

Ethics Quarterly

Selected Opinions of the Louisiana Board of Ethics

January 2008

2415 Quail Drive, Third Floor, Baton Rouge, Louisiana 70808
(225) 763-8777 or Toll Free: 1-800-842-6630
On the web: www.ethics.state.la.us

Vol. 14 No. 1

ETHICS

PROHIBITED TRANSACTIONS

Section 1113B prohibits the daughter-in-law of an appointed member of the LaSalle Economic Development District from being employed by a company which has a contract with the District. Section 1113B prohibits appointed members of board or commissions from being in any way interested in a contract or subcontract under the jurisdiction or supervision of the board or commission. Because the purpose of daughter-in-law's employment would be to help the company fulfill its contractual obligations to the District, the employment is prohibited. §1113B **No. 2007-682**

A newly appointed member of the DeSoto Parish Police Jury may continue to serve on the DeSoto Parish EMS Board, because the appointment to the EMS Board occurred prior to his election to the police jury. However, the police juror is prohibited from being reappointed to the EMS Board once his initial term has expired. §1113 **No. 2007-770**

A company in which the husband of a candidate for Ascension Parish Council and each of the husband's four brothers each own a 20% interest, is not prohibited from transacting business with the parish if the candidate is elected, as the husband's brothers are not considered immediate family members of the candidate, and the husband's interest in the company is not a controlling interest. §1113 **No. 2007-862**

An appointed member of the Board of Appeals of the South Central Regional Construction Code Council is prohibited from lodging an appeal with the Board of Appeals on his own behalf, on behalf of another property owner, or on behalf of a company in which the board member has a substantial economic interest. §1113B; §1112 **No. 2007-757**

A gas station owned by a public servant who serves as a fire chief of a volunteer fire department and as a port director of the local port authority may not sell gasoline to the fire department or to the port authority. §1113 **No. 2007-879**

PARTICIPATION

Ann Cannon violated Sections 1112B(1) and 1119 of the Code by approving the hiring of her sister, Joy Young, her son, Charles Hansford, and her daughter-in-law, J.B. Hansford, by the Prairie Road Water District, while she served as the Water District's office manager. A penalty of \$2,000 was assessed against Ms. Cannon, and the Board determined that either Ms. Cannon or her immediate family members must resign from the Water District. §1112B(1); §1119 **No. 2005-547**

An appointed member of the St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission may not participate or vote on issues before the Commission involving the redevelopment of a development in which he owns land. Section 1112D prohibits appointed members of boards and commissions from recusing themselves to avoid a participation violation; therefore, the Commission member must either resolve the conflict or resign his position. §1112 **No. 2007-473**

A board member of the South Central Louisiana Human Services Authority (SCLHSA), who is also employed by the United Way, may participate in appointing a member of the United Way's board of directors to the position of SCLHA Executive Director, because her employer is the United Way, and not the individual members of its board. §1112 **No. 2007-853**

A commissioner of the Southeast Louisiana Flood Protection Authority-East may participate in the review and selection of consultant for the Authority which is wholly owned by another company in which the commissioner owns stock, because the commissioner's stock ownership interest is not greater than the general class of stock owners in that company. §1112 **No. 2007-572**

NEPOTISM

Rickey Hardy violated Section 1119B(1) of the Code by virtue of the employment of his minor daughter with a summer after school program operated by the Lafayette Parish School Board while Mr. Hardy served as a member of the Lafayette Parish School Board. A penalty of \$1,870 was assessed against Mr. Hardy, with \$935 suspended

conditioned upon future compliance with the Code of Ethics. §1119B(1) **No. 2006-668**

Mark May and his mother, Lola May, violated Section 1119B(1) of the Code by virtue of Ms. May's employment with the Caldwell Parish School Board as an uncertified substitute teacher while Mr. May served as a member of the Caldwell Parish School Board. The exception contained in Section 1119(2)(a)(i) was inapplicable because Ms. May is not a certified teacher. A penalty of \$500 was assessed against Mark May, and a penalty of \$250 was assessed against Lola May. §1119B(1) **No. 2006-614**

James Wallet violated Section 1119A of the Code by virtue of the employment of his wife, Tammy Wallet, and daughter, Renee Wallet, as concession workers at the City of Eunice's Recreation Department, while Mr. Wallet served as Director of the Recreation Department. Mr. Wallet also violated Section 1112B(1) by reviewing and approving the time sheets of his wife and daughter during their employment. A penalty of \$1,132 was assessed against Mr. Wallet. §1119A; §1112B(1) **No. 2006-580**

An employee of the Acadia Parish Library may not continue her employment if her brother is elected to the Acadia Parish Police Jury, because the Library Control Board is a part of parish government, and the employee will not have been employed for one year prior to the election. §1119B(1) **No. 2007-801**

OUTSIDE SERVICES & ACTIVITIES

Representative Taylor Townsend violated Section 1111E(2) by providing legal assistance to Pelican Distributors in a proceeding involving the Department of Revenue, a state agency. The violation was due to Representative Townsend's failure to timely file a sworn written statement with the Board disclosing the representation, as required by the Code. A penalty of \$1,000 was assessed against Representative Townsend. §1111E(2) **No. 2006-243**

A member of the Town of Jonesboro's Planning and Zoning Board may continue to serve as the executive director of Jonesboro's Community Development Corporation (CDC). However, the board member would be prohibited from receiving any compensation from the CDC if the CDC has any business pending before the Planning and Zoning Board. §1111C(2)(d) **No. 2007-784**

A Smoothie King franchise owned by an employee of Northwestern State University's Office of Alumni and Development and her spouse may conduct business with various departments of the University other than the Office of Alumni and Development, and with other persons who do not have a business relationship with the

Office of Alumni and Development. §1111C(2)(d); §1113 **No. 2007-686**

A commissioner of the West Calcasieu Parish Port would be prohibited from receiving money from a company with which he has a lease agreement, if that company purchases another company which has a business relationship with the Port. §1111C(2)(d) **No. 2007-679**

PROHIBITED PAYMENTS & GIFTS

A public fire chief is prohibited from soliciting donations on behalf of the Louisiana Fire Chief's Association from persons who have or are seeking a contractual, financial or business relationship with the fire chief's agency, who conduct operations which are regulated by the fire chief's agency, or who have substantial economic interests which may be influenced by the performance or non-performance of the fire chief's job duties. §1115 **No. 2007-772**

POST EMPLOYMENT RESTRICTIONS

Stephen Morway, a former employee of the LSU Health Sciences Center, Heart Catheterization Lab, violated Section 1121B by providing compensated services to the St. Jude Medical SC, Inc. in transactions involving the Catheterization Lab, within the two-year period following his resignation from the Lab. A penalty of \$5,000 was assessed against Mr. Morway. §1121B **No. 2006-255**

A retired director of the Department of Health and Hospitals' Division of Health Services and Finances may be employed within two years following his retirement by a corporation which is submitting a response to a request for proposal from the Division of Health Services and Finances. However, the former director may not assist the corporation in preparing the request for proposal response until after the expiration of the two-year period. §1121 **No. 2007-727**

A former employee of the Office of Public Health's Beach Monitoring Program may be employed by the Program on a contractual basis within the two-year period following his resignation, as the contract services which he would be performing are substantially different from those which he performed during his regular employment with the Program. §1121B **No. 2007-681**

UNIQUE CIRCUMSTANCES

An employee of Town of Church Point's Waste Water Department may continue his employment after his marriage to the daughter of the department head, because he will have been employed by the Department for more than one year at the time of the marriage. The department head is advised to submit a disqualification plan to the Board showing his removal from any employment decisions regarding his future son-in-law. §1119 **No. 2007-**

LOBBYING

Consultants engaged by the Louisiana State Employees Retirement System (LASERS) to act as fiduciaries assisting LASERS in determining asset allocation, monitoring LASERS investments, making educational presentations, and soliciting responses from persons doing business with LASERS may be required to register as lobbyists if they make direct acts or communications with LASERS executive branch officials, in an attempt to influence a separate executive branch action of LASERS outside the scope of their contractual obligations with LASERS. Also, such consultants who make expenditures of \$500 or more on LASERS officials in a calendar year must report the expenditures to the Board. Consultants who render professional services to LASERS, such as money managers, attorneys, CPAs and CFAs, are not required to register as lobbyists unless they make expenditures for LASERS officials as they fall under the "professional services" exception contained in the statute. R.S. 49:72(7)(a); §1114.2 **No. 2007-669**

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 Courtney Jackson 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.*

UPCOMING FILING DEADLINES

Candidates

All candidates and principal campaign committees of candidates are required to file an annual report if contributions, loans, and/or expenditures were made in 2007 for a future election. All candidates and committees who have deficits or surpluses from past elections are required to a supplemental report in addition to their annual report. All annual and supplemental reports are due by **February 15, 2008**.

"Major office" level candidates in the October 8, 2008 election must file a 90-P report by **April 7, 2008**.

Election day reports (EDE-P) for the February 9, 2008 election are due by **February 19, 2008**.

10th day prior to the general (10-G) reports for the February 9, 2008 election are due by **February 27, 2008**.

40th day after the general (40-G) reports for the February 9, 2008 proposition election are due by **March 20, 2008**.

30th day prior to the primary (30-P) reports for the March 8, 2008 proposition election are due by **February 7, 2008**.

10th day prior to the primary (10-P) reports for the March 8, 2008 proposition election are due by **February 27, 2008**.

42:1114.3 Disclosure Statements

Elected and appointed state officials and their immediate family members must file initial and annual disclosure statements with the Louisiana Board of Ethics if they derive directly, or through a legal entity of which they own 10% or more, any thing of economic value, when that value exceeds \$2,500, from a contract or subcontract which is related to a disaster or emergency declared by the governor and when such contract is wholly or partially funded or reimbursed with federal funds. Initial disclosure statements are due within 15 days after the elected official, appointed state official, immediate family member, or legal entity enters into the contract or subcontract. Annual disclosure statements are due by February 15, 2008 disclosing the actual amount of the thing of economic value derived in 2007.

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.

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