

LOUISIANA BOARD OF ETHICS  
MINUTES  
April 20, 2018

The Board of Ethics met on April 20, 2018 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Brandon, Bruneau, Dittmer, Lavastida, Leggio, McAnelly, Meinert, Mouton-Allen, Roberts and Smith present. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, David Bordelon, Jennifer Land, Suzanne Mooney, Brett Robinson, and Greg Thibodeaux.

Ms. Allen administered the Oath of Office to newly appointed Board member, La Koshia Reconda Roberts.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for reconsideration in Docket No. 16-810 for a waiver of the \$1,000 late fee assessed against Gerald "Jermarr" Williams, a candidate for Mayor, Town of White Castle in the November 4, 2014 election, for filing the EDE-G campaign finance disclosure report 582 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the June meeting.

Mr. Allen Broussard, a candidate for Chief of Police, City of Crowley, Acadia Parish in the March 5, 2016 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 16-1040 for a waiver of the \$1,000, \$760 and \$1,000 late fees assessed against him for filing the 30-P, 10-G and 40-G campaign finance disclosure reports 74, 19 and 517 days late. After hearing from Mr. Broussard, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee in

connection with the 30-P campaign finance disclosure report but suspended \$500 conditioned upon future compliance with the Campaign Finance Disclosure Act; declined to waive the \$760 late fee in connection with the 10-G campaign finance disclosure report but suspended \$380 conditioned upon future compliance with the Campaign Finance Disclosure Act; and, declined to waive the \$1,000 late fee in connection with the 40-G campaign finance disclosure report but suspended \$500 conditioned upon future compliance with the Campaign Finance Disclosure Act with the option of a payment plan.

The Board considered a request for reconsideration in Docket No. 17-682 for a waiver of the \$1,500 late fee assessed against John Mark Coghlan, a member of the Zachary City Council, District 3, East Baton Rouge Parish, for filing the 2015 Tier 3 Annual personal financial disclosure statement 94 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the June meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for reconsideration in Docket No. 18-045 for a waiver of the \$800 and \$600 late fees assessed against Derrick Edwards, a candidate for State Treasurer in the October 14, 2017 election, for filing the 10-P and Special (48 Hour) campaign finance disclosure reports 8 and 6 days late. On motion made, seconded and unanimously passed, the Board temporarily deferred the matter to later in the meeting.

Mr. Derrick Coco, Chairperson for Envision Gonzales, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-118 for a waiver of the \$1,000 late fee assessed against Envision Gonzales, political action committee, and Mr. Coco, the committee's chairperson, for filing the 40-E campaign finance disclosure report 43 days late in connection with the October 14, 2017 proposition election.

After hearing from Mr. Coco, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee but suspended \$800 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Lambert Boissiere, Jr., Chairperson for the Community Organization for Urban Politics, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 18-191 for a waiver of the \$3,000 late fee assessed against the Community Organization for Urban Politics, a political action committee, and Mr. Boissiere, the committee's chairperson, for filing the 40-G campaign finance disclosure report 19 days late in connection with the November 18, 2017 election. After hearing from Mr. Boissiere, on motion made, seconded and unanimously passed, the Board declined to waive the \$3,000 late fee but suspended \$2,400 conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request for an advisory opinion in Docket No. 18-213 regarding Representative Mark Wright, District 77, continuing his employment with the American Waterways Operators. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics was presented by Representative Wright continuing his employment with the American Waterways Operators, since American Waterways Operators will not be assisting a person in a transaction involving the House of Representatives.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G9-G27 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G9-G27, excluding Items G16 and G25, taking the following action:

Absent requested additional information, declined to render an advisory opinion in Docket

No. 17-1363 regarding whether a person who has a contract with Dr. Michael Cramer, Coroner for East Feliciana Parish, would be prohibited from being employed by the Coroner's Office.

Adopted an advisory opinion in Docket No. 18-057 concluding that no violation of the Code of Governmental Ethics is presented by Toni Hackett-Antrum, a board member of the New Orleans Redevelopment Authority (NORA), purchasing property owned by the agency which is adjacent to property she currently owns and is available for purchase through NORA's "Lot Next Door Program", since based on the Board's opinion in Docket No. 09-920, special circumstances exist whereby only Toni Hackett-Antrum can qualify to purchase the property under the "Lot Next Door Program".

Adopted an advisory opinion in Docket No. 18-095 concluding that no violation of the Code of Governmental Ethics is presented by the spouse of Ken Bradford, Assistant Superintendent of the Louisiana Department of Education, entering into a business transaction of setting up a yard greeting for a public school or individual who is a school system employee, since Vickie Bradford and Sign Gypsies St. James, in which she has an ownership interest, will not be prohibited by Section 1111C(2)(d) of the Code of Governmental Ethics from receiving compensation from schools or employees of Lutchter High School, St. James High School, East St. John High School, and West John High School, because they are not regulated by Mr. Bradford's agency nor do they have substantial economic interests which may be substantially affected by the performance or nonperformance of his official duties. Although the schools and employees of Lutchter High School, St. James High School, East St. John High School, and West John High School may receive a service from Mr. Bradford's agency, they are not a person from whom Mr. Bradford would be prohibited from receiving a gift by Section 1115(A)(1) or (B) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 18-097 concluding that members of the Louisiana Finfish Taskforce are not required to file annual personal financial disclosure statements, since the Finfish Taskforce does not have the authority to expend, disburse or invest funds. It has the authority to make recommendations; however, the authority to actually expend or disburse lies with the Department of Wildlife and Fisheries.

Adopted an advisory opinion in Docket No. 18-131 concluding that Section 1111C(1) of the Code of Governmental Ethics would prohibit Perry Norcross, a physical education teacher at Benton Elementary School in Bossier Parish, from teaching archery to children who attend schools in Bossier and Caddo Parishes if he teaches the students in his capacity as the physical education teacher for schools in Bossier and Caddo Parishes. However, no violation of the Code of Governmental Ethics would be presented by Mr. Norcross tutoring, for a fee, students from his school who are not in any of his classes and/or students who do not attend the schools in which he teaches.

Adopted an advisory opinion in Docket No. 18-146 concluding that no violation of the Code of Governmental Ethics is presented by Quint J. Liner, Sr., Chief for Terrebonne Parish Fire Protection District No. 10, entering into a business relationship with Robert Champagne, Jr., District Chairman for Terrebonne Parish Fire Protection District No. 10. The Board further cautioned that Mr. Champagne, as a Board Member of the Terrebonne Parish Fire Protection District No. 10, should recuse himself from voting on any matter that may result in Mr. Liner having a substantial economic interest if the business relationship between the two creates a substantial economic interest or results in an existing contract between the two and by reason thereof is in a position to affect directly the economic interests of Mr. Champagne.

Declined to approve the disqualification plan in Docket No. 18-182 submitted by Keith Stutes,

15th Judicial District Attorney, and Tricia Manceaux, Administrator of the Vermilion Office of the 15<sup>th</sup> Judicial District, regarding participation in transactions involving Liberty National Life Insurance Company and the Office of the District Attorney while Mrs. Manceaux's spouse is employed by Liberty National Insurance Company, since 1111C(2)(d) of the Code of Governmental Ethics would prohibit Kevin Manceaux from receiving compensation from Liberty National while it had or is seeking to obtain a contractual or other business or financial relationships with Mrs. Manceaux's agency.

Adopted an advisory opinion in Docket No. 18-184 concluding that no violation of the Code of Governmental Ethics is presented by Dave's Pest Control rendering pest control services to the City of Broussard while the company is owned by the father-in-law of Kasie Quebedeaux, an employee of the Broussard Fire Department, since the contract would not be under the supervision or jurisdiction of the Broussard Fire Department.

Adopted an advisory opinion in Docket No. 18-185 from Mario C. Chavez, Commissioner-District 10, Caddo Parish Commission, concluding that (1) no violation of the Code of Governmental Ethics is presented by his company, Chavez Data Services, LLC, providing credit card processing at the Shreveport Regional Airport which is owned by the City of Shreveport, since the Shreveport Regional Airport is not under the supervision or jurisdiction of his agency, the Caddo Parish Commission; (2) no violation of the Code of Governmental Ethics is presented by his company, Chavez Data Services, LLC, installing credit card readers at a county boat launch in Texas, since the county boat launch in Texas is not under the supervision or jurisdiction of his agency, the Caddo Parish Commission; and, (3) generally, Mr. Chavez would not be prohibited from receiving compensation from a third party as to the sale of software solutions to agencies outside the

supervision or jurisdiction of the Caddo Parish Commission. However, the Board cautioned that pursuant to Section 1111C(2)(d) of the Code of Governmental Ethics, Mr. Chavez should avoid receiving commissions from a third party that may have or seek to obtain a contractual relationship with his agency.

Adopted an advisory opinion in Docket No. 18-188 concluding that Section 1113A of the Code of Governmental Ethics would prohibit the husband of Laverne Mixon, Alderwoman for the Town of Chatham, from leasing property wholly-owned by both of them to the Town of Chatham, since the lease of property to the town would be considered entering into a contract or other transaction with Mrs. Mixon's agency.

Adopted an advisory opinion in Docket No. 18-190 concluding that (1) Section 1121A of the Code of Governmental Ethics would prohibit Antonio Le Mon, the former Chief of the Civil Division and Diversion Program for the 22<sup>nd</sup> JDC District Attorney's Office, for a period of two years following the termination of his public service, from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction, involving his former agency, the Civil Division and the Diversion Program. However, the Board further advised that Mr. Le Mon would not be prohibited from rendering general criminal defense services, since his former agency did not include general criminal prosecution as long as the client is not a candidate for the Diversion Program; (2) Section 1121A of the Code of Governmental Ethics would prohibit Mr. Le Mon, for a period of two years following the termination of his public service, from contracting with his former agency, the 22<sup>nd</sup> JDC District Attorney's Office, to render any services on a contractual basis to or for such agency; and, (3) no violation of the Code of Governmental Ethics would be presented by Mr. Le Mon providing outside legal services for a fire or recreational district, unless such services are to

be provided by the 22<sup>nd</sup> JDC District Attorney's Office. Generally, the Fire and Recreational Districts are not persons as defined in Section 1102(16) of the Code of Governmental Ethics; therefore, Mr. Le Mon would not be prohibited from rendering legal service within two years of the termination of his public employment. Section 1102(16) defines a "person" to mean an individual or legal entity other than a governmental entity.

Adopted an advisory opinion in Docket No. 18-193 concluding that there are no provisions of the Code of Governmental Ethics that would prohibit Alfred Cyprian, a former state employee, from supporting or opposing candidates seeking to be elected to local, state or any positions after his retirement from public service. The Board further suggested that Mr. Cyprian may want to seek information from the Department of Civil Service with respect to his inquiry.

Adopted an advisory opinion in Docket No. 18-194 concluding that no violation of the Code of Governmental Ethics is presented by Larry Rolling, Councilman, District D for the City of Covington, seeking employment with either St. Tammany Parish or the State of Louisiana. The Board further suggested that Mr. Rolling should seek guidance from the Attorney General's Office with respect to the application of dual office holding provisions.

Adopted an advisory opinion in Docket No. 18-205 concluding that no violation of the Code of Governmental Ethics is presented by the mother, Bertha Coleman, of Major Coleman, a member of the St. Helena Parish Police Jury, receiving funds through the federal Hurricane Gustav/Ike Housing Recovery Program through HUD, since the St. Helena Parish Police Jury has no involvement in the Recovery Program application and selection process and Mr. Coleman's agency, the St. Helena Parish Police Jury, performs a purely ministerial function in providing the requested information to HUD and administering the payment to the contractors. The Board further advised that in the event

this exception request must go before the St. Helena Parish Police Jury, Mr. Coleman would be prohibited by Section 1112B(1) of the Code of Governmental Ethics from participating in any matter in which his mother, Bertha Coleman has a substantial economic interest and he would be required to recuse himself pursuant to Section 1120 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 18-208 concluding that the exception found in Section 1123(1) of the Code of Governmental Ethics would allow Willie Dunbar, a member of the Concordia Parish Jury and Vice President of the LaSalle Community Action Association (LCAA), to participate in transactions regarding the LCAA, since the LCAA is a public service organization and he receives no compensation. However, the Board further advised that if the circumstances ever change and Mr. Dunbar was to be compensated by the LCAA, he should request a new advisory opinion prior to accepting the compensation.

Adopted an advisory opinion in Docket No. 18-211 regarding allowable transactions for members of Louisiana's National Register Review Committee in relationship to the programs administered by the Division of Historic Preservation and concluding the following:

(1) May a Committee member, his immediate family, an entity in which he has a substantial economic interest, or an entity in which the Committee member is an officer, director, trustee, partner, or employee act as a consultant for the preparation of a National Register Nomination? The Code of Governmental Ethics would prohibit a Committee member, an entity in which he has a substantial economic interest, and a legal entity of which he is an officer, director, trustee, partner, or employee, from acting as a paid consultant for the preparation of a National Register Nomination. Section 1111E of the Code of Governmental Ethics prohibits a public servant and a

legal entity of which such public servant is an officer, director, trustee, partner, or employee, or in which he has a substantial economic interest from receiving or agreeing to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant. No provision of the Code of Governmental Ethics would prohibit a Committee member's immediate family from acting as a paid consultant for the preparation of a National Register Nomination provided the immediate family member's pay as a consultant is not contingent on the decision of the Committee in any way and the immediate family member does not submit the nomination to the Committee, as the submission of the nomination would be considered a prohibited transaction with the Committee member's agency. Section 1113B of the Code of Governmental Ethics prohibits an appointed member of a board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on, entering into, or being in any way interested in a contract, subcontract or transaction under the supervision or jurisdiction of the public servant's agency;

(2) May a Committee member, his immediate family, an entity in which he has a substantial economic interest, or an entity in which the Committee member is an officer, director, trustee, partner, or employee work on federal or state rehabilitation tax credit projects? The Board declined to render an opinion as to this question absent specific information related to ongoing or future federal or state rehabilitation tax credit projects;

(3) May a Committee member, his immediate family, an entity in which he has a substantial economic interest, or an entity in which the Committee member is an officer, director, trustee, partner, or employee receive grant funding or other benefits through D.H.P.'s programs? No provision of the Code of Governmental Ethics would prohibit a Committee member, his immediate family, an entity in which he has a substantial economic interest, or an entity in which the Committee member is an officer, director, trustee, partner, or employee from receiving grant funding or other benefits through D.H.P.'s programs provided the nomination to be on the National Register is not submitted to the Committee, as the submission of the nomination would be considered a prohibited transaction with the Committee member's agency. Section 1113B of Governmental Ethics prohibits an appointed member of a board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on, entering into, or being in any way interested in a contract, subcontract or transaction under the supervision or jurisdiction of the public servant's agency; and,

(4) May a Committee member, his immediate family, an entity in which he has a substantial economic interest, or an entity in which the Committee member is an officer, director, trustee, partner, or employee utilize rehabilitation tax credits for property owned by the Committee member, his family, or his organization? The Code of Governmental Ethics would not prohibit a Committee member, his immediate family, an entity in which he has a substantial economic interest, or an entity in which the Committee member is an officer, director, trustee, partner, or employee from

utilizing rehabilitation tax credits for a property owned by the Committee member, his family, or his organization provided a nomination to be on the National Register is not submitted to the Committee, as the submission of the nomination would be considered a prohibited transaction with the Committee member's agency. Section 1113B of Governmental Ethics prohibits an appointed member of a board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on, entering into, or being in any way interested in a contract, subcontract or transaction under the supervision or jurisdiction of the public servant's agency.

Adopted an advisory opinion in Docket No. 18-215 concluding that, based on the specific facts provided, no violation of the Code of Governmental Ethics is presented by Kenneth Wilson, a member of the Monroe City Council, hiring Jacqueline Benjamin, an employee of the City of Monroe, to work as a consultant for his non-profit organization.

Adopted an advisory opinion in Docket No. 18-183 regarding whether board members of Recreation District 14 in St. Tammany Parish d/b/a Coquille Parks and Recreation may accept free tickets to an awards banquet, concluded that generally, Section 1115 of the Code of Governmental Ethics prohibits a public servant from soliciting or accepting a thing of economic value from persons that have or are seeking to have a business, financial or contractual relationship with their public agency; persons regulated by their agency; and persons that have substantial economic interests which can be substantially affected by the performance or nonperformance of the employee's official duty. However, Section 1123(13)(a)(i) of the Code of Governmental Ethics allows for the acceptance by a public servant of complimentary admission to a civic, non-profit, educational, or political event

when the public servant is (aa) program honoree, (bb) giving a speech at the event, (cc) a panel member for a discussion occurring at the event, or (dd) attending the event to assist an elected official who meets the provisions of this item when the public servant is under the supervision of the elected official and such assistance is within the ordinary employment duties of the public servant.

Adopted an advisory opinion in Docket No. 18-210 concluding that no violation of the Code of Governmental Ethics is presented by Grady Haynes, Oberlin Police Chief, being employed in a part-time capacity with the Village of Fenton while serving as the Chief of Police for Oberlin as long as he is only being compensated once for the performance of his duties in either role. The Board further advised that Chief Haynes would be prohibited from receiving compensation from the Village of Fenton while he was performing his duties for the Town of Oberlin. In addition, the Board suggested that Chief Haynes should contact the Attorney General's Office regarding the application of the dual office holding law or any other laws that may apply to this scenario.

In connection with an Answer submitted in Docket No. 18-104 by Dennis Aucoin, a former member of the East Feliciana Parish Police Jury-District 1A, in response to the receipt of a Notice of Delinquency requesting that he file his 2016 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Mr. Aucoin that since his term did not end until January 10, 2016, he is required to file a 2016 Tier 3 Annual personal financial disclosure statement and that failure to file may result in the assessment of late fees.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G29-G34 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff

recommendations on items G29-G34, excluding Items G29, G30 and G34, taking the following action:

In connection with an Answer submitted in Docket No. 18-142 by Susan Guarisco, a member of the Radiologic Technology Board of Examiners, in response to the receipt of a Notice of Delinquency requesting that she file her 2015 Tier 2.1 Annual personal financial disclosure statement, instructed the staff to advise Ms. Guarisco that since the board has the authority to expend funds, she is required to file a 2015 Tier 2.1 Annual personal financial disclosure statement and that failure to file may result in the assessment of late fees.

In connection with an Answer submitted in Docket No. 18-145 by Faith Scott, a member of the DeRidder City Council, Beauregard and Vernon Parishes, in response to the receipt of a Notice of Delinquency requesting that she amend her 2017 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Ms. Scott that an agency personnel manual does not override a state statute and she is required to file the amendment and that failure to amend may result in the assessment of late fees.

In connection with an Answer submitted in Docket No. 18-159 by Teresa Holden, Tangipahoa Parish Constable, Ward 4, in response to the receipt of a Notice of Delinquency requesting that she file her 2016 Tier 2 Annual personal financial disclosure statement, instructed the staff to advise Ms. Holden that she is required to file a 2016 Tier 2 Annual personal financial disclosure statement and that failure to file may result in the assessment of late fees.

In connection with an Answer submitted in Docket No. 18-105 by Mayor Jennifer Fant, Village of Belcher, Caddo Parish in response to the receipt of a Notice of Delinquency requesting that she amend her 2015 Tier 3 Annual personal financial disclosure statement, instructed the staff to

advise Mayor Fant that no amendment is required since neither she nor her husband, R. Major Fant, who serves as Chief of Police for the Village of Belcher, receives any compensation for their public positions. Board Member Smith recused himself.

In connection with an Answer submitted in Docket No. 18-106 by R. Major Fant, Chief of Police for the Village of Belcher, Caddo Parish, in response to the receipt of a Notice of Delinquency requesting that he amend his 2015 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Chief Fant that no amendment is required since neither he nor his wife, Mayor Jennifer Fant, receives any compensation for their public positions. Board Member Smith recused himself.

In connection with an Answer submitted in Docket No. 18-160 by Robert Rogan, Jr., a former member of the Northshore Charter School Board, in response to the receipt of a Notice of Delinquency requesting that he file his 2016 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Mr. Rogan that he is required to file a 2016 Tier 3 Annual personal financial disclosure statement and that failure to file may result in the assessment of late fees. Board Member Dittmer recused himself.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the March 15-16, 2018 meetings.

The Board considered a proposed consent opinion in Docket No. 13-513 regarding Adam J. Hurley, Sr. d/b/a Hook & Ladder Training Services, LLC, at a time when Adam J. Hurley, Sr. was a paid fireman for the Webster Parish Fire Protection District #8, receiving the use of equipment and money from the Webster Parish Fire Protection District #8, which he was not duly entitled to receive,

to conduct training courses that were not part of his job duties and responsibilities and participating in transactions in which his spouse had a substantial economic interest. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Adam J. Hurley, Sr. agrees that (1) a violation of Section 1111A of the Code of Governmental Ethics occurred by Adam J. Hurley, Sr. d/b/a Hook & Ladder Training Services, LLC, at a time when Adam J. Hurley, Sr. was a paid fireman for the Webster Parish Fire Protection District #8, receiving the use of equipment and money from the Webster Parish Fire Protection District #8, which he was not duly entitled to receive, to conduct training courses that were not part of his job duties and responsibilities; and, (2) a violation of Section 1112B(1) of the Code of Governmental Ethics occurred by virtue of participating in the authorization of payments to his wife, Karla Sumrall, for reimbursement for her response to emergency calls and in which Mr. Hurley agrees to pay a fine of \$200 and that in the event of a failure to pay, the Board may file suit to compel immediate payment of any balance due. The Board further dismissed the charges against Adam J. Hurley, Sr. & Adam J. Hurley, Sr. d/b/a Hook & Ladder Training Services, LLC.

The Board considered proposed consent opinions in Docket No. 14-1419 regarding Mike Crawford, an employee of the East Baton Rouge Sheriff's Office, receiving Disney points from a vendor of the Sheriff's Office to receive discounted Disney lodging during a vacation. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinions in which (1) Mike Crawford, an employee of the East Baton Rouge Parish Sheriff's Office, agrees that a violation of Section 1115A of the Code of Governmental Ethics occurred by soliciting and accepting 100 Disney vacation points from Chris Kaiser, an employee of Beta Technology, Inc., which was used to stay at Sarasota Springs Resort and Spa at Disney World in Orlando, Florida at

a discounted price at a time when Beta Technology, Inc. had a contractual, or other business or financial relationship with the East Baton Rouge Parish Sheriff's Office and in which Mr. Crawford agrees to pay a fine of \$500 and that in the event of a failure to pay, the Board may file suit to compel immediate payment of any balance due; and, (2) Chris Kaiser, an employee of Beta Technology, Inc., agrees that a violation of Section 1117 of the Code of Governmental Ethics occurred by giving to Mike Crawford, an employee of the East Baton Rouge Parish Sheriff's Office, 100 Disney vacation points which Mike Crawford used to stay at Sarasota Springs Resort and Spa at Disney World in Orlando, Florida at a discounted price at a time when Beta Technology, Inc. had a contractual, or other business or financial relationship with the East Baton Rouge Parish Sheriff's Office and in which Mr. Kaiser agrees to pay a fine of \$500 and that in the event of a failure to pay, the Board may file suit to compel immediate payment of any balance due. The Board further dismissed the charges against Mike Crawford and Chris Kaiser.

The Board considered a request for an advisory opinion in Docket No. 18-209 from L. Keith Bartlett, Principal and CEO of the Lycée Francais De La Nouvelle-Orléans Charter School in New Orleans, regarding whether the Code of Governmental Ethics would prohibit Benjamin Bhurnke, a teacher of multiple grade levels of English & Language Arts at Lycée Francais De La Nouvelle-Orléans Charter School, from tutoring a set of triplets currently enrolled at the school. On motion made, seconded and unanimously passed, the Board concluded that since tutoring services are substantially related to the teaching responsibilities of the school, Section 1111C(1)(a) of the Code of Governmental Ethics would prohibit Benjamin Bhurnke from receiving compensation for tutoring services provided to a student enrolled in his class. However, Mr. Bhurnke would not be prohibited by Section 1111C(1)(a) of the Code of Governmental Ethics from receiving compensation

in connection with tutoring the two students that he has not taught in his class.

Mr. Derrick Edwards, a candidate for State Treasurer in the October 14, 2017 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request for reconsideration in Docket No. 18-045 for a waiver of the \$800 and \$600 late fees assessed against him for filing th 10-P and Special (48 Hour) campaign finance disclosure reports 8 and 6 days late. After hearing from Mr. Edwards, on motion made, seconded and unanimously passed, the Board declined to waive the \$800 and \$600 late fees but suspended both of the late fees totaling \$1,400 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against candidates and committees included in the Campaign Finance Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Campaign Finance Waiver Chart taking the following action:

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

Docket No. 18-192 from Robin Pittman of a \$2,500 late fee; and,  
Docket No. 18-276 from Citizens for a Safer Ouachita of a \$3,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-1291 for a waiver of the \$2,000 late fee assessed against Belden "Noonie Man" Batiste, a candidate for Orleans Parish Council Member, District D in the October 14, 2017 election, for filing his 30-P campaign finance disclosure report 179 days late. On

motion made, seconded and unanimously passed, the Board waived the \$2,000 late fee, since it was Mr. Batiste's first election and he has no other late filings. In addition, he was disqualified from running in the election on July 25, 2017 and the 30-P campaign finance disclosure report had \$0 activity.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 18-114 for a waiver of the \$600 late fee assessed against Daniel Ring, a candidate for Orleans Parish Council, District A in the October 14, 2017 election, for filing the 10-G campaign finance disclosure report 20 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$600 late fee but suspended \$400 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 in Docket No. 18-128 for a waiver of the \$2,400 late fee assessed against the LA Coalition Against Racism and Nazism, a political action committee, its committee chairperson, Lawrence N. Powell, and treasurer, Karen Carvin Shachat, for filing the 2016 Annual campaign finance disclosure report 12 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,400 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the Lobbyist Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Lobbyist waiver chart taking the following action:

The Board unanimously waived the late fees assessed against the following:

Docket No. 18-129 from Charles Lambert of a \$300 late fee; and,  
Docket No. 18-158 from David Cagnolatti of a \$1,500 late fee.

The Board considered a request in Docket No. 18-186 for a waiver of the \$1,500 late fee assessed against Michael Troy McCullen for filing his 2018 Lobbying registration 41 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the Lobbyist Disclosure Act.

The Board considered a request in Docket No. 18-187 for a waiver of the \$1,500 late fee assessed against Louis Lambert for filing his 2018 Lobbying registration 47 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the Lobbyist Disclosure Act.

The Board considered a request in Docket No. 18-143 for a waiver of two (2) \$500 late fees assessed against Major Coleman, a member of the Louisiana Board of Commerce and Industry, for filing his amended 2015 and 2016 Tier 2.1 Annual personal financial disclosure statements 10 days late. On motion made, seconded and unanimously passed, the Board (1) declined to waive the \$500 late fee in connection with the 2015 Annual personal financial disclosure statement, but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics; and, (2) declined to waive the \$500 late fee in connection with the 2016 Annual personal financial disclosure statement, but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 18-130 for a waiver of three (3) \$2,500 late fees assessed against Dennis Bergeron, a member of the Sulphur City Council, District 2, Calcasieu

Parish, for filing his 2014 disclosure statement pursuant to Section 1114 of the Code of Governmental Ethics 999 days late; his 2015 disclosure statement pursuant to Section 1114 of the Code of Governmental Ethics 632 days late; and, his 2016 disclosure statement pursuant to Section 1114 of the Code of Governmental Ethics 268 days late. On motion made, seconded and unanimously passed, the Board waived the three (3) \$2,500 late fees.

The Board considered a request for reconsideration in Docket No. 17-1303 for a waiver of the \$550 late fee assessed against Daniel L. Ponder Jr., Jackson Parish Constable, District D, for filing his 2015 Tier 3 Annual personal financial disclosure statement 11 days late. On motion made, seconded and unanimously passed, the Board affirmed the decision to decline to waive the \$550 late fee.

The Board recessed at 10:25 a.m. and resumed back into general business session at 10:47 a.m.

Ms. Allen presented an overview of Senate Bill (SB) 376 which addresses the definition of public employee/governmental function. At its March 16, 2018 meeting, the Board took a position to oppose SB 376. During the Senate & Governmental Affairs Committee meeting on April 11, 2018, SB 376 was discussed and amended. The bill was deferred in committee to give additional consideration as to who should be included within the bill. At the committee's meeting on April 18, 2018, SB 376 was discussed and further amended. At that meeting, there was a directive by Senator Karen Carter Peterson, Chairman of the Senate & Governmental Affairs Committee, to ask the Board for a recommendation as to the definition of "governmental function" to be provided back to the committee prior to their meeting on Wednesday, April 25, 2018.

Chairman McAnelly opened the floor for public comments with respect to SB 376.

Mr. Steven Loeb, an attorney with Breazeale, Sachse & Wilson, LLP, and on behalf of the American Council of Engineering Companies of Louisiana (ACEC Louisiana); Mr. Dan Mobley, Executive Director of American Council of Engineering Companies of Louisiana; and, Ms. Alecia Ardoin, an attorney with the Law Office of R. Gray Sexton and on behalf of Mr. C.J. Savoie of Savoie Consulting Engineers, Inc., addressed the Board with respect to their support of the legislation which would clarify and provide a definition of public employee/governmental function. Also addressing the Board in connection with opposition to SB 376 were Mr. Robert T. Scott, President of Public Affairs Research (PAR) Council of Louisiana; Mr. Terry Ryder, PAR; and Mr. Wendell Lindsay, Louisiana Common Cause. Mr. Scott stated that PAR has a long standing record of opposing the exemption of professionals from the Ethics laws. Mr. Lindsay commented that Common Cause would support further study of the issue but until then, the S&GA Committee should be advised that the Board is relying on the *IT Corporation* decision.

Ms. Allen advised the Board that the S&GA Committee requested that the Board offer a definition of “governmental function” and asked what response she should take back to the committee.

Chairman McAnelly stated that the definition of “governmental function” as provided in the *IT Corporation* case was the closest definition that the Board would suggest.

After reviewing the information, listening to the comments from the interested parties and discussion of the issue, the Board expressed concern with creating exemptions to the Code of Governmental Ethics based on the fact that there is a contract that memorializes the work to be done, rather than what services are being performed. Excluding a person from the definition of public employee based on the mere existence of a contract is an extremely different interpretation and

application of that term than has been given by the Board and the Courts for over 30 years. Enactment of SB 376 in its original form or even as amended could negate the decision in the *IT* case which said that a contractor was prohibited from performing a feasibility study that recommended a site for a hazardous waste facility when the contractor had an option to purchase that site. In addition, SB 376 would negate the advisory opinion issued by the Board that a contract architect hired by the State could not oversee the construction of a building by his brother's company. It was a consensus of the Board that the decision as to who should be included in the definition of "public employee" is clearly legislative policy, rather than a Board decision. By a unanimous vote, the Board opposed SB 376 as originally drafted and any other massive exemption that would exclude hundreds or thousands of contracts for arguably billions of public dollars. The Board also agreed that if there is an issue with its interpretation or application of the term "public employee" to a person providing governmental services pursuant to a contract, then that issue should be studied. The Board further expressed interest in working with any joint committee of the legislature, representatives from industry, as well as others such as PAR, to study the issue in an effort to amend the law.

Board Member Brandon was excused from the meeting at 12:20 p.m.

The Board recessed at 12:22 p.m. and resumed back into general business session at 12:48 p.m.

The Board unanimously resolved into executive session.

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**EXECUTIVE SESSION**

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The Board unanimously resolved into general business session.

The Board considered a settlement/consent judgment request in Docket No. 13-1258 submitted by counsel for Doris Hicks, Monique Cook, Darrin Cook and Iris Ponson arising out of charges for their alleged ethics violations for contracting with and employment with the Friends of King Charter School while Doris Hicks, their immediate family member, served as the Chief Executive Officer of the Friends of King Charter School. On motion made, seconded and unanimously passed, the Board instructed the staff to reject the settlement offer and wait for the Ethics Adjudicatory Board to rule on the matter.

The Board considered proposed legislation for the 2018 Regular Legislative Session which will affect the laws administered by the Board of Ethics, including the Code of Governmental Ethics, the Campaign Finance Disclosure Act, and the Legislative, Executive and Local Lobbying Disclosure Acts. Following a review and discussion of the proposed legislation chart, on motion made, seconded and unanimously passed, the Board took the following positions on the bills:

HB 97	Oppose
HB 305	No Position
HB 718	No Position
HB 420	No Position
HB 738	No Position
HB 739	Support
HB 770	Support
HB 810	No Position
HB 849	No Position
HB 887	No Position
SB 32	No Position
SB 305	No Position
SB 121	No Position

Board Member Meinert was excused from the meeting at 1:29 p.m.

SB 484	Support
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The Board unanimously adjourned at 1:39 p.m.

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Secretary

APPROVED:

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Chairman

