

LOUISIANA BOARD OF ETHICS  
MINUTES  
December 15, 2016

The Board of Ethics met on December 15, 2016 at 2:30 p.m. in the Griffon Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bruneau, Dittmer, Ingrassia, Leggio, McAnelly, Michiels, Monroe, and Smith present. Absent were Board Members Lavastida, Shaddock and Shelton. 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 Haley Williams.

Ms. Allen announced to the Board that Board Member Shaddock had submitted his resignation from the Board effective December 31, 2016.

The Board unanimously resolved into executive session to consider complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

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**EXECUTIVE BUSINESS**

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The Board unanimously resolved into general business session.

Ms. Allen provided an overview of the list of proposed recommendations for 2017 legislation.

The Board unanimously resolved into general business session and adjourned at 3:58 p.m.

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Secretary

APPROVED:

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Chairman

LOUISIANA BOARD OF ETHICS  
MINUTES  
December 16, 2016

The Board of Ethics met on December 16, 2016 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 Bruneau, Dittmer, Ingrassia, Lavastida, Leggio, McAnelly, Michiels, Monroe, Shelton and Smith present. Absent was Board Member Shaddock. 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 Haley Williams.

Chairman Monroe announced that he would be stepping down as Chairman of the Board following the December meeting due to his term expiration and that the selection of a new chairman would be made at the January meeting. He expressed his appreciation to the Board members and staff for their dedication and hard work.

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 2017 calendar year. The first three names drawn would serve on Panel A, the next three names drawn would serve on Panel B and the 7<sup>th</sup> name drawn would serve as an alternate. Ms. Wise submitted a paper list of twenty-nine (29) 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, Ms. Wise announced that Panel A will be comprised of Lenore Barnett, William Cleveland and Charles Perrault; Panel B will be comprised of Sabra Matheny, Patrick Moore and Janet Waguespack. The alternate judge will be

Alycia O’Bear.

Mr. Calvin E. Millender, a former member of the Caddo Parish Sewerage District #7, appeared before the Board in connection with a request for reconsideration in Docket No. 16-080 for a waiver of the \$1,500 late fee assessed against him for filing his 2013 Tier 2.1 Annual personal financial disclosure statement 209 days late. After hearing from Mr. Millender, 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 Code of Governmental Ethics.

Mayor Olga Foster Butler, a former member of the Richmond Board of Aldermen, Madison Parish, appeared before the Board in connection with a request in Docket No. 16-088 for a waiver of the \$1,500 late fee assessed against her for filing her 2014 Tier 3 Annual personal financial disclosure statement 122 days late. After hearing from Mayor Butler, on motion made, seconded and passed by a vote of 8 yeas by Board Members Bruneau, Dittmer, Ingrassia, Lavastida, Leggio, McAnelly, Michiels and Shelton and 2 nays by Board Members Monroe and Smith, the Board waived the \$1,500 late fee.

Mr. Jack Blossman, Jr. appeared before the Board in connection with a request for reconsideration in Docket No. 16-727 for a waiver of the \$1,200 late fee assessed against him for failure to timely file a Supplemental Lobbying Registration Report. After hearing from Mr. Blossman, on motion made, seconded and unanimously passed, the Board rescinded the \$1,200 late fee.

The Board considered a request for an advisory opinion in Docket No. 16-1166 regarding whether Walter G. Kirkland may continue to provide surveying services after he is sworn in as the elected Assessor for Jackson Parish. On motion made, seconded and unanimously passed, the Board

temporarily deferred consideration of the request until later in the meeting.

Ms. Patricia Schwarz Core, a candidate for St. Tammany Parish Assessor in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 16-1037 for a waiver of the \$2,000 late fee assessed against her for filing her 2015 Supplemental campaign finance disclosure report 163 days late. On motion made, seconded and unanimously passed, the Board temporarily deferred consideration of the request until later in the meeting.

Mr. William Bryan appeared before the Board in connection with a request in Docket No. 16-1161 for a waiver of the \$550 late fee assessed against him for the late filing of the August 2016 Lobbying Expenditure Report. After hearing from Mr. Bryan, on motion made, seconded and unanimously passed, the Board declined to waive the \$550 late fee but suspended the entire late fee conditioned upon future compliance with the Lobbyist Disclosure Act. Board Member McAnelly recused himself.

Ms. Mary Ann Coleman, President of the Louisiana Association of Independent Colleges and Universities (LAICU), appeared before the Board in connection with the upcoming nominations for vacant Board appointments due to term expirations. Ms. Coleman advised the Board that 30 names would need to be submitted to the LAICU for nomination to the Board by the end of February. She requested that the members who are leaving the Board to submit names for the nominating committee to consider.

Ms. Patricia Schwarz Core, a candidate for St. Tammany Parish Assessor in the October 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 16-1037 for a waiver of

the \$2,000 late fee assessed against her for filing her 2015 Supplemental campaign finance disclosure report 163 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request for an advisory opinion in Docket No. 16-1166 regarding whether Walter G. Kirkland may continue to provide surveying services after he is sworn in as the elected Assessor for Jackson Parish. On motion made, seconded and unanimously passed, the Board continued the matter to the January meeting.

The Board recessed at 10:30 a.m. and resumed back into general business session at 10:40 a.m.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G6-G19 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 G6-G19, excluding Items G7 and G18, taking the following action:

Adopted an advisory opinion in Docket No. 16-890 concluding that even though, as held in Advisory Opinion No. 2016-770, Paul Leary, a former member of the St. Tammany Recreation District No. 4, is prohibited for two years following the termination of his public service from contracting with, being employed in any capacity by, or being appointed to any position by the District, Section 1121C of the Code of Governmental Ethics does not prohibit the Lacombe Recreation Boosters, LLC from transacting with the District. While the Boosters are a separate legal entity of which Mr. Leary is an officer, the Boosters are not assisting another person for

compensation in a transaction with the District and as such are not prohibited from entering into a Memorandum of Understanding with the District.

Adopted an advisory opinion in Docket No. 16-963 concluding that no violation of the Code of Governmental Ethics is presented by Gaston Dupas, Jr. continuing his part-time employment with Autozone while he is employed with the City of New Iberia Public Works Department, since Mr. Dupas is a wage-earning employee, his wages are unaffected by the relationship between Autozone and the City, he has no ownership interest, and he holds no position other than employee with the company, the exception in 82-02D is applicable and his continued employment with Autozone is not prohibited. The Board further advised that Mr. Dupas will need to file annual disclosure statements pursuant to Section 1114 of the Code of Governmental Ethics disclosing income received from Autozone as long as the city has an open account with Autozone.

Adopted an advisory opinion in Docket No. 16-1024 concluding that based on the facts as presented, no violation of the Code of Governmental Ethics is presented by GCR, Inc., a professional consulting company, signing an Independent Contractor Agreement with Dayna Williams, a former employee with St. Tammany Parish Legal Department, Property Division, since Ms. Williams, within two years of her termination of public service, will not assist GCR in any transaction or appearance in connection with a transaction in which she participated during her public employment and she will not render through GCR any service that she rendered to her former public employer. Additionally, based on the facts as presented, Section 1121B(1) of the Code of Governmental Ethics would not prohibit Ms. Williams from providing the specific services listed to GCR under an Independent Contractor Agreement within two years of the termination of her public service, since Ms. Williams will not be contracting with her former agency or assisting GCR

for compensation in any transaction with her former agency in which she participated during her public employment. The Board further advised that Ms. Williams should be informed that this opinion is specific to the proposed services to be rendered to GCR and if she intends to pursue providing services to other persons related to her public service within two years of the termination of her public service, she should seek an advisory opinion when those facts become available.

Adopted an advisory opinion in Docket No. 16-1035 concluding that no violation of the Code of Governmental Ethics would be presented by Ronald E. Buschel, a former member of the St. Landry Parish Council, being hired to serve as the Public Works Director for District Five Public Works Commission of St. Landry (Commission), since the Commission is not part of his former agency and, as the Director of the Commission, Mr. Buschel, would not be assisting any person in a transaction or rendering any service on a contractual basis to or for his former agency.

Adopted an advisory opinion in Docket No. 16-1042 concluding that no violation of the Code of Governmental Ethics is presented by Mickey Hamilton contracting with Bossier City Purchasing Department to provide concessionaire services for the Bossier City sports complexes while Stephen Boyd, whose sister is married to Ms. Hamilton's brother, is employed as a Youth Sports Supervisor, since Ms. Hamilton is not an immediate family member of Mr. Boyd.

Adopted an advisory opinion in Docket No. 16-1043 concluding that Section 1113A(1) of the Code of Governmental Ethics would prohibit the Town of Livonia from continuing to conduct business with Livonia Auto Repair, LLC, a company solely owned by the brother and sister-in-law of Gregory Jarreau, while Mr. Jarreau serves as a member of the Livonia Town Council.

Adopted an advisory opinion in Docket No. 16-1047 concluding that no violation of the Code of Governmental Ethics would be presented by Deborah Dees being appointed by the DeSoto

Parish Police Jury as a member of the DeSoto Parish Communications District Board while her company, Deborah D. Dees, CPA, formerly had a contract with the DeSoto Parish Communications District to perform bookkeeping, payroll and monthly financial statement services, since Ms. Dees tendered her resignation from the company and dissolved her company's contract with the District and since she would not be assisting another person in a transaction involving the District nor would she be rendering any service to, for, or on behalf of the District.

Adopted an advisory opinion in Docket No. 16-1049 concluding that no violation of the Code of Governmental Ethics is presented by Medical Temps, a company owned by the wife of former Morehouse General Hospital CFO James Allbritton, entering into a temporary staffing contract with Morehouse General Hospital, since Mr. Allbritton is no longer employed with the Hospital. Additionally, he is not employed with Medical Temps and will not otherwise be assisting Medical Temps, for compensation, in transactions involving the contract with the Hospital.

Adopted an advisory opinion in Docket No. 16-1050 concluding that no violation of the Code of Governmental Ethics is presented by Washington National Insurance Company, a supplemental health insurance vendor, offering gifts to individuals, including public servants, who attend a ten minute presentation, since each of the gifts offered by representatives of Washington National Insurance Company costs less than \$5, bears the company's logo and would be classified as promotional items under Section 1102(22) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 16-1112 concluding that no violation of the Code of Governmental Ethics is presented by Diane and Daniel Irwin, members of the St. Mary Parish Recreation District Number 3 board, participating in a vote regarding whether Central Catholic High School can use the St. Mary Parish Recreation District Number 3 softball fields while

their son, David Irwin, and daughter-in-law, Heather Irwin, are employed by Central Catholic High School, since neither their son or their daughter-in-law has a personal substantial economic interest in the transaction.

Adopted an advisory opinion in Docket No. 16-1113 concluding that no violation of the Code of Governmental Ethics is presented by Jacqueline Whitmore, a social worker with the Office of Behavioral Health (OBH) Preadmission Screening and Resident Review (PASRR) Program, being employed by Band of Angels, a private business assisting nursing home residents and their families, since Ms. Whitmore would not be performing services for individuals placed in a nursing facility by OBH.

Approved the revised disqualification plan in Docket No. 16-1245 submitted by the Iberia Parish Government with respect to William Hulin and Christine Hulin, employees of the Iberia Parish Government, since the revised disqualification is compliant with Section 1112C of the Code of Governmental Ethics.

Deferred to the January meeting, consideration of a request for an advisory opinion in Docket No. 16-910 regarding whether Kirk Quinn, a member of the Cameron Parish Police Jury, District 3, may be employed with Cameron Fisheries when Cameron Fisheries has a lease agreement with the West Cameron Port.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G20-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 G20-G27 taking the following action:

In connection with an Answer filed in Docket No. 16-1052 by Christina Cohea, a former member of the Tangipahoa Parish School Board, District F, in response to a notice of delinquency regarding her failure to file a 2015 Tier 2 Annual personal financial disclosure statement, instructed the staff to advise Ms. Cohea that she is not required to file a 2015 Tier 2 Annual personal financial disclosure statement, since her term ended on December 31, 2014.

In connection with an Answer filed in Docket No. 16-1053 by Johnny Shepherd, a former member of the Ringgold Town Council, District 1, in response to a notice of delinquency regarding his failure to file a 2015 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Mr. Shepherd that he is not required to file a 2015 Tier 3 Annual personal financial disclosure statement, since his term ended on December 31, 2014.

In connection with an Answer filed in Docket No. 16-1055 by Arthur Farmer, a former member of the Richland Parish School Board, District 4, in response to a notice of delinquency regarding his failure to file a 2015 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Mr. Farmer that he is not required to file a 2015 Tier 3 Annual personal financial disclosure statement, since his term ended on December 31, 2014.

In connection with an Answer filed in Docket No. 16-1057 by Julius Caraway, III, a member of the Jefferson Davis Parish School Board, District 13, in response to a notice of delinquency regarding his failure to file a 2015 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Mr. Caraway that he is not required to file a 2015 Tier 3 Annual personal financial disclosure statement, since his term ended on December 31, 2014 and he was not appointed to fill an interim term back on the school board until June 30, 2016, after the filing date for the 2015 personal financial disclosure statement.

In connection with an Answer filed in Docket No. 16-1059 by James Mobley, a former member of the Northeast Delta Human Services Authority, in response to a notice of delinquency regarding his failure to file a 2015 Tier 2.1 Annual personal financial disclosure statement, instructed the staff to advise Mr. Mobley that he is required to file a 2015 Tier 2.1 Annual personal financial disclosure statement and that failure to file may result in late fees.

In connection with an Answer filed in Docket No. 16-1060 by Cheryl Ann Boudreaux, a former member of the Acadia Parish Convention and Visitor Commission, in response to a notice of delinquency regarding her failure to file a 2015 Tier 2.1 Annual personal financial disclosure statement, instructed the staff to advise Ms. Boudreaux that she is required to file a 2015 Tier 2.1 Annual personal financial disclosure statement and that failure to file may result in late fees.

In connection with an Answer filed in Docket No. 16-1095 by Pamela Bryan, a former member of the New Orleans City Planning Commission, in response to a notice of delinquency regarding her failure to file a 2015 Tier 2.1 Annual personal financial disclosure statement, instructed the staff to advise Ms. Bryan that she is required to file a 2015 Tier 2.1 Annual personal financial disclosure statement and that failure to file may result in late fees.

In connection with an Answer filed in Docket No. 16-1098 by John Sammons, a former member of the St. Tammany Parish Fire Protection District #7, in response to a notice of delinquency regarding his failure to file a 2015 Tier 2.1 Annual personal financial disclosure statement, instructed the staff to advise Mr. Sammons that he is required to file a 2015 Tier 2.1 Annual personal financial disclosure statement and that failure to file may result in late fees.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the

November 17-18, 2016 meetings.

The Board considered a proposed consent opinion in Docket No. 12-880 regarding Intercoastal Redi-Mix, LLC providing cement products to contractors of the City of Morgan City, which were used on the city's projects, while Michael Loupe served as the city's Director of Public Works. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Intercoastal Redi-Mix, LLC agrees that a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by the company, owned by Morgan City Public Works Director Michael Loupe and members of his immediate family, providing cement products to contractors of the City of Morgan City, which were used on the city's projects, while Mr. Loupe served as the Public Works Director for the City of Morgan City and in which Intercoastal Redi-Mix, LLC agrees to pay a fine of \$5,000. The Board further instructed the staff to dismiss the charges pending before the Ethics Adjudicatory Board (EAB).

The Board considered a proposed consent opinion in Docket No. 13-1477 regarding Dr. Peter Galvan, former St. Tammany Parish Coroner, using his position as Coroner for personal gain. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Dr. Peter Galvan, former St. Tammany Parish Coroner, agrees that a violation of (1) Section 1111A of the Code of Governmental Ethics occurred by his purchasing personal meals using the credit card issued by the St. Tammany Parish Coroner's Office totaling \$163.41; purchasing a 7.5 kilowatt Kohler marine generator for his personal use by electronic payment of \$9,169.50 from a St. Tammany Parish Coroner's Office bank account; and receiving pay for 1,125 hours of annual and sick leave which he was not duly entitled to receive; (2) Sections 1112A, 1113A(1)(a), 1111C(1)(a) and 1116A of the Code of Governmental Ethics occurred by his

participation in the transfer and periodic renewal of a City of Slidell Jail Medical Services contract from the St. Tammany Parish Coroner's Office to his private medical practice in which his private medical practice received \$126,666.56 in compensation from the City of Slidell Jail for services provided by Mark Lombard, an employee of the St. Tammany Parish Coroner's Office, pursuant to the City of Slidell Jail Medical Services contract; and, (3) Section 1112B(2) of the Code of Governmental Ethics occurred by his participation in the lease of office space by the St. Tammany Parish Coroner's Office from Jet Cash, LLC, a company owned by his business partner, Mass Prentiss Blackwell, Jr., and by submitting two invoices totaling \$9,635 to the St. Tammany Parish Coroner's Office from Three Deuces, Inc. for construction work performed on the new St. Tammany Parish Coroner's Office by Three Deuces, Inc., a company owned by his business partner, Mass Prentiss Blackwell, Jr. and in which Dr. Galvan agrees to pay a fine of \$2,500. The Board further instructed the staff to dismiss the charges against Dr. Galvan.

The Board considered a proposed consent opinion in Docket No. 14-762 regarding Sheriff Mike Couvillon, Vermilion Parish, purchasing a home from a Sheriff's sale. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Sheriff Michael Couvillon, Vermilion Parish, agrees that a violation of Sections 1112A and 1113A of the Code of Governmental Ethics occurred by his participating in the seizure and sale by the Vermilion Parish Sheriff's Office of the foreclosed home located at 16529 West LA Highway 335 in Abbeville, LA in which he had a personal substantial economic interest and by virtue of his entering into a transaction under the supervision or jurisdiction of the Vermilion Parish Sheriff's Office to purchase a foreclosed home located at 16529 West LA Highway 335 in Abbeville, LA at a Sheriff's Sale conducted and supervised by the Vermilion Parish Sheriff's Office and in which

Sheriff Couvillon agrees to pay a fine of \$2,500 of which is to be paid in three (3) equal consecutive monthly installments of \$833.33 (third installment to be \$833.34) with the first payment due on or before the 15<sup>th</sup> day of the month following the publication of the consent opinion 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 instructed the staff to dismiss the charges against Sheriff Michael Couvillon.

The Board considered a proposed consent opinion in Docket No. 14-889 regarding the Village of Richmond awarding a contract to family members of Mayor Robert Kivett. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Kivett's Electrical Heating and Cooling Services agrees that a violation of Section 1113A(1)(a) of the Code of Governmental Ethics occurred by entering into a transaction with the Village of Richmond to install air conditioning at the concession stand of the Richmond Sports Complex, when such transaction was under the supervision or jurisdiction of the agency of Robert Kivett, Sr., the Mayor of the Village of Richmond, and at a time when Kivett's Electrical Heating and Cooling Services was owned by the sons of Robert Kivett, Sr. and in which Kivett's Electrical Heating and Cooling Services agrees to pay a fine of \$1,067.17. The Board further instructed the staff to dismiss the charges against Kivett's Electrical Heating and Cooling Services.

The Board considered proposed consent opinions in Docket No. 15-845 regarding Brandon Andrews and his company, J & B Industries, LLC, providing drug screening services for the 21st Judicial District Court while his mother, Sara Brumfield, was employed as the Judicial Administrator. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinions in which (1) Brandon Andrews and J& B Industries, LLC, of which Mr. Andrews is the sole member and manager, agree that a violation of Section 1113A of the Code

of Governmental Ethics occurred on each occasion that Mr. Andrews and J&B Industries, LLC provided services in connection with the Drug Court Program and submitted an invoice to the 21<sup>st</sup> Judicial District Court for services rendered at a time when his mother, Sara Brumfield, served as the Judicial Administrator for the 21<sup>st</sup> Judicial District Court and in which Mr. Andrews and J&B Industries, LLC agree to pay a joint fine of \$1,000 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) Sara Brumfield, the Judicial Administrator for the 21<sup>st</sup> Judicial District Court, agrees that a violation of Section 1112B(1) of the Code of Governmental Ethics occurred by virtue of her participation in the review of invoices and approval of payments for services rendered by her son, Brandon Andrews, owner of J & B Industries, LLC for the 21<sup>st</sup> Judicial District Court's drug court program and in which Ms. Brumfield agrees to pay a fine of \$250.

The Board considered a request for an advisory opinion from Philip C. Williams, President for McNeese State University, in Docket No. 16-679 regarding the application of the exceptions contained in Sections 1123(1) and 1123(41) of the Code of Governmental Ethics with respect to complimentary admissions, travel, lodging and reimbursement by organizations to McNeese and its employees. On motion made, seconded and unanimously passed, the Board adopted an advisory opinion concluding the following with respect to specific scenarios:

**1a:)** A McNeese Financial Aid employee is asked to chair a task force and a committee for NASFAA. The responsibility of the chair is to organize the national conference for over 3,000 conference attendees. This requires coordination through telephone conferences and one trip to Washington, D.C. Lodging and transportation are provided by NASFAA for the trip to D.C. in preparation of the national

conference. NASFAA makes the arrangements directly with the hotels and/or airlines and no funds are provided directly to the employee or the University.

**Question 1a)**

**Does the institutional membership and the fact that the complimentary travel is paid on behalf of the University and not the employee while on University time constitute a violation of La. R.S. 42:1111(A)? Is an affidavit of disclosure required?**

The Board concluded that under the facts provided, the McNeese employee would not be prohibited from receiving the complimentary accommodations of lodging and transportation provided by NASFAA. Section 1111(A) of the Code of Governmental Ethics prohibits a person from receiving anything of economic value, other than compensation and benefits from the governmental entity, for the performance of the duties and responsibilities of his office. The accommodations are made by a national association that does not have nor is seeking to have a contractual or business relationship with the University. Since the employee is traveling in his capacity as a member of the task force and committee, the lodging and travel received by the employee is not derived from a prohibited source, the McNeese employee's acceptance of accommodations is not prohibited. Further, an affidavit does not need to be filed in this instance.

**1b)** A McNeese Financial Aid employee was elected to serve as the President of the SWASFAA association. As President, the responsibilities are to travel to the various regions to preside over the meetings of the association, give presentations at these

meetings and to serve on the NASFAA Board of Directors. During these travels, payment for lodging is paid by the employee and simultaneously reimbursed by the SWASFAA for a portion of the lodging and the remainder is reimbursed by the University.

**Questions 1b)**

**Does the institutional membership and the fact that the complimentary travel is paid on behalf of the University and not the employee while on University time constitute a violation of La. R.S. 42:1111(A)? Is an affidavit of disclosure required?**

The Board concluded that under the facts provided, the McNeese employee would not be prohibited from receiving the complimentary travel provided by SWASFAA. Since the reimbursements derived from SWASFAA, which is not considered a prohibited source, and is given to the employee in his capacity as President of the Association, the receipt of lodging would not be prohibited. Further, the employee would not be required to file the disclosure affidavit.

**1c)** A McNeese Financial Aid employee was asked by the President of the SWASFAA to serve as a committee chair. The chair and committee are in charge of the program preparations for the annual conference. Complimentary travel for a meeting of the committee to create the program and prepare for the conference is provided as a reimbursement to the employee for a portion of the lodging as stated in b above.

**Question 1c)**

**Does the institutional membership and the fact that the complimentary travel will be paid on behalf of the University and not the employee while on University time constitute a violation of LRS 42:1111(A)? Is an affidavit of disclosure required?**

See answer in **1a** in regard to lodging and the application of Section 1111A of the Code of Governmental Ethics. The Board concluded that no disclosure statement would be required to be filed.

**2)** A McNeese Professor, who is a 9 month employee, was selected by a committee to receive a fellowship from Ocean Exploration Trust to perform research on a research ship called The Nautilus in the Pacific Ocean during the month of June. The Committee selection is based on an application process, resume' and references as a Biologist and not based on her position at McNeese. The fellowship covers airfare, meals, bunk, and transportation to and from the ship. During the employee's time on the Nautilus she was able to speak to children in the McNeese Kids College program via video conference and answer questions as well as bring back the knowledge gained from the research experience. Ocean Exploration Trust does not have a contractual or business relationship with the University.

**Question 2)**

**Would a 12 month professor violate La. R.S. 42:1111A if they receive a fellowship to be on a research vessel during the month of June with other faculty members covering the professor's workload when the fellowship is received through an application process not based on his position at McNeese?**

**Would a disclosure need to be filed?**

The Board concluded that under the facts provided, the McNeese employee, who receives proper approval within the McNeese faculty workload policy, would not be prohibited by Section 1111A of the Code of Governmental Ethics from receiving the airfare, meals, bunk, and transportation to and from the ship as part of the fellowship. The employee is not receiving a thing of economic value for being a McNeese professor if the employee is compliant with the McNeese faculty workload policy regarding reassigned time. Further, no disclosure statement would be required to be filed.

**3)** A McNeese Professor in the Department of Chemistry and Physics has been invited to travel to China and Korea to provide oral presentations at three different locations (2 Public Universities and 1 Conference) due to his expertise and research in analytical chemistry and nanotechnology. The hosting agencies plan to cover all travel costs (airfare, registration, lodging, and meals) and make the payments directly to the airlines, hotels, etc. on behalf of the University. These agencies do not have a prohibited source relationship with the University. Faculty members are not required to perform research as McNeese is not a research institution nor are they required to conduct presentations in their field of study; however, they are expected to stay current in their profession and maintain an appropriate level of competence. Faculty members do not earn annual leave and would make arrangements with other faculty to cover their workload during that time and continue to receive his salary while traveling. Any additional travel costs or expenses not covered by the agencies

would be paid by the University.

**Questions 3)**

**How does the Code of Governmental Ethics apply to the travel and lodging of a professor paid by the hosting university or conference when traveling to China for presentations not in their capacity as a McNeese professor but as an expert in their field? Is a disclosure required to be filed?**

By a vote of 6 yeas by Board Members Dittmer, Ingrassia, Lavastida, Michiels, Monroe and Smith and 4 nays by Board Members Bruneau, Leggio, McAnelly, and Shelton. the Board concluded that under the facts provided, the McNeese employee, who receives proper approval within the McNeese faculty workload policy, would not be in violation of Section 1111A(1)(a) of the Code of Governmental Ethics regarding the travel and lodging associated with the public universities as the cost associated with such travel and lodging is being borne by a foreign government, the governments of China and Korea and not a private entity. See Board opinions in 1997-298, 2003-022, 2016-318, and 2016-893. Also, No disclosure statement would be required to be filed. However, the travel and lodging paid by the hosting conference would be prohibited by Section 1111A(1)(a) of the Code of Governmental Ethics, since the accommodations are not being provided by McNeese or another governmental entity.

**4)** A McNeese Professor in the Department of Chemistry was invited to travel to China to The World Congress of Herpetology conference to serve as the Symposia Chair of the Conservation Biology of Crocodilians section of the conference and to

make a presentation due to his expertise and research on crocodiles. The Professor is also on the steering committee and serves as the Chairman of the General Science Committee of the Crocodile Specialist Group (CSG). The CSG is an international crocodile conservation and research group. Due to the conference location, the Chinese Government requested that members of the CSG group meet with them and other professors to discuss the current population status of the Chinese Alligator which is the most critically endangered croc species and get an overview of their management and conservation plans for the animal. The Chinese government agreed to cover the travel costs (airfare, lodging, and meals) for the first four nights of the trip. They do not have nor are they seeking to have a contractual or business relationship with the University. As stated in the previous scenarios, faculty members are not required to perform research as McNeese is not a research institution nor are they required to conduct presentations in their field of study; however, they are expected to stay current in their profession and maintain an appropriate level of competence. Faculty members do not earn annual leave and would make arrangements with other faculty to cover their workload during that time and continue to receive his salary while traveling. Any additional travel costs or expenses not covered by the agencies would be paid by the University.

**Question 4)**

**How does the Code of Governmental Ethics apply to the travel and lodging of a professor paid by the Chinese government for a meeting not in their capacity as a McNeese professor but as a member of Crocodile Specialist Group? Is a**

**disclosure required to be filed?**

The Board concluded that any travel covered for the professor's participation in the CSG committee meeting as a member of CSG is not prohibited by Section 1111A of the Code of Governmental Ethics, since the professor is traveling in his capacity as a member of the committee, not as an employee of McNeese. Also, travel and lodging associated with the meeting with the Chinese Government would not be prohibited by Section 1111A of the Code of Governmental Ethics, since the costs associated with such travel are being borne by a foreign government and not a private entity. No disclosure statement would be required to be filed.

**5)** The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institution in the Southern states. The mission of the SACSCOC is to assure the educational quality and improve the effectiveness of its member institutions. A peer review is required for all participating member institutions. SACSCOC requests a list of faculty or administrative staff that would be willing to serve on a peer review team as an evaluator. SACSCOC selects teams based on the areas of expertise needed for that team. All selected team members are required to attend training and then travel to other institutions to perform their evaluations. SACSCOC disallows peer teams to evaluate other institutions within their same state or in which the team member was previously employed. SACSCOC pays all lodging and transportation expenses associated with the peer reviews.

**Questions 5)**

**Would the receipt of complimentary travel for the accrediting peer reviews fall within the La. R.S. 42:1123(6) exception? If yes, then does it also include administrative employees serving on these peer review teams that are not faculty tenured employees? If not, then how does the Code of Governmental Ethics apply in such situation?**

The Board concluded that the exception in Section 1123(6) of the Code of Governmental Ethics is applicable to the scenario and the complimentary travel would not present a violation for any public employee of a public higher educational institution covered by the tenure policy of the Board of Regents or the tenure policies and the administration of the tenure policies by the three higher educational management boards. Administrative employees not covered by the tenure policy would not fall within the exception. This would present a violation of Section 1111A of the Code of Governmental Ethics.

The Board considered a request for an advisory opinion in Docket No. 16-1015 regarding the potential employment of Lisa Ivey within the Criminal Investigations Division of the Jefferson Davis Parish Sheriff's Office while her father, Christopher Ivey, serves as the Chief Deputy of the Sheriff's Office. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics would be presented by Lisa Ivey's employment within the Criminal Investigations Division of the Jefferson Davis Parish Sheriff's office while her father, Christopher Ivey, serves as the Chief Deputy of the Sheriff's Office, since the Chief Deputy would not be considered an agency head of the Criminal Investigations Division. The Board further advised that potential violations of Section 1112B(1) of the Code of Governmental Ethics could

occur and that the Chief Deputy would need to submit a disqualification plan if Lisa Ivey was hired by the Jefferson Davis Parish Sheriff's Office.

The Board considered a request for an advisory opinion from Mark DeBosier, a former employee with the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), in Docket No. 16-1048 regarding whether the post employment prohibitions in Section 1121 of the Code of Governmental Ethics would prohibit him from being compensated by the Orleans Levee District as an expert in an arbitration hearing involving the Federal Emergency Management Agency (FEMA). On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics would be presented by Mr. DeBosier receiving compensation from the Orleans Levee District for assisting it in an arbitration hearing as an expert witness, since the Orleans Levee District is not considered a person within the Code of Governmental Ethics and testifying as an expert witness was not a service that Mr. DeBosier rendered while employed by GOHSEP.

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, excluding Docket No. 16-1037 taking the following action:

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

Docket No. 16-1039 from Arthur K. Lewis of a \$360 late fee;  
Docket No. 16-1041 from Anthony Lewis of a \$2,000 late fee;  
Docket No. 16-1091 from Algiers Political Action Committee of a \$400 late fee;  
Docket No. 16-1092 from Sherman Jackson of a \$320 late fee;  
Docket No. 16-1162 from LA Assisted Living Association PAC of a \$1,400 late fee;  
Docket No. 16-1164 from Robert C. Johnson of a \$2,000 late fee; and,  
Docket No. 16-1167 from Committee for Better Schools in Calcasieu Parish of  
two (2) \$1,000 late fees.

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

Docket No. 16-1046 from Vereta Lee of a \$60 late fee; and,  
Docket No. 16-1168 from Raymond “Shoe Do” Lewis of a \$2,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 16-1094 for a waiver of the \$2,000 late fee assessed against the St. Tammany Chamber PAC, in its capacity as a political action committee, its committee's chairperson, Larry Manshel, and treasurer, Bret Kolman, for filing the July 2016 Monthly report 14 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee but suspended the entire late fee 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. 16-1163 for a waiver of the \$400 late fee assessed against Shannon James Gremillion, a candidate for Judge, Court of Appeal / 3rd Circuit, 1st Dist., Division C in the November 8, 2016 election, and his committee, for filing his 180-P campaign finance disclosure report 165 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fee but suspended \$100 conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 16-1167 for a waiver of the \$1,000 late fee assessed against Committee for Better Schools in Calcasieu Parish, and its committee's chairperson, Paul Bonin, and treasurer, Winfield E. Little, Jr., for filing the 30-E campaign finance disclosure report 151 days late in connection with the May 2, 2015 Proposition Election. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee but suspended \$500 conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

The Board considered a request in Docket No. 16-1038 for a waiver of the \$100 late fee assessed against Carmack Blackmon for the late filing of the August 2016 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the board waived the \$100 late fee.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in the Personal Financial Disclosure 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 Personal Financial Disclosure Waiver Chart taking the following action:

The Board considered a request in Docket No. 16-1006 for a waiver of the \$1,100 and \$450 late fees assessed against Craig Arnold Gremillion, a member of the Plaquemine Board of Aldermen, Avoyelles Parish, for filing his amended 2014 Tier 3 Annual personal financial disclosure statement 22 days late and his 2015 Tier 3 Annual personal financial disclosure statement 9 days

late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,100 late fee in connection with the amended 2014 Tier 3 Annual personal financial disclosure statement and the \$450 late fee in connection with 2015 Tier 3 Annual personal financial disclosure statement but suspended the late fees totaling \$1,550 conditioned upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 16-1051 for a waiver of the \$1,500 late fee assessed against Jesse Augustine, a former member of the Tamaron Subdivision Improvement District, for filing his 2014 Tier 2.1 Annual personal financial disclosure statement 215 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$650 conditioned upon future compliance with the Code of Governmental Ethics and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

The Board considered a request in Docket No. 16-1056 for a waiver of the \$1,500 late fee assessed against Kenneth Brad Banks, a former member of the Northeast Soil and Water Conservation District, for filing his 2014 Tier 2.1 Annual personal financial disclosure statement 223 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$650 conditioned upon future compliance with the Code of Governmental Ethics and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

The Board considered a request in Docket No. 16-1061 for a waiver of the \$1,500 late fee assessed against Barbara A. Eveque-Hornsby, a former member of the New Orleans Business Park, for filing her 2014 Tier 2.1 Annual personal financial disclosure statement 136 days late. On motion

made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,050 conditioned upon future compliance with the Code of Governmental Ethics and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

The Board considered a request in Docket No. 16-1062 for a waiver of the \$1,500 late fee assessed against Thomas J. Jones, III, a member of the Jefferson Parish Workforce Investment Board, for filing his amended 2013 Tier 2.1 Annual personal financial disclosure statement 308 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 Code of Governmental Ethics.

The Board unanimously agreed to take action on the requests for reconsideration of late fee waivers 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 involving requests for reconsideration of late fee waivers taking the following action:

The Board considered a request for reconsideration in Docket No. 16-159 for a waiver of the \$1,500 late fee assessed against Adrienne Sage Hodges Steele, a member of the Northeast Louisiana Film Commission, for filing her 2013 Tier 2.1 Annual personal financial disclosure statement 125 days late. On motion made, seconded and unanimously passed, the Board affirmed its prior decision to decline to waive the \$1,500 late fee and instructed the staff to offer Ms. Steele the opportunity to enter into a payment plan.

The Board considered a request for reconsideration in Docket No. 16-175 for a waiver of the \$1,500 late fee assessed against Tammy Hartley, West Carroll Parish Constable, District 2, for filing

her 2014 Tier 3 Annual personal financial disclosure statement 161 days late. On motion made, seconded and unanimously passed, the Board affirmed its prior decision to decline to waive the \$1,500 late fee.

The Board considered a request for reconsideration in Docket No. 16-427 for a waiver of the \$1,500 late fee assessed against Joseph L. Hilton, an unsuccessful candidate for Vernon Parish Policy Jury, District 11 in the October 24, 2015 election, for filing his Amended 2014 Tier 3 Candidate personal financial disclosure statement 293 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 Code of Governmental Ethics.

The Board considered a request for reconsideration in Docket No. 16-605 for a waiver of Board's suspension of all but \$250 in connection with a \$1,500 late fee assessed against Thomas Randolph "Tom" Hanlon, a former member of the South Burbank Crime Prevention and Development District, for filing his 2013 Tier 2.1 Annual personal financial disclosure statement 148 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$250 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

Ms. Allen advised the Board that the campaign finance flyer and the revised Tier 3 personal financial disclosure form were presented for review to the Board's oversight committee on December 8<sup>th</sup>. The forms were adopted with the proposed revisions subject to ratification by the Board.

On motion made, seconded and unanimously passed, the Board ratified the forms with the changes as adopted by the oversight committee.

Board Member McAnelly offered thanks and appreciation to Chairman Monroe for his service to the Board.

The Board unanimously adjourned at 11:10 a.m.

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Secretary

APPROVED:

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Chairman