the Chief Engineer of DOTD.

LAW: Section 1121A(1) of the Code prohibits a former agency head or elected official, for a period of 2 years following the termination of his public service from assisting a person in a transaction involving his former agency.

ISSUE: Barriere Construction wants to know whether it will violate any ethics laws by employing William Temple within 2 years of his resignation as Chief Engineer of DOTD. They have submitted a request to withdraw their request for an opinion stating that it has decided not to offer employment to Mr. Temple. (AMA)

Recommendations:

Allow the request to be withdrawn.

KINGSMILL RIESS, L.L.C.

COUNSELLORS AT LAW

MARGUERITE K. KINGSMILL*
MICHAEL R. C. RIESS
CHARLES B. COLVIN*
THOMAS P. HENICAN
LISA A. MONTGOMERY
KEENE R. KELLEY
CHRISTY R. BERGERON*
JOHN V. NGUYEN

201 ST. CHARLES AVENUE SUITE 3300 NEW ORLEANS, LOUISIANA 70170-3300 TELEPHONE (504) 581-3300 TELECOPIER (504) 581-3310 801 Travis Street Suite 2175 Houston, Texas 77002 Telephone (713) 222-6950 Telecopier (713) 222-6955

WRITER'S E-MAIL ADDRESS: MRIESS@KINGSMILLRIESS.COM

*ADMITTED IN LOUISIANA AND TEXAS

February 1, 2010

Via Fax 225-381-7271
and Via E-mail: alesia.ardoin@la.gov
Alesia M. Ardoin, Esq.
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, Louisiana 70821

Re:

Ethics Board Docket No. 2010-021

Dear Alesia:

I have received and thank you for your letter of January 25, 2010, regarding the above-referenced matter. My client has decided to withdraw its request for an ethics opinion pertaining to the possible hiring of Mr. William Temple, the former Chief Engineer who worked with the State of Louisiana, Department of Transportation and Development. We thank you and the Ethics Board for its time and consideration pertaining to this request; however, my client, Barriere Construction Co., LLC, has decided to withdraw this request.

Accordingly, please remove this matter from your upcoming Board Meeting that will be held on February 18-19, 2010. If you have any questions, please call me.

Best regards.

Michael R. C. Riess

MRCR/lmb

2010-021

Alesia Ardoin

From:

Michael Riess [mriess@kingsmillriess.com]

Sent:

Monday, February 01, 2010 5:05 PM

To:

Alesia Ardoin

Subject:

RE: Ethics Board Docket No. 2010-021

Barriere has decided to not make an offer of employment to Mr. Temple. Thus, there is no need for the opinion. Thanks. Michael

Michael R. C. Riess Kingsmill Riess, L.L.C. 201 St. Charles Avenue, Suite 3300 New Orleans, Louisiana 70170-3300 Telephone: (504) 581-3300

Telephone: (504) 581-3300 Facsimile: (504) 581-3310 Cell: (504) 722-2747

CONFIDENTIALITY NOTICE:

This e-mail may contain confidential information which is legally privileged. The information is intended only for the use of the intended recipient. If you received this e-mail in error, please immediately notify us by return e-mail or telephone. You are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this email or any information contained therein is strictly prohibited.

From: Alesia Ardoin [mailto:Alesia.Ardoin@LA.GOV]

Sent: Monday, February 01, 2010 2:43 PM

To: Michael Riess

Subject: RE: Ethics Board Docket No. 2010-021

Mr. Riess,

The Board will not consider a request to withdraw a request for an opinion unless the Board is satisfied that there is no longer any need for the opinion. Has Barriere decided not to offer employment to Mr. Temple or has Mr. Temple rejected the offer of employment? Please advise.

Sincerely,

Alesia Ardoin

From: Michael Riess [mailto:mriess@kingsmillriess.com]

Sent: Monday, February 01, 2010 2:09 PM

To: Alesia Ardoin

Subject: Ethics Board Docket No. 2010-021

Please see enclosed letter.

Michael R. C. Riess Kingsmill Riess, L.L.C.

General Item

Ethics Board Docket No. BD 2010-078 02/19/2010

RE:

Consideration of a request for an advisory opinion in connection with Representative Nancy Landry's fund-raising efforts on behalf of candidates during a regular legislative session.

Relevant Statutory Provisions, Advisory Opinions:

1505.2Q

Comments:

FACTS: Representative Landry states that prior to her election to the legislature, she earned her living by managing the fund-raising activities of other candidates. She presents several questions regarding the propriety of her fund-raising efforts on behalf of candidates and political committees during a regular legislative session.

APPLICABLE LAW: Section 1505.2Q(1) of the CFDA prohibits a legislator from accepting or depositing a contribution, loan, or transfer of funds or accepting and using any in-kind contribution for his own campaign during a regular legislative session.

ANALYSIS: The prohibition applies to contributions received for the candidate's own campaign. Representative Landry is not raising funds for her own campaign, therefore, the CFDA does not prohibit her from receiving compensation for raising funds for any other candidate, including candidates for a legislative office, or political committees, during a regular legislative session. However, if the candidate being supported by the political committee is a legislator, he is prohibited from accepting or depositing contributions from a political committee during a regular legislative session, unless the contribution is for an office other than that of state legislator, or if the election occurs during the Regular Legislative Session or within sixty days after such legislative session adjourns. (AMA)

Recommendations:

Adopt the proposed advisory opinion.

DATE

The Honorable Nancy Landry State Representative, District 31 P.O. Box 53529 Lafayette, LA 70505

Re: Ethics Board Docket No. 2010-078

Dear Representative Landry:

The Louisiana Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, at its February 19, 2010 meeting, considered your request for an advisory opinion concerning fund-raising activities during session in connection with your public relations firm. You state that you own a public relations firm that manages the fund-raising activities of candidates and other political entities.

Section 1505.2Q(1) of the Campaign Finance Disclosure Act (LSA-R.S. 18:1505.2Q) (CFDA) prohibits a legislator from accepting or depositing a contribution, loan, or transfer of funds or accepting and using any in-kind contribution for his own campaign during a regular legislative session.

In reference to the specific questions asked of the Board, the Board concluded and instructed me to inform you of the following:

1. Whether you are prohibited from raising funds for a judicial candidate during a regular legislative session?

The CFDA does not prohibit you from receiving compensation for raising funds for a judicial candidate. You are not raising funds for a legislator who is prohibited from accepting a contribution during a regular legislative session and you are not accepting contributions for your own campaign, therefore, the Campaign Finance Disclosure Act does not prohibit you from raising funds for a judicial candidate at any time including during a regular legislative session.

2. Whether you are prohibited from raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races during a regular legislative session.

The CFDA does not prohibit you from receiving compensation for fund raising for a judicial candidate. You are not raising funds for a legislator who is prohibited from accepting a contribution during a regular legislative session and you are not accepting contributions for your own campaign, therefore, the Campaign Finance Disclosure Act does not prohibit you from raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races during a regular legislative session.

Ethics Board Docket No. 2010-078 Page 2 of 2 DATE

However, if the candidate being supported by the political committee is a legislator, he is prohibited from accepting or depositing contributions from a political committee during a regular legislative session, unless the contribution is for an office other than that of state legislator or if the election occurs during the regular legislative session or within sixty days after such legislative session adjourns.

3. Whether you are prohibited from raising funds for a legislative candidate, other than yourself, during a regular legislative session?

The prohibition in Section 1505.2Q(1) applies to contributions received for the candidate's own campaign. Since you are not raising funds for your own campaign, the CFDA does not prohibit you from receiving compensation for raising funds for a legislative candidate during a regular legislative session. However as stated above, if the candidate is a legislator, he is prohibited from accepting or depositing the contribution during a regular legislative session, unless the contribution is for an office other than that of state legislator or if the election occurs during the regular legislative session or within sixty days after such legislative session adjourns.

4. Whether you are prohibited from raising funds for any other office holder or potential office holder during a regular legislative session?

As stated above, the prohibition in Section 1505.2Q(1) applies to contributions received for the candidate's own campaign. You are not raising funds for your own campaign, therefore, the CFDA does not prohibit you from receiving compensation for raising funds for any other office holder or potential office holder during a regular legislative session.

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 Campaign Finance Disclosure Act. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics and the Campaign Finance Disclosure Act. 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





LOUISIANA HOUSE OF REPRESENTATIVES

2010-078

P. O. Box 53529
Lafayette, LA 70505
Email: landryn@legis.state.la.us
Phone: 337.262.2252
Fax: 337.262.2254



Civil Law and Procedure
Natural Resources and Environm

NANCY LANDRY State Representative ~ District 31

January 6, 2010

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

Dear Mr. Simoneaux and Members of the Board of Ethics:

CAMPAIGH FINANCE RECEIVED

2010 JAN -7 PM 1: 24

As a member of the Louisiana House of Representatives I am writing to respectfully request an advisory opinion on a matter which involves the fundraising work in which I was engaged prior to my election.

I am aware that members of the legislature are prohibited from raising funds for their own campaigns during the legislative session; however, in my position as owner of a public relations firm, I have previously earned my living by managing the fundraising activities of other candidates and political entities. I am requesting an advisory opinion on whether there is a prohibition against my engaging in the following compensated activities in my capacity as the owner of a public relations firm:

- 1. Raising funds for a judicial candidate;
- 2. Raising funds for a judicial candidate during a legislative session;
- 3. Raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races;
- 4. Raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races during a legislative session;
- 5. Raising funds for a legislative candidate other than myself; and
- 6. Raising funds for any other office holder or potential office holder.

Thank you very much for your time and consideration of this matter.

Sincerely,

Nancy Landry ()
State Representative

District 31

General Item

Ethics Board Docket No. BD 2010-080 02/19/2010

RE: Consideration of a request for an advisory opinion regarding whether employees of the Office of State Building (OSB) who are affected by the privatization of the OSB may accept employment with potential vendors for the OSB.

Relevant Statutory Provisions, Advisory Opinions: 1112, 1121B

Comments:

FACTS:

The Office of State Building (OSB) currently provides maintenance and repairs for buildings owned by the Division of Administration. OSB has been tasked to complete a Request for Proposal (RFP) to outsource the custodial services provided by OSB. OSB will be required to maintain an administrative staff to oversee the prospective vendor and a small staff to perform maintenance/repairs and minor projects of the State Capitol, Governor's Mansion, and Pentagon Barracks. Those persons who are currently employed with the State Capitol, Governor's Mansion, and Pentagon Barracks and the administrative staff will be excluded from the RFP. As a provision of the RFP, OSB has specified that at least 50% of its custodial employees who are affected by the privatization have been offered employment by the potential vendor. The custodial employees(persons not employed with the State Capitol, Governor's Mansion, and Pentagon Barracks) who are affected by the privatization did not participate in OSB's decision to privatize nor did they participate in the drafting of the RFP.

LAW:

Section 1121B of the Code prohibits a former public servant 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, in which the former public servant participated at any time during his public service and involving his former agency. Section 1112B(4) prohibits a public servant from participating in a governmental transaction in which a person with whom they are negotiating for future employment has a substantial economic interest.

In 2009-934, where the Office of Risk Management (ORM) had submitted a request for proposals for the privatization of the claims adjusting and loss prevention sections of ORM and employees who were potentially affected by the privatization did not participate in the agency's decision to privatize services and the services will no longer be provided by ORM, the Board concluded that based on unique circumstances of the privatization of governmental services, the Code did not, in those instances, prohibit the former employees from being employed by possible vendors off those services.

In 2006-200, the Board issued an opinion which allowed former employees of the Metropolitan Development Centers (the centers had been closed) to contract with the state to service former MDC clients, to create a legal entity to be a private contract provider to the Department of Health and Hospitals, or to be employed by a private provider who contracts to treat the former MDC patients.

In 2004-759, where employees of the New Orleans Lakefront Airport, Randy Taylor, the Director of Aviation and Fred Pruitt, the Fuel and Terminal manager for the Levee Board, and rescue and fire personnel jobs were eliminated by their agency, the Board stated that since Mr. Taylor, Mr. Pruitt, and their rescue and fire personnel did not participate in the decision to privatize the airport, there was no violation of the Code if the former employees of the airport sought employment with the prospective vendor.

In 2004-365, The Board issued an opinion concluding that former Southeastern University employee who did not participate in the University's decision to privatize the housing facilities could work for the company contracted to manage the privatized facilities.

ANALYSIS:

Under the facts presented, 1121 will not prohibit the custodial employees affected by the privatization of OSB to seek employment with a private entity that contracts with OSB to provide the custodial services. Employees affected by the privatization did not participate in the drafting of the RFP nor did they participate in OSB's decision to privatize the services. Therefore, under the given unique circumstances, there would be no violation of the Code if employees affected by the privatization are hired by the vendors awarded the contract. The Board of Ethics should not address whether or not it is appropriate for OSB to include a clause requiring the hiring of its former employees by a potential vendor. (APB)

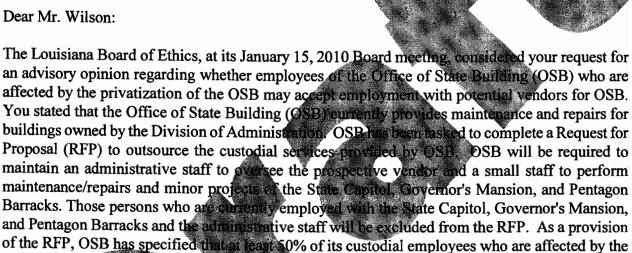
Recommendations: Adopt the proposed advisory opinion.

Date

William Wilson, Director Office of State Building P.O. Box 44001 Baton Rouge, LA 70804-4001

RE: Ethics Board Docket No. 2010-080

drafting of the RFP.

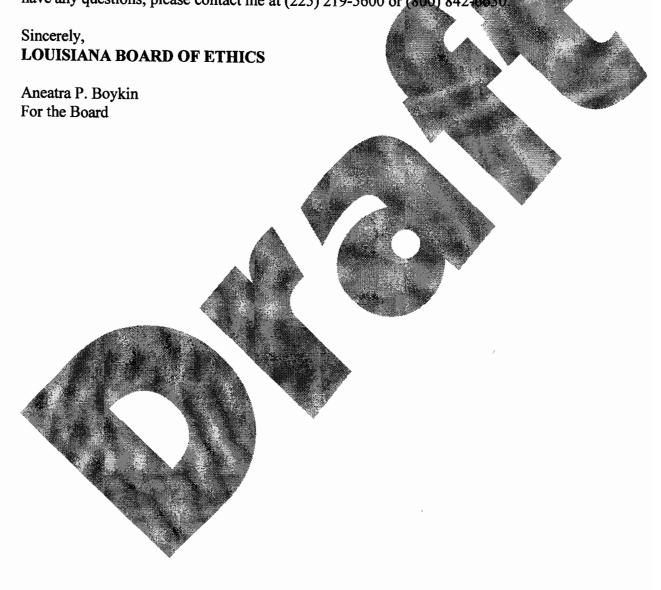


privatization be offered employment by the potential vendor. The custodial employees (persons not employed with the State Capitol Governor's Mansion, and Pentagon Barracks) who are affected by the privatization did not participate in QSB's decision to privatize nor did they participate in the

The Board concluded, and instituted me to advise you, that the Code of Governmental Ethics would not prohibit those employees of OSB affected by the privatization from being employed by the vender who is selected by OSB to perform the privatized services. Section 1121B of the Code prohibits a former public servant 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, in which the former public servant participated at any time during his public service and involving his former agency. Section 1112B(4) prohibits a public servant from participating in a governmental transaction in which a person with whom they are negotiating for future employment has a substantial economic interest.

Under the facts presented, 1121 of the Code will not prohibit the custodial employees affected by the privatization of OSB to seek employment with a private entity that contracts with OSB to provide the custodial services. Employees affected by the privatization did not participate in the drafting of the RFP nor did they participate in OSB's decision to privatize the services. Therefore, under the given unique circumstances, there would be no violation of the Code if employees affected by the privatization are hired by the vendors awarded the contract. The Board of Ethics does not address whether or not it is appropriate for OSB to include a clause requiring the hiring of its former employees by a potential vendor.

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.



, y Bobby Jindal governor



20/0-080
ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of State Buildings

November 19, 2009

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

The Office of State Buildings is requesting an advisory opinion regarding a potential violation of Section 42:1121 of the Board of Ethics Code, specifically would there be a violation in the event former Office of State Buildings (OSB) employees were to be outsourced to a private company and those employees hired by the company awarded the contract.

OSB currently provides maintenance and repairs for Division of Administration owned buildings throughout the state. OSB has been tasked to complete a Request for Proposal (RFP) to outsource the entire agency. OSB will, however; be required to maintain a small staff to complete maintenance/repairs as well as minor projects at certain buildings and thus be excluded from the RFP. As a provision of the RFP, OSB has specified that at least 50% of employees of OSB who are displaced by the privatization are offered employment by the awarded vendor. Employees who are potentially affected by the privatization did not participate in the agency's decision to privatize services nor participate in the drafting of the RFP.

I appreciate any information that you can offer on this situation. If you need additional information, please don't hesitate to contact me at (225) 219-4800.

Sincerely,

William L Wilson

Director

2009 NOV 23 PM 4: U

E (INC.) AUTINISTRATION
CAMPAIGN FINANCE
RECEIVED



2009-934

Created By: Elizabeth Sanders on 11/09/2009 at 03:58 PM

Category: Ethics Advisory Opinions

Caption: An advisory opinion concerning a conflict of interest existing where the Office of Risk Management

privatizes services and requests that outsourcing companies hire its employees who were formerly

employed in those privatized sections.

November 9, 2009

J. S. Bud Thompson P.O. Box 91106 Baton Rouge, LA 70821

RE: Ethics Board Docket No. 2009-934

Dear Mr. Thompson:

The Louisiana Board of Ethics, at its October 28, 2009 meeting, considered your request for an advisory opinion regarding whether a violation of the Ethics Code would exist if former employees of the Louisiana Office of Risk Management (ORM) would violate Section 42:1121 of the Code if sections, in which the former employees were once employed, are privatized. You stated that the ORM manages all state insurance covering property, liability exposure, and all tort claims against the state and any state agency. Since its inception, ORM has provided in-house adjusting and loss prevention services. ORM would like to draft a request for proposals for the privatization of claims adjusting and loss prevention services. As a provision of the RFP, ORM would like to require that employees of ORM who are displaced by the privatization are offered employment by the awarded vendor. Employees who are potentially affected by the privatization did not participate in the agency's decision to privatize services. If privatize the services will no longer be provided by ORM.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit those employees of ORM affected by the privatization from being employed by the vender who is selected by ORM to perform the privatized services. Section 1121B of the Code prohibits a former public servant 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, in which the former public servant participated at any time during his public service and involving his former agency. Section 1112B(4) prohibits a public servant from participating in a governmental transaction in which a person with whom they are negotiating for future employment has a substantial economic interest. Under the facts

presented, ORM will no longer provide the claim adjusting and loss prevention services once they are privatized. Additionally, employees affected by the privatization will not participate in the drafting of the RFP nor did they participate in ORM's decision to privatize the services. Therefore, under the given unique circumstances, there would be no violation of the Code if employees affected by the privatization are hired by the vendors awarded the contract.

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

........

Sincerely,

LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin For the Board



2006-200

Created By: Sylvia Scott on 04/17/2006 at 01:05 PM

Category: Ethics Advisory Opinions

Caption:

April 17, 2006

Frank H. Perez, General Counsel Department of Health and Hospitals P. O. Box 3836 Baton Rouge, LA 70821-3836

Re: Ethics Board Docket No. 2006-200

Dear Mr. Perez:

The Louisiana Board of Ethics, at its April 13, 2006 meeting, considered your request for an advisory opinion as to the propriety of former employees of two Metropolitan Developmental Centers (MDC) providing services to or for the Department of Health and Hospitals/ Office for Citizens with Developmental Disabilities (OCDD) subsequent to the termination of their public employment. The MDCs scheduled to be closed, which cease to exist and will displace more than half of its current employees.

Section 1121B of the Code prohibits a former public servant, for the two year period subsequent to the termination of his public employment, from assisting a person in a transaction that involves his former agency and in which he participated at any time during his public service and from providing services on a contractual basis to his former agency when he provided those same services during his public service. Furthermore, Section 1121C of the Code prohibits the employer of a former public servant, for the two-year period subsequent to the former public servant's termination public employment, from assisting a person for compensation in a transaction in which the former public servant participated in during his public service.

However, the Board concluded that based on the unique circumstances of the privatization of governmental services, the Code does not, in those instances, prohibit the former employees from being employed by private entities since their former agency no longer provides such services, provided the former employees do not participate in the governmental entities decision to privatize the facilities.

With respect to each of the issues below and in consideration of the above-provisions, the Board concluded, and instructed me, to inform you of the following:

- 1. The Code does not prohibit a former MDC staff member from creating a legal entity to be a private provider which would be licensed by DHH.
- (2) The Code does not prohibit a former MDC employee from being employed with a private provider who treats former MDC clients.
- (3) The Code does not prohibit a) OCDD from entering into cooperative agreements with private providers to operate MDC beds in community home settings, b) a former MDC staff member from working with MDC former clients in a private community home that has entered into such a cooperative agreement with OCDD and, c) a former MDC employee from creating a legal entity to enter into such a cooperative agreement.
- (4) The Code does not prohibit a private provider from contracting with a former MDC employee to serve MDC clients in a host home.
- (5) The Code does not prohibit the state from contracting with a former MDC employee to serve an MDC client in the host home.

The Board issues no opinion as to the application of laws other than the Louisiana Code of Governmental Ethics. If you have any questions, please contact me at (225) 763-8777 or 1-800-842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen	M.	Allen
For the B	oar	d

EB:KMA



2004-759

Created By: Elizabeth Sanders on 11/16/2004 at 01:47 PM

Category: Ethics Advisory Opinions, Miscellaneous

Caption:

November 10, 2004

Max L. Hearn, Executive Director Orleans Levee Board 6001 Stars and Stripes Blvd. Suite 202 - Administration Building New Orleans, LA 70126-8006

RE: Ethics Board Docket No. 2004-759

Dear Mr. Hearn:

The Louisiana Board of Ethics, at its November 9, 2004 meeting, considered your request for an advisory opinion concerning the privatization of the New Orleans Lakefront Airport. You stated that the Orleans Levee Board has pursued the privatization of the airport for several years and has, after competitive bidding and parallel negotiations, chosen American Airports Lakefront, LLC (AAL) as the successful candidate. privatization of the Lakefront Airport will cause the Levee Board's previous operation of the airport facilities to cease to exist. You asked whether former employees at the Lakefront Airport, namely Mr. Randy Taylor, the Orleans Levee District Director of Aviation, Mr. Fred Pruitt, the Airport Fuels Terminal Manager Orleans Levee Board, and other airport rescue and fire fighters, could accept employment with AAL after the privatization of the airport is approved by the Federal Aviation Administration. You stated that neither Mr. Taylor nor the other referenced employees participated in the Levee Board's decision to privatize the Lakefront Airport; however Mr. Taylor did assist the Levee Board and the appropriate committees with general information regarding the management of the airport in connection with the Levee's Board decision to privatize the airport.

The Board concluded, and instructed me to inform you, that based on the unique circumstances of the privatization of the airport, the Code of Governmental Ethics does not prohibit Mr. Taylor, Mr. Pruitt, or airport rescue and fire fighters, who did not participate in the Levee Boards' decision to privatize the airport, from being employed by

the private entity since their former agency will no longer provides such services. Further, because past conduct is involved, no opinion is issued as to the application of Section 1112B(4) of the Code which prohibits a public servant from participating in governmental transactions in which a person with whom the public servant is negotiating for future employment has a substantial economic interest.

Max L. Hearn, Executive Director November 11, 2004 Page 2

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen For the Board

cc: William Hood



2004-365

Created By: Elizabeth Sanders on 06/11/2004 at 11:23 AM

Category: Ethics Advisory Opinions

Caption:

June 11, 2004

Dr. Sally Clausen, President University of Louisiana System 1201 N. Third Street, Suite 7-300 Baton Rouge, LA 70802

Re: Ethics Board Docket No. 2004-365

Dear Dr. Clausen:

The Louisiana Board of Ethics, at its June 10, 2004 meeting, considered your request for an advisory opinion concerning the propriety of Joe Tallo and Jodi Keating accepting positions with Capstone Management. Capstone has been awarded the contract for the privatization of housing at Southeastern Louisiana University. You stated that Mr. Tallo and Ms. Keating did not participate in the university's decision to privatize its housing. However, Mr. Tallo and Ms. Keating served on the team to evaluate responses submitted by private vendors. You indicated that the job offers were extended by Capstone well after the evaluation team's recommendation was forwarded to senior management for consideration. The Board had previously concluded that, because of the unique circumstances presented by privatization of services, employees who did not participate in the university's decision to privatize housing could accept employment with the entity awarded the privatization contract.

The Board concluded, and instructed me to inform you, that given its earlier opinion in this matter, the employment of Mr. Tallo and Ms. Keating with Capstone Management is not prohibited by Section 1121 of the Code of Governmental Ethics. The Board issues no opinion as to laws other than the Code of Governmental Ethics. Further, because past conduct is involved, no opinion is issued as to the application of Section 1112B(4) of the Code which prohibits a public servant from participating in governmental transactions in which a person with whom the public servant is negotiating for future employment has a substantial economic interest.

If you have	further	questions,	please c	all me a	t (225)	763-8777	or (800)	842-6630
Sincerely,								

LOUISIANA BOARD OF ETHICS

Maris E. LeBlanc For the Board



2004-365

Created By: Kathleen Allen on 05/18/2004 at 08:28 AM

Category: Ethics Advisory Opinions

Caption:

May 18, 2004

Sally Clausen, President University of Louisiana System 1201 North Third Street, Ste. 7-300 Baton Rouge, LA 70802

Re: Ethics Board Docket No. 2004-365

Dear Ms. Clausen:

The Louisiana Board of Ethics, at its May 13, 2004 meeting, considered your request for an advisory opinion concerning the potential privatization of the housing facilities at the various universities in the University of Louisiana System. You stated that the privatization of the universities' housing facilities will result in the currently-structured housing operations at the universities ceasing to exist. You asked whether the former employees at the universities' housing facilities could accept employment with the private entities who would contract to manage the privatized facilities.

The Board concluded, and instructed me to inform you, that based on the unique circumstances of the privatization of the housing facilities, the Code of Governmental Ethics does not prohibit the former employees, who did not participate in the universities' decision to privatize the housing facilities, from being employed by the private entity since their former agency no longer provides such services.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen

For the Board		
EB:KMA		

.....

General Item

Ethics Board Docket No. BD 2010-136 02/19/2010

RE: Consideration of a request for an advisory opinion regarding whether employees of the Louisiana Department of Environmental Quality (LDEQ) may accept employment with a vendor of LDEQ.

Relevant Statutory Provisions, Advisory Opinions: 1121B, 2009-1047

Comments: Vince Sagnibene, Undersecretary for LDEQ, states that due to budget constraints LDEQ is closing its laboratory and is in the process of finalizing a contract for laboratory services with Southern Petroleum Laboratories (SPL) for Air Laboratory analysis. LDEQ employees who worked in the laboratory are in the process of being assigned to other departments within the LDEQ. SPL would like to hire LDEQ employees who previously worked in the laboratory. LDEQ believes that the ability to hire former employees of the laboratory will allow SPL the ability to obtain the necessary accreditations quickly. LDEQ employees who worked in the laboratory have not been approached directly by the SPL, nor did they have input into the Request For Proposal (RFP) development, proposal review, or contract process that resulted in the award to SPL. The job duties of former employees of LDEQ include the monitoring of ambient air, complex analysis of airborne volatile organic compounds, and operation of a canister cleaning system. None of the former employees of the laboratory had interaction with SPL as part of their normal duties. The LDEQ will be completely out of the lab business once this contract goes into effect. There will be no ongoing from LDEQ laboratories that will be transferred to SPL.

LAW:

Section 1121B of the Code prohibits a former public servant, for two years, from assisting another person, for compensation, in a transaction in which she participated during her public employment and which involves the governmental entity. Section 1121B of the Code also prohibits a public servant, for a period of two years following the termination of his public employment, from rendering any service which such former public employee 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:

As long as the former employees of the laboratory do not participate in activities in which they participated in while employed in the laboratory, Section 1121B of the Code will not prohibit former employees of the laboratory at LDEQ from accepting employment with SPL. Further, since the laboratory will no longer exist at LDEQ, former employees of the laboratory who are employed with SPL would not be rendering a service to, for or on behalf of the laboratory in which they were formerly employed.

In Board Docket No. 2009-1047, the Board stated that where OCD hired temporary unclassified employees to serve as Mitigation Analysts and these analysts had been performing the same duties and functions that were transferred to the contractor, there was no violation of the Code if the Mitigation Analysts went to work for the contractor as long as those former Mitigation Analysts did not work with or on applications in which they reviewed or participated as an employees of OCD.

The Mitigation analysts had no input on the development of the Hazard Mitigation program, the RFP for the contractor, or the selection process for the contractor. To the knowledge of OCD, none of the Mitigation analysts worked or had a past connection to the selected contractor. Moreover, although the mitigation analysts reviewed the applicants information for program eligibility they did not have decision-making authority. (APB)

Recommendations: Adopt the proposed advisory opinion.

Date

Vince Sagnibene P.O. Box 4303 Baton Rouge, LA 70821-4303

RE: Ethics Board Docket No. 2010-136

Dear Mr. Sagnibene:

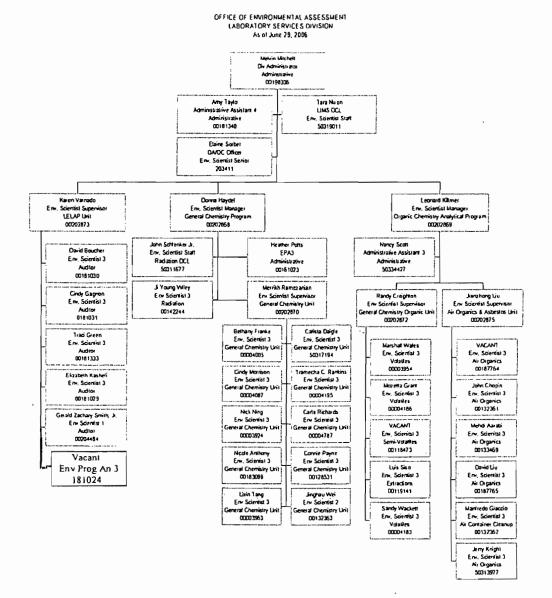
The Louisiana Board of Ethics, at its February 19, 2010 Board meeting, considered your request for an advisory opinion regarding whether former employees of the laboratory in the Louisiana Department of Environmental Equality (LDEQ) may accept employment with a private contractor, Southern Petroleum Laboratories. You stated that due to budget constraints LDEQ is closing its laboratory and is in the process of finalizing a contract for laboratory services with Southern Petroleum Laboratories (SPL) for Air Laboratory analysis. LDEQ employees who worked in the laboratory are in the process of being assigned to other departments within the LDEQ. SPL would like to hire LDEQ employees who previously worked in the laboratory. LDEQ believes that the ability to hire former employees of the laboratory will allow SPL to obtain the necessary accreditations quickly. LDEQ employees who worked in the laboratory have not been approached directly by the SPL, nor did they have input into the Request For Proposal (RFP) development, proposal review, or contract process that resulted in the award to SPL. None of the former employees of the laboratory had interaction with SPL as part of their normal duties. The LDEQ will be completely out of the lab business once this contract goes into effect. There will be no ongoing from LDEQ laboratories that will be transferred to SPL.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not probabilit the employment of former employees of the laboratory at LDEQ by SPL. Section 1121B of the Code prohibits a former public servant, for two years, from assisting another person, for compensation, in a transaction in which she participated during her public employment and which involves the governmental entity. Section 1121B of the Code also prohibits a public servant, for a period of two years following the termination of his public employment, from rendering any service which such former public employee 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. Therefore, as long as the former employees of the laboratory do not participate in activities in which they participated in while employed in the laboratory, Section 1121B of the Code will not prohibit former employees of the laboratory at LDEQ from accepting employment with SPL. Further, since the laboratory will no longer exist at LDEQ, former employees of the laboratory who are employed with SPL would not be rendering a service to, for or on behalf of the laboratory in which they were formerly employed.

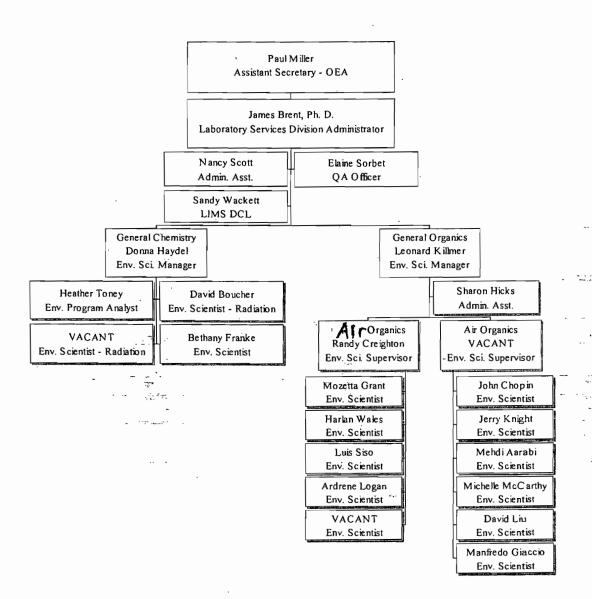
This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions,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



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Lab Services Division Organizational Chart as of 04/01/2009



SF-3 Rev. 01/07

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.

The incumbent performs highly technical and complex scientific work at the advanced journeyman level in the Air Organic Unit, General Chemistry Analytical Program, Laboratory Services Division, Office of Environmental Assessment, Department of Environmental Quality. The incumbent performs organic chemical analyses of environmental samples using state of the art Gas Chromatography (GC) and Gas Chromatography Mass Spectrometry (GCMS) analytical systems. Work involves complex analysis of airborne volatile organic compounds in accordance with EPA Compendium of Methods for the Determination of Toxic Organic Compounds in Ambient Air – Compendium Method TO14, Compendium Method TO15, Compendium Method TO11, and the PAMS Method. This position requires a basic knowledge of Gas Chromatography theory and operation procedures, including fundamental knowledge of GC/MS theory and operation procedure. The scientist must have a working knowledge of the interpretation of gas chromatographic data and keen in the interpretation of mass spectral data. The scientist will operate a canister cleaning system as promulgated under the Quality Assurance/Quality Control (QA/QC) protocols.

This work is necessary for the protection of the environment and the public health. Work is performed in accordance with state and federal laws and departmental regulations and policies. Supervision constituting broad review is received from an Environmental Scientist Supervisor. Functional and project basis supervision is exercised over Environmental Scientist of equal or lower classification.

The incumbent performs the following specific duties and responsibilities:

- Operate a Gas Chromatograph, GC/MS, the associated peripheral equipment and the computer data system, for the purpose of analyzing ambient air samples for the presence of toxic compounds. Operate a cleaning system for the certification of the sampling canisters under the QA/QC plan.
- 20% (2) Evaluate and interpret data generated by the Gas Chromatograph, and/or the GC/MS system.
- Perform quality control/quality assurance procedures on the instrumentation to assure the validation of all data generated.
- 5% (4) Prepare written reports concerning data generated by the analytical system.
- 5% (5) Schedule maintenance, repairs on the analytical instrumentation, and assist the supervisor to diagnose and/or solve special instrumental and/or analysis problems.
- Assist the Environmental Scientist field staff in determining the appropriate techniques for sample collection and preservation in order to provide data that will properly characterize the environmental situation under investigation.

SF-3 Rev. 01/07

TI PRE

- 5% (7) Recommend the purchase of analytical supplies, including spare parts and maintains the inventory of the same.
- 3% (8) Prepare and maintains the legal chain of custody records for samples analyzed within the analytical unit.
- 2% (9) Participate in the analytical units activity associated with the toxic or other hazardous chemical spills, which have potential to enter ambient air and may pose an imminent threat to the environmental health.
- 5% (10) Participate in training courses and seminars in order to enhance knowledge and expertise in area of air toxics analysis in accordance with the training requirements specified for ISO compliance.

SF-3 Rev. 11/01

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. When applicable, describe the physical demands and/or unavoidable hazards while performing the duties listed below. 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......

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.

DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL ASSESSMENT LABORATORY SERVICE DIVISION ENVIRONMENTAL SCIENTIST SUPERVISIOR AIR ORGANICS LABORATORY

The incumbent in this position performs highly responsible and complex scientific work of a supervisory nature in the Asbestos and the Air Organics laboratory units, Laboratory Services Division, Office of Environmental Assessment, and Department of Environmental Quality. The incumbent is responsible for directing the laboratory personnel and facilities involve in the analysis of environmental samples for monitoring ambient air. Work involves environmental analyses to judge ambient air quality, to verify and ensure regulatory compliance by industrial and municipal or other governmental dischargers to the public waters of the state and to document incidents of violation of environmental regulations. Work is necessary for the protection of the environment and the public health. Work is performed in accordance with state and federal laws and departmental regulations and policies. Supervision constituting broad direction is received from an Environmental Manager. Direct line and functional supervision is exercised over Environmental Scientist of a lower classification.

- Plans, directs, and coordinates the analytical and quality assurance activities of Asbestos and the Air Organics laboratory unit. Provides analytical support for the statewide Air Toxics program and the mandated Photochemical Assessment Monitoring Station (PAMS) program. Organizes workloads within each respective unit and sets priorities. Supervises complex analyses for the occurrence of organic or particle contaminants in various environmental matrices using Gas Chromatography, Gas Chromatography/Mass Spectroscopy, High Pressure Liquid Chromatography (HPLC), Stereo Microscopy and Polarized Light Microscopy.
- 20% (2)

 Coordinates and supervises the maintenance, calibration and repair of laboratory equipment and instruments. Supervises and approves the research and development of new and alternative analytical methods. Reviews and approves all revisions to Standard Operating Procedures of all instrumentation in the laboratory. Responsible for the writing and updating the Quality Manuals for the Air Organic Analysis lab and the Air Micro analytical lab.
- Supervises laboratory operations during emergency response activities associated with oil, toxic or other hazardous material which has entered or has the potential to enter the ambient air which may pose imminent threat to the environment or public health. Advises Environmental Scientists as to the appropriate methods for sample collection, preservation, etc. in order to provide data that will properly characterize an environmental situation under investigation. Supervises the legal chain of custody procedures for the laboratory. Represents the division concerning laboratory matters at meetings/hearings, serves as an expert witness and provides technical testimony at hearings and enforcement proceedings relevant to analyses preformed by his/her laboratory facility. Recommends the purchase of equipment, instruments, and supplies for the Air Laboratory. Reviews technical literature and attends seminars/workshops to maintain a familiarity with scientific techniques, laws, and regulation pertaining to air pollution control and air quality assessment.



2009-1047

Created By: Elizabeth Sanders on 11/30/2009 at 01:28 PM

Category: Ethics Advisory Opinions

Caption: An advisory opinion concerning employees of the Office of Community Development- Disaster Recovery

Unit Hazard Mitigation Program(OCD) terminating employment with OCD and accepting employment with

a private contractor who has entered into an agreement with OCD.

November 30, 2009

Mr. William Haywood Hazard Mitigation Manager Office of Community Development P.O. Box 5098 Baton Rouge, LA 70821

RE: Ethics Board Docket No. 2009-1047

Dear Mr. Haywood:

The Louisiana Board of Ethics, at its November 20, 2009 meeting, considered your request for an advisory opinion regarding whether former employees of the Office of Community Development- Disaster Recovery Unit Hazard Mitigation Program (OCD) may accept employment with a private contractor who has an agreement with OCD. OCD provides mitigation assistance to homeowners who were adversely impacted by Hurricanes Rita and Katrina. The program helps homeowners offset the expenses of protecting their homes from future storms and flooding. To more effectively handle the unprecedented number of program applicants, OCD, through the Request For Proposal (RFP) process, would like to hire a contractor to assist with the project's work load. The contractor will work with the applicants to guide them through the grant process, verifying home-ownership, reviewing invoices, cancelled checks, and other documentation to ensure that the application is completed in compliance with the Hazard Mitigation Program's criteria. Following this determination, the contractor will submit eligible packets to OCD for review and transmittal.

During the fall of 2008, OCD hired temporary unclassified employees to serve as Mitigation Analysts. These analysts have been performing the same duties and functions that will be transferred to the contractor. The mitigation analysts had no input on the development of the Hazard Mitigation program, the RFP for the contractor, or the selection process for the contractor. To the knowledge of OCD, none of the mitigation analysts have worked or have a past connection to the selected contractor. Moreover, although the mitigation analysts review the applicants' information for program eligibility, they do not have decision-making authority.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit the employment of former employees of OCD by a contractor who contracts to do work with OCD. Section 1121B of the Code prohibits a former public servant for the two

year period 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, in which the former public servant participated at any time during his public service and involving his former agency. As long as those former mitigation analysts, who accept employment with the proposed contractor, are not working with or on applications in which they reviewed or participated as an employee of OCD, there is no violation of the Code if those mitigation analysts accept employment with a contractor who enters into a contract with OCD.

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

FEB-04-2010 10:12

DEQ LEGAL AFFAIRS

225 219 4068

P.02

BOBBY JINDAL GOVERNOR



PEGGY M. HATCH SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF MANAGEMENT & FINANCE

February 4, 2010

Mr. Frank P. Simoneaux, Chair Louisiana Board of Ethics Post Office Box 4368 Baton Rouge, Louisiana 70821

Re: Request for Advisory Opinion & Request for Expedited Consideration

Dear Mr. Simoneaux:

The Louisiana Department of Environmental Quality (LDEQ) respectfully requests an opinion from the Louisiana Board of Ethics whether recruitment of LDEQ employees formerly assigned to the laboratory is permissible by a LDEQ vendor, Southern Petroleum Laboratories, Inc. (SPL), to fulfill its contract obligations to LDEQ. Additionally, because time is of the essence, the LDEQ respectfully requests that this matter be placed on the supplemental agenda for the meeting to be held on February 18-19, 2010.

Due to budgetary constraints, the LDEQ is closing its laboratory and is in the process of finalizing a contract for laboratory services with SPL for Air Laboratory analysis. The ozone season begins March 1, 2010 in South Louisiana and April 1, 2010 for the entire state. The Request for Proposal (RFP) and SPL's contract require performance of laboratory analysis in compliance with LDEQ standard operating procedures (SOPs) as an accredited laboratory. The ability to hire LDEQ employees already familiar with these SOPs will allow the successful bidder to more quickly begin to acquire the necessary accreditations (in part based on knowledge, education, and experience of staff) and ensure that LDEQ receives quality analysis.

LDEQ employees who worked in the laboratory are in the process of being assigned elsewhere within the agency. After award as successful bidder, SPL inquired about the possibility of recruiting LDEQ employees who previously worked in the laboratory, specifically those who actually performed laboratory testing and analyses. None of the targeted employees has been approached directly by the vendor nor did they have any input into the RFP development, proposal review, or contract process that resulted in the award to SPL. None of these employees had any interaction with SPL as part of their normal duties.

For purposes of clarification, it should be noted that any LDEQ employee who accepts employment with the contractor will terminate his or her employment with the LDEQ through resignation and/or retirement.

FEB-04-2010 10:12

DEQ LEGAL AFFAIRS

225 219 4068

P.03

Request for Advisory Opinion & Request for Expedited Consideration Page 2

Please advise whether it is permissible for SPL to undertake such recruitment activities and, if so, whether it is permissible for the LDEQ employee to accept such employment without violation of the Code of Governmental Ethics. Thank you for your consideration of this request. If you have any questions or need anything further, please contact the LDEQ's ethics liaisons Roger Ward or April Snellgrove at (225) 219-3985.

Sincefely,

Vince Sagnibene Undersecretary

Ethics Board Docket No. BD 2010-092 02/19/2010

RE: Consideration of a request that the Board waive the \$500, \$500, and \$1,000 late fees assessed against Green Light Committee, who supported a proposition in the November 14, 2009 election who failed to file its 48 hr Special reports electronically as is required under Section 1485E of the Campaign Finance Disclosure Act.

Relevant Statutory Provisions, Advisory Opinions: 18:1505.4, 42:1157.2, 1485E

Comments:

ELECTION:

November 14, 2009

TYPE OF REPORT:

Special 48 hr report

DAYS LATE:

ASSESSED FEE:

\$500

REPORT DUE:

November 24, 2009

REPORT FILED:

November 25, 2009

ACTIVITY REPORTED:

OTHER LATE FILINGS:

Late filing re a 10-P report for the November 4, 2008 election,

which was \$40

ELECTION:

November 14, 2009

TYPE OF REPORT:

Special 48 hr report

DAYS LATE:

ASSESSED FEE:

\$500

REPORT DUE:

November 24, 2009

REPORT FILED:

November 25, 2009

ACTIVITY REPORTED:

NA

OTHER LATE FILINGS:

Late filing re a 10-P report for the November 4, 2008 election,

which was \$40

ELECTION:

November 14, 2009

TYPE OF REPORT:

Special 48 hr report

DAYS LATE:

2

ASSESSED FEE:

\$1,000

REPORT DUE:

November 23, 2009

REPORT FILED:

November 25, 2009

ACTIVITY REPORTED:

NA

OTHER LATE FILINGS:

Late filing re a 10-P report for the November 4, 2008 election,

which was \$40

Effective July 1, 2009: Political committees that receive contributions in excess of \$50,000 or make expenditures in excess of \$50,000 in a calendar year shall file their campaign finance disclosure reports electronically. Late fees of \$500 per day will be assessed until the report is electronically filed. Leigh Davis, on behalf of Green Light Committee, requests a waiver of the late fees assessed against the committee. She states on one of the reports, the committee reached the expenditure limit in which it became mandatory to file the report electronically and she was not aware of the new law. She filed the reports, but not electronically. She was then notified by the Campaign Finance staff of the requirement to file electronically. She re-submitted the reports electronically on November 25, 2009. (AMA)

Recommendations: Decline to waive.

Green Light Committee P.O. Box 222 Baton Rouge, LA 70821

January 26, 2010

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

Re: Waiver Late Filing Fees, 11/14/09 Prop Elections

Dear Ms. Womack:

On behalf of the Green Light Committee, I am requesting a waiver for late filing fees on the following dates: November 23, 2009, and November 14, 2009.

I filed original reports, on behalf of the Green Light Committee timely, supporting the East Baton Rouge Bond Proposition. On one of the reports, the committee reached the expenditure limit in which it became mandatory to file that one report electronically. I was not aware of the change. I was notified by Campaign Finance of such change and I obtained authorization to file reports electronically. At that time all of the original reports submitted were re-submitted but electronically on November 25, 2009.

I ask that you please consider the corrective action by the committee and grant a waiver based on the circumstances.

Sincerely,

Leigh Davis,

Green Light Committee

Authorized Report Preparer

2010-092

009 DEC 15 PM 4: 41

CAMPAIGN FINANCE RECEIVED

Green Light Committee P.O. Box 222 Baton Rouge, LA 70821

December 14, 2009

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

Re: Waiver Late Filing Fees

Dear Ms. Womack:

On behalf of the Green Light Committee, I am requesting a waiver for late filing fees on the following dates: November 12, 2009, November 16, 2009 and November 18, 2009.

I filed original reports, on behalf of the Green Light Committee timely, supporting the East Baton Rouge Bond Proposition. On one of the reports, the committee reached the expenditure limit in which it became mandatory to file that one report electronically. I was not aware of the change. I was notified by Campaign Finance of such change and I obtained authorization to file reports electronically. At that time all of the original reports submitted were re-submitted but electronically on November 25, 2009.

I ask that you please consider the corrective action by the committee and grant a waiver based on the circumstances.

Sincerely,

Leigh Davis,

Green Light Committee

Authorized Report Preparer





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

December 30, 2009

Green Light Committee P.O. Box 222 Baton Rouge, LA 70821

AMENDED AND CORRECTED

RE: November 14, 2009 Proposition Election

Dear Green Light Committee:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, has received three of your Special (48-hour) campaign finance disclosure reports, which were due by November 23, 2009, and November 14, 2009. The reports were filed on November 25, 2009 and was 2, 1, and 1 day(s) late. La. R.S. 18:1485E of the Campaign Finance Disclosure Act provides that an automatic late fee of \$500 per day be assessed against you for this late filing.

Accordingly, late fees of \$1,000, \$500, and \$500 are assessed against you for failure to timely file your campaign finance disclosure reports. Please submit a check or money order for \$2,000 payable to the Treasurer of the State of Louisiana to P.O. Box 4368, Baton Rouge, LA 70821 by February 1, 2010.

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 January 10, 2010. 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 February 1, 2010, 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

Womack

Delesiua Womack

Effective July 1, 2009: Political committees that receive contributions in excess of \$50,000 or make expenditures in excess of \$50,000 in a calendar year shall file their campaign finance disclosure reports electronically. Late fees of \$500 per day will be assessed until the report is electronically filed.

AN EQUAL OPPORTUNITY EMPLOYER

February 18-19, 2010 - LOBBYIST LATE FEE WAIVER REQUEST Other No Name Docket Branch Report Days Fine No Recomm Activity late No. Late filings 2010-4 \$200 Decline to 1. Arnold Exec. ER-Waive West 010 10/09 2. Decline to Michael 2010-4 \$200 Exec. ER-/ Waive Andrews 012 10/09 2010-\$500* Waive 3. Jason Exec. ER2 287 / Widener 013 Decline to 4. John 2010-Legis. ER-12 \$500* Waive 10/09 Schnacke 014 5. Jessica 2010-Legis. ER-3 \$150 Decline to Waive Monroe 085 09/09 2010-3 \$150 Decline to Jessica Exec. ER-/ Waive Monroe 085 09/09 ER-2 Waive 6. Joseph 2010-Exec. \$100 1 Hebert 102 11/09 Waive 7. Cynthia 2010-Legis. ER2 317 \$500* ✓ Wtikin 103

^{*} Late fee reduced pursuant to Rule 1204D based on level of activity.

Abbreviation	Key
Legis.	Legislative Lobbyist
Exec.	Executive Lobbyist
ER2	Lobbying Report due February 17, 2009 (report period covering 07/01/2008-12/31/2009)
ER-9/09	Lobbying Report due October 26, 2009 {report period covering 09/01/2009-09/30/2009}
ER-10/09	Lobbying Report due November 25, 2009 {report period covering 10/01/2009-10/31/2009}
ER-11/09	Lobbying Report due December 28, 2009 {report period covering 11/01/2009-11/30/2009}

Other waiver request; Appearances

Daryl Blacher- 2010-011

Ethics Board Docket No. BD 2010-010 02/19/2010

RE:

Consideration of a request that the Board waive the \$200 late fee assessed against Arnold West, for failure to timely file an Executive ER-10/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:

Executive

REPORT:

ER-10/09

REPORT DUE:

November 25, 2009

REPORT FILED:

December 1, 2009

DAYS LATE:

6

FEE ASSESSED:

\$200

ACTIVITY REPORTED:

Executive = \$0

OTHER LATE FILINGS:

None

Arnold West filed his Executive ER-10/09 lobbying report that was due by November 25, 2009, 6 days late on December 1, 2009. Due to Thanksgiving, Nov. 26 & 27, 2009 were state holidays so late fees for the Oct. 2009 report began on Nov. 28, 2009. He was assessed a \$200 late fee.

Arnold West states that he was out of the country when the report was due and filed it upon his return. (MDD)

Recommendations:

Decline to waive.



January 5, 2010

Louisiana Board of Ethics PO Box 4368 Baton Rouge, LA 70821

Attn: Lauren Abrams

By Fax and USPS

Re: Executive Filing Penalty - October 2009 Lobbyist Expenditure Report: Arnold West

Dear Ms. Abrams:

I am writing in response to your letter dated December 7, 2009. I would like to request a waiver or reduction of the late fees assessed for my October 2009 filing. I was out of the country when the report was due and filed upon my return. This is the only late filing that I have made.

I appreciate the Board's consideration of my request.

Thank you.

Very truly yours,

Arnold B. West

2010 JAN 1 1 PH 4: 5:

CAMPAIGN FINANCE RECEIVED

Arnold B. West, Senior Vice President ING Investment Management 10 State House Square Hartford, CT 06103-3607 Telephone: 860-275-2338 Fax: 860-275-2040

E-Mail: Arnold .West@inginvestment.com

www.inginvestment.com

Ethics Board Docket No. BD 2010-012 02/19/2010

RE:

Consideration of a request that the Board waive the \$200 late fee assessed against Michael Andrews, for failure to timely file an Executive ER-10/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:

Executive

REPORT:

ER-10/09

REPORT DUE:

November 25, 2009

REPORT FILED:

December 1, 2009

DAYS LATE:

6

FEE ASSESSED:

\$200

ACTIVITY REPORTED:

Executive = \$0

OTHER LATE FILINGS:

None

Michael Andrews filed his Executive ER-10/09 lobbying report that was due by November 25, 2009, 6 days late on December 1, 2009. Due to Thanksgiving, Nov. 26 & 27, 2009 were state holidays so late fees for the Oct. 2009 report began on Nov. 28, 2009. He was assessed a \$200 late fee.

Michael Andrews states that the reason for his late filing is that he did not have any expenses to report and due to Thanksgiving there was some confusion which resulted in delay. Once the error was realized it was promptly filed. (MDD)

Recommendations:

Decline to waive.

2010-012 NO/MURA

NOMURA ASSET MANAGEMENT U.S.A. INC.

2 World Financial Center, Building B New York, NY 10281-1712 (212) 667-1414

December 24, 2009

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

RE: Executive Filing Penalty - Michael Andrews

Dear Sirs and Madam,

In connection with the October 1, 2009 – October 31, 2009 Lobbyist Expenditure Report of Mr. Michael Andrews and a letter dated December 7, 2009 requesting an Executive Filing Penalty of \$200, I am writing to request a waiver of the late fees which have been assessed. The reason for the late filing is that I did not have any expenses to report in connection with lobbying activities. Due to the fact that the end of the month was Thanksgiving, there was some confusion which resulted in the delay. Once I realized the error, I promptly filed and rectified the mistake. In addition, I have always filed a \$0 Lobbyist Expenditure Report since registration.

I would like to ask that the Board consider waiving the late fees in light of the circumstances and the fact that to date I have not previously filed late.

19 DEC 28 AM 9: 33

CAMPAIGN FINANCE RECEIVED

//UU/IOCX / UM/ Michael P. Andrews, CFA

Sincerely,

Ethics Board Docket No. BD 2010-013 02/19/2010

RE:

Consideration of a request that the Board waive the \$500 late fee assessed against Jason Widener, for failure to timely file an Executive ER2 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:

Executive

REPORT:

ER2

REPORT DUE: REPORT FILED:

February 17, 2009 December 1, 2009

DAYS LATE:

December

EEE ACCECCED.

287

FEE ASSESSED:

\$500

ACTIVITY REPORTED:

Executive = \$0

OTHER LATE FILINGS:

None

Jason Widener filed his Executive ER2 lobbying report that was due by February 17, 2009, 287 days late on December 1, 2009. He was assessed a \$500 late fee.

Jason Widener states that his firm was invited to participate in a Small Cap Value finals presentation for the Louisiana Schools Employees Retirement System in August 2008 and it was a requirment to register as a Lobbyist to participate in the presentation. Until recently he lived and worked in Los Angelos and he registered using the main office address which is in Denver, CO. The report was mailed to the Denver address therefore he never received it. (MDD)

Recommendations:

Waive the late fee.

2010-01

2010 JAN -4 PM 4: 4

Denver Investments

Institutional

December 29, 2009

Mr. Mike Dupree Louisiana Board of Ethics PO Box 4368 Baton Rouge, LA 70821

RE: Executive Lobbying Expenditure Report
Executive Registered Lobbyist No. 814 Late Fee Waiver

Dear Mr. Dupree,

I am writing to ask for a waiver of all late fees regarding the required expenditure report that was due on February 17, 2009.

I registered as a lobbyist because my firm was invited to participate in a Small Cap Value finals presentation for the Louisiana Schools Employees Retirement System on August 11, 2008 and it was a requirement to register to participate in the presentation; unfortunately, we were not awarded the mandate. Because I am the only sales person for Denver Investment Advisors I have not had the opportunity the visit any plans in Louisiana since the finals presentation and have spent no money on any of the retirement systems.

Until recently, I lived and worked in a Los Angeles office; because I registered with our main office address, which is in Denver, the Lobbying Expenditure Report was mailed to our Denver office and somehow there was a disconnection and I never received the report. I completely understand this is no fault of the Louisiana Board of Ethics, but I am asking for leniency on this one occasion and promise to never let this happen again.

We recently (starts 1/1/2010) hired another person to help in the sales process which will afford me the opportunity to visit with the many plans in Louisiana.

Thank you in advance for any help in this matter and I look forward to hearing from you soon. My work phone is 303.312.5026 and email is jwidener@denvest.com

Regards.

Jason Widener

VP, Institutional Sales

Ethics Board Docket No. BD 2010-014 02/19/2010

RE:

Consideration of a request that the Board waive the \$500 late fee assessed against John Schnacke, for failure to timely file a Legislative ER-10/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:

Legislative

REPORT:

ER-10/09

REPORT DUE:

November 25, 2009

REPORT FILED:

December 9, 2009

DAYS LATE:

14

FEE ASSESSED:

\$500

ACTIVITY REPORTED:

Legislative = \$0

OTHER LATE FILINGS:

None

John Schnacke filed his Legislative ER-10/09 lobbying report that was due by November 25, 2009, 14 days late on December 1, 2009. He was assessed a \$500 late fee. Due to Thanksgiving, Nov. 26 & 27, 2009 were state holidays so late fees for the Oct. 2009 report began on Nov. 28, 2009.

John Schnacke states that an internal discussin whether to register was interpreted as a go ahead and his paperwork was filed by another person in the company. He was not aware he was registered until he got a letter making him aware he was in violation of the filing requirment. (MDD)

Recommendations:

Decline to waive.





Corporate Headquarters
P.O. Box 251289
Plano, Texas 75025-1289
5100 Tennyson Pkwy., Suite 3000
Main Telephone: (972) 673-2000
Fax: (972) 673-2299

2010-014

December 17, 2009

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

RE: Request for Waiver of Late Fees

Dear Mr. Dupree:

My sincere apologies for my obvious late filing of my lobbying report. We certainly caused this to happen and will pay the \$600 assessment if this waiver is not acceptable to you and the Board.

Our internal discussion whether to register myself as a Louisiana lobbyist was interpreted as a go ahead and the paperwork was filed by another person in the company. I was not aware I was registered until I received the letter I was in violation of the filing requirement.

Our intention is to utilize a local lobbyist who will be our point of contact in Louisiana and is organized to meet all compliance requirements.

As such, we request that the \$600 late fee assessment be waived.

Sincerely,

John Schnacke

2009 DEC 21 PM 4: 1

CAMPAIGN FINANCE RECEIVED

Ethics Board Docket No. BD 2010-085 02/19/2010

RE:

Consideration of a request that the Board waive the \$150 and \$150 late fees assessed against Jessica Monroe, for failure to timely file a Legislative and Executive ER-09/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:

Legislative and Executive

REPORT:

ER-09/09

REPORT DUE:

October 26, 2009

REPORT FILED:

October 29, 2009

DAYS LATE:

3

FEE ASSESSED:

\$150 and \$150

ACTIVITY REPORTED:

Legislative = \$0 / Executive = \$0

OTHER LATE FILINGS:

None

Jessica Monroe filed her Legislative and Executive ER-09/09 lobbying reports that were due by October 26, 2009, 3 days late on October 29, 2009. She was assessed \$150 and \$150 late fees, totaling \$300.

Jessica Monroe states that she was under the car of a physician during the last few days of the filing period from October 23-27, 2009. Upon returning to work, she filed the report 3 days late on October 29, 2009. Ms. Monroe has submitted a doctors excuse from a Dr. Arbour at the Baton Rouge Clinic stating she was under his care from October 22, 2009 to October 23, 2009 and she was able to return to work October 27, 2009. (MDD)

Recommendations:

Decline to waive.

2010-085



Jessica Woodman Monroe Director, State Government Affairs 10046 Chestnut Oak Drive Baton Rouge, LA 70809 (225) 205-3503 Fax: (225) 292-5958 jmonroe1@corus.jnj.com

November 24, 2009

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

> RE: Legislative & Executive Filing Penalty, September 1, 2009-September 30, 2009 **Lobbyist Expenditure Report**

Dear Mr. Dupree:

Please allow this letter and attached documentation to serve as a request for a waiver of late fees assessed. LSA-R.S. 42:1157.2 provides that I may apply to the Board for a waiver of these late fees for "good cause" within thirty days of the letter sent by the Board on November 4, 2009. As you can see from the attached documentation, I was under the care of a physician during the last few days of the filing period from October 23-27, 2009. Upon returning to work, I filed the report 3 days late on October 29, 2009. Note that my reports had no expenditures and had I not been under the care of a physician, would have filed by the 26th. In addition, I have never been late on previous reports.

Thank you for the opportunity to request this waiver and I hope that with your understanding a waiver will be granted.

Jessida W. Monroe

Regards,

10/29/2009 16:28

BRC Gastro

(FAX) 225 246 9127

P. 002/002

THE BATON ROUGE CLINIC AMC

7373 Perkins Road - Baton Rouge, Louisiana 70808-4326 - 225/769-4044

BATON ROUGE CLINIC AMC	7373 Perkins Road Baton Rouge, Louisiana
HAS BEEN UNDER A TO 10-23-0 WORK SCHOOL OF	10-27-09 (DATE)
LIMITATIONS: DN	ONE OTHER (PLEASE LIST)
PHYSICIAN'S SIGNATURE BRC 180	G. Thomas Arbour, Jr., M.D.

Ethics Board Docket No. BD 2010-102 02/19/2010

RE:

Consideration of a request that the Board waive the \$100 late fee assessed against Joseph Hebert, for failure to timely file an Executive ER-11/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:

Executive

REPORT:

ER-11/09

REPORT DUE:

December 28, 2009

REPORT FILED:

December 30, 2009

DAYS LATE:

2

FEE ASSESSED:

\$100

ACTIVITY REPORTED:

Executive = \$0

OTHER LATE FILINGS:

None

Joseph Hebert filed his Executive ER-11/09 lobbying report that was due by December 28, 2009, 2 days late on December 30, 2009. He was assessed a \$100 late fee.

Joseph Hebert states that his secretary contacted the office on November 12, 2009 and spoke to Ms. Thomas for the proper procedure to terminate his Lobbyist registration. He was told that he first needed to file his October 2009 expenditure report however, did not know he was required to file the November 2009 report. (MDD)

Recommendations:

Waive the late fee.



2010-102

822 Harding Street Post Office Box 52008 Lafayette, LA 70505 (337) 232-7424 Main (337) 267-2399 Fax

www.Liskow.com

Joseph P. Hebert jphebert@liskow.com

January 7, 2010

Michael D. Dupree, Esq. Louisiana Board of Ethics P. O. Box 4368 Baton Rouge, LA 70821 One Shell Square 701 Poydras Street, Suite 5000 New Orleans, LA 70139 (504) 581-7979 Main (504) 556-4108 Fax

First City Tower 1001 Fannin Street, Suite 1800 Houston, TX 77002 (713) 651-2900 Main (713) 651-2908 Fax

ONIN JAN -8 PH 4: 41

Re:

Request for Waiver of Executive Filing Penalty

November 1, 2009 - November 30, 2009 Executive Lobbyist Expenditure Report

Dear Mr. Dupree:

Please let this letter serve as my request for a waiver of late fees for my Executive Lobbyist Expenditure Report for November 1, 2009 – November 30, 2009. On November 12, 2009, my secretary received instructions from Ms. Latisha Thomas regarding the proper procedure for terminating my status as an active lobbyist for the Executive Branch of the Louisiana Board of Ethics. Pursuant to that communication, my secretary was informed that, prior to terminating my active status, it was necessary to first file the current (October 2009) expenditure report (see enclosed copy of my expenditure report filed on November 12, 2009). My secretary was informed that no other reports would be necessary. I then terminated my active status via the lobbyist on-line system (see enclosed copy of confirmation of termination dated November 12, 2009).

On December 30, 2009, I received a *Notice of Failure to File* (copy enclosed) advising that a current (November 2009) expenditure report was past due as of December 28, 2009. My secretary contacted the Louisiana Board of Ethics and was informed that no personnel from your office was in at that time due to the upcoming holiday. I then immediately filed my November 2009 expenditure report (copy enclosed) to avoid any additional daily penalties. Based upon the information and instructions received by my secretary from Ms. Thomas on November 12, 2009, I was under the assumption that no further expenditure reports were required to be filed by me after my November 12, 2009 termination of active status.

Please note that, although I registered (as a precautionary matter) as a lobbyist, I never reported any lobbying expenditures and, more importantly, never actually made <u>any</u> reportable lobbying expenditures.

LISKOW&LEWIS January 7, 2010

Page 2

I have received your letter dated January 4, 2010 (copy enclosed), assessing a penalty of \$100 (\$50 per day) for filing my November 2009 expenditure report on December 30, 2009 (two days late of the December 28, 2009 deadline). Due to an apparent, but unintentional, miscommunication between my secretary and Ms. Thomas, I hereby respectfully request the Board's consideration in waiving the \$100 late fee which I have now been assessed. Please advise at your earliest convenience as to whether or not the Board will grant this waiver.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me at 337-232-7424.

 $\Delta = 0/11$

Joseph P. Heber

JPH/moa Enclosures 258579_1



Executive Branch Lobbying Expenditures

for October 09 Lobbyist: JOSEPH HEBERT Report Finalized: 11/12/2009.

Executive Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 49:74(A)(4): No Subject Matters Lobbied

Executive Branch Expenditures

Aggregated total of all the expenditures made during this reporting period in accordance with 49:76D(1)(b):

\$0.00

List of expenditures made per individual executive branch official during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an executive branch official during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during this reporting period:

No relevant expenditures reported for this period.

Executive Branch Lobbying Expenditures Reported to Date for the Current Year

Aggregated total of all the expenditures made to date for this calendar year in accordance with 49:76D(1)(b):

\$0.00

Aggregate total spent per individual executive branch official to date for the current calendar year: No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of an executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which more than 25 executvie branch officials were invited during the calendar year:



Welcome to the Lobbyist Online System Registration Page

Registration is done in two phases.

1. You must complete the online portion of your registration by filling in the required information listed below.

2. Once you complete the online portion of your registration, you can click on the final link below to find out how to complete your registration as a lobbyist in the state of Louisiana.

Select Section to Jump to...

Before you can complete the online portion of your registration, you need to:

1. Enter at least one person, group, or organization that you represent.

Demographic Information

Name: MR. JOSEPH PATRICK HEBERT

Mailing Address:

822 Harding Street

Lafayette , LA 70503

Phone:

337-232-7424 Ext.

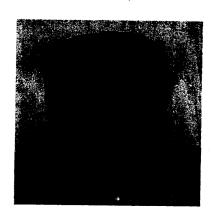
Fax:

337-267-2399

E-mail:

jphebert@liskow.com

Alternate E-mail:



Current Branch Status

Executive Branch

Registration Terminated. Registered from 1/30/2009 to 11/12/2009.

Legislative Branch

Never registered.

Employer Information

Employer Name:

Liskow & Lewis

Employer Address:

822 Harding Street

Lafayette , Louisiana 70503

In accordance with LA-R.S. 49:76F(2)(a) a lobbyist's principal or employer may opt to file reports required by the Executive Branch Lobbyist Disclosure Act for all of the lobbyists who represent the principal's or employer's interest.

The principal or employer does not opt to file the reports required by the Executive Branch Lobbyist Disclosure Act for this lobbyist.

Step 5: Add Persons, Groups, or Organizations Represented

Labbyist Online System

Branches to Lobby

for Calendar Year 2009

Executive Branch

You are currently registered as an active lobbyist for this branch.

I wish to terminate my status as an active lobbyist for the Executive Branch.

By terminating your status as an Executive Branch lobbyist, you are indicating that you have ceased any and all activities which would require your registration as a lobbyist, as of this date.

If you resume any activities which require registration in accordance with R.S. 24:53 or R.S. 49:74, then you must complete a new registration and pay a new fee for that registration.

You are still required to file an expense report for the Executive Branch for the current reporting period. Once you have terminated your status as a lobbyist, you will still be allowed to amend or create expense reports for the reporting periods during which you were registered as an active Executive Branch lobbyist.

If you wish to terminate your lobbying status, please select 'I agree' from the following drop down box; and choose the "Submit Your Selections" link below.

You have read and understand the above paragraphs regarding terminating your status as a

lobbyist. I agree. 🎉

Legislative Branch

You are not registered as an active lobbyist for this Branch.

Select the branch(es) that you would like to register for:

☐ Executive Branch Lobbying

Legislative Branch Lobbying

Submit Your Selections

Next Step

Previous Step

Return to Main Registration Page

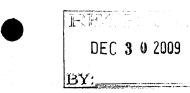
Show Branch History



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





RETURN RECEIPT REQUESTED

December 29, 2009

Mr. Joseph Hebert Liskow & Lewis 822 Harding Street Lafayette, LA 70503

NOTICE OF FAILURE TO FILE

ATTENTION!

WE HAVE NOT RECEIVED YOUR REQUIRED LOBBYIST EXPENDITURE REPORT, WHICH WAS DUE BY MONDAY, DECEMBER 28, 2009. AUTOMATIC LATE FEES OF \$50 PER DAY BEGAN ACCRUING ON DECEMBER 29, 2009.

LSA R.S. 49:76 and LSA R.S. 24:55 require that each person who was registered as an Executive and/or Legislative Lobbyist any time between November 1, 2009 and November 30, 2009 must electronically file a Lobbying Expenditure Report.

Our records indicate that we have not received your required report as of today. LSA R.S. 42:1157 requires our staff to forward this notice to you notifying you of the automatic late fees of \$50 per day which began accruing on December 29, 2009. If your report is not electronically finalized by January 8, 2010, the staff must refer your failure to file to the Louisiana Board of Ethics for consideration of additional civil penalties.

Your report is deemed filed on the date it is electronically filed and finalized using the Lobbyist Online Filing System. Even if you had no expenditures for the reporting period, you are required to file a report. Once we receive your report, you will be sent a letter assessing the total automatic late fees to which you are subject.

If you have already electronically finalized your report using the Lobbyist Online Filing System, please disregard this notice.

If you have any questions, please contact the Ethics Administration staff immediately at (225) 219-5600 or (800) 842-6630.

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Sincer

Michael D. Dupree Staff Attorney

CERTIFIED MAIL

AN EQUAL OPPORTUNITY EMPLOYER

Lobbyist Online System



Executive Branch Lobbying Expenditures for November 09 **Lobbyist: JOSEPH HEBERT** Report Finalized: 12/30/2009.

Executive Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 49:74(A)(4): No Subject Matters Lobbied

Executive Branch Expenditures

Aggregated total of all the expenditures made during this reporting period in accordance with 49:76D(1)(b):

\$0.00

List of expenditures made per individual executive branch official during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an executive branch official during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during this reporting period:

No relevant expenditures reported for this period.

Executive Branch Lobbying Expenditures Reported to Date for the Current Year

Aggregated total of all the expenditures made to date for this calendar year in accordance with 49:76D(1)(b):

\$0.00

Aggregate total spent per individual executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of an executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during the calendar year:

\$0.00

Monika Arceneaux

From: Joseph P Hebert

Sent: Thursday, December 31, 2009 10:29 AM

To: Monika Arceneaux

Subject: FW: MR. JOSEPH HEBERT Finalized an Expenditure Report for November 09

From: Louisiana Lobbyist Online System [mailto:ethics.louisiana@la.gov]

Sent: Wednesday, December 30, 2009 2:57 PM

To: Joseph P Hebert

Subject: MR. JOSEPH HEBERT Finalized an Expenditure Report for November 09

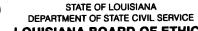
MR. JOSEPH HEBERT,

Your Louisiana Lobbyist Executive Branch Expenditure Report for the reporting period November 09 was filed and finalized on 12/30/2009 2:57:06 PM.

Click here to enter the Lobbyist Online System

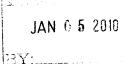
Please do not respond to this e-mail. This is an automated message.





LOUISIANA BOARD OF ETHICS

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



January 4, 2010

Mr. Joseph Hebert 822 Harding Street Lafayette, LA 70503

> **Executive Filing Penalty** RE:

> > November 1, 2009 - November 30, 2009 Lobbyist Expenditure Report

Dear Mr. Hebert:

The Louisiana Board of Ethics has received your Executive lobbying expenditure report, which was due December 28, 2009. The report was electronically filed 2 days late on December 30, 2009. LSA-R.S. 49:76D(1) of the Lobbyist Disclosure Act mandates that an automatic late fee of \$50 per day be assessed against you for this late filing.

Accordingly, a late fee of \$100 has been assessed against you. Please submit a check or money order in the amount of \$100 payable to the Treasurer of the State of Louisiana to Post Office Box 4368, Baton Rouge, LA 70821 by February 4, 2010.

LSA-R.S. 42:1157.2 provides that you may apply to the Board for a waiver of these late fees, but only for "good cause shown" within thirty days after the mailing of this letter. "Good cause" is defined in the statute to be "any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing." Should you desire the Board to consider waiving the late fees, submit a written statement to the Board specifying your reasons for the late filing, in lieu of your payment, by February 4, 2010. If you would like to appear before the Board in connection with such a request, please indicate so in writing. If the Board does not receive your waiver request by February 4, 2010, you will be prohibited from requesting a waiver.

Sincerely,

SIANA BOARD OF ETHICS

our services and services and the

FOR THE SHEET PARTY AND A PORTY

MD49 moves of Mild payable to the Pretance of the Some of Lice Science to Collection Brown is An Wellogly, a late fee of \$100 and been accessed against you. Messe a bost in days we written a m

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AN EQUAL OPPORTUNITY EMPLOYER

Ethics Board Docket No. BD 2010-103 02/19/2010

RE:

Consideration of a request that the Board waive the \$500 late fee assessed against Cynthia Witkin, for failure to timely file an Legislative ER2 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:

Legislative

REPORT:

ER2

REPORT DUE:

February 17, 2009

REPORT FILED:

December 31, 2009

DAYS LATE:

317

FEE ASSESSED:

\$500

ACTIVITY REPORTED:

Legislative = \$0

OTHER LATE FILINGS:

None

Cynthia Witkin filed her Executive ER2 lobbying report that was due by February 17, 2009, 317 days late on December 31, 2009. She was assessed a \$500 late fee.

Cynthia Witkin states that she no longer works for US Chamber of Commerce and never received the reporting form. (MDD)

Recommendations:

Waive the late fee.

Cynthia Witkin 3001 Park Center Drive #606 Alexandria, VA 22302 (703) 566-1066

January 4, 2010

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

Dear Mr. Dupree:

As discussed on December 21st, I am enclosing my Lobbying Expenditure Report for 2008; lobbyist registration #1582.

I apologize for the delay, but as I mentioned, I no longer work for the US Chamber of Commerce and never received the reporting form. Since I was no longer an employee, I was not aware of the requirement to file a report until I received your correspondence at my home in November.

As we also discussed, I respectfully ask for a waiver of any late fees for filing since did not receive the form.

As you will see, I made no expenditures to any official in the year 2008.

I hope this satisfies my reporting requirement. I will be happy to provide additional information if necessary.

I am sending a copy of the report and this letter to the Division of Administrative Law. The office has requested a hearing and a pre-hearing phone conference for January 12^{th} at 9:30 a.m.

Docket #2009-10601- Ethics-A Agency Tracking No. 2009-250]

I hope this correspondence negates the need for the hearing and the pre-hearing phone however, I will call-in on January 12th to be sure.

Thank you very much for your consideration.

his With

Sincerely.

Cynthia Witkin

cc: Division of Administrative Law

CEIVED

× 5: 02

Ethics Board Docket No. BD 2007-742 02/19/2010

RE:

Consideration of a request to waive a \$1,500 late fee assessed against Iberia Parish School Board member Dan LeBlanc for his failure to timely file his 2006-2007 school board disclosure statement.

Relevant Statutory Provisions, Advisory Opinions:

1119B

Comments:

OFFICE: Iberia Parish School Board Member

TYPE OF REPORT: School Board Disclosure Statement

DAYS LATE: 1 year

ASSESSED LATE FEE: \$1,500 OTHER LATE FILINGS: No

Mr. LeBlanc timely filed his 2007-2008 school board disclosure statement disclosing the employment of his daughter-in-law. However, it was at that time that it was determined that he did not file a required disclosure for the 2006-2007 school year. However, Mr. LeBlanc asserts that he submitted that disclosure statement timely on at least two separate occasions. The staff has no record of receipt of the disclosure statement and the school board did not mail the disclosure statement by certified mail. (TKM)

Recommendations:

Suspend the late fee based on future compliance.



2009 NOV -9 AM 9: 18



J. PHIL HANEY

DISTRICT ATTORNEY SIXTEENTH JUDICIAL DISTRICT

PARISHES OF IBERIA, ST. MARTIN & ST. MARY

COURTHOUSE BLDG. ST. MARTINVILLE, LA 70582 (337) 394-2220 BREAUX BRIDGE (337) 332-3585

COURTHOUSE BLDG., SUITE 200 • 300 IBERIA STREET NEW IBERIA, LA 70560-4583 • (337) 369-4420 FAX (337) 364-5302 COURTHOUSE BLDG. FRANKLIN, LA 70538 (337) 828-4100 (EXT. 550) MORGAN CITY (985) 385-2333

November 4, 2009

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

Re:

Ethics Board Docket No. 2007-742

Dear Ms. Meyer:

This office represents the Iberia Parish School Board. We have been requested by the superintendent to assist Mr. Dan LeBlanc with a response to your correspondence of October 13, 2009. Mr. LeBlanc is requesting that the board re-consider its position that Mr. LeBlanc is in violation of Sec. 1119B(2)(a)(ii) for the 2006-2007 school year for the following reasons:

- (1) By correspondence dated July 11, 2006, Mr. LeBlanc submitted his disclosure for the 2006-2007 school year. (Ex. 1) NOTE: It may have been sent earlier then normal but it was sent immediately after his special election.
- On July 18, 2006, the superintendent's office receives a reminder to have all board members send necessary disclosures for the 2006-2007 school year. (Ex. 2)
- (3) In response thereto, by correspondence dated September 22, 2006, the board sends disclosure statements for the superintendent and 11 board members, including Mr. Dan LeBlanc. (Ex. 3) NOTE: The form signed by Mr. LeBlanc this time differs in form from the one sent on July 11, 2008, indicating that Mr. LeBlanc has now mailed in two disclosures for the same period of time. Also attached to said correspondence is your letter of July 18, 2006.
- (4) By letter dated October 23, 2007, (Ex. 4), your office seeks verification of Mr. LeBlanc's disclosure for the 2006-2007 school year.
- (5) By letter dated October 24, 2007, (Ex. 5), the superintendent's office re-submits the same form mailed to your office on September 22, 2006. NOTE: This is the third mailing of a disclosure for Mr. LeBlanc.

Ms. Tracy K. Meyer November 4, 2009 Page 2

(6) Sworn affidavit of Jacklene Jones, Director of Personnel (Ex. 6) verifying 1 - 5 above.

In light of the above record, it is highly unlikely that your office could have failed to receive Mr. LeBlanc's disclosure for 2006 - 2007 on three separate occasions. There is likewise no reason to believe that his 2006 - 2007 disclosure was not timely mailed to your office initially. Please have the board re-consider the imposition of any fine in this matter. It does not appear that such an imposition is just or warranted in this case. Mr. LeBlanc did everything he was requested and instructed to do.

Respectfully submitted,

J. Wayne Landry

Assistant District Attorney

JWL:cgm Enclosure

IBERIA PARISH SCHOOL BOAR

"Children First"



Personnel Department

Jacklene Marie Jones

Director of Personnel
1500 Jane Street ◆ P. O. Box 200
New Iberia, Louisiana 70562-0200
(337) 365-2341 Ext.4104 FAX (337) 365-6996
E-Mail = jiones@iberia.k12.la.us

Eugene N. "Sonny" Baudry, Jr.

Superintendent

Randy Harvison

Assistant Superintendent

Administration

Dale R. Henderson

Assistant Superintendent

Instruction

EXHIBIT

July 11, 2006

Melissa McConnell Staff Attorney Louisiana Board of Ethics 2415 Quail Drive 3rd Floor Baton Rouge, LA 70808

Ms. McConnell,

Enclosed is a disclosure statement for Board Member, Dan LeBlanc, whose daughter-in-law is being hired as a certified, licensed speech therapist for the Iberia Parish School Board for the 2006-2007 school year. Our Board Attorney, Wayne Landry, advised him to submit the disclosure statement prior to the start of the school year.

I do hope that this is in order since I normally do not submit the statements for all Board Members until August. If this statement should be resubmitted in August, please e-mail me at the above address.

Professionally yours,

Yacklene Jones

Director of Personnel

LOUISIANA BOARD OF ETHICS

DISCLOSURE STATEMENT PURSUANT TO LSA-R.S. 42:1119B(2)(a)

STATE OF LOUISIANA PARISH OF !
Before me the undersigned authority duly qualified in and for the State and Parish above, personally came and appeared <u>Dan L. LeBlanc, Sr.</u> , residing at <u>203 Everette St. New Iberia</u> , LA 70563 who after being sworn did declare:
1. That this disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a) for the school year beginning on Aug. 9, 2006
(month) (day) (year)
That affiant is superintendent / board member (circle one) of the Parish School Board and has served in this capacity since Jan. 1, 2003
3.
That affiant's immediate family member, defined by LSA-R.S. 42:1102(13) as children, spouses of children, brothers, sisters, parents, spouse, and the parents of spouse, is employed by the Iberia Parish School Board. The facts of such employment are as follows: Name of Immediate Family Member: Rebecca Landry LeBlanc Relation of Immediate Family Member: Daughter-in-law
Position: Speech Therapist
Date employed: Aug. 9, 2006
Applicable Exception: (please mark all that apply)
Classroom teacher certified to teach
Employed by school board for more than one year prior to affiant becoming a member of school board or superintendent
Serving in public employment on April 1, 1980, the effective date of the Code of Governmental Ethics
School Board Member or Superintendent
hus done and signed this 29 to day of June 19 1006 WAYNE D. DOMINGUES NOTARY PUBLIC # 11402 STATE OF LOUISIANA IBERIA PARISH My Commission Expires At Death.
Notary Public

vised 8/98



STATE OF LOUISIANA DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

2415 QUAIL DRIVE THIRD FLOOR BATON ROUGE, LA 70808 (225) 763-8777 FAX: (225) 763-8780 1-800-842-6630 www.ethics.state.la.us



I.P.S.B. - PERSONNEL DEPT.

REMINDER

July 18, 2006

Ms. Jacklene Jones Iberia Parish School Board P.O. Box 200 New Iberia, Louisiana 70562-0200

2006-2007 Annual Disclosure Statement

Dear Ms. Jones:

Please allow this letter to serve as a reminder to the parish school board members and superintendent that they are required to fill out a disclosure statement for each member of their "immediate family" who is employed by the parish school board for the 2006-2007 school year.

These annual disclosure statements are due within thirty (30) days after the beginning of the first day of the school year. LSA-R.S. 42:1119B(2)(a)(ii).

"Immediate family" is defined 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. LSA-R.S. 42:1102(13).

The failure to file such disclosure statements timely will result in a fine of fifty dollars (\$50) per day. LSA-R.S. 42:1119B(2)(a)(ii). Please note it is the **responsibility** of the **individual school board** member or superintendent to file the required disclosure statement.

According to our records, the following school board members and/or superintendent filed disclosure statements for immediate family members for the 2005-2006 school year:

School Board Member/Superintendent

Eugene N. Baudry, Jr.	Jesse J. Mcdonald
Danny D. Segura	Edwin J. Buford
Joel Dugas	Richard Denison, Jr.
Rita M. Holmes	Elvin Pradia
Robbie J. LeBlanc	Mary B. Davis
Blaine Meche	
Blaine Meche	

Ms. Jacklene Jones July 18, 2006 Page -2-

If a school board member or superintendent does not have any immediate family members employed by the school board for the 2006-2007 school year, they do not need to file a disclosure statement. As a courtesy, if any of the above immediate family members are not employed by the school board for the 2006-2007 school year, please let me know before the deadline in order to avoid the imposition of any unnecessary late fees.

Enclosed is a copy of a disclosure form developed by the Board. School Board Members and/or the Superintendent are not required to use this form, but please make sure that all pertinent information is included on any form used, particularly employment date and position. Also, please use a separate form for each immediate family member.

If you have any additional questions or concerns, please feel free to contact me at (225) 763-8777 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Walker Staff Attorney

Enclosure

IBERIA PARISH SCHOOL BOAR

"Children First"



Personnel Department Jacklene Marie Jones

Director of Personnel
1500 Jane Street ◆ P. O. Box 200
New Iberia, Louisiana 70562-0200
(337) 365-2341 Ext.4104 FAX (337) 365-6996
E-Mail = jjones@iberia.k12.la.us

Eugene N. "Sonny" Baudry, Jr.

Superintendent

Randy Harvison

Assistant Superintendent

Administration

Dale R. Henderson

Assistant Superintendent

Instruction

EXHIBIT

September 22, 2006

To:

Tracy Walker

From:

Jacklene Jones

Re:

2006-2007 Disclosure Statements

COPY

Ms. Walker,

Enclosed are the 2006-2007 Disclosure Statements for the school board members and the superintendent of the Iberia Parish School Board. I do hope everything is in order. Should you have any questions, do not hesitate to call or e-mail me.

Professionally yours

Jacklene Jones

Director of Personnel



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

2415 QUAIL DRIVE THIRD FLOOR BATON ROUGE, LA 70808 (225) 763-8777 FAX: (225) 763-8780 1-800-842-6630 www.ethics.state.la.us RECEIVED

JUL 19 2006

I.P.S.B. - PERSONNEL DEPT.

July 18, 2006

Ms. Jacklene Jones Iberia Parish School Board P.O. Box 200 New Iberia, Louisiana 70562-0200 <u>REMINDER</u>

RE:

2006-2007 Annual Disclosure Statement

Dear Ms. Jones:

Please allow this letter to serve as a reminder to the parish school board members and superintendent that they are required to fill out a disclosure statement for each member of their "immediate family" who is employed by the parish school board for the 2006-2007 school year.

These annual disclosure statements are due within thirty (30) days after the beginning of the first day of the school year. LSA-R.S. 42:1119B(2)(a)(ii).

"Immediate family" is defined 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. LSA-R.S. 42:1102(13).

The failure to file such disclosure statements timely will result in a fine of fifty dollars (\$50) per day. LSA-R.S. 42:1119B(2)(a)(ii). Please note it is the <u>responsibility</u> of the <u>individual school board</u> member or <u>superintendent</u> to file the required disclosure statement.

According to our records, the following school board members and/or superintendent filed disclosure statements for immediate family members for the 2005-2006 school year:

School Board Member/Superintendent

Eugene N. Baudry, Jr.	Jesse J. Mcdonald	
Danny D. Segura	Edwin J. Buford	·
Joel Dugas	Richard Denison, Jr.	
Rita M. Holmes	Elvin Pradia	
Robbie J. LeBlanc	Mary B. Davis	
Blaine Meche		

note: Dan Le Blane's Dame is not on the list because he had no "eminediate family" member working for us AN EQUAL OPPORTUNITY EMPLOYER Prior to the 2006-07 Ms. Jacklene Jones July 18, 2006 Page -2-

If a school board member or superintendent does not have any immediate family members employed by the school board for the 2006-2007 school year, they do not need to file a disclosure statement. As a courtesy, if any of the above immediate family members are not employed by the school board for the 2006-2007 school year, please let me know before the deadline in order to avoid the imposition of any unnecessary late fees.

Enclosed is a copy of a disclosure form developed by the Board. School Board Members and/or the Superintendent are not required to use this form, but please make sure that all pertinent information is included on any form used, particularly employment date and position. Also, please use a separate form for each immediate family member.

If you have any additional questions or concerns, please feel free to contact me at (225) 763-8777 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Walker Staff Attorney

Enclosure

ugene N. Baudry.	_J _I , ,	residina	ret 10116					
ugene N. Baudry. (Name)		CONTINUE	er TOTIO	Mailing A	ral Doyl	e Dr.,	Jea	n., LA
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	_	(Ma	outh) (Day	(Year)				
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NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

Failure to timely submit a required disclosure statement will result in the imposition of an automatic late fee of \$50.00 per day, with a maximum penalty of \$1,500.

IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

RISH:	BERTA								
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NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

PARISH: IBERIA
I, Danny D. Segura residing at some
Oloma , residing at 5810 Derouen Rd., New Iberia, LA 70560
(Maining Address, including City & Zip Code)
lo declare that :
1.
This disalarment
This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning on _August9 2006
2000
(month) (day) (year)
That I am D Superintendent \$\frac{2}{P}
Iberia Parish School Roard Member (check one) of the
Name of City / Parish Sahari D
and have served in this capacity sinceJanuary 1 1999
(Month) (Day) (Year)
3.
My immediate family member (defined by LSA-R.S. 42:1102(13) as a public servant's children, the spouses of his children, his brothers, his sisters, the spouses of his brothers, the spouses of his sisters, his parents, his spouse, and the parents of his spouse), is employed by the
Board/ or Charter School. The facts of such employment are as follows:
Name of Immediate Family Member: <u>Catherine Segura</u>
of minimediate Family Member: States In Law
1 ostdon ned by immediate Family Members Control (17.0)
Date employed: August 20, 1979
W. 17/17
Applicable Exception: (please 1
Applicable Exception: (please mark all that apply)
Certified to teach and employed as a classroom teacher
Employed by school board for more than one year prior to my becoming a member
of school board or superintendent
X Brother/Sister-in-Law and the
Brother/Sister-in-Law employed before August 15, 1999
Serving in public employment continuously since April 1, 1980, the effective date of the Code of Governmental Ethics
of the Code of Governmental Ethics
MAN A SIGNA
School Board Member or Superintendent
TE: These disclosure statements are due within 30 days of the

NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

PARISH: IBERIA
I, Danny D. Segura , residing at 5810 Derouen Rd., New Iberia, LA 70560 (Name)
(Name) (Mailing Address, including City & Zip Code)
do declare that :
1.
This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning on
year beginning on August 9 2006
(month) (day) (year)
That I am D Superintendent P Board Nomber (1)
busing Member (check one) of the
Theria Parish School Board (Name of City / Parish School Board or Charter School)
and have served in this capacity sinceIanuary 1 1999
(Month) (Day) (Year)
My immediate family member (defined by LSA-R.S. 42:1102(13) as a public servant's children, the spouses of his children, his brothers, his sisters, the spouses of his brothers, the spouses of his sisters, his parents, his spouse, and the parents of his spouse), is employed by the
Name of Immediate Family Member: Sylvia Segura
Relation of Immediate Family Member: Sister-In-Law
Position held by Immediate Family Member: Cafeteria Technician
Date employed: August 16, 1982
Applicable Exception: (please mark all that apply) Certified to teach and employed as a classroom teacher X Employed by school board for more than one year prior to my becoming a member of school board or superintendent X Brother/Sister-in-Law employed before August 15, 1999 Serving in public employment continuously since April 1, 1980, the effective date of the Code of Governmental Ethics
Sonool Board Member or Superintendent

NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

ARISH	: IBERIA
Danny	7 D. Segura , residing at 5810 Derouen Rd., New Iberia, LA 70560 (Name) (Mailing Address, including City & Zip Code)
declar	e that:
	1.
Th yea	is disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school ar beginning onAugust 9 2006 (month) (day) (year)
TL	2.
_	at I am Superintendent Board Member (check one) of the
an	(Name of City / Parish School Board or Charter School) d have served in this capacity since
	(Month) (Day) (Year)
em Bo	ildren, the spouses of his children, his brothers, his sisters, the spouses of his brothers, spouses of his sisters, his parents, his spouse, and the parents of his spouse), is ployed by the
Re	me of Immediate Family Member: Rufus Segura
	lation of Immediate Family Member: <u>Brother</u>
ינו	sition held by Immediate Family Member: Bus Operator
Da	te employed: January 3, 1990
Ap	plicable Exception: (please mark all that apply) Certified to teach and employed as a classroom teacher
	X Employed by school board for more than a second teacher
	X Employed by school board for more than one year prior to my becoming a memb of school board or superintendent
	Brother/Sister-in-Law employed before August 15, 1999
	Serving in public employment continuously since April 1, 1980, the effective day of the Code of Governmental Ethics
	School Board Member or Superintendent

NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

PARISH: IBERIA
, Danny D. Segura , residing at 5810 Derouen Rd., New Iberia, LA 70560
(Name) (Mailing Address, including City & Zip Code)
o declare that:
1.
This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning on August 9 2006
(month) (day) (year)
2.
That I am Superintendent Board Member (check one) of the Iberia Parish School Board
(Name of City / Parish School Board or Charter School)
and have served in this capacity since January 1 1999
(Month) (Day) (Year)
3. My immediate family member (defined by LSA-R.S. 42:1102(13) as a public servant's children, the spouses of his children his broaters.
children, the spouses of his children, his brothers, his sisters, the spouses of his brothers, his parents his par
the spouses of his sisters, his parents, his spouse, and the parents of his spouse), is employed by theIberia
Board/ or Charter School. The facts of such employment are as follows:
Name of Immediate Family Member:
Position held by Immediate Family Member: Teacher Aide
Date employed: November 8, 1982
Applicable Exception: (please mark all that apply)
Certified to teach and employed as a classroom teacher
Employed by school board for more than one year prior to my becoming a more
or superintendent
Brother/Sister-in-Law employed before Append 15, 1000
Serving in public employment continuously since April 1, 1980, the effective dat of the Code of Governmental Ethics
School Board Member or Superintendent
OTE: These disclosure statements are due within 30 days of the beginning of sold

NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

LOUISIANA BOARD OF ETHICS DISCLOSURE STATEMENT for the 2006-2007 School Year

PARISH: IBERIA	
L Rita M. Holmes ,residing at 1549 Copp St., Jeanerette, LA 70	1544
(Name) (Mailing Address, including City & Zip	- Cod-)
io declare that :	Code
1.	
This disclosure statement in a state	•
This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning onauguet92006	ooi
(mark)	
(matter) (day) (year)	
 2.	
That I am I Superintendent Board Member (check one) of a	
	he
(Name of City / Parish 5.1)	
and capacity since October 1977	
(Month) (Day) (Year)	
the spouses of his sisters, his parents, his spouses of his brother employed by theIberia). - -
Date employed: November 7, 1991	_
Applicable Exception: (please mark all that apply) Certified to teach and employed as a classroom teacher Employed by school board for more than one year prior to my becoming a of school board or superintendent Brother/Sister-in-Law employed before August 15, 1999 Serving in public employment continuously since April 1, 1980, the effects of the Code of Governmental Ethics	
School Board Member or Superintendent [E: These disclosure statements are due within 20 days of the	
- 2000 discussive statements are due within 10 days and 1	

have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

CHANGES AND THE COLUMN CONTOURS OF

LOUISIANA BOARD OF ETHICS DISCLOSURE STATEMENT for the 2004-2007 School Year

(Name of City / Parish School Board or Charter School) and have served in this capacity since October 1977 (Month) (Day) (Year) 3. My immediate family member (defined by LSA-R.S. 42:1102(13) as a public serval children, the spouses of his children, his brothers, his sisters, the spouses of his broth the spouses of his sisters, his parents, his spouse, and the parents of his spouse) employed by the Iberia City / Parish Sch Board / or Charter School. The facts of such employment are as follows: Name of Immediate Family Member: Warken C. Holmes Relation of Immediate Family Member: Son Position held by Immediate Family Member: Teacher Date employed: November 20, 2001 Applicable Exception: (please mark all that apply)	•	gid	lino	at	1 =	40	C=:				,							00.
This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the sch year beginning on August 9 2006 (month) (day) (year) That I am Superintendent Board Member (check one) of Iharia Pariah School Board or Charter School) and have served in this capacity since October 1977 (Month) (Day) (Year) 3. My immediate family maember (defined by LSA-R.S. 42:1102(13) as a public servar children, the spouses of his children, his brothers, his sisters, the spouses of his broth the spouses of his sisters, his parents, his spouse, and the parents of his spouse) employed by the Iberia City / Parish Sch Board or Charter School. The facts of such employment are as follows: Name of Immediate Family Member: Warren C. Holmes Relation of Immediate Family Member: Son Position held by Immediate Family Member: Teacher Date employed: November 20, 2001 Applicable Exception: (please mark all that apply) X Certified to teach and employed as a classroom teacher Employed by school board for more than one year prior to my becoming of school board or superintendent Brother/Sister-in-Law employed before August 15, 1999		-0.4		_		32	75)	M	ulin	εA	dd	295.	inc	e c ind	ine C	itv.		in Co
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IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

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IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

PARIS	SH: IBERIA
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I, Rob	bie J. LeBlanc ,residing at 912 Sydney St., New Iberia, LA 70560
	(Name) (Mailing Address, including City & Zip Code)
do dec	lare that :
	1.
	This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning on August 9 2006 (month) (day) (year)
	2.
	That I am □ Superintendent □ Board Member (check one) of the Iberia Parish School Board
•	(Name of City / Parish School Board or Charter School)
	and have served in this capacity since April 18 1990
	(Month) (Day) (Year)
	3.
	My immediate family member (defined by LSA-R.S. 42:1102(13) as a public servant's children, the spouses of his children, his brothers, his sisters, the spouses of his brothers, the spouses of his sisters, his parents, his spouse, and the parents of his spouse), is employed by the
	Name of Immediate Family Member: Shane P. LeBlanc
	Relation of Immediate Family Member: Brother
	Position held by Immediate Family Member: <u>Electrician Apprentice</u>
	Date employed: February 12, 1990
	Applicable Exception: (please mark all that apply)
	Certified to teach and employed as a classroom teacher
	Employed by school board for more than one year prior to my becoming a member
	of school board or superintendent
	Brother/Sister-in-Law employed before August 15, 1999
	Serving in public employment continuously since April 1, 1980, the effective date
	of the Code of Governmental Ethics Lillie 4- Lilyauc School Board Member or Superintendent
	and a supermentality

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I. Blaine Meche (Name), residing at PO Box 126, Lydia, LA 70569 (Mailing Address, including City & Zip Code) do declare that: 1. This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning on August 9 2006 (month) (day) (year) That I am Superintendent Board Member (check one) of the Iberia Parish School Board (Name of City / Parish School Board or Charter School) and have served in this capacity since January 9 1991 (Month) (Day) (Year) 3. My immediate family member (defined by LSA-R.S. 42:1102(13) as a public servant's children, the spouses of his children, his brothers, the spouses of his brothers, the spouses of his brothers,
(Name) (Mailing Address, including City & Zip Code) do declare that: 1. This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning on August 9 2006 (month) (day) (year) 2. That I am Superintendent Board Member (check one) of the Iberia Parish School Board (Name of City / Parish School Board or Charter School) and have served in this capacity since January 9 1991 (Month) (Day) (Year) 3. My immediate family member (defined by LSA-R.S. 42:1102(13) as a public servant's children, the spouses of his children, his brothers his sistem the research of the servant's children, the spouses of his children, his brothers his sistem the research of the servant's children, the spouses of his children, his brothers his sistem the research of the servant's children, the spouses of his children, his brothers his sistem the research of the servant's children, the spouses of his children, his brothers his sistem the research of the servant's children, the spouses of his children, his brothers his sistem the research of the servant's children, the spouses of his children, his brothers his sistem the research of the servant's children and the servant of the
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employed by the Iberia
Board/ or Charter School. The facts of such employment are as follows:
Name of Immediate Family Member: Karen Meche
Relation of Immediate Family Member: Wife
Position held by Immediate Family Member: Classroom Teacher
Date employed: August 12, 1998
Applicable Exception: (please mark all that apply) X Certified to teach and employed as a classroom teacher Employed by school board for more than one year prior to my becoming a member of school board or superintendent Brother/Sister-in-Law employed before August 15, 1999
Serving in public employment continuously since April 1, 1980, the effective dat of the Code of Governmental Ethics
School Board Member or Superintendent

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PARIS	H: IBERIA							
I, Jes	se J. McDonald	. residin	7at 107 1	I Townston	. C			
•	(Name)	, residin	5 <u>107</u>	(Mailing A	ddress, incl	uding City	La, LA 705 & Zip Code)	63
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		(month) (day)	(year)					
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_	Iberia Parish S	School Board			(CLICCE	one) (of the	
aı	Name of City) ad have served in thi	y / Parish School Boar	d or Charter	School)				
	nd have served in thi	s capacity since	January			·		
		1)	Month) (Day	y) (Year)				
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	ate employed: Aug	ust 22, 1988						
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			School	Board Men	aber or Su	perintend	dent	
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NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

Failure to timely submit a required disclosure statement will result in the imposition of an automatic late fee of \$50.00 per day, with a maximum penalty of \$1,500.

IT IS THE RESPONSIBILITY OF EACH SCHOOL BOARD MEMBER OR SUPERINTENDENT WHO HAS AN IMMEDIATE FAMILY MEMBER EMPLOYED TO SEE THAT THESE STATEMENTS ARE TIMELY FILED.

PARIS	SH: IBERIA
<u>Edv</u>	win J. Buford, Jr. ,residing at 700 Terrell Ct., New Iberia, LA 70563
	(Name) (Mailing Address, including City & Zip Code)
o decl	lare that:
	ī.
	This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning on August 9 2006 (month) (day) (year)
	That I am D Superintendent D Roard Member (check and a finished
	That I am □ Superintendent □ Board Member (check one) of the Iberia Parish School Board
	(Name of City / Parish School Board or Charter School)
	and have served in this capacity since April 22 1998
	(Month) (Day) (Year)
	the spouses of his sisters, his parents, his spouse, and the parents of his spouse), is employed by the
	Name of Immediate Family Member: Helen D. Boutte
	Relation of Immediate Family Member: Sister-In-Law
	Teacher Aide
	Date employed: September 7, 1983
	Applicable Exception: (please mark all that apply) Certified to teach and employed as a classroom teacher
	Employed by school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming a member of the school board for more than one year prior to my becoming the school board for more than one year prior to my become the school board for more than one year prior to my become the school board for more than one year prior to my become the school board for more than one year prior to my become the school board for more than one year prior to my become the school board for more than one year prior to my become the school board for more than one year prior to my become the school board for more than one year prior to my become the school board for more than one year than one year than one year than one year than year than one year than
	of school board or superintendent
	Brother/Sister-in-Law employed before August 15, 1999
	Serving in public employment continuously since April 1, 1980, the effective de
	of the Code of Governmental Ethics Sonool Board Member of Superintendent
OTF.	

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PARISH: IBERIA 120 Lee St. New Iberia, LA 70
, RIchard Denison, Jr. , residing at 104 Teche Sr. New Iberta LA 70563 (Name) (Mailing Address, including City & Zip Code)
(wanting rounds, including City & Zip Cotte)
o declare that:
1.
This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school
year beginning onAugust 9 2006
(month) (day) (year)
2.
That I am Superintendent Board Member (check one) of the Iberia Parish School Bard
(Name of City / Parish School Board or Charter School)
and have served in this capacity since January 8 2003
(Month) (Day) (Year)
•
3. My immediate family member (defined by LSA-R.S. 42:1102(13) as a public servant's
children, the spouses of his children, his brothers, his sisters, the spouses of his brothers, the spouses of his sisters, his parents, his spouse, and the parents of his spouse), is employed by theIberia City/Parish School Board/ or Charter School. The facts of such employment are as follows:
Name of Immediate Family Member:Chery1 Denison
Relation of Immediate Family Member: Mother
Position held by Immediate Family Member: School Nurse
Date employed: September 6, 1990
- J.
Applicable Exception: (please mark all that apply)
Certified to teach and employed as a classroom teacher
Employed by school board for more than one year prior to my becoming a member
of school board or superintendent
Brother/Sister-in-Law employed before August 15, 1999
Serving in public employment continuously since April 1, 1980, the effective date of the Code of Governmental Ethics
_Richard L. Denis 1.
School Board Member or Superintendent
ZOMO TO A STATE OF THE STATE OF

<u>NOTE:</u> These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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PAI	RISH:_	IBERIA				
I,	Elvin	PRadia (Name)		, residing at 171	7 So. Gibb (Mailing A	s Ln., New Iberia, LA 70560 Address, including City & Zip Code)
do d	leclare	that :		•		
				1.		
	This year	disclosure st beginning or	atement is made at the second	9 2006	A-R.S. 42:11 	19B(2)(a)(ii) for the school
		•		2.		
	That	Iberia Par	Superinter	Board		(check one) of the
	and i	(Name o have served :	f City / Parish Sc	hool Board or Chart	er School)	,.
		501 1001	n uns capacity	sinceIanuary	8 2003 Day) (Year)	· · · · · · · · · · · · · · · · · · ·
				(WIOLILI) (Day) (rear)	
				3.		
	the s	spouses of h	is sisters, his	urcu. Dis brother	s, his sisters, use, and the	02(13) as a public servant's the spouses of his brothers, parents of his spouse), isCity/Parish School as follows:
	Nam	e of Immedia	te Family Mer	mber: Virgie	D. Door 14	
	Rela	tion of Imme	diate Family M	dember: Wife	D. Pradia	
	Posit	ion held by I	mmediate Fam	ily Member: 1	eachor	
	Date	employed:	August 16.	2000	eacher	
				nark all that apply	·	
	-	<u>x</u> Ce	rtified to teach	and employed a	s a classroom	teacher
		<u> </u>	ployed by scho	ool board for mor	e than one ve	ar prior to my becoming a member
		of	school board o	r superintendent		am prior to my occoming a member
		Bro	other/Sister-in- ving in public	Law employed h	tinuously sin	to 15, 1999 ce April 1, 1980, the effective date
				Sch	ool Board Ma	ember or Superintendent
			•			and of supermendent

<u>NOTE:</u> These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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PARISH: IBERIA
, Mary B. Davis , residing at 813 Cherokee Sr. New Iberia, LA 70560
(Mailing Address, including City & Zip Code)
1.
This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning on August 9 2006
(month) (day) (year)
That I am D Superintendent FLT
Iberia Parish School Board Name of Cit. (Dame of Cit. (Da
(Name of City / Parish School Board or Charter School) and have served in this capacity since
(Month) (Day) (Year)
My immediate family member (defined by LSA-R.S. 42:1102(13) as a public servant's children, the spouses of his children, his brothers, his sisters, the spouses of his brothers, the spouses of his sisters, his parents, his spouse, and the parents of his spouse), is employed by the
Name of Immediate Family Member: Patricia Douglass
of mineculate Family Members, Walson
Position held by Immediate Family Member: Principal Date employed: August 21, 1972
Applicable Exception: (please mark all that apply) Certified to teach and employed as a classroom teacher Employed by school board for more than one year prior to my becoming a member of school board or superintendent Brother/Sister-in-Law employed before August 15, 1999 Serving in public employment continuously since April 1, 1980, the effective date of the Code of Governmental Ethics
School Board Member or Superintendent
E: These disclosure statements are due within 30 days of the beginning of each call and

<u>NOTE:</u> These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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PARISH: IBERIA	
Dan LeBlanc	
(Name)	residing at 203 Everette St., New Iberia, LA 70563
	(Mailing Address, including City & Zip Code)
lo declare that :	
	1.
TTL:	
I his disclosure statement is mad	e pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school
(month	day) (year)
	·
That I am D Superinten	2.
Iberia Parish School Boa	ard (check one) of the
(Name of City / Porich Cal	
and have served in this capacity	since January 1 2003
	(Month) (Day) (Year)
	, (10a)
	3.
employed by the	ren, his brothers, his sisters, the spouses of his brothers, parents, his spouse, and the parents of his spouse), is City/Parish School
of Charter School. The fa	City/Parish School acts of such employment are as follows:
Name of Immediate Family Mem Relation of Immediate Family Mem	
Relation of Immediate E	Der: Rebecca L. LeBlanc
	ly Member: Tanahan
Date employed: August 9, 2	2006
A1: 11 -	
Applicable Exception: (please ma	rk all that apply)
X_ Certified to teach a	ind employed as a classroom to all
Employed by school	ol board for more than a second teacher
of school board or	ol board for more than one year prior to my becoming a member
Serving in public er	aw employed before August 15, 1999
of the Code of Gov	mployment continuously since April 1, 1980, the effective date
02 GOV	LINICS 10 - 2
	Uhn XXIII
	School Board M.
TE: These disclosure statements are due	School Board Member or Superintendent
Land disclosure statements are due	anishinga a

NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE

LOUISIANA BOARD OF ETHICS

2415 QUAIL DRIVE THIRD FLOOR BATON ROUGE, LA 70808 (225) 763-8777 FAX: (225) 763-8780 1-800-842-6630

October 23, 2007

Mr. Eugene Baudry Superintendent Iberia Parish School Board P.O. Box 200 New Iberia, Louisiana 70562-0200 www.ethics.state.la.us

DECEVE

OCT 2 4 2007

Superintendent's Office

I.P.S.B.

CONFIDENTIAL
Disclosure of any
Information contained
herein or in connection
herewith is a criminal
misdemeanor pursuant to
LSA-R.S. 42:1141E(12)-(13)

EXHIBIT

Re: Ethics Board Docket No. 2007-742

Dear Mr. Baudry:

The Louisiana Board of Ethics, during its October 11, 2007 meeting, considered information which indicates that Dan LeBlanc may have failed to file a school board disclosure statement for the 2006-2007 school year.

Section 1134F of the Code of Governmental Ethics authorizes the Board to "receive reports from agencies and collect information with respect to...personal conflicts of interest of public servants within its jurisdiction." Accordingly, the Board requests a report from you, as the superintendent of the Iberia Parish School Board, regarding the aforementioned situation. Particularly, we request the following information:

- (1.) Dates of services of Dan LeBlanc on the school board.
- (2.) The date of marriage of Rebecca L. LeBlanc to Mr. LeBlanc's son.
- (3.) Dates of employment of Rebecca LeBlanc?

Please submit the requested report on or before **November 23, 2007** to the above address. Should you have any questions, please do not hesitate to contact me at (225) 763-8777 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Walker For the Board



"Children First"



Personnel Department Jacklene Marie Jones

Director of Personnel
1500 Jane Street ◆ P. O. Box 200
New Iberia, Louisiana 70562-0200
(337) 365-2341 Ext.4104 FAX (337) 365-6996
E-Mail = jiones@iberia.k12.la.us

Dale Henderson
Superintendent
Michael Judice
Assistant Superintendent
Administration
Carey Laviolette
Assistant Superintendent
Instruction

EXHIBIT

October 24, 2007

To: Tracy Walker
From: Jacklene Jones
Re: Dan LeBlanc

o. Dan Ecdiai

COPY

Ms. Walker,

Enclosed is a copy of the disclosure statement submitted last year for Dan LeBlanc in reference to his daughter-in-law, Rebecca LeBlanc. Should you have any questions or need additional information, do not hesitate to contact me.

Professionally yours,

Jacklene Jones

Director of Personnel

Iberia Parish School Board

PARISH: IBERIA
I, Dan LeBlanc , residing at 203 Everette St. New Iberia, LA 70563
(Name) (Mailing Address, including City & Zip Code)
do declare that :
1.
This disclosure statement is made pursuant to LSA-R.S. 42:1119B(2)(a)(ii) for the school year beginning onaugust 9 2006 (month) (day) (year)
2.
That I am D Superintendent Board Member (check one) of the Iberia Parish School Board
(Name of City / Parish School Board or Charter School)
and have served in this capacity since January 1 2003
(Month) (Day) (Year)
3.
children, the spouses of his children, his brothers, his sisters, the spouses of his brothers, the spouses of his sisters, his parents, his spouse, and the parents of his spouse), is employed by the
Name of Immediate Family Member: Rebecca L. LeBlanc
Relation of Immediate Family Member: Daughter-In-Law Position held by Immediate Family Members
Position held by Immediate Family Member: Teacher Date employed: August 9, 2006
Date employed: August 9, 2006
Applicable Exception: (please mark all that apply)
School Board Member or Superintendent

NOTE: These disclosure statements are due within 30 days of the beginning of each school year that you have an immediate family member employed by the school board. This is so even if you filed one last year or at any other time during the year and the information you disclosed has not changed.

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	EXHIBIT	7
tabbles,	6	
		J

STATE OF LOUISIANA

PARISH OF IBERIA

AFFIDAVIT

BEFORE ME, the undersigned Notary Public personally came and appeared JACKLENE JONES, of the full age of majority and domiciled in New Iberia, Iberia Parish, Louisiana, who, being first sworn, did depose and say:

"I am the Director of Personnel for the Iberia Parish School Board and have been since 7-1-02(date). That on July 11, 2006, on the advice of the board attorney, Wayne Landry, I sent a disclosure statement for Dan Leblanc, for his daughter-in-law, Rebecca Landry LeBlanc. Mr. Leblanc's daughter-in-law was board approved on July 12, 2006. The disclosure statements are normally sent at the start of the school year.

On September 22, 2006, I sent all the disclosure statement for the Iberia Parish School Board Members for the 2006-2007 school year. I included one for Mr. LeBlanc because I had not received an e-mail from Ms. Melissa McConnell stating that I should not send another one. On October 24, 2007, I sent another copy at the request of Ms. Tracy Meyer, Louisiana Board of Ethics. Attached are copies of all correspondences."

Sworn to and subscribed before me this 26th day of October, 2009.

NOTARY PUBLIC
CARI J. LEBANG # 10872

LEGISLATION

2010 Legislative Recommendations

R. S. 34: 1134 J provides: "The board shall make recommendations to the governor and the legislature for revisions in the Code of Governmental Ethics and other legislation relating to the conduct of public servants and other persons subject to the provisions of this Chapter who are within its jurisdiction."

PAR Recommendations

(PAR is report attached)

Strengthen Investigation

- 1. Require the executive officer of every board and commission within the state to report annually to the secretary of state (1) the names of members and (2) the amount spent, disbursed and/or invested by the board/commission in the most recent fiscal year; and require that the secretary of state maintain such information online for public use.
- 2. Authorize and require ethics investigation staff to audit for truthfulness a randomly selected group of financial reports submitted each calendar year. (This would likely require greater and more specific audit authority and personnel)

Strengthen Prosecution

3. Resolve legal discrepancies regarding time frames within which action may be taken to enforce ethics laws.

Strengthen Adjudication

- 4. Re-establish the ethics board as the only adjudicatory body responsible for the administration and enforcement of the ethics code and other laws within the board's jurisdiction; remove the ethics board's ability to collect financial reports, initiate investigations and consider complaints prior to formal charges being issued.
- 5. Establish a separate, independent ethics investigatory commission, similar to the ethics board, dedicated to the collection and auditing of financial reports and the investigation and prosecution of alleged violations of the ethics code and other laws within the ethics board's jurisdiction.

Improve Transparency

- 6. Require that public ethics meetings and hearings be broadcast live via the Internet and that audio/video archives and written minutes of prior meetings and hearings be provided online, as well.
- 7. Require all financial information submitted to the ethics investigation commission be entered into an online data system, which would allow the information to be sorted by any combination of fields.

Alternative suggestions by Board Members:

- 1. Mr. Hymel: Abolish the mandate for the Board to approve the decisions of the ALJ.
- 2. Mr. Hymel: The Board should have the ability to appeal decisions of the ALJ. Mr. Schneider: Compel the EAB to give deference to the legal interpretations of the Ethics Board (something akin to Chevron-like deference in analogous federal court cases involving agency interpretations of federal statutes) and the Board should have a limited right to appeal any interpretations of law offered by the EAB in a case.
- 3. Mr. Hymel: The one year time period for the issuance of charges should be repealed.
- 4. Mr. Schneider: The EAB members should be subject to the same selection criteria to which Ethics Board members are subject. In particular, that they be vetted be an independent body (e.g., the Louisiana Association of Independent Colleges and Universities) and that no public employee (or public employees within the last six months) be allowed to serve on the EAB.
- 5. Ms. Ingrassia: Part IV, Section 1163. This section has been a major source of confusion for both the ethics board and the ALJ's. The language ..."following the discovery of the occurrence of the alleged violation" is ambiguous and meaningless without further clarification. The chief ALJ also indicated that this section is confusing and needs revision.

Suggestions by Mr. Simoneaux

- 1. No political campaign fundraiser may be held in any state or local governmental agency building
- 2. No political campaign fundraiser may be held except in geographical area of the district for which candidate is seeking office
- 3. No political campaign contribution may be given in any state of local public building.
- 4. No political campaign fundraising can be hosted or coordinated by a state legislative or executive branch lobbyist.

- 5. Candidates for district or major level office must personally pay penalties assessed for violation of any law under the jurisdiction of the Board of Ethics.
- 6. For purposes of R. S. 18:1505.2 I regarding authorized political campaign expenditures, provide definitions of the phrases: "related to a political campaign" or "the holding of a public office", and "personal use."
- 7. Limit political campaign contributions to periods of time commencing with fixed dates preceding the given election similar to the fundraising restrictions for judicial candidates.
- 8. No ex-parte communication between third party and any Ethics Board member or staff on merits of a complaint, charges or penalty may take place.
- 9. Prohibit public officials and employees in the executive and legislative branches of government from using any public funds, equipment or property to engage in political activities as defined in La. Const. Article X, Sec. 9 (C).
- 10. In RS 42: 1141 C D E F, insert "probable cause" as the standard for deciding whether charges should be filed.
- 11. Throughout all of the pertinent sections of the Code of Ethics, insert the term "respondent" in lieu of "defendant," "accused" or other similar words or phrases.
- 12. Authorize exchange of confidential information among Board of Ethics, Legislative Auditor, Inspector General and New Orleans Office of Inspector General.
- 13. Prohibit the donation of tickets to an event for distribution to public servants from their own public agency or governmental entity.

Suggestion by Ms. Ingrassia:

Part I, Section 1102 (2) (b) (13) immediate family should include stepchild. In this age of blended families step children are more likely than not to be a member of the immediate family from birth or early childhood and should be included in the definition.

Suggestion by Mr. Schneider:

Consider the adequacy of the amount of the penalties assessed for reports that inaccurately filed.

Suggestion by Dr. Lowrey:

Consider the imposition of late fees for lobbyists who are required to file monthly expenditure report, even if the yreport no expenditures. At least one lobbyist group has submitted correspondence asking the Board to address this situation.

Suggestions approved by the Board at its October 2009 meeting:

- 1. The elimination of two (2) campaign finance disclosure reports, the EDE-P and the EDE-G reports, since those reports are repetitive, require additional paperwork and result in fines by otherwise conscientious candidates.
- 2. fix a maximum late fee with respect to the \$500 per day late fee to \$12,500 for Tier I filers in connection with the Personal Financial Disclosure Statements and a maximum late fee of \$7,500, with respect to the \$500 per day late fee, for other persons or political committees with contributions or expenditures over \$50,000 in a calendar year who electronically file their campaign finance disclosure reports.

Suggestions by Staff:

- 1. Amend the Lobbyist Disclosure Acts to provide that the imposition of an additional civil penalty against those filers who file a report more than 11 days late is discretionary rather than mandatory.
- 2. Require political committees to disclose the election date for which a contribution is given to a candidate and to file according to that election schedule.
- 3. For personal financial disclosure reports, filers are required to certify that they have filed their federal and state taxes or filed for an extension thereof at the time of filing the report. However, if a candidate runs for an office prior to May 15th (or state filing deadline) or a person filing an annual disclosure wants to file prior to May 15th, and he has not filed his taxes, he is unable to certify to either of these statements.
- 4. Proposed to changes to mandatory education component of Ethics Code. See attachment A.

<u>Unsolicited suggestion received via e-mail to the agency's website:</u> Campaign contributions from attorneys/law firms to judicial candidates should be prohibited.

Attachment A

TO: Kathleen Allen

FROM: Courtney Jackson

DATE: December 30, 2009

RE: Proposed Training Legislation

La. R.S. 42:1170 sets forth several mandatory ethics training requirements for elected officials and public employees. In particular, Section 1170A(3) mandates one hour of training annually on the Code of Governmental Ethics for all public employees, beginning in 2012. In order to implement this required training, staff of the Board of Ethics will need to work closely with local parishes, municipalities and other governmental entities to ensure that their employees receive the required training each year. In addition to the mandatory annual training requirements of Section 1170, R.S. 42:1135N(1) states that on a regular basis, the Board shall conduct educational activities, seminars, and publish appropriate materials which provide instruction and information on laws within the Board's jurisdiction. One primary obstacle to implementing the mandatory training required by 1170A(3), and providing other training and information pursuant to Section 1135N(1), will be the identification all of the individuals who are subject to the requirement, particularly those on a local level. Legislation should be proposed to require each political subdivision to designate at least one representative as an ethics contact to work with the Board of Ethics. The designated contact person(s) would perform the following functions:

- (1) Periodically provide to the Board of Ethics a current listing of the names and contact information for employees and officials of the political subdivision. The legislation should require such listings to be provided to the Board annually, bi-annually, quarterly, or at some other specified interval and date set forth within the legislation.
- (2) Receive and disseminate to the employees and officials of the political subdivision notices, updates, and other materials created by the staff of the Board of Ethics. (Such notices would include periodic reminders during the year to those employees and officials who have not yet completed the required training.)
- (3) Help to coordinate local, live training sessions and activities conducted by the Board's training staff, particularly assistance with securing locations for these sessions, and providing notice to the employees and officials of the political subdivision of the date, time and location of these sessions.
- (4) Provide other assistance necessary to accomplish the requirements of Sections 1170 and 1135N(1).

Pursuant to Section 1170C(2), state agency heads are required to submit the name and contact information of each ethics designee to the Board no later than July 1st of each year, and to notify the Board of any change

¹ Section 1170C(1) of the Code requires state agencies to designate at least one person to "provide all public servants of that agency information and instruction relative to ethics and conflicts of interest" concerning the laws administered by the Board of Ethics. Accordingly, on the state level, there are currently designated individual who will be working with the Board to comply with these requirements.

in name or contact information within 10 days of such change. Similarly, the political subdivision should be required to submit the name and contact information of the contact person(s) to the Board annually, and to notify the Board of any changes within a specified time period.

Because these ethics contact persons will be located throughout the state, it would likely be unfeasible to require them to attend the two-hour training sessions which the training staff has conducted in the past in Baton Rouge for the state-level ethics liaisons. However, the training staff could possibly create an online training program or other special materials for the ethics contacts which may be more in-depth than that which will be created for general public employees.

Other Statutory Issues:

- Possible clarification of the meaning of the term "state agency" as used within Section 1170C (whether this term means executive branch agencies, or is broader in scope)
- Deadlines concerning noncompliance with the statutory training requirements: Section 1170E(2) requires the Board to mail a notice of noncompliance to persons who have not completed the required training, informing the individual that the training shall be completed within 30 business days after receipt of the notice of noncompliance. Section 1170E(2) requires the notice to include the deadline for completion of the training. Because the individual has 30 business days from receiving the notice to complete the required training, specifying a date in the notice could be problematic, because it is uncertain when the notice will be received by the individual. The language of the statute could possibly be amended to state 45 days from the mailing of the notice to make the deadline date more definitive, but also to give the individual sufficient time to complete the required training. Alternatively, the requirement for the deadline date be specified in the notice couldbe eliminated. A Board Rule could be created to deal with certified notices which are returned undelivered.
- Penalties concerning noncompliance with the statutory training requirements: Section 1170E(2) states that if the individual completes the mandatory training prior to the deadline contained in the notice of training, no penalties shall be assessed. However, the statute does not specify what penalties should be enforced if the individual does not complete the required training within the specified time. The penalties should be specified by statute, or possibly determined by Rules of Board, if possible.
- There is no provision for lobbyist like there is for public servants to comply with the mandatory education requirement within 30 days of receipt of a notice of non-compliance.



January 2010 Publication 323

The Unfinished Business of Ethics Reform

Public Affairs Research Council of Louisiana

EXECUTIVE SUMMARY

The primary goals of ethics oversight are to establish ethical standards for public servants and promote public confidence in government. Strength of oversight can be reduced to two elements—what is required from those who serve the public and to what extent can the requirements be enforced? Louisiana's Code of Governmental Ethics defines what conduct is required from public servants, as well as the process for enforcing those requirements. If the rules of conduct or enforcement process are fundamentally flawed, even the most stringent ethics laws are meaningless and public confidence ultimately falters.

In 2008, Louisiana made positive strides toward the often-touted "gold standard" of governmental ethics by strengthening what is required from the state's public servants. Ethics laws were made stronger, with more expansive campaign and personal financial disclosure requirements; enhanced expenditure reporting from lobbyists; and new limitations on gifts that public servants can accept. However even these improvements have produced a mixed bag of results, from meaningful reform to minimal enforceability. New financial disclosure requirements cannot be fully enforced and new restrictions on gifts for public servants already have been watered down.

While the ethical standards have been made stronger, certain procedural changes have reduced the ethics board's ability to administer the code successfully and have weakened enforcement at several stages of the process, including investigation, prosecution and adjudication.

Two legal deficiencies frustrate investigation and enforcement of financial disclosure reforms: (1) the ethics board lacks a complete picture of which persons are required to report since a complete listing of board and commission members is highly variable and not easily attainable; and (2) the ethics board lacks the legal authority to perform random audits of disclosure reports to ensure accuracy. As such, the board has only an estimate of how many reports it is expected to track, cannot know if all required filers are fulfilling their duty to report, and cannot make certain that filers are reporting truthfully.

As to prosecution, it is unclear how long the board has to act against alleged offenders of the code, a problem that already has caused confusion in ethics hearings.

Changes to the adjudication process also have created problems. New procedural laws take away the board's ability to judge whether or not ethics violations have occurred; transfer that responsibility to civil service administrative law judges (ALJs); do not allow the board to appeal ALJ decisions; and force the board to adopt each ALJ decision as its own, even if the board disagrees with the outcome of the case. These changes put the board in a position unlike any other disciplinary board in the state.

Instead of ethics cases being judged by the 11-member board originally created to do so, cases now are judged by civil service ALJs who answer to one person who is appointed by the governor. As a result, the ethics administration process now resembles the model that 1973 constitutional convention delegates attempted to avoid—one that places inordinate power in the hands of the governor.

The board retained the power to assess fines against those who violate the code and to issue advisory opinions. However, ALJs already have substituted their own judgment in place of the board's opinion as to what constitutes a reasonable fine and/or a violation of the law, and taking adjudicatory power away from the ethics board has reduced the usefulness of board advisory opinions. The collective impact of the 2008 procedural changes is an enforcement system that is fundamentally flawed and undercuts the force of ethics reform.

Transparency in ethics administration also should be improved. Although ethics meetings and hearings are open to the public, neither are broadcast live via the Internet; nor are online archives (audio and/or video recordings) of past meetings and hearings made available. This all but ensures that citizens are excluded from the ethics administration and public hearing process unless they have time to attend meetings in Baton Rouge where they are held. The ethics board recently began to provide online the full agenda for its current meeting and written minutes from its most recent meeting. It is unclear whether these documents will be archived online long-term. The ethics board also provides online copies of rulings, advisory opinions, settlement agreements and charges it has issued in the past. Likewise, ALJs provide online copies of legal decisions rendered in ethics matters.

Key data relative to numbers of complaints received, consent opinions offered and accepted, and the status of penalties imposed are not tracked by the ethics board. Most data that are collected are not stored in a way that allows citizens to search, sort and make meaningful connections between dollars spent on public servants and potential conflicts of interest.

This report focuses on changes made during the 2008 "ethics session" and whether those changes have resulted in stronger or weaker governmental ethics in Louisiana. This report is not intended to be a comprehensive legal review of Louisiana's ethics code, although that review is long overdue and even more relevant due to all the recent changes.

Based on ethics commissions in other states and the structure of other disciplinary bodies within Louisiana, this report offers a model of how ethics oversight might be more soundly structured and recommends that the Legislature:

Strengthen Investigation

- 1. Require the executive officer of every board and commission within the state to report annually to the secretary of state (1) the names of members and (2) the amount spent, disbursed and/or invested by the board/commission in the most recent fiscal year; and require that the secretary of state maintain such information online for public use.
- 2. Authorize and require ethics investigation staff to audit for truthfulness a randomly selected group of financial reports submitted each calendar year.

Strengthen Prosecution

3. Resolve legal discrepancies regarding time frames within which action may be taken to enforce ethics laws.

Strengthen Adjudication

- 4. Re-establish the ethics board as the only adjudicatory body responsible for the administration and enforcement of the ethics code and other laws within the board's jurisdiction; remove the ethics board's ability to collect financial reports, initiate investigations and consider complaints prior to formal charges being issued.
- 5. Establish a separate, independent ethics investigatory commission, similar to the ethics board, dedicated to the collection and auditing of financial reports and the investigation and prosecution of alleged violations of the ethics code and other laws within the ethics board's jurisdiction.

Improve Transparency

- 6. Require that public ethics meetings and hearings be broadcast live via the Internet and that audio/video archives and written minutes of prior meetings and hearings be provided online, as well.
- 7. Require all financial information submitted to the ethics investigation commission be entered into an online data system, which would allow the information to be sorted by any combination of fields.

INTRODUCTION

Federal and state governments require public servants to abide by certain principles of conduct and establish agencies for the oversight of such conduct. At the federal level, ethics offices regulate the conduct of public officials, employees and candidates within all branches of government. Among the states, ethics oversight practices vary widely. Thirty-nine states, including Louisiana, utilize ethics commissions for ethics oversight.

In 1964, Louisiana established its first two ethics commissions and corresponding ethics codes-one to govern elected state officials and another to govern non-elected state officials and employees. Lawmakers later replaced the state's two ethics codes with a single Code of Governmental Ethics (the ethics code), which streamlined ethics laws and expanded regulation to local government officials and employees. In 1996, the Legislature eliminated its twocommission system and established a single ethics commission, known as the Board of Ethics (the ethics board). Today Louisiana's ethics board enforces campaign finance disclosure laws; lobbyist registration and reporting; certain gaming and election fraud provisions; and the state's ethics code, which includes personal financial disclosure.

During the 2008 First Extraordinary Legislative Session (the ethics session), the Legislature passed a number of positive reforms to ethics laws, which were designed to redefine and increase expectations from public servants. Those reforms have received considerable attention and praise. However, other changes made to the process of ethics oversight collectively have undermined the administration and enforcement of new reforms. Shortly after those changes were made, the majority of ethics board members resigned.

Since the ethics session, members of the newly appointed ethics board, citizen advocates and good government groups have urged the Legislature to revisit the procedural changes enacted during the ethics session. In 2009, the current ethics board adopted a white paper written by the board's chairman, which detailed specific concerns about the law and urged legislators to reconsider the changes made. To date however, legislative leaders have indicated an unwillingness to make more than minor changes.

Understanding Ethics Oversight

Federal and state ethics laws generally include provisions for financial disclosure, lobbying, campaign finance and other common ethics issues—such as gifts for public officials and employees, nepotism, conflicts of interest, contracting with government and post-employment restrictions.

Federal oversight is conducted by designated ethics offices, each of which is responsible for the regulation of certain public servants and candidates (see Table 1). Federal ethics offices administer the law, issue advisory opinions and investigate complaints for the positions they regulate. Depending on the process established by law, federal ethics offices may refer a violation to the U.S. attorney general for prosecution in federal district court or may prosecute and judge (adjudicate) the matter in-house.

Ethics oversight at the state level varies in breadth, depth and process. States utilize a mix of ethics committees, ethics commissions and other state agencies (attorney general, inspector general, secretary of state) to enforce ethics laws. The terms "ethics committee" and "ethics commission" often are used interchangeably, but they are quite different.

Ethics committees generally are composed of legislative members only and are designed to provide internal legislative oversight. Thirty-two states have ethics committees in one or both legislative chambers and/or a joint committee to oversee both chambers, which meet regularly. Eight states, including

Table 1. Federal Ethics Oversight

Positions Regulated	Designated Ethics Office
President, Vice President, Independent Counsel, and certain executive branch officers, employees and appointees	Office of Government Ethics
U.S. Representatives and certain officers and employees of Congress/House	Committee on Standards of Official Conduct
U.S. Senators and certain officers and certain employees of Congress/Senate	Senate Select Committee on Ethics
Judicial officers and employees	Judicial Conference
Candidates for certain positions, including President, Vice President and Congress, are required to file limited financial disclosure information.	Federal Election Commission

Source: United States Code Annotated

Louisiana, have ethics committees that meet only when necessary. Ten states have no ethics committees whatsoever; the majority of those states, however, depend on other state agencies or ethics commissions for legislative oversight.

By contrast, ethics commissions are composed of interested and qualified citizens, who serve set, often staggered, terms, and are created to provide external oversight for a wide range of elected and appointed officials, public employees and other public servants. There are 46 ethics commissions among 39 states—33 states, including Louisiana, utilize one commission for oversight; six states (Alaska, Illinois, Indiana, Kentucky, New Jersey and Washington) divide oversight between two or more commissions (see Table 2).

As a general rule, when states use more than one commission for ethics oversight, the commissions are divided either in terms of positions they regulate or laws under their jurisdiction. That is, there is little to no overlap in their respective duties and missions. State ethics commissions differ in terms of staff size, operating budget, and number of persons and topics for which they are responsible.

HISTORY OF ETHICS ADMINISTRATION IN LOUISIANA

Creation of the Louisiana Board of Ethics

Louisiana's first ethics commissions were created in 1964. At that time, two separate commissions and two corresponding codes of ethics were established—one to govern elected state officials and another to govern non-elected state officials and employees. Local government officials and employees were not included.

During the Louisiana Constitutional Convention of 1973, delegates debated the creation of a single code of ethics for all officials and employees of the state and its political subdivisions and a single board to administer the code. The originally proposed language would have created a seven-person board whose members would be appointed by the governor and confirmed by the Senate for five-year terms. The proposed structure of the board was hotly debated, primarily as to whether all board members should be appointed by the governor and whether local officials should be included in ethics regulation.

Table 2. Overview of state ethics commissions (Part I of II)

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eLIA lansal panel ALIA ** * Seses ezhica esses **			Yes, but not final decision	Not used for ethics cases	Not a central panel state	Yes, but not final decision	Yes, but not final decision	Not a central panel state	Not a central panel state	Yes, but not final decision	Yes, but not final decision	Yes, but not final decision	Not a central panel state	Not used for ethics cases	Not a central panel state	Not a central panel state	Not a central panel state	Yes, final decision	Not used for ethics cases	Not used for ethics cases	Not used for ethics cases	Eleven states (AZ, iD, MT, NH, NM, ND, SD, UT, VT, VA, WV) do not utilize ethics commissions			
	olezimmos od lenimirs estolne	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	ID, SD, UT, VI
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	Employees ¹	EB, LB, LG	No	IB	EB, LB, LG	EB, LB, LG	EB, LB, LG	EB	EB, LB, LG	EB, LB, LG	No	EB, LB	(B	EB	No	E8	EB	EB, LB	EB	No	EB, LB, LG	EB	EB, LB	EB, LB, LG	h of statutes
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Positions	sətsbibnsƏ	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	ns, central pan
	volbna sbraod snoissimmoD	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Source: PAR survey of ethics commissions, central panels and research of statut
	betnioqqA sleioiffO	Yes	Yes	Š	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	AR survey of et
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¹ (EB) Executive branch, (LB) Legislative branch, (LG) Local government [Some states also regulate the judicial branch; not indicated on Table 2.]

² (CC) Clear and convincing; (CE) Competent evidence; (RGJ) Knowing and intentional; (KGW) Knowing and wilful; (POE) Preponderance of the evidence; (PC) Probable cause; (RC) Reasonable cause; (RD) Reasonable doubt; (RS) Reasonable suspicion; (SE) Sufficient evidence [More than one burden of proof may be used, depending on the nature/type/stage of charges.]

³ The majority of states provide for criminal penalties to be enforced by a third party, such as the attorney general or appropriate district attorney. Delaware's staff is charged with prosecution of violations of any statute under the commission's jurisdiction, even if the hearing would be criminal in nature and would be heard in a court of law. This column indicates normal procedure for ethics hearings and the use of central panel administrative law judges. It is not a statement as to whether central panels can be used legally, but rather a measurement of whether

they are used routinely.

Table 2. Overview of state ethics commissions (Part II of II)

	Are any reports s\zeanlu1dtutt	N/A	S.	No	Yes	No	No	No	Yes	No	No	No	No	Yes	No	No	Yes	Yes	Yes	N/A	N/A	Yes	No	No
bo central panel ALIS adjudicate ethics cases?		Not used for ethics cases	Not used for ethics cases	Not a central panel state	Yes, for appeal of board's ruling	Not a central panel state	Not a central panel state	Yes, but not final decision	Yes. but not final decision	Not a central panel state	Yes, but not final decision	Not a central panel state	Not a central panel state	Yes, but not final decision	Not a central panel state	Not a central panel state	Not used for ethics cases	Yes, but not final decision	Not used for ethics cases	Yes, but not final decision	Yes, but not final decision	Not used for disclosure cases	Not a central panel state	Not used for ethics cases
40.00040.0000.0000.000	Do commissio enimha earoine	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
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oetslugeA	Financial Financial	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
sənssi	esliht3	Yes	No	Yes	Yes	Yes	yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	yes	No	yes	Yes
	ngleqms2 eɔnɛniŦ	No	Yes	No	Yes	Yes	No	No	Yes	No	No	No	Yes	No	No	No	Yes	Yes	Yes	No	No	Yes	No	Yes
	Pobbylsts	No	Yes	No	Yes	Yes	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No	Yes	Yes	Yes
	Employees ¹	EB	EB	No	No	EB, LB, LG	EB, LB, LG	EB	No	EB	EB, LB	EB, LG	EB, LB, LG	EB, LB, LG	EB, LB, LG	EB, LB, LG	EB, LG	EB, LB	EB, LB	LB	EB	EB, LB, LG	EB, LB, LG	No
Regulated	Elected ¹ zlabiMO	No	E8	EB, LB, LG	EB, LB, LG	EB, LB, LG	EB, LB, LG	E8	EB, LB, LG	EB	EB, LB	EB, LG	EB, LB, LG	EB, LB, LG	EB, LB, LG	EB, LB, LG	EB, LG	EB, LB, LG	EB, LB, LG	81	EB	EB, LB, LG	EB, LB, LG	EB, LB, LG
sno ^j liso4	Sefebibns2	No	Yes	Yes	Yes	Yes	No	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
	Boards and/or	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
	betnioqqA alsioffiQ	Yes	ON	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Ýes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
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1 (EB) Executive branch, (LB) Legislative branch, (LG) Local government [Some states also regulate the Judicial branch; not indicated on Table 2.]

³ The majority of states provide for criminal penalties to be enforced by a third party, such as the attorney general or appropriate district attorney. Delaware's staff is charged with prosecution of violations of any statute under the commission's jurisdiction, even if the hearing would be criminal in nature and would be heard in a court of law. ² (CC) Clear and convincing; (CE) Competent evidence; (R&I) Knowing and intentional; (K&W) Knowing and willful; (POE) Preponderance of the evidence; (PC) Probable cause; (RC) Reasonable cause; (RD) Reasonable doubt; (RS) Reasonable suspicion; (SE) Sufficient evidence [More than one burden of proof may be used, depending on the nature/type/stage of charges.]

This column indicates normal procedure for ethics hearings and the use of central panel administrative law judges. It is not a statement as to whether central panels can be used legally, but rather a measurement of whether they are used routinely.

Final language adopted in the 1974
Constitution directed the Legislature
to "enact a single code of ethics for all
officials and employees of the state and its
political subdivisions" and to create "one
or more boards" to administer the code.
Qualifications, terms of office, duties and
powers were detailed in statute rather than
the Constitution because delegates were
wary of a constitutionally created ethics
board that placed too much power in the
hands of the governor.

In 1979, the Legislature enacted a single ethics code to streamline ethics laws and include the regulation of local government officials and employees. The state retained its two ethics commissions to administer the code.

In September 1995, PAR and the Bureau of Governmental Research (BGR) issued a joint report (Governmental Ethics Laws in Louisiana: Public Trust or Private Gain) that recommended sweeping changes to ethics laws relative to conflicts of interest, ethics administration and enforcement, campaign finance and lobbying laws. PAR/ BGR also recommended the creation of a single board of ethics primarily because the two-commission model created a potential double-standard between the groups being regulated. That is, each commission could enforce the same provision of law in an entirely different manner, which would result in dissimilar standards for elected officials as opposed to non-elected officials and employees—an inherent problem in a model that allows two independent bodies to adjudicate (judge) the same law.

Shortly thereafter (1996), newly-elected Gov. Mike Foster, who had campaigned on the promise of ethics reform, and the Legislature instituted several significant changes to ethics laws. Those changes incorporated a number of recommendations from the PAR/BGR report, including the creation of a new, single board of ethics to administer, enforce and adjudicate ethics laws instead of the state's two-commission system, which had existed since 1964.

Function of the Louisiana Board of Ethics

Currently, the ethics board is responsible for administering campaign finance disclosure laws; lobbyist registration and reporting; certain gaming and election fraud provisions; and the ethics code, which includes personal financial disclosure and restrictions on gifts, nepotism, contracting and employment after public service. The board administers those laws as they apply to candidates, lobbyists and certain appointed officials, as well as to state and local public employees and elected officials. Louisiana law uses the term "public servant" to describe public employees, elected officials or both. Presently, the board has a variety of powers/duties, including the ability to offer ethics education and training; promulgate rules and issue advisory opinions; investigate alleged violations of law; and assess fines, negotiate settlements and issue charges.

Members of the judiciary are the only elected officials in Louisiana whose ethical conduct is regulated by an entity other than the ethics board. Ethics oversight for the judiciary is provided by the Judiciary Commission of Louisiana, which—like the ethics board—is established in the Louisiana Constitution.

Until 2008, the ethics board was responsible for the investigation, prosecution and adjudication of alleged violations of laws within the board's jurisdiction. Louisiana courts have frowned on the commingling of all three functions (investigative, prosecutorial and adjudicative) within an administrative agency. In 1997, the Louisiana Supreme Court considered the commingling of such functions, specifically as to the ethics board, in two separate cases. The court admonished the ethics board for failing to clearly delineate and differentiate the functions of prosecution and adjudication, thereby creating an appearance of impropriety in the ethics administration process. In response, the board changed its procedural rules and practices to address the concerns of the court.

The Louisiana First Circuit Court of Appeals has considered the commingling issue as to the ethics board, post-1997 changes. In that particular case, where the ethics board had allowed its lead prosecuting attorney to also draft the board's final opinion, the court found there had been "no commingled prosecutorial and adjudicative functions" that resulted in adverse consequences to the respondent. Regardless, common practice in administrative law is to separate investigative and prosecutorial functions from adjudicatory function in order to balance the state's right to pursue wrongdoers with the due process rights of the accused. Ideally, Louisiana's ethics administration should fairly separate administrative functions between two or more entities that are sufficiently insulated from political pressure.

ETHICS REFORM IN 2008

Three principal factors set the stage for ethics reform in Louisiana in 2008. First, the state's long-standing history of political corruption combined with its difficulty in attracting new business created an atmosphere ripe for change. Many political leaders ran on a reform stance, promising to break the cycle of "business as usual" in Louisiana. Secondly, 2008 was the first year that many career politicians were forced out of the system due to term limits passed in 1995. As a result, 55 percent of House members and 18 percent of Senate members were new to the legislative process in 2008. Finally, 2008 saw the election of a new governor who ran on the promise of change and placed ethics reform at the top of his list.

In Gov. Bobby Jindal's first executive order, he imposed a new level of financial disclosure (equivalent to his own) on his cabinet members and required that all of his appointees and cabinet officials participate in annual ethics training. As a rationale for comprehensive ethics reform, the governor noted Louisiana's long-suffering, national image of public corruption and connected it to hampered efforts to attract

new businesses to the state. The governor established an ethics task force composed of prominent business and civic leaders to make recommendations regarding changes to ethics laws. On Feb. 1, 2008, the governor issued his call for a special legislative session dedicated to ethics reform.

Improvements to ethics laws include more rigorous campaign and personal financial disclosure from candidates, lobbyists and public officials; more stringent conflict-ofinterest provisions; limitations on gifts that public servants can accept; and enhanced expenditure reporting from lobbyists. These reforms have bolstered ethics laws in Louisiana and, more importantly, have created a perception outside of the state that the previous atmosphere of political corruption in Louisiana no longer will be tolerated. However, changes to the ethics oversight process-including changes in the way that information is reported to the ethics board; inconsistencies in the time frames in which alleged ethics violations are investigated; and changes to the process by which alleged violations are judgedcollectively have weakened enforcement.

One of the most contentious procedural changes was the transfer of adjudicatory power from the ethics board to administrative law judges employed within the executive branch. During the ethics session, the board offered an alternative approach to this radical change by suggesting the creation of stronger internal firewalls and utilization of board-member panels for certain functions. However, the Legislature failed to significantly debate or adopt the board's solution. Shortly after the ethics session, all but one board member resigned.

In 2009, a newly appointed (the current) ethics board adopted a white paper written by the board's chairman that details concerns regarding procedural changes in the law and urges the Legislature to forward the issues to the Louisiana State Law Institute (LSLI) for further study. Specifically, the paper recommends that

lawmakers resolve certain procedural conflicts within the law; return adjudicatory authority to the ethics board; and place the power to prosecute cases in the hands of an attorney who is independent of the board. The recommendations do not address whether the board would retain its ability to initiate investigations. Regardless, legislative leaders have indicated that the Legislature will not revisit most of the changes made nor ask the LSLI to study the ramifications of such.

STRONGER ETHICS LAWS

In October 2008, the Better Government Association (BGA)—a well-known government watchdog group-released its "Integrity Index," which compares the states on conflicts of interest, campaign finance, whistleblower protection and transparency laws. Due largely to the reforms established in the ethics session, BGA upgraded Louisiana's overall ranking from 46th (2002) to fifth among states (2008). Even with the improved ranking, Louisiana still scored only a little better than 61 out of 100 percent on the total index scale, which indicates that considerable work remains if Louisiana is to attain the "gold standard" in ethics that public officials so often tout. The states were ranked primarily on the strength of their ethics laws (as written) rather than the ability to actually enforce the laws.

Solid Reform

Campaign finance disclosure

Campaign finance reporting allows citizens to identify relationships between candidates and those who fund their efforts to run for office. Relationships that may create a conflict of interest, or even the appearance of a conflict, are not evident to voters unless proper reporting is required. In the 2008 BGA analysis, Louisiana scored poorly on campaign finance overall; however, BGA did grade the state positively on newly adopted campaign finance disclosure laws.

Prior to the ethics session, candidates running for statewide elected office and their principal campaign committees were required to file financial activity reports only if they received or spent more than \$50,000 within a designated time period. During the ethics session, disclosure was expanded to require electronic filing from candidates for all major and district offices and their principal campaign committees, regardless of how much they received or spent. Major and district offices include many of the offices listed in Table 4 and certain members of the judiciary. Additionally, other political action committees (that do not raise money for a single, certain candidate or political party) are required to report their financial activity if they receive or spend more than \$50,000 annually. New campaign finance requirements are being phased in over time and should be implemented fully by 2012.

Additional campaign-related reforms passed during the ethics session included laws that prohibit persons with outstanding ethics fines from running for office; mandate the disclosure of pertinent information in political advertisements funded by third-party groups; and establish felony offenses for persons who violate campaign finance laws. Campaign finance laws were strengthened further in 2009 by an act that requires disclosure of certain contributions by persons who later are hired to serve as agency heads or appointed to certain boards and commissions.

Lobbyist reporting

Prior to the ethics session of 2008, lobbyists were only required to report certain expenditures made for legislative and executive branch officials. To enable the public to better track the influence that special interests could have over public servants, reporting requirements for lobbyists were strengthened during the ethics session. New requirements mandate that lobbyists annually disclose some broad details about their compensation, the subject matters they lobby and business relationships they have with public officials and/or their spouses. Additionally, lobbyist expenditure reports now must be filed monthly instead of semiannually; must be filed electronically into the board's online

data management system instead of being mailed or hand-delivered; and must include expenditures made on legislative branch public servants and the spouses and children of legislators and executive branch officials.

Personal financial disclosure

Disclosure is intended to build citizen confidence and trust in government. The public wants to know how the people who make decisions on their behalf are paid and where their interests lie. A cornerstone of the governor's ethics reform agenda was to require increased levels of financial disclosure from all elected and certain appointed officials.

Prior to the 2008 ethics session, Louisiana law required limited financial disclosure from legislators and public servants other than legislators (see Table 3). Legislators were required to disclose income if it was received from the state, its political subdivisions or gaming interests and if it exceeded \$250. Public servants, other

than legislators, were required to disclose things of economic value they received from persons who were regulated by or doing business with the public servant's agency. Louisiana did require rigorous and meaningful financial disclosure only from its governor and candidates for governor. As a result, the Center for Public Integrity (CPI), a national research organization, ranked Louisiana third among states as to financial disclosure for governors (2007) but 44th among states in terms of legislative financial disclosure (2006) in its "States of Disclosure" comparison. During the 2008 ethics session, legislators focused on raising Louisiana's national ranking to improve the image of the state.

After significant legislative wrangling, three distinct reporting levels for financial disclosure were created during the ethics session. Informally the levels of disclosure are known as Tier 1, Tier 2 and Tier 3—with Tier 1 being the most detailed. Candidates for elected positions in each tier, as well as office holders, are now required to disclose

Table 3. Financial disclosure requirements prior to 2008 legislative sessions

Position required to disclose	Information to be disclosed
Governor ⁽¹⁾ R.S. 42:1124	 Name and residence address Spouse's name, occupation and principal business address Description of and amount of interest in businesses, where interest > 10 percent or where fiduciary relationship exists Name, type and categorical amount of each income source > \$1,000 Description of immovable property when value > \$2,000 Description of purchase/sale of immovable property > \$1,000 Description of purchase/sale of tax securities, stocks, bonds > \$1,000 Nature of liabilities owed to creditors > \$10,000, with certain exclusions
Legislators ⁽²⁾ <i>R.S. 42:1114 R.S. 42:1114.1</i>	 Name, type and specific amount of each income source from the state, any political subdivision of the state or gaming interests only when it exceeds \$250. Things of economic value derived from the legislator's agency by a person who has a bid on or has a financial interest in a contract or subcontract under supervision or jurisdiction of the legislator's agency.
Public servants other than legislators ⁽²⁾ R.S. 42:1114	Things of economic value derived from the public servant's agency by a person who is regulated by the public servant's agency or a person who has a bid on or has a financial interest in a contract or subcontract under supervision or jurisdiction of the public servant's agency.
Elected officials other than legislators ⁽¹⁾ R.S. 42:1114	- Things of economic value derived from a contract with the state or any political subdivision of the state.

Source: Louisiana Revised Statutes

² Including information relative to filer's immediate family members.

¹ Includes information relative to filer's spouse and/or business in which filer, spouse or both own 10 percent or more.

personal financial details as provided in their respective tier. Shortly after the ethics session, the CPI raised Louisiana's ranking of legislative financial disclosure from 44th to first in the nation. Like the BGA comparison, however, the CPI analysis focused more on the strength of each state's disclosure laws, as written, rather than on whether the laws could be adequately enforced.

During the 2008 regular session, the Legislature added an intermediate reporting tier (Tier 2.1) to ease concerns that numerous appointed board and commission members, initially placed in the more rigorous Tier 2 reporting level, would resign their positions based on the detail of reporting required. Presently, Louisiana requires financial disclosure from a vast array of political leaders and public officials and candidates, broken down into four reporting levels often referred to as Tiers 1, 2, 2.1 and 3 (see Table 4). None of the new tiers of disclosure, however, require electronic submission of information. Unlike reforms made for campaign finance and lobbyist reporting, personal financial information may be submitted via online form, faxed, mailed or hand-delivered to the ethics board office.

Muddled Efforts

The state's ethics code generally prohibits public servants from accepting "things of value" other than their usual compensation. Specifically, ethics laws limit things that can be received by public servants (1) because of the position the public servant holds or (2) from certain prohibited sources, such as lobbyists and those who are regulated by or doing business with government.

Prior to the ethics session, exceptions to the general rule allowed public servants to accept numerous gifts, including admission and transportation to popular entertainment and sporting events; expense-paid hunting, fishing and golf trips; and lavish meals where special interest groups could buy access to public servants. Such exceptions fostered cozy relationships between lawmakers and special interests and fueled the perception that policy decisions were made in favor of those who provide perks instead of Louisiana citizens as a whole. During the ethics session, considerable strides were made to limit several of the perks that public servants can accept. Complimentary admission was limited to civic, nonprofit, educational and political events where the public servant was an honoree, speaker or panelist; complimentary admission to professional or collegiate sporting events, fishing trips, hunting trips or golf outings was prohibited except for fundraising events open to the general public. Additionally, a \$50 cap was placed on food and drink that could be provided to public servants at a single event. One exception to the food and drink cap was carved out-the cap would not apply to gatherings "held in conjunction with national or regional organizations or meetings of statewide organizations of governmental officials or employees."

Legislators subsequently weakened these reforms during the 2008 and 2009 regular legislative sessions (see Table 5). Exceptions for free admission were expanded to include additional fundraising events (not necessarily open to the public) and to allow for free transportation, lodging and admission to "educational or professional development seminars." Further, free admission to certain events was expanded to include public servants who attend the event simply "to assist" an elected official who is an honoree, speaker or panelist. Most disturbing was the deliberate undermining of the \$50 cap on food and drink. Following an ethics board decision that legislators did not agree with, the Legislature passed new loopholes, which significantly weaken the cap and exempt many gatherings from the \$50 restriction as long as there are certain national, regional or statewide meetings nearby.

PAR previously has recommended a "no cup of coffee rule," which would prohibit public servants from receiving anything of economic

Table 4. Financial disclosure requirements after 2008 legislative sessions

		equirements after 2008 legislative sessions							
Level of disclosure	Position required to disclose 1	Information to be disclosed							
Tier 1 ^(2, 5) R.S. 42:1124	Statewide elected officials State department secretaries heads	A. Name, occupation, <u>residence</u> address, business address B. Employers, titles, job descriptions for full-time/part-time employment C. Description of and amount of interest in businesses, where							
	Certain staff within the office of the governor	interest > 10 percent <u>or</u> where fiduciary relationship exists D. Description of nonprofits, where person is a director or officer E. Name, type and specific amount of each income source from the							
	Commissioner of administration	state, any political subdivision of the state or gaming interests F. Description of immovable property when value > \$2,000							
	Superintendent of education	G. Description of purchase/sale of immovable property > \$1,000 H. Description of purchase/sale of tax certificates, stocks, bonds > \$1,000							
	Commissioner of higher education	 I. Description of investment securities > \$1,000 J. Nature of liabilities owed to creditors > \$10,000, with certain exclusio K. Name, type and categorical amount of each income source > \$1,000 							
	University system presidents								
Tier 2 ^(2, 5) R.S. 42:1124.2	Legislators Public officials representing voting districts of 5,000+ people Members of the Board of Elementary and Secondary Education Members of the Louisiana Board of Ethics, and the ethics administrator Members of the Ethics Adjudicatory Board (EAB)6	 A. Name, occupation, <i>mailing</i> address, business address B. Employers, titles, job descriptions for full-time/part-time employment C. Description of and amount of interest in businesses, where interest > 10 percent or where fiduciary relationship exists D. Description of nonprofits, where person is a director or officer E. Name, type and specific amount of each income source from the state, any political subdivision of the state or gaming interests F. Description of immovable property when value > \$2,000 G. Description of purchase/sale of immovable property > \$5,000 H. Description of purchase/sale of tax certificates, stocks, bonds > \$5,000 I. Description of investment securities > \$5,000 J. Nature of liabilities owed to creditors > \$10,000, with certain exclusions K. Description and categorical amount of any other income > \$1,000 L. Employers/businesses which provide income and description of services 							
Tier 2.1 (2.3) R.S. 42:1124.2.1	Civil Service commissioners Stadium and Exposition District Board of Commissioners Members of boards and/or commissions that can expend, disburse or invest \$10,000 or more in a fiscal year	A. Name, occupation, <i>mailing</i> address, business address B. Employers, titles, job descriptions for full-time/part-time employment C. Description of and amount of interest in businesses, where interest > 10 percent <u>and</u> where fiduciary relationship exists D. Description of nonprofits, where person is a director or officer E. Name, type and specific amount of each income source from the state, any political subdivision of the state or gaming interests							
Tier 3 (2.4.5) R.S. 42:1124.3	Public officials representing voting districts of < 5,000 people	E. Name, type and specific amount of each income source from the state, any political subdivision of the state or gaming interests only when it exceeds \$250							

Source: Louisiana Revised Statutes

Persons whose public service terminated prior to July 1, 2008, are not required to file a financial disclosure statement.
 Includes information relative to filer's spouse and/or business in which filer, spouse or both own 10 percent or more.
 Certain boards and commissions specifically are exempted by law.
 Law took effect on Jan. 1, 2010.

⁵ Candidates for elected positions within this tier also are required to disclose.

⁶ LSA-R.S. 42:1141(C)(4)(b).

Table 5. Evolution of gifts for public servants

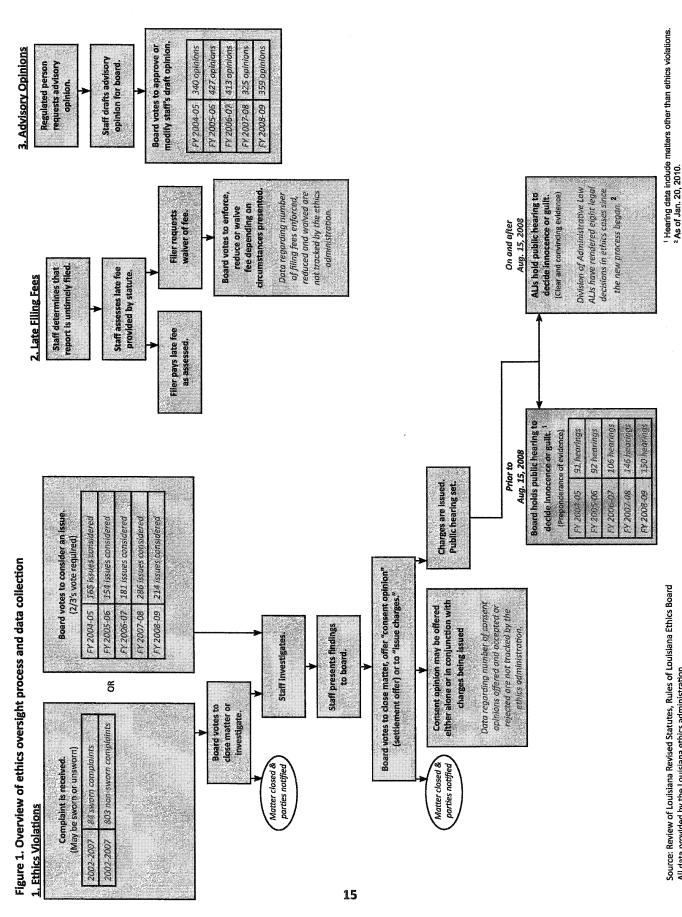
Topic	2008 Ethics Session	2008 Regular Session	2009 Regular Session
Free Admission	Law provides free admission for elected officials limited to civic, nonprofit, educational and political events where the official is an honoree, speaker or panelist. Note: Above does not allow free admission for elected officials to professional, semi-professional or collegiate sporting events; fishing trips hunting trips or golf outings unless it is a fundraising event open to the general public.	Law provides free admission restriction applicable to all public servants instead of just elected officials. Exception: Free admission to fundraising events for a candidate or political party is allowed. Exception: Free admission, lodging and transportation for educational or professional development seminars in the U.S. or Canada under certain circumstances.	Exception: Allows free admission to civic, nonprofit, educational and political events for those public servants who attend the event to assist an elected official who is an honoree, speaker or panelist.
Food and Drink	Law provides \$50 cap on food, drink and refreshments provided to public servants at a single event. Exception: \$50 cap on food, drink and refreshments does not apply to gatherings "held in conjunction with" national or regional organizations or meetings of statewide organizations of government officials or employees. Note: Beginning on July 1, 2009, and each year thereafter, the \$50 cap on food, drink and refreshments shall be increased in direct proportion to any percentage increase in the unadjusted Consumer Price Index.	Exception: \$50 cap on food, drink and refreshment does not apply for public servants of postsecondary education institutions at events to solicit donations or contributions for the public servant's agency. Note: Defines "event" as a single activity at a given time and place - could have more than one "event" in a 24-hour period.	Law provides that lobbyists are required to report expenditures associated with gatherings "held in conjunction with" meetings of national or regional organizations of legislators or their staff or executive branch officials. Exception: Above expenditures are not attributable to the aggregate amount or per occasion amount reported for a legislator or executive branch official, their spouses/minor children. Note: Defines "gathering held in conjunction with" to include any event held during the same time period and same general locale as the exempted national, regional or statewide meeting, as long as at least 10 persons are invited to the gathering.

Source: Louisiana Acts No. 9 & 19 (2008, 1st E.S.); No. 514 (2008, R.S.); and No. 534 (2009, R.S.).

value (including complimentary food, drink and admission to events) because of their public position. The giver is provided with access to public servants that the general public does not have. These relationships promote the appearance of favoritism for a chosen few and intensify citizens' mistrust of government. The amount of post-reform backtracking by legislators on gifts sends the message that lawmakers are not willing to sacrifice their perks in order to improve the image of the state and build confidence in government.

WEAKER ETHICS ENFORCEMENT

Figure 1 provides an overview of the ethics enforcement process, including the handling of ethics violations, the assessment of late filing fees and the issuance of advisory opinions. Additionally, Figure 1 provides data currently collected by the ethics board relative to complaints received, consent opinions (settlement offers) extended, adjudicatory hearings held and advisory opinions issued.



Source: Review of Louisiana Revised Statutes, Rules of Louisiana Ethics Board All data provided by the Louisiana ethics administration.

Investigation

To strengthen investigation, PAR recommends that the Legislature:

- 1. Require the executive officer of every board and commission within the state to report annually to the secretary of state (1) the names of members and (2) the amount spent, disbursed and/or invested by their board/commission in the most recent fiscal year; and require that the secretary of state maintain such information online for public use.
- 2. Authorize and require ethics investigation staff to audit for truthfulness a randomly selected group of financial reports submitted each calendar year.

While the increase in required financial reporting from public officials strengthens ethics laws in Louisiana, questions remain about legal barriers to the board's ability to implement these changes.

First, the sheer volume of reports that will be submitted when phase-in is completed is a concern. Currently, some reports are required to be submitted electronically while others are allowed to be mailed, faxed or hand-delivered. Scanning copies of reports that are not electronically submitted is a hefty task, as is the process of ensuring that all persons who should be reporting are in fact doing so. Not only is the board's workload expected to increase by thousands of reports because of the number of new groups required to disclose, but the number of reports will constantly fluctuate as volumes of candidates enter races for elected positions in some years and numerous appointed officials and board and commission members are replaced throughout each calendar year. New reporting requirements are being phased in over time, and the board has been given additional financial resources to meet its goals. Whether delayed implementation and a budget increase will be enough to ensure that the board is ready for this monumental change is not yet determined.

Second, the ethics board lacks the capability to fully enforce the law, as written, with respect to certain filers. Throughout the process of defining the tiers of financial disclosure, the scope of discussion generally was limited to state boards and commissions-an easily definable group. In the final stages of creating Tier 2.1, however, legislators changed the proposed language to include all board and commission members when the board or commission is authorized to spend, disburse or invest \$10,000 or more in a fiscal year. Those boards and commissions may be created by the state Constitution; by statute; by a political subdivision, which includes any unit of local government (including special districts) authorized to perform governmental functions; or jointly by two or more political subdivisions, as defined.

Even working with the secretary of state and administration officials, the ethics board will be hard-pressed to identify every board and commission whose members will be required to file under the new law. As such, the board can only estimate how many reports it will be expected to track and cannot know if all required filers are fulfilling their duty to report. Requiring the ethics board to monitor and enforce what it cannot even identify (boards/commission members as defined) sets up the board to fail before it even begins to implement reform.

There is no single resource that lists every board and commission operating in the state. The Legislature should require all boards and commissions to register each fiscal year with the Louisiana Secretary of State's Office and provide a description of the board's or commission's mission, its powers and duties, and its fiscal responsibilities. The Secretary of State's Office should make this information available for public viewing on its Web site. This would provide a central hub for the information, which would assist the ethics board in identifying everyone who should be filing financial disclosure forms.

Finally, even if the ethics board can accept this unknown, increased number of reports without a glitch and identify all persons who are not filing as required, there is no auditing process established in law to encourage filers to be diligent and truthful when completing financial reports. In order for a filer to be investigated, a complaint has to be lodged by some third party or twothirds of the board has to vote to consider a potential violation of the reporting requirement. With thousands of reports being submitted and no staff dedicated (or legal authority granted) to perform random audits, it is unlikely that less-than-honest filers will be persuaded to take reporting seriously. Adopting a process whereby reports submitted to the board could be selected randomly for investigation (much like federal and state tax returns) would give more "teeth" to the new disclosure requirements. For example, the Louisiana Department of Revenue randomly chooses 3 percent to 4 percent of business tax returns submitted annually to be audited.

Several states' ethics commissions audit financial disclosure and/or expenditure reports submitted to them (see Table 2). Some commissions set a certain goal in terms of how many reports should be audited annually. For instance, Tennessee's commission audits approximately 4 percent of lobbyist reports each year and also posts the audit findings online for public viewing.

Commissions vary in how they define the task of auditing-some simply crosscheck lobbyist expenditure reports against reports received from public officials on whom lobbyists made expenditures, while other commissions send investigators to collect receipts from filers and verify the information in reports that are chosen for audit. The powers and duties of Louisiana's ethics staff should be expanded to include some type and level of auditing for financial reports submitted. The staff should set a performance goal each year as to what percentage of reports will be audited, and the results of the audits should be available online.

Prosecution

To strengthen prosecution, PAR recommends that the Legislature:

3. Resolve legal discrepancies regarding time frames within which action may be taken to enforce ethics laws.

In 2008, the Legislature made two significant changes to the prosecution stage of ethics hearings—one regarding the time frame for issuing charges; the other regarding what burden of proof must be met in order to establish that an ethics violation has occurred.

Because the changes were complex; were made without significant debate by lawmakers; and were passed in spite of the fact that no problems had been publicly noted with prior law, they are included in this analysis. Both issues are extremely subjective in nature.

There is no inherent problem with requiring the board to issue charges within one year or with requiring the board to satisfy a higher standard of proof in order to establish its cases. In fact, the board has shown that it is capable of meeting both requirements. However, legal discrepancies regarding the board's time to take certain action are causing confusion and should be resolved.

Prescription

Prescription is the Louisiana equivalent of a statute of limitations. Essentially, a prescriptive period is the legal time frame in which a person can initiate an action against another. If the legal action is not initiated within the prescriptive period provided, the right to that action will expire (prescribe).

Prior to 2008, Louisiana law established a certain prescriptive period relative to enforcement of the ethics code. During the ethics reform session, an additional time frame was inserted into the law (relative to issuing charges) but the previous

prescriptive period was not repealed. The entanglement of these two legal provisions and how they are intended to work together already is causing significant debate. Legal scholars disagree as to how and whether the two time frames conflict.

Prior to 2008, the law established two time frames for the board to bring an "action to enforce" the code—either within two years of discovering an alleged violation or four years after the occurrence of an alleged violation, whichever was shorter. During the ethics session, the Legislature added a new legal provision that requires the board to "issue charges" within a certain time frame—either within one year of receiving a sworn complaint or one year after voting to consider the matter when there is no sworn complaint. If the board fails to "issue charges" within that time, the action will be dismissed.

Since the code does not define "action to enforce" (for which the board has two/four years) there is disagreement over whether "action to enforce" includes the task of "issuing charges" (for which the board has one year). If the act of "issuing charges" is considered an "action to enforce" the code, then the time frames established for the board to take certain action may contradict one another. Louisiana courts have held (as to civil cases) that filing a lawsuit is the first step to enforce an action. This conclusion makes sense given that in civil cases the way to begin the process is to file suit. Similarly, in ethics matters the way to begin the process of prosecution is to issue charges. Arguably then, issuing charges could constitute an action to enforce the code. This issue is significant. The potential contradiction creates confusion as to how long the board has to take certain action and at what point the legal clock begins to tick.

Figure 1 illustrates the typical work flow for handling an alleged ethics violation. The only significant tasks that remain to be completed after the board has issued charges are to prepare for and hold a public hearing. Internal rules of the board already had required the board to issue charges within one year of receiving a sworn complaint about alleged possible wrongdoing, so inserting this language into statute was not necessarily a change from how the board already was operating in those cases. However, if the board chose to investigate a matter on its own volition or because of a non-sworn complaint, staff typically was given two years (as provided by law) to complete its investigation. With the new one-year legal provision, the board and staff have less time to investigate a substantial number of cases the board decides to pursue.

Both provisions being in law together and the fact that "action to enforce" is not defined create confusion as to how long the board has to perform certain tasks. How the two time frames will be resolved and to what extent they conflict remains unsettled, as does the long-term effect of these provisions on ethics cases.

Finally, it is unclear whether the Legislature meant for the new one-year time frame to be applied to cases retroactively and to cases already in progress, or whether the new period was meant to apply only to complaints filed after the new law became effective (Aug. 15, 2008). Allowing the new time frame to be applied retroactively would fly in the face of ethics reform as it would result in extinguishing cases that otherwise still would be active under previous law. The Louisiana Supreme Court has held that procedural laws (like time frames for action) may be given retroactive effect in certain circumstances. The "retroactivity argument" has been denied in ethics adjudicatory hearings, but the argument has yet to be tested in a court of law.

The prescriptive period could reasonably be set at the old or the new timeframe as long as it is clearly defined. The legal change regarding the board's time to act has caused a great deal of confusion in recent ethics cases, so lawmakers should reconcile the discrepancies regarding the board's time to act.

Burden of proof

Burden of proof establishes the degree to which a person must prove a disputed assertion or charge. Louisiana courts generally recognize three burdens of proof-"preponderance of the evidence" for civil cases; "beyond a reasonable doubt" for criminal cases; and a "clear and convincing" standard as a middle ground between civil and criminal burdens. The preponderance of the evidence (lowest) standard of proof requires that a disputed fact be "more likely true than not true" in order to be proven. The clear and convincing (intermediate) standard requires that a disputed fact be "much more probable than its nonexistence" to be proven true. The higher the burden of proof required, the more difficult a case is to prove.

Several states report using burdens of proof for ethics cases that more closely resemble intermediate or criminal-level burdens than civil-level burdens, although the terminology used to express those burdens differs among states (see Table 2). Additionally in Louisiana, an intermediate burden of proof frequently is used in other professional disciplinary proceedings, such as those for judges and attorneys.

Some states require different burdens of proof based on the nature of the charge. For instance in Iowa, campaign finance issues are considered at a lower (preponderance of the evidence) standard, while ethics and lobbying violations are considered at a higher (clear and convincing) standard. Additionally, states may use a lower burden of proof at the initial stage of a proceeding-to determine if the matter will be investigated further—and a higher burden of proof at the final determination stage. Louisiana's ethics code specifies only one burden of proof, specifically for the final determination of whether an ethics violation has occurred. The state does not stipulate a specific burden of proof for the first stage of the process, where the board initially considers whether to investigate an issue.

During the ethics session, lawmakers raised the burden of proof required in Louisiana ethics cases from "reliable and substantial" (similar to a preponderance of the evidence standard) to "clear and convincing." The primary author of this change argued that a heightened standard of proof was more appropriate in ethics cases since the charges were similar in nature to criminal offenses.

The Louisiana ethics code does not provide for criminal penalties and the Louisiana First Circuit Court of Appeals has held that the code is not a "criminal statute." Penalties that may be assessed by the board include censure, civil fines, removal or suspension and, when relevant, the return of gifts and illegal gains or payments received. Since 1996, the code has provided (and still provides) that if there is probable cause to believe that any criminal law of the state has been violated, the board is required to forward the information to the appropriate district attorney. The more rigorous standard concerning potential criminal investigations (probable cause), which the Legislature argued was needed, already was in place.

The clear and convincing burden of proof is not out of line with other states' laws nor does it does not set an unobtainable standard, and there is no reason to believe that ethics administration would be hindered by it once other matters regarding who adjudicates and who investigates are settled.

Adjudication

To strengthen adjudication, PAR recommends that the Legislature:

- 4. Re-establish the ethics board as the only adjudicatory body responsible for the administration and enforcement of the ethics code and other laws within the board's jurisdiction; remove the ethics board's ability to collect financial reports, initiate investigations and consider complaints prior to formal charges being issued.
- 5. Establish a separate, independent ethics investigatory commission, similar to the ethics board, dedicated to

the collection and auditing of financial reports, and the investigation and prosecution of alleged violations of the ethics code and other laws within the ethics board's jurisdiction.

Administrative adjudication

Administrative agencies are created to help government implement the law. To allow agencies to operate fluidly, they often are granted internal powers similar to the three formal branches of government. Agencies can make rules (quasi-legislative) to further the law, provide services or regulation in order to implement the law (quasi-executive), and decide whether people are eligible for services or have violated the law (quasijudicial). To keep the power of agencies in check, the Legislature can change their powers and duties if needed, and courts typically can review agency decisions and overturn them if they are flawed. Courts may rule that an agency's level of power is unconstitutional if it is found to impinge too greatly on any of the three branches of government.

The ethics board is an executive branch, regulatory agency. Until recently, the ethics board operated like many agencies having the ability to administer the laws within its jurisdiction and decide whether a violation of the law had occurred. To balance that power, the law provided for immediate judicial review when persons disputed a decision of the board.

One of the most controversial changes made during the ethics session was the Legislature's transfer of adjudicatory power (the power to judge) in ethics cases from the ethics board to civil service administrative law judges (ALJs) situated within the Division of Administrative Law (DAL). The DAL, created in 1995, also is an executive branch administrative agency. Prior to 1995, ALJs—hearing officers—typically were located within agencies to hear disputes between the agency and aggrieved persons. Based on the facts presented, the ALJ would render a recommended decision, which the agency

was free to accept or reject. If the aggrieved person did not agree with the agency's decision, he or she could appeal directly to a court of law.

Louisiana created the DAL to provide an insulated, centralized tribunal of ALJs. The "central panel" model often is perceived as more fair than the "in-house" model (where ALJs work within the agencies themselves) since it allows ALJs the freedom to rule as they see fit with no fear of reprisal from the agency. Twenty-seven states, including Louisiana, use this model for at least some of their administrative hearings and generally are known as "central panel states."

However, Louisiana's central panel model grants more power to ALJs than models in most states. In Louisiana, ALJs within the DAL are given final decision-making power, meaning that agencies are not allowed to seek judicial review of the ALJ decision if they do not agree with it. According to a 2006 Louisiana Law Review article, only three other states (Florida, Missouri and South Carolina) utilize a central panel model where ALJ decisions are final and the agency does not have the right to judicial appeal. This often is referred to as the "administrative court" model.

In 2005, the constitutionality of Louisiana's ALJ model was tested during a dispute between the commissioner of insurance (Robert Wooley) and an insurance provider (State Farm). In the *Wooley* case, the court opined that Louisiana ALJ decisions "are not subject to enforcement and do not have the force of law," so it saw no problem with not allowing agencies to request judicial review. The court upheld Louisiana's ALJ model as being constitutional.

Thereafter however, the Legislature enacted even more stringent language that mandates that agencies "comply fully" with the decision of the ALJ. This extra step effectively requires agencies to accept and enforce ALJ decisions as their own even if they disagree with the ruling. Legal scholars

argue that this new requirement gives ALJ decisions "the force of law" and suggest that the constitutionality of Louisiana's model might be judged differently today. It is unclear who would bring such a challenge, however, since the U.S. Fifth Circuit Court of Appeals has ruled that agencies lack standing to challenge the constitutionality of statutes except in very limited circumstances.

Ethics Adjudicatory Board

Aside from the complex constitutional issues surrounding the use of centralized panels is the more pressing question of whether ethics oversight has been weakened or strengthened by inserting ALJs into the adjudication process.

To date, the newly created Ethics Adjudicatory Board (EAB)—the two central panels of ALJs who are designated to hear ethics disputes—has 71 docketed cases, some of which concern multiple respondents. Cases have been dismissed against 21 respondents; legal decisions have been rendered against eight. Forty-four cases are still active. Hearings are scheduled in seven of those cases; one case is stayed pending appeal, another is stayed pending the resolution of criminal charges, and two others are stayed pending settlement approval. The remaining active cases are at various stages of the pre-hearing process.

Procedural changes in the ethics code already have become a point of contention in several decisions that have been rendered (see Table 6).

<u>Clear and convincing standard</u>. The board has successfully met the new burden of proof in four of the eight cases where the EAB has rendered a decision thus far.

Burden of proof is a subjective measure and will be an issue in all EAB cases to some extent. That is, burden of proof will always have to be satisfied in order for the board's charges to be upheld. Whether burden of proof is deemed to be satisfied depends

on a host of factors, including credibility of witnesses, admission of evidence and whether the ALJ panel ultimately agrees with the board's interpretation of the law.

The fact that the board has lost three cases for failure to meet the burden of proof is not necessarily indicative of an inability by the board to get the job done or recklessness in issuing charges, as some have suggested. Nor is it an automatic indication that the new burden of proof is unfair or overly burdensome. It is simply a higher standard of proof than what previously was required and will call for some adjustments as to how the board and staff investigate and prosecute cases.

What the board formerly considered sufficient evidence to issue charges (as per the "reliable and substantial" standard) may no longer be enough to satisfy ALJs who now handle adjudication. Many of the cases in which the board has failed to meet the new burden of proof were in motion prior to the change in burden of proof. Presumably, the board and ethics staff will better understand the EAB's interpretation of what satisfies the clear and convincing standard as time goes on. However, three factors will frustrate this process:

- (1) EAB members are appointed for one year only (as opposed to five-year terms for board members) so it will be difficult for the staff to anticipate how the EAB's interpretation of laws may change from year to year;
- (2) EAB members sit as two separate panels of three instead of one group (such as the ethics board), and there is no requirement that the panels interpret or enforce the law in similar fashion. Further, there is no requirement that precedence established by one panel should be persuasive authority for the other panel when faced with a comparable set of facts; and
- (3) There is no vehicle for the EAB to deliver advisory or declaratory opinions—the ethics board is tasked with those functions.

Table 6. Decisions rendered by the Division of Administrative Law, Ethics Adjudicatory Board (EAB)

		vor of the Ethics Board					
Respondent, Date, Panel, Vote	Issue	Holding	Additional Findings/Points of Interest				
Bertram F. Babers, III Heard: 05/08/09 Panel: Perrault, Cooper, and Lightfoot Vote: 3-0	Conflict of interest	Board satisfied burden of proof; respondent violated ethics code by participating in a vote regarding property that bordered property owned by hmself and/or his immediate family members.	Once the board determines that there is sufficient evidence to warrant a public hearing, all records prepared or obtained during investigations and for private hearings become public after charges are issued, except for complainant's identity.				
Ernest Stephens Heard: 07/10/09 Panel: Perrault, Cooper, and Lightfoot Vote: 3-0	Lobbyist reporting	Board satisfied burden of proof; respondent failed to file lobbyist expenditure report.	Respondent did not answer or respond to any notices issued by the board, nor did the Respondent not appear for the EAB hearing. The ethics board satisfied the requisite burden of proof via sworn affidavit of staff member, which stated that report had not been filed.				
Boasso Campaign Committee Heard: 08/28/09 Panel: Perrault, Cooper, and Lightfoot Vote: 3-0	Campaign reporting	Board satisfied burden of proof; respondent failed to itemize campaign finance report.	The EAB agreed with the board's interpretation and application of the law, however. the EAB substituted its own judgment in place of the board's judgment as to what amount of fine would be reasonable given the circumstances of the case.				
Caesar Comeaux Heard: 12/11/09 Panel: Perrault, Cooper, and Lightfoot Vote: 3-0	Conflict of interest	Board satisfied burden of proof; respondent violated ethics code by accepting a position of Interim Parish President while he was a member of Parish Council.	The EAB agreed that the Respondent did violate the law, however, waived the fine because the violation was unintentional.				
	Rulings in Fa	vor of the Respondent					
Respondent, Date, Panel, Vote	Issue	Holding	Additional Findings				
Mary Irvin Heard: 02/27/09 Panel: Aguiluz, Domingue and Kopynec Vote: 3-0	Prohibited contractual arrängement	Board failed to prove charges by clear and convincing burden of proof.	Ethics code is not a criminal statute.				
Richard Gallot, Jr. Heard: 08/28/09 Panel: Kopynec and Basile; Aguiluz dissented with majority opinion. Vote: 2-1	Payment for nonpublic service Prohibited contractual arrangement	Board's cause of action against respondent has prescribed.	"Discovery" of the occurrence of an alleged violation of the ethics code equates to the date that the board receives a complaint alleging a violation. The board had (as provided by law) two years from that discovery date to bring an "action to enforce" the code. Members of the EAB panel disagreed on whether the two-year prescription period had been interrupted when the board voted to investigate the matter.				
Leonard "Pop" Hataway Heard: 09/11/09 Panel: Perrault, Kopynec and Lightfoot Vote: 3-0	Abuse of office	Board failed to prove charges by clear and convincing burden of proof.	Letters and reports have no evidentiary value unless properly authenticated.				
Craig Webre Heard: 10/23/09 Panel: Aguiluz, Basile and Kopynec Vote: 3-0	Conflict of interest Payment for nonpublic service	Board failed to prove charges by clear and convincing burden of proof.					

Source: Review of decisions rendered by the Ethics Adjudicatory Board

As such, neither the ethics staff nor persons regulated have any way of knowing how the EAB will interpret the law except to rely on previous opinions, which the EAB may choose to ignore in the future.

The ethics board was never required to give weight to earlier board rulings when it handled adjudication, either. However, because board members served five-year terms, issued advisory opinions to assist staff with their interpretation of the law and sat as one (and the only) adjudicating body, staff could more easily anticipate whether the evidence would satisfy the board.

<u>Prescription</u>. Newly created inconsistencies between the various time frames the board has to act have been raised several times in front of the EAB and debated at length. To date, the issues surrounding prescription have only resulted in one case (*Gallot*) being thrown out. In that case, the EAB ruled (2-1) that prescription had run, which meant that the board's right to prosecute the case had extinguished.

The Gallot case is the only one in which ALJs have disagreed on the outcome of a case. One ALJ wrote a separate, dissenting opinion as to why he felt that prescription had not run and that the board should be able to continue the matter. The dissenting ALJ argued that certain actions taken by the board constituted an interruption of the prescriptive time period. The Gallot case is one example of how new inconsistencies within the law are confusing the discussion of prescription, and is evidence that legal minds do not yet agree on the issue.

Imposition of fines. Technically the ethics board retained the power and duty to impose fines against those who violate the law. Most commonly, fines are associated with untimely filing of reports; those fines are automatically assessed by staff and the amounts are mandated by statute. If the respondent fails to pay his or her fine, the staff can request that the board issue an order to pay, which can be converted into a judgment by the 19th Judicial District

Court. If however, the respondent has filed a report incorrectly, failed to file a report altogether, or has potentially violated the code in any other way, the staff may investigate. If a violation is found, the board will issue charges, the matter will be heard by the EAB, and the EAB will decide what (if any) penalties are appropriate.

In two separate cases (Boasso Campaign Committee and Comeaux), the EAB agreed with the board's interpretation of law but set aside or significantly reduced the fines recommended by the board. Presumably then, the board has not only lost the power to judge ethics cases but also the authority to decide what penalties are appropriate and how the penalties will be assessed in certain instances.

The new oversight process requires the ethics board to close its file on a matter if the EAB finds that the board did not meet its burden of proof. If the EAB determines that a violation of the law has occurred, the ethics board is required to adopt the EAB decision. Until recently, the board had not agreed to take either action on any case decided by the EAB. In January 2010, after substantial debate, the board voted (6-5) to adopt the EAB's most recent decision (Comeaux) in which the EAB determined that the respondent had violated the law, but chose not to assess any fine or penalty for the violation. Board members who supported adopting the Comeaux decision did not necessarily agree with the EAB decision but believed the board was under a legal obligation to adopt the decision.

Flaws in adjudication models

Prior to 2008, many people perceived that the investigation, prosecution and adjudication functions of the ethics board were too closely intertwined. That is, that the system was structured so that alleged ethics violators could not get a "fair shake" in front of the ethics board.

In fact, Louisiana courts previously had ruled that the ethics board must take steps to separate those functions. The following factors created a perception of unfairness with respect to board adjudication:

- (1) Upon receipt of ethics complaints by the staff, complaints were presented to the board for initial review and direction as to whether the matter should be investigated further;
- (2) The board was allowed to initiate investigation into matters without a complaint if two-thirds of the board voted to do so; and
- (3) The same staff and board members involved with the investigation and prosecution stages of a case also often handled the adjudication phase.

The general perception was that the board was made aware of complaints early in the process and thus was prone to give them more validity when later serving as an impartial adjudicatory body. Although the ethics staff made efforts to separate functions internally, few people understand or trust administrative firewalls unless they are clearly defined and rigorously enforced.

Similarly, the use of central panel ALJs in Louisiana ethics cases also creates problems:

- (1) ALJs work for one director (the director of DAL), who is appointed by the governor, is not term-limited and is not subject to personal financial disclosure laws; and
- (2) Unlike ethics board members, ALJs are full-time, civil service employees who ultimately are dependent upon the state for their income and benefits; they are not nominated by an independent body prior to being appointed, nor are they interviewed and appointed through a transparent selection process—except that their names are randomly drawn from a hat at a public meeting. Also there is no requirement that they be representative of the citizens of the state in terms of demographics or place of residence (see Figure 2).

The link between the governor and the division director causes concern that the governor could exert control over the

outcome of ethics cases and that results from the new process may unfairly favor certain public officials. Conceptually, ALJs who answer to one gubernatorially-appointed director who may serve unlimited six-year terms, are more susceptible to political influence than a multi-person board whose members serve staggered, five-year terms and who are nominated by private college presidents and then appointed by the governor (seven members), the House of Representatives (two members) and the Senate (two members).

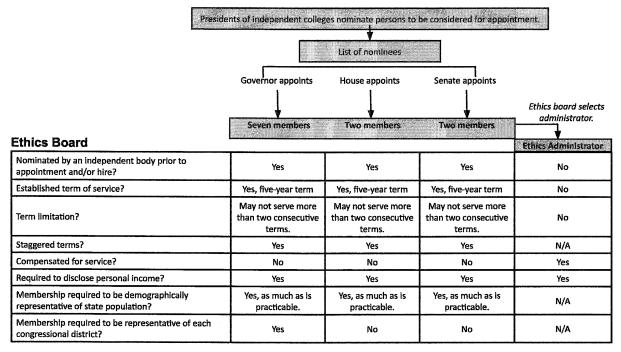
Advisory and declaratory opinions

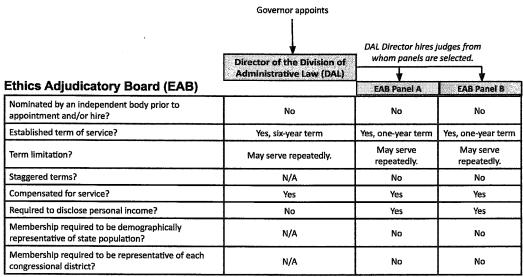
Closely related to the problems with adjudication is the effect that the new process will have on advisory opinions issued by the ethics board. The ethics board routinely issues advisory opinions for persons who request clarification on any law administered by the board. The opinions are designed to provide guidance as to how the board would apply the law if adjudicated later, so the requestor can avoid violating the law inadvertently. Persons who request (but do not agree with) an advisory opinion issued by the board can accept the opinion given by the board or choose to ignore it and risk being charged with an ethics violation.

Advisory opinions are not intended to be final determinations of law and are not subject to appeal by a court of law. The new adjudication process, however, diminishes the value and importance of the board's advisory opinions. While advisory opinions still may give the requestor some indication of whether the board would issue charges, they do not hold the weight of advisory opinions issued by the body that ultimately will judge whether an ethics violation has occurred.

An additional factor surrounding advisory opinions post-ethics reform is the newly established "declaratory opinion" that the board may now render. During the ethics session, the Legislature created a new (presumably alternate) process whereby a person can request a declaratory opinion

Figure 2. Comparison of Ethics Board and Ethics Adjudicatory Board (EAB) Characteristics





Source: Louisiana Revised Statutes

and the board has the option of issuing such. Unlike the advisory opinion, the Legislature intended that the declaratory opinion "settle... uncertainty and insecurity" with respect to legal rights. Declaratory opinions are designed to be final determinations of the board and are directly appealable to the Louisiana First Circuit Court of Appeal.

However, some argue that this new legal avenue is not valid. Courts will not issue or review opinions unless an actual controversy exists. Regardless of what the Legislature calls an opinion (advisory or declaratory), situations where persons request an opinion regarding an action they have not yet taken do not involve a controversy, so it is unlikely

that Louisiana courts would consider an appeal of the board's interpretation of the law. Like prescription, the nuances between advisory and declaratory opinions likely will create confusion going forward.

IMPROVING ETHICS IN LOUISIANA

A Better Model

Meaningful ethics oversight requires rigorous enforcement of high standards for public servants-including thorough investigation, strong prosecution of alleged wrongdoers and an evenhanded adjudication process. The original impetus behind transferring adjudicatory authority from the ethics board to central panel ALJs in 2008 was the desire to separate the tasks of investigation and prosecution from the process of judging whether an ethics violation had occurred, and to prohibit the board from being involved in all three stages of a case, so the board's adjudication hearings would be fair and impartial. The current model is one of several forms that Louisiana's ethics administration system has taken over the years. Each model has had its own unique set of strengths and weaknesses.

Louisiana's current system of enforcement is overly complex and leaves many unanswered questions among legal scholars, those regulated and the public in general. Instead of the procedural overhaul made by legislators in 2008, a more prudent approach would have been to sharpen the system in place. The Legislature could have better defined the board's powers and duties with respect to certain stages of the oversight process and created statutory administrative firewalls to separate the functions of internal staff.

Several models exist within the state that shed light on how to better separate the prosecutorial and adjudicatory functions of an agency. The only other Louisiana body responsible for disciplining elected officials is the Judiciary Commission of Louisiana, which enforces the Code of Judiciary Conduct as to members of the judiciary.

Like the ethics board, the commission is responsible for the investigation and prosecution of judicial misconduct, and for recommending penalties to the adjudicator (the Louisiana Supreme Court). However, the commission establishes stringent internal firewalls to fairly separate its functions. Investigation and prosecution of potential conduct violations are handled by the special counsel (an employee of the commission) within the Office of Special Counsel, which is housed in a different physical locale than the commission itself. The commission employs another attorney (commission counsel) whose primary function is to advise the commission with respect to matters coming before it. Rules prohibiting ex-parte communications between the two sides regarding cases under review are strictly enforced. Weaknesses of this model are that the special counsel is an employee of the commission and the commission still may initiate investigations on its own motion.

Additionally, there are several professional boards within the state that are responsible for disciplining their members if their codes of professional conduct are breached. None of those boards must share its disciplinary responsibility with the Division of Administrative Law, as the ethics board now is required to do. One example of a professional disciplinary board with strict firewalls is the Louisiana Attorney Disciplinary Board (LADB). Like the ethics board and the judiciary commission, the LADB is a multi-member group whose members are appointed from different sources and who serve staggered. set terms. The LADB divides itself into a number of committees to separate the functions it serves and ensure fairness in the disciplinary process. The LADB appoints a "disciplinary counsel" who is dedicated fully to investigation and prosecution of potential ethics violations. LADB "hearing committees" review recommendations submitted by the disciplinary counsel; conduct pre-hearing conferences; and determine if there is probable cause to believe that a violation occurred. The

LADB as a whole reviews decisions by hearing committees and makes disciplinary recommendations to the adjudicatory body (the Louisiana Supreme Court), which decides whether the LADB recommendations should be enforced.

In both examples, the investigation/ prosecution functions and the adjudicatory function are handled by multi-member groups who are either appointed from a variety of sources (Judiciary Commission/ LADB) or are elected and accountable to the people of Louisiana (Supreme Court). The functions are effectively separated and ultimately implemented by two separate groups-however, none of the process is handed over to state employees who are dependent upon a single, appointed person for their salary, promotions and benefits. Regardless of the character of the people involved, the current ethics administration model cannot be as insulated from political influence as the model PAR proposes.

Considering such disciplinary bodies within the state and their inherent strengths and weaknesses, Figure 3 presents a proposed model for ethics enforcement going forward. Much like the recommendations advanced by the ethics board through its white paper, Figure 3 proposes that the ethics board be re-established as the only authority responsible for administering and enforcing the ethics code, and that the function of investigation and collection/auditing of financial reports be managed by a multimember entity that acts independently of the board. Figure 3 proposes to reassign, not to expand, the existing staff and resources of the ethics administration. Currently the board has funding for 41 total positions-28 of which are vacant.

Audit, investigation and prosecution functions

The proposed ethics model in Figure 3 transfers investigation authority to an ethics investigation commission dedicated to the collection and auditing of financial reports and investigation and prosecution of ethics violations, and gives that commission control over which complaints or issues will be

pursued. It is vital that investigations may be initiated by some mechanism other than a complaint; otherwise there would be no way for potential violations to be investigated unless a complainant was brave enough to come forward. However, that power does not need to lie with the ethics board, as it may be perceived as the commingling of investigation and adjudication. The ethics board would serve as an advisory and enforcement/adjudicatory board only. The board would not be involved in the investigation stage of ethics enforcement.

In the proposed model, all ethics complaints would be filed with a three-person Ethics Investigation Commission (EIC) and its staff, which would be responsible for investigation and prosecution (EIC Division I). Additionally, the EIC would collect all financial reports, audit a random selection of them for truthfulness and assess fines or issue charges where reporting laws had been violated (EIC Division II).

Applicants for the EIC would be nominated by the same nominating committee that nominates ethics board members. One member would be selected by the governor and one by each chamber of the Legislature. Like ethics board staff positions, staff positions within the EIC would be created within the Department of Civil Service to provide reasonable insulation from political power plays. Ideally, the EIC would be housed in a separate physical location from the ethics board and its staff.

Advisory and adjudication functions

The ethics board would serve as an advisory and adjudicatory body, with an internal division (Division I) dedicated to the management of ethics cases filed by the EIC. No communications between the EIC (or its staff) and the ethics board (or its staff) would be allowed relative to the merits of a case without the accused having notice of such and an opportunity to participate.

The ethics board would not have authority to initiate investigations nor would it receive details on the merits of a case

Figure 3. PAR's Proposed Ethics Administration Model for Louisiana¹

Ethics Administration

regarding laws within its jurisdiction; and considers appeals from fines assessed relative Powers: Acts as adjudicatory body for charges levied by EIC, renders advisory opinions (Eleven appointed members who serve set, staggered terms.) **Board Division** charges; and prosecutes cases before the ethics board. Receives and audits financial Powers: Receives ethics complaints, initiates/conducts ethics investigations; issues (Three appointed members who serve set, staggered terms, reports; investigates truthfulness of reporting. Ethics Investigation Commission (EIC) Physical location A EIC Division

to untimely or incorrect filings.

Ethics Board (Board Physical location B

EIC Division II Counsel acts as manager of file to ensure timely and correct reporting. 2. Communicate with persons required to candidates, Tier 1-3 filers and lobbyists. Assess fines for reports filed untimely be referred to EIC Division I for further investigation. 3. Randomly audit financial reports for staff in fulfilling all division functions. Receive all required reporting from constitute an ethics violation should or incorrectly. Filer may appeal fine 5. Inaccuracies in filing, which may Reporting/Audit **EIC Division II** Division functions include: assessment to Board. truthfulness. which should be dismissed. Send notice of matter to Louisiana Court of Appeals, First against defendant and defendant appeals violations and is responsible for all office Receive complaints of potential ethics Issue charges against defendant wher 2. Screen complaints. Determine which directed by the EIC or referred from EIC Investigation and prosecution of ethics complaints should be investigated and Prosecute matters before the Board. Prosecute case when/If Board rules Investigate complaints deemed not

as to adjudicated matters, after Board has arrived at decision via majority vote.

4. Assist Board with written final opinions

Attorney to serve as Division Counsel II; administrative support staff (1+). **EIC Division II Positions**

Ethics administrator to serve as EIC Division

EIC Division I Positions:

Counsel I; attorneys (4+); administrative

support staff (2).

Board Division II Counsel acts as manager 2. Communicate with persons requesting advisory opinions if further information is of staff in fulfilling all division functions. ratified by Board, copies of all advisory presented and draft advisory opinions. 4. Present draft opinions to Board for consideration and ratification. Once Conduct legal research on issues. Receive all requests for advisory **Advisory Opinions** opinions should be sent to EIC. **Board Division I** needed to render opinion. Division functions include opinions.

> 2. Assist EIC and Defendant in moving case when necessary. May not discuss merits of

Manage all documents and pleadings

Division functions include:

division functions.

filed by EIC and Defendant.

manager for all adjudications initiated by EIC and as manager of staff in fulfilling all

Board Division I Counsel acts as case

Adjudication

Investigation/Prosecution

EIC Division I Council oversees

Division functions include:

functions.

violations.

forward and addressing procedural issues

the case with EIC or Defendant unless all

parties are present.

3. Assist Board with legal research on

issues presented during adjudicatory

hearings.

Board Division II Positions:

Attorney to serve as general counsel II; administrative support staff; attorneys

Board Division Counsel I; administrative

support staff; attorneys (2).

Deputy general counsel to serve as

Board Division | Positions:

General EIC staff positions: Compliance officers/investigators (8); executive secretary; general investigators (4); IT director; IT applications programmer.

General Board staff positions: IT support specialist; docketing clerk; executive secretary.

This model does not purpor to expand the existing ethics administration. Positions in black text are existing positions within the Louisiana Ethics Administration Program. The board has received funding for 41 total positions (PY 2009-2010), 28 of which are filled currently. Positions suggested (in red text) and others determined to be needed could be filled with the 13 already funded; vacant positions.

decision to complainant.

frivolous. Investigate other issues as

Division II.

necessary.

unless and until the case advanced to the adjudication stage. This would create meaningful firewalls between the different functions of the ethics enforcement process investigations would be handled in one place (EIC) with a dedicated staff, while adjudications would be decided by the ethics board with the assistance of its staff.

If the accused did not like the adjudication result, the case (as was previously done) could be appealed immediately to the Louisiana First Circuit Court of Appeals. The complex constitutional issues and perception problems regarding the board's current lack of right to appeal would be moot, as the board would not need to appeal its own rulings.

The ethics board would retain the power to issue advisory opinions (Division II). The power of advisory opinions would be clear, as opinions would once again be rendered by the body responsible for interpreting the law and rendering judgment.

IMPROVING TRANSPARENCY

To improve transparency, PAR recommends that the Legislature:

- 6. Require that public ethics meetings and hearings be broadcast live via the Internet and that audio/video archives and written minutes of prior meetings and hearings be provided online, as well.
- 7. Require all financial information submitted to the ethics investigation commission be entered into an online data system, which would allow the information to be sorted by any combination of fields.

The Louisiana ethics board has been improving its Web site to provide a more user-friendly experience for those seeking information. Currently, the site features information regarding when meetings will be held, along with the full agenda for those meetings and written minutes from the

board's most recent meeting; copies of the laws the board administers and the internal rules that the board and staff follow; information relative to filing complaints and requesting advisory opinions; and an RSS feed, which allows citizens to receive e-mail alerts when any information on the site changes. Copies of advisory opinions issued by the board and reports (financial disclosure, campaign finance and lobbying) collected by the board also are posted on the site, although searchability of the reporting is limited.

The board can enhance transparency further by streaming its meetings live via the Internet; providing archived audio and video recordings of previous meetings; and providing archived written minutes of previous meetings to allow citizens to access meeting information at a later date. Very few states offer this level of transparency (see Table 7). Only Georgia offers a higher level of transparency on its Web site than Louisiana currently provides. And none provides what is being proposed by this report. Louisiana's ethics administrator has estimated the startup costs of providing live and archived meetings online would be close to \$165,000. Whether the current ethics' budget could cover the cost of transparency without additional funds is unclear.

Additionally, the Legislature should require that all reports be filed electronically into a data system that allows the information to be sorted by any relevant fields. Citizens should be able to search the data in order to identify relationships and potential influence. For instance, voters should be able to sort contributions to see how much money a lawmaker has received from a certain type of industry, company or lobbyist; or whether significant amounts of money were given to or spent on a lawmaker within a certain date range to identify the possible effect on legislation passed shortly thereafter. Collecting financial data is a good first step. However, to be truly effective, the data should be stored in such a way that citizens can make use of and draw meaningful conclusions from the information.

Table 7. Comparison	of state ethics commission	Web sites relative to transparency
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lable 7. C	omparison i	or state	etnics coi	mmissio	n web si	tes relative t	<u>o trans</u> p	parency			COMMANDO MARIO MODERNA	Service and the service and th		
Ranking for state	State, in order of rank	Dedicated Web site?	Schedules/agendas posted online?	Laws administered posted online?	Procedural rules posted online?	Process for complaints or advisory opinions posted online?	Reports filed with agency online?	Advisory opinions Issued by agency online?	Live audio/video of meetings online?	Archived audio/video of meetings online?	Documents discussed at meetings online?	Minutes taken at meetings online?	E-mail list serv/RSS feed for changes to site?	Total Points for state ¹ (of 12 possible)
1	GA	1	1	1	1	1	1	1	1	1	0	1	1	11
2	LA	1	1	1	1	1	1	1	0	0	1	1	1	10
2	ME	1	1	1	1	1	1	1	1	1	0	1	0	10
2	TN	1	1	1	1	1	1	1	1	1	0	1	0	10
3	CA	1	1	1	1	1	0	1	0	0	1	1	1	9
3	MN	1	1	1	1	1	1	1	0	0	0	1	1	9
3	NY	1	1	1	1	1	1	1	1	0	0	0	1	9
4	WA(2)	1	1	1	1	1	N/A	1	1	0	0	1	0	8 of 11
5	AK(1)	1	1	1	1	1	1	1	0	0	0	1	0	8
5	AK(2)	1	1	1	1	1			0	0	0		0	8
5	CT CT	1	<u> </u>	 			1	1	 			1		
5	KS	1	1	1	1	1	0	1	0	0	0	1	1	8
5	NE NE	1	1	1	1	1	1	1	0	0	0	0.	0	8
5	NV	1	1	1	1	1	1	1	0	0	0	1	0	8
5	ОК	1	1	1	1	1	1	1	0	0	0	1	0	8
5	PA	1	1	1	1	1	1	0	0	1	0	0	1	8
5	RI	1	1	1	1	1	1		0	0	0	0	1	8
5	TX	1	1	1	1	1	1	1	0	0	0	1	0	8
6	WA(3)	· 1	1	1	1	1	0		0	0	0	1	0	7
6	IA	1	1	1		0		1		0	0		0	7
6	KY(1)	1	1	1	1	0	1	1	0	0	0	1	0	7
6	KY(2)	1	1	1	1	1	1	1	0	0	0	0	0	7
6	MA	1	1	1	1	1	0	1	0	0	0	0	1	7
6	MO	1	1	1	1	1	1	1	0	0	0	0	0	7
6	OR	1	1	1	0	1	1	1	0	0	0	1	0	7
6	sc	1	1	1	0	1	1	1	0	0	0	1	0	7
6	WI	1	1	1	1	0	1	1	0	0	0	1	0	7
7	со	1	1	0	1	1	N/A	1	0	0	0	1	0	6 of 11
7	MI	1	1	1	1	1	N/A	1	0	0	0	0	0	6 of 11
7	WA(1)	1	1	1	1	1	N/A	1	0	0	0	0	0	6 of 11
8	DE	1	1	1	1	0	0	1	0	0	0	1	0	6
8	FL	1	1	1	1	1	0	1	0	0	0	0	0	6
8	IN(1)	1	1	1	1	1	1	0	0	0	0	0	0	6
8	MS	1	0	1	1	1	0	1	0	0	1	0	0	6
8	NJ(1)	1.	1	1	1	1	1	0	0	0	0	0	0	6
8	NC	1	1	1	1	1	0	1	0	0	0	0	0	6
8	ОН	1	1	1	1	1	0	1	0	0	0	0	0	6
8	wv	1	1	1	1	1	0	1	0	0	0	0	0	6
9	AL	1	1	1	0	1	0	1	0	0	0	0	0	5
9	н	1	0	1	1	0	1	1	0	0	0	0	0	5
9	IN(2)	1	1	0	0	1	0	1	0	0	0	1	0	5
10	AR	1	0	1	1	0	N/A	1	0	0	0	0	0	4 of 11
11	NJ(2)	1	1	0	0	0	1	1	0	0	0	0	0	4
12	MD	1	0	1	0	0	0	1	0	0	0	0	0	3
13	IL(1)	0	0	1	1	0	N/A	0	0	0	0	0	0	2 of 11
14	IL(2)	0	0	1	0	0	0	0	0	0	0	0	0	1
States sco	red positively	96%	87%	93%	85%	78%	57%	87%	11%	9%	7%	50%	22%	
	laur of commiss							ŧ				44		

Source: Review of commission Web sites

CONCLUSION

Strength of ethics oversight can be measured by considering what is required from those who serve the public and to what extent the requirements can be enforced. Louisiana has made positive strides in ethics reform by strengthening campaign and personal financial disclosure requirements, limitations on gifts that public servants can receive, and lobbyist reporting requirements. For these efforts, the state has received national praise.

A closer look behind the veil of reform, however, reveals that much work remains to be done. Although the state has increased what is required from public servants, procedural changes have confused the ethics board's ability to administer the law. In an effort to separate functions (investigation, prosecution and adjudication) within the board, the Legislature has created an alternate system that is wrought with procedural pitfalls. Instead of ethics cases being judged by the 11-member board originally created to do so, cases now are judged by civil service administrative law judges who answer to one person who is appointed by the governor. As a

result, the ethics administration process now resembles the model that 1973 constitutional convention delegates attempted to avoid—one that places inordinate power in the hands of the governor.

The new process removes significant power from the ethics board. It no longer can judge whether a violation of the law has occurred; the fines it recommends can be set aside by the EAB; the advisory opinions it issues hold less value; it is forced to accept and adopt the rulings of the EAB with no opportunity to appeal when it disagrees with the outcome of a case; and it is required to close its file on the matter even if it objects to doing so.

Ultimately, the goals of ethics oversight are to establish ethical standards for public servants and promote public confidence in government. Recently passed, more stringent expectations of public servants hint that a new day has dawned in Louisiana's governmental culture. However, until the Legislature designs a solid enforcement system that is as insulated from political interference as possible, improved ethics laws will mean little to voters, and public confidence in ethics reform will decline.

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