

LOUISIANA BOARD OF ETHICS

**LaSalle Building
First Floor - LaBelle Room**

**617 North 3rd Street
Baton Rouge, Louisiana**

**January 15, 2010
9:00 a.m.**

GENERAL

Regular Business

G24. Approval of the minutes from the Louisiana Board of Ethics December 17-18, 2009 meeting.

G25. Docket No. 10-024

Consideration of a request for a payment plan in connection with a Board Order in the amount of \$3,140 for late fees assessed against Lindora Baker, an unsuccessful candidate for State Representative 3rd District in the October 20, 2007 election whose 30-P report was filed 19 days late and EDE-P report was filed 73 days late. Consideration of a request for a payment plan in connection with a Board Order in the amount of \$600 for late fees assessed against Lindora Baker, an unsuccessful candidate for State Representative 3rd District in the October 20, 2007 election whose SUPP report was filed 368 days late.

G26. WAIVER REQUESTS - CAMPAIGN FINANCE

Docket No. 10-037

Consideration of a request that the Board waive the \$1,000 and \$360 late fees assessed against Ollibeth Reddix, a candidate for Police Juror, Quachita Parish, in the October 17, 2009 election, whose 10-P report was filed 9 days late, and 30-P report was filed 29 days late.

G27. WAIVER REQUESTS - LOBBYING**Docket No. 10-036**

Consideration of a request that the Board waive the \$50 and \$50 late fees assessed against Charlie Smith, for his failure to timely file a Legislative and Executive ER-9/09 lobbying reports.

Docket No. 10-038

Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Dena Sher, for failure to timely file a Legislative and Executive ER-10/09 lobbying report.

Docket No. 10-083

Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Sandra Adams, for failure to timely file a Legislative and Executive ER-9/09 lobbying reports.

Docket No. 10-084

Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Dr. William Harrison, for failure to timely file a Legislative and Executive ER-10/09 lobbying reports.

- G28.** Consideration of a decision of the Ethics Adjudicatory Board in the matter of Cesear Comeaux (Board Docket No. 2007-676).
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MINUTES

LOUISIANA BOARD OF ETHICS
MINUTES
December 18, 2009

The Board of Ethics met on December 18, 2009 at 9:08 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bareikis, Boyer, Hymel, Ingrassia, Lowrey, Monroe and Simoneaux present. Absent were Board Members Bowman, Frazier, Schneider and Stafford. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Deborah Grier; and Counsel, Aneatra Boykin, Michael Dupree, Deidra Godfrey and Tracy Meyer.

Ms. Ann Wise, Director of the Division of Administrative Law, appeared before the Board in connection with the selection of administrative law judges (ALJ) to serve on the Ethics Adjudicatory Board (EAB). Ms. Wise explained that the judges would serve on the EAB for the 2010 calendar year. The first three names drawn would serve on Panel A, the next three names drawn would serve on Panel B and the 7th name drawn would serve as an alternate. Ms. Wise submitted a paper list of thirteen (13) names of potential ALJs which were individually torn, folded and randomly drawn from a bowl by the Board's Executive Secretary, Deborah Grier. Following the drawing and announcement of each individual name by Ms. Grier, Ms. Wise announced that Panel A will be comprised of William Cooper, John Kopynec and Parris Taylor; Panel B will be comprised of Tameka Johnson, Robert Aguiluz and Charles Perrault. The alternate judge will be Nancy Goodwin.

Board Member Frazier arrived at the meeting at 9:10 a.m.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 07-366 and in Docket No. 08-297 in connection with a

request for rehearing by Shedrick White, an unsuccessful candidate for Mayor of New Orleans in the April 22, 2006 election, in connection with an Order issued against him assessing a \$7,500 late fee for his failure to file his EDE-P and 10-G campaign finance disclosure reports in connection with the April 22, 2006 election and in connection with his failure to pay the \$2,000 assessed late fee for the late filing of campaign finance disclosure reports. Mr. White was called and appeared before the Board. On motion made, seconded and passed by a vote of 5 yeas by Board Members Bareikis, Hymel, Lowrey, Monroe and Simoneaux and 3 nays by Board Members Boyer, Frazier and Ingrassia, the Board granted Mr. White's request for a rehearing. After hearing from Mr. White, on motion made, seconded and unanimously passed, the Board reduced the late fees in both matters totaling \$9,500 to \$2,000 and suspended the balance totaling \$7,500 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 07-922 in connection with a \$4,000 Order issued against Moses Junior Williams, an unsuccessful candidate for State Representative in the October 20, 2007 election, for failing to file his 10-G campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board continued the matter based upon the assurance by Mr. Williams that he would file the required report and subsequently submit a request to the Board for a reduction in the late fee assessed.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 08-297 in connection with a \$300 Order issued against Moses Junior Williams, an unsuccessful candidate for State Representative in the October 20, 2007 election, for failing to pay assessed late fees for the late filing of campaign

finance disclosure reports.. On motion made, seconded and unanimously passed, the Board continued the matter based upon the assurance by Mr. Williams that he would file the required report that is the subject of the Board Order in Docket No. 07-922 and subsequently submit a request to the Board for a reduction in the late fee assessed.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-849 to obtain an Order against Charles Primeaux, a candidate in the April 4, 2009 election, for failing to file his Supplemental campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board rescinded the Order against Mr. Primeaux, since he timely filed the reports and subsequent amendments.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-875 to obtain an Order against Ray Bright for failing to pay assessed late fees for the untimely filing of campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board dismissed the charges against Mr. Bright, since the late fees had been paid.

The Board called the public hearing in Docket No. 09-932 to obtain Orders against lobbyist Jennifer Grand for her failure to pay assessed late fees for the late filing of lobbying expenditure reports. Ms. Grand was called and appeared before the Board. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board waived the \$400 late fee against Ms. Grand.

The Board called the public hearing in Docket No. 09-985 to obtain Orders against the following lobbyists who failed to pay assessed late fees for the late filing of lobbying expenditure reports:

The Board called the public hearing regarding Eric Lewis. Mr. Lewis was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Mr. Lewis to pay the late fees totaling \$1,000.

The Board called the public hearing regarding Mark Smith. Mr. Smith was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Mr. Lewis to pay the \$300 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 07-609 for reconsideration of an advisory opinion regarding Representative Nick Lorusso, the successful candidate for State Representative, District 94 in the April 5, 2003 election, amending a prior campaign finance disclosure report to reflect the receipt of a personal loan rather than a contribution. On motion made, seconded and passed by a vote of 7 yeas by Board Members Bareikis, Boyer, Frazier, Hymel, Ingrassia, Lowrey and Monroe and 1 nay by Board Member Simoneaux, the Board affirmed the prior advisory opinion concluding that the Campaign Finance Disclosure Act would prohibit Representative Lorusso from amending his campaign finance disclosure report, since the information would have been inaccurately reported at a time when it was pertinent to the voters.

The Board unanimously deferred consideration of a request for an advisory opinion in Docket No. 09-377 as to whether an architecture firm that has entered into contracts with the State of Louisiana through the Office of Facility Planning would be subject to provisions of the Code of Governmental Ethics.

The Board unanimously deferred consideration of a request for an advisory opinion in

Docket No. 09-378 as to whether the architectural firm of Washer Hill Lipscomb Cabaniss Architecture, which has entered into contracts with the State of Louisiana through the Office of Facility Planning and Control, would be subject to the provisions of the Code of Governmental Ethics.

The Board considered a request in Docket No. 09-816 for reconsideration of its decision to decline to waive the \$150 late fee assessed against Tracy Smith for failure to timely file a Legislative ER-5/09 lobbying report. On motion made, seconded and unanimously passed, the Board waived the \$150 late fee, since Mr. Smith experienced technical difficulties with website server and could not file his report and since he had no prior late filings.

Mr. Dennis Blunt, attorney for Brown and Caldwell, appeared before the Board in Docket No. 09-935 in connection with a request for an advisory opinion regarding Brown and Caldwell's continued relationship with the Office of Coastal Protection and Restoration (OCPR) following the employment of Laura Belden, whose husband is employed by an engineering firm that has contracts with the OCPR. On motion made, seconded and unanimously passed, the Board granted Mr. Blunt's request to withdraw the request for an advisory opinion, since the offer of employment to Mr. Belden had expired and the advisory opinion was no longer needed.

Ms. Debbie O'Connor, Executive Director of the Greater Baton Rouge Literacy Coalition, appeared before the Board in Docket No. 09-1033 in connection with a request for an advisory opinion regarding whether the Greater Baton Rouge Literacy Coalition may receive funding from the Louisiana Legislature while Marie Carmody, an employee of the Coalition, is the sister of Representative Thomas Carmody. After hearing from Ms. O'Connor, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of

Governmental Ethics would be presented by the Greater Baton Rouge Literacy Coalition receiving funding from the Louisiana Legislature, since Ms. Carmody would not be receiving any of the proposed funds from the Legislature, her salary would be unaffected by the proposed funding and she would not be otherwise involved in the Coalition's request for funding.

On motion made, seconded and unanimously passed, the Board adopted the following general business agenda items:

Adopted for publication, a consent opinion in Docket No. 08-442 in which Byron Hines, the Administrator for the Northeast Louisiana War Veterans' Home, agrees that a violation of Section 1119 of the Code of Governmental Ethics occurred by virtue of the employment of his brother, Ronnie Hines, by the Northeast Louisiana War Veterans' Home while he served as the hospital's agency head and in which Mr. Hines agrees to pay a fine of \$500.

Adopted for publication a consent opinion in Docket No. 08-879 in which Mayor Joey Normand, Town of Brusly, agrees that a violation of Section 1111A of the Code of Governmental Ethics occurred by his usage of a generator owned by the Brusly Police Department for his personal use following Hurricane Gustav and in which Mayor Normand agrees to pay a fine of \$300.

Adopted for publication a consent opinion in Docket No. 08-1059 in which Jerline Rhoden, a registered lobbyist, agrees that a violation of Section 55 of the Lobbyist Disclosure Act occurred by filing her 2008 Lobbyist Expenditure Report thirteen (13) days late and in which Ms. Rhoden agrees to pay a fine of \$300 to be suspended conditioned upon her future compliance with the Lobbyist Disclosure Act.

Adopted for publication a consent opinion in Docket No. 08-1062 in which William

Rowell, a registered lobbyist, agrees that a violation of Section 75 of the Executive Lobbyist Disclosure Act occurred by filing his 2008 Executive Branch Lobbyist Expenditure Report twelve (12) days late and in which Mr. Rowell agrees to pay a fine of \$300 to be suspended conditioned upon his future compliance with the Lobbyist Disclosure Act.

Adopted for publication a consent opinion in Docket No. 08-1063 in which Desmond Browne, a registered lobbyist, agrees that a violation of Section 75 of the Executive Lobbyist Disclosure Act occurred by filing his 2008 Executive Branch Lobbyist Expenditure Report twelve (12) days late and in which Mr. Browne agrees to pay a fine of \$300 to be suspended conditioned upon his future compliance with the Lobbyist Disclosure Act.

Adopted an advisory opinion in Docket No. 09-942 concluding that Section 1121 of the Code of Governmental Ethics prohibits Marcia Arceneaux, an employee of the Recovery School District (RSD) in New Orleans, individually or through her company, from providing Self Review Processes to schools within the RSD for a period of two years after termination of her employment with the RSD, since the services would be the same as those she rendered to the RSD while she was an employee. The Board further advised that no violation of the Code of Governmental Ethics is presented by Ms. Arceneaux providing Mentoring Services to new directors of Special Education and services to adolescents entering the Juvenile Justice System, since those services are different from those that she provides to the RSD as an IDEA Compliance and Student Advocate and that Ms. Arceneaux could only provide those services if she is not an employee of the RSD.

Adopted an advisory opinion in Docket No. 09-986 concluding that no violation of the Code of Governmental Ethics is presented by Paula C. Davis, an Adjunct Instructor at the LSU

School of Social Work, becoming a clinical provider for the Office of Community Services (OCS) as long as she does not render services to OCS clients who are eligible to receive the same services through the LSU School of Social Work. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Ms. Davis from recommending clients of the LSU School of Social Work to her private practice.

Adopted an advisory opinion in Docket No. 09-988 concluding that no violation of the Code of Governmental Ethics is presented by a former member of the Board of Commissioners for the West St. Mary Parish Port, Harbor and Terminal District resigning from the Port Board and subsequently providing uncompensated, volunteer services to the Port Board nor would a violation of the Code of Governmental Ethics occur by the former member's receipt of reimbursement for direct expenses incurred, since the reimbursement will not constitute compensation or remuneration for the performance of services.

Adopted an advisory opinion in Docket No. 09-999 concluding that no violation of the Code of Governmental Ethics is presented by Peter Montz, the purchasing agent for St. John the Baptist Parish School Board, accepting a quote and entering into an agreement to purchase two storage buildings for the school district from Tuff Sheds, Inc. while Tuff Sheds, Inc. rents a commercial building from a company, BGM3, which is partially owned by Mr. Montz, since Mr. Montz is not being paid for a personal service he is rendering to Tuff Sheds and BGM3, not Mr. Montz, receives payment for renting the commercial property to Tuff Sheds.

Adopted an advisory opinion in Docket No. 09-1017 concluding that no violation of the Code of Governmental Ethics is presented by Donna Desoto, a Juvenile Probation Officer employed by the Office of Juvenile Justice, continuing to serve as the Secretary and as a member

of the Board of Commissioners of the Central Louisiana Juvenile Detention Facility Authority, since no ethics issues were presented. The Board further advised that Ms. Desoto should contact the Attorney General's Office with respect to dual office-holding laws.

Adopted an advisory opinion in Docket No. 09-1019 concluding that Section 1113A of the Code of Governmental Ethics prohibits an employee of the St. John the Baptist Parish Clerk of Court's Office from entering into a separate contract or transaction with the Clerk of Court's Office to perform additional services. The Board further advised that no violation of the Code of Governmental Ethics would be presented if the employee's job description is expanded and her salary or hourly wages increased accordingly.

Adopted an advisory opinion in Docket No. 09-1022 concluding that the members of the Washington Parish Reservoir Commission are not required to file annual personal financial disclosure statements as required by Section 1124.2.1 of the Code of Governmental Ethics, since the Commission does not have the authority to expend \$10,000 or more in funds.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 09-1026 regarding Mayor Louis Fitzmorris, Town of Abita Springs, accepting an honorary membership to the Money Hill Golf and Country Club, since Mayor Fitzmorris indicated that he has not and will not accept the membership.

Adopted an advisory opinion in Docket No. 09-1065 concluding that no violation of the Code of Governmental Ethics is presented by Lorraine McCaskill, an employee of the Metropolitan Human Services District at Chartres Pontchartrain Behavioral Clinic, continuing her employment with her church subsequent to the church becoming an Access to Recovery (ATR) provider, as long as Ms. McCaskill does not treat clients at her church who may receive

treatment at the clinic and she does not refer clients of the clinic to her church and provided there is no contractual or business relationship between the clinic and the church.

Adopted an advisory opinion in Docket No.09-1066 concluding that no violation of the Code of Governmental Ethics is presented by Mark Sacco, a member of the Covington City Council, continuing his employment as an investigator by the St. Tammany Parish District Attorney's Office, since the District Attorney's Office is not part of his agency, the City of Covington, and participating as either councilman or investigator in matters involving the Covington Police Department, since Mr. Sacco does not have a personal substantial economic interest in the matters involving the police department and since neither the police department nor the district attorney's office is a "person" as defined by the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 09-1068 concluding that no violation of the Code of Governmental Ethics is presented by First-In, LLC entering into an agreement with the Jonesville Volunteer Fire Department when Stephen Mophett, the Assistant Fire Chief and a member of the Board of Aldermen, is employed as a salesman by First-In, LLC, since Mr. Mophett is a salaried employee, with no controlling interest in First-In, LLC, whose salary is unaffected by the agreement between First-In, LLC and the Jonesville Fire Department. The Board further advised that Mr. Mophett, as Assistant Fire Chief, should recuse himself from all matters involving First-In, LLC.

Adopted an advisory opinion in Docket No. 09-1070 concluding that no violation of the Code of Governmental Ethics is presented by John Evans, Head of the Titles-Survey & GIS Section for the Division of Administration, Office of State Lands (OSL), being employed by IAP World Services (IAP), following his retirement in January 2010, while IAP provides technical

services to the United States Department of Interior, United States Geological Survey, National Wetlands Research Center (USGS) which has had a cooperative agreement with OSL since October 2004, since the ongoing USGS project is under the supervision of the Records Section, a division of OSL in which Mr. Evans does not participate, and as long as Mr. Evans does not work on any USGS projects which involve transactions in which may have participated while an employee of the OSL.

Adopted an advisory opinion in Docket No. 09-1076 concluding that Section 1115 of the Code of Governmental Ethics prohibits employees of the Monroe Police Department from soliciting and accepting any donation or other thing of economic value from any business, individual or organization that has, or is seeking to have, a business, contractual or other financial relationship with the Monroe Police Department, that conducts operations or activities which are regulated by the Monroe Police Department, or who has substantial economic interests that may be affected by the performance or nonperformance of a public servant's job duties with the Monroe Police Department in connection with a memorial to be dedicated to Monroe police officers killed in the line of duty. The Board further advised that no violation of the Code of Governmental Ethics would occur by the public employees of the Monroe Police Department soliciting or accepting donations for the police memorial from other businesses, individuals or organizations which are not prohibited sources pursuant to Section 1115 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 09-1077 concluding that no violation of the Code of Governmental Ethics is presented by Chetia Thibodeaux, a Child Welfare Specialist IV employed by the Department of Social Services (DSS)-Office of Community Services (OCS),

providing therapy services to clients of the Office of Juvenile Justice (OJJ), as long as Ms. Thibodeaux does not serve the same clients who would be able to receive the services through the OCS. The Board further advised that Section 1112 prohibits Ms. Thibodeaux from referring clients of the OCS to receive services she renders to the OJJ clients.

Adopted an advisory opinion in Docket No. 09-1084 concluding that no violation of the Code of Governmental Ethics is presented by Angie Curry, the spouse of Winnfield City Police Department Lieutenant Charles Curry, being employed as a full time police officer by the Winnfield City Police Department, since Lt. Charles Curry is not the agency head of the Winnfield City Police Department. The Board further advised that Section 1112B(1) of the Code of Governmental Ethics prohibits Lt. Curry from participating in any transaction involving the police department in which Angie Curry has a substantial economic interest, including promotions and salary.

The Board recessed at 11:08 a.m. and resumed back into general business session at 11:18 a.m.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the November 19-20, 2009 meetings.

The Board considered a request for an advisory opinion in Docket No. 09-987 regarding (1) whether Paul Hogan, a member of the St. Charles Parish Council, may be employed by BOH Brothers, Inc., after the company terminates its contractual relationship with St. Charles Parish; (2) whether BOH Brothers, Inc. can subsequently seek future work from St. Charles Parish; and,

(3) whether Mr. Hogan may then remain employed by virtue of the 82-02D exception. On motion made, seconded and unanimously passed, the Board concluded that (1) the Code of Governmental Ethics will not preclude Mr. Hogan from being employed by BOH Brothers, Inc. following the termination of the contract between the company and St. Charles Parish, since BOH Brothers, Inc. will no longer be a prohibited source of payment for Mr. Hogan pursuant to Section 1111 of the Code of Governmental Ethics; (2) BOH Brothers, Inc. will not be precluded from seeking future contracts with St. Charles Parish. However, Section 1112 of the Code of Governmental Ethics will prohibit Mr. Hogan from participating in any transactions between St. Charles Parish and BOH Brothers, Inc. if the company has a substantial economic interest in the transaction. Pursuant to Section 1120 of the Code of Governmental Ethics, Mr. Hogan will not be precluded from participating in the debate or discussion on matters involving the parish and his employer, provided the conflict of interest is reflected in the record prior to his participation in the discussion and debate; and, (3) should BOH Brothers, Inc. be awarded contracts with St. Charles Parish during Mr. Hogan's employ, the exception stated in Board Docket No. 82-02D will allow Mr. Hogan to remain employed, since Mr. Hogan would then be considered an "existing employee" as required for the application of the exception.

The Board considered a request for an advisory opinion in Docket No. 09-1021 regarding William Arceneaux, the Director of the Foundation for Excellence in Louisiana Public Broadcasting and a former member of the Louisiana Education Television Authority (LETA), being appointed to the Board of Directors of station WLAE in New Orleans by either the Willwood Foundation or LETA. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Arceneaux

being appointed to the WLAE Board of Directors by either the Willwood Foundation or LETA, since the appointment will not be made by Mr. Arceneaux's agency, the Foundation for Excellence in Louisiana Public Broadcasting. The Board further advised that Section 1112 of the Code of Governmental Ethics would prohibit Mr. Arceneaux from participating in any matters that come before the Foundation involving WLAE.

The Board considered a request for an advisory opinion in Docket No. 09-1086 regarding Timothy Whitmer, the Chief Administrative Officer for the Jefferson Parish President, receiving commissions from insurance policies issued to employees of the West Jefferson Medical Center. On motion made, seconded and unanimously passed, the Board declined to render an advisory opinion since the issued involved past conduct.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for "good cause" waivers of late fees assessed against the following candidates and a political action committee:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 09-1004 from Cranford L. Jordan, Jr. of a \$480 late fee;
Docket No. 09-1059 from Kevin H. Johnson of a \$400 late fee;
Docket No. 09-1062 from Austin J. Badon of a \$2,500 late fee; and,
Docket No. 09-1081 from Cecilia Giannobile of a \$806.25 late fee.

The Board unanimously waived the late fees against the following:

Docket No. 09-1061 from the American Electric Power Committee of a \$22,000 late fee;
Docket No. 09-1072 from Perry J. Smith of a \$720 late fee; and,
Docket No. 09-1072 from Perry J. Smith of a \$480 late fee.

The Board unanimously rescinded the \$37,000 late fee assessed against the American Electric Power Committee in Docket No. 09-1061, since the June report due on July 10, 2009 was not required to be electronically filed.

The Board unanimously declined to waive the \$400 late fee assessed against Roy Armstrong in Docket No. 09-1063 but suspended \$300 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists:

The Board unanimously declined to waive the two \$150 late fees assessed against Brace B. Godfrey, Jr., Executive and Legislative Branch lobbyist, in Docket No. 09-1045

The Board unanimously waived the \$250 late fee assessed against Dorothy Wirth, Legislative lobbyist, in Docket No. 09-967.

The Board unanimously waived the \$200 late fee assessed against Stacy Birdwell, Legislative lobbyist, in Docket No. 09-1046.

The Board considered a request in Docket No. 09-859 for a waiver of the \$1,500 late fee assessed against Robert Bermudez, a member of the New Orleans Council on Aging, for filing his annual personal financial disclosure statement 51 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee.

The Board considered a request in Docket No. 09-880 for a waiver of the \$2,500 late fee assessed against Eddie M. Clark for failure to file his annual personal financial disclosure statement within ten (10) days of qualifying to run for office. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board considered a request in Docket No. 09-937 for a waiver of the \$2,500 late fee assessed against Lincoln Savoie for failure to file his annual personal financial disclosure statement within ten (10) days of qualifying to run for office. On motion made, seconded and

unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board considered a request in Docket No. 09-949 for a waiver of the \$2,500 late fee assessed against Karl St. Romain for failure to file his annual personal financial disclosure statement within ten (10) days of qualifying to run for office. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board considered a request in Docket No. 09-963 for a waiver of the \$2,500 late fee assessed against Lindora Baker for failure to file her annual personal financial disclosure statement within ten (10) days of qualifying to run for office. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board considered a request in Docket No. 09-1049 for a waiver of the \$1,100 late fee assessed against Anthony James Soileau, Sr. for failure to file his annual personal financial disclosure statement within ten (10) days of qualifying to run for office. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,100 late fee but suspended \$600 conditioned upon future compliance with Section 1124.2 of the Code of Governmental Ethics.

The Board considered a request in Docket No. 09-1051 for a waiver of the \$1,500 late fee assessed against Jean Celestin and the \$1,500 late fee assessed against Earline Roth, members of the Regional Transit Authority Board of Commissioners, for filing their annual personal financial disclosure statements 56 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee assessed against Mr. Celestin and the \$1,500 late fee assessed against Ms. Roth.

The Board considered requests in Docket No. 09-1024 for waivers of the \$600 late fees

assessed against nine (9) members of the Jefferson Davis Parish School Board and the Superintendent for failure to timely filing their annual 2009-2010 school board disclosure statements. On motion made, seconded and unanimously passed, the Board waived the late fees against David Clayton, Superintendent of the Jefferson Davis Parish School Board, and Jefferson Davis Parish School Board Members Jason Bouley, Michael Heinen, James Segura, Mark Boudreaux, Sr., Charles Bruchhaus, Donald Dees, Robert Menard, Phillip Arceneaux and David Capdeville, since the notices of delinquency were not timely received and there were no other late filings.

The Board considered a request in Docket No. 09-1052 for a waiver of the \$750 late fee assessed against George Rabb for filing his 2009-2010 school board disclosure statement three (3) days late. On motion made, seconded and unanimously passed, the Board waived the late fee based on the waiver guidelines previously adopted by the Board.

The Board considered requests in Docket No. 09-1073 for waivers of the \$50 late fees assessed against the members of the Livingston Parish School Board for filing their annual 2009-2010 school board disclosure statements 1 day late. On motion made, seconded and unanimously passed, the Board waived the late fees against the members of the Livingston Parish School Board based on the waiver guidelines previously adopted by the Board.

The Board unanimously agreed to consider the following supplemental agenda items:

The Board considered two consent opinions in Docket No. 07-1049 in which (1) Elizabeth Douglas, a former member of the Caldwell Parish Library Board, agrees that violations of Sections 1112 and 1119 of the Code of Governmental Ethics occurred by her participation in the employment of her daughter, Amanda Douglas, by the Caldwell Parish Library and in which

Ms. Douglas agrees to pay a fine of \$1,000 to be suspended conditioned upon future compliance with the Code of Governmental Ethics; and, (2) Amanda Douglas agrees that a violation of Section 1119 of the Code of Governmental Ethics occurred by her employment with the Caldwell Parish Library while her mother, Elizabeth Douglas, served as a member of the Caldwell Parish Library Board and in which Ms. Douglas agrees to pay a fine of \$1,000 to be suspended conditioned upon future compliance with the Code of Governmental Ethics. On motion made, seconded and unanimously passed, the Board adopted the consent opinions for publication.

The Board considered a request for an advisory opinion in Docket No. 09-1042 regarding Robert Barbor, a former employee of the Office of Community Development (OCD), Disaster Recovery Unit (DRU), being employed by Waggoner Engineering, Inc., an OCD contractor. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Barbor working for Waggoner Engineering, Inc. and assisting the company with work pursuant to the Long Term Recovery Program, the Primary and Secondary Education Programs, the Local Government Emergency Infrastructure Program, as well as work on economic development, administrative services, blight reduction and general projects, since the projects and programs which Mr. Barbor will work on are under the supervision of a separate agency.

On motion made, seconded and unanimously passed, the Board resolved into executive session to discuss pending litigation.

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EXECUTIVE BUSINESS

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The Board unanimously resolved into general business session.

On motion made, seconded and unanimously passed, the Board instructed the staff to proceed with the Motion to Dismiss and to proceed with the offer of a consent opinion to John Neilson in Docket No. 07-247 in which he agrees that violations of Sections 1121, 1112B(1) and 1113A of the Code of Governmental Ethics occurred by (a) his resignation as a member of the DeSoto Parish Waterworks District No. 1 and being rehired by the District as the District's Administrator prior to the June 28, 2005 effective date of legislation which allows a former board member to be employed by the District, (b) his sale of lawn equipment to the District through his company, Mansfield Cycle World, Inc.; and, © serving as his wife's supervisor while she was employed by the District and in which Mr. Neilson agrees to pay a fine of \$5,000 to be paid at a rate of \$200 per month conditioned upon the execution of a confession of judgment.

Board Member Monroe was excused from the meeting at 11:49 a.m.

On motion made, seconded and unanimously passed, the Board instructed the staff to file a Motion to Stay with respect to Trellis Smith in the litigation involving Stacey Jackson, et al in Docket No. 08-747.

Slava Sereda, the agency's IT Director, provided a status report on the IT upgrade with respect to moving agency data from the Lotus Notes program to Novus Agenda which will be tested in January and should be fully implemented by February. Mr. Sereda also advised the Board that a new document management program, LaserFiche, will house all electronic documents and will provide a tracking mechanism on the agency's investigation cases. Laserfiche should be fully implemented by February as well.

Ms. Allen advised the Board that the IT staff is working on the electronic training program. Approximately 800 lobbyists had received electronic training through Digital Chalk. The staff anticipates that the program will also be used in the future to provide electronic training for elected officials.

Board Member Lowrey thanked the staff for providing the information on the Sunset Review which was conducted by the joint governmental affairs committee.

On motion made, seconded and unanimously passed, the Board adjourned at 11:56 a.m.

Secretary

APPROVED:

Chairman

General Item

Ethics Board Docket No. BD 2010-024 01/15/2010

RE:

Consideration of a request for a payment plan in connection with a Board Order in the amount of \$3,140 for late fees assessed against Lindora Baker, an unsuccessful candidate for State Representative 3rd District in the October 20, 2007 election whose 30-P report was filed 19 days late and EDE-P report was filed 73 days late. Consideration of a request for a payment plan in connection with a Board Order in the amount of \$600 for late fees assessed against Lindora Baker, an unsuccessful candidate for State Representative 3rd District in the October 20, 2007 election whose SUPP report was filed 368 days late.

Relevant Statutory Provisions, Advisory Opinions:**Comments:**

The Board issued an Order at its November 13, 2008 meeting making the \$3,140 in late fees assessed against Lindora Baker final and absolute. Ms. Baker is requesting a payment plan for payment of the assessed late fees. As of today a payment of \$500 was made on July 15, 2009. The Board issued an Order at its September 30, 2009 meeting making the \$600 in late fees assessed against Lindora Baker final and absolute. Ms. Baker is requesting a payment plan for payment of the assessed late fees. (AMA)

Recommendations:

Approve a payment plan of \$200 a month

2010-024

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

December 8, 2009

Dear Mrs. Alesia M. Ardoin:

My name is Lindora Baker. I am writing this letter in reference to Docket No. 2008-613 in which I have late fines and fees totaling \$3,140.00.

At this time I am unable to pay the total amount in full. If at all possible, I would like to ask for a payment schedule to exhaust this debt.

I can be reached at 318-655-0566 if any questions.

Thank you and have a blessed day.

Lindora Baker

2009 DEC 11 PM 3:38
RECEIVED
CAMPAIGN FINANCE
REGISTRATION

General Item

Ethics Board Docket No. BD 2010-037 01/15/2010

RE: Consideration of a request that the Board waive the \$1,000 and \$360 late fees assessed against Ollibeth Reddix, a candidate for Police Juror, Quachita Parish, in the October 17, 2009 election, whose 10-P report was filed 9 days late, and 30-P report was filed 29 days late

Relevant Statutory Provisions, Advisory Opinions:

Comments:

LEVEL OF OFFICE: ANY
 TYPE OF REPORT: 10-P
 DAYS LATE: 9
 ASSESSED FEE: \$360
 REPORT DUE: October 7, 2009
 REPORT FILED: October 16, 2009
 ACTIVITY REPORTED: \$600 in receipts, \$449.49 in disbursements and \$1,485.71 funds on hand
 OTHER LATE FILINGS: NONE

LEVEL OF OFFICE: ANY
 TYPE OF REPORT: 30-P
 DAYS LATE: 29
 ASSESSED FEE: \$1000
 REPORT DUE: September 17, 2009
 REPORT FILED: October 16, 2009
 ACTIVITY REPORTED: \$4,832.14 in receipts, \$3496.94 in disbursements and \$1335.20 funds on hand
 OTHER LATE FILINGS: NONE

Candidate states that she is new to the political arena and she is to blame for her mishap in filing both of her reports late. Candidate filed her 10-P report 9 days late. The report was due on October 7, 2009 and it was filed on October 16, 2009. The report shows \$600 in receipts, \$449.49 in disbursements and \$1,485.71 funds on hand. The candidate is a "any" level candidate. Candidate filed her 30-P report 29 days late. The report was due on September 17, 2009 and it was filed on October 16, 2009. The report shows \$4,832.14 in receipts, \$3,496.94 in disbursements and \$1,335.20 funds on hand. The candidate is an "any" level candidate. (AMA)

Recommendations: Decline to waive.

2010-037

REGISTRATION
CAMPAIGN FINANCE
RECEIVED
2009 NOV -9 AM 8:55

Ollibeth Reddix
1201 Powell Ave.
Monroe, Louisiana 71203
(318) 322-6360
Fax (318) 361-3788
ollibethr@aol.com

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

RE: Request for Waiver
October 17, 2009 Election

Dear Ms. Abrams,

According to La R.S. 42:1157, I am requesting a waiver of the penalty fees presently totaling \$1,360 levied against me under the condition of "good cause shown".

After the announcement of Police Juror Dorth Blade's untimely death, I was prompted to seek his position. Although I had not ever served in any public political position, I was a community activist and greatly desired to invest in the change needed to make my community better. Armed with passion and zeal, I confided in my small circle of family and friends. I did not have a funding source nor was I able to totally finance the campaign on my own. What I did have was the 'belief' that it was "my season" for this and with a sense of urgency, I ran.

My whole campaign was managed under \$5,000.00 in unsolicited donations and under \$2,000 in personal investments. As seen in the submitted reports, the significant, most important part of my campaign was secured by "in kind donations".

My personal friend and accountant, Rosie Harper, offered her accounting services in lieu of a donation. I assumed the relationship would be the same as with her accounting services where reports would be generated as needed. I would simply be asked to submit information or sign papers. We did not discuss the relationship and I made the assumption only. This "miscommunication" gap is the basis for my requests. I normally never had a need to know the times of filing because Ms. Harper's office has also done such a fine service for me. On the other hand, she was waiting for me to submit requests for reports. In this new venture, I was very comfortable in doing things "as usual" and never considered checking to see if the requested dates for filing were on schedule.

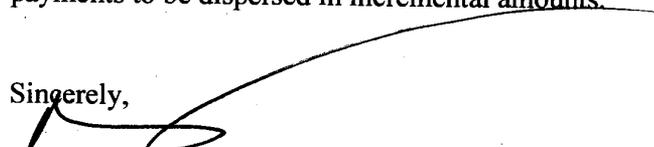
Also, with the few funds collected, this understandably justifiable fee is extremely excessive and would cause undue hardship on this elected official.

Although successful, this campaign could not be considered "high class". It was a grass root movement full of volunteers and well wishers. I furnished all of my campaign literature graphics and nearly all of my handouts. I worked hard and long but I did it honestly and with "good motives".

I am new to the political arena and blame no one for this mishap but myself. I failed to be personally responsible for every obligation required of me. I will tell you this, whether or not you permit the waiver, this is a lesson I will never forget.

Because I did borrow money from my office to run, as well as spent significant time away from my office and obligations, I am not able to pay the fine as rendered. If not waived, please allow payments to be dispersed in incremental amounts.

Sincerely,


Ollibeth Reddix
Police Juror District D

Enc:

10:32 AM

11/02/09

Accrual Basis

Reddix Campaign General Journal Transaction October 16, 2009

Num	Adj	Name	Memo	Account	Class	Debit	Credit
RC091	*	Sylvia DeTiege	Inkind Contri...	Advertising		2,000.00	
	*	Sylvia DeTiege	Inkind Contri...	Inkind			2,000.00
	*	James DeTiege	Inkind Contri...	Entertainment		500.00	
	*	James DeTiege	Inkind Contri...	Inkind			500.00
	*	Cliff Woods	Inkind Contri...	Advertising		2,500.00	
	*	Cliff Woods	Inkind Contri...	Inkind			2,500.00
	*	Frank Taylor	Inkind Contri...	Advertising		1,960.00	
	*	Frank Taylor	Inkind Contri...	Inkind			1,960.00
	*	Rosie D. Harper, CPA	Inkind Contri...	Accounting Fees		1,500.00	
	*	Rosie D. Harper, CPA	Inkind Contri...	Inkind			1,500.00
	*	James Minnewewa...	Inkind Contri...	Meals and Entertain...		170.00	
	*	James Minnewewa...	Inkind Contri...	Inkind			170.00
TOTAL						8,630.00	8,630.00

10:31 AM
11/02/09
Accrual Basis

Reddix Campaign
Transaction Detail By Account
June 30 through October 25, 2009

Inkind	Type	Date	Num	Adj	Name	Memo	Clr	Split	Debit	Credit	Balance
	General Journal	10/16/2009	RC091	*	-MULTIPLE-	Inkind Contri...		Advertising	0.00	8,630.00	8,630.00
	Total Inkind								0.00	8,630.00	8,630.00
	Sales										
	Sales Receipt	6/30/2009	1		Brenda Reddix Sm...	Contribution		Undeposited ...		500.00	500.00
	Sales Receipt	7/2/2009	2		Don Cincone	Contribution		Undeposited ...		100.00	600.00
	Sales Receipt	7/2/2009	3		Emeka Smalls	Contribution		Undeposited ...		30.00	630.00
	Sales Receipt	7/27/2009	4		Herman Wilson	Contribution		Undeposited ...		50.00	680.00
	Sales Receipt	8/20/2009	5		Dr. J. D. Patterson	Contribution		Undeposited ...		500.00	1,180.00
	Sales Receipt	8/21/2009	6		Charles Hill	Contribution		Undeposited ...		500.00	1,680.00
	Sales Receipt	8/31/2009	7		Marion Tarver	Contribution		Undeposited ...		150.00	1,830.00
	Sales Receipt	8/31/2009	8		Robert Rowan, Jr.	Contribution		Undeposited ...		300.00	2,130.00
	Sales Receipt	8/31/2009	9		Lucille Jenkins	Contribution		Undeposited ...		500.00	2,630.00
	Sales Receipt	8/31/2009	10		Maybeline Bradley	Contribution		Undeposited ...		100.00	2,730.00
	Sales Receipt	9/8/2009	11		Cleo Miller	Contribution		Undeposited ...		100.00	2,830.00
	Sales Receipt	9/8/2009	12		Gwen Dupree	Contribution		Undeposited ...		200.00	3,030.00
	Sales Receipt	9/23/2009	13		Marcia Ensley	Contribution		Undeposited ...		100.00	3,130.00
	Sales Receipt	9/23/2009	14		Wood T. Sparks	Contribution		Undeposited ...		200.00	3,330.00
	Sales Receipt	9/29/2009	15		Wince Highshaw	Contribution		Undeposited ...		100.00	3,430.00
	Sales Receipt	10/9/2009	16		William & Brenda ...	Contribution		Undeposited ...		500.00	3,930.00
	Sales Receipt	10/10/2009	17		Shirley Burks	Contribution		Undeposited ...		50.00	3,980.00
	Sales Receipt	10/14/2009	18		Anthony Nelson	Contribution		Undeposited ...		400.00	4,380.00
	Sales Receipt	10/14/2009	19		Ed Eiersmith	Contribution		Undeposited ...		75.00	4,455.00
	Sales Receipt	10/14/2009	20		Gladys Smith	Contribution		Undeposited ...		50.00	4,505.00
	Sales Receipt	10/16/2009	23		Jimmy Douglas	Contribution		Undeposited ...		100.00	4,605.00
	Sales Receipt	10/16/2009	25		Brenda Dziadaszek	Contribution		Undeposited ...		100.00	4,705.00
	Sales Receipt	10/20/2009	24		Dr. Johnetta McCalla	Contribution		Undeposited ...		300.00	5,005.00
	Total Sales								0.00	5,005.00	5,005.00
	TOTAL								0.00	13,635.00	13,635.00

JANUARY 14-15, 2010 - LOBBYIST LATE FEE WAIVER REQUEST

No	Name	Docket No.	Branch	Report	Days Late	Fine	Activity	1204D Reduction	Other late filings	Recomm
1.	Charlie Smith	2010-036	Legis.	ER-9/09	1	\$50	\$70	No	Yes	Decline to waive
	Charlie Smith	2010-036	Exec.	ER-9/09	1	\$50	\$0	No	Yes	Decline to waive
2.	Dena Sher	2010-038	Legis.	ER-10/09	4	\$200	\$0	No	No	Suspend all but \$200
	Dena Sher	2010-038	Exec.	ER-10/09	4	\$200	\$0	No	No	Suspend all but \$200
3.	Sandra Adams	2010-083	Legis.	ER-9/09	4	\$200	\$0	No	No	Suspend all but \$200
	Sandra Adams	2010-083	Exec.	ER-9/09	4	\$200	\$0	No	No	Suspend all but \$200
4.	Dr. William Harrison	2010-084	Legis.	ER-10/09	4	\$200	\$0	No	No	Waive the fine
	Dr. William Harrison	2010-084	Exec.	ER-10/09	4	\$200	\$0	No	No	Waive the fine

Abbreviation**Key**

Legis.

Legislative Lobbyist

Exec.

Executive Lobbyist

ER-9/09

Lobbying Report due October 26, 2009 {report period covering 09/01/2009-09/30/2009}

ER-10/09

Lobbying Report due November 25, 2009 {report period covering 10/01/2009-10/31/2009}

General Item

Ethics Board Docket No. BD 2010-036 01/15/2010

RE: Consideration of a request that the Board waive the \$50 and \$50 late fees assessed against Charlie Smith, for his failure to timely file a Legislative and Executive ER-9/09 lobbying reports.

Relevant Statutory Provisions, Advisory Opinions: 24:58 & 49:76

Comments:

BRANCH: Legislative and Executive
REPORT: ER-9/09
REPORT DUE: October 26, 2009
REPORT FILED: October 27, 2009
DAYS LATE: 1
FEE ASSESSED: \$50 and \$50
ACTIVITY REPORTED: Legislative = \$70 / Executive = \$0
OTHER LATE FILINGS: 1 - Mr. Smith was assessed a late fee for the Legislative and Executive ER-4/09 lobbying reports. He requested a waiver of these fines and they were waived.

Mr. Smith states that this late filing is "bunk." He states that he sat in front of his computer for two hours on the 26th trying to send his report but the system would not let him do so. The system kept kicking him back saying that he had not listed what he lobbied for under both branches. At that time, he thought it was something on the Lobbyist Online System. The next day, he states he did the exact same thing, in the exact same way and his report was accepted. He believes the glitch was on our end.

There are no reports of malfunctions on the server at the time Mr. Smith claims there was an error. (MDD)

Recommendations:

Decline to waive.

2010-036

Lauren Abrams

From: Latisha Thomas
Sent: Monday, November 16, 2009 3:46 PM
To: Lauren Abrams
Subject: FW: Accusal of late filing: Lobbyist Inquiries

I assume he wants this to be docketed as a waiver request for the September report.

-----Original Message-----

From: artzlobbyist@aol.com [mailto:artzlobbyist@aol.com]
Sent: Friday, November 06, 2009 4:09 PM
To: Latisha Thomas
Subject: Accusal of late filing: Lobbyist Inquiries

Lobbyist Inquiries

This is bunk. I sat in front of my computer for two hours on the 26th trying to send you my report but it would not let me. Your system kept kicking it back saying that I had not listed what I lobbied on with either the legislative or executive branch. I thought something was wrong on your end. The next day, I did EXACTLY the same thing in EXACTLY the same way and my report was accepted. I'm no computer genius but I can follow instructions. The glitch was on your end. Please check.

Charlie SmithLobbyist # 212.

Legislative Branch Lobbying Expenditures

for September 09

Lobbyist: CHARLIE SMITH

Report Submitted: 10/27/2009

Legislative Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 24:53(A)(4):
 Government: local; municipal; parish; state; federal

Legislative Branch Expenditures

Aggregated total of all the expenditures made during this reporting period in accordance
 with 24:55D(1)(b):

\$70.00

List of expenditures made per individual legislator or public servant during this reporting period:

Public Servant's Name	Total Amount
Danny Martiny	
Ernest Wooton	\$35.00
	\$35.00

List of expenditures attributable to the spouse or minor child of an legislator or public servant during
 this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which the entire
 legislature, either house, any standing committee, select committee, statutory committee,
 committee created by resolution of either house, subcommittee or any committee recognized caucus
 or any delegation thereof during this reporting period:

No relevant expenditures reported for this period.

Legislative Branch Lobbying Expenditures Reported to Date for the Current Year

Aggregated total of all the expenditures made to date for this calendar year in
 accordance with 24:55D(1)(b):

\$1,079.95

Aggregate total spent per individual legislator or public servant to date for the current calendar
 year:

Public Servant's Name	Total Amount
Kay Katz	
Danny Martiny	\$40.00
ED MURRAY	\$65.00
Jim Tucker	\$45.00
Ernest Wooton	\$70.00
	\$65.00

The aggregate total of expenditures attributable to the spouse or minor child of a legislator for all
 reporting periods during this calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other
 function to which the entire legislature, either house, any standing committee, select
 committee, statutory committee, committee created by resolution of either house,
 subcommittee or any committee, recognized caucus, or any delegation thereof during the
 calendar year:

\$794.95

Executive Branch Lobbying Expenditures

for September 09

Lobbyist: CHARLIE SMITH

Report Submitted: 10/27/2009

Executive Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 49:74 (A)(4):

Aquaculture and fisheries

Government: local; municipal; parish; state; federal

Executive Branch Expenditures

Aggregated total of all the expenditures made during this reporting period in accordance with 49:76D(1)(b):

\$0.00

List of expenditures made per individual executive branch official during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an executive branch official during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during this reporting period:

No relevant expenditures reported for this period.

Executive Branch Lobbying Expenditures Reported to Date for the Current Year

Aggregated total of all the expenditures made to date for this calendar year in accordance with 49:76D(1)(b):

\$752.00

Aggregate total spent per individual executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of an executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during the calendar year:

\$752.00

General Item

Ethics Board Docket No. BD 2010-038 01/15/2010

RE: Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Dena Sher, for failure to timely file a Legislative and Executive ER-10/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions: 24:58 & 49:76

Comments:

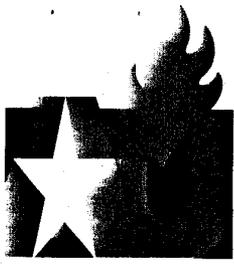
BRANCH:	Legislative and Executive
REPORT:	ER-10/09
REPORT DUE:	November 25, 2009
REPORT FILED:	December 1, 2009
DAYS LATE:	4
FEE ASSESSED:	\$200 and \$200
ACTIVITY REPORTED:	Legislative = \$0 / Executive = \$0
OTHER LATE FILINGS:	None

Dena Sher filed her Legislative and Executive ER-10/09 lobbying reports that were due by November 25, 2009, 4 days late on December 1, 2009. She was assessed \$200 and \$200 late fees, totaling \$400.

A request was submitted on behalf on Dena Sher, stating that the late filing was due to an extremely busy workload and the Thanksgiving holiday. Americans United for Separation of Church and State is a non-profit 501(c)3 and they are asking that the fine be reduced due to the economic situation and a decline in charitable giving. The organization cannot afford to pay this significant late fee. (MDD)

Recommendations: Decline to waive.

2010-038



**AMERICANS
UNITED**
*for Separation of
Church and State*

518 C Street, N.E.

Washington, D.C. 20002

(202) 466-3234 phone

(202) 466-2587 fax

americansunited@au.org

www.au.org

December 1, 2009

Michael D. Dupree
Staff Attorney
Louisiana Ethics Administration
P.O. Box 4368
Baton Rouge, LA 70821

Dear Mr. Dupree:

My colleague, Dena Sher, is a registered legislative and executive lobbyist in Louisiana, in her capacity as State Legislative Counsel (a salaried position) at Americans United for Separation of Church and State. Americans United is a 501(c)3 non-profit organization that aims to protect religious freedom as guaranteed by the U.S. Constitution.

Prior to the October 2009 report, Ms. Sher had promptly complied with every regulation pertaining to lobbying disclosure. Every registration form and lobbyist report was filed on time. In addition, Ms. Sher participated in the online lobbyist training webinar on October 16, 2009, a requirement of all lobbyists who reside outside Louisiana.

At Americans United, we take compliance very seriously, and have made a good faith effort to comply with all Louisiana laws and regulations. Last week, for the first time, we missed a deadline due to an extremely busy workload and the arrival of the Thanksgiving holiday.

Due to the economic situation and a decline in charitable giving, our organization cannot afford to pay a significant late fee. I understand that the deadline was missed, but I ask that you show compassion for our situation. If there is any way to waive or otherwise lessen the amount of our fine, it would be tremendously appreciated.

Please contact me to discuss this matter at your earliest convenience at (202) 466-3234 or Kurtz@au.org. Thanks very much for your consideration.

Sincerely,

Beth Kurtz
Legislative Associate
Americans United for Separation of Church and State

CAMPAIGN FINANCE
RECEIVED
2009 DEC -7 PM 4:45

Executive Branch Lobbying Expenditures

for October 09

Lobbyist: DENA SHER

Report Submitted: 12/1/2009.

Executive Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 49:74 (A)(4):

No Subject Matters Lobbied

Executive Branch Expenditures

Aggregated total of all the expenditures made during this reporting period in accordance with 49:76D(1)(b):

\$0.00

List of expenditures made per individual executive branch official during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an executive branch official during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during this reporting period:

No relevant expenditures reported for this period.

Executive Branch Lobbying Expenditures Reported to Date for the Current Year

Aggregated total of all the expenditures made to date for this calendar year in accordance with 49:76D(1)(b):

\$0.00

Aggregate total spent per individual executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of an executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during the calendar year:

\$0.00

Legislative Branch Lobbying Expenditures
for October 09
Lobbyist: DENA SHER
Report Submitted: 12/1/2009.

Legislative Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 24:53 (A)(4):

No Subject Matters Lobbied

Legislative Branch Expenditures

Aggregated total of all the expenditures made during this reporting period in accordance with 24:55D(1)(b):

\$0.00

List of expenditures made per individual legislator or public servant during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an legislator or public servant during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee or any committee recognized caucus or any delegation thereof during this reporting period:

No relevant expenditures reported for this period.

Legislative Branch Lobbying Expenditures Reported to Date for the Current Year

Aggregated total of all the expenditures made to date for this calendar year in accordance with 24:55D(1)(b):

\$0.00

Aggregate total spent per individual legislator or public servant to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of a legislator for all reporting periods during this calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee or any committee, recognized caucus, or any delegation thereof during the calendar year:

\$0.00

General Item

Ethics Board Docket No. BD 2010-083 01/15/2010

RE: Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Sandra Adams, for failure to timely file a Legislative and Executive ER-9/09 lobbying reports.

Relevant Statutory Provisions, Advisory Opinions: 24:58 & 49:76

Comments:

BRANCH: Legislative and Executive
REPORT: ER-9/09
REPORT DUE: October 26, 2009
REPORT FILED: October 30, 2009
DAYS LATE: 4
FEE ASSESSED: \$200 and \$200
ACTIVITY REPORTED: Legislative = \$0 / Executive = \$0
OTHER LATE FILINGS: None

A request was submitted by Sandra Adams, stating that she retired from LA Maternal and Child Health Coalition on June 30, 2009. Since that date, she thought her registration would not expire until December 31st, which meant filing the reports even after no longer occupying her former position until the end of year. She states that she has carefully watched the calendar and signed onto our website immediately after the first of each month to file the reports. On October 1st, she logged into the system and completed her report. When the warning email arrived, she checked the file and saw her entry for October 1st and disregarded it thinking it was sent out to everyone. When the Notice of Delinquency arrived by email, she called the Ethics Office and was told the report had not been filed. She signed onto the site, the information she had entered was there but somehow the final submission did not occur. She doesn't know what happened as she did exactly what she had done every other month. She was also informed at that time that could resign as a lobbyist and she has since done that.

As a retiree on limited income, the late fee would be a financial hardship. She further adds that she has made every effort to comply with the filing deadline and cannot explain why the report was not received as a final submission.

Our system shows that on October 1, 2009, the entry for the September reports were entered. The finalizing of the report was not done. Ms. Adams terminated her registration on October 30, 2009, after being advised she could do so by the Lobbying Department. (MDD)

Recommendations: Waive the fine.

2010-083

Sandra C. Adams
6214 Esplanade Avenue
Baton Rouge, LA 70806

November 6, 2009

2009 NOV 10 PM 4:39

REGISTRATION
FINANCE
RECEIVED

Mr. Michael D. Dupree
Louisiana Board of Ethics
P. O. Box 4368
Baton Rouge, LA 70821

Dear Mr. Dupree:

This letter is to request a waiver of the late fees of \$400 assessed against me for the September lobbyist report.

I retired from my position with the LA Maternal and Child Health Coalition on June 30, 2009. Since that date, I have carefully watched the calendar and signed onto your website immediately after the first of each month to file a report of no activity/no expenditures. I knew that my registration expired on December 31 and thought that I needed to continue to file the reports until then.

On October 1, I logged into your system and completed my report. I was confident that I had submitted it as a final report. I made a note to that effect in my file. When the warning email arrived, I checked my file, saw the entry for October 1 and disregarded it thinking it was sent to everyone. When the late notice arrived on my email, I called and was told that it had not been received. When I signed onto the site, the information I had entered was there but somehow the final submission did not occur. I do not know what happened as I did exactly what I had done every other month. Also, when I called, I was told that I could resign as a lobbyist and have now done that. I have also completed the October report.

As a retiree on limited income, the late fee would be a financial hardship. I made every effort to comply with the filing deadline and cannot explain why the report was not received as a final submission. I respectfully request that the late fee be waived.

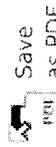
Sincerely,



Sandra C. Adams

Louisiana Lobbyist Online System

Just Completed Registered With Late Fees
 Online Registration Lobbyists (Process Payments) | Failed to File | New Delinquencies | Old Registrations | Seminar Attendance



460

Registered Lobbyist for:

SANDRA C. ADAMS

Delinquencies

Demographic	Company	Business Relationships	Late Fees

Expend Report	Late Fees

Reports Finalized

Reporting Period	Branch	Date of Completion
October 09	Legislative	10/30/09 3:04 PM
October 09	Executive	10/30/09 3:04 PM
September 09	Executive	10/30/09 1:51 PM
September 09	Legislative	10/30/09 1:51 PM
August 09	Legislative	9/3/09 6:08 PM

Subject Matters Reported

Report Period	Branch	Subject Matter	Date Submitted
October 09	Legislative	No Subject Matters	10/30/09
October 09	Executive	No Subject Matters	10/30/09
September 09	Legislative	No Subject Matters	10/1/09
September 09	Executive	No Subject Matters	10/1/09
August 09	Legislative	No Subject Matters	9/3/09 6:08

Expenditures Reported

Job ID	Report Period	Branch	Expenditure Description	Amount	Date Submitted
460	October 09	Legislative	No Expense	\$0.00	10/30/09
460	October 09	Executive	No Expense	\$0.00	10/30/09
460	September 09	Legislative	No Expense	\$0.00	10/1/09
460	September 09	Executive	No Expense	\$0.00	10/1/09
460	August 09	Legislative	No Expense	\$0.00	9/3/09 6:08
460	August 09	Executive	No Expense	\$0.00	9/3/09 6:08
460	July 09	Legislative	No Expense	\$0.00	8/2/09 4:08
460	July 09	Executive	No Expense	\$0.00	8/2/09 4:08

Executive Branch Lobbying Expenditures

for September 09

Lobbyist: SANDRA ADAMS

Report Submitted: 10/30/2009.

Executive Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 49:74 (A)(4):

No Subject Matters Lobbied

Executive Branch Expenditures

Aggregated total of all the expenditures made during this reporting period in accordance with 49:76D(1)(b):

\$0.00

List of expenditures made per individual executive branch official during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an executive branch official during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during this reporting period:

No relevant expenditures reported for this period.

Executive Branch Lobbying Expenditures Reported to Date for the Current Year

Aggregated total of all the expenditures made to date for this calendar year in accordance with 49:76D(1)(b):

\$0.00

Aggregate total spent per individual executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of an executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during the calendar year:

\$0.00

Legislative Branch Lobbying Expenditures

for September 09
Lobbyist: SANDRA ADAMS
Report Submitted: 10/30/2009.

Legislative Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 24:53 (A)(4):

No Subject Matters Lobbied

Legislative Branch Expenditures

Aggregated total of all the expenditures made during this reporting period in accordance with 24:55D(1)(b): \$0.00

List of expenditures made per individual legislator or public servant during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an legislator or public servant during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee or any committee recognized caucus or any delegation thereof during this reporting period:

No relevant expenditures reported for this period.

Legislative Branch Lobbying Expenditures Reported to Date for the Current Year

Aggregated total of all the expenditures made to date for this calendar year in accordance with 24:55D(1)(b): \$0.00

Aggregate total spent per individual legislator or public servant to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of a legislator for all reporting periods during this calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee or any committee, recognized caucus, or any delegation thereof during the calendar year: \$0.00

General Item

Ethics Board Docket No. BD 2010-084 01/15/2010

RE: Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Dr. William Harrison, for failure to timely file a Legislative and Executive ER-10/09 lobbying reports.

Relevant Statutory Provisions, Advisory Opinions: 24:58 & 49:76

Comments:

BRANCH: Legislative and Executive
REPORT: ER-10/09
REPORT DUE: November 25, 2009
REPORT FILED: December 1, 2009
DAYS LATE: 4
FEE ASSESSED: \$200 and \$200
ACTIVITY REPORTED: Legislative = \$0 / Executive = \$0
OTHER LATE FILINGS: None

Dr. Harrison submitted a request stating that this late filing was the result of him caring for a family member who was diagnosed with Pancreatic Cancer, which he has submitted sufficient medical documentation, travel records, etc to support his waiver of this late fee. While reviewing five days worth of emails, it dawned upon him what day it was in the reporting period. He ask the Board to consider that this is his first late filing, as all his prior reports have been filed on time. (MDD)

Recommendations: Waive the fine.



4971 Central Avenue, Monroe, LA 71203
(318) 325-8290 Fax (318) 325-8299

December 1, 2009

Latisha W. Thomas, Compliance Investigator
Louisiana Board of Ethics
617 North Third Street, 10th Floor
Baton Rouge, Louisiana 70802

RE: Cause of Late Filing for October 2009

Dear Ms. Thomas:

As per your request and to state due cause, I am formally and humbly submitting this communication, in order to lend the reasoning of my late filing of the report for October 2009.

During the last two weeks, I have been dealing with my lawful Godmother (Virginia M. Sands), who was diagnosed with Pancreatic Cancer. She had to have an emergency pancreatic by-pass and was then scheduled for M.D. Anderson Cancer Center in Houston, Texas. During the time of Thanksgiving her condition lessened and I had to re-admit her to Glenwood Regional in West Monroe; upon her discharge on this past Sunday, I had to make immediate-emergency arrangements for her to M.D. Anderson - - Glenwood Regional could do no more for her. Her husband is in a nursing home in Monroe and I have been responsible for his oversight as well.

By stating the above, I am not making an excuse. It just dawned upon me what day it was in the reporting sequence, as I reviewed my five (5) days worth of emails. Please consider this to be a one time occurrence, as I have always filed my reports in a timely manner and wish to be waived of the penalties incurred.

Documentation will be attached with this letter and I do thank you in advance for your consideration.

Sincerely,

Dr. William A. Harrison
Chief Compliance Officer
Director of Marketing, Business Development & Government Affairs

Cc: Linda Pruett-Liew, President/COO
Paulette Hargan, Director of Accounting

Sands, Derek

From: Comfort Suites [gm.TX546@choicehotels.com]
Sent: Sunday, November 29, 2009 6:51 PM
To: Sands, Derek
Subject: Reservation Confirmation



[Home / Reservations](#) | [Choice Destinations](#) | [Reward Programs](#) | [Offers & Programs](#) | [Travel Professionals](#) | [Me](#)

Choice Privileges® | Reservations **1-877-424-6423** | Customer Support

Comfort Suites (TX546)

1055 McNee Road East of Main Street , Houston, TX, US, 77054
 Phone: (713) 668-1436



We appreciate your business. Thanks for traveling.SM

Your Confirmation Number is: [REDACTED]

Reservation Status: Reserved
Name: VIRGINIA SANDS
Arrival Date: Monday, November 30, 2009
Length of Stay: 3 Nights
Number of Rooms: 1
Rate Program: Local Rate Program
Cancellation Deadline: The cancellation deadline has expired, so this reservation cannot be cancelled.
Estimated Total: 280.62 (US Dollar) including taxes of: 17.0%
Check In Time: 3:00 PM
Check Out Time: 12:00 PM

Partner Offers



Hotel Alerts: All Comfort Suites are smoke free.

Note: The cancellation deadline has expired, so this reservation cannot be cancelled.

Room & Rate Information:

Directions:

I-610 exit Kirby. North to McNee. Take left and hotel is on the right. I-610 exit Main. North to McNee. Take right and hotel is on the left.

Room	Room Occupancy	Adults	Children	Nightly Rate
------	----------------	--------	----------	--------------

2 Queen Beds, Suite, No Smoking	Max Occupancy: 5 persons	2	0	79.95
---------------------------------	--------------------------	---	---	-------

1 Room Suite •Partial Room Divider •Sofabed-1Person •Microwave and Refrigerator •Computer Hookup •HBO

3 Nights: 239.85 (US Dollar)

***Estimated Tax:** 40.77 (US Dollar)

Estimated Total: 280.62 (US Dollar)

Make Another Reservation

Guarantee Policy:

Your room will be held until 7:00 AM the morning following your scheduled arrival date. If you do not arrive and do not cancel your reservation by the cancellation deadline, your credit card will be charged 1 night's stay plus

THE UNIVERSITY OF TEXAS
**MD ANDERSON
 CANCER CENTER**

Making Cancer History™

Mr. Sands:

Your schedule is below. Please hand-carry the film and/or CD ROM (DICOM compatible) from all CT abdomen and pelvis, chest, chest x-ray.

UTMD ANDERSON CANCER CENTER
 Gastrointestinal Center 7th Floor
 1515 HOLCOMBE BLVD
 HOUSTON, TX 77030
 713-792-2330

You will need to prepare to stay in town 3-5 business days. We do have a travel service here at MDACC to assist you with your travel arrangements. 888-848-9992 will need your medical record or referral number: [REDACTED]

HOTEL INFORMATION:

HOLIDAY INN 6800 S. Main: 713-528-7744
RESIDENCE INN 800-331-3131 Medical Center: 713-351-1399
ROTARY HOUSE 800-847-5783-LOCATED ACROSS FROM HOSPITAL
Springhill Suites Marriott: 713-796-1000

You will need to report to 1515 Holcombe Blvd, entrance #2, MD Anderson Blvd. There are signs for Valet parking, bring your ticket in to be validated. Parking will be free for first visit only, if you valet park. You will take the "A" or "B" elevators to the 7th floor and once you exit the elevators; the reception desk will be straight ahead.

Present

11/30/09 08:30 09:00 NEW PATIENT REGISTRATION RG 444
 02 11/30/09 09:00 09:15 [REDACTED]
 03 11/30/09 09:30 09:35 [REDACTED]
 04 11/30/09 09:45 10:00 [REDACTED]
 05 11/30/09 14:20 16:20 CHECK-IN / [REDACTED]
 06 11/30/09 16:20 17:20 [REDACTED]
 07 12/01/09 10:30 11:00 NEW PATIENT VISIT [REDACTED]
 12/18/09 07:00 07:15 PATIENT CHECK-IN PROCESSING NV
 02 12/18/09 07:15 08:15 [REDACTED]
 03 12/21/09 08:30 09:00 [REDACTED]
 04 12/21/09 10:30 11:30 [REDACTED]
 05 12/21/09 11:30 12:30 PATIENT OBSERVATION/RECOVERY

Yahoo! Travel Confirmation - Yahoo! Mail

Page 1 of 5



Yahoo! Travel Confirmation

Sunday, November 29, 2009 4:49 PM

From: "Yahoo! Travel Customer Support" <yahoo@travelocity.com>

To: SISSCHOLASTICA@YAHOO.COM



YAHOO! TRAVEL

thank you!

travel reservation
confirmation

Dear Virginia Mccall,

Thank you for booking your travel through Yahoo! Travel.

Your trip to Houston, TX (IAH) is confirmed. A summary of your reservation is provided below. Please be sure to:

- Review your trip details
- Confirm your special request or meal request with the airline
- Read the [instructions and policies](#) listed below
- Print this email for your records
- Check other links offered by Yahoo! Travel to [plan your trip](#)
- **Contact us immediately if any issues arise with your reservation before or during your trip.**

Your Yahoo! Travel Trip ID is: [REDACTED]

Your phone number for this trip: 318-325-8290

Ticket(s) issued on Sun, Nov 29, 2009 at 04:49 PM CST.

◆ **This is an e-ticket, so no paper ticket will be sent. [What is an e-ticket?](#)**
In addition, [flight schedules](#) may be changed by the airline.

Itinerary

Primary Contact: Virginia Mccall Sands

- [Lookup flight status](#)

Flight: 1 One-Way Ticket[Change/cancel Flight](#)

All flight times are local to each city.

For your boarding pass, use reference code [REDACTED] for online or airport checkin.

Mon, Nov 30, 2009 Monroe, (MLU) to Houston George Bush Intercontinental Ap, (IAH)Depart: 06:50 AM
Arrive: 07:53 AM
Monroe, LA (MLU) to
Houston, TX (IAH)

Continental Airlines
Flight 2102 operated by
EXPRESSJET AIRLINES INC

Expenditure Report for DR. WILLIAM HARRISON**Executive Branch Lobbying Expenditures**

for October 09

Lobbyist: WILLIAM HARRISON

Report Submitted: 12/1/2009.

Executive Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 49:74(A)(4):

No Subject Matters Lobbied

Executive Branch ExpendituresAggregated total of all the expenditures made during this reporting period in accordance with 49:76D(1)(b): **\$0.00**

List of expenditures made per individual executive branch official during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an executive branch official during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during this reporting period:

No relevant expenditures reported for this period.

Executive Branch Lobbying Expenditures Reported to Date for the Current YearAggregated total of all the expenditures made to date for this calendar year in accordance with 49:76D(1)(b): **\$0.00**

Aggregate total spent per individual executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of an executive branch official to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which more than 25 executive branch officials were invited during the calendar year: **\$0.00**

Expenditure Report for DR. WILLIAM HARRISON**Legislative Branch Lobbying Expenditures**

for October 09

Lobbyist: WILLIAM HARRISON

Report Submitted: 12/1/2009.

Legislative Branch Subject Matters Lobbied

A listing of each subject matter lobbied during this reporting period pursuant to R.S. 24:53(A)(4):

No Subject Matters Lobbied

Legislative Branch ExpendituresAggregated total of all the expenditures made during this reporting period in accordance with 24:55D(1)(b): **\$0.00**

List of expenditures made per individual legislator or public servant during this reporting period:

No relevant expenditures reported for this period.

List of expenditures attributable to the spouse or minor child of an legislator or public servant during this period:

No relevant expenditures reported for this period.

List of all expenditures made for reception, social gather, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee or any committee recognized caucus or any delegation thereof during this reporting period:

No relevant expenditures reported for this period.

Legislative Branch Lobbying Expenditures Reported to Date for the Current YearAggregated total of all the expenditures made to date for this calendar year in accordance with 24:55D(1)(b): **\$0.00**

Aggregate total spent per individual legislator or public servant to date for the current calendar year:

No relevant expenditures reported to date for this calendar year.

The aggregate total of expenditures attributable to the spouse or minor child of a legislator for all reporting periods during this calendar year:

No relevant expenditures reported to date for this calendar year.

Aggregated total of all the expenditures made for reception, social gather, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee or any committee, recognized caucus, or any delegation thereof during the calendar year: **\$0.00**



State of Louisiana
Division of Administrative Law

P.O. Box 44033, Baton Rouge, LA 70804-4033
Main Phone (225) 342-1800 www.adminlaw.state.la.us
Administrative Hearings Clerk (225) 342-1811 * Fax (225) 342-1812
Located at 654 Main Street, Baton Rouge, LA 70802

BOBBY JINDAL
Governor

December 21, 2009

ANN WISE
Director

Mr. Bernard E. Boudreaux, Jr.
Attorney at Law
One American Place, 23rd Floor
Post Office Box 3197
Baton Rouge, LA 70821

Louisiana Board of Ethics
Ms. Tracy K. Meyer
P.O. Box 4368
Baton Rouge, LA 70821

RE: NOTICE OF MAILING OF DECISION
IN THE MATTER OF: **Cesar Comeaux**
Docket No. **2008-10499-ETHICS-B**
Enforcement Tracking # **2007-676**

2009 DEC 22 PM 3:44
ETHICS ADJUDICATORY BOARD
CAMPAIGN FINANCE
RECEIVED

To the parties in the above entitled matter:

Attached is the decision of the Ethics Adjudicatory Board in the above captioned matter.
This decision is being mailed on December 21, 2009.

If you have any questions, you may call Ms. Monika Wright, DAL attorney, at (225)219-9981.

Sincerely,

Susan Cowart
Administrative Hearings Clerk

SC/cle

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

BOARD OF ETHICS

*

* **DOCKET NO. 2008-10499-ETHICS-B**

*

IN THE MATTER OF

*

*

CAESAR COMEAUX

* **AGENCY TRACKING NO. 2007-676**

DECISION AND ORDER

The Louisiana Board of Ethics issued charges against Mr. Caesar Comeaux alleging that he violated the Code of Governmental Ethics because he was a member of the Iberia Parish Council when the Council appointed him interim Parish President. The Ethics Adjudicatory Board concludes that Mr. Comeaux violated La. R.S. 42:1113(A); however, due to exceptional mitigating circumstances in Mr. Comeaux's favor, we do not assess a fine.

APPEARANCES

On December 11, 2009, a public hearing was conducted in Baton Rouge, Louisiana, before the Ethics Adjudicatory Board, Panel B, consisting of Administrative Law Judges Charles Perrault, William H. Cooper, III, and Lynn L. Lightfoot. Appearing at the hearing were:

Mr. Caesar Comeaux (Respondent) with his counsel, Mr. Bernard Boudreaux; and

Ms. Tracy Meyer and Ms. Kathleen Allen, both counsel for the Board of Ethics (Board).

2009 DEC 22 PM 3:44
REGISTRATION
FINANCE
RECEIVED

STATEMENT OF THE CASE

This adjudication is conducted in accordance with the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the Division of Administrative Law Act, La. R.S. 49:991, *et seq.*

The Board brought charges against the Respondent for a violation of the Code of Governmental Ethics (Ethics Code), La. R.S. 42:1113(A), and in the alternative La. R.S. 42:1121(A)(2). The Board alleged the Respondent transacted business with the Iberia Parish Council while he was a member of the Council, in violation of La. R.S. 42:1113(A). Specifically, the Board alleged the Respondent was appointed by the Parish Council to fill the interim term of the Parish President, who resigned before his term was over because of a criminal matter. The Board argued the appointment amounted to a prohibited transaction with the Council because the Respondent had a conflict of interest. The conflict of interest was a large increase in salary. The Board stated that the Council should have appointed a qualified person, who was not a member of the Council, to fill the interim vacancy at the Parish President's office. The Board recommended that a fine of \$10,000.00 be assessed against the Respondent.

The Respondent argued the charges should be dismissed and no penalty should be assessed because he did not violate La. R.S. 42:1113(A). The Respondent asserted that he acted under the advice of the local district attorney's office, and his actions were supported by the local home rule charter and the Louisiana Constitution. The Respondent cited a law passed by the Legislature during the 2009 session that reverses the Board's position and makes it clear that appointments of council members by their governing authority to fill interim terms are not prohibited under La. R.S. 42:1113(A).

The Board did not call any witnesses. The Respondent called Mr. Wayne Landry and Mr. Eric Duplantis. Both are assistant district attorneys for the 16th Judicial District, which includes Iberia Parish. The Respondent testified on his own behalf. The Police Jury Association of Louisiana through its General Counsel, Mr. Dannie Garrett, filed an Amicus brief on behalf of the Respondent. We took the case under advisement.

FINDINGS OF FACT

The parties stipulated to the facts, which are copied below in their entirety and made a part of this decision.

1.

Respondent served as a member of the Iberia Parish Council from May of 1992 until July 30, 2007.

2.

At the Iberia Parish Council's July 30, 2007, meeting the following events occurred in sequential order:

- a. That Councilman Hulan made a motion, seconded by councilman Fremin, to nominate Comeaux for the position of Interim Parish President effective immediately;
- b. That Assistant District Attorney Eric Duplantis made a statement that Comeaux must recuse himself from participation in the discussion and voting on the motion to nominate and appoint him Interim Parish President;
- c. That Councilman Broussard made a motion, seconded by Councilman Verret, to close the nominations for Interim Parish President;
- d. That a vote was taken, with Comeaux recusing himself, appointing Comeaux Interim

Parish President. Motion passed unanimously;

- e. That Comeaux filed into minutes of the Council meeting a disclosure statement pursuant to Section 1120 of the Code of Governmental Ethics to avoid a Section 1112 of the Code of Governmental Ethics violation;
- f. That Comeaux, after filing a Section 1120 disclosure statement, resigned from the Iberia Parish Council.

3.

Comeaux and the Iberia Parish Council acted on advice from the District Attorney for the 16th Judicial District of Louisiana.

4.

Comeaux served as Iberia Parish Interim President from July 30, 2007, until January 15, 2008.

5.

Comeaux was compensated FIFTY EIGHT THOUSAND FIVE HUNDRED NINETY EIGHT AND 40/100 DOLLARS (\$58,598.40) for his services as Interim Parish President.

6.

Respondent earned a biweekly salary of TWO HUNDRED SEVENTY SIX AND 92/100 DOLLARS (\$276.92) serving as an Iberia Parish Council member.

The following are facts found by the Panel that are not included in the above stipulations.

The Iberia Parish Council had to appoint an interim Parish President because the previous Parish President resigned from office due to a criminal matter.

The Respondent did not ask for the job of interim Parish President, nor did he campaign

for the position.

Mr. Duplantis, the assistant district attorney, determined that the Respondent's appointment did not violate the Parish's home rule charter or the Louisiana Constitution. No one checked with the Board of Ethics for an opinion.

The Respondent was appointed by unanimous vote in an open public forum.

The Respondent's salary as a Council member would have been approximately \$3,046.12 for five and a half months, or about \$7,000.00 per year.

During the 2009 Regular Legislative Session, the Legislature by all but one vote enacted Act 308, which amended La. R.S. 42:1113(A) of the Ethics Code. Under the amended law, La. R.S. 42:1113(A)(1)(b)(i), the Legislature stated that Section 1113(A) does not prohibit a municipal or parish governing authority from appointing one of its members to fill a vacancy. This new law was passed by the Legislature in response to the Respondent's ethics case, but it was not made retroactive. The law became effective August 15, 2009.

CONCLUSIONS OF LAW

1.

Prohibited Transaction in 2007

The Respondent accepted an interim appointment as Parish President from the Iberia Parish Council while he was a member of the Council. The Board determined that the appointment was a prohibited transaction under La. R.S. 42:1113(A) of the Ethics Code because the Respondent had a conflict of interest. He had a substantial economic interest in the outcome because his salary would be increased under the new position.

La. R.S. 42:1113(A) of the Ethics Code prohibits a public servant from entering into any

contract, subcontract, or other transaction which is under the supervision of his agency or in this case, Parish Council.

The Respondent argued that his appointment by the Parish Council of which he was a member did not violate Section 1113(A) because an “appointment” is not a “transaction” under the terms of Section 1113(A). The Respondent had a number of other arguments concerning Section 1113(A). We do not have to analyze the Respondent’s arguments here because the First Circuit resolved this issue in the Board’s favor. The First Circuit Court of Appeal ruled in *Williams v. Board of Ethics for Elected Officials*, 457 So.2d 772, (La. App. 1st Cir. 1984), that an appointment is a prohibited transaction because the person gaining the appointment has a substantial economic interest in the outcome.

Even though the Respondent demonstrated no intent to disobey the law, he violated the Ethics Code in 2007, by participating in a prohibited transaction that resulted in a large increase in his salary. There is an appearance of impropriety because the Respondent was a member of the Council when he was granted a substantial economic benefit. The Ethics Code was enacted to stop the appearance of impropriety, as well as actual impropriety.

2.

The Alternative Charge

The Board charged the Respondent with a violation of La. R.S. 42:1121(A)(2) in the alternative. We dismiss this charge because the alternative charge is not relevant to the facts of this case. That charge is directed to “former members” who transact business with their board or agency. The Respondent was a member of the Parish Council when it voted on his appointment.

3.

Mitigating Circumstances and the Fine

The Board recommended that the Respondent be fined \$10,000.00 for the violation. Based on the mitigating circumstances presented and the relevant jurisprudence, we conclude the Respondent should not be fined.

The Respondent did not intentionally violate the Ethics Code. The evidence demonstrates that the Respondent tried to follow the law. He did not seek the appointment, nor did he campaign for the job. He recused himself from discussion and voting. The vote was conducted at a public meeting. He filed a disclosure statement into the record, and he did not accept the job until he was assured by the assistant district attorney that his appointment was in accordance with the parish's home rule charter and the Louisiana Constitution.

During the course of the prosecution of this case, and after being advised of the Respondent's plight, the Legislature stated its present day intent concerning Section 1113(A). During the 2009 Regular Session, the Legislature amended the Ethics Code. The amendment states that La. R.S. 42:1113(A) does not prohibit a municipal or parish governing authority from appointing one of its members to fill a vacancy. The amendment passed by almost unanimous vote of both houses. Only one senator voted against the measure. The new law became effective August 15, 2009, and it was not made retroactive, but it was directed at the exact situation that is being contested in this case. Therefore, we now know the Legislature's intent concerning the interpretation and application of Section 1113(A). Such appointments are not ethics violations.

The First Circuit held in *Williams*, 457 So.2d 772 (La. App. 1st Cir. 1984) at 776, that the application of the penalty provisions of the Ethics Code serves the purpose of encouraging compliance with the prohibitory sections of the Code rather than as a vehicle to punish, seek retribution or vindication.

The Legislature changed the Ethics Code so there is no need to encourage future compliance with the prior prohibition. As a result, any fine imposed on the Respondent would amount to punishment, retribution and vindication, which is not appropriate according to the jurisprudence.

The Board argued the Respondent should not get the benefit of the change in the law because the amendment was not made retroactive. Since the amendment was not retroactive, we concluded that a violation took place in 2007. Assessing the fine is another matter. Mitigating circumstances such as a new expression of legislative intent may fairly be considered. The Board also argued the Respondent should not be allowed to take advantage of the amendment because the Legislature would not have had the time to change the law if this case had been tried sooner. There is no evidence in the record that indicates the Respondent delayed the proceedings in the hope of receiving legislative assistance.

In conclusion, the Respondent's mitigating circumstances are exceptional. We considered these exceptional circumstances in conjunction with the jurisprudence, and conclude the Respondent should not be fined for the violation.

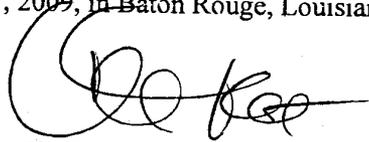
ORDER

For the foregoing reasons:

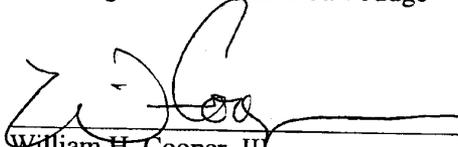
IT IS HEREBY ORDERED that no fine shall be assessed against Mr. Caesar Comeaux for the violation of La. R.S. 42:1113(A).

IT IS FURTHER ORDERED that the alternative charge designated under La. R.S. 42:1121(A)(2) is dismissed.

Rendered and signed December 21, 2009, in Baton Rouge, Louisiana.



Charles P. Perrault, Jr.
Presiding Administrative Law Judge



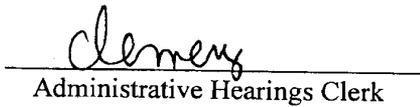
William H. Cooper, III
Administrative Law Judge



Lynn L. Lightfoot
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have served a copy of the attached document(s) on all parties to this proceeding or their counsel of record by regular mail, this 21st day of December, 2009.



Administrative Hearings Clerk