

# Ethics Quarterly

*Selected Opinions of the Louisiana Board of Ethics*

October 2006

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## ETHICS

### PROHIBITED TRANSACTIONS

Scott Thomas violated Section 1113A of the Code of the Code of Governmental Ethics when he agreed to teach a defensive driving course on a contractual basis for the East Baton Rouge Parish Attorney's Pretrial Diversion Division while his father, Phil Thomas, served as the director of the Pretrial Diversion Division. A fine of \$500 was assessed against Scott Thomas, but it was suspended based on his future compliance with the Ethics Code. §1113A **No. 2004-571**

Izetta Darbonne, the wife of St. Landry Parish Fire District No. 6 board member Charles Wayne Darbonne, violated Section 1113A of the Code by performing compensated services for the fire board while her husband served on that board. Mr. Darbonne violated Section 1112B(1) when he participated in transactions involving his wife's employment while he was a member of the fire board. A joint penalty of \$2,000 was assessed against Mr. and Mrs. Darbonne. §1112B(1); §1113A **No. 2005-145**

Linda Gaspard, clerk for the Town of Washington, violated Section 1112B(1) of the Code by co-signing checks on behalf of the Town which were made out to Construction Pro, Inc., a company which is owned by Mrs. Gaspard's son, for services rendered to the Town of Washington. Construction Pro, Inc., owned by James Richie Gaspard, violated Section 1113A of the Code by bidding on and entering into contracts with the Town of Washington while Linda Gaspard served as Town Clerk. Penalties of \$500 and \$1,500 were assessed against Linda Gaspard and Construction Pro, Inc., respectively. §1112B(1); §1113A **No. 2005-256**

Especially for You Printing, Inc., a company owned by Mary Trahan, the wife of former Opelousas Police officer Ronnie Trahan, violated Section 1113A of the Code by providing compensated printing services to the Opelousas Police Department while her husband was employed as a police officer. Mr. Trahan violated Section 1112 of the Code by participating in the transactions involving his wife's printing business.

Following a public hearing, fines of \$2,500 and \$1,500 were imposed against Especially for You Printing and Ronnie Trahan, respectively. §1112; §1113 **No. 2005-269**

Carla Allison, an employee of the Twenty-Sixth Judicial District's Indigent Defender Board, violated Section 1113 of the Code by contracting with the Indigent Defender Board for janitorial services that were performed at the Defender Board's offices. A fine of \$500 was imposed against Ms. Allison, but \$300 of it was suspended based on her future compliance with the Code. §1113 **No. 2005-529**

Donnie Remore, Alderman for the Village of Richmond, violated Section 1112B of the Code when he participated in the hiring of his wife, Brenda Remore, by the village to coordinate evacuation shelters in connection with Hurricane Ivan. Mrs. Remore violated Section 1113A of the Code by contracting with the Village of Richmond while her husband served on its board of aldermen. A joint penalty of \$500 was imposed against the Remores, but \$250 of it was suspended based on their future compliance with the Code. §1112B; §1113A **No. 2005-646**

A member of Opelousas General Hospital's board of governors may not purchase an interest in a health care venture which is partially owned by Opelousas General Hospital. §1113C **No. 2006-402**

### PARTICIPATION

Phil Thomas, former director of the East Baton Rouge Parish Attorney's Pretrial Diversion Division, violated Section 1112 by participating in the promotion of his wife, Joanna Thomas, to a position within his agency, the Pretrial Diversion Division, and by taking part in personnel matters regarding his wife and also by approving payments made to his son, Scott Thomas, for teaching defensive driving courses for his agency. Mr. Thomas was assessed a penalty of \$1,500 in connection with this violation. §1112; §1119 **No. 2005-278**

Tommy Price, chairman of the Prairie Road Water District's board of commissioners, violated Section 1112B(1) of the Code by participating in transactions under the supervision of the Water District in which his son, Mark Price, had a substantial economic interest. Tommy Price agreed to pay a fine of \$2,500. §1112B(1) **No. 2005-583**

The son of East Baton Rouge Parish's chief administrative officer may represent clients before the East Baton Rouge Metro Council as long as his father does not participate in those matters in his capacity as the City-Parish's chief administrative officer. §1112; §1113 **No. 2006-470**

The town clerk for the Town of Amite may not work for Wal-Mart while she serves as town clerk because she sometimes approves purchases from and payments to Wal-Mart from the Town of Amite. §1112B(3) **No. 2006-519**

## **NEPOTISM**

Floyd Sanchez, Chief of the St. Gabriel Fire Department, violated Sections 1112B(1) and 1119 of the Code when he employed four members of his immediate family at the St. Gabriel Fire Department and by signing his relatives' time sheets. A fine of \$4,000 was imposed against Chief Sanchez, but \$2,000 of it was suspended pending his future compliance with the Code. §1112B(1); §1119 **No. 2005-038**

Trent Delahoussaye, the son of St. Martinville Senior High School athletic director Carroll Delahoussaye, may serve as an assistant coach at St. Martinville High School subsequent to the effective date of Act 833 of the 2006 Regular Legislative Session. Act 833 allows "the employment by a school board of an immediate family member of an athletic director of a school as a coach at such school." However, Carroll Delahoussaye is prohibited by Section 1112B(1) of the Code from participating in matters in which his son has a substantial economic interest. §1112B(1); Act 833 of the 2006 Regular Legislative Session **No. 2006-059**

No violations of the Code are presented if the step-daughter of the Mayor of Ferriday bids on and/or purchases property from the Town of Ferriday, since step-children are not included in the Code's definition of "immediate family members." §1113 **No. 2006-449**

## **OUTSIDE SERVICES & ACTIVITIES**

Douglas Beaujeaux, a former employee of the Office of State Parks, violated Section 1111A(1) of the Code by using his state-issued credit card to make approximately \$7,000 in purchases of a personal nature. Mr. Beaujeaux, who pleaded guilty to criminal charges in connection with this matter, including 50% restitution of the amount of the purchases, was assessed a \$4,000 penalty by the Board. §1111A(1) **No. 2004-867**

Gary Foret, a member of the Lafourche Parish School Board and an insurance agent for Woodmen of the World Insurance Company, violated Section 1111C(2)(d) of the Code by accepting compensation from Woodmen of the World when that entity had a contractual, business, or

financial relationship with the Lafourche School Board. Mr. Foret was assessed a penalty of \$2,000. §1111C(2)(d) **No. 2005-012**

Kerry Hill, while a member of the Farmerville Town Council, violated Section 1111C(2)(d) of the Code by receiving compensation from James P. Hill Oil, Inc., at a time when Hill Oil had a contractual relationship with the Town of Farmerville. A penalty of \$10,000 was assessed against Mr. Hill, and he resigned from the Town Council. §1111C(2)(d) **No. 2005-086**

Tandra McMurray, a social worker employed by the Jefferson Parish Human Services Authority (JPHSA), violated Section 1111C(2)(d) by virtue of her employment with Family Resources Unlimited when that company had a contractual relationship with the JPHSA, Ms. McMurray's agency. A penalty of \$500 was assessed against Ms. McMurray, but it was suspended based on her future compliance with the Code. §1111C(2)(d) **No. 2005-427**

A member of the Terrebonne Parish Council may provide consulting services to the Terrebonne Levee and Conservation District since the District is a separate agency from the Terrebonne Consolidated Government. However, the councilman may not provide services to the District which are substantially similar to those he provides as a member of the Terrebonne Consolidated Government's Levee Committee. §1111C(1) **No. 2006-408**

## **POST EMPLOYMENT**

Eugene LeJeune, a former employee of the Orleans Parish School Board, violated Section 1121A(1) of the Code by contracting with the School Board to provide risk management services less than two years after his employment with the School Board ended. A penalty of \$1,000 was assessed against Mr. LeJeune, with \$250 suspended based on his future compliance with the Code. §1121A(1) **No. 2004-786**

A former officer for the Louisiana State Police may not enter into a contract to provide pre-employment polygraph services to the State Police for a period of two years following his retirement because he was responsible for administering pre-employment polygraph tests as part of his job with the State Police. §1121B **No. 2006-506**

## **GIFTS**

A middle school principal may accept lodging and meals from the National Association of Secondary School Principals' (NASSP) to attend its annual conference as long as the principal's school system pays for the lodging; however, the NASSP may make an unconditional donation to the principal's middle school, which the school may use to pay for her lodging and meals. §1111A; §1115 **No. 2006-473**

## ILLEGAL PAYMENTS

Johnny Beauchamp, a member of the Clinton Town Council, violated Section 1111A(1) of the Code by accepting a free gas line valued at \$380 from the Town of Clinton which he was not entitled to receive by virtue of his service on the Town Council. A fine of \$250 was assessed against Mr. Beauchamp, and he was ordered to reimburse the Town of Clinton for the total cost (equipment and labor) of the gas line's installation. §1111A(1) **No. 2005-034**

James P. Hill Oil, Inc., which is owned by the parents of former Farmerville Councilman Kerry Hill, violated Sections 1113 and 1117 of the Code by entering into contracts with the Town and by making payments to Mr. Hill as one of its employees while Mr. Hill was a member of the Farmerville Town Council and Hill Oil transacted business with the Town. A penalty of \$20,000 was assessed against Hill Oil. §1113; §1117 **No. 2005-086**

Dr. Isaac Greggs, Director of the Southern University Band, violated Section 1111A(1) of the Code by accepting money to which he was not duly entitled for the performance of his public duties from Southern University. A fine of \$2,500 was imposed on Dr. Greggs. §1111A(1) **No. 2005-385**

## COERCION

Mike Suchanek, Chief of the DeQuincy Police Department, violated Section 1116A of the Code when he compelled a prisoner at the DeQuincy Jail, who was under the Chief's custody and control, to provide uncompensated services to Chief Suchanek's "space jump" business. A fine of \$1,000 was levied against Chief Suchanek, but \$500 of it was suspended based on his future compliance with the Code. §1116A **No. 2004-796**

## UNIQUE CIRCUMSTANCES

No violations of the Ethics Code are presented if an auditor for the Webster Parish Sales and Use Tax Commission runs for a seat on the Minden City Council. **No. 2006-393**

No violations of the Code are presented if a teacher employed by the East Baton Rouge Parish School System runs for the East Baton Rouge Parish School Board. **No. 2006-415**

An employee of the New Orleans Sewerage and Water Board may represent that board in defending itself against class action lawsuits filed subsequent to the flooding caused by Hurricane Katrina even though he may be a member of the class, because he appears to

have no greater interest in the matter than any other member of the class filing the lawsuits. §1112 **No. 2006-487**

## **CAMPAIGN FINANCE**

Mayor Edward Brown of the Town of St. Joseph violated Section 1505.2E of the Campaign Finance Disclosure Act by paying cash to workers for his campaign; Mayor Brown was assessed a penalty of \$300. LSA-R.S. 18:1505.2E **No. 2004-763**

### DEADLINES

10<sup>TH</sup> day prior to the general election reports (10-G) for the November 7 election are due by **October 30, 2006**.

40<sup>th</sup> day after the general election reports (40-G) for the November 7 election are due by **December 18, 2006**.

The lobbying registration renewal period begins December 31, 2006 and ends on January 31, 2007. Failure to file your renewal within this time frame will cause your registration to automatically terminate as of December 31, 2006. The registration fee is \$110 for each registration. Please call Roselyn Oubre or Peggy Sabadie at (225) 763-8777 or 1-800-842-6630 with any questions concerning lobbyist registration and reporting.

### COGEL CONFERENCE

The Louisiana Board of Ethics will host the 2006 conference of the Conference on Governmental Ethics Laws ("COGEL") at the Royal Sonesta Hotel in New Orleans from December 3-6, 2006. Registration and fee information and a tentative schedule of speakers and events at the conference are available at [www.cogel.org](http://www.cogel.org).

## 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.

Please visit our website at [www.ethics.state.la.us](http://www.ethics.state.la.us) to subscribe to our electronic notification procedure. Subscribers receive notification via email of the Board's monthly agenda and opinions and charges issued following the Board meeting.

*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 \$200.00. The total cost of this document, including reprints, is \$200.00. This material was printed in accordance with standards for printing by state agencies established pursuant to La. R.S. 43:31.



**Louisiana Board of Ethics**

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## 2006 ACTS IMPACTING THE CODE OF GOVERNMENTAL ETHICS

**Act 85; effective 5/25/06** (HB 628 Rep. Montgomery)

Prohibits police jurors from serving as parish managers or as assistant parish managers. However, it allows those currently serving in those positions to continue to serve, provided they do not participate in any vote regarding their employment.

**Act 89; effective 5/25/06** (HB 671 Rep. Downs)

Provides an exception to allow a former member of the North Louisiana Exhibition Center Commission to be employed by the commission subsequent to the termination of his service as a member of the commission. The exception is repealed as of August 1, 2008.

**Act 334; effective 7/1/2006** (HB 130 Rep. Lancaster)

Removes from the nominating committee for the nominees for positions on the Board of Ethics the dean of H. Sophie Newcomb College.

**Act 338; effective 6/30/2006** (HB 197 Rep. Lancaster)

Re-creates the Department of Civil Service and all entities that made a part of the department, which includes the Ethics Administration Program.

**Act 373; effective 6/15/06** (HB 311 Rep. Bruneau)

Provides that the agency head of a public employee referred to investigation for a potential violation of Section 1169 of the Code of Governmental Ethics (which provides that public employees shall not be subjected to acts of reprisal/retaliation for reporting violations of law or alleged acts of impropriety) shall receive notice of the investigation and is made an indispensable party. Furthermore, on receipt of notification that the employee has commenced a civil action in a district or federal court or with a federal agency with adjudicatory authority, the Board of Ethics shall stay any action pending before the Board and that any ruling in that matter shall resolve all matters pending before the Board.

**Act 408; effective 8/15/06** (HB 977 Rep. Cazayoux)

Provides that the definition of "substantial economic interest" in the Code of Governmental Ethics shall not include the interest that an elected official has in a position or office of the house, body, or authority to which he is elected, which is required to be filled by a member of that house, body or authority by law, legislative rule, or home rule charter.

**Act 412; effective 6/16/06** (HB 1016 Rep. Cazayoux & LaFleur)

Amends the statute requiring elected officials, state appointed officials and members of their immediate families to file disclosure statements if they have contracts or subcontracts, which value exceeds \$2,500. The disclosures must be filed no later than thirty days after the contract is entered. All persons required to file such statements, including legislators, must file such disclosures with the Board of Ethics.

**Act 422; effective 6/16/06** (HB 1205 Reps. St. Germain and Burns)

Amends the amount that a public employee can receive from certain not-for-profit organizations for the purpose of disaster aid or relief to offset economic losses suffered from the hurricanes to \$10,000 from any one organization, with a maximum amount of \$25,000 received in total.

**Act 496, eff. 6/22/06** (HB 1203 Rep. LaFleur)

Excludes from the definition of "thing of economic value" pharmaceutical samples, medical devices, medical foods, and infant formulas which are provided to physicians, health care professionals, or appropriate public employees for the administration or dispensation to a patient at no cost to the patient.

**Act 517; effective 6/22/06** (SB 210 Sen. Jones)

Allows an attorney who is a public employee to receive up to \$3,000 per year to be credited against his qualified student loan debt from a bona fide Loan Repayment Assistance Program administered by any law school.

**Act 525; effective 8/15/06** (SB 307 Sen. Jones)

Prohibits a former public employee, for the two year period after the termination of his public employment, from rendering any service which the former public employee rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to or for, or on behalf of the agency with which he was formerly employed.

**Act 607; effective 8/15/06** (SB 541 Sen. Ullo)

Allows a former employee of the Louisiana School for the Deaf to provide sign language and interpreting services on a contractual basis for the school.

**Act 773; effective 6/30/06** (HB 793 Rep. Frith)

Permits an elected official to continue to receive compensation for not more than 90 days from the date he takes office from a person who has a contractual, business, or financial relationship with his agency, if it is a written contract or subcontract that was entered into prior to his election to office, provided the elected official discloses such contract/subcontract to his governmental agency and the Board within 30 days of taking office.

**Act 798; effective 6/30/06** (HB 1239 Rep. Walker)

Allows an appointed member of a parish planning or zoning commission, which acts solely in an advisory capacity to the parish governing authority, in a parish with a population of 50,000 or less, to recuse himself from participating in a transaction in order to avoid a violation of R.S. 42:1112.

**Act 833; effective 7/5/06** (HB 675 Sen. McVea)

In parishes with a population of 26,000 or less, an immediate family member of a school board member or superintendent who is employed as a certified classroom teacher may be promoted to an administrative position provided the immediate family member possesses the requisite qualifications and certifications for the position and the school board member/superintendent does not participate in those matters. Allows the immediate family members of an athletic director at a local school board to be employed as a coach at the athletic director's school.

**2006 ACTS IMPACTING THE CAMPAIGN FINANCE DISCLOSURE ACT**

**Act 7; effective 8/15/06** (SB 83 Sen. Jones)

Reduces from six to three years the required time the Board of Ethics must retain campaign finance disclosure reports. After three years, the reports are sent to the Secretary of State's office for archiving.

**Act 128; effective 6/2/06** (SB 646 Sen. Murray)

Prohibits a candidate for the office of insurance commissioner from accepting a campaign contribution/loan/in-kind contribution from any service provider who has contracted with the Louisiana Citizens Property Insurance Corporation and which service provider subcontracts with insurance adjusters to adjust claims for the Louisiana Citizens Property Insurance Corporation. Any contribution received from such person on or after January 1, 2006, must be returned to the contributor by the candidate.

**Act 782; effective 8/15/06** (HB 850 Rep. Harris, Arnold, Gallot, Jefferson, Lancaster, Montgomery, Pitre, and Smiley)

Permits a candidate in the uniformed services at the time a campaign finance disclosure report is due to request an automatic extension of 30 days, if he provides the Board of Ethics with written notice prior to the due date of the report.

**Act 849; effective 7/10/06** (HB 850 Rep. Beard and Schneider)

Prohibits any person who has a contract, or a direct subcontract thereof, or a transaction to provide goods or services related to hurricane rebuilding efforts which was not publicly or competitively bid, to make a campaign contribution to an elected official whose agency has supervision or jurisdiction over the transaction.

**2006 ACTS IMPACTING THE LEGISLATIVE LOBBYIST DISCLOSURE ACT**

**Act 368 effective 6/15/06** (HB 83 Rep. Bruneau)

Amends the definition of "lobbyist" to include any person employed or engaged for compensation to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the duties of such employment or engagement, even if no expenditures are made. Also, provides that no person shall enter into a contract to act in a representative capacity for the purpose of lobbying and fail to register as a lobbyist. If a person is required to register as a lobbyist and fails to do so, this constitutes a misrepresentation that will void the contract and the Board of Ethics shall order such contract void.

**2006 ACTS IMPACTING THE EXECUTIVE LOBBYIST DISCLOSURE ACT**

**Act 527; effective 6/22/06** (SB 320 Sen. Hines and Rep. Salter)

Provides that the definition of "executive branch action" shall not include any act by a licensed healthcare professional, or person acting under his direction, to diagnose, treat, or provide medical advice to an individual patient, including prescribing a drug or device for use by the patient. Included in the definition of "executive branch action" is any action by the Medicaid Pharmaceutical and Therapeutics Committee.

**Act 748; effective 1/1/07** (HB 108 Rep. Bruneau and Sen. Murray)

Amends the definition of "lobbyist" to include any person employed or engaged for compensation to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the duties of such employment or engagement, even if no expenditures are made. However, if a person is engaged or employed to provide a professional service to a person and incidental to such professional service such person communicates with an executive branch official or makes an appearance or assists therein with an executive branch agency or official, he shall not be a lobbyist unless he makes an expenditure. Also, provides that no person shall enter into a contract to act in a representative capacity for the purpose of lobbying and fail to register as a lobbyist. If a person is required to register as a lobbyist and fails to do so, this constitutes a misrepresentation that will void the contract and the Board of Ethics shall order such contract void.