

# *Ethics Quarterly*

*Selected Opinions of the Louisiana Board of Ethics*

April 2006

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## ETHICS

### PROHIBITED TRANSACTIONS

Bill Bollier, director of Jackson Parish's Ambulance Service District, violated Section 1113A of the Code of Governmental Ethics by providing compensated EMS certification and re-certification services on a contractual basis to the Ambulance Service District while he was its director. A penalty of \$1,000 was assessed against Mr. Bollier, but it was suspended based on his future compliance with the Code. §1113A **No. 2003-802**

Jeffrey Kelly, the brother-in-law of Hessmer Alderwoman Susan Jeansonne, violated Section 1113A when he received payment from the Village of Hessmer for the cost of materials he used to landscape the Village's walking track while his sister-in-law was a member of the Hessmer Board of Aldermen. The spouses of a public servant's siblings are included in the Ethics Code's definition of "immediate family." A penalty of \$500 was levied against Mr. Kelly, but it was suspended based on his future compliance with the Code. §1113A **No. 2004-806**

Courtney Communications, Inc., a company owned by the husband of Beth Courtney, Executive Director of Louisiana Public Broadcasting, violated Section 1113A of the Code by performing compensated services for John Camp Productions, Inc., at a time when John Camp Productions had contracts with the Foundation for Excellence in Louisiana Public Broadcasting and while those contracts were under the supervision of the staff of Louisiana Education Television Authority (LETA). Courtney Communications also violated Section 1113A by renting building space and equipment from LETA while Mrs. Courtney served as the Executive Director of LPB. Courtney Communications violated Section 1111C(2)(d) of the Code by receiving payments for the provision of services to John Camp Productions while the latter company had contracts with the Foundation for Excellence in Louisiana Public Broadcasting, which was determined to be a part of Mrs. Courtney's agency. Beth Courtney violated Section 1111C(2)(d) by virtue of her receipt of a thing of economic value derived from the services Courtney Communications provided to John

Camp Productions pursuant to contracts with the Foundation which were under the supervision of her agency. A joint penalty of \$10,000 was assessed against Beth Courtney and Courtney Communications. §1111C(2)(d); §1113A **No. 2005-010**

Mayor Jim Shapko of the City of Leesville violated Section 1113A of the Code by doing business with the City of Leesville through his company, West Louisiana Ice Service. A penalty of \$2,000 was assessed against Mayor Shapko. §1113A **No. 2005-176**

The Gary Matte Home Center, a business owned by the daughter and son-in-law of Cynthia Matte, the Town of Church Point's Court Clerk, violated Section 1113A of the Code when it sold paint and other supplies to the Town of Church Point while Cynthia Matte served as the court clerk. A penalty of \$500 was levied against the Gary Matte Home Center, of which \$250 was suspended based on the business' future compliance with the Code. §1113A **No. 2005-362**

The brother of the Mayor of Cottonport is prohibited from working for the Cottonport Police Department, since the Police Department is under the supervision and jurisdiction of the Cottonport Town Council, which is part of the Mayor's agency as defined by the Code. §1113A **No. 2005-604**

A company owned by the chief civil deputy for the Tangipahoa Parish Sheriff's Office is prohibited from maintaining a contract with the Sheriff's Office to provide notarial services since the contract is under the supervision or jurisdiction of the deputy's agency. §1113A **No. 2005-717**

Two members of the Board of Commissioners for West Feliciana Parish's Fire Protection District #1 may not receive additional compensation for their services to the District as "fire district officers." Such a transaction is prohibited because it falls under the supervision or jurisdiction of their agency, the District's Board of Commissioners. §1113B **No. 2005-751**

A co-owner of a company which sells beer to a golf course owned by the Baton Rouge Recreation and Parks Commission (BREC) can be appointed to the Commission

by the East Baton Rouge Metro Council. However, if he is appointed to BREC, his company can no longer sell beer to the golf course. §1113B **No. 2006-021**

## **PARTICIPATION**

Cherise Gougisha, a member of the Maringouin Town Council, violated Section 1112B(3) of the Code by signing checks on behalf of the Town of Maringouin which withdrew funds from accounts maintained at Iberville Trust and Savings Bank while Ms. Gougisha was a branch manager for that bank. A penalty of \$200 was assessed against Ms. Gougisha. §1112B(3) **No. 2003-658**

Mitchell Ardoin, a member of the Evangeline Parish Police Jury, violated Sections 1112A and 1113A of the Code by offering and voting on a motion to appoint himself to the board of commissioners of the Duralde Gravity Drainage District No. 4, and by accepting said appointment from the Police Jury. A penalty of \$500 was assessed against Mr. Ardoin, and he resigned from the Gravity Drainage Board. §1112A; §1113A **No. 2004-868**

Lori Burgess, a member of the East Baton Rouge Metropolitan Council, violated Section 1112 of the Code by voting, in her capacity as a Metro Councilperson, for her appointment to the position of Mayor Pro-Tempore. The appointment would have resulted in \$1,500 in additional compensation per month for the Council member. §1112A **No. 2005-245**

A billing clerk for the Town of Harrisonburg is prohibited from participating in personnel matters involving her husband, who works for the Town as a meter reader. However, Section 1112C of the Code allows for a disqualification plan to be prepared, subject to the approval of the Board, which would completely remove the billing clerk from any responsibility in personnel matters concerning her spouse. §1112B; §1112C **No. 2005-699**

## **NEPOTISM**

A violation of Section 1119B(1) of the Code occurred when Joy Nelson, the daughter of Pointe Coupee School Board member Thomas Nelson, was promoted to an assistant principal post by the School Board. Pursuant to an exception in the Code, immediate family members of persons serving on school boards may be hired by those school systems to serve as certified teachers; however, Ms. Nelson's promotion changed her status from certified teacher to assistant principal, and therefore, the exception no longer applied to allow her employment by the School Board. A joint penalty of \$1,000 was levied against Thomas and Joy Nelson, but

\$500 of it was suspended based on their future compliance with the Ethics Code. §1112B(1); §1119B(1) **No. 2004-421**

A clinical social worker for Shreveport Mental Health Center may continue to be employed by the Center following her recent marriage to the Center's director since she worked at the Center for at least one year prior to her marriage. However, she may not work on her husband's "treatment team" while she is employed at the Center. §1112; §1119 **No. 2005-692**

The daughter of a physician who sits on the board of Beauregard Parish's Hospital Service District No. 2 may be employed by Beauregard Parish Hospital as an occupational therapist as long as she is the only qualified applicant who has applied for the position after it has been advertised for at least thirty days in the official journal of Beauregard Parish and in all newspapers of general circulation in the parish. If the daughter accepts the job, her parent must file an annual Hospital Service District Disclosure Statement with the Board of Ethics no later than January 30th of each year. §1113; §1119B(2)(l) **No. 2005-720**

## **OUTSIDE SERVICES & ACTIVITIES**

The Southern Electric Corporation violated Section 1117 of the Code by paying Robert Coleman, a councilman for the Town of Cotton Valley, to reconnect water lines in Cotton Valley at a time when Mr. Coleman was prohibited by Section 1111C(2)(d) of the Code from receiving such payments because Southern Electric had a contract with the Town of Cotton Valley. Mr. Coleman violated Section 1111C(2)(d) by accepting those payments. Penalties of \$5,000 were assessed against Southern Electric and Mr. Coleman, and \$2,500 of each was suspended based on their future compliance with the Code. §1111C(2)(d); §1113; §1117 **No. 2004-724**

Rick Fontenot, alderman for the Town of Mamou, violated Section 1111C(2)(d) of the Code by virtue of his receipt of income derived from his wife's compensated services to Savoy Medical Center while the Medical Center had a contractual relationship with the Town of Mamou, Alderman Fontenot's agency. A penalty of \$1,000 was assessed against Mr. Fontenot, and he resigned from the Mamou Board of Aldermen. §1111C(2)(d) **No. 2004-757**

Charles "Chuck" Fowler, a member of the Alexandria City Council, violated 1111C(2)(d) of the Code by receiving compensation from CLECO for printing services performed by his company, Fowlco, at a time when CLECO had contractual relationships with the City of Alexandria. CLECO violated Section 1117 by making these payments to Fowlco. Both Mr. Fowler and CLECO were assessed penalties of \$2,500. §1111C(2)(d); §1117 **No. 2005-189**

A compliance officer for the Louisiana Board of Pharmacy is prohibited from working part-time in a pharmacy which is not in his assigned region, since the Pharmacy Board regulates the operations and activities of all pharmacies in the state. §1111C(2)(d) **No. 2005-742**

## **PROHIBITED INCOME**

Lambert Boissiere, III, a constable for the New Orleans City Court, violated Section 1111A(1) of the Code by accepting salary advances. A penalty of \$1,000 was imposed on Mr. Boissiere. §1111A(1) **No. 2004-941**

Captain Scott Toups, Assistant Police Chief for the City of Thibodaux, violated Section 1111A of the Code by using his patrol vehicle and City-issued Fuelman card for his personal use. A penalty of \$100 was assessed against Captain Toups. §1111A **No. 2005-071**

A guidance counselor for the Lafayette Parish School System may become a provider for the Office of Community Services through her private practice, as long as she does not treat the same clients she sees through her public employment with the School System. However, the guidance counselor is prohibited by Section 1112 from referring students from her school to her private practice. §1111A; §1112 **No. 2005-685**

## **GIFTS**

Employees of the Hammond Developmental Center may not accept gifts from a nonprofit organization affiliated with the Developmental Center. §1111A **No. 2005-735**

A private entity cannot pay the travel expenses associated with a trip by the Washington Parish President to the University of Georgia for a speech on the Parish President's experiences in dealing with hurricane recovery efforts. However, payment of the travel expenses by another governmental entity, such as the University of Georgia, or an unconditional donation to the Parish President's agency is not prohibited. §1111A(1) **No. 2005-748**

Employees of the Department of Wildlife and Fisheries can accept "weekend getaway packages" donated by different types of businesses for distribution by the Department, as long as the donations are not made by persons defined as prohibited sources according to Section 1115 of the Code: persons who have or are seeking contractual, business, or financial relationships with the employees' agency; those who conduct activities which are regulated by the employees' agency; and persons who have a substantial economic interest that can be substantially affected by the performance or

nonperformance of the employees' duties. §1115 **No. 2005-782**

A member of the Department of Wildlife and Fisheries Commission who also works for Star Service, Inc. cannot accept invitations to hunt from private customers of Star Service who have business, contractual, or other financial relationships with Wildlife and Fisheries. §1115 **No. 2006-030**

## **POST EMPLOYMENT**

John Dixon, a member of the board of commissioners for the West Calcasieu Port, Harbor, and Terminal District, violated Sections 1113B and 1121A(2) of the Code when he was appointed to serve as the port director for the District and by continuing to serve in that capacity after his resignation from the District's board. Mr. Dixon was assessed a penalty of \$1,000. §1113B; §1121A(2) **No. 2005-070**

A former employee of the Department of Transportation and Development (DOTD) may not, for a period of two years following the termination of her public service, enter into a contract with the DOTD to provide training for a New Orleans-area business office, since she provided similar services to that office during the course of her public employment. §1121A **No. 2006-068**

A former manager for DOTD's District 61 may not work on a DOTD project in District 61 for two years following the termination of his public employment, since he was the agency head of District 61. However, he may work on DOTD projects in other districts, so long as he or anyone under his supervision did not participate in such projects at any time during his public employment. §1121A(1); §1121B **No. 2006-071**

## **UNIQUE CIRCUMSTANCES**

No Ethics Code issues are presented if the technology director for the Lafayette Parish Public School System purchases the residence of a Dell sales representative who is assigned to the School System, provided the purchase of the home is at fair market value. **No. 2005-725**

No violations of the Code are presented if the Shaw Group performs repair work on the Louisiana Superdome even though a former lobbyist for the Shaw Group serves on the Louisiana Stadium and Exposition District Board. §1111C(2)(d); §1117 **No. 2005-737**

A constable for the Town of Carencro may open a bonding company in Carencro since the business would not be related to his duties as a constable and would not be involved in any transactions between the constable's office and the local justice of the peace. **No. 2005-755**

A provider for the Office of Community Services may become a foster parent and may adopt a foster child since she does not currently counsel the child, nor will she do so in the future if she is assigned as the child's foster parent. **No. 2005-790**

## CAMPAIGN FINANCE

Members of the board of commissioners for a hospital service district may endorse a bond issue in a proposition election; however, if they spend more than \$200 in connection with their endorsement, they are required to file reports pursuant to the Campaign Finance Disclosure Act. LSA R.S. 18:1486 **No. 2005-763**

## LOBBYING

The educational practices of pharmaceutical and biotechnology representatives directed toward physicians and other health care professionals practicing or affiliated with public hospitals, which are conducted in order to inform practitioners about risks and benefits associated with specific drugs, are considered "lobbying." Employees of the pharmaceutical industry who make expenditures of more than \$500 in this vein are required to register as lobbyists within five days of making such expenditures. Also, taking action to get a drug placed on a formulary list is considered lobbying, as this requires executive branch officials to take actions spelled out by their official duties. Finally, the Board ruled that drug samples are a "thing of economic value," and that as long as pharmaceutical representatives give drug samples to physicians working for the state or any of its subdivisions for the specific use of their patients at public hospitals and clinics, state-employed physicians are not barred from receiving drug samples. §1111A(1); §1115; LSA R.S. 49:72; LSA R.S. 49:73 **No. 2005-560**

## ADDITIONAL INFORMATION

If you would like to schedule a **free** seminar about the Code of Governmental Ethics, the Campaign Finance Disclosure Act, or the Lobbyist Disclosure Act, please contact Melissa M. McConnell at (225) 763-8777 or 1-800-842-6630.

If you would like to request an advisory opinion from the Board of Ethics, regarding a particular ethical concern you may encounter, send your request, signed and in writing, to the Louisiana State Board of Ethics, 2415 Quail Drive, Third Floor, Baton Rouge, Louisiana, 70808.

If you know any public official, employee, or agency that would be interested in receiving copies of this newsletter on a quarterly basis, please have them contact our office so that they may be included on our newsletter mailing list.

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### REMINDERS

#### 1114 Disclosure Statements

Public servants and members of their immediate family are required to file financial disclosure statements by **May 1, 2006** if the following described things of economic value were received in 2005. The forms may be downloaded on the Board's website at [www.ethics.state.la.us](http://www.ethics.state.la.us).

1. Each public servant, other than a legislator, and each member of his immediate family who derives any thing of economic value, directly, through any transaction involving the agency of such public servant or who derives any thing of economic value of which he may be reasonably expected to know through a person which (1) is regulated by the agency of such public servant, or (2) has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction under the supervision or jurisdiction of the agency of such public servant.
2. Each legislator and each member of his immediate family who derives anything of economic value, directly, through any transaction involving the legislator's agency or who derives anything of economic value of which he may be reasonably expected to know through a person which has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction involving the legislator's agency.
3. Each elected official, other than a legislator, his spouse, and any business enterprise in which he has a substantial economic interest, who derives anything of economic value through a contract or other subcontract from the state or any political subdivision.

*Please note that the advisory opinions rendered by the Board of Ethics are based upon the particular facts presented. As such, the scope of each opinion is limited to the parties and facts involved in each case. However, the opinions may serve as a general guide to other individuals similarly situated. You may always seek an advisory opinion specific to your situation by writing to the Board at:*

**2415 Quail Drive, Third Floor  
Baton Rouge, LA 70808**

*You may always seek **informal** advice from the staff attorneys for the Board. Call (225) 763-8777 or, toll free, 1-800-842-6630, Monday through Friday, 8:00 a.m. until 4:45 p.m., CST.*

*Ethics Quarterly* is produced and published by the Louisiana Ethics Administration to highlight selected cases addressed by the Louisiana Board of Ethics. Specific questions with regard to a particular situation or issue should be directed to the Ethics Administration's office at 2415 Quail Drive, Third Floor, Baton Rouge, Louisiana, 70808, or phone (225) 763-8777 or 1-800-842-6630. One hundred copies of this public document were published in this first printing at a cost of \$175.00. The total cost of this document, including reprints, is \$175.00. This material was printed in accordance with standards for printing by state agencies established pursuant to La. R.S. 43:31.



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