

LOUISIANA BOARD OF ETHICS
MINUTES
December 20, 2019

The Board of Ethics met on December 20, 2019 at 9:40 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bruneau, Colomb, Couvillon, Dittmer, Grand, Lavastida, Leggio, McAnelly, Meinert, Roberts and Smith present. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Carolyn Landry; and Counsel David Bordelon, Matthew DeVille, LaToya Jordan, Jennifer Land and Greg Thibodeaux.

Ms. Emalie A. Boyce, 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. Boyce explained that the judges would serve on the EAB for the 2020 calendar year. The first three names drawn would serve on Panel A, the next three names drawn would serve on Panel B and the 7th name drawn would serve as an alternate. Ms. Boyce submitted a paper list of twenty-eight (28) names of potential ALJs which were individually torn, folded and randomly drawn from a bowl by the Director of the Division of Administrative Law, Emalie A. Boyce. Following the drawing and announcement of each individual name, Ms. Boyce announced that Panel A will be comprised of Lance Vinson, Sherlyn Shumpert, and Brock Avery; Panel B will be comprised of Anthony Russo, Gregory McDonald, and Wick Cooper. The alternate judge will be William Cleveland.

Ms. Sybil Haydel Morial, with the New Orleans Science and Mathematics Charter School, was unable to appear in front of the board but instructed to proceed in connection with a request in Docket No. 19-1127 for a waiver of the \$1500 late fee assessed against her for failing to file her 2018 Tier 3 Annual personal financial disclosure statement. The Board had questions that needed

further investigation. On motion made, seconded and unanimously passed, the Board deferred the matter until the February meeting.

Ms. Vereta Tanner Lee, a candidate for Member of the School Board, East Baton Rouge Parish, District 2, November 6, 2018 election, appeared before the Board in connection with a request in Docket No. 19-1201 for a waiver of the \$300 campaign finance late fee for filing her 10-G campaign finance disclosure report 5 days late due to her medical condition. On motion made, seconded and unanimously passed, the Board suspended all based on future compliance.

Board Member Bruneau arrived at the meeting at 9:52 a.m.

Allowed the withdrawal of the request for an advisory opinion in Docket No. 19-841 regarding a reconsideration of an advisory opinion previously issued by the Board in Docket No. 2018-401 - July 23, 2018.

Confirmed the emergency advisory opinion in Docket No. 19-941 regarding Kenneth Boudreaux, a Lafayette City-Parish Councilman, participating in the council's approval of the Lafayette City-Parish Consolidated Government's Budget for the 2019-2020 Fiscal Year. Since Mr. Boudreaux's contract is to provide services to the Sheriff's Office, which is not a "person" as defined by the Code of Governmental Ethics, and the funding of that contract is unaffected by the funding from the city-parish, Mr. Boudreaux is not prohibited from participating in matters as a city-parish councilman involving the appropriation of funds for the correctional center.

Board Member Colomb arrived at the meeting at 10:01 a.m.

Adopted an advisory opinion in Docket No. 19-1011 concluding Section 1121B(1) of the Code of Governmental Ethics would prohibit Brett LeBlanc for a period of two years following termination of his employment with LDEQ from assisting another person, including an

environmental consulting firm, in the performance of soil and groundwater assessment, remediation type activities at UST sites, conducting field activities at solid or hazardous waste sites, and drafting permit applications for hazardous waste sites in the Acadiana Region. However, the Code of Governmental Ethics would not prohibit Mr. Leblanc from assisting another person on similar matters outside of the Acadiana Region or working on legacy lawsuits, since his work with LDEQ was confined to the Acadiana Region and since Mr. Leblanc did not perform any work on legacy lawsuits while employed with LDEQ.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G8-G24 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 G8-G24, excluding Items G10, G15, G17, G19, and G24 taking the following action:

Adopted an advisory opinion in Docket No. 19-1105 concluding that the Code of Governmental Ethics would prohibit Mr. Mekdessie from bidding on a request for proposal for the Louisiana Uniform Local Sales Tax (LULST) Board for the development of a software system for the collection and administration of Louisiana local sales and use taxes since Mr. Mekdessie is considered a public servant under Section 1113A(1)(a) of Governmental Ethics by virtue of Mr. Mekdessie's contractual relationship with LULST to engage in the performance of their governmental function of procuring and developing computer software and equipment for the collection and administration of local sales and use taxes.

Adopted an advisory opinion in Docket No. 19-1112 concluding that the Code of Governmental Ethics would not prohibit the Office of Conservation from accepting the donated

services of LMOGA Foundation to modify software donated to the Office of Conservation by the State of Montana since the State of Montana is a governmental entity and not a person under the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 19-1114 concluding that the Code of Governmental Ethics would not prohibit Betty Archote from applying for and obtaining a Type 2 video gaming establishment license, since the application and licensing process is not under the supervision and jurisdiction of her husband, Donovan Archote, Troop B Commander with Louisiana State Police.

Adopted an advisory opinion on Docket No. 19-1115 concluding that the Code of Governmental Ethics would not prohibit continued employment or promotion to department head with Lafourche Parish Government for Reggie Bagala, Representative-Elect for District 54. The Board further recommends that Representative-Elect Bagala contact the Office of Attorney General as to the application of any dual-office holding provisions.

Adopted an advisory opinion in Docket No. 19-1174 concluding that the Code of Governmental Ethics would not prohibit Derrin and Dayne Duplessis from continuing their employment with the Ascension Parish Government since Derrin Duplessis is not the agency head for Dayne Duplessis' department or division.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 19-1177 since Dustin L. Harrell no longer needed an answer to the question that was posed in his advisory opinion.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 19-1206 regarding Judge Alvin Turner, Jr., Ascension Parish, since his questions have already been addressed by staff.

Approved the disqualification plan in Docket No. 19-1208 submitted by the Electrical Division Manager for the Office of State Buildings providing that the supervision of Joseph Bonaventure would not be performed by Michael Bonaventure concluding that the disqualification plan meets the requirements under the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 19-1210 concluding that Section 1121A(2) of the Code of Governmental Ethics would prohibit any member, who is on the Board of Directors at the time the charter school term begins, from being employed by the charter school within two years of the termination of their service on the Board of Directors.

Adopted an advisory opinion in Docket No. 19-1216 concluding that the Code of Governmental Ethics would not prohibit the Cameron Parish School Board from contracting with W. Thomas Barrett to manage the leases of Section 16 properties

Adopted an advisory opinion in Docket No. 19-1217 concluding that the Code of Governmental Ethics would not prohibit Emmy O'Dwyer from serving as a Board Member of Abeona House while employed as an Educational Program Consultant through the Office of Policy and Analytics on the Early Childhood Strategy Team in Department of Education.

Adopted an advisory opinion in Docket No. 19-1276 concluding that the Code of Governmental Ethics would not prohibit Mr. Christopher Milligan's employment with Breaux's Driving School LLC.

Adopted an advisory opinion in Docket No. 19-1113 concluding that Section 1121A(1) of the Code of Governmental Ethics would prohibit the Village of Mooringsport from contracting with Ms. Dearing as a contract employee until December 31, 2020, but would not prohibit Ms. Dearing from serving as a part-time public employee provided she receives a W-2 Form from the Village of Mooringsport.

Allowed the withdrawal of the request for an advisory opinion in Docket No. 19-1178 submitted on behalf of Opelousas General Hospital Authority d/b/a Opelousas General Health System ("OGHS") as to whether Robert L. Wolfe, Jr., or his company, Morgan Goudeau & Associates, Inc., would be prohibited from performing engineering and land surveying services for OGHS projects, since the service in question is no longer needed.

Adopted an advisory opinion in Docket No. 19-1207 concluding that the Code of Governmental Ethics would prohibit an immediate family member of a principal to be employed as a certified classroom teacher at the principal's school as a new hire.

Adopted an advisory opinion in Docket No. 19-1209 concluding that the Code of Governmental Ethics would not prohibit Ms. Leslie Lacy from starting a fund that will furnish foster children with dental braces before they age out of the foster care system while she is an attorney with the State of Louisiana Mental Health Advocacy Service, Child Advocacy Program ("CAP"). However, Section 1115A of the Code of Governmental Ethics would prohibit Ms. Lacy from soliciting or accepting, directly or indirectly, anything of economic value as a gift or gratuity from any person or company that: 1) has or is seeking to obtain contractual or other business or financial relationships with the MHAS/CAP; or, 2) is seeking for compensation to influence the passage or defeat of legislation by the MHAS/CAP. Furthermore, Section 1115B of the Code of Governmental Ethics would prohibit Ms. Lacy from accepting, directly or indirectly, anything of

economic value as a gift or gratuity from any person or company that: 1) conducts operations or activities which are regulated by the MHAS/CAP; or, 2) has substantial economic interests which may be substantially affected by the performance or nonperformance of her official duty with the MHAS/CAP. Therefore, as long as Ms. Lacy (via the fund) will not be accepting gifts from any person who has or is seeking to have a business financial relationship with the MHAS/CAP or is regulated by the MHAS/CAP, Ms. Lacy (via the fund) will not be prohibited from soliciting or accepting gifts.

Adopted an advisory opinion in Docket No. 19-1277 concluding that the Code of Governmental Ethics would not prohibit Lindbergh Lorraine and Ashton Cheramie from executing written servitudes with the Town of Golden Meadow and receiving the appraised value as compensation. However, the Code of Governmental Ethics would prohibit Mr. Lorraine and Mr. Cheramie from participating in a transaction in which they have a personal substantial economic interest of which they may be reasonably expected to know involving the governmental entity. In accordance with Section 1120 of the Code of Governmental Ethics, Mr. Lorraine and Mr. Cheramie would be required to recuse themselves from voting on any matter regarding the servitude agreement affecting their land.

Appearance by Alesia Ardoin, stating that she was engaged by Ricardo Mekkessie to represent him in Docket No. 19-1105. On behalf of her client, Ms. Ardoin asked the Board to reconsider this matter and defer it to the February 2020 meeting. On Motion made, seconded and unanimously passed, the Board withdrew the staff opinion and voted to pull G 8 for discussion. On motion made, seconded and unanimously passed, the Board voted to defer to the next meeting the advisory opinion request that was submitted by Ricardo Mekkessie regarding his ability to bid on a request for proposal from the Louisiana Uniform Local Sales Tax Board.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the November 14-15, 2019 meetings.

The Board considered a proposed consent opinion in Docket No. 16-1064 regarding Curtis Mack, former program manager for the Olmstead Grant Program for Louisiana Department of Health. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Curtis Mack agrees that (1) a violation of Section 1111(A)(1) of the Code of Governmental Ethics occurred by virtue of his receipt of \$2,210 from Christian Outreach Center for payments made to Elaine Borksey which Mr. Mack was not duly entitled to receive; (2) a violation of Section 1112A of the Code of Governmental Ethics occurred by approving and submitting requisitions to NAMIL-Land Mental Health Alliance for payments made to Elaine Borksey in which Mr. Mack had a substantial economic interest by virtue of his receipt of payments from the Christian Outreach Center; and, (3) a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by virtue of Mr. Mack's receipt of funds for services provided to Christian Outreach Center at a time when Christian Outreach Center had substantial economic interests, in the form of requisition payments received from NAMIL-L and Mental Health Alliance, which may be substantially affected by the performance or nonperformance of Curtis Mack's official duties as program manager, and in which Mr. Mack agrees to pay a fine of \$5000 in twenty equal monthly installments and in the event of a failure to pay, the Board of Ethics may file suit to compel immediate payment of any balance due.

Adopted an advisory opinion in Docket No. 19-889 concluding that Section 1113D of the Code of Governmental Ethics would not prohibit Ms. Debbie Villio or Leblanc Fantaci Villio LLC

from completing a professional service agreement with the Louisiana Attorney General to represent a state employee since that agreement was entered prior to Ms. Villio becoming a candidate for State Representative. However, both Ms. Debbie Villio and her law firm would be prohibited from renewing the professional service agreement, or entering into a new agreement, after Ms. Villio is sworn into office as a State Representative. Further, while the agreement is being completed, Ms. Villio is required by Section 1113D(4)(a) of the Code of Governmental Ethics to file a disclosure statement with the Board of Ethics by May 15th of each year of her term of office.

Adopted an advisory opinion in Docket No. 19-1205 concluding that Section 1119A of the Code of Governmental Ethics would prohibit the Sabine Parish Police Jury from hiring Mr. Nick Chreene as assistant superintendent of the Sabine Parish Landfill if it were to hire Nick's father, Mr. Peter Chreene, as superintendent since Mr. Peter Chreene would be considered the agency head and his son, Mr. Nick Chreene, is his immediate family member.

In connection with a request for an advisory opinion in Docket No. 19-1218 from Logan J. Hunt regarding whether or not the Code of Governmental Ethics would prohibit Logan J. Hunt from continuing his employment with Argent Mineral Management, LLC after being elected to the Lincoln Parish Police Jury, the Board instructed the staff to revise the opinion and defer to the February meeting.

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. 19-1132 from Anna Reed of a \$280 and a \$920 late fee;
Docket No. 19-1198 from Securing Louisiana's Future 180-P of a \$3,000 late fee; and,
Docket No. 19-1200 from Kevin Ambeau of a \$1,000 late fee.

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

Docket No. 19-1198 from Securing Louisiana's Future 90-P of a \$3,000 late fee;
Docket No. 19-1202 from Raoul Armando Galan of a \$660 late fee; and,
Docket No. 19-1203 from Sherri LaGrone of a \$240 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-1135 for a waiver of the \$1,000 late fee assessed against Billy Spikes, a Councilman at Large, City of DeRidder, Beauregard Parish, in the November 6, 2018 election, for filing the 40-G campaign finance disclosure report 466 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$100 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. 19-1204 for a waiver of the \$600 late fee assessed against Walter Ray "Beau 22" Wesley, Sheriff, Livingston Parish, for filing the 30-P campaign finance report 14 days late. On motion made, seconded and unanimously passed, the Board suspended all conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request in Docket No. 19-1111 for a waiver of the \$700 late fee assessed against Cynthia Duet for failure to timely file a Lobbyist Registration Report. On motion

made, seconded and unanimously passed, the Board rescinded the \$700 late fee, based on amendment.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 19-1134 for a waiver of the \$1800 late fee assessed against Timala H. Melancon, a candidate for BESE, District 7, in the October 12, 2019 election, for filing the 90-P campaign finance disclosure report 18 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board considered a request in Docket No. 19-1213 for a waiver of the \$150 late fee assessed against Marcey Copeland for the late filing of the September 2019 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board rescinded the \$100 late fee based on Rule 1205B.

The Board considered a request in Docket No. 19-1214 for a waiver of the \$150 late fee assessed against Papaloa Rock Ete for the late filing of the September 2019 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the late fee since it was Mr. Ete's first late filing.

The Board considered a request in Docket No. 19-1215 for a waiver of the \$150 late fee assessed against Ana Gale-Orellana for the late filing of the September 2019 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the late fee since it was Ms. Gale-Orellana's first late filing.

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. 19-1117 for a waiver of the \$1,500 late fee assessed against James Alton “Jamie” Clifton, Jr., Board of Alderman, Oil City, for filing his 2018 Tier 3 Annual personal financial disclosure statement 68 days late. On motion made, seconded and unanimously passed, the Board waived the late fee.

The Board unanimously suspended all late fees assessed against the following based on future compliance with the reporting requirements under the Code of Governmental Ethics:

Docket No. 19-1119 from Ana Perez of a \$1,450 late fee;
Docket No. 19-1121 from Jerry Bell of a \$650 late fee;
Docket No. 19-1123 from Don O’Toole, Sr. of a \$1,500 late fee;
Docket No. 19-1124 from Kellie Duhon of a \$100 (2017) and \$100 (2018) late fees;
Docket No. 19-1195 from Dayton House of a \$1,450 late fee;
Docket No. 19-1196 from Linda Guidry of a \$1,500 late fee; and,
Docket No. 19-1197 from Mattie Preston of a \$700 late fee.

The Board considered a request in Docket No. 19-1131 for a waiver of the \$1,500 late fee assessed against Justin Arnold, Sr., Northshore Charter School, for filing his 2018 Tier 3 Annual personal financial disclosure statement 71 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$200 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics. The \$200 is payable within 30 days and if payment is not received within 30 days, the full amount of the late fee becomes due and owing.

The Board considered a request in Docket No. 19-1194 for a waiver of the \$1,500 late fee assessed against Russell Jack, Jr., St. John the Baptist Parish School Board, for filing his 2017 Tier 3 Annual personal financial disclosure statement 152 days late. On motion made, seconded and

unanimously passed, the Board suspended all but \$600 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics. The \$600 is payable within 30 days and if payment is not received within 30 days, the full amount of the late fee becomes due and owing.

The Board considered a request in Docket No. 19-1118 for a waiver of the \$2,500 late fee assessed against Wydette Williams, Sheriff, East Carroll Parish, for filing his amended 2018 Tier 2 Annual personal financial disclosure statement 53 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$500 conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics. The \$500 is payable within 30 days and if payment is not received within 30 days, the full amount of the late fee becomes due and owing.

The Board considered a request in Docket No. 19-1116 for a waiver of the \$450 late fee assessed against Jeremy Hidalgo, a member of the Lafayette Parish School Board, for filing his 2019-2020 School Board Disclosure Statement 9 days late. On motion made, seconded and unanimously passed, the Board waived the \$450 late fee.

The Board considered a request in Docket No. 19-1120 for a waiver of the \$500 late fee assessed against Elroy Broussard, member of the Lafayette Parish School Board, for filing his 2019-2020 School Board Disclosure Statement 10 days late. On motion made, seconded and unanimously passed, the Board waived the \$500 late fee.

The Board considered a request in Docket No. 19-1122 for a waiver of the \$400 late fee assessed against Bobby Chapman, a member of the Richland Parish School Board, for filing his

2019-2020 School Board Disclosure Statement 8 days late. On motion made, seconded and unanimously passed, the Board waived the \$400 late fee.

The Board considered a request in Docket No. 19-1130 for a waiver of the \$950 late fee assessed against Obie Hill, a member of the Bayou Community Charter School Board, for filing his 2019-2020 School Board Disclosure Statement 19 days late. On motion made, seconded and unanimously passed, the Board waived the \$950 late fee.

The Board considered a request in Docket No. 19-1021 for a waiver of the \$2,500 late fee assessed against Paul Bergeron, Sr. a member of the Sulphur City Council, for filing his 2018 public servant financial disclosure statement 28 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board considered a request in Docket No. 19-1125 for a waiver of the \$2,500 late fee assessed against Todd Berthelot, West Baton Rouge Parish President, for filing his 2018 public servant financial disclosure statement 128 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

The Board unanimously agreed to take action on the untimely requests for waivers of late fees assessed against individual in Item #35 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 item in Item #35 taking the following action:

The Board considered an untimely request in Docket No. 19-1126 for a waiver of the \$150 late fee assessed against Jolan Herbert Jolivette, with the Lafayette Public Library Board of

Control, for filing his amended 2017 Tier 2.1 Annual personal financial disclosure statement 3 days late. On motion made, seconded and unanimously passed, the Board agreed to consider the waiver request and suspend all based on future compliance with the reporting requirements under the Code of Governmental Ethics, since Mr. Jolivette was called to duty to participate in Basic Military Training at the San Antonio, Texas Lackland Air Force Base from July 16, 2019 to September 16, 2019.

On motion made, seconded and unanimously passed, the Board added to the general agenda for discussion the 2020 proposed legislative recommendations from the staff.

The Board unanimously resolved into executive session at 11:13 a.m. to consider complaints and reports deemed confidential pursuant to Section 1141 of the Code of Governmental Ethics.

* * * * *

EXECUTIVE SESSION

* * * * *

The Board unanimously resolved into general business session at 1:52 p.m.

The Board considered Docket Nos. 2009-807, 2010-190, and 2011-247 regarding charges issued against Robert Marionneaux. On motion made, seconded and unanimously passed, the Board accepted the Section 1111E disclosure reports filed by Senator Marionneaux, and agreed to dismiss the charges pending before the Ethics Adjudicatory Board in the above-referenced docket numbers, given Mr. Marionneaux's agreement to dismiss the five civil lawsuits filed by Mr. Marionneaux, at his cost, in the 18th and 19th Judicial District Courts.

The Board deferred discussion of the proposed legislative recommendations until the February 7, 2020 Board meeting. The Board unanimously adjourned at 2:04.

Secretary

APPROVED:

Chairman

