

Ethics Quarterly

Selected Opinions of the Louisiana Board of Ethics

April 2008

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

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ETHICS

PROHIBITED TRANSACTIONS

Marius T. McFarland, Coroner of Caddo Parish, and McFarland Healthcare Services, Inc., a company owned by Marius T. McFarland, violated Section 1113A of the Code by virtue of Mr. McFarland and McFarland Healthcare Services, Inc. leasing office space to the Caddo Parish Coroner's Office while Mr. McFarland served as Coroner of Caddo Parish. A penalty of \$5,000 was assessed against Mr. McFarland and McFarland Healthcare Services, Inc. §1113A **No. 2007-595**

Section 1113A prohibits a company owned by a member of the West Feliciana Parish School Board from selling fundraising merchandise to school organizations within the West Feliciana Parish school system. §1113 **No. 2007-917**

A company owned by an appointed member of St. Martin Parish Waterworks District #5 is prohibited from selling a water system to the District, as the transaction would be under the supervision or jurisdiction of the District. §1113 **No. 2008-133**

A company owned by a member of the Jefferson Davis Parish Police Jury may donate bottled water to the police jury, as Section 1123(30) of the Code allows a public servant, or a legal entity in which the public servant has a controlling interest, to donate movable property to the public servant's agency. §1113A, §1123(30) **No. 2008-134**

A member of the Vermilion Parish Police Jury may not be appointed to the Waterworks District No. 1 of Vermilion Parish, as the appointment would be under the supervision and jurisdiction of the police jury. §1113A **No. 2008-227**

PARTICIPATION

Paula Johns, Vice-Chancellor of Economic Development for Bossier Parish Community College, violated Sections 1112 and 1113 of the Code and her daughter, Carrie Wilson, violated Section 1113 of the Code by virtue of

Paula Johns approving purchase orders from Lamb & Associates, a company by which Carrie Wilson was employed and from which Carrie Wilson received commissions for sales made to the Community College. A penalty of \$500 each was assessed against Paula Johns and Carrie Wilson. §1112; §1113. **No. 2007-406**

A member of the Greater Baton Rouge Port Commission is prohibited from participating in a transaction before the Port which involves land owned by a company which is owned by the Port Commission member and his immediate family members. §1112 **No. 2008-170**

NEPOTISM

McLawrence Fuller, a member of the DeSoto Parish School Board, and his son, Clinton Fuller, violated Section 1119 of the Code by virtue of Clinton Fuller's promotion to and employment as principal of the Mansfield Middle School while McLawrence Fuller served on the school board. McLawrence Fuller and Clinton Fuller were each assessed a penalty of \$500. §1119 **No. 2006-645**

Donnie Williams, Sr., a member of the Tangipahoa Parish School Board, violated Section 1119B(2)(a)(ii) by failing to file annual disclosure statements with the Board disclosing the employment of his mother-in-law with the Tangipahoa Parish School Board for the 2003-2004 school year. A penalty of \$1,500 of assessed against Mr. Williams, with \$1,000 suspended conditioned upon future compliance with the Code. §1119B(2)(a)(ii) **No. 2006-688**

Marius T. McFarland, Coroner of Caddo Parish, violated Section 1119 of the Code by virtue of the employment of his brother-in-law, Darryl L. Morgan, by the Caddo Parish Coroner's Office while Marius T. McFarland served as Coroner. A penalty of \$1,500 was assessed against Mr. McFarland. §1119 **No. 2007-515**

Pamela Suggs, Library Director of Claiborne Parish, violated Sections 1119A and 1112B(1) of the Code by virtue of the hiring and employment of her sister, Elaine Smart, by the Claiborne Parish Library. Elaine Smart violated Section 1119A of the Code by virtue of her employment with the Claiborne Parish Library while her sister served as Library Director. A penalty of \$2,000 was

assessed against Ms. Suggs, and a penalty of \$1,000 was assessed against Ms. Smart. §1119, §1112 **No. 2007-549**

The daughter of a Tangipahoa Parish councilman may not be employed part-time by the Tangipahoa Parish Visitors and Convention Bureau, as the Bureau is a part of parish government, and therefore is considered to be within the councilman's agency. §1119B(1) **No. 2008-214**

A bookkeeper employed by the Claiborne Parish School Board, who is also the spouse of a school board member, may not apply for the position of School Board Sales Tax Collector, because the position does not represent a normal promotional advancement from the position of bookkeeper. §1119C(2) **No. 2007-1028**

OUTSIDE SERVICES & ACTIVITIES

A member of the Livingston Parish Fire Protection District No. 2 is prohibited from being employed part-time by a company which supplies fire equipment for the District, because of the business relationship between the company and the District. §1111C(2)(d) **No. 2008-128**

A volunteer firefighter of the Rayne Volunteer Fire Department may not be employed by a company which has a business relationship with the fire department, but the fire department may employ a volunteer firefighter as a maintenance worker, as Section 1123(35) provides an exception which allows an uncompensated fire fighter or a legal entity in which such a firefighter has a controlling interest, to enter into a contract, subcontract or other transaction under supervision or jurisdiction of the fire department. §1111C(2)(d), §1113A, §1123(35) **No. 2008-164**

A company owned by a member of the Iberia Parish Council may not sell signs to a non-profit youth baseball association which receives an annual grant that is approved by the Iberia Parish Council and issued by the Iberia Parish Recreation Department, a division of Iberia Parish Government. §1111C(2)(d) **No. 2008-196**

An employee of Acadiana Medical Laboratories may not serve as a member of the Acadia-St. Landry Hospital Board of Commissioners, because Acadiana Medical Laboratories has a contractual relationship with the Acadia-St. Landry Hospital, which is under the supervision of the Board of Commissioners. §1111C(2)(d) **No. 2008-219**

A photography company owned in part by the spouse of the principal of a Lafourche Parish elementary school may not photograph students at the elementary school. §1113A **No. 2008-292**

PROHIBITED PAYMENTS & GIFTS

Paula Bezard, an employee of the Teachers' Retirement System of Louisiana (TRSL), violated Sections 1111A(1) and 1115 of the Code by virtue of her receipt of free lodging and holiday gifts from Reba Byrd, an employee of A.G. Edwards, at a time when A.G. Edwards had a business relationship with TRSL. A penalty of \$1,000 was assessed against Ms. Bezard, with \$500 suspended conditioned upon future compliance with the Code. §1111A(1), §1115 **No. 2006-430**

A heating and air conditioning company is prohibited from offering a 15% discount on services performed by the company to state employees who reside within 75 miles of the City of Baton Rouge, because this discount is not offered to all state employees, but only to a small class of state employees. §1111A(1) **No. 2007-1057**

POST EMPLOYMENT RESTRICTIONS

A former Director of External Relations employed within the LSU Systems Office is not prohibited from being employed by non-profit organization affiliated with the LSU Health Sciences Center within the two year period following the termination of her employment with the LSU Systems Office, as the non-profit organization is a separate entity from her former agency, and she would not be assisting the non-profit organization in transactions involving her former agency. §1121 **No. 2008-094**

A retired secretary/aide of the St. Bernard Parish School Board may be reemployed in her former position by the Back to Work Program while her husband serves as a St. Bernard Parish School Board member, because Section 1119C(5) of the Code allows for the reemployment of a retiree whose employment was allowed on the date of retirement. §1121, §1119C(5) **No. 2008-125**

A former employee of the Traffic Operations section of the Department of Transportation and Development (DOTD) may perform work on a contract basis for the Utility Relocation section of the DOTD immediately following his retirement, because the Traffic Operations section is a separate agency from the Utility Relocation section. §1121B **No. 2008-163**

A former Training Coordinator of the Department of Transportation and Development (DOTD) may contract with the DOTD to perform sampling and testing of materials to be used in construction projects within the two-year period immediately following his retirement, as the former employee did not work on construction projects while employed by the DOTD. §1121B **No. 2007-867**

A former member of the New Orleans City Planning Commission is prohibited from assisting a private company as a member of a consultant team that would provide planning services for the City of New Orleans during the

two-year period following the termination of his membership on the Planning Commission. §1121A(1) **No. 2008-033**

A director of Traffic and Transportation employed by Lafayette Consolidated Government may serve as an expert witness in a case in Jefferson Parish which involves traffic engineering issues, provided that the testimony does not include any matters in which the director participated as an employee of Lafayette Consolidated Government. §1111C(1)(a) **No. 2008-038**

UNIQUE CIRCUMSTANCES

A newspaper, which is official journal for LaSalle Parish government and which is owned by the father of the newly elected Sheriff of LaSalle Parish, may continue to publish legal notices for the Sheriff's Department as required by law, because it is the only newspaper in the parish. However, Section 1113A would prohibit the newspaper from publishing advertisements for the Sheriff's Department which are not required by law. §1113A **No. 2008-203**

LOBBYING

An individual whose firm is compensated to represent the Louisiana Conference of Catholic Bishops must register as a legislative lobbyist if that individual testifies before the House of Representatives or the Senate in support or opposition of a particular bill, because communication made before the Louisiana Legislature to influence the passage or defeat of legislation is "lobbying" as that term is defined in the Lobbying Disclosure Act. La. R.S. 24:53 **No. 2008-287**

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
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If you have any questions or would like more information, please visit the Louisiana Board of Ethics' website at www.ethics.state.la.us.

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.

NOTICES

Candidates

Please be advised that the Board of Ethics may object to the candidacy of a person who, upon qualifying for elected office, has outstanding late fines, fees or penalties assessed for violations of the Campaign Finance Disclosure Act or the Code of Governmental Ethics.

Louisiana Board of Ethics

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