

Ethics Quarterly

Selected Opinions of the Louisiana Board of Ethics

January 2007

2415 Quail Drive, Third Floor, Baton Rouge, Louisiana 70808
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On the web: www.ethics.state.la.us

Vol. 13 No. 1

ETHICS

PROHIBITED TRANSACTIONS

Mark Batiste, d/b/a Mark's Electric, violated Section 1113A of the Code of Governmental Ethics by performing compensated services for the Town of Amite City while his brother, Calvin Batiste, was an employee of the Town of Amite City. Calvin Batiste violated Section 1112B(1) of the Code by signing an invoice on behalf of the Town verifying that his brother had completed the services in question. Penalties of \$200 each were assessed against Mark and Calvin Batiste, but they were both suspended based on their future compliance with the Code. §1112B(1); §1113A **No. 2003-259**

A joint penalty of \$500 was assessed against Ivan West, a member of St. Landry Parish's Fire District #6 Board, and Andrea West, his wife, after Mr. West, in his capacity as chairman of the Fire District's Board, participated in transactions in which his wife's law firm had a substantial economic interest. Mrs. West violated Section 1113A by providing compensated legal services to the Fire District while her husband served on its Board. §1112B(1); §1113A **No. 2005-145**

Paul Davis, d/b/a Paul Davis, Inc., violated Section 1113A by selling lumber to the St. Helena Parish Police Jury while his brother, Charles Davis, served on the Police Jury. Charles Davis violated Section 1112B(1) of the Code by voting as a member of the St. Helena Police Jury to approve the purchases made from his brother's business. Paul Davis was assessed a penalty of \$5,000, \$2,500 of which was suspended based on his future compliance to the Code, and Charles Davis was assessed a penalty of \$2,000, of which \$1,000 was suspended based on his future compliance with the provisions of the Ethics Code. §1112B(1); §1113A **No. 2005-517**

Melvin Ray Bell, through his company, Tailwinds Air, Inc., violated Section 1113A by entering into transactions under the supervision and jurisdiction of the Allen Parish Police Jury while his father, Melvin Bell, was employed by the Allen Parish Police Jury. Melvin Bell violated

Section 1112B(1) by participating, as an employee of the Police Jury, in transactions involving his son's business. Fines of \$2,000 and \$1,000 were assessed against Melvin Ray Bell and Melvin Bell, respectively. §1112B(1); §1113A **No. 2005-535**

Tommy Dickens violated Section 1113A by contracting with the Prairie Road Water District to provide compensated services through his company, TRD Painting, while his wife, Angie Dickens, was an employee of the Prairie Road Water District. A penalty of \$500 was assessed against Mr. Dickens. §1113A **No. 2005-547**

Mark Price violated Section 1113A of the Code when he entered into transactions under the supervision or jurisdiction of the Prairie Road Water District at a time when his father, Tommy Price, served as chairman of the Water District's board of commissioners. A penalty of \$5,000 was assessed against Mark Price, but \$2,500 of it was suspended contingent on his future compliance with the Ethics Code. §1113A **No. 2005-583**

The fire chief for Jefferson Davis Parish's Fire District No. 2 is barred from being reimbursed the rental fees for the use of his personal backhoe by Fire District No. 2, as the reimbursement would constitute a transaction with the fire chief's agency, which is Fire District No. 2. However, an exception in Section 1123(30) of the Code allows the fire chief to donate the use of his backhoe to Fire District No. 2. §1112A; §1113A; §1123(30) **No. 2006-607**

Scallan Glasswork, Inc. is prohibited from continuing to transact business with Pinecrest Developmental Center in Pineville now that the company's part-owner, who has a controlling interest in the glass company, has recently married an employee of Pinecrest Developmental Center. §1111C(2)(d); §1113 **No. 2006-664**

A rental house owner in St. Landry Parish is prohibited from serving on the board of commissioners for the St. Landry Parish Housing Authority because he receives HUD funds, which are administered by the St. Landry Housing Authority, to operate his rental properties. §1112; §1113B **No. 2006-684**

An alderman for the Town of Walker may not accept a commission as a reserve police officer for the Walker

Police Department because the Walker Board of Aldermen must approve commissions for reserve officers. §1112; §1113; §1120 **No. 2006-689**

A company owned by the wife of the head of Northwestern State University's Health and Human Performance Department may provide services to Northwestern and its various departments, as long as she does not provide said services to the Health and Human Performance Department. §1113 **No. 2006-795**

PARTICIPATION

Wes Hebron, a former member of Rapides Parish's Waterworks District No. 3, violated Section 1112B of the Code by voting to initiate an investigation into a water line running to his brother's property, by voting to accept or reject payment from his brother, and by voting to accept the water line which serviced his brother's property while a member of District No. 3's board. A penalty of \$1,000 was levied against Mr. Hebron, but it was suspended based on his future compliance with the Code. §1112B **No. 2004-416**

Greg Andries, a member of the Village of French Settlement's Board of Aldermen, violated Section 1112 by participating in transactions involving an ordinance which would have affected his property. A fine of \$500 was assessed against Mr. Andries, but \$250 of it was suspended conditioned upon his future compliance with the Code. §1112 **No. 2005-505**

An alderman for the City of Youngsville may vote on matters involving the Youngsville Volunteer Fire Department even though he is a volunteer firefighter and board member for the Youngsville Volunteer Fire Department, because he does not receive any compensation for his services to the Fire Department. Section 1123(1) of the Code allows elected officials to participate in the affairs of a bona fide volunteer fire department when no compensation for their volunteer service is received. §1112A; §1123(1) **No. 2006-888**

NEPOTISM

The son of a member of the Denham Springs City Council may not continue to serve as a reserve police officer for the City of Denham Springs, because the councilman's agency is the entire city government. §1119 **No. 2005-431**

An employee of the Vermilion Parish School Board may continue her employment if her brother-in-law is elected to the Vermilion School Board because she has been working for the School Board for more than one year prior to her brother-in-law's prospective election to the School Board. §1112; §1119C(2) **No. 2006-734**

The step-daughter of the chancellor of LSU's Paul M. Hebert Law Center may be employed by the Law Center because the definition of "immediate family member" contained in Section 1102(13) of the Code does not include step-children. §1102(13); §1119 **No. 2006-778**

Section 1119 of the Code prohibits the continued employment of the supervisor of Natchitoches Regional Medical Center's Physical Therapy Department if her husband is appointed to serve on the Medical Center's board of directors. §1119 **No. 2006-872**

OUTSIDE SERVICES & ACTIVITIES

A.J. Credeur, a member of the Acadia Parish Police Jury, violated Section 1111C(2)(d) of the Code by receiving compensation from JTD Services, Inc. at a time when Mr. Credeur served on the Acadia Parish Police Jury and JTD Services provided asphalt to the Police Jury. Fines of \$1,000, conditioned upon Mr. Credeur's resignation from JTD Services, were imposed against Mr. Credeur and JTD Services. §1111C(2)(d) **No. 2005-507**

A Franklin Parish real estate broker and certified appraiser may not, if elected Tax Assessor of Franklin Parish, remain the sponsoring broker for his real estate company, actively engage in the real estate business in Franklin Parish, or conduct any business activities with the Franklin Parish Assessor's Office. §1111C(1)(a) **No. 2006-783**

POST EMPLOYMENT

David Dickey and James Michelson, former employees of the Department of Environmental Quality, violated Section 1121B of the Code by assisting Conestoga-Rover & Associates and its clients in transactions with their former agencies at the DEQ. Both Mr. Dickey and Mr. Michelson were assessed penalties of \$2,500 by the Board. Conestoga-Rover & Associates violated Section 1121C of the Code by assisting clients in transactions in which David Dickey and James Michelson participated while employed by the DEQ, and was assessed a fine of \$5,000. §1121B; §1121C **No. 2003-477**

GIFTS

The Oracle Corporation violated Section 1117 of the Code by providing free lodging to employees of the Office of Public Health in connection with a trip taken by those employees to San Francisco to attend an Oracle conference. A fine of \$3,000 was assessed against Oracle. §1117 **No. 2004-529**

The Dean of the College of Pharmacy at the University of Louisiana-Monroe is prohibited from accepting travel expenses, an honorarium, or other compensation from a

pharmaceutical company in exchange for serving as a speaker at a seminar. §1111A(1); §1111C(2)(d); §1115 No. 2006-654

PROHIBITED PAYMENTS

No violations of the Ethics Code are presented by members of Rapides Parish's Waterworks District No. 3 being reimbursed by the Waterworks District for legal expenses, as long as such payments are deemed permissible by the Attorney General's office. BD 1999-546 No. 2006-667

UNIQUE CIRCUMSTANCES

The chairman of St. Landry Fire Protection District No. One's Governing Authority Board may be appointed to serve as the secretary/treasurer of the Governing Authority Board, because La. R.S. 40:1498 allows fire district board members who are elected secretary and/or treasurer of their respective boards to receive additional compensation for such services. R.S. 40:1498 No. 2006-604

CAMPAIGN FINANCE

C. Hunter King, an unopposed candidate for Orleans Parish Civil District Court Judge in the October 2002 election, violated Section 1505.21 of the Campaign Finance Disclosure Act by utilizing campaign funds for his personal use. A fine of \$5,000 was assessed against Mr. King. R.S. 18:1505.21 No. 2005-452

A member of the board of commissioners for the Lake Charles Harbor and Terminal District, who is a potential candidate for the Louisiana Senate in 2007, may receive campaign contributions from individuals or companies who conduct business with the Harbor and Terminal District because an exception in Section 1123(5) of the Code allows public servants to receive campaign contributions for use in meeting campaign expenses. §1123(5) No. 2006-694

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 our office 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 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.

FILING DEADLINES

Candidates & Political Committees

All political action committees wishing to register for 2007 must complete and submit their statements of organization by **January 31, 2007**.

Supplemental and annual campaign finance disclosure reports for political committees and candidates are due by **February 15, 2007**.

"Major office" level candidates in the October 2007 election must file a 180-P report by **April 23, 2007**.

Filing schedules for 2007 elections and for past elections may be viewed on our website at www.ethics.state.la.us.

Lobbyists

Lobbying Registrations must be renewed by **January 31, 2007**. The renewal fee is **\$110** per registration. Failure to renew by the deadline will cause your registration to retroactively terminate as of **December 31, 2006**.

Lobbying expenditure reports are due by **February 15, 2007**, disclosing all expenditures made during the 2006 calendar year. Forms are available online at www.ethics.state.la.us. Late reports will be assessed a \$50 per day late fee, with a maximum late fee of \$1,500.

UPDATED ADVISORY OPINIONS

When reviewing the advisory opinions on our website, please consult the most recently-issued opinions of the Board for each specific issue in which you are interested.

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.



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