

E. The relevant report for commencing the one-year prescriptive period in the CFDA shall be the filed report required by the Campaign Finance Disclosure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 46:313 (March 2020).

Kathleen M. Allen
Ethics Administrator

2003#025

RULE

**Department of Civil Service
Board of Ethics**

Code of Governmental Ethics (LAC 52:I.1701 and 1719)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Louisiana Board of Ethics, has repealed certain sections of the Rules for the Board of Ethics to bring the Rules into compliance with current statutory provisions. This Rule is hereby adopted on the day of promulgation.

**Title 52
ETHICS**

Part I. Board of Ethics

Chapter 17. Code of Governmental Ethics

**§1701. Exception Contained in Section 1123(13);
Sporting and Cultural Events**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 31:1228 (June 2005), repealed LR 46:313 (March 2020).

§1719. Elected Officials; Duties and Rights

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1895 (October 1998), repealed LR 46:313 (March 2020).

Kathleen M. Allen
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2003#060

RULE

**Department of Civil Service
Board of Ethics**

Hearings and Pre-Hearing Procedures
(LAC 52:I.1002, 1101 and 1102)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Louisiana Board of Ethics, has amended certain sections of the rules for the Board of Ethics to clarify hearing procedures, pre-hearing procedures and motions for

RULE

**Department of Civil Service
Board of Ethics**

Campaign Finance Disclosure (LAC 52:I.1611)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Louisiana Board of Ethics, has amended certain sections of the Rules for the Board of Ethics to define statutory language and provide clarity to current statutory provisions. This Rule is hereby adopted on the day of promulgation.

**Title 52
ETHICS**

Part I. Board of Ethics

**Chapter 16. The Board as Supervisory Committee of
the Louisiana Campaign Finance
Disclosure Act**

§1611. Violation Contained in a Report

A. The language of R.S. 18:1511.11 of “the violation is contained in a report...” shall mean that the alleged campaign finance violation shall be evident on the face of the report, without further investigation or information provided from another source, in order for the one-year prescriptive period to be applicable.

B. The originating source of a campaign finance contribution or loan must be disclosed and contained in the report of the candidate, political committee, and other person required to file reports pursuant to the CFDA for the purpose of commencing the one year prescriptive period from the filing of the relevant report.

C. Any disclosure other than the originating source of the contribution or loan to the candidate, political committee, or other person required to file reports pursuant to the CFDA shall be an insufficient disclosure for the purpose of commencing the one year prescriptive period from the filing of the relevant report.

D. The specific and aggregate dollar amounts of the contribution or loan, for the requisite filing period, must be accurately disclosed in the relevant report for the purposes of instituting the prescriptive period of “one year has elapsed from the filing of the relevant report.”

summary judgements and to reference current statutory provisions. This Rule is hereby adopted on the day of promulgation.

Title 52
ETHICS

Part I. Board of Ethics

Chapter 10. Hearings

§1002. Initiating Declaratory Hearings

A. Declaratory hearings may be conducted, at the discretion of the board, upon submission of an application pursuant to R.S. 42:1141.6.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997), amended LR 39:1416 (June 2013), LR 46:314 (March 2020).

Chapter 11. Pre-Hearing Procedure

§1101. Discovery

A. Any public servant or other person who has been notified that he is to be the subject of a public hearing pursuant to the provisions of R.S. 42:1141.4 et seq. and the trial attorney and general counsel for the board shall be entitled to conduct discovery regarding any matter, not privileged, which is relevant to the pending public hearing. It is not grounds for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1296 (October 1997), amended LR 39:1418 (June 2013), LR 46:314 (March 2020).

§1102. Motions and Exceptions

A. - B. ...

C. Motion for Summary Judgment; Procedure before the Ethics Adjudicatory Board

1. A motion for summary judgment may be filed by the Louisiana Board of Ethics or the respondent without leave of the Ethics Adjudicatory Board and without an agreement by any other party to the use of summary judgment procedure, at any time before, during or after a public hearing on the merits.

2. The summary judgment procedure is designed to secure the just, speedy, and inexpensive determination of every action. This procedure is favored and shall be construed to accomplish these ends.

3. Motions for summary judgment before the Ethics Adjudicatory Board shall be solely governed by the Louisiana Code of Governmental Ethics, the Rules for the Louisiana Board of Ethics and the Administrative Procedure Act.

4. After an opportunity for adequate discovery, a motion for summary judgment shall be granted if the motion, memorandum, and supporting documents show that there is no genuine issue as to a material fact and that the mover is entitled to judgment as a matter of law.

5. Documents that may be filed in support of or in opposition to the motion are:

- a. pleadings;
- b. memorandum;

- c. affidavits;
- d. depositions;
- e. answers to interrogatories;
- f. written stipulations;
- g. admissions;
- h. the Louisiana Board of Ethics' investigative file;
- i. all records and documents in the possession of the Louisiana Board of Ethics, which may be received in the form of copies or excerpts or by incorporation by reference, which shall be made available to the respondent prior to the hearing on the motion for summary judgement for examination; and
- j. any other documents that give probative value commonly accepted by reasonably prudent men in the conduct of their affairs.

6. The Ethics Adjudicatory Board may exclude incompetent, irrelevant, or immaterial, and unduly repetitious evidence.

7. All objections to evidentiary offers may be made and shall be noted in the record. When an objection to an evidentiary offer is sustained by the Ethics Adjudicatory Board, the subject evidence shall be considered proffered into the record with or without a motion.

8. The burden of proof rests with the mover.

a. Nevertheless, if the mover will not bear the burden of proof at the public hearing on the merits on the issue before the Ethics Adjudicatory Board on motion for summary judgment, the mover's burden on the motion does not require him to negate all essential elements of the adverse party's claim, action, or defense, but rather to point out to the court the absence of factual support for one or more elements essential to the adverse party's claim, action, or defense.

b. The burden is on the adverse party to produce factual support sufficient to establish the existence of a genuine issue of material fact or that the mover is not entitled to judgment as a matter of law.

9. The Ethics Adjudicatory Board may render summary judgment dispositive of a particular issue or defense in favor of one or more parties even though the granting of the summary judgment does not dispose of the entire case as to that party or parties.

10. The Ethics Adjudicatory Board may render or affirm summary judgment only as to those issues set forth in the motion under consideration by the board at that time.

11. Notice of the hearing on the Motion for Summary Judgment shall be transmitted to the Louisiana Board of Ethics through the secured electronic file transfer system and to the Respondent through his counsel of record, or if no counsel of record, to the Respondent, by either email or regular mail to last known email or mailing address provided by the Respondent's counsel of record or Respondent to the Ethics Adjudicatory Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1297 (October 1997), amended LR 39:1419 (June 2013), LR 46:314 (March 2020).

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2003#061