

LOUISIANA BOARD OF ETHICS
MINUTES
May 18, 2017

The Board of Ethics met on May 18, 2017 at 2:30 p.m. in the Griffon Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Brandon, Bruneau, Dittmer, Leggio, McAnelly, Meinert, Michiels, Mouton-Allen, J. Smith and L. Smith present. Absent was Board Member Lavastida. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, David Bordelon, Jennifer Land, Suzanne Mooney and Brett Robinson.

Ms. Allen introduced and welcomed new Board members, L. Lawrence Brandon, Jr. and Jane Smith, and issued Oaths of Office to Board Members Brandon, Bruneau, McAnelly and J. Smith.

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 and adjourned at 5:40 p.m.

Secretary

APPROVED:

Chairman

LOUISIANA BOARD OF ETHICS
MINUTES
May 19, 2017

The Board of Ethics met on May 19, 2017 at 9:00 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 Brandon, Bruneau, Dittmer, Leggio, McAnelly, Meinert, Michiels, Mouton-Allen, J. Smith and L. Smith. Absent was Board Member Lavastida. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, David Bordelon, Jennifer Land, Suzanne Mooney and Brett Robinson.

The Board considered a request in Docket No. 17-415 for a waiver of the \$1,500 late fee assessed against William H. Temple, Concrete & Aggregates Association of Louisiana, for filing a late lobbyist registration and a \$500 late fee for the late filing of the January 2017 Lobbying Expenditure Report. 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 to be paid within 30 days and declined to waive the \$500 late fee but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G3-G16 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 G3-G16, excluding items G4, G5, G7, G10 and G12, taking the following action:

Approved the disqualification plan submitted in Docket No. 16-1205 regarding whether Roxanna Womack can continue her employment with the Denham Springs Police Department while her husband, J. Shannon Womack, serves as Police Chief, since the plan appears to satisfy Section 1112C of the Code of Governmental Ethics and the Board's rules.

Adopted an advisory opinion in Docket No. 17-345 concluding that no violation of the Code of Governmental Ethics is presented by Andrea Hebert, a former employee of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), performing tasks as a State Applicant Liaison on behalf of Sulzer Group, since during her employment with GOHSEP, Ms. Hebert did not participate, nor was she involved in the preparation or procurement of the contract or subcontract. Furthermore, as a State Applicant Liaison, she will not be performing the same services that she performed while employed with GOHSEP.

Adopted an advisory opinion in Docket No. 17-353 concluding that no violation of the Code of Governmental Ethics is presented by David Eberly, a former employee of the City of New Orleans Office of Inspector General's Construction Fraud Division, assisting Zurich Insurance and J.S. Held, LLC in a construction claim involving the New Orleans Airport within two years of his termination of employment with the City of New Orleans, since even though Mr. Eberly was employed by the City of New Orleans Inspector General's Office and participated in the inspection process of the construction site, the underlying construction claim occurred after he left his position with the Inspector General's Office. The Board further advised that Section 1121B of the Code of Governmental Ethics will prohibit Mr. Eberly from assisting any person for compensation in any transaction in which he participated while employed by the New Orleans Inspector General's Office and involving the City of New Orleans for two years after the termination of his employment with

that agency.

Adopted an advisory opinion in Docket No. 17-358 concluding that no violation of the Code of Governmental Ethics is presented by Vernon Jones and his non-profit organization, The Play Station, submitting an application for a permit to host a 5K race while his wife, Sherricka Fields Jones, serves as the Assistant Chief Administrative Officer for the City of Shreveport Mayor's Office, since The Play Station would have to submit a permit application to the Shreveport City Council and the Shreveport Mayor's office, Ms. Jones' agency, has no supervision or jurisdiction over approval of the permit application. The Board further cautioned that Ms. Jones should avoid all participation in the application/approval of The Play Station's permit to host a 5k race.

Adopted an advisory opinion in Docket No. 17-389 concluding that (1) no violation of the Code of Governmental Ethics is presented by Alan Robertson completing the rookie academy and being employed by Alexandria Fire Department (AFD), provided he is not assigned to the training department under his father, Matthew Robertson, who is employed by the AFD as the Training Office, since the agency head of AFD is the Fire Chief, Charles Buckhalter and Matthew Robertson's agency would be the training department, of which he is the sole training officer. Additionally, the rookie academy is under the operations department for which 1st Asst. Chief Mickey Christy would be the agency head. The Board further caution that Section 1112B(1) of the Code of Governmental Ethics would prohibit Matthew Robertson from any participation in any transaction in which Alan Robertson could have a substantial economic interest and that he should submit a disqualification plan for approval by the Board pursuant to Section 1112C of the Code of Governmental Ethics; and,(2) Garrett Doyle, Matthew Robertson's step-son, would not be prohibited by the Code of Governmental Ethics from completing the rookie academy and being employed in any department

of the AFD, since a step-son is not included in the definition of "immediate family member" for purposes of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 17-391 concluding that no violation of the Code of Governmental Ethics is presented by Rachael Matthews, an employee of the Department of Health (LDH) in the Molluscan Shellfish Program with the Office of Public Health, participating as a volunteer through the Department of Wildlife and Fisheries' (DWF) Aquatic Volunteer Instructor Program in the Big Bass Rodeo and Fishtival held at City Park in New Orleans, since the volunteer program has no relation to Ms. Matthews's job duties at the LDH.

Adopted an advisory opinion in Docket No. 17-392 concluding that no violation of the Code of Governmental Ethics is presented by Archie Chaisson, the former Lafourche Parish Administrator, being appointed as a member of the Lafourche Parish Coastal Zone Management Advisory Committee.

Adopted an advisory opinion in Docket No. 17-398 concluding that no violation of the Code of Governmental Ethics is presented by Kieren Weldon, who was appointed by the Mayor of Mandeville to serve as a member of the Mandeville Design Review Committee, or his architecture firm, Fauntleroy Latham Weldon Barre Architects, APC, entering into a contract to supply architectural services for the remodeling of Mandeville City Hall, since Mr. Weldon will not be transacting with his former agency, the Design Review Committee, nor will he be participating in any projects that he provided design review services during his public service.

Adopted an advisory opinion in Docket No. 17-412 concluding that no violation of the Code of Governmental Ethics is presented by an engineering firm entering into contracts with the City of Ruston while one of the firm's employees is the son of Jim Pearce, a member of the Ruston Board

of Aldermen, as long as Councilman Pearce's son does not own more than 25% of the engineering firm. The Board further concluded that Section 1113A of the Code of Governmental Ethics would prohibit Mr. Pearce's son from performing any work on behalf of the engineering firm on any contracts it has with the City of Ruston and that Mr. Pearce's son would also be required to file an annual financial disclosure statement disclosing income received from the engineering firm while that engineering firm has a contract with his father's agency pursuant to Section 1114 of the Code of Governmental Ethics. In addition, Section 1112B(1) of the Code of Governmental Ethics would prohibit Mr. Pearce from participating on any matter involving the City of Ruston and the engineering firm in which his son has a personal substantial economic interest.

In connection with a request for an advisory opinion in Docket No. 17-239 regarding the ability of Jerry Bowman and Willie Bradford, members of the Shreveport City Council voting on a matter involving their private employer, Willis-Knighton Medical System, and with respect to Councilmen Bowman and Bradford voting on zoning matters involving Timothy Larkin on behalf of Larking Development at Railsback, LLC which has been opposed by Willis-Knighton, the Board (1) concluded that Section 1112B(3) of the Code of Governmental Ethics would prohibit Councilmen Bowman and Bradford from participating in a transaction in which Willis-Knighton has a substantial economic interest. However, Section 1120 of the Code of Governmental Ethics allows for their recusal from voting on any such transaction. They are allowed to participate in the discussion and debate provided they disclose the conflict or potential conflict on the record prior to the discussion or debate and prior to the vote; and, (2) declined to render an advisory opinion with respect to the vote on the zoning matter involving Timothy Larkin, since the request involved past conduct.

Adopted an advisory opinion in Docket No. 17-344 concluding that Section 1111A of the Code of Governmental Ethics would prohibit teachers at the Louisiana School for the Deaf (LSD) from accepting an award from Sorenson Communications, since the award given by Sorenson Communications is related to the performance of a teacher's duties and responsibilities. The Board further advised that the governmental entity itself, in this case Louisiana School for the Deaf, is not prohibited from accepting an unconditional award or donation from Sorenson.

Adopted an advisory opinion in Docket No. 17-346 concluding that, Section 1115A of the Code of Governmental Ethics Mike Middleton, a member of the Caddo Parish Commission, from accepting free tickets provided by the Arts Council to attend the "Christmas in the Sky" fundraiser as well as any other free gifts from the Arts Council, since the Arts Council has a contractual, business, or financial relationship with the Commission through the cooperative endeavor agreement. The Board further concludes that pursuant to Section 1123(13)(a) of the Code of Governmental Ethics, there are provided exceptions to the prohibition when the public servant accepts complimentary admission, and if there are any questions as to whether these specific exceptions apply to the tickets given to the Commissioners by the Arts Council, a subsequent request for an advisory opinion may be submitted.

Deferred to the June meeting, a request for an advisory opinion in Docket No. 17-360 regarding whether the daughter of a member of the St. Martin Parish School Board may accept employment with the school board if she holds a practitioner license.

Deferred to the June meeting, a request for an advisory opinion in Docket No. 17-390 regarding whether Blake Relle may provide genealogy research and scan materials for potential clients, for compensation, while he is employed as an archives specialist for the Louisiana State

Archives.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the April 20-21, 2017 meetings.

The Board considered consent opinions in Docket No. 16-078 regarding Hunter Heath, the son of the Head of Maintenance for the Calcasieu Parish School Board, being employed in the school board's maintenance department as an electrician. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinions in which (1) Harold Heath agrees that a violation of Section 1119A of the Code of Governmental Ethics occurred by virtue of the employment of his son, Hunter Heath, as an electrician in the Calcasieu Parish School Board's Maintenance Department at the while he served as Facility Manager for the Calcasieu Parish School Board and in which Harold Heath agrees to pay a fine of \$500; and, (2) Hunter Heath agrees that a violation of Section 1119A of the Code of Governmental Ethics occurred by virtue of his employment as an electrician in the Calcasieu Parish School Board's Maintenance Department his father, Harold Heath, served as Facility Manager for the Calcasieu Parish School Board and in which Hunter Heath agrees to pay a fine of \$100.

The Board considered a request for an advisory opinion in Docket No. 17-356 regarding the propriety of Kaleb Reeves, a cadet in the Louisiana State Police Training Academy, being employed by the Louisiana State Police if his father, the interim Deputy Secretary of Public Safety and Superintendent of State Police, Kevin Reeves, was permanently appointed to that position. On motion made, seconded and unanimously passed, the Board deferred the request to the June 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, excluding Docket Nos. 17-247 and 17-258, taking the following actions:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-254 for a waiver of the \$280 and \$400 late fees assessed against Michael Richard, a candidate for Alderman in the Town of Erath, Vermilion Parish, for filing his 10-P and 10-G campaign finance disclosure reports 7 and 50 days late respectively. On motion made, seconded and unanimously passed, the Board declined to waive the \$280 late fee in connection with the 10-P campaign finance disclosure report, but suspended \$180 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; and, declined to waive the \$400 late fee in connection with the 10-G campaign finance disclosure report 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. 17-276 for a waiver of the \$500 late fee assessed against Kevin Guillory, a candidate for Criminal District Court Judge, Orleans Parish, for filing his 40-G campaign finance disclosure report 5 days late. On motion made, seconded and unanimously passed, the Board

rescinded the \$500 late fee pursuant to Rule 1205B(2).

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-399 for a waiver of the two (2) \$40 late fees assessed against Dana Huete, a candidate for the City of Harahan Council, Jefferson Parish, for filing his 2016 Supplemental campaign finance disclosure reports in connection with the 10/2/2010 and 11/4/2014 elections 1 day late each. On motion made, seconded and unanimously passed, the Board declined to waive the two (2) \$40 late fees in connection with the 2016 Supplemental campaign finance disclosure reports for both the 10/2/2010 and 11/4/2014 elections, but suspended the entire late fee totaling \$80 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. 17-400 for a waiver of the \$2,000 and \$600 late fees assessed against Adam J. Haney, a candidate for Juvenile Court Judge, Baton Rouge, East Baton Rouge Parish, for filing his 2015 and 2016 Supplemental campaign finance disclosure reports 401 and 36 days late, respectively. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 and \$600 late fees, but suspended \$1,800 of the \$2,000 late fee and \$400 of the \$600 late fee 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. 17-403 for a waiver of the three (3) \$2,000 late fees assessed against Clay Schexnayder, a candidate State Representative, District 81 in the October 22, 2011 and October 24, 2015 elections, for filing his 2015 Supplemental and 2016 Supplemental campaign

finance disclosure reports 399, 34 and 40 days late, respectively. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee in connection with the 2015 Supplemental campaign finance disclosure report for the 10/22/2011 election but suspended \$1,800 conditioned upon future compliance with the Campaign Finance Disclosure Act; declined to waive the \$2,000 late fee in connection with the 2016 Supplemental campaign finance disclosure report for the 10/22/2011 election but suspended \$1,800 conditioned upon future compliance with the Campaign Finance Disclosure Act; and, declined to waive the \$2,000 late fee in connection with the 2016 Supplemental campaign finance disclosure report for the 10/24/2015 election but suspended \$1,800 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. 17-404 for a waiver of the \$400 late fee assessed against the LA Economic Growth Committee in DeSoto Parish for filing the 40-G campaign finance disclosure report 39 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$400 late fee, but suspended \$300 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. 17-407 for a waiver of the \$720 late fee assessed against Wydette Williams, a candidate for East Carroll Parish Sheriff, for filing the 2016 Supplemental campaign finance disclosure report 35 days late. On motion made, seconded and unanimously passed, the

Board declined to waive the \$720 late fee, but suspended \$520 of the late fee 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. 17-408 for a waiver of the \$1,000 late fee assessed against Gary Boe, a candidate for St. John the Baptist Parish Council, District 7, for filing the 2016 Supplemental campaign finance disclosure report 35 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-416 for a waiver of the \$360 late fee assessed against Tracy Batieste, a candidate for East Baton Rouge Parish Constable/ Justice of the Peace, Ward 2, District 3, for filing the 2016 Supplemental campaign finance disclosure report 9 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$360 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. 17-247 for a waiver of the \$1,000, \$800, \$2,500, and \$1,000 late fees assessed against Cade Williams, a candidate for Mayor-President, City of Baton Rouge, East Baton Rouge Parish, for filing his 90-P, 10-P, 10-G, and 2016 Supplemental campaign finance disclosure reports 20 days, 8 days, 125 days, and 18 days late, respectively. On motion made, seconded and unanimously passed, the board waived the \$1,000 late fee in connection with the 90-P campaign finance disclosure report, the \$800 late fee in connection with the 10-P campaign finance disclosure report, the \$2,500 late fee in connection with the 10-G campaign finance disclosure report

and rescinded the \$1,000 late fee in connection with the 2016 Supplemental campaign finance disclosure report.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-258 for a waiver of the \$1,000 late fee assessed against Rosetta Carr Burnett, a candidate for the Town of Cullen Chief of Police in Webster Parish, for filing her 10-G campaign finance disclosure report 55 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board considered a request in Docket No. 17-364 for a waiver of the \$1,500 late fee assessed against Maggie Ellinger-Locke for failure to timely file her Lobbyist Registration report. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee.

The Board considered a request in Docket No. 17-414 for a waiver of the \$1,500 late fee assessed against Thomas Turner for the failure to timely file his Lobbyist Registration report. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 16-1274 for a waiver of the \$240 late fee assessed against Kennedy Ugbo, a candidate for East Baton Rouge Metro Council, District 9 in the November 8, 2016 election, for filing his 10-P campaign finance disclosure report 4 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$240 late fee, but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Ms. Allen provided a status update with respect to the proposed legislation for the 2017 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. In addition to the bills that the Board had already considered and taken a position on, on motion made, seconded and unanimously passed, the Board agreed to oppose SB 189.

On motion made, seconded and unanimously passed, the Board considered the following item on the general supplemental agenda:

The Board considered a request in Docket No. 17-566 from Joseph Alleva, LSU Vice Chancellor and Director of Athletics, for a disqualification plan regarding Fran Flory, Head Coach of the LSU Women's Volleyball Team regarding Coach Flory's participation in the decision to award her daughter an athletic scholarship. On motion made, seconded and unanimously passed, the Board approved the proposed disqualification plan, which removes Coach Flory's participation and places the decision making authority in the Senior Associate Athletic Director, Miriam Segar. Ms. Segar is not a member of the Volleyball Coaching Staff under Coach Flory.

The Board discussed forming a committee to study topics on forms relating to Campaign Finance and Personal Financial Disclosure and agreed to send suggestions to Ms. Allen. The matter will be returned for consideration at the July meeting.

The Board unanimously adjourned at 10:35 a.m.

Secretary

APPROVED:

Chairman