

Louisiana Board of Ethics
LaSalle Building, First Floor
617 North 3rd Street
Baton Rouge, Louisiana

GENERAL

July 28, 2009
1:00 p.m. (Griffon Room)

Note: Meetings begin on July 28, 2009 and continue to July 29, 2009.

Executive Session

Consideration of complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

July 29, 2009
Public Hearings (LaBelle Room)
Begin at 9:00 a.m.

- G1. Docket No. 07-186 (Page 4)**
Public hearing to obtain an order against Helen Barrois who has failed to pay assessed late fees for the late filing of campaign finance disclosure reports.
- G2. Docket No. 08-301 (Page 6)**
Request for rehearing in connection with an order against Shawn Barney ordering him to pay assessed late fees totaling \$2,000 for the late filing of campaign finance disclosure reports.
- G3. Docket No. 08-613 (Page 10)**
Consideration of a request for a re-hearing in connection with an order against Terrell Mendenhall a candidate for State Representative in the October 20, 2007 who has failed to pay assessed late fees for the late filing of a campaign finance disclosure report.

G4. Docket No. 08-1104 (Page 13)

Public hearing to explore charges issued to Lionel Burns in the October 4, 2008 election who failed to file the 30-P report by September 15, 2008 and/or failed to file the 10-P report by September 24, 2008.

G5. Docket No. 08-1105 (Page 16)

Public hearing to explore charges issued to Lionel Burns in the October 4, 2008 election who failed to file to file the EDE-P report by October 14, 2008 and/or failed to file the 10-G report by October 27, 2008.

G6. Docket No. 09-011 (Page 19)

Public hearing to obtain an order against Shawn Barney for his failure to pay assessed late fees and consideration of a request for a re-hearing in connection with an order against Paul Brumfield a candidate for Councilman in the September 18, 2004 and October 4, 2008 elections who has failed to pay assessed late fees for the late filing of a campaign finance disclosure reports.

G7. Docket No. 09-163 (Page 25)

Public hearing to obtain orders against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: Lynda Van Davis and Herbert Pate.

G8. Docket No. 09-172 (Page 28)

Public hearing to obtain orders against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: John Delgado and Greg Sharp.

G9. Docket No. 09-216 (Page 31)

Public hearing to explore charges regarding candidates failure to file the 2008 Annual/Supplemental report that was due by February 17, 2009: Shawn Barney, Richard Bates, Denis Bechac, Jared Beiriger, David Bell, Donald Bertrand, Bernard Blair, Jonathan Bolar, George Britton, Robert Bryant, Cynthia Cade, LaToya Cantrell, Randy Cloutre, Mark Cockerham, Sonja DeDais, Mark Doherty, Errol Dominigues, Yolanda Dupaty-Zeigler, Brian Fabre, James Fahrenholtz, Angela Henderson, Sandra Wheeler Hester, Richard Hursey, Larry Ingargiola, James Johnson, Dallas Jones, Charles Kelly, Keva Landrum-Johnson, Robert Kent Lansden, Derek Lewis, Tony Terrell Little, Andy Magoun, Percy Marchand, Larry Marler, Isaiah Marshall, Brian McNabb, Murray Nelson, Michael O'Ree, Michael Petitto, Edward Price, Jimmie Randle, Sean Riecke, Darryl Robertson, Brandon Shelvin, Melanie Smith Johnson, Kevin Stafford, Oliver Thomas, George Tucker, Maurice Tynes, J.E. Welch, Jason A. Wesley, Jason Rogers Williams, Benedict Willard, and W.T. Winfield.

G10. Docket No. 09-341 (Page 146)

Public hearing to explore charges regarding Mike Montgomery's failure to file the EDE-G and/or 40-G campaign finance disclosure reports which were due on November 14, 2008 and December 15, 2008.

G11. Docket No. 09-516 (Page 149)

Public hearing in connection with a request for a declaratory opinion concerning the application of the Code of Governmental Ethics to an individual who has a contract with the Department of Environmental Quality (DEQ), Office of Management and Finance and the Office of Environmental Assessment.

G12. Docket No. 09-600 (Page 164)

Public hearing to obtain orders against the following candidates who have failed to pay assessed late fees for the late filing of campaign finance disclosure reports: Laura Jo Johnson and Melanie Smith-Johnson.

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9:00 a.m.

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Appearances

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G13. Docket No. 08-080 (Page 13)

Appearance in connection with reconsideration of a request that the Board waive the \$1,500 late fee assessed against Gaynell Williams, an unsuccessful candidate for Judge, Criminal District Court, Section A, in the October 20, 2007 election whose 10-G report was filed 15 days late.

G14. Docket No. 08-617 (Page 28)

Appearance in connection with the adoption of an advisory opinion concerning whether a member of the St. John the Baptist Parish Council who is an insurance agent may receive commissions from insurance producers for business not involving the parish from insurance companies that transact business with the Council through other insurance agents.

G15. Docket No. 09-546 (Page 43)

Appearance in connection with consideration of a request that the Board waive a \$3,000 late fee assessed and \$5,000 reassessed late fee against LA Consumer Finance Association PAC, a political committee that supported candidates in the March 7, 2009 election whose 10-G report was filed 42 days late.

G16. Docket No. 09-610 (Page 48)

Appearance in connection with a consideration of a request that the Board waive the \$250 and \$250 late fees assessed against Richard Ieyoub, for failure to timely file a Legislative and Executive ER-2/09 lobbying report.

G17. Docket No. 09-730 (Page 50)

Appearance in connection with a consideration of a request that the Board waive the \$250 late fee assessed against Ronnie Johnson, for failure to timely file a Legislative ER-2/09 lobbying report.

G18. Docket No. 09-731 (Page 53)

Appearance in connection with a consideration of a request that the Board waive the \$250 late fee assessed against Shelley MacNary, for failure to timely file an Executive ER-2/09 lobbying report.

G19. Docket No. 09-732 (Page 59)

Appearance in connection with a consideration of a request that the Board waive the \$300 and \$300 late fees assessed against Frank Wesley, for failure to timely file a Legislative and Executive ER-4/09 lobbying reports.

G20. Docket No. 09-733 (Page 61)

Appearance in connection with a consideration of a request that the Board waive the \$400 and \$400 late fees assessed against John Stassi, for failure to timely file a Legislative and Executive ER-4/09 lobbying reports.

G21. Docket No. 09-734 (Page 64)

Appearance in connection with a consideration of a request that the Board waive the \$350 and \$350 late fees assessed against Kevin P. Chavous, for failure to timely file a Legislative and Executive ER-4/09 lobbying reports.

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Consent Agenda, Consent Opinions
&
Items Requiring No Board Action

Note: Meetings begin on July 28, 2009 and continue to July 29, 2009

G22. Docket No. 06-621 (Page 7)

Consideration of a proposed consent opinions regarding immediate family members of Iberia Parish Councilmen working for the Iberia Parish Government.

G23. Docket No. 07-131 (Page 21)

Consideration of a consent opinion regarding possible Ethics Code violations by a Rapides Parish Police Juror.

G24. Docket No. 07-224 (Page 32)

Consideration of a proposed consent opinion regarding candidates for Bogalusa City Councilman in the September 30, 2006 election filing inaccurate campaign finance disclosure reports.

G25. Docket No. 07-592 (Page 37)

Consideration of a proposed consent opinion concerning a former Town of Elizabeth Alderman also serving as the Police Chief.

G26. Docket No. 07-771 (Page 43)

Consideration of a proposed consent opinion regarding a teacher at Comeaux High School paying himself for a musical arrangement.

G27. Docket No. 07-786 (Page 51)

Consideration of a proposed consent opinion regarding a candidate for St. Charles Parish President in the October 20, 2007 election disclosing donations to individuals.

G28. Docket No. 08-507 (Page 56)

Consideration of a request for an advisory opinion concerning issues associated with lobbying activities of members of trade associations.

G29. Docket No. 08-857 (Page 69)

Consideration of a proposed consent opinion regarding a complaint that a candidate for Assessor of West Carroll Parish in the October 20, 2007 election filing inaccurate campaign finance disclosure reports.

G30. Docket No. 08-884 (Page 75)

Consideration of additional information in connection with an advisory opinion rendered regarding a retiring Department of Transportation & Development (DOTD) employee entering into a contract with the DOTD.

G31. Docket No. 09-530 (Page 81)

Consideration of a request for an advisory opinion concerning the employer of a Lafayette Workforce Investment Board Member, receiving the workforce training administered by the Board.

G32. Docket No. 09-553 (Page 87)

Consideration of a request for an advisory opinion regarding members of the White Lake Property Advisory Board doing business with the Department of Wildlife and Fisheries.

G33. Docket No. 09-646 (Page 101)

Consideration of a request for an advisory opinion regarding whether the Avoyelles Parish Police Jury may purchase tires from a company where a member of the Police Jury is employed.

G34. Docket No. 09-648 (Page 117)

Consideration of a request for an advisory opinion regarding whether the Terrebonne Economic Development Authority (TEDA) Board of Commissioners may enter into a lease agreement with a lawyer who purchases insurance from one of the TEDA commissioners.

G35. Docket No. 09-670 (Page 123)

Consideration of a request for an advisory opinion regarding whether Providence Engineering and Environmental Group, LLC (Providence) may serve as a prime contractor to manage the staffing services for the Office of Community Development-Disaster Recovery Unit (OCD-DRU).

G36. Docket No. 09-672 (Page 128)

Consideration of a request for an advisory opinion regarding whether a conflict exist where members of the Oyster Seed Vessel Permit Appeals Board (Oyster Board) have in the past sold oysters to applicants for a lease permit or allowed applicants to harvest oysters from leases in which the Oyster Board member manages.

G37. Docket No. 09-673 (Page 139)

Consideration of a request for an advisory opinion regarding whether Deltha Corporation may serve as a prime contractor to provide supplemental staffing services to the Office of Community Development/Disaster Recovery Unit (OCD-DRU).

G38. Docket No. 09-676 (Page 147)

Consideration of a request for an advisory opinion concerning a former employee of the Louisiana Division of Historic Preservation contracting with the Division.

G39. Docket No. 09-687 (Page 150)

Consideration of a request for an advisory opinion regarding whether an employee who regulates Louisiana Coal mining industry for the Louisiana Office of Conservation may provide consulting services to a private firm.

G40. Docket No. 09-688 (Page 158)

Consideration of a request for an advisory opinion concerning the District Defender in the 27th Judicial District renting a building he owns the District Defenders Office.

G41. Docket No. 09-689 (Page 165)

Consideration of a request for an advisory opinion as to the propriety of a member of the East Carroll Parish Police Jury working for a substance abuse agency that rents office space from the police jury.

G42. Docket No. 09-693 (Page 169)

Consideration of a request for an advisory opinion regarding whether a member of the Oyster Seed Ground Vessel Permit Appeals Board (Appeals Board) who is also a member of the Louisiana Oyster Association may remain on the Appeals Board where members of the Oyster Association appear before the Appeals Board.

G43. Docket No. 09-695 (Page 177)

Consideration of a request for advisory opinion regarding whether the members of the Iberville Parish Waterworks District No. 3 are required to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code.

G44. Docket No. 09-696 (Page 188)

Consideration of a request for an advisory opinion regarding whether a former employee of the Department of Health and Hospitals may become an Office of Community Service (OCS) provider.

G45. Docket No. 09-700 (Page 193)

Consideration of a request for an advisory opinion concerning whether the Director of the New Orleans Health Department may be employed as a medical director for Human Health Plans.

G46. Docket No. 09-701 (Page 198)

Consideration of a request for an advisory opinion regarding whether HGI Catastrophe Services, LLC may become a prime contractor in an agreement with the Office of Community Development/Disaster Recovery Unit (OCD-DRU).

G47. Docket No. 09-704 (Page 208)

Consideration of a request for an advisory opinion concerning whether a member of the Concordia School Board may be employed by a company that is seeking to enter into a contract with the school board.

G48. Docket No. 09-711 (Page 214)

Consideration of a request for an advisory opinion regarding whether a former Drug Court Counselor in Region 8 may accept a position as a Program Director with the Rayville Recovery Office of Addictive Disorders.

G49. Docket No. 09-712 (Page 222)

Consideration of a request for an advisory opinion concerning the son of the parish administrator for Cameron Parish being employed by a company that contracts with the parish.

Louisiana Board of Ethics

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**July 29, 2009
9:00 a.m.**

GENERAL

Regular Business

Note: Meetings begin on July 28, 2009 and continue to July 29, 2009

G50. Approval of the minutes from the Louisiana Board of Ethics June 23-24, 2009 meeting. **(Page 8)**

G51. Docket No. 09-586 (Page 81)

Consideration of a request for an advisory opinion as to the propriety of the City Attorney for the City of New Iberia serving as underwriter counsel on bonds issued by the city.

G52. Docket No. 09-645 (Page 95)

Consideration of a Section 1123(22) plan that would allow a councilman on the Village of North Hodge Council to enter into an exclusive franchise agreement with the Village.

G53. Docket No. 09-651 (Page 103)

Consideration of a request for an advisory opinion regarding whether there is a violation of the Code if a member of the St. Bernard Parish Council is appointed to the St. Bernard Parish Hospital Service District Board.

G54. Docket No. 09-666 (Page 124)

Consideration of a request for a payment plan in connection with Board Orders and late fees against Melanie Smith-Johnson a candidate in the October 4, 2008 election, whose 30-P was filed 7 days, 10-P was filed one days late, EDE-P was filed 34 days late and 10-G report was filed 21 days late.

G55. Docket No. 09-667 (Page 126)

Consideration of a request for a payment plan in connection with Board Orders against James P. Johnson a candidate in the October 20, 2007 election, whose EDE-P was filed 2 days late, EDE-G report was filed 8 days late and 40-G report was filed 16 days late.

G56. Docket No. 09-671 (Page 129)

Request for advisory opinion by Jefferson Parish School Board concerning use of campaign funds to pay for personal financial disclosure expenses.

G57. Docket No. 09-697 (Page 133)

Request for advisory opinion on whether proprietor of gift shop who employs teacher can do business with local schools in Oakdale.

G58. WAIVER REQUESTS - CAMPAIGN FINANCE

Docket No. 09-564 (Page 141)

Consideration of a request that the Board waive the \$600 and \$600 late fee assessed against John Nicholson, an unsuccessful candidate for Justice of the Peace, 2nd Justice Court, Jefferson Parish, in the October 4, 2008 election whose EDE-P report was filed 160 days late and 10-G report was filed 17 days late.

Docket No. 09-591 (Page 147)

Consideration of a request that the Board waive a \$3,000 late fee assessed against LA Assoc. of Conservation Districts PAC, a political committee whose Annual report was filed 36 days late.

Docket No. 09-592 (Page 149)

Consideration of a request that the Board waive the \$480 late fee assessed against Durinda Robinson, an unsuccessful candidate for Judge, Baton Rouge City Court in the May 2, 2009 election whose 30-P report was filed 8 days late.

Docket No. 09-596 (Page 157)

Consideration of a request that the Board waive the \$2,500 late fee assessed against Frank Marullo, a successful candidate for Judge, Criminal District Court in the October 4, 2008 election whose Supplemental report was filed 72 days late.

Docket No. 09-597 (Page 169)

Consideration of a request that the Board waive the \$400 late fee assessed against Ray Touchet, an unsuccessful candidate for Mayor, City of Jennings in the April 4, 2009 election whose EDE-P report was filed 28 days late.

Docket No. 09-599 (Page 171)

Consideration of a request that the Board waive a \$1,400 late fee assessed against LA Federation of Teachers PAC, a political committee that supported candidates in the April 4, 2009 election whose 10-P report was filed 7 days late.

Docket No. 09-649 (Page 175)

Consideration of a request that the Board waive the \$240 late fee assessed against Timothy Larkin, a successful candidate for Councilman at Large, City of Bossier City in the April 4, 2009 election whose 10-G report was filed 11 days late.

Docket No. 09-660 (Page 177)

Consideration of a request that the Board waive a \$800 late fee assessed against LA Association of Nurse Practitioners PAC, a political committee whose Monthly report was filed 4 days late.

Docket No. 09-663 (Page 180)

Consideration of a request that the Board waive a \$500 late fee assessed against Louisiana Restaurant Association PAC, a political committee that supported candidates in the November 4, 2008 election whose 10-G report was filed 13 days late.

Docket No. 09-668 (Page 183)

Consideration of a request that the Board waive the \$120 and \$60 late fees assessed against Kevin James, an unsuccessful candidate for City Judge, City Court, City of Baton Rouge in the May 2, 2009 election whose 10-P report was filed 2 days late and EDE-P report was filed one day late.

Docket No. 09-681 (Page 185)

Consideration of a request that the Board waive the \$240 late fee assessed against Garrison Toups, an unsuccessful candidate for Councilman, City of Westwego, Jefferson Parish in the April 4, 2009 election whose EDE-G report was filed 6 days late.

Docket No. 09-705 (Page 188)

Consideration of a request that the Board waive the \$1,440 and \$320 late fees assessed against Anthony Bartie, an unsuccessful candidate for Councilman, City of Lake Charles in the April 4, 2009 election whose 10-P report was filed 36 days late and 10-G report was filed 8 days late.

G59. WAIVER REQUESTS - LOBBYING (Chart - Page 190)

Docket No. 09-715 (Page 192)

Consideration of a request that the Board waive the \$200 late fee assessed against David Leeth, for failure to timely file a Legislative ER-2/09 lobbying report.

Docket No. 09-716 (Page 194)

Consideration of a request that the Board waive the \$200 late fee assessed against Dixey Robertson, for failure to timely file a Legislative ER-2/09 lobbying report.

Docket No. 09-717 (Page 196)

Consideration of a request that the Board waive the \$200 late fee assessed against Curtis Loftin, for failure to timely file a Legislative ER-2/09 lobbying report.

Docket No. 09-718 (Page 198)

Consideration of a request that the Board waive the \$150 late fee assessed against Gabrielle Kees, for failure to timely file a Legislative ER-2/09 lobbying report.

Docket No. 09-719 (Page 200)

Consideration of a request that the Board waive the \$500 and \$500 late fees assessed against Jules LeBlanc, III, for failure to timely file a Legislative and Executive ER-3/09 lobbying report.

Docket No. 09-720 (Page 203)

Consideration of a request that the Board waive the \$350 late fee assessed against Christopher Fink, for failure to timely file an Executive ER-3/09 lobbying report.

Docket No. 09-721 (Page 206)

Consideration of a request that the Board waive the \$500 late fee assessed against Brent Petit, for failure to timely file a Legislative ER-3/09 lobbying report.

Docket No. 09-723 (Page 208)

Consideration of a request that the Board waive the \$350 late fee assessed against Stephen W. Ledet, for failure to timely file a Legislative ER-3/09 lobbying report.

Docket No. 09-724 (Page 210)

Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Gayle Truly, for failure to timely file a Legislative and Executive ER-4/09 lobbying report.

Docket No. 09-725 (Page 213)

Consideration of a request that the Board waive the \$350 and \$350 late fees assessed against Charlie Smith, for failure to timely file a Legislative and Executive ER-4/09 lobbying report.

Docket No. 09-726 (Page 215)

Consideration of a request that the Board waive the \$300 late fee assessed against Mandi Mitchell, for failure to timely file a Legislative ER-4/09 lobbying report.

Docket No. 09-727 (Page 218)

Consideration of a request that the Board waive the \$300 late fee assessed against Lindy Broderick, for failure to timely file a Legislative ER-4/09 lobbying report.

Docket No. 09-728 (Page 226)

Consideration of a request that the Board waive the \$300 late fee assessed against Charles Tubre, for failure to timely file a Legislative ER-4/09 lobbying report.

Docket No. 09-729 (Page 228)

Consideration of a request that the Board waive the \$300 late fee assessed against Warren Mayberry, for failure to timely file a Legislative ER-4/09 lobbying report.

G60. WAIVER REQUEST - SCHOOL BOARD

Docket No. 08-837 (Page 232)

Consideration of a waiver request to waive a \$1,500 late fee assessed against Calcasieu Parish Superintendent Wayne Savoy.