

**Louisiana Board of Ethics  
LaSalle Building - First Floor  
617 North 3<sup>rd</sup> Street  
Baton Rouge, Louisiana**

**January 15, 2010  
9:00 a.m. (LaBelle Room)**

**GENERAL**

**Consent Agenda, Consent Opinions  
&  
Items Requiring No Board Action**

**G12. Docket No. 08-220**

Consideration of a proposed consent opinion concerning the Northeast Bossier Parish Fire Protection District No. 5, paying the spouse of a Board Member to perform mechanical work.

**G13. Docket No. 08-701**

Consideration of a proposed consent opinion concerning the Evangeline Parish Clerk of Court purchasing a cell phone from the son of the Clerk.

**G14. Docket No. 08-998**

Consideration of a proposed consent opinion regarding a candidate for Marshal of Lafayette City Court in the October 4, 2008 election failing to include all of his expenditures on his campaign finance disclosure reports.

**G15. Docket No. 10-031**

Consideration of a request for an advisory opinion regarding whether attorney Craig R. Hill, son of State Representative Dorothy Sue Hill, may be retained by the NW Allen Parish Water District on a project funded by a USDA loan for an expansion project as well as future projects.

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**G16. Docket No. 10-033**

Consideration of a request to certify mandatory ethics training received by Senator Robert M. Marionneaux, Jr.

**G17. Docket No. 10-043**

Consideration of a request for an advisory opinion regarding Kenneth Fabre, Jr., an Alderman for the Village of Moreauville, may use tickets for events at Paragon Casino given to his spouse by the Tunica Biloxi Tribe.

**G18. Docket No. 10-047**

Consideration of a request to certify ethics training received by State Treasurer John Kennedy in his capacity as ethics liaison for the Department of Treasury

**G19. Docket No. 10-053**

Consideration of a request for an advisory opinion regarding whether Joseph Jackson, President of the East Carroll Parish Police Jury, may be employed by the Delta Recovery Center (DRC) in light of the DRC's relationship with various entities in East Carroll.

**G20. Docket No. 10-056**

Consideration of a request for an advisory opinion concerning whether Priscilla Renee Carter, who may be employed by the Department of Education, may apply with local school districts for Supplemental Educational Services grants.

**G21. Docket No. 10-080**

Consideration of a request for an advisory opinion regarding whether employees of the Office of State Building (OSB) who are affected by the privatization of the OSB may accept employment with potential vendors for the OSB.

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**G22. Docket No. 10-087**

Consideration of a request for an advisory opinion concerning the privatization of positions by the Louisiana Department of Veterans Affairs

**G23. Docket No. 10-089**

Consideration of a request for an advisory opinion concerning a company owned by Julius and Monette Scott, volunteer firefighters of the Husser Volunteer Fire Department, submitting a bid to the department.

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## General Item

### Ethics Board Docket No. BD 2010-031 01/15/2010

**RE:** Consideration of a request for an advisory opinion regarding whether attorney Craig R. Hill, son of State Representative Dorothy Sue Hill, may be retained by the NW Allen Parish Water District on a project funded by a USDA loan for an expansion project as well as future projects.

**Relevant Statutory Provisions, Advisory Opinions:** 1113D(1)(b)(i); Board Docket No. 2008-363

**Comments:**

**Facts:** The NW Allen Parish Water District Board was created by the Allen Parish Police Jury. Its members were appointed by the Police Jury and the water district operates under the jury. The NW Allen Parish Water District has expanded in an effort to obtain potable water to a larger area of rural residents in Allen Parish, Ward 4. The expansion is being attempted through the application of a USDA loan for this kind of project. Pursuant to the USDA application and the project manager, the water board must retain an attorney. The USDA loan would provide the funds to pay the attorney for the expansion project.

**Issue:** Whether the NW Allen Parish Water District may retain attorney Craig Ray Hill, the son of State Representative Dorothy Sue Hill, for the expansion project and for future legal services.

**Law:** Section 1113D(1)(b)(i) states that no immediate family member of a state legislator or any legal entity of the family member shall enter into a contract with state government unless the contract is awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 or is competitively negotiated through a request proposal process or any similar competitive selection process in accordance with Chapter 16, or 17 of Title 39 of the Louisiana Revised Statutes of 1950; however, this exception for competitively negotiated contracts shall not include contracts for consulting services.

Section 1102(13) defines the child of a public servant as his immediate family member.

**Analysis/Conclusion:** The Code of Ethics will not prohibit the NW Allen Parish Water district for retaining Craig R. Hill as the attorney for the expansion project nor contracting with him for future services. Section 1113D(1)(b)(i) generally prohibits the immediate family member of a legislator from entering into contracts with state government. This provision is not applicable this matter because the contract would be with the parish and not the state. (DLG)

**Recommendations:** Adopt proposed advisory opinion.

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Date

NW Allen Parish Water District  
ATTN: Ms. Paige Grimes  
P.O. Box 363  
Grant, LA 70644

**DRAFT**

**Re: Board Docket No. 2010-031**

Dear Ms. Grimes:

The Louisiana Board of Ethics, at its January 15, 2010 meeting, considered your request for an advisory opinion regarding whether the NW Allen Parish Water District may retain attorney Craig Ray Hill, son of State Representative Dorothy Sue Hill, for an expansion project and for future legal services. You stated that the NW Allen Parish Water District Board was created by the Allen Parish Police Jury. Its members were appointed by the Police Jury and the water district operates under the jury. You also stated that the water district has expanded in an effort to obtain potable water to a larger area of rural residents in Allen Parish, Ward 4. The expansion is being attempted through the application of a USDA loan for this kind of project. Pursuant to the USDA application and the project manager, the water board must retain an attorney. The USDA loan would provide the funds to pay the attorney for the expansion project.

The Board concluded, and instructed me to inform you that the Code of Governmental Ethics will not prohibit the NW Allen Parish Water district for retaining Craig R. Hill as the attorney for the expansion project nor contracting with him for future services. Section 1113D(1)(b)(I) of the Code states that no immediate family member of a state legislator or any legal entity of the family member shall enter into a contract with state government unless the contract is awarded by competitive bidding after being advertised and awarded in accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950 or is competitively negotiated through a request proposal process or any similar competitive selection process in accordance with Chapter 16, or 17 of Title 39 of the Louisiana Revised Statutes of 1950; however, this exception for competitively negotiated contracts shall not include contracts for consulting services. Although Mr. Hill is the immediate family member of a state legislator, this prohibition is not applicable in this matter because the contract would be with the parish and not the state.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

**DRAFT**

NW Allen Parish Water District  
P. O. Box 363  
Grant, LA 70644  
(318)634-5241

2010-031

K

2009 DEC 14 PM 4:05  
REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

December 10, 2009

Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, Louisiana 70821

Dear Sirs:

My name is Paige Grimes and I am the secretary/treasurer for the NW Allen Parish Water District. We were recently expanded from a smaller water board (area of service) in an effort to obtain potable water to a larger area of rural residents in Allen Parish, Ward 4.

This expansion is being attempted through the application of a USDA loan for such specific projects. As a result of this expansion project it is necessary for the water board to retain the services of an attorney pursuant to the USDA application and project manager. The USDA loan (if obtained) provides for funds to pay for the attorney fees regarding the expansion project. The attorney/firm hired by the water district will be paid through the USDA loan as provided by USDA loan project.

The NW Allen Parish Water District Board was created by the Allen Parish Police Jury. The members of the board were appointed by the Police Jury. The water district operates under the police Jury.

The NW Allen Parish Water District would like an opinion on whether it is permissible to contract for legal services with local attorney Craig Ray Hill. Mr. Hill is a local attorney and is the son of State Representative Dorothy Sue Hill of House District 32. We would like to retain Mr. Hill for the expansion project which will be funded through the USDA loan. Mr. Hill's services will be paid through the USDA loan should the water district be successful in obtaining such a loan.

Not only would the board like an opinion on whether it is ethical to hire Mr. Hill for the NW Allen water expansion project as mentioned above, we would also like an opinion on the permissibility of utilizing Mr. Hill's legal services as the need arises after the project is completed. We have read the Louisiana Ethics Board Advisory Opinion # 2008-363 and feel we are allowed to do so but after discussing the matter with Mr. Hill all parties would like an opinion as to our specific situation.

We request this opinion at the soonest, as time is of great essence in our situation.

Many Thanks,

*Paige Grimes*  
Paige Grimes

## **General Item**

**Ethics Board Docket No. BD 2010-033**

**01/15/2010**

**RE:**

Consideration of a request to certify mandatory ethics training received by Senator Robert M. Marionneaux, Jr.

**Relevant Statutory Provisions, Advisory Opinions:**

1170A

**Comments:**

**FACTS:** Senator Robert Marionneaux, Jr. received ethics training conducted by Yolanda Dixon, First Assistant Secretary of the Senate, on December 11, 2009.

**LAW:** Section 1170A of the Code of Governmental Ethics requires each member of the legislature to receive at least one hour of training on the Code of Governmental Ethics annually during each year of his term of office. (CDJ)

**Recommendations:**

Certify and approve the training received by Sen. Robert Marionneaux, Jr.

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65

2010-033



STATE OF LOUISIANA  
**THE SENATE**  
OFFICE OF THE SECRETARY

GLENN A. KOEPP  
SECRETARY

P. O. Box 94183  
BATON ROUGE, LOUISIANA 70804  
PHONE (225) 342-5997  
FAX (225) 342-1140  
KOEPPG@LEGIS.STATE.LA.US

December 11, 2009

Ms. Kathleen Allen  
Ethics Administrator  
Board of Ethics  
617 North Third Street  
Post Office Box 4368  
Baton Rouge, LA 70821

Re: Confirmation of Senator Robert M. Marionneau, Jr.'s Ethics Education Training Completion

Dear Ms. Allen:

This letter is provided as confirmation that Senator Robert M. Marionneau, Jr., has completed the Ethics Education Training Program required pursuant to R.S. 42:1170, which was conducted by First Assistant Secretary of the Senate Yolanda Dixon on December 11, 2009.

Should you have further questions or need additional information, please do not hesitate to contact me.

Sincerely,

  
Glenn A. Koepf

2009 DEC 14 PM 3:59  
ETHICS ADMINISTRATION  
CAMPAIGN FINANCE  
RECEIVED

YD:mclp

## General Item

### Ethics Board Docket No. BD 2010-043 01/15/2010

**RE:**

Consideration of a request for an advisory opinion regarding Kenneth Fabre, Jr., an Alderman for the Village of Moreauville, may use tickets for events at Paragon Casino given to his spouse by the Tunica Biloxi Tribe.

**Relevant Statutory Provisions, Advisory Opinions:**

1111A(1), 1115

**Comments:**

**FACTS:** The wife of Kenneth Fabre, Jr., an Alderman for the Village of Moreauville, is a member of the Tunica Biloxi Tribe of Louisiana. Due to her membership in the Tribe, she is given tickets to events at Paragon Casino. Mr. Fabre is requesting an opinion as to his use of the tickets his wife receives. Mr. Fabre states that the Village of Moreauville does not have a relationship with either the Paragon Casino or the Tunica Biloxi Tribe of Louisiana.

**APPLICABLE LAW:** Section 1115 prohibits a public servant from receiving any thing of economic value from a person that has or is seeking to have a contractual, financial or other business relationship with his agency. Section 1111A(1) prohibits a public servant from receiving a thing of economic value, other than his salary and related benefits from his governmental entity to which he is duly entitled, for the performance of his job duties and responsibilities.

**ANALYSIS:** Since there is no relationship between the Tunica Biloxi Tribe and Moreauville, the Tribe is not a prohibited source and Mr. Fabre is not prohibited by Section 1115 from receiving the tickets from the Tribe. Moreover, this does not present a violation of Section 1111A(1) since the tickets are being given to Mr. Fabre's wife as a result of her membership in the Tribe and are not being given to Mr. Fabre because of his position as an Alderman.

(AMA)

**Recommendations:**

Adopt the proposed advisory opinion.

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DATE

Kenneth Fabre  
314 Dufour Street  
Moreauville, LA 71355

**Re: Ethics Board Docket No. 2010-043**

Dear Mr. Fabre:

The Louisiana Board of Ethics, at its January 15, 2010 meeting, considered your request for an advisory opinion as to the propriety of your using tickets to events at Paragon Casino that were given to your wife by the Tunica Biloxi Tribe of Louisiana. You state that your wife is a member of the Tunica Biloxi Tribe and that the Village of Moreauville does not have a relationship with either the Paragon Casino or the Tunica Biloxi Tribe of Louisiana.

The Board concluded, and instructed me to inform you, that generally Section 1115 prohibits a public servant from receiving any thing of economic value from a person that has or is seeking to have a contractual, financial or other business relationship with his agency and Section 1111A(1) prohibits a public servant from receiving a thing of economic value, other than his salary and related benefits from his governmental entity to which he is duly entitled, for the performance of his job duties and responsibilities.

Since there is no relationship between the Tunica Biloxi Tribe and Moreauville, the Tribe is not a prohibited source and you and your wife are not prohibited by Section 1115 from receiving the tickets from the Tribe. Moreover, this does not present a violation of Section 1111A(1) since the tickets are being given to your wife as a result of her membership in the Tribe and are not being given to her because of your position as an Alderman.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Alesia M. Ardoin  
For the Board

EB:AMA

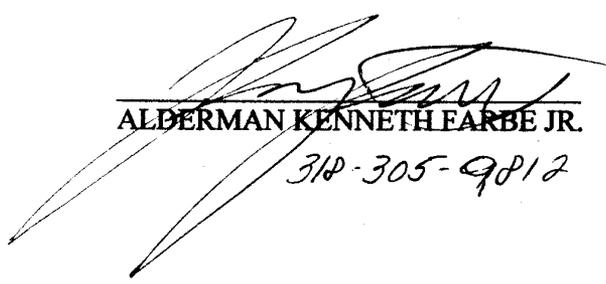
2010-043

TO: LOUISIANA BOARD OF ETHICS  
FROM: ALDERMAN KENNETH FARBE JR.  
DATE: 11/13/09  
RE: CONCERT TICKETS

I, ALDERMAN KENNETH FARBE WOULD LIKE TO FIND OUT IF I CAN UTILIZE CONCERT TICKETS FROM MY WIFE. MY WIFE IS A TRIBAL MEMBER OF THE TUNICA BILOXI TRIBE OF LOUISIANA. SHE RECEIVES TWO TICKETS TO EVERY SHOW AT PARAGON CASINO DUE TO HER BEING A TRIBAL MEMBER. SHE IS A GAMING COMMISSIONER AND I AM A GAMING INSPECTOR. THE CASINO AND THE VILLAGE OF MOREAUVILLE HAVE NO PERSONAL TIES. I WOULD JUST LIKE TO KNOW IF I CAN USE ONE OF THE TICKETS OR WILL THIS BE AN ETHICS VIOLATION. I SPOKE WITH ALESHA ARDOIN FROM YOUR OFFICE ON 11/13/09 AT 1300 HRS AND SHE STATED THAT SHE DIDN'T SEE A PROBLEM BUT I WOULD LIKE TO HAVE SOMETHING IN WRITING. THANKING YOU IN ADVANCE, AND AS ALWAYS I REMAIN.

2009 NOV 17 PM 4: 31

REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

  
ALDERMAN KENNETH FARBE JR.  
318-305-9812

## **General Item**

### **Ethics Board Docket No. BD 2010-047 01/15/2010**

**RE:**

Consideration of a request to certify ethics training received by State Treasurer John Kennedy in his capacity as ethics liaison for the Department of Treasury

**Relevant Statutory Provisions, Advisory Opinions:**

1170C(1)

**Comments:**

ISSUE: To certify training received by State Treasurer John Kennedy

FACTS: Pursuant to Section 1170C(1), each state agency is required to designate at least one person who shall provide all public servants of the agency with education and training on the provisions of the Code. Each person so designated is required to receive at least two hours of ethics education and training annually. Treasurer Kennedy is designated as the liaison for the Department of Treasury. A training session was conducted on October 29, 2009 to provide ethics liaisons with the required training. Treasurer Kennedy was provided with a tape of the session and the materials that were used. He submits a letter saying that he reviewed the entirety of the taping and the training materials. (CDJ)

**Recommendations:**

Certify the training received by Treasurer John Kennedy

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2010-047



**TREASURER OF THE STATE OF LOUISIANA**

JOHN NEELY KENNEDY  
TREASURER

November 18, 2009

POST OFFICE BOX 44154  
BATON ROUGE, LA 70804  
TELEPHONE (225) 342-0010  
FACSIMILE (225) 342-0046  
www.latreasury.com

Ms. Courtney D. Jackson  
Staff Attorney  
Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

Dear Ms. Jackson:

The purpose of this letter is to certify that I have read the Ethics Liaison Training Seminar booklet in its entirety and reviewed the accompanying tape on Tuesday, November 17, 2009.

Please contact me if you have any questions or need more information at 342-0010.

Sincerely,

John Kennedy  
State Treasurer

JNK/dt

2009 NOV 19 PM 4:00  
LITIGATION REGISTRATION  
CAMPAIGN FINANCE  
RECEIVED

## General Item

### Ethics Board Docket No. BD 2010-053 01/15/2010

**RE:** Consideration of a request for an advisory opinion regarding whether Joseph Jackson, President of the East Carroll Parish Police Jury, may be employed by the Delta Recovery Center (DRC) in light of the DRC's relationship with various entities in East Carroll.

**Relevant Statutory Provisions, Advisory Opinions:** Board Docket No. 2009-689, 1113A(1)

**Comments:**

**Facts:** The East Carroll Parish Criminal Court System routinely refers victims of DWI and other drug related acts to the Delta Recovery Center. The East Carroll Parish Police Jury provides the operating expenses for the Criminal Court Funds. Subsequently 50% of the fund balance then goes to the Police Jury's General Fund at the end of the fiscal year.

**Issue #1:** May Mr. Jackson be employed by DRC even though DRC gets referrals from the Criminal Court System which is funded by the Police Jury?

**Issue #2:** May Mr. Jackson be employed by DRC if probation officers who occupy unfunded mandatory parish office space refer clients to DRC?

**Issue #3:** May Mr. Jackson be employed by DRC if DRC has an affiliation with the East Carroll Parish Sheriff's Department?

**Law:** Section 1113A(1) prohibits public servants, their immediate family members, or legal entities in which they have a controlling interest, from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

**Analysis/Conclusion:** The Code of Ethics will not preclude Mr. Jackson from working with DRC. In none of the instances presented is there any contractual relationship or other transaction between Mr. Jackson's agency and DRC, his prospective employer. In the first case, there are transactions between the Criminal Court system and the Police Jury, and then the Criminal Court System and the DRC. In the second case, there are transactions between the probation officers and the parish, and then the probation officers and the DRC. In the final case, as long as the affiliations only contracts or transactions between the Sheriff's Office and the DRC, these contracts would not be between Mr. Jackson's agency (the Parish) and his employer, and thus would not preclude his employment. (DLG)

**Recommendations:** Adopt proposed advisory opinion.

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Date

Mr. Joseph G. Jackson  
President, East Carroll Parish Police Jury  
P.O. Box 894  
Providence, LA 71254

**DRAFT**

**Re: Board Docket No. 2010-053**

Dear Mr. Jackson:

The Louisiana Board of Ethics, at its October 28, 2009 meeting, considered your request for an advisory opinion regarding whether you, President of the East Carroll Parish Police Jury, may be employed by the Delta Recovery Center (DRC) in light of the DRC's relationship with various entities in East Carroll Parish. You stated that the East Carroll Parish Criminal Court System routinely refers victims of DWI and other drug related acts to the Delta Recovery Center. The East Carroll Parish Police Jury provides the operating expenses for the Criminal Court Funds. Subsequently 50% of the fund balance then goes to the Police Jury's General Fund at the end of the fiscal year. You further inquired into whether the Code of Governmental Ethics would preclude your employment with DRC if probation officers who occupy unfunded mandatory parish office space refer clients to DRC, and if DRC has an affiliation with the East Carroll Parish Sheriff's Department.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics will not preclude your employment with DRC based on the above-mentioned scenarios. Section 1113A of the Code prohibits a public servant, his immediate family members, or a legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant. In none of the instances presented is there any contractual relationship or other transaction between Mr. Jackson's agency and DRC, his prospective employer. In the first case, there are transactions between the Criminal Court system and the Police Jury, and then the Criminal Court System and the DRC. In the second case, there are transactions between the probation officers and the parish, and then the probation officers and the DRC. In the final case, as long as the affiliations only contracts or transactions between the Sheriff's Office and the DRC, these contracts would not be between your agency (the Parish) and your employer, and thus would not preclude your employment.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

**DRAFT**

2010-053

2009 NOV 31 AM 11:59  
Dec 1st  
CAMPAIGN FINANCE RECEIVED

December 1, 2009

Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

Dear Board:

This communication is a request of continuance as it concerns Ethics Board Docket No. 2009-689.

The East Carroll Parish Criminal Court System via sanctions imposed on behalf of Parish Judges mandate victims of DWI and other drug related acts of contravention to the law to submit to substance abuse counseling, routinely referred to Delta Recovery Center.

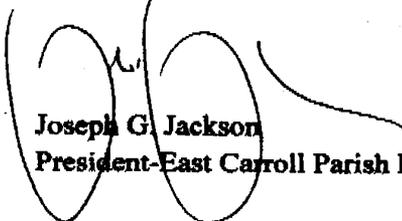
Since, Delta Recovery Center has terminated its contractual relationship with the Police Jury and no longer rents office space from the parish, does the fact that the East Carroll Police Jury is responsible for the operating expenses of the Criminal Court Fund as well as the fact that 50 % of the fund balance goes into the East Carroll Parish Police Jury's General Fund at the end of each fiscal year pose an ethical issue, if the President of the Police Jury is employed by Delta Recovery Center ?

The 50% contribution is a courtesy solely within the control of the Criminal Court System, and beyond the control of the Police Jury.

Furthermore, if probation officers who occupy unfunded mandatory parish office space refer clients to Delta Recovery Center, would that pose an ethical issue, if the President of the Police Jury is employed by Delta Recovery Center?

Lastly, if Delta Recovery Center has an affiliation with the East Carroll Parish Sheriff's Department would that pose an ethical issue, if the President of the Police Jury is employed by Delta Recovery Center?

Sincerely,



Joseph G. Jackson  
President-East Carroll Parish Police Jury

## General Item

### Ethics Board Docket No. BD 2010-056 01/15/2010

**RE:** Consideration of a request for an advisory opinion concerning whether Priscilla Renee Carter, who may be employed by the Department of Education, may apply with local school districts for Supplemental Educational Services grants.

**Relevant Statutory Provisions, Advisory Opinions:** 1113A, 1111C(1)(a)

**Comments:**

**FACTS:** Priscilla Renee Carter is currently an employee of the Board of Regents. In the near future, she may transfer departments and be employed by the Department of Education in the High School Redesign Department as the Contracts and Fiscal Coordinator for the Louisiana Gaining Early Awareness and Readiness for Undergraduate Programs (LA GEAR UP). In this capacity, she will be an accountant who does billing for schools. She would like to apply for a Supplemental Education Services (SES) grant to provide tutoring to students after school. Tutoring would not be a part of her job duties as an employee of the Department of Education. These grants do not come from the High School Redesign Department but come directly from the local school district. She states that she will not seek a grant from any school for which she would do billing as Contracts and Fiscal Coordinator.

**ISSUE:** If Ms. Carter becomes employed by the Department of Education High School Redesign Program, may she receive a SES grant from local school districts?

**LAW:** Section 1113A prohibits a public servant from entering into a contract, subcontract, or any other transaction under the supervision or jurisdiction of his agency. Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value for a service which is devoted substantially to the responsibilities, programs, or operations of his agency and in which the public servant has participated.

**ANALYSIS:** Based on the information provided, if Ms. Carter receives an SES grant, she would not be contracting with her agency, the Department of Education, High School Redesign Department, but rather with local school districts. Accordingly, a conflict is not presented pursuant to Section 1113A. Because Ms. Carter would not provide tutoring as a part of her job duties with the Department of Education, and because she would not be receiving an SES grant from any school district for which she would do billing as an employee of the Department of Education, she would not be prohibited by Section 1111C(1)(a) from receiving an SES grant.

**CONCLUSION:** The Code would not prohibit Ms. Carter from receiving an SES grant as an employee of the Department of Education, High School Redesign Program. (CDJ)

**Recommendations:** Adopt the proposed advisory opinion.

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DATE

Ms. Priscilla Renee Carter  
Baton Rouge Learning Center  
2843 Victoria Drive  
Baton Rouge, LA 70805

**RE: Louisiana Board of Ethics Docket No. 2010-056**

**DRAFT**

Dear Ms. Carter:

The Louisiana Board of Ethics, at its January 15, 2010 meeting, considered your request for an advisory opinion concerning whether you may apply for a Supplemental Education Services (SES) grant with a local school district. You state that you are currently employed by the Board of Regents, but that in the near future, you may be employed by the Department of Education. If employed by the Department of Education, you state that you would be employed in the Department's High School Redesign department as the Contracts and Fiscal Coordinator for Louisiana Gaining Early Awareness and Readiness for Undergraduate Programs (LA GEAR UP). You state that your employment in this capacity would consist of accounting services, specifically processing invoices for school districts. You state that the SES grant is a grant awarded to tutor students in the afternoons after school. You state that tutoring would not be a part of your job with the Department of Education. You further state that if you are allowed to receive the grant, you would be contracting directly with the local school district and not with the Department of Education. You also state that you would not be contracting with any school district for which you would process invoices in your employment with the Department of Education.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from applying for or receiving an SES grant if you become employed by the Department of Education as described. Section 1113A prohibits a public servant from entering into a contract, subcontract, or other transaction under the supervision or jurisdiction of the public servant's agency. Based on the information which you have provided, you would be contracting with a local school district rather than with your own agency. Section 1111C(1)(a) of the Code prohibits a public servant from receiving any thing of economic value for a service which is devoted substantially to the responsibilities, programs, or operations of his agency and in which the public servant has participated. The Board concluded, based on the information which you have provided, that because tutoring would not be a part of your job duties with the Department of Education, and because you would not be contracting with any school district for which you would be processing invoices, Section 1111C(1)(a) would not prohibit you from receiving an SES grant.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. If you have any further questions, please contact me at (225) 219-5600 or at (800) 842-6630.

**DRAFT**

2010-056  
CJ

**Baton Rouge Learning Center (BRLC)  
2843 Victoria Drive  
Baton Rouge, LA 70805  
225-927-3453  
225-270-3453**

**MEMORANDUM**

December 1, 2009

**TO: Ethics Board  
Kathleen Allen**

**FROM: Priscilla Renee Carter**

**RE: Supplemental Education Services (SES)**

My name is Priscilla Renee Carter and I would like to apply for the Supplemental Education Services (SES) grant. I will be moving under the Department of Education in the High School Redesign department as the Contracts & Fiscal Coordinator for Louisiana Gaining Early Awareness and Readiness for Undergraduate Programs (LA GEAR UP). I wanted to make sure that it would not be a conflict on interest if I am awarded the SES grant.

The payments will not come from the High School Redesign department but will come directly from the school district that I work with and I will enter into the contract directly with them as well.

Thank you for your assistance in this matter.

Sincerely,

*Priscilla Renee Carter*  
Priscilla Renee Carter

2009 DEC - 3 PM 1:20  
EDUCATION  
CAMPAIGN FINANCE  
RECEIVED

**Courtney Jackson (ETHICS)**

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**From:** Renee Harris  
**Sent:** Tuesday, December 22, 2009 11:52 AM  
**To:** Courtney Jackson (ETHICS)  
**Subject:** RE: Ethics Advisory Opinion

Good Morning Courtney,

I would like to apply for the Supplemental Education Services (SES) Grant. The SES grant is a grant awarded to tutor students in the afternoon. I currently work for the Board of Regents(BOR) but we will be moving under the Department of Education. My current position is the Assistant Contracts & Fiscal Coordinator for LA GEAR UP. My current duties include processing invoices for the 59 school we serve. I will not work with schools in the Recovery School District.

When I move under DOE I will be in the High School Redesign department. If I am awarded the grant I will not be in contract with DOE, but I will enter into a contract with the East Baton Rouge School District.

**From:** Courtney Jackson (ETHICS)  
**Sent:** Tuesday, December 22, 2009 10:27 AM  
**To:** Renee Harris  
**Subject:** Ethics Advisory Opinion

Pursuant to our conversation this morning, please summarize the information which you gave me in the form of an email, including what the SES grant is and what your function would be in relation to the grant, who you would be contracting with for the SES grant, your job duties as accountant and that you would not be contracting with those schools for which you do billing. Also, are these school part of the Recovery School District operated by the Department of Education, or other school districts? Please submit this information by the close of business today so that your issue may be put on the agenda for the Board of Ethics' next meeting.

Thank you,

**Courtney Jackson**  
Staff Attorney  
Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821  
(225) 219-5600 office  
(225) 381-7271 facsimile  
[www.ethics.state.la.us](http://www.ethics.state.la.us)

## General Item

### Ethics Board Docket No. BD 2010-080 01/15/2010

**RE:** Consideration of a request for an advisory opinion regarding whether employees of the Office of State Building (OSB) who are affected by the privatization of the OSB may accept employment with potential vendors for the OSB.

**Relevant Statutory Provisions, Advisory Opinions:** 1112, 1121B

**Comments:**

**FACTS:**

The Office of State Building (OSB) currently provides maintenance and repairs for buildings owned by the Division of Administration. OSB has been tasked to complete a Request for Proposal (RFP) to outsource the entire agency. OSB will be required to maintain a small staff to complete maintenance/repairs and minor projects at certain buildings. These departments will be excluded from the RFP. As a provision of the RFP, OSB has specified that at least 50% of its employees who are affected by the privatization are offered employment by the potential vendor. Employees who are affected by the privatization did not participate in OSB's decision to privatize nor did they participate in the drafting of the RFP.

**LAW:**

Section 1121B of the Code prohibits a former public servant for a period of two years following the termination of his public service from assisting another person for compensation in a transaction, or in an appearance in connection with a transaction, in which the former public servant participated at any time during his public service and involving his former agency. Section 1112B(4) prohibits a public servant from participating in a governmental transaction in which a person with whom they are negotiating for future employment has a substantial economic interest.

In BD 2001-621, 2004-365, ,2004-759 and 2004-074, the Board concluded that based on the unique circumstances of the privatization of a former employee's duties, the Code did not prohibit the public servants, who did not participate in the agency's decision to privatize the services, to be employed by the private entity.

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**ANALYSIS:**

Under the facts presented, OSB will outsource its entire agency. Additionally, employees affected by the privatization did not participate in the drafting of the RFP nor did they participate in OSB's decision to privatize the services. Therefore, under the given unique circumstances, there would be no violation of the Code if employees affected by the privatization are hired by the vendors awarded the contract. The Board of Ethics should not address whether or not it is appropriate for OSB to include a clause requiring the hiring of its former employees by a potential vendor. (APB)

**Recommendations:** Adopt the proposed advisory opinion.

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Date

William Wilson, Director  
Office of State Building  
P.O. Box 44001  
Baton Rouge, LA 70804-4001

**RE: Ethics Board Docket No. 2010-080**

Dear Mr. Wilson:

The Louisiana Board of Ethics, at its January 15, 2010 Board meeting, considered your request for an advisory opinion regarding whether employees of the Office of State Building (OSB) who are affected by the privatization of the OSB may accept employment with potential vendors for OSB. You stated that the OSB currently provides maintenance and repairs throughout the State for buildings owned by the Division of Administration. OSB has been tasked to complete a Request for Proposal (RFP) to outsource the entire agency. OSB will be required to maintain a small staff to complete maintenance/repairs and minor projects at certain buildings. These departments will be excluded from the RFP. As a provision of the RFP, OSB has specified that at least 50% of its employees who are affected by the privatization are offered employment by the potential vendor. Employees who are affected by the privatization did not participate in OSB's decision to privatize nor did they participate in the drafting of the RFP.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit those employees of OSB affected by the privatization from being employed by the vendor who is selected by OSB to perform the privatized services. Section 1121B of the Code prohibits a former public servant for a period of two years following the termination of his public service from assisting another person for compensation in a transaction, or in an appearance in connection with a transaction, in which the former public servant participated at any time during his public service and involving his former agency. Section 1112B(4) prohibits a public servant from participating in a governmental transaction in which a person with whom they are negotiating for future employment has a substantial economic interest. Under the facts presented, employees of OSB affected by the privatization did not participate in the drafting of the RFP nor did they participate in OSB's decision to privatize the services. OSB will no longer provide the maintenance services once they are privatized. Therefore, under the given unique circumstances, there would be no violation of the Code if employees affected by the privatization are hired by the vendors awarded the contract.

The Board of Ethics does not address whether or not it is appropriate for OSB to include a clause requiring the hiring of its former employees. This advisory opinion is based solely on the facts as

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set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,  
**LOUISIANA BOARD OF ETHICS**

Aneatra P. Boykin  
For the Board

**DRAFT**



2010-080

ANGELE DAVIS  
COMMISSIONER OF ADMINISTRATION

BOBBY JINDAL  
GOVERNOR

**State of Louisiana**  
Division of Administration  
Office of State Buildings

November 19, 2009

Louisiana Ethics Administration  
P. O. Box 4368  
Baton Rouge, LA 70821

The Office of State Buildings is requesting an advisory opinion regarding a potential violation of Section 42:1121 of the Board of Ethics Code, specifically would there be a violation in the event former Office of State Buildings (OSB) employees were to be outsourced to a private company and those employees hired by the company awarded the contract.

OSB currently provides maintenance and repairs for Division of Administration owned buildings throughout the state. OSB has been tasked to complete a Request for Proposal (RFP) to outsource the entire agency. OSB will, however; be required to maintain a small staff to complete maintenance/repairs as well as minor projects at certain buildings and thus be excluded from the RFP. As a provision of the RFP, OSB has specified that at least 50% of employees of OSB who are displaced by the privatization are offered employment by the awarded vendor. Employees who are potentially affected by the privatization did not participate in the agency's decision to privatize services nor participate in the drafting of the RFP.

I appreciate any information that you can offer on this situation. If you need additional information, please don't hesitate to contact me at (225) 219-4800.

Sincerely,

William J. Wilson  
Director

2009 NOV 23 PM 4:08  
ADMINISTRATION  
CAMPAIGN FINANCE  
RECEIVED

## General Item

### Ethics Board Docket No. BD 2010-087 01/15/2010

**RE:** Consideration of a request for an advisory opinion concerning the privatization of positions by the Louisiana Department of Veterans Affairs

**Relevant Statutory Provisions, Advisory Opinions:** 1121B(1)

**Comments:**

**FACTS:** The Louisiana Department of Veterans Affairs (LDVA) has been directed to submit a plan to the Louisiana Commission of Streamlining Government to reduce the cost of state government. One proposal submitted by LDVA would eliminate seven full-time physician positions and seven full-time pharmacist positions at LDVA's five veterans homes. The functions performed by these physicians and pharmacists would be privatized, and the local veterans homes would contract with a local individual or a group of pharmacists and physicians to perform these functions. The current salary and benefits for each of the full-time physicians and pharmacists exceed \$100,00, while these services will be contracted out at approximately \$2,000 per month. None of the individuals affected by the proposal participated in the decision to privatize their functions.

**ISSUE:** May the physicians and pharmacists whose positions are being privatized either associate with a business entity that will contract with the veterans homes, create a business entity that will contract to perform the function, or contract individually with the veterans homes to perform the functions of physician and pharmacist?

**LAW:** Section 1121B(1) prohibits a former public employee, for a period of two years following the termination of his employment, from assisting another person for compensation in a transaction in which the former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following the termination of his employment, from rendering any service on a contractual basis to his former agency which he performed during the course of his public employment.

**ANALYSIS:** Section 1121B(1) would typically prohibit a former physician or pharmacist employed by a veteran's home from contracting with the home to perform the services which he or she performed during the course of his employment, or from assisting a private entity in performing services which he performed during the course of his public employment, for a period of two years. However, in the case of privatization of government services, where an employee's position or agency is eliminated, the Board has issued opinions indicating that Section 1121 does not prohibit the former public employee from continuing to perform the services in the private sector. In 2006-200, the Board issued an opinion which allowed former

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employees of the Metropolitan Development Centers (the centers had been closed) to contract with the state to service former MDC clients, to create a legal entity to be a private contract provider to the Department of Health and Hospitals, or to be employed by a private provider who contracts to treat the former MDC patients.

**CONCLUSION:** Due to the circumstance of the privatization of the physician and pharmacist positions at the veterans homes, Section 1121 would not prohibit the former employees from being employed by a private entity which will contract with the veterans homes, from creating a legal entity to contract with the veterans homes to provide the physician and pharmacist services, or from contracting directly with the veterans homes to perform these services within two years of the termination of these government positions. (CDJ)

**Recommendations:** Adopt the proposed advisory opinion

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DATE

Mr. Thomas L. Enright, Jr., Executive Counsel  
Department of Veterans Affairs  
P.O. Box 94095 Capitol Station  
Baton Rouge, LA 70804-9095

**DRAFT**

**RE: Louisiana Board of Ethics Docket No. 2010-087**

Dear Mr. Enright:

The Louisiana Board of Ethics, at its January 15, 2010 meeting, considered your request for an advisory opinion concerning the application of the Code of Governmental Ethics' post-employment provisions to former physicians and pharmacists employed by the Louisiana Department of Veterans Affairs (LDVA). You state that the LDVA has been directed to submit a plan to the Louisiana Commission on Streamlining Government to reduce state spending. You state that two proposals submitted by the LDVA would eliminate seven full-time physician positions and seven full-time pharmacist positions at LDVA's five veterans homes, and that these functions will be privatized. You state that none of the individuals affected by this proposal participated in the decision to privatize these functions. You request an opinion as to whether these former employees may either associate with a business entity, create a business entity, or contract individually with the LDVA to perform these services.

Generally, Section 1121B(1) of the Code of Governmental Ethics prohibits a former public employee, for a period of two years, from contracting with his former agency to perform any service which he performed during the course of his public employment, or from assisting a person, for compensation, in a transaction in which he participated at any time during his public employment. The Board concluded, and instructed me to inform you, that the due to the unique circumstance of the privatization of a government function, and because the employees affected did not participate in the decision to privatize the government function, that the Code of Governmental Ethics would not prohibit the former physicians and pharmacists from either associating with a business entity, creating a business entity, or contracting individually with the LDVA to perform these services.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. If you have any further questions, please contact me at (225) 219-5600 or at (800) 842-6630.

**DRAFT**

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2010-081



**Bobby Jindal**  
Governor

STATE OF LOUISIANA  
DEPARTMENT OF VETERANS AFFAIRS



**Lage A. Carson**  
Secretary

November 10, 2009

2009 NOV 12 PM 4:30  
RECEIVED  
FINANCE  
DIVISION

Louisiana Board of Ethics  
P. O. Box 4368  
Baton Rouge, LA 70821

In accordance with Chapter Six of the Rules for the Board of Ethics, I write on behalf of the Louisiana Department of Veterans Affairs (LDVA) to request an advisory opinion regarding whether a violation of the Ethics Code would exist if former full-time state employees violate Section 42:1121 of the Code if the functions they perform are privatized and they either associate with a business entity that will contract to perform the function, create a business entity that will contract to perform the function, or contract individually to perform the function without creating a business entity?

The facts of this request are as follows. The LDVA was directed to submit courses of action to the Louisiana Commission on Streamlining Government to reduce the cost of state government. LDVA submitted several proposals; two of which were to eliminate seven full-time physician positions and seven full-time pharmacist positions at LDVA's five Veterans Homes. The functions provided by those full-time physicians and pharmacists will be privatized and the five Veterans Homes will contract with a local physician or group of physicians, and a local pharmacist or group of pharmacists. The physicians are unclassified employees and the pharmacists are classified employees. None of the physicians or pharmacists participated in the decision to privatize their functions.

More than one physician and pharmacist have expressed interest in continuing to perform their function at their former place of employment at a substantially reduced contractual rate. LDVA estimates the savings from this privatization to exceed \$1.5 million. As an example, the salary and benefits of each of the full-time physicians and pharmacists exceed \$100,000 annually while the same services will be contracted out at approximately \$2,000 per month for each function.

LDVA also notes the long and valued service of these professionals and the exemplary care they have rendered, over the years, to the residents of the Veterans Homes. It is a testament to their dedication that they are willing to remain on at a substantially reduced rate of reimbursement.

Louisiana Board of Ethics  
Page 2  
November 10, 2009

In preparing this request for an advisory opinion, I have reviewed ethics opinions 2009-934, 2006-200, 2004-759, 2004-365, and 2004-074. All of these opinions recognize that unique circumstances exist when an employee's position, through no fault or participation of his own, is privatized. The cited opinions all conclude that no violation of the Ethics Code occurs in this type of unique circumstance.

I respectfully request an advisory opinion on these facts, and further request that the Board conclude that no violation of the Ethics Code exists in this circumstance. Please feel free to contact me at (225) 922-7550 or via electronic mail, [thomas.enright@la.gov](mailto:thomas.enright@la.gov), if you require further information.

Sincerely,



Thomas L. Enright, Jr.  
Deputy Secretary/Executive Counsel

cs



2006-200

Created By: Sylvia Scott on 04/17/2006 at 01:05 PM  
Category: Ethics Advisory Opinions  
Caption:

April 17, 2006

Frank H. Perez, General Counsel  
Department of Health and Hospitals  
P. O. Box 3836  
Baton Rouge, LA 70821-3836

**Re: Ethics Board Docket No. 2006-200**

Dear Mr. Perez:

The Louisiana Board of Ethics, at its April 13, 2006 meeting, considered your request for an advisory opinion as to the propriety of former employees of two Metropolitan Developmental Centers (MDC) providing services to or for the Department of Health and Hospitals/ Office for Citizens with Developmental Disabilities (OCDD) subsequent to the termination of their public employment. The MDCs scheduled to be closed, which cease to exist and will displace more than half of its current employees.

Section 1121B of the Code prohibits a former public servant, for the two year period subsequent to the termination of his public employment, from assisting a person in a transaction that involves his former agency and in which he participated at any time during his public service and from providing services on a contractual basis to his former agency when he provided those same services during his public service. Furthermore, Section 1121C of the Code prohibits the employer of a former public servant, for the two-year period subsequent to the former public servant's termination public employment, from assisting a person for compensation in a transaction in which the former public servant participated in during his public service.

However, the Board concluded that based on the unique circumstances of the privatization of governmental services, the Code does not, in those instances, prohibit the former employees from being employed by private entities since their former agency no longer provides such services, provided the former employees do not participate in the governmental entities decision to privatize the facilities.

With respect to each of the issues below and in consideration of the above-provisions, the Board concluded, and instructed me, to inform you of the following:

1. The Code does not prohibit a former MDC staff member from creating a legal entity to be a private provider which would be licensed by DHH.
- (2) The Code does not prohibit a former MDC employee from being employed with a private provider who treats former MDC clients.
- (3) The Code does not prohibit a) OCDD from entering into cooperative agreements with private providers to operate MDC beds in community home settings, b) a former MDC staff member from working with MDC former clients in a private community home that has entered into such a cooperative agreement with OCDD and, c) a former MDC employee from creating a legal entity to enter into such a cooperative agreement.
- (4) The Code does not prohibit a private provider from contracting with a former MDC employee to serve MDC clients in a host home.
- (5) The Code does not prohibit the state from contracting with a former MDC employee to serve an MDC client in the host home.

The Board issues no opinion as to the application of laws other than the Louisiana Code of Governmental Ethics. If you have any questions, please contact me at (225) 763-8777 or 1-800-842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Kathleen M. Allen  
For the Board

EB:KMA

## General Item

### Ethics Board Docket No. BD 2010-089 01/15/2010

**RE:** Consideration of a request for an advisory opinion concerning a company owned by Julius and Monette Scott, volunteer firefighters of the Husser Volunteer Fire Department, submitting a bid to the department.

**Relevant Statutory Provisions, Advisory Opinions:** 1113A, 1123(35), 2009-731

**Comments:**

**FACTS:** Julius and Monette Scott are the owners of JWS Construction, Inc., a residential and commercial contracting company. The Scotts are also volunteer firefighters of the Husser Volunteer Fire Department (HVFD). They have served in this capacity since 2000. The Tangipahoa Parish Council is receiving sealed bids for the construction of a new fire station for the HVFD. The Scotts do not receive any form of payment for their services with the HVFD. They are not members of the executive board, neither serves as fire chief, and they will not be participating on behalf of the HVFD regarding the contract for the new fire station.

**ISSUE:** May JWS Construction, Inc. submit a sealed bid to the Tangipahoa Parish Council for a the construction of a fire station for the HVFD when its owners are volunteer firefighters with the HVFD?

**LAW:** Section 1113A prohibits a public servant, or a legal entity in which he has an ownership interest greater than 25%, from bidding on or entering into a contract, subcontract, or other transaction under the supervision or jurisdiction of the public servant's agency. Section 1123(35) provides an exception which allows a volunteer fireman or a legal entity in which he has an interest to bid on or enter into a contract, subcontract, or other transaction under the supervision or jurisdiction of his agency, provided that the volunteer fireman receives no compensation or any thing of economic value for his services as a volunteer fireman, that he is not an agency head, and that he does not participate on behalf of his agency in any capacity regarding such contract.

**ANALYSIS:** The Scotts meet the requirements for the Section 1123(35) exception. They are volunteer firefighters receiving no compensation for their services, they are not agency heads, and they will not be participating in the contract on behalf of the HVFD. Therefore, by application of the Section 1123(35) exception, JWS Construction, Inc., a legal entity owned by the Scotts, is not prohibited from submitting a sealed bid for the construction of a new fire station for the HVFD. (CDJ)

**Recommendations:** Adopt the proposed advisory opinion.

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DATE

**DRAFT**

Chief Dale Vernon  
Husser Volunteer Fire Department  
P.O. Box 27  
Husser, LA 70442

**RE: Louisiana Board of Ethics Docket No. 2010-089**

Dear Chief Vernon:

The Louisiana Board of Ethics, at its January 15, 2010 meeting, considered your request for an advisory opinion concerning whether JWS Construction, Inc., a company owned by Julius and Monette Scott, may submit a sealed bid to the Tangipahoa Parish Council for the construction of a new fire station for the Husser Volunteer Fire Department (HVFD). You state that Mr. and Mrs. Scott have been volunteer firefighters with the HVFD since 2000, and that they receive no form of payment for their services. You further state that neither Mr. nor Mrs. Scott is an agency head, and that they would not participate on behalf of the HVFD regarding the contract for the construction of the fire station.

Generally, Section 1113A of the Code of Governmental Ethics prohibits a public servant, a member of his immediate family, or a legal entity in which he has an ownership interest exceeding 25%, from bidding on or entering into any contract, subcontract or other transaction under the supervision or jurisdiction of his agency. Section 1123(35) of the Code provides an exception which allows a volunteer fireman, or a legal entity in which he has an interest, to bid on or enter into a contract, subcontract, or other transaction under the supervision or jurisdiction of his agency, provided that the volunteer fireman receives no compensation or any thing of economic value for his services as a volunteer fireman, that he is not an agency head, and that he does not participate on behalf of his agency in any capacity regarding such contract. Based upon the information which you have provided, the Board concluded, and instructed me to inform you, that Mr. and Mrs. Scott meet the criteria for the application of the Section 1123(35) exception. Accordingly, the Code of Governmental Ethics would not prohibit JWS Construction, Inc. from submitting a bid with he Tangipahoa Parish Council for the construction of a new fire station for the HVFD.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. If you have any further questions, please contact me at (225) 219-5600 or at (800) 842-6630.

**DRAFT**

11/17/2009 10:00

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TANGIPAHOA ANIMAL CLINIC

2010-089

# Husser Volunteer Fire Department

Fire Rescue Service • PO Box 27 • Husser, Louisiana 70442 • Phone: (985) 748-4914  
Fax: (985) 748-4284  
Email: HusserVFD@yahoo.com



November 16, 2009

Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821

RE: Code of Governmental Ethics, Section 1123(35)

To Whom It May Concern:

I am writing to request an advisory opinion concerning whether a volunteer firefighter may submit a sealed bid for the construction of our new fire station? Mr. Julius and Mrs. Monette Scott have been volunteer members of the Husser Volunteer Fire Department since 2000. They are the owners of JWS Construction Inc., a fully licensed, insured, residential and commercial contracting company with the state of Louisiana.

Our department is going out for public bids for the construction of our new fire station. All bids must be sealed and submitted to the Tangipahoa parish council's office and will be opened during a public meeting by the Tangipahoa parish council. The Husser Volunteer Fire Department executive board nor membership will have access to these bids.

Mr. Julius and Mrs. Monette Scott are volunteer members of our department; they do not receive any form of payment for their services. They are not members of the HFVD executive board nor will they be participating on behalf of the HFVD regarding the contract for the new fire station.

I have referred to previous opinions by your office, 2006-117, 2007-408, and 2009-536 which cover similar situations. I would like to ask for a written opinion for the HVFD regarding this matter.

Thank you for your time in this matter.

Sincerely,

Dale Vernon  
HVFD Chief

2009 NOV 19 PM 2:15  
FINANCIAL ADMINISTRATION  
CAMPAIGN FINANCE  
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2009-791

Created By: Sylvia Scott on 08/27/2009 at 02:36 PM

Category: Ethics Advisory Opinions

Caption: A wrecker service owned by an uncompensated police is not prohibited from transacting business with his police department pursuant to Section 1123(35) of the Code of Ethics.

August 27, 2009

Chief Deon R. Boudreaux  
Port Barre Police Department  
498 Saizan Avenue  
Port Barre, Louisiana 70577

**Re: Ethics Board Docket No. 2009-791**

Dear Chief Boudreaux:

The Louisiana Board of Ethics, at its August 26, 2009 meeting, considered your request for an advisory opinion as to whether a wrecker service owned by an uncompensated volunteer police officer with the Port Barre Police Department may transact business with the Port Barre Police Department. You stated that the Port Barre Police Department uses a local wrecker service for the majority of its tows. You stated that recently the owner of the local wrecker service has become an uncompensated volunteer police officer with the Police Department, who mainly comes out on Sundays to provide traffic control for churches.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the local wrecker service from continuing to provide services to the Port Barre Police Department while the owner of the wrecker service is an uncompensated volunteer police officer with the Police Department. Generally, Section 1113A of the Code prohibits a public servant or a legal entity in which he owns a controlling interest from bidding on or entering into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the public servant's agency. However, Section 1123(35) of the Code provides an exception to Section 1113A of the Code. Section 1123(35) of the Code allows for a volunteer police officer or a legal entity in which he has an interest to bid on and enter into a contract, subcontract or other transaction under the supervision or jurisdiction of his agency provided that he is not compensated for his service as a police officer, he is not an agency head and he does not participate on behalf of his agency in connection with the contract, subcontract or other transaction. Since the owner of the wrecker service is not compensated, is not an agency

head, and would not be participating on behalf of the Police Department in connection with the towing services, the wrecker service is not prohibited from providing towing services to the Police Department.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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Tracy K. Meyer  
For the Board

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