

LOUISIANA BOARD OF ETHICS
MINUTES
May 5, 2023

The Board of Ethics met on May 5, 2023 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 Baños, Bryant, Colomb, Couvillon, Grand, Grimley, Lavastida, Roberts and Speer present. Board Members Ellis and Scott were absent. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, Mallory Guillot, LaToya Jordan and Charles Reeves.

James Russell Fatic appeared before the Board in Docket No. 21-551 regarding a request that the Board reconsider its decision to suspend all but \$1,050 of a \$1,500 late fee assessed against Mr. Fatic as a member of the St. Tammany Community Action Agency, whose 2018 Tier 2.1 Annual personal financial disclosure was 489 days late. On motion made, seconded and unanimously passed, the Board deferred the matter until the June meeting.

Parry Matthew Thomas appeared before the Board in Docket No. 23-225 requesting the Board waive the \$2,000 campaign finance late fee assessed against him as a future candidate for State Representative, District 68, East Baton Rouge Parish, whose 2019 Annual campaign finance disclosure report was filed 1,070 days late. In its capacity as the Supervisory Committee on Campaign Finance Disclosure and after hearing from Mr. Thomas, on motion made, seconded and unanimously passed, the Board declined to waive the late fee.

Board Member Scott arrived at 9:21 a.m.

Kyle Kennington, a member of the Desoto Parish Police Jury, and employed as Senior Vice President of Community Bank of Louisiana, appeared before the Board in Docket No. 23-321 requesting an advisory opinion regarding whether he is required to file a disclosure

statement pursuant Section 1114 of the Code of Governmental Ethics while the police jury and the bank have a business and financial relationship. After hearing from Mr. Kennington, on motion made, seconded and unanimously passed, the Board concluded that both Mr. Kennington and his wife are required to file annual financial disclosure statements pursuant to Section 1114 of Governmental Ethics, since he and his wife are employed by banks with whom DeSota Parish has a financial relationship.

Board Member Colomb left the meeting at 10:48 a.m.

Julius P. Hebert, Jr., Terrebonne Parish Attorney, and Dean Schouest, Director of the Bayou Country Sports Complex, appeared before the Board in Docket No. 23-372 requesting an advisory opinion on behalf of Terrebonne Parish President Gordon Dove as to whether the Code of Governmental Ethics prohibits a company owned by Mr. Dove's family members from being the presenting sponsor for the parish's Fourth of July civic and recreation event. After hearing from Mr. Hebert and Mr. Schouest, on motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Broussard and Dove, a law firm owned by Mr. Dove's daughter and son-in-law, from donating funds to the Terrebonne Parish Consolidated Government; however, the parish is prohibited from advertising or acknowledging the donation from Broussard and Dove.

Board Member Colomb returned to the meeting at 10:54 a.m.

Burnell Tolbert, an unsuccessful candidate for Council Member /District 1, Lafourche Parish, in the October 12, 2019 election, appeared before the Board in Docket No. 23-228 requesting that the Board waive the three (3) \$1,000 campaign finance late fees assessed against him, whose 30-P, 10-P and 10-G campaign finance disclosure reports were filed 1,035, 1,015 and 980 days late, respectively. In its capacity as the Supervisory Committee on Campaign

Finance Disclosure and after hearing from Mr. Tolbert, on motion made, seconded and unanimously passed, the Board reduced the three fees to \$400 each for a total of \$1,200.

The Board took a recess from 11:11 a.m. to 11:36 a.m.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G4-G14 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 G4-G14, excluding item G6, taking the following action:

The Board approved the withdrawal of an advisory opinion request in Docket No. 23-162 regarding whether the Code of Governmental Ethics prohibits Crescent City Schools from employing Dr. Katherine Chenier while they are contracting with her limited liability company, Young Cypress Psychology.

The Board considered an advisory opinion request in Docket No. 23-183 regarding whether the Code of Governmental Ethics permits an employee of Landmark Bank to enter into a Professional Service Agreement with East Feliciana Parish Police Jury to serve as the parish's financial advisor. On motion made, seconded and unanimously passed, the Board concluded that if Sonya Crowe were to enter into a Professional Service Agreement with the East Feliciana Parish Police Jury, Section 1111(C)(2)(d) of the Code of Governmental Ethics prohibits Ms. Crowe from providing compensated services to Landmark Bank.

The Board approved the withdrawal of an advisory opinion request in Docket No. 23-219 submitted by Kyle LeBouef.

The Board considered an advisory opinion request in Docket No. 23-221 from Christopher Knotts, Chief Engineer for the Louisiana Department of Transportation and

Development (“DOTD”) Office of Engineering, regarding post-employment restrictions. On motion made, seconded and unanimously passed, the Board concluded that the post-employment restrictions detailed below will be in effect for a period of two years following Mr. Knotts’ retirement: 1. La. R.S. 42:1121A(1) prohibits Mr. Knotts, from assisting a person for compensation in any transaction involving the DOTD, Office of Engineering and from rendering any services on a contractual basis to or for the DOTD Office of Engineering. 2. As the DOTD Secretary’s designee, on the Comite River Diversion Canal Project Task Force and Louisiana Water Resource Commission, La. R.S. 42:1121(A)(2) prohibits Mr. Knotts, from contracting with, being employed by, or being appointed to any position by either the Comite River Diversion Canal Project Task Force or Louisiana Water Resource Commission. 3. La. R.S. 42:1121(B) prohibits him from assisting a person for compensation in any transaction involving the State of Louisiana in which he participated while an employee of DOTD, including the Louisiana Watershed Initiative. 4. In the event Mr. Knotts becomes employed by a third-party private company, the company will be prohibited from assisting a person in a transaction in which he participated at any time during his employment with DOTD and involving the DOTD Office of Engineering. Should a specific situation arise which presents potential violation of the below provisions, the Board advised Mr. Knotts to seek an updated advisory opinion.

The Board considered an advisory opinion request in Docket No. 23-222 from the Chief of Maintenance in the Office of Operations of the Louisiana Department of Transportation and Development (“DOTD”) regarding post-employment restrictions. On motion made, seconded and unanimously passed, the Board concluded that for a period of two years following Mr. David Miller’s retirement, he may not assist any consultants or American Association of State Highways Transportation Officials (“AASHTO”) in any transaction involving the maintenance

section of the Office of Operations, nor may he assist any consultants or AASHTO in any transaction in which he previously participated during his public employment. Also, Mr. Miller may not provide any services on a contractual basis to the maintenance section of the Office of Operations.

The Board considered a request for an advisory opinion in Docket No. 23-256 regarding whether the Code of Governmental Ethics permits Ebony Allen to work in a part-time position with Social Work Professional Services, LLC, while being employed full-time within the Department of Children and Family. On motion made, seconded and unanimously passed, the Board concluded that since Social Work Professional Services, LLC is seeking to obtain a contractual relationship with the Child Welfare Division of the Department of Children and Family Services, then the Code of Governmental Ethics prohibits Ms. Allen from working part-time, for compensation, for Social Work Professional Services, LLC.

The Board considered an advisory opinion request in Docket No. 23-262 regarding whether the Code of Governmental Ethics would prohibit a First Assistant District Attorney in the 9th Judicial District from also being employed as an administrative law judge. On motion made, seconded and unanimously passed, the Board concluded the Code of Governmental Ethics does not prohibit Monica D. Doss from holding both the position of First Assistant District Attorney and a part-time contract position as an administrative law judge, as long as Ms. Doss is not providing the services of both these positions during the same compensated period. The Dual Office Holding and Dual Employment Laws are not under the jurisdiction of the Board and those questions should be directed to the Attorney General's Office.

The Board considered a request for approval of a Disqualification Plan in Docket No. 23-264 submitted by Andy Dotson, East Baton Rouge Parish Attorney, regarding Special Assistant

Parish Attorney Lisa Smith and her mother Robin Gastelum. On motion made, seconded and unanimously passed, the Board approved the proposed disqualification plan and concluded that Robin Gastelum's employment with the East Baton Rouge Parish Attorney's Office presents no issues under the Code of Governmental Ethics.

The Board considered an advisory opinion request in Docket No. 23-265 submitted by Robert Jones, concerning whether the Code of Governmental Ethics would prohibit him from accepting secondary employment with Instructional Data Solutions, LLC while maintaining his employment with the Louisiana Department of Education ("LDOE"). On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics does not prohibit Mr. Jones from accepting secondary employment with Instructional Data Solutions, LLC while maintaining his employment with the LDOE.

The Board considered an advisory opinion request in Docket No. 23-306 from Karen Crosby, Dean of Honors College at Southern University, relating to post-employment restrictions. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Dean Crosby from accepting employment from National Science Foundation after her retirement from Southern provided that such employment would not include work on any matters related to the Honors College.

The Board considered a request for an advisory opinion in Docket No. 23-202 submitted by Martin Guy Barcelona, Sr., concerning whether the Code of Governmental Ethics would prohibit ARTOVIA from contracting with the Housing Authority of New Orleans ("HANO"), his former agency. On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics does not prohibit ARTOVIA from contracting with HANO directly or being a subcontractor on a HANO project.

The Board considered the following general business agenda items:

Board Member Grand recused himself from voting on the Minutes. On motion made, seconded and unanimously passed, the Board approved the minutes of the April 5, 2023 meeting.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G16-G22 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 G16-G22, excluding items G20, G21 and G22 taking the following action:

The Board considered and approved the proposed changes to the Personal Financial Disclosure Waiver Guidelines.

The Board considered a consent opinion in Docket No. 21-334 regarding Darren Lewis, principal of Walter Cohen College Prep Charter School, hiring his brother-in-law, Derrell Martin, as a classroom teacher and then promoting him to the position of Athletic Director. Derrell Martin executed a consent opinion admitting to a violation of Section 1119 of the Code of Governmental Ethics with a \$1,000 civil penalty and Darren Lewis executed a consent opinion admitting to a violation of Sections 1119 and 1112B(1) of the Code of Governmental Ethics with a \$1,500 civil penalty. Mr. Martin has agreed to a payment plan of \$100 per month for 10 months. Mr. Lewis has agreed to a payment plan of \$100 per month for 15 months. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion's for Mr. Martin and Mr. Lewis, and dismissed the charges pending before the Ethics Adjudicatory Board.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered the assessment in Docket No. 22-114 of the enhanced penalty pursuant to La. R.S. 18:1505.4A(4)(b) for Kevin Bates, candidate for State Representative, 20th District, in the October 12, 2019 election, for his failure to file a SUPP2020 campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board rescinded the enhanced penalty order for SUPP2020 and assessed a late fee of \$2,000 for the SUPP2019 due to the late amendment.

The Board considered a consent opinion in Docket No. 22-239 executed by Carlee White Gonzales, member of the City of Hammond Council, in which she admitted to a violation of Section 1112B(1) of the Code of Governmental Ethics and paid a \$500 civil penalty. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion.

The Board considered a request for an advisory opinion in Docket No. 23-076 from Benjamin Franklin High School as to whether assistant coaches may receive compensation for coaching students in private leagues during out of season periods. Board Member Bryant recused herself from voting on Docket No. 23-076. On motion made, seconded and unanimously passed, the Board concluded that Section 1111C(1)(a) of the Code of Governmental Ethics prohibits the Assistant Coaches from receiving compensation from the Club for teaching students of the School, unless they have been clearly terminated as public employees.

The Board discussed changes to the Candidate's Report form. On motion made, seconded and unanimously passed, the Board instructed staff to make a drop down box in the LEADERS system that allows a candidate in a future election to select the election year for the office they are seeking. On motion made, seconded and unanimously passed, the Board

instructed Kathleen to submit revised instructions to the form to the legislature oversight committee to instruct candidates on how to complete the “office sought” field if they have not yet declared for a specific office.

Kathleen provided an update on legislation introduced for consideration during the 2023 Regular Legislative Session.

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 item G23, 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 G23, excluding Docket Nos. 23-150, 23-151 and 23-240 taking the following action:

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously reduced to \$449.01 based on Section 1205C of the Rules for the Board of Ethics under the Campaign Finance Act and declined to waive the campaign finance late fee against the following:

Docket 23-123 from Raphineas “Ray” Riley, Annual 2021 of a \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously declined to waive the campaign finance late fees assessed against the following:

Docket No. 23-152 from Pauline D. “Polly” Higdon, 30-P of a \$2,000 late fee;
Docket No. 23-152 from Pauline D. “Polly” Higdon, 10-P of a \$1,080 late fee;
Docket No. 23-164 from Yolanda Butler Laws, 30-P of a \$1,000 late fee;
Docket No. 23-195 from Sonceria Brown Evans, 30-P of a \$760 late fee;
Docket No. 23-196 from Lennon “Butch” Whitney, 10-P of a \$80 late fee;
Docket No. 23-223 from Desmond Wallace, Special of a \$200 late fee;
Docket No. 23-224 from Aaron Hoyle, Special of a \$320 late fee;
Docket No. 23-226 from James “Jim” Mora, SUPP 2021 of a \$420 late fee;
Docket No. 23-227 from Kimya Holmes, SUPP 2021 of a \$2,500 late fee;
Docket No. 23-229 from Lauren Heinen, 10-G of a \$2,000 late fee; and,
Docket No. 23-254 from Movement for Change, Inc., 10-G of a \$3,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously reduced to \$500 based Section 1205C of the Rules for the Board of Ethics and declined to waive the campaign finance late fees assessed against the following:

Docket No. 23-164 from Yolanda Butler Laws, 10-P of a \$680 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously reduced to \$400 based Section 1205C of the Rules for the Board of Ethics and declined to waive the campaign finance late fees assessed against the following:

Docket No. 23-242 from Hannah Smith Mason, SUPP 2020 of a \$1,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 23-150 regarding the \$120 campaign finance late fee assessed against Kenneth Pickett, Sr., a successful candidate for Mayor, Town of Mansura, Avoyelles Parish, in the November 8, 2022 election, whose 10-P campaign finance disclosure report was filed 3 days late. On motion made, seconded and unanimously passed, the Board suspended all of the late fee based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 23-151 regarding the \$280 campaign finance late fee assessed against Robert "Rob" Forshee, an unsuccessful candidate for Member of Plaquemines Parish Council, District 5, in the November 8, 2022 election, whose 10-P campaign finance disclosure report was filed 7 days late. On motion made, seconded and unanimously passed, the Board suspended all of the late fee based on future compliance.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 23-240 regarding the \$2,000 campaign finance late fee assessed against Jordan Bridges, an unsuccessful a candidate for State Representative, 102nd Representative District, Orleans Parish in the November 13, 2021 election, whose 10-G campaign finance disclosure report was filed 76 days late, and the three (3) \$2,000 for a total of

\$6,000 campaign finance late fees assessed against, Jordan Bridges, an unsuccessful candidate for Clerk, 2nd City Court. Orleans Parish in the March 26, 2022 election, whose 30-P, 10-P and 10-G campaign finance disclosure reports have not been filed. On motion made, seconded and unanimously passed, the Board declined to waive all four (4) \$2,000, for a total of \$8,000, campaign finance late fees.

The Board considered a waiver request in Docket No. 23-184 regarding the \$100 late fee assessed against Adam Ducote for the late filing of the December 2022 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against individuals contained in item G25-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 the items in G25-G27, excluding Docket Nos. 23-038, 23-044, 23-045, 22-963, 22-967, 22-968, 22-994, 23-003 and 23-030 taking the following action:

The Board unanimously suspended all of the personal financial disclosure late fees based on future compliance for the following:

Docket 23-036 Julie Ann Anderson Lively, 2020 Tier 2.1, 10 days late of a \$500 late fee;
Docket 23-037 Betsy Mullins, 2020 Tier 3, 1 day late of a \$25 late fee;
Docket 23-039 David Randal “Randy” Wagley, Amend 2020 Tier 2, 1 day late of a \$100 late fee; and,
Docket 23-043 Joseph S. Pappalardo, Jr., 2020 Tier 2.0, 16 days late of a \$800 late fee.

The Board unanimously suspended all but \$1,000 of the personal financial disclosure late fees based on future compliance payable within 20 days and if payment is not received within 20 days, the full amount of the late fee becomes due and owing, assessed against the following:

Docket 23-072 Chauna Banks, Amend 2020 Tier 2, 215 days late of a \$2,500 late fee.

The Board unanimously considered school board disclosure waivers and waived the late fees under the Code of Governmental Ethics against the following:

Docket No. 22-964 Alaina Wallace Nichols, 2021, 377 days late of a \$400 late fee; and, Docket No. 22-966 Paul Saville Kent, 2022, 8 days late of a \$400 late fee.

The Board in Docket No. 22-911 reconsidered its decision to decline to waive the two (2) \$1,000, for a total of \$2,000, campaign finance late fees assessed against Garland Brossette, a successful candidate for Mayor, Town of Colfax, Grant Parish, in the March 26, 2022 election, whose 30-P and 10-P campaign finance disclosure reports were filed 90 and 70 days late, respectively. On motion made, seconded and unanimously passed, the Board suspended all but \$100 based on financial hardship for each of the late fees.

The Board considered a waiver request in Docket No. 23-038 submitted by Nick Burgess, candidate for Alderman / District D, Town of Delhi, Richland Parish, in the November 8, 2022 election, regarding a \$500 late fee assessed for filing his 2021 Tier 3 candidate personal financial disclosure 98 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$500 late fee.

The Board considered a waiver request in Docket No. 23-044 submitted by Jessica Bertrand McCleandon, candidate Jefferson Parish School Board / District 5, in the November 8, 2022 election, regarding a \$2500 late fee assessed for filing her 2021 Tier 2 candidate personal financial disclosure 118 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee.

Board Member Bryant left the meeting at 12:55 p.m.

The Board considered a waiver request in Docket No. 23-045 submitted by Ronald Lamont Goudeau, candidate for Boyce Chief of Police / Rapides Parish, in the November 8, 2022 election, regarding a \$500 late fee assessed for filing his 2021 Tier 3 Candidate personal

financial disclosure 121 days late and regarding a \$500 late fee assessed for filing his 2021 Tier 3 Annual personal financial disclosure 58 days late. On motion made, seconded and unanimously passed, the Board suspended all based on future compliance for the 2021 Tier 3 Annual and declined to waive the \$500 late fee for the 2021 Tier 3 Candidate.

Board Member Bryant returned to the meeting at 12:58 p.m.

The Board considered a waiver request in Docket No. 22-963 submitted by Frederick Stelly, Jr., St. Martin Parish School Board, regarding a \$550 late fee assessed for filing his 2022 School Board Disclosure 11 days late. On motion made, seconded and unanimously passed, the Board waived the late fee since it is Mr. Stelly's first late filing.

The Board considered a waiver request in Docket No. 22-967 submitted by Jason Paul Manola, West Baton Rouge Parish School Board, regarding a \$400 late fee assessed for filing his 2021 School Board Disclosure 362 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$200 of the \$400 late fee based on future compliance.

The Board considered a waiver request in Docket No. 22-968 submitted by Mia Liki (Dunn) Jones, Franklin Parish School Board, regarding a \$400 late fee assessed for filing her 2021 School Board Disclosure 377 days late. On motion made, seconded and unanimously passed, the Board suspended all but \$200 of the \$400 late fee based on future compliance.

The Board considered a waiver request in Docket No. 22-994 submitted by Ellis Guillory, Sr., Evangeline Parish School Board, regarding a \$400 late fee assessed for filing his 2021 School Board Disclosure 428 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board considered a waiver request in Docket No. 23-003 submitted by Amanda Temple McKinney, West Feliciana Parish School Board, regarding a \$400 late fee assessed for

filing her 2021 School Board Disclosure 367 days late and regarding a \$100 late fee assessment for filing her 2022 School Board Disclosure 2 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fees for 2021 and 2022.

The Board considered a waiver request in Docket No. 23-030 submitted by Ricky Johnson, Sr., Jefferson Parish School Board, regarding a \$400 late fee assessed for filing his 2021 School Board Disclosure 378 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board considered the following items on the General Supplemental Agenda.

On motion made, seconded and unanimously passed, the Board dismissed the charges issued against Nikiya Jackson in Docket No. 21-954.

Kathleen Allen reminded the Board members that the 2022 personal financial disclosure statements are due by May 15, 2023.

On motion made, seconded and unanimously passed, the Board adjourned at 1:07 p.m.

Secretary

APPROVED:

Chairwoman