

LOUISIANA BOARD OF ETHICS

**LaSalle Building
First Floor - LaBelle Room**

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

**April 16, 2010
9:00 a.m.**

GENERAL

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

G26. Docket No. 06-722

Consideration of a consent opinion regarding Anna Simmons, former Mayor of the City of Opelousas, and that Monica Semien, former assistant to the Mayor of the City of Opelousas, receiving payments for food and travel reimbursement from the City of Opelousas and the Corporation for National Service to attend VISTA volunteer training meetings in their public capacity.

G27. Docket No. 08-430

Consideration of a consent opinion regarding Jeffery King, an employee of LSU-Shreveport, entering into a contract with the university for the use of a software program he designed.

G28. Docket No. 08-450

Consideration of a consent opinion concerning Frank Jones, an employee of the Village of Pioneer violating the Ethics Code.

G29. Docket No. 08-451

Consideration of a consent opinion concerning Mickey Carroll, the director of the Richland Parish Hospital Service District entering into a contract to lease an office building to the Hospital's Home Health agency.

G30. Docket No. 08-525

Consideration of a consent opinion regarding the company of the son of an Alderman for the Village of Turkey Creek transacting business with the Village.

G31. Docket No. 08-963

Consideration of a consent opinion regarding the Mayor of Jonesboro, Leslie Thompson, reprimanding an employee for reporting an alleged crime to the police.

G32. Docket No. 10-131

Consideration of a request to withdraw a request for an advisory opinion regarding whether an employee of the Baton Rouge Area Chamber may serve on the East Baton Rouge Mortgage Finance Authority Board of Trustees.

G33. Docket No. 10-164

Consideration of a request for an advisory opinion regarding whether a member of the St. Charles Parish School Board may become a partner in a company that has an owner which owns another company which may transact business with the St. Charles Parish School Board.

G34. Docket No. 10-202

Consideration of a request for an advisory opinion regarding whether Kimberly Bardell, an employee of the Department of Social Services (DSS), may become a board member of the Urban Restoration Enhancement Corporation (UREC).

G35. Docket No. 10-205

Consideration of a request for an advisory opinion regarding whether the immediate family members of B.J. Clark, Supervisor with the Denham Springs Sewer Department, may bid on sanitary sewer projects.

G36. Docket No. 10-217

Consideration of a request for an advisory opinion regarding whether Carla Maynard, employee of the Department of Transportation, may supply and maintain construction signs for projects not funded with state or federal dollars.

G37. Docket No. 10-220

Consideration of an advisory opinion request concerning Jefferson Parish Councilman, Byron Lee, obtaining residential building permits on behalf of his clients before the Jefferson Parish Department of Inspection and Code Enforcement.

G38. Docket No. 10-224

Consideration of a request for an advisory opinion regarding whether a Engineering Technician 5 for the Louisiana Department of Transportation and Development (DOTD) may be promoted to Engineering Technician 7 when his brother-in-law would be a direct supervisor.

G39. Docket No. 10-225

Consideration of a request for an advisory opinion regarding whether the son of the Chief of Staff for the City of Pineville may accept employment in the City of Pineville Public Works Department.

G40. Docket No. 10-228

Consideration of a request for an advisory opinion concerning Naomi DeVoe, and employee of the Springs of Recover Adolescent Program performing contractual services for IPH, Inc.

G41. Docket No. 10-229

Consideration of a request for an advisory opinion concerning the West Baton Rouge Parish Fire Protection members filing financial disclosure reports.

G42. Docket No. 10-235

Consideration of a request for an advisory opinion regarding the propriety of Tim Hebert, an IT Management Supervisor for the LA Department of Revenue, providing services to other state agencies.

G43. Docket No. 10-238

Consideration of an advisory opinion regarding whether a former member of the Plaquemines Parish Civil Service Commission, Dominick Scandurro, Jr., may volunteer his services and serve as a hearing officer for the Parish.

G44. Docket No. 10-246

Consideration of a request for an advisory opinion regarding potential ethics issues regarding several candidates who may be elected to the Town Council for the Town of Merryville.

G45. Docket No. 10-247

Consideration of a request for an advisory opinion regarding whether city units may be refueled at a store owned by a Salvador Mike, Jr., a Captain with Hammond Police Department.

G46. Docket No. 10-250

Consideration of a request for an advisory opinion regarding whether Jack Travis, an employee of Office of Risk Management, Loss Prevention section, may teach defensive driving classes for a private company.

G47. Docket No. 10-252

Consideration of a request for an advisory opinion regarding whether a mechanic shop owned by the son of a former employee of the St. Landry Parish School Board may transact business with the school board.

G48. Docket No. 10-253

Consideration of a request for an advisory opinion regarding whether the members of the Medical Care Advisory Committee are subject to the Code of Governmental Ethics.

G49. Docket No. 10-264

Consideration of a request for an advisory opinion regarding whether the Superintendent for the Red River Parish School Board must file a personal financial disclosure statement as the liaison for the Sales Tax Agency and Tourist Commission.

General Item

Ethics Board Docket No. BD 2010-131 04/16/2010

RE:

Consideration of a request to withdraw a request for an advisory opinion regarding whether an employee of the Baton Rouge Area Chamber may serve on the East Baton Rouge Mortgage Finance Authority Board of Trustees.

Relevant Statutory Provisions, Advisory Opinions:

1111C(2)(d), 82-02D, and 1112B(3)

Comments:

At the February board meeting, the Board considered a request for an advisory opinion as to whether an employee of the Baton Rouge Area Chamber may serve on the East Baton Rouge Mortgage Finance Authority Board of Trustees. Ms. Monroe is requesting her request be withdrawn. (TKM)

Recommendations:

Allow the request to be withdrawn.



Baton Rouge Area Chamber.

564 Laurel Street
Baton Rouge, LA 70801
P 225.381.7125
F 225.336.4306
BRAC.ORG

THE LOUISIANA
MORTGAGE FINANCE
RECEIVED

2010 MAR 17 AM 11:01

March 17, 2010

Ms. Kathleen Allen
Ethics Administrator
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

Dear Ms. Allen:

On January 28, 2010, the Baton Rouge Area Chamber submitted an advisory opinion request to the Louisiana Board of Ethics to determine if Erin Monroe Wesley could serve on the East Baton Rouge Mortgage Finance Authority Board of Trustees (MFA) while being employed by BRAC as its Senior Vice President of Governmental Affairs. We respectfully request that this matter be withdrawn for consideration.

Sincerely,

Erin Monroe Wesley
Senior Vice President of Governmental Affairs
Baton Rouge Area Chamber

General Item

Ethics Board Docket No. BD 2010-164 04/16/2010

RE: Consideration of a request for an advisory opinion regarding whether a member of the St. Charles Parish School Board may become a partner in a company that has an owner which owns another company which may transact business with the St. Charles Parish School Board.

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

Comments:

FACTS:

Steve Crovetto is a member of the St. Charles Parish School Board. Mr. Crovetto wants to purchase a 1/3 membership interest in Cypress Land Developments, LLC. One of the other owners of Cypress Land Developments, LLC is a part owner of Frickey Bros. Construction, Inc. Frickey Bros. Construction, Inc. has no present contracts with the school board at this time and Cypress Land Developments will have no role in any projects Frickey Bros. Construction may get with the school board in the future.

LAW:

Section 1113A of the Code prohibits a public servant or a legal entity in which he has a controlling interest in from entering into transactions that are under the supervision or jurisdiction of his agency.

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

ANALYSIS:

Since Cypress Land Developments will not be entering into or bidding on contracts with the St. Charles Parish School Board, Mr. Crovetto is not prohibited from owning an interest in Cypress Land Developments. Also, since he is not an officer, director, trustee, partner, or employee of Frickey Bros. Construction, he is not prohibited from participating in matters before the school board involving Frickey Bros. Construction. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Steve Crovetto
P.O. Box 648
Boutte, Louisiana 70039

Re: Ethics Board Docket No. 2010-164

Dear Mr. Crovetto:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether you may become a partner in Cypress Land Developments, LLC when one of the owners of Cypress Land Developments, LLC owns an interest in Frickey Bros. Construction, Inc., which may transact business with the St. Charles Parish School Board, while you serve on the School Board. You stated that you are not related to any other owners of Cypress Land Developments, LLC. You also stated that Cypress Land Developments, LLC has no ownership interest in Frickey Bros. Construction, Inc. Further, you stated that Frickey Bros. Construction, Inc. does not have any present contracts with the school board and that Cypress Land Developments, LLC will have no role in any contracts that Frickey Bros. Construction may have with the school board.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from owning a membership interest in Cypress Land Developments, LLC when one of the owners of Cypress Land Developments, LLC owns an interest in Frickey Bros. Construction, Inc., which may transact business with the St. Charles Parish School Board, while you serve on the School Board. Section 1113A of the Code prohibits a public servant or a legal entity in which he has a controlling interest in from entering into transactions that are under the supervision or jurisdiction of his agency. Since Cypress Land Developments will not be entering into or bidding on contracts with the St. Charles Parish School Board, you are not prohibited from owning an interest in Cypress Land Developments. Further, the Board concluded, and instructed me to inform you, that since you are not an officer, director, trustee, partner, or employee of Frickey Bros. Construction, you are not prohibited from participating in matters before the school board involving Frickey Bros. Construction. Section 1112B(3) of the Code states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

April 2010

General Consent Page 66 of 144

2010-164

YM

Steve Crovetto
St. Charles Parish School Board Member
P.O. Box 648
Boutte LA 70039

1/27/10

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

To Whom It May Concern:

I, Steve Crovetto, member of St. Charles Parish School Board, am seeking an advisory opinion as to whether I can become a partner in Cypress Land Developments LLC. Cypress Land Developments LLC, is a land development Company. However, one of the members of Cypress Land LLC is part owner of Frickey Bros. Construction Inc., which is a company that competitively bids on jobs with the St. Charles Parish School System.

Any more information needed please feel free to contact.

Regards,


Steve Crovetto
985-785-0024

2010 FEB - 1 PM 1:00
RECEIVED

Steve Crovetto
St. Charles Parish School Board Member
P.O. Box 648
Boutte LA 70039

3/2/10

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

Dear Tracy:

I, Steve Crovetto, am responding to your request for additional information with regard to my inquiry for an advisory opinion concerning **Ethics Board Docket No. 2110-164.**

These are answered with the corresponding numbers of your questions.

- (1) I, Steve Crovetto would have 1/3 ownership in Cypress Land Developments LLC.
- (2) I, Steve Crovetto, am not related to any other owners of Cypress Land Developments LLC.
- (3) Cypress Land Developments has no ownership in Frickey Bros. Construction.
- (4) Frickey Bros. Construction does not presently have a contractual relationship with the St. Charles Parish School Board.
- (5) Cypress Land Developments LLC with not have any role in the performance of any contracts (including Frickey Bros.) with the St. Charles Parish School Board.

Any more information please contact

Sincerely,



Steve Crovetto

985-785-0024

2010 MAR -4 PM 4:00

General Item

Ethics Board Docket No. BD 2010-202 04/16/2010

RE: Consideration of a request for an advisory opinion regarding whether Kimberly Bardell, an employee of the Department of Social Services (DSS), may become a board member of the Urban Restoration Enhancement Corporation (UREC).

Relevant Statutory Provisions, Advisory Opinions: 1111C(2)(d), 1123(1)

Comments:

FACTS: Kimberly Bardell is an employee with DSS, working in contract services primarily with child care contracts. She is interested in board membership with UREC, a non-profit organization. As a board member, she would not receive any compensation. UREC is a community based development organization that specializes in affordable housing, education and training, and social and economic development. Through direct services, partnering, collaborative initiatives, technical assistance and capacity building, UREC is dedicated to the rebuilding of neighborhoods and the improvement of human life. UREC presently has a contract with DSS.

ISSUE: Whether an employee of DSS may become a board member of a non-profit that has a contract with DSS.

LAW: Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a contractual, business, or financial relationship with the public servant's agency. Section 1123(1) of the Code specifically permit a public servant to participate in the affairs of a charitable, nonprofit educational, public service, or civic organizations when no compensation is received.

ANALYSIS/CONCLUSION: The Code will not preclude Ms. Bardell's board membership with UREC. Ms. Bardell will not be receiving anything of economic value. Moreover, 1123(1) specifically permits a public servant's non-compensated participation in such organizations.
(DLG)

Recommendations: Adopt proposed advisory opinion.

April ___, 2010

Ms. Kimberly Bardell
(Address)
(City State)

RE: Board Docket No. 2010-202

Dear Ms. Bardell:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion regarding whether you, an employee of the Department of Social Services (DSS), may become a board member of the Urban Restoration Enhancement Corporation (UREC). You stated that you work in contract services, primarily with child care contracts. You are interested in board membership with UREC, a non-profit organization. As a board member, you would not receive any compensation. UREC is a community based development organization that specializes in affordable housing, education and training, and social and economic development. Through direct services, partnering, collaborative initiatives, technical assistance and capacity building, UREC is dedicated to the rebuilding of neighborhoods and the improvement of human life. You further stated that UREC presently has a contract with DSS.

The Board concluded, and has instructed me to advise you that the Code of Governmental Ethics would not preclude your board membership with UREC. Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a contractual, business, or financial relationship with the public servant's agency. Section 1123(1) of the Code specifically permit a public servant to participate in the affairs of a charitable, nonprofit educational, public service, or civic organizations when no compensation is received. However, since you will not be receiving anything of economic value, and since the Code specifically permits a public servant's non-compensated participation in such organizations, there is no conflict of interest.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board

2010-202

TO: Louisiana Board of Ethics

FROM: Kimberly Bardell

2010 FEB 11 PM 4:23

DATE: February 11, 2010

SUBJECT: Is Non Compensated Board Membership of a State Employee in a Non Profit Organization a Conflict of Interest?

Thank you in advance for your time and consideration. This request is for guidance on if board membership is a conflict of interest. I am currently an employee with the Department of Social Services; working in contract services primarily with child care contracts. I am interested in board membership with the Urban Restoration Enhancement Corporation (UREC); a wonderful not-for-profit organization. As a board member I would not receive any compensation.

UREC is a not-for-profit community based development organization. UREC specializes in affordable housing, education and training, social and economic development. Through the use of direct services, partnering, collaborative initiatives, technical assistance and capacity building, UREC is dedicated to the rebuilding of neighborhoods and the improvement of human life.

UREC currently has a contract with the Department of Social Services; therefore I am inquiring if this is a conflict of interest to serve as a UREC board member. My current duties as an employee of DSS are described in the attached SF3.

Please provide to me in writing if it is a conflict of interest to serve on the board of UREC. I have contacted human resources at DSS to seek guidance and Courtney Jackson (attorney with the Board of Ethics). Ms. Jackson and DSS human resources informed me that it probably is not a conflict of interest. However, I was advised to contact the Board of Ethics. I am anxiously awaiting a decision. Is it a conflict of interest for me to serve as a board member of UREC?

Thank you,



Kimberly Bardell, MPH, CHES
(225) 342-3614 office
(225) 921-6314 cell
kbardell@la.gov

Attachment: SF3

CHIEF OF COMPENSATION
DEPARTMENT OF CIVIL SERVICE
P.O. BOX 94111 - CAPITOL STATION
BATON ROUGE, LA 70804-9111

POSITION DESCRIPTION

ASSIGNED CONSULTANT
AGENCY

SBG

HUMAN RESOURCES USE ONLY	<input checked="" type="checkbox"/> AFFIRMED	<input type="checkbox"/> REALLOCATED	MAJOR AGENCY CODE	LOG NUMBER - DSCS
	<input type="checkbox"/> JOB CORRECTION	Up Down Lateral	1000	43389
	<input type="checkbox"/> NEW POSITION	<input type="checkbox"/> RETURNED W/O ACTION	OFFICIAL JOB CODE	EFFECTIVE DATE
OFFICIAL ALLOCATION	Program Coordinator - Social Services		160480	1/26/10
CONSULTANT	SUPERVISOR	CAREER PROGRESSION GROUP	MASTER JOB DESCRIPTION	
—	<i>SB</i>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
COMMENTS			<input type="checkbox"/> INCUMBENCY ALLOCATION <input type="checkbox"/> FROZEN REVIEW DATE: / /	

1 TYPE OF REQUEST

Check appropriate request boxes. If master job description, see instruction sheet.

- NEW POSITION ESTABLISHED UPDATE MASTER
 AGENCY APPEAL JOB CORRECTION 5.3 APPEAL
 EMPLOYEE APPEAL CAREER PROGRESSION GROUP

PERSONNEL AREA CODE	POSITION NUMBER
0355	50382453
CURRENT OFFICIAL JOB TITLE	CURRENT OFFICIAL JOB CODE
Program Coordinator - Social Services	160480
REQUESTED OFFICIAL JOB TITLE	REQUESTED OFFICIAL JOB CODE

2 GENERAL INFORMATION

EMPLOYEE'S NAME - LAST, FIRST, MIDDLE	Employee Qualifies For Job	AREA CODE - OFFICE TELEPHONE
BARDELL, KIMBERLY	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	(225) 342-0694
DEPARTMENT - OFFICE - DIVISION / BUILDING - CITY - PARISH	HUMAN RESOURCES CONTACT	
DSS/OFS/Admin & Support/Contract Services - Baton Rouge - EBR	Cindy Markey	
DIRECT SUPERVISOR'S NAME	OFFICIAL TITLE OF SUPERVISOR	HUMAN RESOURCES TELEPHONE
Braswell, Kim	Family Support Program Manager A	(225) 342-4859

3 COMPARATIVE POSITIONS

List positions that have similar or identical duties to this position.

INCUMBENT NAME	POSITION NUMBER	OFFICIAL JOB TITLE / AGENCY
RECEIVED		
JAN 26 2010		

4 SUPERVISORY ELEMENTS

ORGANIZATIONAL CHART MUST BE ATTACHED.

- DETERMINES WORK ASSIGNMENTS RECOMMENDS FIRING/PROMOTIONS TRAINS STAFF
 REVIEWS AND APPROVES WORK PREPARES & SIGNS PPR RATING APPROVES LEAVE

NUMBER OF DIRECT SUBORDINATES

5 ATTACHMENTS

Check to indicate attachments. Please review SF-3 instruction sheet for required attachments.

- Organizational Chart (required) Duties / Responsibilities (required) Comments MJD Position Numbers

6 SIGNATURES

<i>Kim Braswell</i> EMPLOYEE	DATE 1/19/10	<input checked="" type="checkbox"/> I certify that the information in this document is true and correct to the best of my knowledge. <input type="checkbox"/> I certify that I have reviewed the SF-3. I disagree with a portion of the contents and have attached comments.
<i>Kim Braswell</i> DIRECT SUPERVISOR	DATE 1/15/10	<input checked="" type="checkbox"/> I certify that I agree with this document. <input type="checkbox"/> I certify that I have reviewed the SF-3. I disagree with a portion of the contents and have attached comments.
<i>Daniel Tuman</i> APPOINTING AUTHORITY (Indicate Title)	DATE 1-15-10	<input checked="" type="checkbox"/> I certify that I agree with this document. <input type="checkbox"/> I certify that I have reviewed the SF-3. I disagree with a portion of the contents and have attached comments.

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) | count.....

PERCENTAGES MUST TOTAL 100%

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

As a staff member of the Administrative Support Division, this individual will work with the Director and Assistant Director of Contract Services to serve as a liaison to the Division of Child Care and Early Childhood Education. This position will represent the contracting process to assist the Division in developing the system of programs, services, and policies affecting the quality of early childhood programs throughout the state. This individual will assist in coordinating current initiatives supporting the provision of high quality child care and early care and education to the state's children and their families. This individual will understand the broader environment of contracting to support state services and understand how those efforts impact the development of a quality early care and education system.

40%

Serve as child care contract/programmatic liaison to designated quality initiatives contracts that support the early care and education system.

Review contract reports of all child care contracts funded with block grant "quality funds" individually and as a group and prepare reports for child care division director on program outcomes. Identify inefficiencies in operation that can be addressed to control cost and maintain effectiveness of service.

Development of performance-based contracting standards for each child care quality initiative contract.

Development and implementation of programmatic contract monitoring and development of reports on progress to meeting contract goals.

Review child care allocations to Louisiana preparing reports to the child care director on the current use of such funds and the best use of such funds related to federal restrictions and requirements as well as the goals of Louisiana's child care and early care and education system efforts. Included in this review will be research on the use of such funds by other states and the recommendations and priorities of the federal funding agency.

Advise and provide technical assistance to child care program providers, state partner programs, policies, procedures, laws and regulations; and answers questions and assists in resolution of problems related to child care quality initiatives.

Review child care quality initiative proposals for efficacy and fit with goals of agency.

25%

Interact with officials from other states and other Louisiana state agencies at child care conferences, workshops and seminars, regarding contracting processes and procedures.

Provide child care program information through guest speeches, interviews for new media and other public engagements.

Communicate information about child care programs offered through contractors to state and field staff within OFS and OCS.

1/1/07
1/1/07

Organize, develop and participate in child care special projects, reports and workgroups in an effort to improve productivity, minimize errors and reduce workload.

Identify methods for improving data collection and documentation to meet child care federal and state funding requirements.

Review national research on child care issues and identify appropriate quality initiatives for Louisiana to support the Quality Rating System.

Research and respond to child care program policy requests from parish offices, providing clarification and interpretation of policy.

35%

Report on state and federal legislative activities that directly impact the efficiency and effectiveness of Louisiana's early childhood programs and services. Included will be participation in relevant federal and state committees as assigned to identify ways to improve the quality of early childhood programs and services.

Review of other state child care plans related to child care initiatives and report to director on trends and new activities.

Assist the child care director in strategic planning to determine the overall priorities for the development of a quality child care and early care and education system for Louisiana that integrates with other current initiatives including, policy and budget issues.

Assist with the development of a plan for state's child care plan related to Quality Initiative funding.

Aid in the resolution of child care complaints from the public sector, government officials, and client advocacy groups to avoid loss of agency credibility, inequity of services and liability of lawsuits.

Perform other related and essential functions appropriate to the position as required.

FEB 08 2010

TO: Louisiana Board of Ethics

FROM: Kimberly Bardell

DATE: February 11, 2010

PAGES: 5 pages

SUBJECT: Is Non Compensated Board Membership of a State Employee in a Non Profit Organization a Conflict of Interest?

RECEIVED
2010 FEB 11 PM 3:11

Please find attached a letter to the Louisiana Board of Ethics. The letter is seeking guidance on if it is a conflict of interest to be a board member of a non profit organization. Letter attached provides more information. I look forward to hearing from the Louisiana Board of Ethics.

Thank you,

Kimberly Bardell, MPH, CHES
(225) 342-3614 office
kbardell@la.gov

General Item

Ethics Board Docket No. BD 2010-205 04/16/2010

RE: Consideration of a request for an advisory opinion regarding whether the immediate family members of B.J. Clark, Supervisor with the Denham Springs Sewer Department, may bid on sanitary sewer projects.

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

Comments:

FACTS: James Ray Clark and Becca W. Clark own CC&Construction Company, a company licensed and bonded to perform public works projects related to sewer, water, drainage, and earth work. Their son, B.J. Clark, is a supervisor with Denham Springs' Sewer Department. Denham Springs will be bidding out several sanitary sewer projects and the Clarks would like to bid on the work. The plans and specifications are to be prepared by Alvin Fairburn & Associates (the "engineering firm") under the direction of Tom Walton, the City's Public Works Director. Bids will be received and reviewed by the engineering firm and Melvin Womack, Denham Springs' Purchasing Agent, both of whom will then make a recommendation to the Mayor and City Council. B.J. Clark (the son) will have no involvement in the bidding process or awarding of contracts.

After award to the successful low bidder, the engineering firm will provide the necessary resident inspections to ensure compliance with plans and specifications. The engineering firm will also be responsible for reviewing payment requests, verifying quantities and requesting approval for payment. B.J. Clark will not be responsible for inspections or other tasks associated with the projects.

ISSUE: Whether immediate family members of a Supervisor of Denham Springs' Sewer Department may bid on sanitary sewer projects.

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

ANALYSIS/CONCLUSION: Although the B.J. Clark may not be participating in the review of bids or award of contracts as contemplated by Section 1112, it appears the sanitary sewer projects would be under the supervision or jurisdiction of the Sewer Department, his agency. (DLG)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. James Ray Clark
39245 Hwy 16
Denham Springs, LA 70706

Re: Board Docket No. 2010-205

Dear Mr. Clark:

The Louisiana Board of Ethics, at its April 15, 2010 meeting, considered your request for an advisory opinion regarding whether your company may bid on sanitary sewer projects when your son, B.J. Clark is a Supervisor with the Denham Springs Sewer Department. You stated you and your wife, Becca W. Clark own CC&Construction Company, a company licensed and bonded to perform public works projects related to sewer, water, drainage, and earth work. You also stated that Denham Springs will be bidding out several sanitary sewer projects. The plans and specifications are to be prepared by Alvin Fairburn & Associates, (the "engineering firm") under the direction of Tom Walton, the City's Public Works Director. Bids will be received and reviewed by the engineering firm and Melvin Womack, Denham Springs' Purchasing Agent, both of whom will then make a recommendation to the Mayor and City Council. You state that your son will have no involvement in the bidding process or awarding of contracts.

You further stated that after award to the successful low bidder, the engineering firm will provide the necessary resident inspections to ensure compliance with plans and specifications. The engineering firm will also be responsible for reviewing payment requests, verifying quantities and requesting approval for payment. You son will not be responsible for inspections or other tasks associated with the projects.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics will preclude you from bidding on the projects. Section 1112B(1) of the Code prohibits a public servant from participating in a transaction involving the governmental entity in which, to his actual knowledge, a member of his immediate family has a substantial economic interest. Section 1113A(1)(a) prohibits public servants, their immediate family members, or legal entities in which they have a controlling interest, from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servants. Although your son may not be participating in the review of bids or award of contracts as contemplated by Section 1112, it appears the sanitary sewer projects would be under the supervision or jurisdiction of the Sewer Department, his agency.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board



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

ET

2010

February 5, 2010

Dear Committee,

I am hereby requesting an official written opinion as to whether a particular situation would constitute an ethics violation. The circumstances are as follows:

I, James Ray Clark, and my wife Becca W. Clark, own CC&C Construction Company. We are properly licensed and bonded to perform Public Works projects related to Sewer, Water, Drainage and Earth Work.

My son, B.J. Clark, is a Supervisor with the City of Denham Springs' Sewer Department.

In February of this year, the City of Denham Springs will begin bidding out several large sanitary sewer projects. I intend to bid on this work.

The plans and specifications are prepared by the engineering firm of Alvin Fairburn & Associates under the direction of the City's Public Works Director, Tom Walton.

Bids will be received by an Engineer with Alvin Fairburn & Associates and the City of Denham Springs' Purchasing Agent, Mr. Melvin Womack at a public bid opening.

The successful low bid will be reviewed by an Engineer with Alvin Fairburn & Associates and the City of Denham Springs' Purchasing Agent, Mr. Melvin Womack. The Engineer and the City's Purchasing Agent will then recommend to the City of Denham Springs' Mayor and City Council for consideration at an open City Council meeting.

My son, B.J. Clark, will have no involvement in the bidding process, reviewing bids or the awarding of contracts.

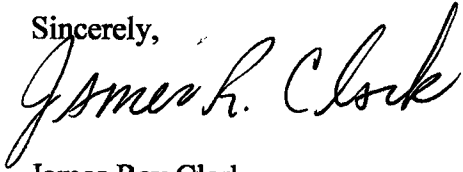
After award to the successful low bidder, the Engineering firm of Alvin Fairburn & Associates will be providing the necessary resident inspection to ensure compliance with the plans and specifications. The Engineering firm will also be responsible for reviewing payment requests, verifying quantities and requesting approval for payment to the City Council.

My son, B.J. Clark, will not be responsible for inspections nor other tasks associated with these projects.

If I am the successful low bidder on one or more of these projects, would my son's employment in the City of Denham Springs' sewer department constitute an ethics violation?

Thank you for your prompt response.

Sincerely,

A handwritten signature in black ink that reads "James R. Clark". The signature is written in a cursive style with a large, prominent initial "J".

James Ray Clark

General Item

Ethics Board Docket No. BD 2010-217 04/16/2010

RE:

Consideration of a request for an advisory opinion regarding whether Carla Maynard, employee of the Department of Transportation, may supply and maintain construction signs for projects not funded with state or federal dollars.

Relevant Statutory Provisions, Advisory Opinions:

1111C(1)(a), 1111C(2)(d); Bd. Docket Nos. 2007-719, 2007-622, 2005-309

Comments:

FACTS: Carla Maynard has been employed with the Department of Transportation for almost 14 years. During her first 11 years of service, her primary work area was traffic engineering regarding the signs, striping, and signals for state highways in the Shreveport/Bossier District. She now works as a project engineer in the Mansfield construction office. Due to her traffic engineering background, contractors and other project engineers approach her for assistance and advisement on construction signs for projects, including those funded by parish governments or city entities. She has also advised contractors in private signing work for gas and oil companies. Ms. Maynard would like to start her own contracting business to supply and maintain construction signs for projects that receive absolutely no state or federal funds.

ISSUE: May Ms. Maynard supply and maintain construction signs on projects that are not funded by federal or state monies?

LAW: Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person (1) who has or is seeking to have a contractual, business, or financial relationship with the public servant's agency; (2) conducts operations or activities which are regulated by the public servant's agency; or (3) who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public servant's official duty.

ANALYSIS/CONCLUSION: Based on the information submitted in the request for the advisory opinion, and information obtained during a telephone conversation with Ms. Maynard on

3/24/2010 pertaining to her current job duties, the proposed contracting service does not appear to present any violation of the Code of Governmental Ethics. Ms. Maynard's current job involves her oversight over state road construction projects, her proposed business would only provide services on projects that are not funded with state or federal monies and to private entities. Ms. Maynard's job duties with the Department of Transportation do not require her to perform such services for parish and municipal entities or private companies, thus there is no prohibition. However, Section 1111C(2)(d) will prohibit Ms. Maynard from providing any contracting services to any person or entity that (1) has or is seeking to have a contractual, business, or financial relationship with the public servant's agency; (2) conducts operations or activities which are regulated by the public servant's agency; or (3) has substantial economic interests which may be substantially affected by the performance or nonperformance of the public servant's official duty.

(DLG)

Recommendations:

Adopt proposed advisory opinion.

March , 2010

Ms. Carla Maynard
10324 Meadowview Drive
Keithville, LA 71047

Re: Ethics Board Docket No. 2010-217

Dear Ms. Maynard:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion regarding whether you, an employee of the Department of Transportation, may supply and maintain construction signs for projects not funded with state or federal monies. You stated that you have been employed with the Department of Transportation for almost 14 years. During your first 11 years of service, your primary work area was traffic engineering related to the signs, striping, and signals for state highways in the Shreveport/Bossier District. You now work as a project engineer in the Mansfield construction office. Due to your traffic engineering background, contractors and other project engineers approach you for assistance and advisement on construction signs for projects, including those funded by parish governments or city entities. You have also advised contractors in private signing work for gas and oil companies. Now, you would like to start your own contracting business to supply and maintain construction signs for projects that receive absolutely no state or federal funds.

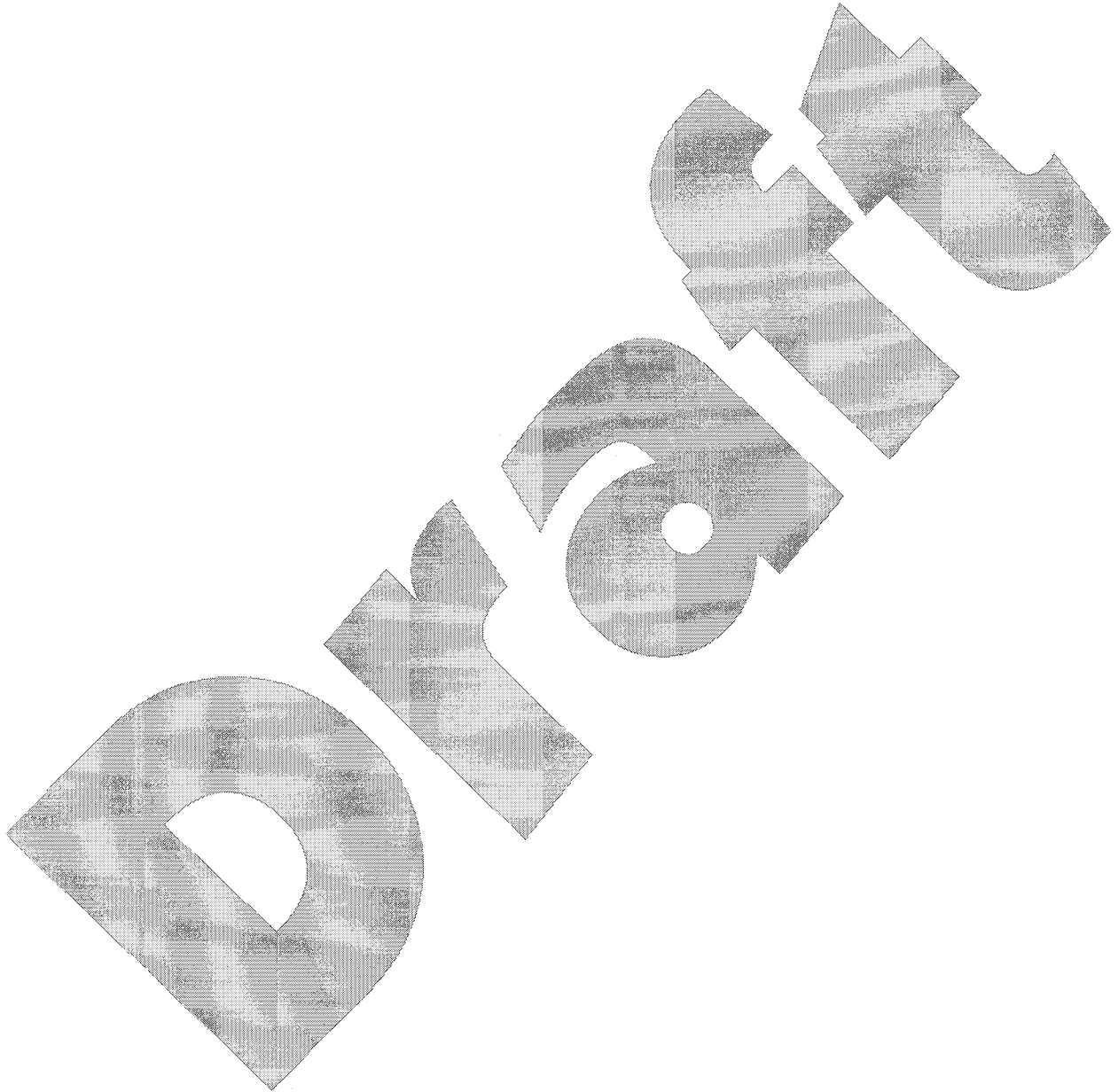
The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not preclude you from supplying and maintaining construction signs for projects not funded with state or federal monies. Section 1111C(1)(a) of the Code prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. As your proposed business would only provide services on projects that are not funded with state or federal monies and to private entities, and your job duties with the Department of Transportation do not require you to perform such services for parish and municipal entities or private companies, there is no prohibition.

Also, Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person (1) who has or is seeking to have a contractual, business, or financial relationship with the public servant's agency; (2) conducts operations or activities which are regulated by the public servant's agency; or (3) who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public servant's official duty. Therefore, you are prohibited from providing any services to any person or entity that falls in the above-numbered categories.

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

Sincerely,
LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board



2010-217

Carla Maynard
10324 Meadowview Drive
Keithville, LA 71047
(318) 347-4421

February 22, 2010

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

RECEIVED
FEB 22 AM
COMMUNICATIONS

SUBJECT: Request for and Advisory Opinion

To Whom It May Concern:

My name is Carla Roberts Maynard, and I have been an employee with the Department of Transportation for almost 14 years. My primary work area for the first 11 years of my employment was in traffic engineering regarding the signs, striping, and signals for state highways in the Shreveport/Bossier District. Currently, I am working as a project engineer in the Mansfield construction office. Because of my traffic engineering background, contractors as well as other project engineers consistently approach me for assistance and advisement on construction signs for their projects including projects that are funded by parish governments or city entities. I have also advised contractors in signing private work done for gas and oil companies. There is a definite need in this area of the state for additional sign contractors to install and maintain signs for construction projects.

I am fully aware that I cannot and should not try to pursue contracts that involve state or federal funds since the Department of Transportation (my employer) will oversee these contracts. However, I would like to start my own contracting business to supply and maintain construction signs for projects that have ABSOLUTELY NO state or federal funds. Because of the major financial impact that the Haynesville Shale has recently had in this area of the state, there is a large demand for this type of work that does not include state or federal funds. I would like the opportunity to pursue this contracting business at this time.

I appreciate your time in reviewing my request, and feel free to call me if you have any questions or need further information.

Thank you again,

Carla Maynard
Carla Maynard

General Item

Ethics Board Docket No. BD 2010-220 04/16/2010

RE: Consideration of an advisory opinion request concerning Jefferson Parish Councilman, Byron Lee, obtaining residential building permits on behalf of his clients before the Jefferson Parish Department of Inspection and Code Enforcement.

Relevant Statutory Provisions, Advisory Opinions: 1102 and 1113

Comments:

FACTS:

Byron Lee is an elected councilman of Jefferson Parish. The Jefferson Parish Council is the governing authority for all Parish departments including the Department of Inspection and Code Enforcement in Jefferson Parish. Section 8-4-114.1 of the Jefferson parish Code of Ordinances prohibits anyone from performing home repairs in unincorporated areas of Jefferson Parish for remuneration without first obtaining a Residential Home Improvement Contractor License from the Parish. Applicants must pass an exam to be eligible to be issued a license. A licensed Residential Home Improvement Contractor may obtain building permits for his clients and perform renovations not in excess of \$75,000. Councilman Lee took the home improvement contractor exam and passed. At this time, he has not been issued a license.

ISSUE:

Does Councilman Lee being licensed by the Parish as a Residential Home Improvement Contractor present a violation of the Ethics Code? If he is licensed, may he obtain a building permit for future client's from Jefferson Parish?

LAW:

Section 1113A of the Code prohibits Mr. Lee from bidding on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

"Agency" is defined in Section 1102(2)(a)(iv) for public servants of political subdivisions, to mean the agency in which the public servant serves, except that for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity. Public servants of political subdivisions shall include, but shall not be limited to, elected officials and public employees of municipalities, parishes, and other political subdivisions; sheriffs and their employees; district attorneys and their employees; coroners and their employees; and clerks of court and their employees.

"Governmental Entity" is defined in 1102(12) as the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.

"Political Subdivision" is defined in 1102(17) as any unit of local government, including a special district, authorized by law to perform governmental functions.

"Transaction involving the governmental entity" is defined by Section 1102(23) as any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know: (a) Is, or will be, the subject of action by the governmental entity.

Section 1123(40) allows a person to obtain a permit, and enter into any transaction incidental thereto under the provision of the state uniform construction code (LSA-R.S. 40:1730.21 et seq.)

2009-752 allowed a Livingston Parish Councilman to receive an occupational license from the Parish because it was routine and mechanical.

2008-1162 allowed an Iberia Parish Councilman to receive a building permit as long as it was in accordance with the Uniform Commercial Code.

2000-481 concluded that the issuance of an occupational license is a "routine and mechanical" action so long as the license is issued in accordance with parish rules and procedures and therefore a council member or member of his immediate family may obtain a license.

ANALYSIS:

Mr. Lee is not prohibited from applying for and receiving a Residential Home Improvement Contractor License from the Parish, and thereafter, obtain building permits for clients and performing renovations not in excess of \$75,000. Section 1113A of the Code prohibits a public servant from bidding on or entering into a transaction, contract or subcontract under the supervision or jurisdiction of the public servant's agency. However, the issuance of a Residential Home Improvement Contractor License is an issuance of an occupational license. Such types of occupational licenses issued by the Parish are routine and mechanical. The Board has consistently held that a public servant may enter into a transaction with his agency, which is routine and mechanical, to receive an occupational license.

In addition, Byron Lee may obtain permits on behalf of clients to perform housing renovation valued at less than \$75,000 from the city because the Parish has adopted the Louisiana State Uniform Construction Code as its building code. Section 1123(40) allows a public servant to obtain a permit, and enter into any transaction incidental thereto under the provision of the state uniform construction code (LSA-R.S. 40:1730.21 et seq.) (MDD)

Recommendations: Adopt the proposed advisory opinion.

Date

Mr. Louis G. Gruntz, Jr.
P.O. Box 9
Gretna, LA 70054

Re: Ethics Board Docket No. 2010-220

Dear Mr. Gruntz:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether Byron Lee, a Jefferson Parish Councilman, may obtain a Residential Home Improvement Contractor License from the Parish, and thereafter, obtain building permits for his clients and perform renovations not in excess of \$75,000. You indicated the Jefferson Parish Council is the governing authority for all Parish departments including the Department of Inspection and Code Enforcement in Jefferson Parish. Section 8-4-114.1 of the Jefferson parish Code of Ordinances prohibits anyone from performing home repairs in unincorporated areas of Jefferson Parish for remuneration without first obtaining a Residential Home Improvement Contractor License from the Parish. Applicants must pass an exam to be eligible to be issued a license. The licensed Residential Home Improvement Contractor may obtain building permits for his clients and perform renovations not in excess of \$75,000. Councilman Lee took the home improvement contractor exam and passed. At this time, he has not been issued a license. The Parish of Jefferson has adopted the Louisiana State Uniform Construction Code (La. R.S. 40:1730.21) as the building code of the Parish.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit Mr. Lee from applying for and receiving a Residential Home Improvement Contractor License from the Parish, and thereafter, obtain building permits for clients and performing renovations not in excess of \$75,000. Section 1113A of the Code prohibits a public servant from bidding on or entering into a transaction, contract or subcontract under the supervision or jurisdiction of the public servant's agency. However, the issuance of a Residential Home Improvement Contractor License is an issuance of an occupational license. Such types of occupational licenses issued by the Parish are routine and mechanical. The Board has consistently held that a public servant may enter into a transaction with his agency, which is routine and mechanical, to receive an occupational license.

In addition, Byron Lee may obtain permits on behalf of clients to perform housing renovation valued at less than \$75,000 from the city because the Parish has adopted the Louisiana State Uniform Construction Code as its building code. Section 1123(40) allows a public servant to obtain a permit, and enter into any transaction incidental thereto under the provision of the state uniform construction code (LSA-R.S. 40:1730.21 et seq.)

Mr. Louis Gruntz

Date

Page -2-

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree

For the Board



2010-220

JEFFERSON PARISH LOUISIANA

OFFICE OF THE PARISH ATTORNEY

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

AARON F. BROUSSARD
PARISH PRESIDENT

February 17, 2010

THOMAS G. WILKINSON
PARISH ATTORNEY

LOUIS G. GRUNTZ, JR.
DEPUTY PARISH ATTORNEY

PEGGY O. BARTON
DEPUTY PARISH ATTORNEY

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

RE: Jefferson Parish Councilman Byron Lee
Request for Advisory Opinion

Gentlemen:

This advisory opinion request is made on behalf of Councilman Byron Lee of the Parish of Jefferson and the Jefferson Parish Department of Inspection and Code Enforcement. The Jefferson Parish Council is the governing authority for all Parish departments including the Department of Inspection and Code Enforcement

Sec. 8-4-114.1 of the Jefferson Parish Code of Ordinances prohibits anyone from performing home repairs in unincorporated Jefferson Parish for remuneration without first obtaining a Residential Home Improvement Contractor License from the Parish. All applicants must pass an exam to be eligible to be issued a license. A Residential Home Improvement Contractor may obtain building permits for his clients and perform renovations not in excess of \$75,000.00

Councilman Byron Lee, Jefferson Parish Council District 3, recently took the Home Improvement Contractor exam and passed. Prior to issuing Councilman Lee a license, the Parish and the Councilman desire an opinion as to whether or not Councilman Lee's obtaining a license and/or obtaining building permits for future clients will create any conflict of interest or otherwise contravene the provisions of the Louisiana Code of Governmental Ethics.

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

Yours Truly,

Louis G. Gruntz, Jr.
Deputy Parish Attorney

cc: Hon. Byron Lee
Jose Gonzalez

RECEIVED
CAMPAIGN FINANCE
SECTION

General Item

Ethics Board Docket No. BD 2010-224 04/16/2010

RE: Consideration of a request for an advisory opinion regarding whether a Engineering Technician 5 for the Louisiana Department of Transportation and Development (DOTD) may be promoted to Engineering Technician 7 when his brother-in-law would be a direct supervisor.

Relevant Statutory Provisions, Advisory Opinions: 1119A, 1119C, 1112B(1)

Comments:

FACTS:

Chad Vosburg is the Area Engineer for DOTD and is the direct supervisor of Glenn Delee. Glenn Delee is the Project Engineer for the DOTD McManus Office and has been employed since 1985. Brian Owens is the Assistant Project Engineer at the McManus Office. Clifton Elkins is married to Mr. Delee's sister and has been employed with DOTD since 1994. Until now, Mr. Elkins' and Mr. Delee's employment paths have not crossed. Now, Mr. Elkins is eligible for a promotion, which according to DOTD, is a normal advancement for his position for which DOTD states he is duly qualified. Mr. Elkins is seeking to become an Engineering Technician 7, which would bring him under his brother-in-law's supervision. However, he would be under Mr. Owens direct supervision on a daily basis. Further, DOTD has arranged for Mr. Delee's supervisor, Mr. Vosburg, to handle all personnel matters involving Mr. Elkins.

LAW:

Section 1119A of the Code provides no member of the immediate family of an agency head shall be employed in his agency.

1119C of the Code allows the continued employment and normal promotion of an employee whose immediate family member becomes the agency head, provided the employee has been employed at least one year prior to the family member becoming the agency head.

Section 1112B(1) of the Code prohibits a public servant, except as provided in Section 1120, from participating in a transaction involving the governmental entity in which, to his actual knowledge, a member of his immediate family has a substantial economic interest.

ANALYSIS:

Since Mr. Elkins would be promoted into Mr. Delee's agency where Mr. Delee is already the agency head, Section 1119A of the Code would prohibit the promotion and Section 1119C would not be applicable. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Ms. Terri R. Hammack, P.E.
Assistant District Administrator Operations
Louisiana Department of Transportation & Development
P.O. Box 831
Baton Rouge, Louisiana 70821-0831

Re: Ethics Board Docket No. 2010-224

Dear Ms. Hammack:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether Clifton Elkins may be promoted from Engineering Technician 5 to Engineering Technician 7 when such promotion would bring him under the direct supervision of his brother-in-law, Glenn Delee. You stated that Chad Vosburg is the Area Engineer for DOTD and is the direct supervisor of Glenn Delee. Glenn Delee is the Project Engineer for the DOTD McManus Office and has been employed since 1985. Brian Owens is the Assistant Project Engineer at the McManus Office. You stated that Clifton Elkins is married to Mr. Delee's sister and has been employed with DOTD since 1994. You stated that until now, Mr. Elkins' and Mr. Delee's employment paths have not crossed. Now, Mr. Elkins is eligible for a promotion, which according to DOTD, is a normal advancement for his position for which DOTD states he is duly qualified. Mr. Elkins is seeking to become an Engineering Technician 7, which would bring him under his brother-in-law's supervision. However, you stated that he would be under Mr. Owens direct supervision on a daily basis. Further, DOTD has arranged for Mr. Delee's supervisor, Mr. Vosburg, to handle all personnel matters involving Mr. Elkins.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit Clifton Elkins from being promoted to Engineering Technician 7 since such promotion would bring him into his brother-in-law's department of which he is the agency head. Section 1119A of the Code provides no member of the immediate family of an agency head shall be employed in his agency. Section 1119C of the Code allows the continued employment and normal promotion of an employee whose immediate family member becomes the agency head, provided the employee has been employed at least one year prior to the family member becoming the agency head. Since Clifton Elkins has not been employed in the MaManus Office of DOTD for at least one year prior to Glenn Delee, his brother-in-law, becoming the agency head, Mr. Elkins is prohibited from being promoted to Engineering Technician 7 in the McManus Office.

Ms. Terri R. Hammack, P.E.

Date

Ethics Board Docket No. 2010-224

Page 2

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

DRAFT

2010-224



BOBBY JINDAL
GOVERNOR

**STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

P.O. Box 831
Baton Rouge, Louisiana 70821-0831

www.dotd.la.gov
(225)231-4132



SHERRI H. LEBAS, P.E.
INTERIM SECRETARY

February 17, 2010

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

RE: Request for an advisory opinion regarding the selection of Clifton Elkins for DOTD Engineering Technician 7/District 61/Gang 256/East Feliciana Parish

Dear Sir or Ma'am,

This letter requests an advisory opinion from the Louisiana Board of Ethics regarding the selection of Mr. Clifton Elkins for the position of Engineering Technician 7 District 61/Gang 256 for the Louisiana Department of Transportation and Development (DOTD) McManus Project Engineer's Office. This office is responsible for the inspection of state highway construction projects. Promotion to Engineering Technician 7 is a natural job progression for Mr. Elkins. After consultation with DOTD's Human Resources Department, Mr. Elkins was detailed to the Position of Engineering Technician 7 (Pos. # 390520) until an advisory opinion is received regarding his promotion.

An advisory opinion is being requested because, as the Engineering Technician 7 for District 61/Gang 256, Mr. Elkins will be an immediate subordinate of his brother-in-law, Mr. Glenn Delee, the Project Engineer for the DOTD McManus Office. Mr. Elkins has worked for DOTD since 1994 and Mr. Delee has worked for DOTD since 1985. If Mr. Elkins is approved for permanent placement in the Engineering Technician 7 position, Mr. Chad Vosburg, Area Engineer, who is the appointing authority and Mr. Delee's immediate supervisor, will make all decisions and recommendations regarding personnel actions such as promotions, merit pay raises, PPR ratings, etc. pertaining to Mr. Elkins.

Mr. Elkins was originally hired on September 26, 1994 as a Construction Inspector 2, under the direct supervision of Mr. Roy Lee, Engineer Technician Supervisor 1. Since that time, Mr. Elkins has obtained extensive work experience and training to qualify for the Engineering Technician 7 position.

Mr. Glenn Delee was originally hired into the DOTD Headquarters Bridge Design Section on October 2, 1985 and then transferred to the McManus Project Engineer's Office on February 10, 1986, as an entry level engineer. At that time he was under the direct supervision of Mr. John McCain who was the Project Engineer for the office.

Since then, the career paths for Mr. Delee and Mr. Elkins have developed separately as different opportunities for each have become available. Mr. Delee eventually became the Project Engineer for the McManus Office, however since Mr. Delee was not Mr. Elkins direct supervisor, there were no concerns about violating DOTD's nepotism policy.

At the time Mr. Elkins was initially hired, direct supervision of lower level engineering technicians like Mr. Elkins was the responsibility of higher level technicians and the Assistant Project Engineers. Since then, the organizational structure has changed, with the Project Engineer now supervising higher level Engineering Technician Positions and the Assistant Project Engineers. The Assistant Project Engineer in the McManus office, Mr. Brian Owens, Engineer 5, continues to serve in the capacity of a lead worker, and functionally supervises all lower level technicians, including Mr. Elkins. After being detailed into the Engineering Technician 7 position, Mr. Elkin's PPR rating was compiled by Mr. Owens and reviewed and approved by Mr. Vosburg.

Request for instatement to Engineering Technician 7 Position

On March 2, 2009, DOTD initiated the hiring process for the Engineering Tech 7 position for Gang 256. The interview process was conducted by Mr. Brian Owens, Assistant Project Engineer, Gang 256 and Mr. Vosburg. Mr. Elkins was the only applicant. Mr. Vosburg and Mr. Owens determined after a review of Mr. Elkins' experience, dependability, work record with DOTD, training, and overall qualifications, that he would be an excellent candidate for this position. Mr. Elkins was then detailed to the position, with the intent of getting an advisory opinion from the Louisiana Board of Ethics. In the interim, Mr. Elkins has been reporting to Mr. Vosburg, and Mr. Brian Owens continues to provide functional supervision until an opinion is rendered.

This position is located in McManus, Louisiana in rural East Feliciana Parish. This office is responsible for state highway construction projects in East and West Feliciana Parishes. Because the area is so rural, there are very few qualified candidates available, and Mr. Elkins was the only person to apply for this position. In order to qualify for the Engineering Technician 7 position, the applicant has to obtain 3 DOTD training certifications in one of 5 specialty areas. Mr. Elkins has exceeded this requirement by obtaining 4 training certifications in the areas of Embankment and Base Course Inspection, Asphalt Paving Inspection, Portland Cement Concrete Paving Inspection, and Structural Concrete Inspection. In addition, Mr. Elkins has completed all of the written training for the final available certification, Asphalt Concrete Plant inspection. Mr. Elkins has over 15 years of experience in the field of highway construction inspection in East and West Feliciana parishes, and is familiar with the soils, topography, and drainage in the area. Considering that Mr. Elkin's training record has exceeded job requirements, his excellent work record, familiarity of the area, and the need for DOTD to have a qualified Tech 7 at this location, we are requesting that a favorable advisory opinion be considered, that would support Mr. Elkin's promotion.

Prior to being selected for the position of Engineering Technician 7, Mr. Elkins occupied the following positions:

Engineering Tech. 7 Detail (pos. # 390520)
Engineering Tech. 5 (pos. # 173618)

Engineering Tech. Supv. 1 (pos. # 173618)
Engineering Tech. 4 (pos. # 009936)
Engineering Tech. 3 (pos. # 009936)
Construction Inspector 3 (pos. # 009936)
Engineering Tech. 2 (pos. # 009936)
Construction Inspector 2 (pos. # 009936)

Mr. Elkin's brother-in-law, Mr. Glenn Delee, was and remains a Project Engineer in District 61 (McManus) and reports directly to Mr. Chad Vosburg, Engineer 7 DOTD. Mr. Delee has permanent status and been employed by DOTD for approximately 25 years. He has worked at the McManus Construction Office nearly his entire career and has occupied the following positions during his tenure:

Engineer 6 DOTD (pos. # 012015)
Engineer 5 DOTD (pos. # 012015)
District Engineer Supervisor 1 (pos. # 109230)
Engineer Advanced (pos. # 109918)
District Engineer (pos. # 109918)
Engineer-in-Training 2 (pos. # 109918)
Engineer-in-Training 1 (pos. # 109918)
Engineer-in-Training Applicant (pos. # 007198)

Granting Mr. Clifton Elkins the Engineering Technician 7 position is the "natural career progression", which should not be impeded because of Mr. Delee's position as Project Engineer. Mr. Elkins would report directly to Mr. Vosburg, all personnel actions (promotions, merit raises, PPR ratings, etc.) that normally would require approval by Mr. Delee will come directly to the Area Engineer, Mr. Vosburg. Mr. Delee has agreed to recuse himself from any and all personnel actions regarding Mr. Elkins.

Prior Actions

Pursuant to DOTD Secretary's Policy and Procedure Manual (PPM) Number 9 and R.S. 42:1119(c), upon determining that Mr. Elkins was the best qualified applicant for the position of Engineering Technician 7, Mr. Chad Vosburg, Area Engineer submitted a written request to the DOTD Human Resources Section in Headquarters, for an exemption to the nepotism prohibitions for this promotion (attached to Exhibit A). Based upon DOTD's interpretation of the Louisiana Code of Ethics and DOTD PPM # 9, both pertaining to nepotism, I find that there is no violation of either if Mr. Elkins is permanently assigned to the proposed position. Since there is no direct reporting, but only indirect as a result of him being in Mr. Delee's chain of command, Mr. Delee will be required to recuse himself from any decision making process which may have a bearing on his brother-in-law. Mr. Delee has previously stated and agreed to this condition, resulting in the proposed appointment to the above described position as appropriate.

Conclusion

Unfortunately, this situation was created by a prior administration, all of whom are no longer with the agency. The current District Administrator, Mr. Roy Schmidt would like to rectify this situation. Therefore, based on all of the above, I believe that the assignment of Mr. Elkins as the Engineering Technician 7 for Section 61/Gang 256 would not violate the nepotism prohibitions of the Louisiana Code of Ethics or DOTD's PPM 9, provided Mr. Delee recuses himself from any and all personnel actions regarding his brother-in-law. However, I respectfully request the Louisiana Board of Ethics issue an advisory opinion in this matter.

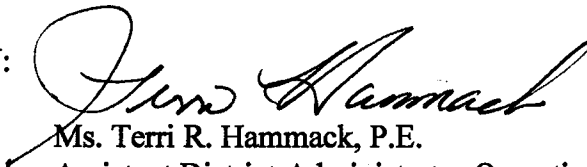
If you have any additional questions or concerns, please contact the undersigned or Mr. David Tippet, DOTD Attorney 3, at (225) 379-1026 or by e-mail at: davidtippet@la.gov.

Thank you in advance for your assistance in this matter.

Sincerely,

Mr. Roy M. Schmidt, P.E.
District Administrator

BY:



Ms. Terri R. Hammack, P.E.
Assistant District Administrator Operations

CV/trh

Attachments

cc: Ms. Sherri LeBas, Interim Secretary
Ms. Connie Standige, P.E.
Ms. Cheryl Duvieilh
Ms. Susan Pellegrin
Mr. David Tippet
Mr. Roy Schmidt, P.E.

April 2010

General Consent Page 97 of 144



IN REPLY REFER TO
FILE NO.

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

INTRADEPARTMENTAL CORRESPONDENCE

REFERRED TO

- ____ REFERRED FOR ACTION
- ____ ANSWER FOR MY SIGNATURE
- ____ FOR FILE
- ____ FOR YOUR INFORMATION
- ____ FOR SIGNATURE
- ____ RETURN TO ME
- ____ PLEASE SEE ME
- ____ PLEASE TELEPHONE ME
- ____ FOR APPROVAL
- ____ PLEASE ADVISE ME

April 9, 2009

BY _____ DATE _____
 BY _____ DATE _____
 BY _____ DATE _____

To: Mr. David Tippett, Human Resources Attorney

From: Chad Vosburg, Area Engineer District 61 *CV*

Re: Request for nepotism exception (PPM #9) for promotion to Pos. # 390520, Clifton Elkins-current position #173618

The purpose of this memo is to request an exception to PPM # 9 in order to facilitate the promotion of Mr. Clifton Elkins to the position of Engineering Technician 7 in construction gang 256, McManus unit. Mr. Elkins was initially hired on September 26, 1994 as a Construction Inspector 2, under the direct supervision of Mr. Roy Lee, who occupied the position of Engineer Technician Supervisor 1 at that time. The position # that Mr. Elkins originally occupied was 009936. Mr. Elkins has been in his current position, Engineering Technician 5 since February 15, 2002, and has over 14 years of service with DOTD in the field of Construction Inspection. Mr. Elkins recently applied for the position of Engineering Technician 7, and was the only applicant that applied. He was selected on the basis of his experience and qualifications pending this exception. The current supervisor of this gang is Mr. Edward Glenn Delee, who is the Project Engineer and the brother-in-law of Mr. Elkins. Because of the fact that Mr. Elkins is well qualified for the position, and has worked through the ranks in his field of expertise, I am making this request to allow for his promotion. The hiring process was conducted by Mr. Brian Owens, Engineer 4 DOTD who also works in gang 256, and I. Mr. Delee was not involved with the interview.

In the case that this exception is granted, any future decisions involving Mr. Elkins regarding merit raises and promotions will be made by me as the next level supervisor. I thank you in advance for your consideration of this matter. Please do not hesitate to contact me if I can provide you with any additional information.

Xc: Human Resources
 Roy Schmidt
 Employee file

EXHIBIT "A"

Elkins, Clifton
 Request for nepotism exception
 April 9, 2009

 RECOMMENDED FOR APPROVAL DATE

 RECOMMENDED FOR APPROVAL DATE

 RECOMMENDED FOR APPROVAL DATE

 APPROVED DATE

General Item

Ethics Board Docket No. BD 2010-225 04/16/2010

RE: Consideration of a request for an advisory opinion regarding whether the son of the Chief of Staff for the City of Pineville may accept employment in the City of Pineville Public Works Department.

Relevant Statutory Provisions, Advisory Opinions: 1119A and 1112B(1)

Comments:

FACTS:

Rich Dupree is the Chief of Staff for the City of Pineville. Mr. Dupree serves as the assistant to Mayor Clarence Fields for the daily operations of the Mayor's office. Mr. Dupree oversees City Hall Administration. Mr. Dupree's son would like to accept employment with the Public Works Department. Mr. Dupree has no authority or supervision over the Public Works Department.

LAW:

Section 1119A of the Code states that no member of the immediate family of an agency head shall be employed in his agency.

Section 1112B(1) of the Code prohibits a public servant, except as provided in Section 1120, from participating in a transaction involving the governmental entity in which, to his actual knowledge, a member of his immediate family has a substantial economic interest.

ANALYSIS:

Since Mr. Dupree's son would not be employed in his agency, the Mayor's office, the son's employment is not prohibited. However, Mr. Dupree should be advised of the prohibition contained in Section 1112B(1) of the Code. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mayor Clarence R. Fields
City of Pineville
P.O. Box 3820
Pineville, Louisiana 71361

Re: Ethics Board Docket No. 2010-225

Dear Mayor Fields:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether the son of Rich Dupree, the Chief of Staff for the City of Pineville, may accept employment in the City of Pineville Public Works Department. You stated that Rich Dupree is the Chief of Staff for the City of Pineville. Mr. Dupree serves as your assistant for the daily operations of the Mayor's office. You stated that Mr. Dupree oversees City Hall Administration. You also stated that Mr. Dupree's son would like to accept employment with the Public Works Department. Mr. Dupree has no authority or supervision over the Public Works Department.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the son of your Chief of Staff, Rich Dupree, from accepting employment with the City of Pineville's Public Works Department. Section 1119A of the Code states that no member of the immediate family of an agency head shall be employed in his agency. However, the Board concluded, and instructed me to inform you, that Section 1112B(1) of the Code would prohibit Mr. Dupree from participating in any employment matters involving his son. Section 1112B(1) of the Code prohibits a public servant, except as provided in Section 1120, from participating in a transaction involving the governmental entity in which, to his actual knowledge, a member of his immediate family has a substantial economic interest.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board



2010-225

2010 FEB 15 AM 11:00
 RECEIVED
 CLERK

Mayor
Clarence R. Fields

City Clerk
Ellen Melancon

February 12, 2010

**La. Ethics Administration Program
P.O. Box 4368
Baton Rouge, LA 70821**

City Council
 Mary Galloway - District 1
 Kevin Dorn - District 2
 Carol VanMol - District 3
 Tom Bouchie - District 4
 Nathan Martin - District 5

RE: Request for an Advisory Opinion

Dear Board Members:

I am seeking an opinion on whether I can hire the son of my Chief of Staff, to work for the City of Pineville.

His position would be in the Public Works Department and not under the supervision of my Chief of Staff, who oversees City Hall Administration. He would in no way ever have to report or respond to his father in our normal chain-of-command.

The Chief of Staff is not an appointed position and serves primarily as my assistant for daily operations of the Mayor's office.

I welcome the opportunity to speak with you in person if more information is needed.

Sincerely,

Mayor Clarence R. Fields

General Item

Ethics Board Docket No. BD 2010-228 04/16/2010

RE: Consideration of a request for an advisory opinion concerning Naomi DeVoe, and employe of the Springs of Recover Adolescent Program performing contractual services for IPH, Inc.

Relevant Statutory Provisions, Advisory Opinions: 1111 and 1112

Comments:

FACTS:

Ms. Naomi DeVoe is employed by the State of Louisiana as a Social Service Counselor at the Springs of Recovery Adolescent Program (SRAP). At SRAP, Ms. DeVoe is responsible for interviewing adolescent clients and their families to obtain social, development, psychological, family and education background. Ms. DeVoe also conducts individual and family group counseling sessions and prepare psychological assessments, treatment plans, discharge summaries and daily notation for the clients. Ms. DeVoe also serves as the primary liaison between SRAP and other state agencies involved in the care and treatment of adolescents. Ms. DeVoe, on a contractual basis, provides group facilitator services for the intensive outpatient group for adults at IPH, Inc. She also serves as the clinical directors who reviews and signs documents and ensures that appropriate legal rules and guidelines are followed.

ISSUE:

May Ms. DeVoe provide the contractual services for IPH, Inc.

LAW:

Section 1111C(10)(a) prohibits a public servant from performing services which are substantially related to the programs and operations of the public servant's agency.

Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a business or financial relationship with the public servants agency.

Section 1112B(2) prohibits a public servant from participating in a transaction involving the governmental entity in which any person in which he has a substantial economic interest of which he may be reasonably expected to know has a substantial economic interest.

ANALYSIS:

Ms. DeVoe is not prohibited from performing services for IPH, Inc., because the services she provides are not substantially related to the programs and operations of her agency. Ms. DeVoe is prohibited from referring patients of SRAP to IPH, Inc. (MDD)

Recommendations: Adopt the proposed advisory opinion.

Date

Ms. Naomi DeVoe MS, LAC
12543 Castle Hill Drive
Baton Rouge, LA 70814

Re: Ethics Board Docket No. 2010-228

Dear Ms. DeVoe:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether you may provide contractual services to IPH, Inc. You stated that you are employed by the State of Louisiana as a Social Service Counselor at the Springs of Recovery Adolescent Program (SRAP). At SRAP, you are responsible for interviewing adolescent clients and their families to obtain social, development, psychological, family and education background. You also conduct individual and family group counseling sessions and prepare psychological assessments, treatment plans, discharge summaries and daily notation for the clients. Finally, you serve as the primary liaison between SRAP and other state agencies involving the care and treatment of adolescents. You also provide, on a contractual basis, group facilitator services for the intensive outpatient group for adults for IPH, Inc. In addition, you serve as the clinical directors who reviews and signs documents and ensures that appropriate legal rules and guidelines are followed.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit your contractual work with IPH, Inc. Section 1111A of the Code prohibits a public servant from receiving any thing of economic value for the performance of his job duties other than the compensation and benefits from the governmental entity to which he is duly entitled. Section 1111C(1)(a) of the Code prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services, which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Section 1111C(2)(d) prohibits a public servant from performing compensated services to a person that has or seeks a business, contractual or financial relationship with the public servant's agency.

Because there is no relationship between IPH and SRAP, and you will not be providing the same services at IPH that you do for SRAP, no violation of Section 1111 is presented by your contractual work for IPH, Inc. Additionally, Section 1112 of the Code would prohibit you from recommending patients at SRAP to IPH, Inc.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

2010-2011

*Naomi DeVoe MS, LAC
12543 Castle Hill Drive
Baton Rouge, LA 70814*

March 2, 2010

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

RE: Ethical Opinion

Attn:

My name is Naomi DeVoe., and I am currently employed with the State of Louisiana at The Springs of Recovery Adolescent Program (TSRAP) as a Social Service Counselor. I've been in this position since January 25, 2010. I am also a contract employee with IPH Inc., in Gonzales and I have been employed there since July 2009. IPH is an outpatient substance abuse facility which provides treatment services for adults in the ATR II system of care. I was informed by Rhonda Jefferson at Office of Addictive Disorders to get an ethical opinion concerning my contract work and being by State of Louisiana.

In my current position at TSRAP, I am responsible for interviewing adolescent clients & their families upon intake to obtain extensive social, developmental, psychological, family, and educational background. I conduct individual, family and group counseling sessions. I also prepare psychosocial assessments, treatment plans, discharge summaries, and daily notations in the client's chart. Another responsibility in my position is to prepare correspondence with community agencies and serves as primary liaison person with all outside agencies such as courts, schools, probation, drug court and other agencies that are involved in the care and treatment of the adolescent.

At IPH Inc., I am the group facilitator for the intensive outpatient group (IOP-3) three nights per week for adults. My primary duties are facilitating group therapy, drug education and preparing documentation. Two weeks ago, IPH's clinical director resigned and I am acting clinical director, until this position is filled. My primary function in this position is reviewing & signing of documentation. I also ensure that the rules and guidelines as set forth by ATR II are followed and I serve as support for the staff regarding clinical issues and client care.

Therefore, I am requesting the Ethics Advisory Board to please review my current job and contract position and provide an opinion that will clarify my role as a State employee. Your assistance in this matter is greatly appreciated.

Respectfully submitted,

Naomi DeVoe MS, LAC

Naomi DeVoe, MS, LAC

2010-3-11-3

General Item

Ethics Board Docket No. BD 2010-229 04/16/2010

RE: Consideration of a request for an advisory opinion concerning the West Baton Rouge Parish Fire Protection members filing financial disclosure reports.

Relevant Statutory Provisions, Advisory Opinions: 1102 and 1124.2.1

Comments:

FACTS:

Pursuant to the authority in LSA-R.S. 40:1503, West Baton Rouge Parish may create the fire district after publication of notice and a public hearing before the parish governing authority. Each municipality in the Parish was required to concur in the creation and boundaries of the district before it could be created.

ISSUE:

Do members of the West Baton Rouge Parish Fire Protection District No. 1 have to file financial disclosure reports:

LAW:

Section 1124.2.1 of the Code was established which requires members of a board or commission who disburse, invest, or expend funds in excess of \$10,000 to file a disclosure statement in accordance with section 1124.2.1 of the Code.

Section 1124.1 of the Code defines the term "boards and commissions" to include each board, commission or like entity created by the constitution, by law, by a political subdivision [except as provided in Subparagraph (b)], or jointly by two or more political subdivisions as a governing authority of a political subdivision, of the state, or of a local government."

Section 1124.2.1D(1)(b) of the Code states that a "board or commission" shall not mean (i) the governing authority of a parish, (ii) any board or commission or like entity that governs a political subdivision created by a single parish governing authority of a parish with a population of two hundred thousand or less, or any subdistrict of such a political subdivision, (iii) the governing authority of a municipality, (iv) any board or commission or like entity that governs a political subdivision created by a single municipal governing authority of a municipality with a population of twenty-five thousand or less, or any subdistrict of such a political subdivision, or (v) a board of directors of a private nonprofit corporation that is not specifically created by law.

Section 1102(11) of the Code defines "governing authority" as the body which exercises the legislative functions of a political subdivision.

Section 1102(17) of the Code defines "political subdivision" as any unit of local government, including a special district, authorized by law to perform governmental functions.

ANALYSIS:

The members of the board of commissioners of the West Baton Rouge Parish Fire District No. 1 must file financial disclosure statements pursuant to 1124.2.1 because the district was created by the Parish and each municipality in the Parish, and it has the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year. (MDD)

Recommendations:

Adopt the proposed advisory opinion.

Date

Mr. Thomas L. "Tommy" Zito
P.O. Box 433
Port Allen, LA 70767

Re: Ethics Board Docket No. 2010-229

Dear Mr. Zito

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether members of the West Baton Rouge Parish Fire District No. 1 are required to file financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics. The West Baton Rouge Fire Protection District No. 1 was created pursuant to the authority in LSA-R.S. 40:1503 after publication of notice and a public hearing before the parish governing authority. Each municipality in the Parish was required to concur in the creation and boundaries of the district before it could be created.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would require the members of the board of commissioners the West Baton Rouge Parish Fire Protection District No. 1 to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code. Section 1124.2.1 of the Code provides that each member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year shall file financial disclosure statements.

Section 1124.2.1D(1)(a) of the Code defines "board or commission" as (I) each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government; or (ii) each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of this Paragraph, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government.

Section 1124.2.1D(1)(b) of the Code states that a "board or commission" shall not mean (i) the governing authority of a parish, (ii) any board or commission or like entity that governs a political subdivision created by a single parish governing authority of a parish with a population of two hundred thousand or less, or any subdistrict of such a political subdivision, (iii) the governing authority of a municipality, (iv) any board or commission or like entity that governs a political subdivision created by a single municipal governing authority of a municipality with a population of twenty-five thousand or less, or any subdistrict of such a political subdivision, or (v) a board of directors of a private nonprofit corporation that is not specifically created by law.

Mr. Thomas Zito

Date

Page -2-

Section 1102(11) of the Code defines "governing authority" as the body which exercises the legislative functions of a political subdivision. Section 1102(17) of the Code defines "political subdivision" as any unit of local government, including a special district, authorized by law to perform governmental functions.

Since the Fire District was created by the concurrence of the Parish Governing Authority and each municipality contained in the district, it qualifies as a "Board or Commission" as defined in Section 1124.2.1D(1)(a).

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

2010-229

2010 FEB 25 PM 5:04



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

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

February 23, 2010

Ms. Kathleen Allen
Ethics Administrator
Board of Ethics for Elected Officials
P.O. Box 4368
Baton Rouge, LA 70821

Dear Ms. Allen:

Enclosed please find correspondence from Mr. Thomas L. Zito, West Baton Rouge Parish Fire District #1, P.O. Box 433, Port Allen, LA 70767. This inquiry involves issues pertinent to the Louisiana Code of Ethics. As this matter is within your jurisdiction, I am forwarding this correspondence to you for your response.

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

Very truly yours,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY:


KENNETH C. DEJEAN
GENERAL COUNSEL

KCD:arg

cc: Mr. Thomas L. Zito

April 2010

General Consent Page 109 of 144

Thomas Zito

2010-229

To:

Honorable James D. "Buddy" Caldwell
Louisiana State Attorney General

Dear Sir , My name is Tommy Zito a resident of West Baton Rouge Parish . I' writing to ask for an opinion on a appointed unpaid Fire district Board .

The Title in which it is under , RS 40:1506 Name being West Baton Rouge Parish Fire District # 1 . My question because we receive no pay and do not interface with vendors of any means, and only are called upon when needed to exercise the stature's as written in order for the fire districts who is asking for new equipment or building and supplies, for which we do not play any part of purchasing or involved in any manner , is it still necessary to file papers to the ethic board . Also from reading the stature could you please tell me the full limits of this stature as written by the legislative officials who pass this bill. We are under the felling of it being and over site board, Please give me your comments.(After we yea or nay the issue as require by the above stature, it then goes on to the Parish Council for approval or rejection) .Thanks for your time in this small concern.

If you have any questions you may contact me at 225-343-4783 H-Office or Mobile 225-321-4964.

Best Regards,

Thomas L. "Tommy" Zito

Thomas L. "Tommy" Zito
P.O.Box 433
Port Allen, La. 70767

RECEIVED

General Item

Ethics Board Docket No. BD 2010-235 04/16/2010

RE:

Consideration of a request for an advisory opinion regarding the propriety of Tim Hebert, an IT Management Supervisor for the LA Department of Revenue, providing services to other state agencies.

Relevant Statutory Provisions, Advisory Opinions:

1111C(1)(a), 1111C(2)(d), 1102(16)

Comments:

FACTS: Tim Hebert is an IT Management Supervisor for the LA Department of Revenue (LDR). His duties include supervising technical support, procurement, budgeting and technology research staff. His duties are in sole support of LDR and do not involve other agencies or organizations. He is requesting an opinion as to whether he can IT consulting services and sell hardware and software to other state entities.

LAW: Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a business or financial relationship with the public servant's agency. Section 1102(16) of the Code defines a person as an individual or legal entity other than a governmental entity. Section 1111C(1)(a) of the Code prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

ANALYSIS: Since Mr. Hebert will not be contracting with a "person" to perform the proposed services, but instead with other state agencies, Section 1111C(2)(d) of the Code will not apply to the above facts. Additionally, as long as Mr. Hebert is not participating in matters involving LDR in which he has participated in as an IT Management Supervisor, there is no violation of the Code if he provides services to other state entities. (AMA)

Recommendations:

Adopt the proposed advisory opinion.

DATE

Mr. Tim Hebert
8848 Norfolk Drive
Baton Rouge, LA 70809

RE: Ethics Board Docket No. 2010-235

Dear Mr. Hebert:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion regarding whether you, as an IT Management Consultant Supervisor for the Louisiana Department of Revenue (LDR) may provide consulting services and provide software and hardware sales to other state entities.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit you from providing services to other state entities. Section 1111C(2)(d) of the Code prohibits a public servant from receiving a thing of economic value from any person who has or is seeking a business or contractual relationship with the public servant's agency. Section 1102(16) of the Code defines a person as an individual or legal entity other than a governmental entity. Because you will not be contracting with a "person" to perform the proposed services, but instead with other public entities, Section 1111C(2)(d) of the Code will not apply to the above facts. If you wish to provide services to persons that are not public entities, then you will need to request an opinion as to the propriety of you providing those services.

Section 1111C(1)(a) of the Code prohibits a public servant from receiving anything of economic value for a service that is devoted substantially to the responsibilities, programs, and operations of the agency of the public servant and in which the public servant has participated. As long as you are not participating in matters involving LDR in which you have participated in as an IT Management Supervisor, there is no violation of the Code if you provide IT services to other state entities.

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

Sincerely,
LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board

2010-235

7/12

Tim Hebert
8848 Norfolk Dr
Baton Rouge, LA 70809
March 3, 2010

Louisiana Ethics Board Program
Advisory Opinion Request
PO Box 4368
Baton Rouge, LA 70821

2010 MAR -3 PM 3:19

RECEIVED
OFFICE
OF THE
ATTORNEY GENERAL

Dear Ethics Board:

I am requesting an opinion with regard to outside employment. I am an IT Management Consultant Supervisor for the Louisiana Department of Revenue (LDR). My duties at LDR consist of supervising technical support, procurement, budgeting, and technology research staff. These duties are in sole support of the LDR, and are not related to any other agencies or organizations.

I have obtained agency approval to perform outside services, as required LDR policy.

I am the sole owner of Timothy Hebert Enterprises, LLC. With this company I perform IT consulting services and provide software and hardware sales.

I am requesting an opinion on the following specific activities with Louisiana state government agencies, universities, and entities – *not to include the LDR*:

1. Sales of IT hardware and software.
2. Advisory services to companies that sale IT hardware, software and services rendered to public entities.
3. Consulting services – technical and IT strategic planning services.

None of these activities will be performed for the LDR.

Sincerely,
Tim Hebert



HAND RECORDED

General Item

Ethics Board Docket No. BD 2010-238 04/16/2010

RE: Consideration of an advisory opinion regarding whether a former member of the Plaquemines Parish Civil Service Commission, Dominick Scandurro, Jr., may volunteer his services and serve as a hearing officer for the Parish.

Relevant Statutory Provisions, Advisory Opinions: 1121B

Comments:

FACTS:

Dominick Scandurro, Jr. has served as a member of the Plaquemines Parish Civil Service Commission for fourteen years. In January 2010, he was replaced. As a member of the Commission, Mr. Scandurro was a hearing officer, provided volunteer informal opinions, and participated in the vote of the Commission. His service on the Commission was voluntary. He received no pay or benefits for his service.

ISSUE:

May Mr. Scandurro on a pro bono basis act as a Hearing officer for the Commission and consult the Commission?

LAW:

Section 1121B of the Code prohibits a former member of a board or commission, for a period of two years following his termination of public service, from contracting, being employed in any capacity, or being appointed to any position by that board or commission. Section 1123 (30) of the code permits a public servant to donate his services to his agency, however, this exception specifically excludes the appointment of a person where it is otherwise prohibited by the Code.

ANALYSIS:

If the Commission appoints Mr. Scandurro to the Hearing Officer position, then Section 1123(30) of the Code does not apply. Thus, Mr. Scandurro is prohibited for a period of two years after his service on the Commission from being appointed as a hearing officer or any position by the Commission. However, Mr. Scandurro may serve as a consultant to the Commission on a pro bono basis. (APB)

Recommendations: Adopt the proposed advisory opinion.

Date

Dominick Scandurro, Jr.
8748 Higheay 23, Suite 3
Belle Chase, LA 70037

RE: Ethics Board Docket No. 2010-238

Dear Mr. Scandurro, Jr.:

The Louisiana Board of Ethics, at its April 16, 2010 Board meeting, considered your request for an advisory opinion regarding whether you, as a former member of the Plaquemines Parish Civil Commission, may provide pro bono consultation and volunteer as a hearing officer. You stated that you served as a member of the Plaquemines Parish Civil Service Commission for fourteen years. Your term ended in January 2010. As a member of the Commission, you were a hearing officer, provided volunteer informal opinions, and participated in the vote of the Commission. Your service on the Commission was voluntary. You received no pay or benefits for your service.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would prohibit you from serving as a hearing officer for the Commission, however, the Code does not prohibit your pro bono consultation. Section 1121B of the Code prohibits a former member of a board or commission, for a period of two years following his termination of public service, from contracting, being employed in any capacity, or being appointed to any position by that board or commission. Section 1123 (30) of the code permits a public servant to donate his services to his agency, however, this exception specifically excludes the appointment of a person where it is otherwise prohibited by the Code. Therefore, if the Commission appoints you to the Hearing Officer position, then Section 1123(30) of the Code does not apply. Thus, you are prohibited for a period of two years after your service on the Commission from being appointed as a hearing officer or any position by the Commission. However, you may serve as a consultant to the Commission on a pro bono basis.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

2010-238

2010 MAR -2 PM 12:24

SCANDURRO & LAYRISSON, L.L.C.

ATTORNEYS AT LAW
8748 HIGHWAY 23, SUITE 3
BELLE CHASSE, LOUISIANA 70037
TELEPHONE (504) 392-3308
FACSIMILE (504) 392-3311
E-MAIL domscan@cmaccess.com

New Orleans Office:
607 St. Charles Avenue
New Orleans, Louisiana 70130
(504) 522-7100
Facsimile (504) 529-6199

Ponchatoula Office:
125 Pine Street
Ponchatoula, Louisiana 70454
(800) 324-0221

DOMINICK SCANDURRO, JR.

DARRYL W. BUBRIG, SR.
OF COUNSEL

March 2, 2010

via fax transmission 225-381-7271
Louisiana Board of Ethics
Attention: Kathleen Allen

re: Plaquemines Parish Civil Service Commission

Dear Ms. Allen:

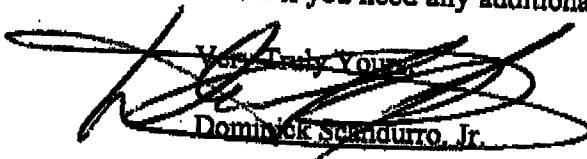
This letter is a follow-up to our telephone conversation of a few weeks ago. I served three terms on the Plaquemines Parish Civil Service Commission which terms totaled 14 years. I was replaced in January of 2010 at the end of a regular term.

During my tenure on the Board, I served as Chairman on three or four occasions for one year terms. When we had Civil Service Hearings I acted as the Hearing Officer but was also acting as a voting member of the Commission. On other occasions I did volunteer opinions as an attorney on particular issues but never rendered formal written opinions. I was never paid for anything that I did in connection with the Civil Service Commission.

The issue has been raised by the Civil Service Director and some members of the Commission on whether or not I would be able to serve as a Hearing Officer in a non-voting capacity for future Civil Service Appeal Hearings. Additionally, the question has been raised as to whether or not I would be able to attend meetings as the Commission's attorney to offer to them consultation and advice in connection with the Commission's routine business.

It is my understanding that a member of a Commission cannot work for that Commission for a period of two years after the termination of their service. The question that we are proposing to the Ethics Commission is whether or not I would be able to act as a Hearing Officer and consult and advise the Commission if I did it on a pro bono basis and received nothing in return either in fees, expenses or any other perks or benefits.

Would you please review this request and let me know if you need any additional information in order to give it proper consideration.


Very Truly Yours,
Dominick Scandurro, Jr.

DSJr/jjs

General Item

Ethics Board Docket No. BD 2010-246 04/16/2010

RE: Consideration of a request for an advisory opinion regarding potential ethics issues regarding several candidates who may be elected to the Town Council for the Town of Merryville.

Relevant Statutory Provisions, Advisory Opinions: 1112, 1120, 1111C(2)(d)

Comments:

FACTS:

Tami Longoria, Sarah Whitehead, Mark Allen, Elton Havens, Teresa Havens and Billie Johnson are all candidates for seats on the Town Council for the Town of Merryville. The Mayor for the Town of Merryville has submitted several questions regarding the election of each of these individuals to the Town Council.

LAW:

Section 1112B(1) of the Code prohibits a public employee from participating in transactions in which a member of their immediate family has a substantial economic interest.

Section 1112B(5) of the Code prohibits a public servant from participating in a transaction in which a person has a substantial economic interest when the person has a contract with or is owed a thing of economic value from the public servant or a company in which he owns in excess of 25% and by virtue of contract or indebtedness can affect the economic interest of the person.

Section 1120 of the Code provides that any elected official, who is required to vote on a matter in violation of Section 1112 of the Code, must recuse himself from voting. The elected official is not prohibited from participating in discussion and debate concerning the matter provided that he verbally discloses the nature of the conflict or potential conflict during his participation in the discussion or debate prior to any vote being taken.

Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a business or financial relationship with the public servant' agency.

Section 1102(20.1) of the Code defines "service" as work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property.

Section 1119A of the Code prohibits a immediate family member of an agency head from being employed in his agency.

Section 1119C of the Code allows the continued employment and normal promotional advancement of an immediate family member if he was employed for more than one year prior to the public employee's immediate family member becoming an agency head.

ANALYSIS:

(1) Tami Longoria is married to the Town of Merryville's Chief of Police. Will Ms. Longoria be allowed to vote and participate on matters involving the Police Department? If elected, Section 1112B(1) of the Code would prohibit Ms. Longoria from participating on any matter in which her husband has a substantial economic interest. However, on matters that do not personally affect her husband's substantial economic interest, she would not be prohibited from voting on or participating in the debate on those matters. Further, if she did need to recuse herself to avoid a Section 1112B(1) violation, as long as Ms. Longoria disclosed that conflict prior to any vote, pursuant to Section 1120 of the Code, Ms. Longoria could participate in the debate of any matter involving her husband.

(2) Sarah Whitehead's mother, Wanda Naquin, is an employee of the Town of Merryville. Will Ms. Naquin be able to continue her employment if Ms. Whitehead is elected and, if so, can Ms. Whitehead vote on any matters involving her mother's employment? As long as Ms. Naquin has been employed with the Town for at least one year prior to Ms. Whitehead's election to the Town Council, Ms. Naquin's continued employment is not prohibited. In addition, as long as Ms. Naquin does not have a personal substantial economic interest in the matters before the Town Council, Ms. Whitehead is not prohibited from voting on or participating in those matters. Otherwise, she would need to recuse herself from the vote pursuant to Section 1120. However, it should be noted that on matters that require recusal, Ms. Whitehead can still participate in the debate as long as she discloses the potential conflict prior to any vote taken.

(3) Mark Allen is the Town's current web designer and maintains the website. Can Mr. Allen continue to maintain the website if he is elected to the Town Council? Additional information has been requested regarding this request.

(4) Elton R. Havens and Teresa Havens are married. The Havens own a building that is leased to XL Bingo, which has a contract with the Town of Merryville. Can married spouses serve on the Town Council together? Can the Havens lease a building to a person that has a contract with the Town Council? The Code of Ethics does not prohibit spouses from serving on a Town Council together. Section 1111C(2)(d) of the Code would prohibit the Havens from leasing a building to a person that has a contractual, financial or other business relationship with their agency. Further, Section 1112B(5) of the Code would prohibit the Havens from participating in any matter before the Town Council involving XL Bingo.

(5) Billie Johnson is the sister-in-law to Ms. Whitehead. It is unclear as to how Ms. Johnson is the sister-in-law to Ms. Whitehead. However, in general, the Code of Ethics does not prohibit immediate family members from serving on the Town Council together. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Honorable Charles E. Hudson, Mayor
Town of Merryville
Post Office Box 607
Merryville, Louisiana 70653

Re: Ethics Board Docket No. 2010-246

Dear Mayor Hudson:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether certain issues would arise if certain individuals were elected to the Town Council of the Town of Merryville. You asked the following specific questions:

(1) You stated that Tami Longoria is married to the Town of Merryville's Chief of Police. You asked whether Ms. Longoria would be allowed to vote and participate on matters involving the Police Department if she was elected to the Merryville Town Council? The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit Ms. Longoria from voting on any matters before the Town Council in which her husband had a substantial economic interest. Section 1112B(1) of the Code prohibits a public servant from participating in matters involving their governmental entity in which a member of their immediate family has a personal substantial economic interest. Section 1102(21) of the Code defines "substantial economic interest" as an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons. However, to avoid a potential violation of Section 1112B(1) of the Code, pursuant to Section 1120 of the Code, Ms. Longoria could recuse herself from the vote. In addition, as long as Ms. Longoria disclosed that conflict prior to any vote taken, Section 1120 of the Code would allow Ms. Longoria to participate in the debate of any matter involving her husband.

(2) You stated that Sarah Whitehead's mother, Wanda Naquin, is an employee of the Town of Merryville. You asked whether Ms. Naquin would be able to continue her employment if Ms. Whitehead is elected and, if so, whether Ms. Whitehead may vote on any matters involving her mother's employment? The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the continued employment of Ms. Naquin with the Town of Merryville as long as Ms. Naquin has been employed with the Town for at least one year prior to Ms. Whitehead's election to the Town Council. Section

Honorable Charles E. Hudson, Mayor
Date
Ethics Board Docket No. 2010-246
Page 2

1119A of the Code prohibits a immediate family member of an agency head from being employed in his agency. Section 1119C of the Code allows the continued employment and normal promotional advancement of an immediate family member if he was employed for more than one year prior to the public employee's immediate family member becoming an agency head.

In addition, the Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit Ms. Whitehead from voting on any matters before the Town Council in which her mother had a substantial economic interest. Section 1112B(1) of the Code prohibits a public servant from participating in matters involving their governmental entity in which a member of their immediate family has a personal substantial economic interest. Section 1102(21) of the Code defines "substantial economic interest" as an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons. However, to avoid a potential violation of Section 1112B(1) of the Code, pursuant to Section 1120 of the Code, Ms. Whitehead could recuse herself from the vote. In addition, as long as Ms. Whitehead disclosed that conflict prior to any vote taken, Section 1120 of the Code would allow Ms. Whitehead to participate in the debate of any matter involving her mother.

(3) You stated that Mark Allen is the Town's current web designer and maintains the website. You stated that the Town has a contract with Easy K. Enterprises. You asked whether Mr. Allen can continue to maintain the website if he is elected to the Town Council? The Board concluded, and instructed me to inform you, that it declined to render an opinion as to this issue absent specific information.

(4) You stated that Elton R. Havens and Teresa Havens are married. You further stated that the Havens own a building that is leased to XL Bingo, which has a contract with the Town of Merryville. You asked whether married spouses can serve on the Town Council together? You also asked whether the Havens can lease a building to a person that has a contract with the Town Council? The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics does not prohibit spouses from serving on a Town Council together. In addition, the Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit the Havens from leasing a building to a person that has or is seeking a contractual, financial or other business relationship with their agency. Section 1111C(2)(d) of the Code would prohibit the Havens from leasing a building to a person that has a contractual, financial or other business relationship with their agency. Section 1102(20.1) of the Code defines "services" as the performance of work, duties,

Honorable Charles E. Hudson, Mayor
Date
Ethics Board Docket No. 2010-246
Page 3

responsibilities, or the leasing, rental or sale of movable or immovable property.

Further, the Board concluded, and instructed me to inform you, that Section 1112B(5) of the Code would prohibit the Havens from participating in any matter before the Town Council involving XL Bingo. Section 1112B(5) of the Code prohibits a public servant from participating in a transaction in which a person has a substantial economic interest when the person has a contract with or is owed a thing of economic value from the public servant or a company in which he owns in excess of 25% and by virtue of contract or indebtedness can affect the economic interest of the person.

(5) You stated that Billie Johnson is the sister-in-law to Ms. Whitehead. You asked whether family members are allowed to serve on the Town Council together. The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit immediate family members from serving on the Town Council together.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board



Town of Merryville

Post Office Box 607
Merryville, LA 70653
Phone: (337) 825-8740

Charles E. Hudson
Mayor

David E. Eaves, Jr.
Mayor Pro-Tem

James Longoria
Chief of Police

February 4, 2010

Council Members:

Cheryl Arnold
David E. Eaves, Jr.
Beaver B. Knighton
Carolyn S. Rhodes
Webb Stark

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

To Whom It May Concern:

My name is Mayor Charles E. Hudson and I am the Mayor for the Town of Merryville. The Town of Merryville is located in Ward 2 of Beauregard Parish and is under the Lawrason Act with a population of less than 5000. Our election for Town Council is March 27, 2010. There are several candidates that we need opinions on in case they are elected so that we will already know how to proceed.

#1) Mrs. Tami Longoria is the Chief of Police's wife. Chief Longoria ran again for the Chief of Police position and ran unopposed. Our questions is would Mrs. Longoria be allowed to vote on anything pertaining to the Police Department (raises, budget, equipment, etc). Will she be allowed to make any comments in regards to the Police Department at the meetings? Should she abstain from all business in regards to the Police Department?

#2) Mrs. Sarah Whitehead's mother, Ms. Wanda Naquin, is an employee of the town. Would Mrs. Whitehead be allowed to make any decisions in regards to the matters pertaining to these employees (raises, equipment, etc.)? Would Ms. Naquin be allowed to continue to work for the Town if her daughter is elected?

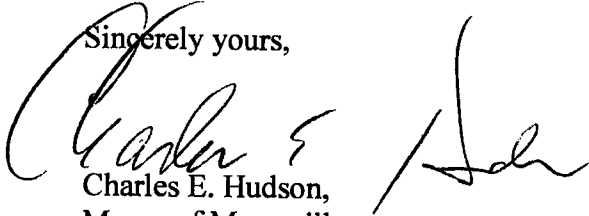
#3) Mr. Mark Allen is the Town's current web designer and maintains our web site. Our contract is with Easy K Enterprises and Mr. Allen signature is on our contract. If he is elected would he still able to maintain our website?

#4) Mr. Elton R. Havens and Mrs. Teresa Havens are married. Can a married couple be on the counsel together? Secondly, Mr. and Mrs. Havens own a building in Merryville. They lease the building to XL Bingo. The Town has a contract with XL Bingo. As of right now the contract is on a year to year basis. The Town receives revenue each month

from XL Bingo. If either one or both are elected, can they vote on any decision in regards to XL Bingo? Would this effect the Towns contract with XL Bingo?

#5) Mrs. Billie Johnson is the sister in law to Mrs. Sarah Whitehead. Are family members allowed to be on the board together?

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Charles E. Hudson".

Charles E. Hudson,
Mayor of Merryville

General Item

Ethics Board Docket No. BD 2010-247 04/16/2010

RE:

Consideration of a request for an advisory opinion regarding whether city units may be refueled at a store owned by a Salvador Mike, Jr., a Captain with Hammond Police Department.

Relevant Statutory Provisions, Advisory Opinions:

1111C(2)(d), 1112A, 1112B(3), 1113A(1)(a)

Comments:

FACTS: Salvador Mike Jr. is a 31 year veteran with the Hammond Police Department where he holds the rank of Captain. He is considering buying a convenience store within Hammond city limits. City employees, including police officers, are allowed to purchase fuel anywhere in the city as long as it is at a self-service pump. The fuel is paid by a city credit card issued to each person authorized to refuel a city vehicle.

ISSUE: Whether city units be refueled at a store owned by a member of the Hammond Police Department.

LAW: Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a contractual, business, or financial relationship with the public servant's agency. Section 1112 prohibits a public from participating in a transaction involving the governmental entity in which, he or any person of which he is an officer, director, trustee, partner, or employee, has a substantial economic interest. Section 1113A(1)(a) prohibits public servants, their immediate family members, or legal entities in which they have a controlling interest, from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

ANALYSIS/CONCLUSION: The Code of Governmental Ethics will prohibit the refueling of patrol units at Captain Mike's convenience store. The refueling of the patrol units would be prohibited transaction as the units are under the supervision and/or jurisdiction of Captain Mike's agency. However, other city cars may be refueled at Captain Mike's store as long as they are not under the supervision of the police department. (DLG)

Recommendations:

Adopt proposed advisory opinion.

April, 2010

Captain Salvador Mike, Jr.
225 Wildwood Drive
Hammond, LA 70401

Re: Ethics Board Docket No. 2010-247

Dear Captain Mike:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion regarding whether city units may be refueled at a store owned by a Salvador Mike, Jr., a Captain with Hammond Police Department. You stated that you are a 31-year veteran with the Hammond Police Department where you hold the rank of Captain. You are considering buying a convenience store within Hammond city limits. City employees, including police officers, are allowed to purchase fuel anywhere in the city as long as it is at a self-service pump. The fuel is paid by a city credit card issued to each person authorized to refuel a city vehicle.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would preclude city units from being refueled at your store. Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking to have a contractual, business, or financial relationship with the public servant's agency. Section 1112 prohibits a public servant from participating in a transaction involving the governmental entity in which, he or any person of which he is an officer, director, trustee, partner, or employee, has a substantial economic interest. Section 1113A(1)(a) prohibits public servants, their immediate family members, or legal entities in which they have a controlling interest, from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant. The refueling of patrol units would be prohibited transactions as the units are under the supervision and/or jurisdiction of your agency (the Police Department). However, other city cars may be refueled at your store as long as these vehicles are not under the supervision of the police department.

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

Sincerely,
LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board

2010-247

Salvador Mike Jr.
225 Wildwood Drive
Hammond, La. 70401

March 2, 2010

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

Dear Sirs,

I am a 31 year veteran with the Hammond Police Department and I currently hold the rank of Captain. I am considering purchasing a convenience store in the city limits of Hammond, La. City employees, including police officers, are allowed to purchase fuel anywhere in the city as long as it is at a self-service pump. The fuel is paid by a city credit card issued to each person authorized to refuel a city vehicle. My question is whether it is a violation for city units to be refueled at the store if I am the owner.

Sincerely,



Salvador Mike Jr.

2010 MAR -3 PM 4:48

RECEIVED
ATTORNEY
GENERAL
OFFICE

General Item

Ethics Board Docket No. BD 2010-250 04/16/2010

RE:

Consideration of a request for an advisory opinion regarding whether Jack Travis, an employee of Office of Risk Management, Loss Prevention section, may teach defensive driving classes for a private company.

Relevant Statutory Provisions, Advisory Opinions:

1111C(1)(a), 1112

Comments:

FACTS: Jack A. Travis, II, is employed in the Division of Administration, Office of Risk Management, Loss Prevention section. He has been a state employee for almost 24 years. During this time, he has taught an array of defensive driving classes to several state agencies. He has been approached by the owners of a new company to teach defensive driving courses in his spare time. The company is in its start-up phase and its prospective name is Blue-Line Driving Academy. The student body will primarily be comprised of high school students. The company has no intention of teaching Louisiana state employees. Also, via phone conversation held on March 26, 2010, Mr. Travis informed me that he may also teach DWI classes. These classes will be open to even state employees, however, the state does not offer a comparable course.

ISSUE: Whether Mr. Travis may teach defensive driving courses for a privately owned company.

LAW: Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

ANALYSIS/CONCLUSION: The Code will not prohibit Mr. Travis from teaching the defensive driving course for the private company. Since these courses will be taught primarily to high school students, persons he does not teach in his state employ, his work will not be substantially related to the programs or operations of his agency. He may also teach the DWI courses as these classes are not offered by the state. However, Section 1112 of the Code will prohibit him from referring anyone in his agency to the private company. (DLG)

Recommendations:

Adopt proposed advisory opinion.

April 19, 2010

Mr. Jack A. Travis, II
17531 Christopher's Crossing
Baton Rouge, La 70817

Re: Ethics Board Docket No. 2010-250

Dear Mr. Travis:

The Louisiana Board of Ethics, at April 15, 2010 meeting, considered your request for an advisory opinion regarding whether you, an employee of the Division of Administration, Office of Risk Management, Loss Prevention section, may teach defensive driving classes for a private company. You stated that you have been a state employee for almost 24 years. During this time, you have taught an array of defensive driving classes for several state agencies. You have been approached by the owners of a new company to teach defensive driving courses in his spare time. The company is in its start-up phase and its prospective name is Blue-Line Driving Academy. The student body will primarily be comprised of high school students. The company has no intention of teaching Louisiana state employees. Also, via phone conversation held on March 26, 2010, you informed me that you may also teach DWI classes. These classes will be open to even state employees, however, the state does not offer a comparable course.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit your employment with Blue-Line Driving Academy. Section 1111C(1)(a) of the Code prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Since the defensive driving courses will be taught primarily to high school students, persons you do not teach in your state employ, your work will not be substantially related to the programs or operations of your agency. You may also teach the DWI courses as these classes are not offered by the state. However, Section 1112 of the Code will prohibit you from referring anyone in his agency to the private company.

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

Sincerely,
LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board

2010-250

2010 MAR -4 PM 3:43

March 4, 2010

Request for Advisory Opinion
From the Louisiana Board of Ethics

LA Board of Ethics Members,

Please consider the following information so you may render an **“Advisory Opinion”** for my circumstances, as they are factually presented:

My name is **Jack A. Travis II**, and I am currently residing in East Baton Rouge Parish @ **17531 Christopher’s Crossing, Baton Rouge, LA. 70817**. My telephone number is **(225) 753-0128**.

I am currently employed by the State of Louisiana, Division of Administration, Office of Risk Management, Loss Prevention section.

I have been a State employee for twenty-three (23) years (24 years in May, 2010). In this capacity, I have taught an *“array”* of different Defensive Driving Classes (National Safety Council, AAA, LA State Police, Valvoline, etc) for approximately the last twenty-two (22) years.

I have been approached by the owners of a new company that is just in the *“start-up”* phases, to **teach some Defensive Driving classes for them**. I have been told that the name of the company will be **“Blue-Line Driving Academy.”** As of this writing, the co-owners are **Lance LeRoux**, and **Cody Wray (228) 383-3210**. They informed me that the students being taught will primarily be **“High School” students**. At this time they have no intentions of ever teaching Louisiana State employees a Defensive Driving Class (most of which, are currently being taught by an *“on-line”* **Defensive Driving Class, free of charge**) to fulfill existing driving requirements.

HAND DELIVERED

Page 2
LA Board of Ethics
Request for Advisory Opinion


I have taught almost every agency in the State of Louisiana at one time or another. From small groups in "field locations," (like a small maintenance unit) to the LA Supreme Court in New Orleans.

I would be teaching this on "*my own spare time*," and in no way would ever interfere with my work for the State of Louisiana. I would relish the opportunity to use my years of teaching experience to reach as many young drivers as possible before they get into "**bad habits**."

Please put this request on the next available agenda/docket. I pray that you render a decision to allow me to teach some of these Defensive Driving Classes for the "Blue-Line Driving Academy" in my own time (after working hours, and/or on weekends).

Thank you for your consideration,

Jack A. Travis II



03/04/10

General Item

Ethics Board Docket No. BD 2010-252 04/16/2010

RE: Consideration of a request for an advisory opinion regarding whether a mechanic shop owned by the son of a former employee of the St. Landry Parish School Board may transact business with the school board.

Relevant Statutory Provisions, Advisory Opinions: 1121B

Comments:

FACTS:

David Bihm is an employee of the St. Landry Parish School Board who will retire on March 26, 2010. Mr. Bihm's son is planning on opening a mechanic shop. Mr. Bihm will not be affiliated with his son's mechanic shop.

ISSUE:

Can Mr. Bihm's son's mechanic shop transact business with the St. Landry Parish School Board after Mr. Bihm's retirement? Yes.

Are there any restrictions on Mr. Bihm following his retirement? Yes.

LAW:

For the two year period subsequent to the termination of his employment with the agency, Section 1121B of the Code prohibits a former public employee from rendering, on a contractual basis to or for the agency with which he was formerly employed, any service which such former public employee had rendered to the agency during the term of his public employment.

Section 1121B also 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.

ANALYSIS:

The post-employment restrictions do not apply to Mr. Bihm's son. Therefore, the mechanic shop is not prohibited from transacting business with the St. Landry Parish School Board following Mr. Bihm's retirement. Mr. Bihm will be prohibited, for a period of two years following his retirement, from assisting his son's mechanic shop in transactions involving the school board if it was a transaction in which he participated while employed with the school board. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. David Bihm
162 Midway Lane
Opelousas, Louisiana 70570

Re: Ethics Board Docket No. 2010-252

Dear Mr. Bihm:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether a mechanic shop owned by your son may transact business with the St. Landry Parish School Board after your retirement as an employee with the St. Landry Parish School Board.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit your son's mechanic shop from transacting business with the St. Landry Parish School Board after your retirement as an employee with the school board. Section 1121B of the Code prohibits a former public employee, for the two year period subsequent to the termination of his employment with the agency, from rendering, on a contractual basis to or for the agency with which he was formerly employed, any service which such former public employee had rendered to the agency during the term of his public employment. Section 1121B also 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. Since your son is not a former public servant, the post employment restrictions contained in Section 1121B of the Code are not applicable to him or his company.

However, the Board concluded, and instructed me to inform you, that Section 1121B of the Code would prohibit you, for the two years following the termination of your employment from the school board, from assisting your son's mechanic shop in any transaction involving your department and in which you participated while employed with the school board.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

February 26, 2010

REGISTRATION
CANCELLATION
RECEIVED

2010 MAR -2 AM 9:45

To The Board of Ethics

My name is David Bihm. I work for the St. Landry Parish School Board. I will retire March 26, 2010. My son is planning to open a mechanic shop in April. I will not be affiliated with his shop in any kind of way.

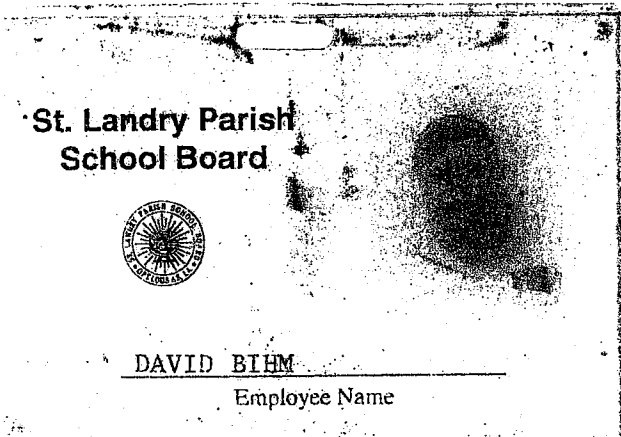
My question is, will he be allowed to work on School Board equipment after I retire?

Also, is there a waiting period after I retire?

Thanks,



David Bihm



General Item
Ethics Board Docket No. BD 2010-253
04/16/2010

RE: Consideration of a request for an advisory opinion regarding whether the members of the Medical Care Advisory Committee are subject to the Code of Governmental Ethics.

Relevant Statutory Provisions, Advisory Opinions: 1102(16), 1102(19), 1112, 1120.4

Comments:

FACTS:

The Medical Care Advisory Committee (Committee) was established pursuant to Code of Federal Regulation 42 CFR 431.12. The Federal Regulation requires states to create the Committee and lists those individuals who must be included on the Committee. The purpose of the Committee is to advise the Louisiana Department of Health and Hospitals (Department) about health and medical care services. The Committee of the Department improves and maintains the quality of the State's Medicaid Program by contributing specialized knowledge and experience to the Medicaid Program, and provides a two-way channel of communication with the individuals, organizations and institutions in the community that, in conjunction with the Department, receive, provide, and/or pay for medical care and services. The members are appointed by the Department's director or a higher state authority. The Committee participates in policy development and program administration. The Committee receives staff assistance from the Department and independent technical assistance. Fifty percent of the Committee's expenditures are handled by federal financial participation.

ISSUE: Are the members of the Committee subject to the Code and if so, may those members recuse themselves from providing advice that would put them in violation of the Code?

LAW:

Section 1102 (19) of the Code provides that a public servant is a public employee or elected official. Section 1102(16) defines a public employee as anyone compensated or not who is engaged in the performance of a governmental function or under the supervision of another employee of the governmental entity. Section 1112 prohibits a public servant from participating in a transaction involving his governmental entity in which he, an immediate family member, or any person of which he has an existing contract or is an employee of has an economic interest. Section 1120.4 of the Code provides that any appointed member of a board or commission, who is required to vote on a matter in violation of Section 1112 of the Code, must recuse himself from voting. The member is prohibited from participating in the discussion and debate concerning the matter.

ANALYSIS:

The facts provide that the Committee improves and maintains the quality of the State's Medicaid Program and participates in the policy development and Medicaid program administration. Its

members are appointed by the Department's Director or a higher state authority and it receives staff assistance from the Department. Based on these facts, it is clear that the Committee is engaged in the performance of a governmental function of the Department of Health and Hospitals and operates under the supervision of employees of a governmental entity, that entity being the Department of Health and Hospitals. Thus, the members of the Committee are public employees and as such, subject to the Code of Governmental Ethics. Section 1112 would prohibit the members of the Committee from participating in the vote or discussion of matters in which the member, an immediate family member, or employer has a economic interest. Section 1120 permits the members to recuse themselves from such discussions. (APB)

Recommendations: Adopt the proposed advisory opinion.

Date

Stephen Russo, Executive Counsel
Department of Health and Hospitals
P.O. Box 3836
Baton Rouge, LA 70821-3836

RE: Ethics Board Docket No. 2010-253

Dear Mr. Russo.:

The Louisiana Board of Ethics, at its April 16, 2010 Board meeting, considered your request for an advisory opinion regarding whether members of the Medical Care Advisory Committee are subject to the Code of Governmental Ethics, and if so, may the members recuse themselves from providing advice on matters that violate the Code. You stated that the Medical Care Advisory Committee (Committee) was established pursuant to Code of Federal Regulation 42 CFR 431.12. The Federal Regulation establishes the Committee and lists those individuals who must be included on the Committee. The purpose of the Committee is to advise the Louisiana Department of Health and Hospitals (Department) about health and medical care services. The Committee of the Department improves and maintains the quality of the State's Medicaid Program by contributing specialized knowledge and experience to the Medicaid Program, and provides a two-way channel of communication with the individuals, organizations and institutions in the community that, in conjunction with the Department, receive, provide, and/or pay for medical care and services. The members are appointed by the Department's director or a higher state authority. The Committee participates in policy development and program administration. The Committee receives staff assistance from the Department and independent technical assistance. Fifty percent of the Committee's expenditures are handled by federal financial participation.

The Board concluded, and instructed me to advise you, that the members of the Committee are subject to the Code of Governmental Ethics, and as such, those members are prohibited from participating in giving advice on matters in which the member, a member of his immediate family, or an employer has a substantial economic interest. Section 1102 (19) of the Code provides that a public servant is a public employee or elected official. Section 1102(16) defines a public employee as anyone compensated or not who is engaged in the performance of a governmental function or under the supervision of another employee of the governmental entity. Section 1112 prohibits a public servant from participating in a transaction involving his governmental entity in which he, an immediate family member, or any person of which he has an existing contract or is an employee of has an economic interest. Section 1120.4 of the Code provides that any appointed member of a board or commission, who is required to vote on a matter in violation of Section 1112 of the Code,

must recuse himself from voting. The member is prohibited from participating in the discussion and debate concerning the matter.

The facts provide that the Committee improves and maintains the quality of the State's Medicaid Program and participates in the policy development and Medicaid program administration. Its members are appointed by the Department's Director or a higher state authority and it receives staff assistance from the Department. Based on these facts, it is clear that the Committee is engaged in the performance of a governmental function of the Department of Health and Hospitals and operates under the supervision of employees of a governmental entity, that entity being the Department of Health and Hospitals. Thus, the members of the Committee are public employees and as such, subject to the Code of Governmental Ethics. Section 1112 would prohibit the members of the Committee from participating in the vote or discussion of matters in which the member, an immediate family member, or employer has a substantial economic interest. Section 1120 permits the members to recuse themselves from such discussions.

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

April 2010

General Counsel of 44

Bobby Jindal
GOVERNOR

Alan Levin
SECRETARY



State of Louisiana
Department of Health and Hospitals
Bureau of Legal Services

2010-253

2010 MAR -5 PM 1:30

March 5, 2010

Ms. Kathleen Allen
Ethics Administrator
Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

RE: Request for an Advisory Opinion

Dear Ms. Allen:

This is to request an advisory opinion from the Board of Ethics as to whether the Code of Governmental Ethics applies to members of the Medical Care Advisory Committee established pursuant to Code of Federal Regulation 42 CFR 431.12. If the Board finds that the Code of Governmental Ethics does apply to this Committee, is it possible for the committee members to recuse themselves from providing advice on any matters which would put them in violation of the Code of Governmental Ethics.

42 CFR 431.12 establishes the Medical Care Advisory Committee and those individuals who must be included on the Committee. The purpose of the Committee is to advise the Medicaid agency about health and medical care services. The Committee must have opportunity for participation in policy development and program administration.

As the Department is unsure if Code of Governmental Ethics applies to this Committee and if it does, whether any member of the Committee could recuse themselves from providing advice that would put them in violation of the Code, we are seeking your assistance in this matter.

If you require further information, please contact Kim Sullivan, DHH Attorney 4 (225-342-1100) at your convenience. Thank you for your consideration of this request.

With kind personal regards, I am

Sincerely,

Stephen Russo
DHH Executive Counsel

Cc: Frank Perez

42 Code of Federal Regulations (CFR)

Part 431-State Administration

Subpart A-Single State Medicaid Agency

42 CFR 431.12 § 431.12 Medical care advisory committee.

(a) Basis and purpose. This section, based on section 1902(a)(4) of the Act, prescribes State plan requirements for establishment of a committee to advise the Medicaid agency about health and medical care services.

(b) State plan requirement. A State plan must provide for a medical care advisory committee meeting the requirements of this section to advise the Medicaid agency director about health and medical care services.

(c) Appointment of members. The agency director, or a higher State authority, must appoint members to the advisory committee on a rotating and continuous basis.

(d) Committee membership. The committee must include -

(1) Board-certified physicians and other representatives of the health professions who are familiar with the medical needs of low-income population groups and with the resources available and required for their care;

(2) Members of consumers' groups, including Medicaid recipients, and consumer organizations such as labor unions, cooperatives, consumer-sponsored prepaid group practice plans, and others; and

(3) The director of the public welfare department or the public health department, whichever does not head the Medicaid agency.

(e) Committee participation. The committee must have opportunity for participation in policy development and program administration, including furthering the participation of recipient members in the agency program.

(f) Committee staff assistance and financial help. The agency must provide the committee with -

(1) Staff assistance from the agency and independent technical assistance as needed to enable it to make effective recommendations; and

(2) Financial arrangements, if necessary, to make possible the participation of recipient members.

(g) Federal financial participation. FFP is available at 50 percent in expenditures for the committee's activities.

Medical Care Advisory Committee (MCAC)

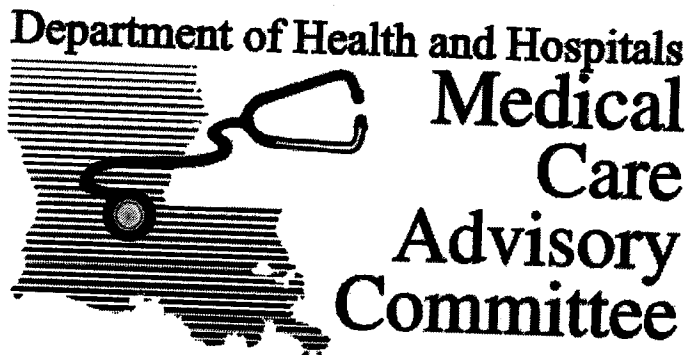
LOUISIANA DEPARTMENT OF HEALTH AND HOSPITAL
Alan Levine, Secretary

NAME	TITLE/ORGANIZATION/AFFILIATIONS	PRACTICE AREA/PROVIDER GROUP	E-MAIL
1 Michael Fleming, M.D., FAAFP MCAC Chairman	President, Louisiana Health Care Quality Forum	Family Medicine	mffleming@amedisys.com
2 Virginia Singleton Alfred, M.D.	Women's and Children's Hospital, Lafayette	OB-GYN	alfvsa@bellsouth.net
3 Ronald Andrews, M.D.	Co-Owner, Pediatric and Internal Medicine Associates	Other	ramd02@aol.com
4 Coletta Barrett	Vice President of Mission, Our Lady of the Lake Regional Medical Center	Other	coletta.barrett@ololrnc.com
5 Ed Carlson	Executive Director, Odyssey House Louisiana	Other	ecarlson@ohlinc.org
6 Denise Danna, DNS, RN	President, Louisiana State Nurses Association Assistant Professor of Nursing, LSU Health Sciences Center	Nursing	ddanna@cox.net
7 Mary Maitland DeLand, M.D.	President, CEO and Owner, Oncologics, Inc. Therapeutic Radiologist, LSU Central Clinic Romagusa Radiation Oncology Board Member, Tulane Cancer Center Community Advisory Board Member, Breastcancer.org Professional Advisory Board	Other	ddeland@oncologics.net
8 Karen DeSalvo, M.D., MPH, MSc	C. Thorpe Ray Chair in Internal Medicine Chief, General Internal Medicine and Geriatrics Vice Dean, Community Affairs Professor of Medicine Tulane University	LHCQF	kdesalv@tulane.edu
8 Gil Dupre	CEO, Louisiana Association of Health Plans	Health Plan	gildupre@lahp.net
9 Ruth Fontenot	Director of Operations, Alzheimer's Association	Consumer	ruth.fontenot@alz.org
10 Stewart Gordon, M.D.	President, American Academy of Pediatrics, Louisiana Chapter	Pediatrics	sgordo1@lsuhsc.edu sgordon@aap.net
11 Craig Green, M.D.	Orthopaedic Trauma Surgeon, Baton Rouge Orthopaedic Clinic	Surgery	ccgreene@brortho.com
12 Johnnie Hunt, D.D.S.	Pediatric Dental Specialists of Baton Rouge	Dental	JohnnieHuntDDS@cox.net
13 Rhonda Litt	Executive Director, Louisiana Primary Care Association	FQHC	rhonda@lpcanet.net
14 Marty McKay	Owner, Pearson Drugs Board Member, Louisiana Independent Pharmacists Association	Pharmacy	mmckaypd@bellsouth.net

15	Teddy Ray Price	<i>President, Central Management Companies</i>	Nursing Home	trp@centralmanagement.com
16	Teddy Ray Price	<i>President, Central Management Companies</i>	Nursing Home	trp@centralmanagement.com
17	Keith Ramsey, M.D.	<i>Medical Director, Iberia Comprehensive Community Health Center</i>	Family Medicine	kramseymd@hotmail.com kramseymd@icchc.org
18	Katharine C. Rathbun, M.D., MPH	<i>Medical Director, Concentra Medical Center</i>	Other	dr-kate@dr-kate.com
19	Paul Salles	<i>Executive Vice President, Louisiana Hospital Association</i>	Other	psalles@mhcno.org
20	James "Jimmy" Sandifer	<i>Secretary, Louisiana Board of Optometry Examiners</i>	Allied Health	jsboe@yahoo.com
21	Fayez Shamleh, M.D.	<i>Neuro Associates</i>	Neurology	fks45@aol.com
22	Roxanne Townsend, M.D.	<i>Interim CEO, LSU Hospitals</i>	Other	townsend@lsu.edu
23	Dawn Rube Vick, M.D.	<i>The Pediatric Clinic</i>	Pediatrics	dawn.vick@cox.net
24	Linda Welch	<i>Executive Director, Louisiana Rural Hospital Coalition</i>	Other	larhc@aol.com
25	25 Stephen Wright	<i>CEO, CHRISTUS St. Francis Cabrini Hospital</i>	Hospital	stephen.wright@christushealth.org

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The purpose of this Committee of the Department is to improve and maintain the quality of the State's Medicaid Program by contributing specialized knowledge and experience to that available within the Medicaid Program, and providing a two-way channel of communication with the individuals, organizations and institutions in the community that, with the Department of Health and Hospitals, receive, provide, and/or pay for medical care and services. This is not be a policy making board. The Committee's functions are advisory only. The Medical Care Advisory Committee is mandated in accordance with section 431.12, Title 42, Code of Federal Regulations, based on section 1902(a)(4) of the Social Security Act.

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General Item

Ethics Board Docket No. BD 2010-264 04/16/2010

RE:

Consideration of a request for an advisory opinion regarding whether the Superintendent for the Red River Parish School Board must file a personal financial disclosure statement as the liaison for the Sales Tax Agency and Tourist Commission.

Relevant Statutory Provisions, Advisory Opinions:

1124.2.1

Comments:

FACTS:

The Superintendent for the Red River Parish School Board serves as the liaison for the Sales Tax Agency and Tourist Commission.

LAW:

Section 1124.2.1 requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year.

ANALYSIS:

Section 1124.2.1 of the Code only requires a designee of a board member to file a personal financial disclosure statement if that board is required to file, not a liaison. (TKM)

Recommendations:

Adopt proposed advisory opinion.

Date

Mr. Jerry W. Carlisle
Ethics Liaison
Red River Parish School Board
P.O. Box 1369
Coushatta, Louisiana 71019

Re: Ethics Board Docket No. 2010-264

Dear Mr. Carlisle:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether the Superintendent for the Red River Parish School Board must file a personal financial disclosure statement in her position as the liaison between the school board and the Sales Tax Agency and Tourist Commission.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not require the Superintendent for the Red River Parish School Board to file a personal financial disclosure statement in her position as the liaison between the school board and the Sales Tax Agency and Tourist Commission. Section 1124.2.1 of the Code requires certain appointed members of boards and commissions and designees to file annual personal financial disclosure statements that have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year. Since the statute does not require liaisons, but only designees, the Superintendent is not required to file in her position as the liaison between the school board and the Sales Tax Agency and Tourist Commission.

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

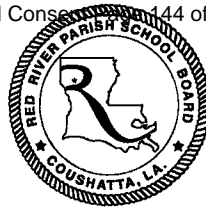
Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

LETTERS OF INFORMATION
CAMPAIGN FINANCE
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MAR 25 AM 11:13



Red River Parish School Board

*P. O. Box 1369
Coushatta, Louisiana 71019*

Kay J. Eastley
Superintendent

Richard Cannon
Board President

Richard Cannon - President
P.O. Box 1269
Coushatta, LA 71019
District 2

Cleve Miller - Vice President
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7306 Highway 71
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Karen Womack
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District 3

Kasandria W. White
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District 5

Valerie Cox
P.O. Box 1292
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District 6

J. B. McElwee
905 Maple Street
Coushatta, LA 71019
District 7

March 22, 2010

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

Is the Red River Parish School Board Superintendent, serving as the liaison for the Board to the Sales Tax Agency and Tourist Commission, required to file a financial disclosure form? If yes, what form is s/he required to use?

Jerry W. Carlisle
Red River Parish School Board, Ethics Liaison