

Ethics Quarterly

Selected Opinions of the Louisiana Board of Ethics

January 2010

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ETHICS

PROHIBITED TRANSACTIONS

Edward Brown, Jr., Mayor of the Town of St. Joseph, and Betty Brown, the wife of Mayor Brown, violated Section 1113A of the Code by virtue of Mrs. Brown receiving compensation for contractual services provided to the Town of St. Joseph's Prevention Education Program, and by virtue of Mayor Brown's participation by signing and approving the contract. A joint penalty of \$2,000 was assessed against Edward and Betty Brown. §1113A, §1112 **No. 2007-464**

The Livingston Library Board may accept a bid from an architectural firm which employs the son-in-law of the library board's president, provided that the son-in-law is a salaried employee who does not own a controlling interest in the firm, and his compensation from the firm will be unaffected by the firm's contract with the library board. Because the son-in-law would not have a substantial economic interest in the contract, the library board president may participate in reviewing a proposal submitted by the firm. §1112, §1113A **No. 2009-921**

The District Defender for the 27th Judicial District may not continue to receive payment from the District Defender's Office in connection with the office's use of a building owned by the District Defender. §1113A **No. 2009-951**

A company may continue to lease space from the Iberia Airport Authority if the company's owner is elected to the Airport Authority, pursuant to Section 1123(20), which provides an exception which allows an airport authority member or employee in an airport in a parish with a population of 200,000 or less to utilize any of the services available at the airport over which the authority has jurisdiction, provided the services are offered to the public servant under the same terms, conditions, and availability as offered to any member of the general public. §1113B, §1123(20) **No. 2009-972**

The Larose Lower Elementary School is prohibited from

purchasing supplies and other products from a local supermarket which is owned by immediate family members of an employee of the school. §1113A **No. 2009-911**

The Tourist Coordinator of the City of Scott and her company are prohibited from entering into a contract with the city to perform tours of the city. §1113A, §1111C(2)(d), §1112 **No. 2009-913**

PARTICIPATION

Lisa Butchee, an Alderman for the Village of Creola, violated Section 1112 of the Code by virtue of participating in matters before the Creola Board of Alderman in which her employer, Judge Michael Wahlder, had a substantial economic interest. A penalty of \$500 was assessed against Lisa Butchee. §1112 **No. 2007-691**

Members of the Livingston Parish Council may participate in an initiative petition to be submitted to the Council proposing the revision of a parish ordinance, because the council members do not have a substantial economic interest in the impact of the petition. §1112 **No. 2009-924**

Two alderman for the Village of Albany may vote to donate funds to the Veterans Memorial Committee, where one alderman serves on the committee, and the other is employed by a company which is donating equipment for the construction of the veterans' memorial, as neither alderman has a substantial economic interest in the transaction. Section 1123(1) of the Code also allows a public servant to participate in the affairs of a charitable or public service organization when no compensation is received. §1112 **No. 2009-969**

NEPOTISM

Byron Hines, Administrator for the Northeast Louisiana War Veterans' Home, violated Section 1119A of the Code by virtue of the employment of his brother, Ronnie Hines, at the by the Veterans' Home, while Byron Hines served as the hospital's agency head. A penalty of \$500 was assessed against Byron Hines. §1119A **No. 2008-442**

The sister-in-law of the principal of Benton Middle School

is prohibited from being employed either as a certified teacher or as a cheerleading sponsor at the school; however, the Code would not prohibit her from donating her services to the school as cheerleading sponsor. §1113A, §1119A **No. 2009-881**

A town clerk of the Town of Greensburg, whose future mother-in-law serves as an Alderman for the Town of Greensburg, may continue to be employed by the town, because the town clerk has been employed by the town for more than one year before she will become the daughter-in-law of the Alderman. §1119 **No. 2009-961**

OUTSIDE SERVICES & ACTIVITIES

Maurice Brown, Mayor of the Town of White Castle, violated Section 1111C(2)(d) of the Code by virtue of performing compensated security services for Poppingo's convenience store, at a time when the Town of White Castle purchased gasoline from Poppingo's through the use of its fleet card. A penalty of \$3,000 was assessed against Maurice Brown. §1111C(2)(d) **No. 2006-1034**

The wife of the Chancellor of the Bossier Parish Community College (BPCC) would be prohibited from continuing to receive compensation, including commissions, from her employer, a local television station, if BPCC enters into an agreement with the television station to purchase advertising time. §1111C(2)(d) **No. 2009-882**

A professor at McNeese State University may continue to be employed by the Department of Transportation and Development as an independent contractor performing evaluating services and giving advice concerning expropriations, as these services are not substantially related to the professor's job duties with the university. §1111C(1)(a)

A member of the Louisiana State Arts Council may not be appointed to the Louisiana Partnership for the Arts (LPA), a non-profit organization which receives money from the Council, if the council member would be receiving compensation for his position with the LPA. §1111C(2)(d) **No. 2009-941**

A biologist manager employed by the Department of Wildlife and Fisheries is not prohibited from being employed by Bass Pro Shop as a retail associate, as there is no contractual, business or other financial relationship between Bass Pro Shop and the Department, and the duties which he may perform as a retail associate are not substantially related to the job duties which he performs with the Department. §1111C(2)(d), §1111C(1)(a) **No. 2009-968**

PROHIBITED PAYMENTS & GIFTS

Joey Normand, Mayor of the Town of Brusly, violated Section 1111A(1) of the Code by virtue of his personal usage of a generator owned by the Brusly Police Department following Hurricane Gustav. A penalty of \$300 was assessed against Joey Normand. §1111A(1) **No. 2008-879**

Officers of the Baton Rouge Police Department may not accept a gift certificate given by a local restaurant for the officers' response to an emergency call. The officers may receive recognition for their actions and be provided with a luncheon, pursuant to Section 1102(22)(a), which allows a public servant to receive complimentary food and drink while the personal guest of a person. §1111A(1) **No. 2009-1011**

Employees and officers of the Monroe Police Department are prohibited from soliciting donations for a police memorial from individuals and businesses which have, or are seeking to have, a contractual, business or other financial relationship with the Department, who conduct activities or operations which are regulated by the Department, or who have substantial economic interests that may be affected by the performance of the officers' or employees' job duties. The officers and employees may solicit donations for the police memorial from sources other than those which are prohibited. §1115 **No. 2009-1070**

POST EMPLOYMENT RESTRICTIONS

A former deputy city attorney of the New Orleans City Attorney's Office is not prohibited from representing individuals before the New Orleans City Council, the City Planning Commission, or the Board of Zoning Adjustments within the two-year period following the end of his employment, because the representation will not involve any matter in which he participated during the course of his employment as deputy city attorney. §1121B(1) **No. 2009-909**

A former employee of the Recovery School District (RSD) may not, individually or through her company, contract to perform services which she performed during the course of her employment for schools within the RSD for two years following the termination of her employment with the RSD. §1121B **No. 2009-942**

A former employee of the Division of Administration, Office of State Lands (OSL), is not prohibited, during the two year period following the termination of his employment, from being employed by a company which has a cooperative agreement with the OSL, because the project on which he will be working is not under the supervision of his former division within the OSL. §1121B **No. 2009-1070**

UNIQUE CIRCUMSTANCES

The owner of a technology company which contracts with the Town of Merryville may maintain the contract if he is elected to the Merryville Town Council. Section 1123(22) of the Code provides an exception which allows a member of a governing authority of a municipality with a population of 5,000 to enter into a contract with the municipality. A disclosure plan and quarterly affidavits must be filed with the Ethics Board. §1113A, §1123(22) **No.2009-915**

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) 219-5600 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 Board of Ethics, P.O. Box 4368, Baton Rouge, LA, 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.

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

Candidates

As of January 1, 2010, major and district office level candidates with expenditures over \$25,000 or contributions/loans over \$25,000 in connection with an election are required to electronically file campaign finance disclosure reports.

February 15, 2010 – Deadline for supplemental and annual campaign finance disclosure reports by candidates and

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, LA 70821 or phone (225) 219-5600 or 1-800-842-6630. Three hundred copies of this public document were published in this first printing at a cost of \$240.00. The total cost of this document, including reprints, is \$240.00. 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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