

Ethics Quarterly

Selected Opinions of the Louisiana Board of Ethics

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On the web: www.ethics.state.la.us

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ETHICS

PROHIBITED TRANSACTIONS

Donald LaFleur, an employee of the Jefferson Davis Parish School Board, violated Sections 1111A(1) and 1113A of the Code of Governmental Ethics when he purchased a 1988 GMC truck from the School Board while he was employed by the School Board. A fine of \$750 was imposed on Mr. LaFleur, but \$250 of it was suspended conditioned upon his future compliance with the Ethics Code. §1111A(1); §1113 **No. 2006-241**

Berdie Allen, Joe Harvey, and Laura Martin violated Section 1113A of the Code by providing compensated services to the Madison Parish Clerk of Court's Office while they were employed by the Madison Parish Clerk of Court. Fines of \$700, \$3,575, and \$1,925 were assessed against Ms. Allen, Mr. Harvey, and Ms. Martin, respectively. §1113A **No. 2006-318**

Mayor Tray Murray of the Town of Coushatta violated Section 1113A of the Code by selling goods and services to the Town of Coushatta through his company, Murray's Mufflers, while he was Mayor of Coushatta. A penalty of \$500 was assessed against Mayor Murray. §1113A **No. 2006-623**

Dr. and Mrs. Robert Speyrer violated Section 1113A of the Code when they accepted rental payments from Mrs. Speyrer's agency, St. Landry Parish's Ward 1 South Gravity Drainage District #1, for the District's use of office space at the Speyrers' home. The Speyrers agreed to pay a \$1,000 fine and will not accept payments for the use of the office space for 2006 or any future years. §1113A **No. 2006-876**

A law firm which represents the Ascension Parish Sheriff's Office may continue to do so following the employment of the Sheriff's daughter with that law firm since the daughter does not have a controlling interest in the law firm, and she would not work on matters involving the Sheriff's Office. The Board cited Section 1114 of the Code, which holds that public servants and members of their immediate families must disclose by May 1 of each year any income they have received from a person who

has bid on, entered into, or is in any way interested in any contract, subcontract, or other business transaction which is under the supervision or jurisdiction of the public servant's agency during the previous calendar year. §1113; §1114 **No. 2007-479**

A company owned by the husband of the associate director of Northwestern State University's Office of Research and Sponsor Programs may sell and service farm machinery and equipment to Northwestern's other departments and offices since those transactions would not be under the supervision or jurisdiction of his wife's agency, the Office of Research and Sponsor Programs. §1113A **No. 2007-501**

A member of the Plaquemines Parish School Board and her husband may not live in an unused FEMA trailer, since the use of the unoccupied trailer is left up to the discretion of the School Board and would constitute a transaction under the supervision of the member's agency. §1113 **No. 2007-660**

PARTICIPATION

The daughter of the Avoyelles Parish School Board's director of finance may enter into a contract to provide speech therapy services for the School Board since her proposed contract will not be under the supervision or jurisdiction of her mother's agency, which is the School Board's finance department. §1112; §1113A **No. 2007-487**

The Town of Jonesboro may purchase lumber and other supplies from a business partly owned by the husband of the town clerk, because her husband owns 12% of the company, which is not a controlling interest. However, the clerk is prohibited by Section 1112 of the Code from participating in any transactions between her husband's company and the Town of Jonesboro, including the approval of any purchases from or payments to the company. §1112; §1113 **No. 2007-594**

NEPOTISM

Derrian Sapp, director of public works for the Town of Colfax, and Aberly West, his son, violated Section 1119 when Mr. West was employed by the Town of Colfax's public works department while Mr. Sapp was the director of

public works. Mr. Sapp and Mr. West agreed to pay a joint \$1,000 fine, and Mr. West agreed to resign from his position with the public works department. §1119 **No. 2006-109**

Mark Ross, a member of the DeSoto Parish School Board, violated Section 1119B(2)(a)(ii) of the Code by failing to file annual disclosure statements with the Ethics Board disclosing the employment of his wife with the DeSoto Parish School Board for the 2003-2004, 2004-2005, and 2005-2006 school years. A fine of \$500 was assessed against Mr. Ross. §1119B(2)(a)(ii) **No. 2006-646**

A violation of Section 1119A of the Code occurred when Tommy Cox was employed by the West Ouachita Sewerage District No. 5 while his brother, Terry Cox, was the district manager of the Sewerage District. Fines of \$1,000 and \$500 were assessed against Terry and Tommy Cox, respectively. §1119A **No. 2006-713**

The program director of the East Feliciana Parish School Board's 21st Century Community Learning Center is barred by Section 1119 from hiring her daughters to work for the Learning Center. §1119A **No. 2007-486**

A retired bus driver for the Vernon Parish School Board may seek re-employment with the School Board as a bus driver while her brother serves as a member of the School Board, since Section 1119C(2) of the Code contains an exception to the nepotism prohibition by allowing the continued employment of a public employee in an agency in which a member of the employee's immediate family becomes the agency head, provided that the employee has worked in that agency for at least one year prior to his or her immediate family member becoming the agency head. Additionally, Section 1119C(5) allows for the re-employment of a retiree whose employment was allowed under the Ethics Code at the time of the employee's retirement. §1119C(2); §1119C(5) **No. 2007-528**

OUTSIDE SERVICES & ACTIVITIES

The Jefferson Parish District Attorney's Office may hire an attorney who owns a 50% interest in a company which provides electronic monitoring equipment to Jefferson Parish and the District Court's Home Incarceration Program provided the attorney divests himself of all ownership interest in the company. §1111C(2)(d) **No. 2007-445**

Elizabeth Ballard, a former employee of the Department of Environmental Quality (DEQ), violated Sections 1111C(2)(d), 1111E(1), and 1112 of the Code by virtue of her receipt of compensation for services rendered by her and her husband in connection with a water permit application submitted by the Shaw Group to DEQ for a water treatment facility at a time when Mrs. Ballard wrote

the water permit for that facility. Shelby Ballard, the husband of Elizabeth Ballard, violated Section 1113A of the Code by preparing the water permit application for Shaw for submission to DEQ while his wife was an employee of DEQ. A joint fine of \$10,000 was assessed against the Ballards. §1111C(2)(d); §1111E(1); §1112; §1113A **No. 2004-743**

An employee of the of the Louisiana State Police's Indian Gaming Unit may operate a company which provides compensated janitorial services as long as she does not do so for casinos which the Indian Gaming Unit regulates or to the Indian Gaming Unit itself. §1111C(2)(d) **No. 2007-565**

The director of Claiborne Parish's 911 Communications District is prohibited from being employed as an emergency medical technician for an ambulance service which has a contract with the 911 District. §1111C(2)(d) **No. 2007-576**

PROHIBITED PAYMENTS

F&F Supply Co., Inc. violated Section 1117 of the Code by paying Chief Curtis Roller of Jackson Parish's Ward 4 Fire District to work for F&F while he was chief of the Fire District and while F&F sold goods and services to the Fire District. A fine of \$5,000 was assessed against F&F Supply. §1117 **No. 2005-392**

Section 1111A of the Code prohibits the Federation of State Boards of Physical Therapy from directly paying for the travel of members of the Louisiana State Board of Physical Therapy Examiners and its staff. However, pursuant to Section 1115 of the Code, the Federation may make an unconditional donation to the state Board of Physical Therapy Examiners, which in turn may use that money to reimburse its members and staff for their travel expenses. §1111A; §1115 **No. 2007-511**

GIFTS

Stephanie Badeaux, Sharon Hornsby, and William Wainwright, employees of the Louisiana Community and Technical College System (LCTCS), violated Sections 1111A(1) and 1115 of the Code by virtue of their receipt of a free flight from the Dow Corporation on its regularly-scheduled employee commuter shuttle to observe a training program at a Texas technical college and to attend a meeting with Dow officials concerning the feasibility of setting up a similar training program for Dow employees and others at the LCTCS's Hammond campus. Fines of \$250 each were assessed against Ms. Badeaux, Ms. Hornsby, and Mr. Wainwright, but they were suspended based on their future compliance with the Code. §1111A(1); §1115 **No. 2006-352**

Peter Guillot, a member of the Simmesport Town Council, violated Section 1115 when he accepted a leather Rolling Stones tour jacket from the president of a company which has a cooperative agreement with the Town of

Simmesport. A fine of \$500 was assessed against Mr. Guillot. §1115 **No. 2006-1077**

POST EMPLOYMENT RESTRICTIONS

Mike Thrift, former alderman for the Village of Quitman, violated Section 1121A(2) of the Code when he was appointed by Quitman Board of Aldermen to the position of maintenance superintendent for the Village within the two-year period subsequent to his resignation from the Board of Aldermen. A fine of \$3,000 was assessed against Mr. Thrift. §1121A(2) **No. 2006-245**

UNIQUE CIRCUMSTANCES

The wife of a member of the Louisiana House of Representatives may continue her part-time employment with the Louisiana State Oil and Gas Museum, which is part of the Secretary of State's Office. However, pursuant to Section 1114.1 of the Code, the representative must disclose the income earned by his wife during the previous calendar year on the annual disclosure statement he files with the Clerk of the House of Representatives by July 1 of each year. §1114.1; §1119 **No. 2007-539**

A person involved in a lawsuit against the Terrebonne Parish Council can run for a seat on the Parish Council because the lawsuit is not a transaction under the supervision or jurisdiction of the candidate's prospective agency, which would be the Parish Council. Section 1112 would bar the candidate from participating, as a councilman, in any matter involving the lawsuit, but Section 1120 provides steps for recusal or disclosure of such conflicts for elected officials. §1112; §1120 **No. 2007-599**

CAMPAIGN FINANCE

The former Iberia Parish President is barred by Section 18:1505.2I of the Campaign Finance Disclosure Act (CFDA) from using campaign funds to pay the legal fees he incurred in connection with civil and criminal lawsuits that arose from the findings of a Legislative Auditor's report into the dealings of his office. LSA R.S. 18:1505.2I **No. 2007-556**

The CFDA prohibits a candidate from amending a prior campaign finance report to reflect the receipt of a personal loan rather than a contribution, since the information would have been inaccurately reported at a time when it was pertinent to voters. LSA R.S. 18:1505.1C; 18:1505.2I **No. 2007-609**

The Independent Insurance Agents & Brokers of Louisiana (IIABL) may make contributions to the IIABL PAC, and its contributions may be derived from dues

paid by members of the IIABL. However, the IIABL cannot make it mandatory for its members to donate to the IIABL PAC through their dues, and the members must indicate in writing that a portion of their dues check represents a contribution to the IIABL PAC. LSA R.S. 18:1491.4B; 18:1505.2K **No. 2007-652**

The wife of a candidate for the House of Representatives may send letters to her colleagues in support of her husband's candidacy, but the money she spends in doing so must be reported on her husband's campaign finance reports as either an in-kind contribution if campaign funds are not used in the mailout or as an expenditure of the campaign if such funds are used. LSA R.S. 18:1505 **No. 2007-670**

UPCOMING FILING DEADLINES

Candidates

Election day reports (EDE-P) for the October 20, 2007 primary election are due by **October 30, 2007**.

10th day prior to the general (10-G) reports for the October 20, 2007 election, covering October 1-28, 2007, are due by **November 7, 2007**.

Election day reports (EDE-G) for the November 17, 2007 general election are due by **November 27, 2007**.

40th day after the general (40-G) reports for the November 17, 2007 general election, covering October 29-December 17, 2007, are due by **December 27, 2007**.

Lobbyists

The registration renewal period for legislative & executive branch lobbyists for the 2008 calendar year begins December 1 and runs through January 31, 2008. Lobbyists who wish to renew/register as legislative lobbyists for 2008 must submit a \$110 registration fee to the Board along with the legislative lobbyist registration/renewal form. Lobbyists who wish to renew/register as executive branch lobbyists for 2008 must submit a \$110 registration fee to the Board along with the executive branch lobbyist registration/renewal form.

Hospital Service Districts

Hospital service district board members who have immediate family members employed by their respective hospital service districts must file disclosure statements with the Ethics Board pursuant to 42:1119B(2)(b) **no later than January 30, 2008**. Any hospital service district board member who is compelled to file a disclosure statement by virtue of an immediate family member's employment and fails to timely file their disclosure statement with the Board may be assessed a late fee of \$50 per day, not to exceed \$1,500.

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.

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.*



Louisiana Board of Ethics

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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 forty 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.