

# Ethics Quarterly

*Selected Opinions of the Louisiana Board of Ethics*

July 2007

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On the web: [www.ethics.state.la.us](http://www.ethics.state.la.us)

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## ETHICS

### PROHIBITED TRANSACTIONS

Charles Martin, the brother of St. James Parish Sheriff Willy Martin, Jr., violated Section 1113A of the Code of Governmental Ethics when he submitted a bid, on behalf of another person, for the purchase of property at a Sheriff's sale while his brother was the Sheriff. A penalty of \$5,000 was assessed against Charles Martin. §1113A **No. 2005-093**

Nathan Roberts, a self-employed magician, violated Section 1113A of the Code when he performed magic shows, for compensation, at schools in Franklin Parish while his brother-in-law, James Harris, was a member of the Franklin Parish School Board. A penalty of \$250 was assessed against Mr. Roberts. §1113A **No. 2005-582**

Emmett "Jake" Ellis and his wife, Richmond Village Clerk Genevieve Ellis, violated Sections 1113 and 1119 of the Code, respectively, when Mr. Ellis provided compensated maintenance and monitoring services at the Village of Richmond's oxidation ponds on a part-time basis while his wife served as the Village Clerk. A joint fine of \$1,000 was assessed against Mr. and Mrs. Ellis, and Mr. Ellis was ordered to resign from his job with the Village. §1113; §1119 **No. 2005-646**

A company in which the spouse of the Mayor of Melville has a 50% ownership interest may enter into transactions with the Town of Melville as long as the Town files a disclosure plan and quarterly affidavits with the Board pursuant to Section 1123(22) of the Code. §1113; §1123(22) **No. 2007-016**

A security surveillance company owned by two members of the West Monroe Fire Department can contract with the West Monroe Police Department to install surveillance cameras and equipment, since their company would not be entering into a contract with their agency, the Fire Department. §1113A **No. 2007-203**

The project coordinator for the City of Donaldsonville may not receive additional compensation for administering grants for the City. However, no violations

of the Code are presented if the City expands his duties as a public employee to include administering grants and pays him a higher salary as a result. §1113A **No. 2007-328**

### PARTICIPATION

An appointed member of the St. Bernard Parish Planning Commission may vote on and participate in discussions regarding a request made to the Commission by a person seeking approval to rent property in an area zoned "R-1" even though the commissioner is in the business of renting homes. However, Sections 1112 and 1113B of the Code bar the commissioner, members of his immediate family, and entities in which either he or his immediate family members own a substantial economic interest from submitting similar requests to the Commission. §1112; §1113 **No. 2007-047**

Section 1112 of the Code prohibits a member of the board of commissioners for the New Orleans Downtown Development District from participating in the review and recommendation of construction projects by the District in which the board member may have a substantial economic interest. §1112 **No. 2007-096**

A member of the East Baton Rouge Parish Metro Council may vote on a matter involving the reimbursement of his attorney's fees incurred in connection with his defense in a legal action related to the holding of his public office. Section 1112 generally prohibits public servants from participating in transactions in which they have a substantial economic interest; however, the definition of "substantial economic interest" does not include matters arising solely from their holding of public office. §1112 **No. 2007-276**

### NEPOTISM

Charles Deans violated Section 1113A of the Code when he was appointed to the Campti Town Council while his wife, Catherine Deans, was the Campti Town Clerk. Mr. Deans also violated Section 1119A of the Code by virtue of his wife's employment as Town Clerk while he served on the Town Council. Catherine Deans violated Section 1112B(1) by signing her husband's paychecks from the Town of Campti and violated Section 1119A as a result of her employment as the Town Clerk while her husband sat

on the Town Council. Mr. and Mrs. Deans agreed to pay a joint fine of \$500, conditioned upon Mr. Deans' resignation from the Town Council. §1112B(1); §1113A; §1119A **No. 2006-278**

The spouse of a teacher at Loranger High School may be hired by that school as its assistant principal because, as assistant principal, the spouse would not be her husband's agency head. However, Sections 1112B(1) and 1119 of the Code would prohibit the assistant principal from participating in any transactions in which her husband would have a substantial economic interest, such as performance reviews, pay raises, or promotions. §1112B(1); §1119; BD 1999-485 **No. 2007-167**

A substitute teacher may continue her employment with the Beauregard Parish School Board after the election of her father-in-law to the School Board because she was employed at least one year prior to her father-in-law's election. §1119 **No. 2007-269**

An officer for the Covington Police Department may be employed in the same unit as and be supervised by his step-brother, because the definition of "immediate family member" contained in Section 1102(13) of the Code does not include step-siblings. §1102(13); §1112; §1119 **No. 2007-288**

## **OUTSIDE SERVICES & ACTIVITIES**

Daisy Slan, former superintendent of the East Feliciana School System, violated Sections 1111C(1)(a) and 1111C(2)(d) of the Code when she provided compensated consulting services to the Rural School and Community Trust, and Dr. Slan's consulting contract required that she assist the Trust in matters involving the East Feliciana School System while the School System had a business relationship with the Trust. A fine of \$2,000 was assessed against Dr. Slan. §1111C(1)(a); §1111C(2)(d) **No. 2006-021**

Tommy Fuller, Jr., a community relations supervisor for the Baton Rouge City Court, violated Section 1111C(1)(a) of the Code by accepting referral fees from Apsys Driving Academy and Safety Consultants, a service provider for the City Court, when his official duties included making such referrals. Mr. Fuller also violated Section 1111C(2)(d) by receiving referral fees from Apsys at a time when the company was included on the City Court's provider list. Additionally, Mr. Fuller violated Section 1112 when he placed his company, Criminal Justice Educational Programs ("CJEP"), on a list of service providers to the City Court at a time when he served as both the Court's community relations supervisor and the program supervisor of CJEP. Finally, Mr. Fuller, d/b/a CJEP, violated Section 1113A by being on the City Court's list of service providers and by his subsequent provision of services to persons referred to his business by City Court judges. A fine of \$2,500 was

assessed against Mr. Fuller for the violations of Sections 1111C(1)(a), 1111C(2)(d), and 1112; another \$2,500 fine was assessed against Mr. Fuller d/b/a CJEP for his violation of Section 1113A. §1111C(1)(a); §1111C(2)(d); §1112; §1113 **No. 2005-686**

A special agent for the Department of Justice's Medicaid Fraud Control Unit may not become a consultant for Medicaid providers because the providers are regulated by the Fraud Control Unit, and their economic interests could be substantially affected by the performance or nonperformance of the special agent's official duties as an employee of the Fraud Control Unit. §1111C(2)(d) **No. 2007-113**

A member of the Terrebonne Parish Port Commission, who is also senior vice president of a local bank, may not continue to serve on the Port Commission if the Commission obtains a loan from that bank. Also, the commissioner may not participate in his capacity as a member of the Port Commission in any official transactions involving his bank. §1111C(2)(d); §1112B(3) **No. 2007-298**

## **PROHIBITED PAYMENTS & GIFTS**

Faye McDonald violated Sections 1115B and 1116A of the Code when she used her position with the Louisiana State Police's Gaming Division to solicit and obtain tickets, preferential seating, hotel rooms, and food and drink from licensed gaming entities under the jurisdiction of the Gaming Division. A fine of \$3,000 was assessed against Ms. McDonald, but \$1,500 of it was suspended based on her future compliance with the Code. §1115B; §1116A **No. 2003-233**

Thomas David, owner of Pan-American Engineers, Inc., violated Section 1117 of the Code when he gave holiday gifts, including pecans and turkeys, to members of the board of commissioners for Rapides Parish's Waterworks District No. 3 at a time when Pan-American Engineers had an ongoing business relationship with the District. A penalty of \$1,000 was assessed against Mr. Davis. §1117 **No. 2005-600**

Johnny Grimmatt, a former employee of the Office of Facility Planning and Control ("OFPC") violated Section 1115 when he stayed for a reduced rate at a condominium complex of which Walter "Wally" Scoggins, owner of Brazos Urethane, Inc., was a member, while Brazos Urethane had a contractual relationship with the OFPC. Brazos Urethane violated Section 1117 by allowing Mr. Grimmatt to use the condominium at a discount while it contracted with the OFPC. Fines of \$1,000 each were assessed against Mr. Grimmatt and Brazos Urethane. §1115; §1117 **No. 2006-263**

## POST EMPLOYMENT RESTRICTIONS

A former employee of the Department of Transportation and Development's Real Estate Section may contract with local governments to work on projects which may be under the jurisdiction of the Real Estate Section. Section 1121A of the Code bars public employees from "assisting another person, for compensation" in transactions involving their former agencies. However, city and parish governments are not considered "persons" as defined in Section 1102(16) of the Code. §1102(16); §1121A **No. 2007-241**

A former sewer maintenance worker for the Village of Pioneer may not provide compensated sewer maintenance services on a contractual basis following his resignation, as he would be performing the same duties he provided while employed by the Village. §1121B(1) **No. 2007-313**

## UNIQUE CIRCUMSTANCES

Deputies employed by the Vermilion Parish Sheriff's Office may not accept donations from a Hurricane Katrina relief fund, since they would be receiving the donations because of the governmental positions they hold. The Board ruled that the exception in Section 1123(36) of the Code, which allowed for public employees to accept donations in limited situations following Hurricanes Katrina and Rita, did not apply in this case since the source of the donations is not included in the exclusive list of vendors approved by the Legislature. §1111A; §1123(36) **No. 2007-160**

No violations of the Ethics Code are presented if an employee of the New Roads Housing Authority runs for a position on the Pointe Coupee Parish Police Jury. Dual office holding laws are under the jurisdiction of the state Attorney General. **No. 2007-215**

## CAMPAIGN FINANCE

Section 1505.2S of the CFDA allows a law firm, which has been retained by the Louisiana Citizens Property Insurance Corporation ("Citizens") to represent the interests of insurance adjusters who have adjusted claims on behalf of Citizens in connection with lawsuits filed by homeowners insured by Citizens, but does not have any subcontracts with insurance adjusters to adjust claims, to make contributions to candidates for state Insurance Commissioner. R.S. 18:1505.2S **No. 2007-270**

A candidate for state representative may not use campaign funds to lease office space owned by either the candidate or his business for use as his campaign headquarters; however, the candidate may donate such space to his campaign. The Board advised that the

candidate cannot use campaign funds to purchase real estate for his campaign headquarters or public office. R.S. 18:1505.2I; BD No. 1995-170; BD No. 2001-470; BD No. 2007-148 **No. 2007-274**

## UPCOMING FILING DEADLINES

### Lobbyists

Executive and Legislative lobbying expenditure reports for the period between January 1, 2007 and June 30, 2007 are due by **August 15, 2007**. Reminder notices for these reports will be mailed by our office in mid-July.

### Candidates

90th day prior to the primary (90-P) reports for candidates running in the October 20, 2007 primary election, covering the period ending July 12, 2007, are due by **July 23, 2007**.

30th day prior to the primary (30-P) reports for the October 20, 2007 election, covering July 13-September 10, 2007, are due by **September 20, 2007**.

10th day prior to the primary (10-P) reports for the October election, covering the period between September 11 and September 30, 2007, are due by **October 10, 2007**.

### School Board Members

School Board Disclosure Statements for the 2007-2008 school year are due **within 30 days of the beginning of each school year** that you have an immediate family member employed by your school board.

Please remember that automatic fines are assessed for late reports.

## CAMPAIGN FINANCE SEMINARS

A seminar on the Campaign Finance Disclosure Act, including reporting requirements and deadlines for all levels of candidates, will be held in the board room at the Louisiana Housing Finance Agency building, 2415 Quail Drive, First Floor, Baton Rouge, on **August 3, 2007**, from 2:00 to 4:00 p.m. A question and answer session will follow.

After the qualifying period, additional seminars will be held on September 7 (Baton Rouge), September 10 (Alexandria, Lake Charles, Monroe, & Shreveport), and September 11 (New Orleans area & Lafayette). Times and locations for these seminars will be announced at a later date, so continue to check our website for this information, as it will be posted on the site as soon as it is available.

## **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 Michael Dupree 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 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.*



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