

Ethics Quarterly

Selected Opinions of the Louisiana Board of Ethics

July 2008

P.O. Box 4368, Baton Rouge, Louisiana 70821
(225) 763-8777 or Toll Free: 1-800-842-6630
On the web: www.ethics.state.la.us

Vol. 14 No. 3

ETHICS

PROHIBITED TRANSACTIONS

A councilman of the Town of Brusly is prohibited from applying for a building permit from the Brusly Planning and Zoning Commission, because the Commission is under the jurisdiction of the councilman's agency. The exception of Section 1123(34) is inapplicable because a variance would be requested. §1113A **No. 2008-353**

A company owned by the son of a member of the Baton Rouge Sewer Oversight Committee is prohibited from contracting with the Department of Public Works to perform work, where the funding for the contract will be under the supervision of the Sewer Oversight Committee. §1113A **No. 2008-402**

A contractor of the Department of Transportation and Development (DOTD) whose brother has been promoted to assistant administrator of the DOTD Real Estate Section may continue to work under an existing contract with Real Estate Section; however, the contractor is prohibited from entering into a new contract with the Real Estate Section or renewing the existing contract once it has expired. §1113A **No. 2007-602**

Board members of the Louisiana Housing Finance Agency (LHFA) are prohibited from being appointed by the LHFA to a non-profit corporation created by the LHFA, as the appointment would be a transaction under the supervision of the board members' agency. §1113B **No. 2008-461**

A member of the St. Tammany Parish Council may not reacquire land which his family donated to the parish, as the parish council would ultimately have to approve the reacquisition of the land. The councilman is not prohibited from owning a 10% interest in a limited liability company organized to acquire and develop other properties, provided that he does not vote as councilman on any matters in which the LLC has an economic interest. §1113A, §1112 **No. 2008-486**

A member of the Houma Terrebonne Airport Commission whose brother has been elected to the

Terrebonne Parish Council may not be reappointed to the Airport Commission, as Council is the appointing authority for the Airport Commission, and therefore, the appointment is a transaction under the jurisdiction of the councilman's agency. §1113A **No. 2008-586**

PARTICIPATION

A member of the board of commissioners of the Southeast Louisiana Flood Protection Authority-East ("Authority"), who is also the executive director of a law firm, may not participate in matters before the Authority concerning a lawsuit in which the law firm is involved. §1112 **No. 2008-467**

NEPOTISM

Joseph Candler violated Section 1119A of the Code by virtue of the employment of his wife, Patricia Candler, as Acting Superintendent of the Madison Parish School Board while Joseph Candler served as a member of the Madison Parish School Board. Patricia Candler violated Sections 1113A and 1119A of the Code by virtue of her being appointed and employed as Acting Superintendent while her husband served as a member of the Madison Parish School Board. A penalty of \$3,000 was assessed against Joseph Candler, and a penalty of \$1,000 was imposed against Patricia Candler. §1119, §1113 **No. 2006-823**

Ronnie Cotton violated Section 1119A of the Code by virtue of the employment of his wife, Pam Cotton, by the Livingston Parish 911 Communications District while Ronnie Cotton served as the District Director. A penalty of \$500 was assessed against Ronnie Cotton, with \$250 suspended conditioned upon future compliance with the Code. §1119A **No. 2006-741**

Pamela Suggs violated Section 1119A of the Code by virtue of the hiring and employment of her sister, Elaine Smart, by the Claiborne Parish Library, while Pamela Suggs served as the Claiborne Parish Library Director. A penalty of \$2,000 was assessed against Pamela Suggs. §1119A, §1112B(1) **No. 2007-549**

The daughter of a member of the board of commissioners of Caddo Parish Fire District 8 is prohibited from being employed by the fire district as a compensated firefighter,

as the commissioner is an agency head of the Caddo Parish Fire District 8. §1119A **No. 2008-324**

A Claiborne Parish Assistant District Attorney may continue his employment with the Claiborne Parish District Attorney's Office if his brother is elected District Attorney, because he has been employed by the District Attorney's Office for more than one year prior to his brother's election. §1119A **No. 2008-344**

A father and son may both be employed by the Town of Mooringsport as water operators, because neither the father nor the son is an agency head, and neither has supervisory authority over the other. §1119A **No. 2008-345**

A captain of the City of West Monroe Marshal's Office may continue his employment with the Marshal's Office if his uncle is elected Marshal in an upcoming election, because an uncle is not an immediate family member for purposes of the Code. §1119A, §1102(13) **No. 2008-572**

OUTSIDE SERVICES & ACTIVITIES

An employee of the Office of Addictive Disorders (OAD), Region 8, is prohibited from being employed on a contractual or on a part-time basis by a company which has a contract with OAD Region 8 to operate a residential treatment facility. §1111C(2)(d) **No. 2008-201**

An employee of the Office of Family Services, Monroe Regional Support Enforcement Services Office (MRSES) is not prohibited from opening a private Medicaid provider company, provided that the company does not treat MRSES clients, and provided that she does not refer clients of MRSES to her private company. §1111C(2)(d), §1112 **No. 2008-349**

An employee of an insurance company which provides insurance to the Lafourche Water District No. 1 (District) may not be appointed to the District. An employee of an engineering company which has occasionally performed work for the District may be appointed to the District; however, the individual must resign if the company continues to perform work for the District. §1111C(2)(d) **No. 2008-426**

A polygraphist for the Louisiana State Police may also provide polygraph services for private clients, as long as the private polygraph services do not involve any criminal investigations to which the Louisiana State Police may be a party. §1111C(1)(a) **No. 2008-483**

Members of the Louisiana State Uniform Construction Council are prohibited from receiving reimbursement from non-public organizations for attending such organizations' board, committee and planning meetings, if the organizations have a substantial economic interest that could be affected by the performance of a Council

member's job duties through the adoption or amendment to the Uniform Construction Code. §1111C(2)(d) **No. 2008-500**

An employee of the Natchitoches Center for Addictive Disorders Clinic may not contract with the Natchitoches Parish Sheriff's Department to provide case management for clients whom she treats in her employment with the Clinic, as the case management services are substantially related to the services which she provides in her employment with the Clinic. §1111C(1)(a) **No. 2008-533**

PROHIBITED PAYMENTS & GIFTS

Reba Byrd, an employee of A.G. Edwards, violated Section 1117 of the Code by virtue of providing Paula Bezar, an employee of the Teachers' Retirement System of Louisiana (TRSL), with free lodging and holiday gifts, at a time when A.G. Edwards had a business relationship with TRSL. A penalty of \$1,500 was assessed against Reba Byrd, with \$500 suspended conditioned upon future compliance with the Code. §1117 **No. 2006-430**

A state representative may create a non-profit corporation to sponsor activities for children and senior citizens in the community, and the representative may serve as a member of the board of directors of the corporation and solicit donations on behalf of the corporation, provided that the representative does not solicit donations from a person that is seeking to influence the passage or defeat of legislation by the House of Representatives. §1115 **No. 2008-343**

The Louisiana Bar Association's Young Lawyers Section Council may provide free estate planning services to first responders employed within the state, including policeman, fireman and rescue workers, pursuant to Section 1123(38) of the Code, which authorizes first responders to receive such services in accordance with a program certified by the Louisiana Bar Association and accepted by the Board of Ethics. §1111A, §1123(38) **No. 2008-137**

Employees of the Department of Transportation and Development (DOTD) are not prohibited from receiving a crawfish boil donated as a prize by the former DOTD Secretary as part of a United Way fundraiser, because at the time the prize was donated, the donor was an employee of the DOTD and was not a prohibited source. §1115 **No. 2008-434**

A state senator may accept airfare and lodging from the Safari Club International to attend a meeting in Washington, DC to accept a Legislator of the Year award, since the senator will be accepting an award and making a public speech. The senator is required to file a financial disclosure statement with the Board within 60 days of the function disclosing the receipt of the airfare and lodging. **No. 2008-381**

Physicians who are employed by state hospitals may accept lunches or dinners from representatives of pharmaceutical companies, as food and drink consumed while the personal guest of a person is not a thing of economic value for purposes of the Code. However, a pharmaceutical representative that has, or is seeking to have, a business, contractual or other financial relationship with the physician's agency may not provide the physician with more than \$50 in food and drink at a single event. §1115, §1115.1 **No. 2008-606**

POST EMPLOYMENT RESTRICTIONS

Sheryll Thompson violated Section 1121B of the Code by virtue of her contracting with the Capital Region Planning Commission (CRPC) to provide the same services which she provided during her employment with the CRPC, within the two year period following the termination of her employment with the CRPC. A penalty of \$1,000 was assessed against Sheryll Thompson. §1121B **No. 2006-1076**

Section 1121A(1) prohibits the Interim State Public Defender of the Louisiana Public Defender Board from contracting with a local public defender agency or from contracting with or being employed by a 501(c)(3) program that handles appeals for the Public Defender Board, within the two-year period following the termination of his employment. However, he is not prohibited from being employed by one of the local public defender agencies within the two-year period. §1121A(1) **No. 2008-466**

A former warden of the Dabadie Correctional Facility is not prohibited from being employed as the Public Works Director of the City of Alexandria within the two year period following the termination of his employment as warden, because the City of Alexandria is not a "person" for purposes of the Code, and because the former warden would not be entering into a contract with his former agency. §1121 **No. 2008-441**

A company owned by the former coordinator of the 21st Judicial District Drug Court (21st JDDC) is prohibited from contracting with a vendor of the 21st JDDC to provide services to the vendor for its contract with the 21st JDDC, within the two year period following the termination of the coordinator's employment with the 21st JDDC. §1121 **No. 2008-462**

A former employee of the Louisiana Office of Risk Management (ORM) is not prohibited from being employed by an ORM contractor within the two year period following the termination of her employment with ORM; however, she may not assist the contractor with claims in which she participated as an employee of ORM within the two year period. §1121B(1) **No. 2008-347**

UNIQUE CIRCUMSTANCES

A former employee of the Town of Grand Isle who resigned her employment may be rehired by the town after her biological sister has been elected to the town council. The former employee was adopted by another family as a child, and therefore, she is no longer considered to be the immediate family member of her biological relatives for purposes of the Code. Accordingly, no nepotism issues are presented by this employment. §1119A **No. 2008-482**

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, P.O. Box 4368, Baton Rouge, Louisiana, 70821.

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:

**P.O. Box 4368
Baton Rouge, LA 70821**

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

Notices

School Board Disclosure Statements shall be filed by any school board member and superintendent who has an immediate family member employed by their school board **within 30 days from the beginning of each school year.**

Legislative and Executive Branch Lobbyist Expenditure Reports disclosing any expenditures made from January 1, 2008 through June 30, 2008 are due no later than **August 15, 2008.** A statutory penalty of \$50 per day shall be assessed for the late filing of these reports.

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 P.O. Box 4368, Baton Rouge, Louisiana, 70821, 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.

Louisiana Board of Ethics

P.O. Box 4368
Baton Rouge, LA 70821

