

LOUISIANA BOARD OF ETHICS
MINUTES
November 17, 2016

The Board of Ethics met on November 17, 2016 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 Bruneau, Dittmer, Ingrassia, Lavastida, Leggio, McAnelly, Michiels, Monroe, Shaddock, and Smith present. Absent was Board Member 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 Tracy Barker had been selected to fill the vacant Deputy General Counsel position and David Bordelon had been selected to fill the vacant Attorney position.

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 3:50 p.m.

Secretary

APPROVED:

Chairman

LOUISIANA BOARD OF ETHICS
MINUTES
November 18, 2016

The Board of Ethics met on November 18, 2016 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 Bruneau, Dittmer, Ingrassia, Lavastida, Leggio, McAnelly, Michiels, Monroe, Shaddock, Shelton and Smith present. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, David Bordelon, Jennifer Land, Suzanne Mooney, Brett Robinson and Haley Williams.

The Board considered a request for reconsideration in Docket No. 16-080 for a waiver of the \$1,500 late fee assessed against Calvin E. Millender, a former member of the Caddo Parish Sewerage District #7, for filing his 2013 Tier 2.1 Annual personal financial disclosure statement 209 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the December meeting.

The Board considered a request in Docket No. 16-088 for a waiver of the \$1,500 late fee assessed against Olga Foster Butler, Richmond Board of Aldermen, Madison Parish, for filing her 2014 Tier 3 Annual personal financial disclosure statement 122 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the December meeting.

Mr. Mark Daniel Badeaux, a member of the Madisonville Town Council, St. Tammany Parish, appeared before the Board in connection with a request in Docket No. 16-616 for a waiver of the two (2) \$1,500 late fees assessed against him for filing his 2013 and 2014 Tier 3 Annual personal financial disclosure statements 56 days late. After hearing from Mr. Badeaux, on motion made, seconded and passed by a vote of 9 yeas by Board Members Bruneau, Dittmer, Ingrassia,

Leggio, McAnelly, Michiels, Shaddock, Shelton and Smith and 2 nays by Board Members Lavastida and Monroe, the Board declined to waive the \$1,500 late fee in connection with the 2013 Tier 3 Annual personal financial disclosure statement but suspended \$1,250 and declined to waive the \$1,500 late fee in connection with the 2014 Tier 3 Annual personal financial disclosure statement but suspended \$1,250 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 for reconsideration in Docket No. 16-727 for a waiver of the \$1,200 late fee assessed against Jack Blossman, Jr. for failure to timely file a Supplemental lobbying registration report. On motion made, seconded and unanimously passed, the Board temporarily deferred consideration of the request until later in the meeting.

Ms. Monique Y. Metoyer, a candidate for District Judge, 9th Judicial District Court, ES 1, Div. A in the November 4, 2014 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 16-878 for a waiver of the \$2,000 late fees assessed against her for filing her 2015 Supplemental campaign finance disclosure report filed 234 days late. On motion made, seconded and passed by a vote of 6 yeas by Board Members Bruneau, Dittmer, Ingrassia, Leggio, McAnelly and Shelton and 3 nays by Board Members Lavastida, Monroe and Shaddock, the Board declined to waive the \$2,000 late fee but suspended \$1,700 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. Board Members Michiels and Smith recused themselves.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 16-1002 for a waiver of the \$3,000 late fee assessed against Louisiana Patriot Justice PAC; its committee's chairperson, Tammie Jo Lowe; and, treasurer, Rebecca Wren, for filing the 40-G campaign finance disclosure report 56 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$3,000 late fee.

Ms. Elizabeth Heintz, a member of the St. Tammany Parish School Board, and Mr. Dannie Garrett appeared before the Board in connection with a request for an advisory opinion in Docket No. 16-1109 regarding whether Ms. Heintz may accept complimentary travel from Lifetouch, Inc. to attend the 2017 Lifetouch Memory Mission trip to the Dominican Republic. After hearing from Ms. Heintz and Mr. Garrett, on motion made, seconded and passed by a vote of 8 years by Board Members Bruneau, Dittmer, Ingrassia, Leggio, McAnelly, Michiels, Shaddock and Shelton and 3 nays by Board Members Lavastida, Monroe and Smith, the Board concluded that based on the particular facts and circumstances presented in the request, no violation of the Code of Governmental Ethics would occur if Ms. Heintz accepted the complimentary travel from Lifetouch, Inc. to attend the 2017 Lifetouch Memory Mission trip to the Dominican Republic.

The Board considered a request for reconsideration in Docket No. 16-727 for a waiver of the \$1,200 late fee assessed against Jack Blossman, Jr. for failure to timely file a Supplemental lobbying registration report. On motion made, seconded and unanimously passed, the Board continued the matter to the December meeting.

Ms. Victoria Roach, on behalf of McNeese State University President Phillip C. Williams, appeared before Board in connection with a request for an advisory opinion 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. After hearing from Ms. Roach, on motion made, seconded and unanimously passed, the Board concluded 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 Crocodylians 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 further instructed the staff to return a draft of the proposed advisory opinion to the December agenda for adoption. Board Member Shaddock recused himself.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G10-G29 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 G10-G29, excluding Items G14 and G28, taking the following action:

Adopted an advisory opinion in Docket No. 16-746 concluding that no violation of the Code of Governmental Ethics is presented by Macon Ridge Community Development Corporation (MRCDC) seeking and/or receiving funding from the Louisiana Housing Corporation (LHC), since Lloyd “Buddy Spillers”, a member of the LHC Board of Directors, will be serving as an unpaid volunteer for MRCDC. The Board further advised that it would not issue an opinion as to funding applications submitted or withdrawn by MRCDC to the LHC in the past.

Adopted an advisory opinion in Docket No. 16-912 concluding that no violation of the Code of Governmental Ethics is presented by Burton E. Cestia, Jr. serving on the Squirrel Run Subdivision Levee and Drainage District while he also serves as a member of the Board of Commissioners for Iberia Medical Center. The Board suggested that Mr. Cestia may want to contact the Attorney General's Office for advice associated with the Dual Office Holding laws.

Adopted an advisory opinion in Docket No. 16-913 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Melynie Wright from serving on the St. John the Baptist Library's Board of Control while she is employed at the A Storage Inn, since A Storage Inn has a financial agreement with the St. John the Baptist Library; therefore, Ms. Wright may not

accept any compensation from A Storage Inn while serving on the St. John the Baptist Library's Board of Control.

Adopted an advisory opinion in Docket No. 16-914 concluding that no violation of the Code of Governmental Ethics is presented by Jessica Knox, an employee of the Housing Authority of New Orleans, leasing retail space from On Iberville Phase III, LLC provided that she does not receive a discount on the rental price at a time when she is employed with HANO, since Ms. Knox would be leasing the retail space from On Iberville Phase III, LLC, which is controlled by HRI, MBS, and their tax credit investor partners. Furthermore, HANO is not a member of On Iberville Phase III, LLC, and it does not review proposals submitted by potential retail tenants. Finally, HANO did not finance the retail construction and its funds will not be loaned to the tenants to build out the retail space. The Board further advised that Section 1112B(5) of the Code of Governmental Ethics would prohibit Ms. Knox from participating in a transaction involving HANO in which On Iberville Phase III, LLC, or any related entity, has a substantial economic interest. As such, if a specific question arises regarding Ms. Knox's involvement in certain transactions concerning the Project, then she should seek additional guidance from the Board regarding that specific matter.

Adopted an advisory opinion in Docket No. 16-924 concluding that no violation of the Code of Governmental Ethics is presented by Wendy Robichaux's promotion to the office manager position in the Thibodaux location of the Office of Motor Vehicles while her mother, Sheila LeBlanc, is employed by that office, since Ms. LeBlanc would be excepted from the prohibition set forth in Section 1119A by Section 1119C(2) of the Code of Governmental Ethics because she will have been employed by the agency for longer than a year prior to her daughter potentially becoming the agency head of her agency. The Board further advised that Ms. Robichaux would need to submit

a disqualification plan to the Board for approval in compliance with Section 1112C of the Code of Governmental Ethics and Chapter 14 of the Boards Rules in order to avoid any potential violations of Section 1112B(1) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 16-929 concluding that no violation of the Code of Governmental Ethics is presented by Calvin Price, the spouse of a State Purchasing Officer with the Division of Administration - Office of State Procurement (OSP), accepting employment with Disaster Management Services, a company that performs contractual services for the Division of Administration - Office of Risk Management (ORM), since OSP and ORM are considered separate agencies even though they are both within the Division of Administration.

Adopted an advisory opinion in Docket No. 16-938 concluding that no violation of the Code of Governmental Ethics is presented by David Hayes, a former employee of Louisiana Economic Development (LED), contracting with the local Louisiana Career and Solutions Center to provide training for their staff and clients, since Mr. Hayes will be providing leadership and employee development training for job seekers, students, and the Center's staff, as opposed to the industrial related training that he oversaw for LED FastStart. Additionally, Mr. Hayes will be providing training services pursuant to a contract with the Center, which is separate from his former agency, LED FastStart.

Declined to render an advisory opinion in Docket No. 16-944 regarding whether the Louisiana Commission for the Deaf is prohibited from utilizing public funds to provide and coordinate interpreting services for workshops hosted by Deaf Grassroots Movement of Louisiana, since the question presented in the request does not fall under the Board's jurisdiction; rather, laws regarding improper use of public funds are under the jurisdiction of the Attorney General's Office.

The Board further instructed the staff to advise Deaf Grassroots Movement of Louisiana to contact the Attorney General's Office regarding the improper use of public funds.

Adopted an advisory opinion in Docket No. 16-947 concluding that Section 1113A of the Code of Governmental Ethics would prohibit the Cameron Parish Hackberry Recreation District from purchasing goods from Brown's Food Center, Inc., while Jamie Brown serves on the Cameron Parish Hackberry Recreation District Board, since Brown's Food Center is owned by Ms. Brown's immediate family member, her father.

Adopted an advisory opinion in Docket No. 16-967 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit the use of Doctors Imaging, Inc. of Metairie for research conducted on behalf of the University of New Orleans (UNO) and a new consulting company formed between Dr. Elliot Beaton and Aaron Thomas to prevent and monitor injuries in athletes in Louisiana, since Doctors Imaging, Inc. of Metairie would be considered a person seeking to have contractual or other business or financial relationship with Dr. Beaton's agency. As such, Dr. Beaton, or a company that he owns more than a 25% interest, would be prohibited from receiving any thing of economic value from Doctors Imaging, Inc. of Metairie.

Adopted an advisory opinion in Docket No. 16-992 concluding that no violation of the Code of Governmental Ethics is presented by Brian Davis continuing to participate as a tenant in the Section 8 Housing Assistance Program while his father serves as an appointed member of the Iberia Parish Council, since Mr. Davis moved outside of their jurisdiction and the Housing Assistance Office will issue a Portability Voucher, which entitles him to continue participating as a tenant in the Program under the administration of the appropriate public housing agency in Lafayette Parish, pursuant to HUD regulations. Mr. Davis' continued participation in the Program will no longer be

under the supervision or jurisdiction of the Office, which is part of the Iberia Parish Government.

Adopted an advisory opinion in Docket No. 16-1014 concluding that no violation of the Code of Governmental Ethics is presented by Morgan Dixon being employed as a firefighter with the Leesville Fire Department while his father, Captain Stacy Dixon, serves as Captain of Shift 3, since the Fire Chief of Leesville Fire Department has the sole authority to hire and fire employees and prepare their work schedules and it does not appear that Captain Stacy Dixon is an agency head. The Board further advised that Section 1112B(1) of the Code of Governmental Ethics would prohibit Captain Stacy Dixon from participating in any matters involving the Leesville Fire Department in which Morgan Dixon would have a substantial economic interest.

Adopted an advisory opinion in Docket No. 16-1016 concluding that Section 1113A of the Code of Governmental Ethics would prohibit Mike Smith Construction from contracting with the West Allen Parish Water District while Mike Smith's son, Benjamin Smith, is employed with the Water District.

Adopted an advisory opinion in Docket No. 16-1017 in response to a request submitted by Tabitha Gray, Executive Counsel for the Louisiana Department of Agriculture and Forestry, regarding the possible responsible parties if a public servant has not completed their annual ethics training as required by Section 1170(3)(a)(I) of the Code of Governmental Ethics, concluding that the responsibility of completion of annual mandatory ethics training, per Section 1170(3)(a)(I) of the Code of Governmental Ethics, is borne by each public servant. However, each state agency is required to provide instruction and information to the public servants on which ethics laws they are subject to, including the completion of the one hour of mandatory ethics training. The failure to provide such information or instruction would fall upon the person so designated by each state

agency. Further, it is the responsibility of the agency head to provide agency head reports to the Board when matters come to their attention that they believe is a violation of a provision within the Louisiana Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 16-1020 concluding that the appointed board members of the Shreveport/Caddo Metropolitan Planning Commission are required to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code of Governmental Ethics, since the Shreveport/Caddo MPC is a board or commission as defined by the Code of Governmental Ethics, and it has the authority to make binding recommendations to the City or Parish Council on the expenditure, disbursement, or investment of \$50,000 or more in funds in a fiscal year.

Adopted an advisory opinion in Docket No. 16-1022 concluding that Section 1115A(1) of the Code of Governmental Ethics would prohibit L. Keith Bartlett, Principal and Chief Executive Officer of Lycee Francais- New Orleans Charter School, from receiving any thing of economic value from P & L Painting Contractors and Paul A. Vonder Haar, a subcontractor who performs construction services to Lycee Francais- New Orleans Charter School, since Mr. Bartlett directs business to P & L Painting Contractors and Paul A. Vonder Haar from his position as Principal and CEO of Lycee Francais- New Orleans Charter School. However, receiving a quote and paying for work to be performed at his personal residence that is paid solely out of his personal funds and without any discount or other thing of economic value received by him from Paul A. Vonder Haar would not be prohibited by Section 1115A(1) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 16-1023 in response to a request from Karim Belhadjali, an employee of the Louisiana Coastal Protection and Restoration Authority (CPRA),

regarding the application of the post employment restrictions if he were to become employed with a private consulting agency, concluding the following:

(1) Would the Louisiana Code of Governmental Ethics prohibit Mr. Belhadjali's employment with Abt Associates? Based upon the facts presented, Section 1121B of the Code of Governmental Ethics would not prohibit Mr. Belhadjali from seeking employment with Abt Associates. Section 1121B would only prohibit Mr. Belhadjali from assisting another person for compensation in a transaction with the Planning and Research Division on any project on which he participated at any time during his public service. Under the facts as given, Abt Associates does not currently have any contracts with CPRA that Mr. Belhadjali participated in during his public employment.

(2) Would Mr. Belhadjali's position as Deputy Chief make him an agency head for the purposes of Section 1121A(1) of the Code of Governmental Ethics? Based upon the facts presented, Mr. Belhadjali would generally not be considered an agency head for the Planning and Research Division as provided for in Section 1121A(1) of the Code of Governmental Ethics. Section 1102 (3) of the Code of Governmental Ethics provides that "agency head" means the chief executive officer of an agency or any member of a board or commission who exercises control. Therefore, since Mr. Belhadjali does not have control over the individuals that he oversee he would not be considered an agency head.

(3) Would the Code of Governmental Ethics prevent Mr. Belhadjali from working for Abt Associates on the NRDA contract with CPRA or on tasks for other agencies

within the State of Louisiana, such as the Louisiana Oil Spill Coordinator's Office? Based upon the facts presented, Section 1121B of the Code of Governmental Ethics would not prohibit Mr. Belhadjali from working on the NRDA project as he did not participate in the project nor did the Planning and Research Division have supervision over the project. Additionally, Section 1121B of the Code of Governmental Ethics would not prohibit Mr. Belhadjali from providing services to other state agencies on other state projects such as the Oil Spill Coordinator's Office.

(4) If Mr. Belhadjali did not assist in matters involving the Planning and Research Division, would Abt Associates be subject to restrictions on their ability to seek future contracts with the CRPA, including professional services contracts that could include work with the Planning and Research Division? Based upon the facts presented, Section 1121C of the Code of Governmental Ethics would not prohibit Abt Associates from seeking future contracts with the CRPA, including professional services contracts that could include work with the Planning and Research Division provided Mr. Belhadjali did not participate on those projects during his public employment with CPRA. Section 1121C of the Code of Governmental Ethics prohibits Abt Associates, for two years after the termination of Mr. Belhadjali's public service, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction, in which he participated in during his service with CPRA.

Allowed the withdrawal of the request for an advisory opinion in Docket No. 16-1026 regarding whether Carencro Middle School is prohibited from raising money to assist one of its

employees following a series of tragic events involving the employee's family, since the issue is moot.

By a vote of 10 yeas by Board Members Bruneau, Dittmer, Ingrassia, Lavastida, Leggio, McAnelly, Michiels, Shaddock, Shelton and Smith and 1 nay by Board Member Monroe, adopted an advisory opinion in Docket No. 16-922 concluding that no violation of the Code of Governmental Ethics is presented by Townsquare Media's radio stations hosting an appreciation banquet for first responders, since the price incurred by the radio stations will be \$15.00 per meal. Additionally, excluded from the definition of a "thing of economic value" are promotional items having no resale value. Therefore, an acceptable gift bag might consist of items of minimal value, such as a coffee mug, cap, pen, notepad, desk calendar, or t-shirt, which bears a company's name or logo. Alternatively, since the winner of the door prizes could be anyone in attendance at the banquet, the prizes are not awarded for the performance of their public duties. As such, it would not present a violation of the Code if door prizes are awarded via contest or random drawing, provided that the entity donating the prize is not a prohibited source, in accordance with Section 1115 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 16-1025 concluding that no violation of the Code of Governmental Ethics is presented by Hunt Guillot and Associates (HGA), of which former Board of Elementary and Secondary Education (BESE) Board member Jay Guillot is part owner, responding to Request For Proposals (RFP's) that may arise before the expiration of one year from the termination of Mr. Guillot's public service, provided HGA does not enter into a contract prior to one year from the termination of Mr. Guillot's public service and the action does not violate the post employment restrictions in Section 1121 of the Code of Governmental Ethics. The Board

further cautioned Mr. Guillot that there are insufficient facts available at this time to determine when exactly HGC would enter into a contract with the Office of Community Development if its proposal were selected; therefore, he may wish to seek an advisory opinion as the information becomes available.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G30-G39 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 G30-G39 taking the following action:

In connection with an Answer filed in Docket No. 16-920 by Dwena Henry, a member of the Stanley Board of Aldermen, DeSoto Parish, in response to a notice of delinquency regarding her failure to file a 2015 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Ms. Henry that she is required to file a 2015 Tier 3 Annual personal financial disclosure statement and that failure to file may result in late fees.

In connection with an Answer filed in Docket No. 16-951 by Linda Graham, a member of the Vienna Board of Aldermen, Lincoln Parish, in response to a notice of delinquency regarding her failure to file a 2015 Tier 3 Annual personal financial disclosure statement, instructed the staff to advise Ms. Graham that she is required to file a 2015 Tier 3 Annual personal financial disclosure statement and that failure to file may result in late fees.

In connection with an Answer filed in Docket No. 16-952 by Cynthia Nuesslein, a former member of the Bricolage Academy Charter School Board and the Louisiana Emergency Response Network Board, in response to a notice of delinquency regarding her failure to amend her 2015 Tier

3 Annual personal financial disclosure statement, instructed the staff to advise Ms. Nuesslein that she is required to file a personal financial disclosure statement the year following the termination of her service on the Emergency Response Network Board (the 2015 Tier 2.1 personal financial disclosure statement), and further, since she is required to file a personal financial disclosure statement the year following the termination of her service on the charter school board, she must file a 2016 Tier 3 personal financial disclosure statement by May 15, 2017 and that late fees may be assessed for the failure to file.

In connection with an Answer filed in Docket No. 16-957 by Craig Petit, former constable of St. Charles Parish, District 2, in response to a notice of delinquency regarding his failure to file a 2015 Tier 2 Annual personal financial disclosure statement, instructed the staff to advise Mr. Petit that he is not required to file a 2015 Tier 2 Annual personal financial disclosure statement since his term ended on December 31, 2014.

In connection with an Answer filed in Docket No. 16-974 by Rickey Morris, former constable of Catahoula Parish, Ward 2, 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. Morris 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. 16-975 by Rubenstein Clark, a former member of the Gramercy Board of Aldermen, St. James Parish, 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. Clark 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. 16-976 by Ann Fugler, a former member of the Denham Springs Council, Livingston Parish, 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. Fugler 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. 16-977 by Armond Schwing, a former member of the White Lake Property Advisory Board, 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. Schwing 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. 16-978 by Christopher Hodge, the former Constable for Ouachita Parish, Ward 8, in response to a notice of delinquency regarding his failure to file a 2015 Tier 2 Annual personal financial disclosure statement, instructed the staff to advise Mr. Hodge that he is not required to file a 2015 Tier 2 Annual personal financial disclosure statement since his term ended on December 31, 2014.

In connection with an Answer filed in Docket No. 16-979 by Jerry Arbour, Sr., a former member of the East Baton Rouge Parish School Board, District 9, in response to a notice of delinquency regarding his failure to file a 2015 Tier 2 Annual personal financial disclosure statement, instructed the staff to advise Mr. Arbour that he is not required to file a 2015 Tier 2 Annual personal financial disclosure statement since his term ended on December 31, 2014.

The Board considered the following general business agenda items:

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

October 20-21, 2016 meetings.

The Board considered a request for an advisory opinion in Docket No. 16-941 regarding whether Mary Charlene Murphy may be employed with the Northeast Louisiana Veterans Home while her wife, Marquita Mihaliak, serves as the Associate Administrator for the Northeast Louisiana Veterans Home. On motion made, seconded and unanimously passed, the Board concluded that based on the information submitted, no violation of the Code of Governmental Ethics is presented by Mary Charlene Murphy's employment with the Northeast Louisiana Veterans Home while her wife serves as its Associate Administrator, since it does not appear that Marquita Mihaliak is an agency head. The Board further advised that Section 1112B(1) of the Code of Governmental Ethics would prohibit Ms. Mihaliak from participating in the supervision and management of Mary Charlene Murphy's employment at Northeast Louisiana Veterans Home. In addition, a disqualification plan must be completed in accordance with Section 1112C of the Code of Governmental Ethics and Chapter 14 of the Administrative Rules for the Board of Ethics prior to Mary Charlene Murphy being hired.

The Board considered an emergency opinion in Docket No. 16-1110 regarding a company owned by Representative Blake Miguez and his family members, Miguez Fuel, LLC, entering into a Right of Entry contract with the Port of Iberia District. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Miguez Fuel, LLC entering into the Right of Entry contract with the Port, since the Port is a political subdivision of the State of Louisiana, not a part of "state government."

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. 16-928 and 16-1001 taking the following action:

Pursuant to Rule 1205B, the Board unanimously rescinded the late fees assessed against the following:

Docket No. 16-392 from Henry “Junior” Rodriguez of a \$780 late fee;
Docket No. 16-842 from Edward King Alexander, Jr. of a \$960 late fee;
Docket No. 16-865 from Home Builders Association of Greater New Orleans
of a \$1,400 late fee; and,
Docket No. 16-873 from Sean Dardeau of a \$1,000 late fee.

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

Docket No. 16-965 from Holly White Dixon of a \$420 late fee; and,
Docket No. 16-1002 from Louisiana Patriot Justice PAC of a \$3,000 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 16-921 for a waiver of the \$754 late fee assessed against Carol Ross, a candidate for Lafayette City-Parish Council, District 8 in the October 24, 2015 election, for filing her 2015 Supplemental campaign finance disclosure report 84 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$754 late fee but suspended \$654 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. 16-927 for a waiver of the \$2,500 late fee assessed against D.

Nicole Sheppard, a candidate for Judge / Traffic Court, Division D in the October 19, 2013 election; her committee's chairperson, Sylvia Perry; and, treasurer, Chelesia Ferrand, for filing the 2014 Supplemental campaign finance disclosure report 68 days late. On motion made, seconded and unanimously passed, the Board waived the \$2,500 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 16-965 for a waiver of the \$1,000 and \$789 late fees assessed against Holly White Dixon, a candidate for Mayor of the City of Monroe in the March 5, 2016 election, for filing the 30-P and 10-G campaign finance disclosure reports 62 and 51 days late, respectively. On motion made, seconded and unanimously passed, the Board (1) declined to waive the \$1,000 late fee in connection with the 30-P campaign finance disclosure report but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act; and, (2) declined to waive the \$789 late fee in connection with the 10-G campaign finance disclosure report but suspended \$589 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. 16-928 for a waiver of the \$2,000 late fee assessed against Charles Jagneaux, a candidate for St. Landry Parish Clerk of Court in the October 24, 2015 election, for filing his 2015 Supplemental campaign finance disclosure report 203 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee 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. 16-1001 for a waiver of the \$800 late fee assessed against Rufus Craig, a candidate for East Baton Rouge Parish Mayor-President in the November 8, 2016 election, for filing his 90-P campaign finance disclosure report 19 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$800 late fee but suspended \$600 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. Board Member McAnelly recused himself.

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

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Lobbyist Waiver Chart, excluding Docket No. 16-971, taking the following action:

The Board considered a request in Docket No. 16-909 for a waiver of the \$50 late fee assessed against James Barrett Smith for the late filing of the July 2016 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the \$50 late fee, since it was Mr. Smith's first late filing and no expenditures were reported.

Pursuant to Rule 1205B(3), the Board unanimously rescinded the late fees assessed against the following:

Docket No. 16-916 from Dawn Johnson of a \$50 late fee;
Docket No. 16-917 from Lucien Burkett of a \$50 late fee;

Docket No. 16-918 from Jessica Elliott of a \$50 late fee;
Docket No. 16-943 from Marilyn Robertson of a \$200 late fee; and,
Docket No. 16-970 from Phyllis Coleman Mouton of a \$50 late fee.

The Board considered a request in Docket No. 16-971 for a waiver of the \$150 late fee assessed against Ina LaBorde for the late filing of the July 2016 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board rescinded the \$150 late fee pursuant to Rule 1025B, since Mrs. LaBorde's husband passed away on January 7, 2016 and documentation was not provided concerning Mrs. LaBorde's medical condition.

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, excluding Docket Nos. 16-954 and 16-962 taking the following action:

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

Docket No. 16-955 from Alvin Porter of a \$1,500 late fee;
Docket No. 16-956 from Lynn Philippe of a \$1,500 late fee; and,
Docket No. 16-961 from Dallas Jones of a \$1,500 late fee with the option of a payment plan.

The Board considered a request in Docket No. 16-953 for a waiver of the \$250 late fee assessed against Brent Arville Zackery, Constable, Evangeline Parish, Ward 3, for filing his Amended 2014 Tier 3 Annual personal financial disclosure statement 5 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.

The Board considered a request in Docket No. 16-958 for a waiver of the \$1,500 late fee

assessed against Roberta Ogden, a former member of the Epps Board of Aldermen, West Carroll Parish, for filing her 2014 Tier 3 Annual personal financial disclosure statement 328 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$500 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. 16-959 for a waiver of the \$1,500 late fee assessed against Lance Ned, a former member of the J.S. Clark Leadership Academy, for filing his 2014 Tier 3 Annual personal financial disclosure statement 160 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$900 conditioned upon future compliance with the Code of Governmental Ethics and instructed the staff to offer Mr. Ned a payment plan.

The Board considered a request in Docket No. 16-1005 for a waiver of the \$1,500 late fee assessed against Leslie Dandridge Durham, a former member of the Northeast Delta Human Services Authority, for filing her 2014 Tier 2.1 Annual personal financial disclosure statement 231 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee.

The Board considered a request in Docket No. 16-954 for a waiver of the \$1,500 late fee assessed against Donald A. "Don" Shea, a former member of the Workforce Investment Board, for filing his 2014 Tier 2.1 Annual personal financial disclosure statement 239 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$250 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. 16-962 for a waiver of the \$1,500 late fee assessed against Flozell Daniels, Jr., a member of the Regional Transit Authority, for filing his 2014 Tier 2.1 Annual personal financial disclosure statement 161 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee. Board Member Shelton recused herself.

The Board unanimously adjourned at 11:57 a.m.

Secretary

APPROVED:

Chairman