

LOUISIANA BOARD OF ETHICS
MINUTES
October 20, 2017

The Board of Ethics met on October 20, 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, Dittmer, Lavastida, Leggio, McAnelly, Meinert, Michiels, Mouton-Allen, J. Smith and L. Smith. Absent was Board Member Bruneau. Also present was the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Tracy Barker, David Bordelon, Jennifer Land, Suzanne Mooney, Brett Robinson, and Greg Thibodeaux.

Mr. Richard T. Simmons, Jr., attorney for Walter Reed, appeared before the Board in connection with a request in Docket No. 16-163 for a waiver of the two (2) \$2,500 late fees assessed against Mr. Reed, District Attorney, 22nd Judicial District, for failure to file his 2014 and 2015 Tier 2 Annual personal financial disclosure statements and a request to suspend filing dates of the personal financial disclosure statements and campaign finance disclosure reports. After hearing from Mr. Simmons, on motion made, seconded and unanimously passed, the Board deferred any action on the requests for one year and instructed the staff to return the matter to the Board's October, 2018 agenda for consideration.

The Board considered a request for reconsideration in Docket No. 16-955 for a waiver of the \$1,500 late fee assessed against Alvin G. Porter, a member of the Sophie B. Wright Charter School, for filing his 2014 Tier 3 Annual personal financial disclosure statement 34 days late and also a request submitted Mr. Porter for a waiver of the \$100 late fee assessed for filing his 2015 Tier 3 Annual personal financial disclosure statement 2 days late. On motion made, seconded and unanimously passed, the Board decline to waive the \$1,500 late fee in connection with the 2014 Tier

3 Annual personal financial disclosure statement but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics and declined to waive the \$100 late fee in connection with the 2015 Tier 3 Annual personal financial disclosure statement.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 16-1040 for a waiver of the \$760, \$1,000 and \$1,000 late fees assessed against Allen Broussard, a candidate for City of Crowley Chief of Police, Acadia Parish, in the March 5, 2016 election, for filing his 30-P and 10-G campaign finance disclosure reports 74 and 19 days late, respectively, and the 40-G campaign finance disclosure report which has not yet been filed. On motion made, seconded and unanimously passed, the Board deferred the matter to the November meeting.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 16-1197 for a waiver of the \$2,500 late fee assessed against Michael Betts, a candidate for District Judge, 21st Judicial District Court, Division A, Livingston Parish, in the November 4, 2014 election; his committee's chairperson, Lamar Davis; and, his treasurer, Laurie Kilpatrick, for inaccurately filing his 2015 Supplemental campaign finance disclosure report 374 days late. On motion made, seconded and unanimously passed, the Board deferred the matter.

Ms. Carrie Modica, a member of the St. Tammany Parish Recreation District #6, appeared before the Board in connection with a request in Docket No. 17-482 for a waiver of the \$1,500 late fee assessed against her for filing her 2015 Tier 2.1 Annual personal financial disclosure statement 42 days late. After hearing from Ms. Modica, on motion made, seconded and unanimously passed,

the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

Mr. Robert William Brown, Community and Technical College System, Board of Supervisors, appeared before the Board in connection with a request in Docket No. 17-589 for a waiver of the \$250 late fee assessed against him for filing his amended 2015 Tier 2.1 Annual personal financial disclosure statement 5 days late. After hearing from Mr. Brown, 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 reporting requirements under the Code of Governmental Ethics.

The Board considered a request for reconsideration in Docket No. 17-721 for a waiver of the \$1,400 late fee assessed against Lisa L. Mills, Hurstville Security District, for filing her 2015 Tier 2.1 Annual personal financial disclosure statement 28 days late. On motion made, seconded and unanimously passed, the Board deferred the matter.

The Board considered a request in Docket No. 17-882 for a waiver of the \$700 late fee assessed against Karla Loeb for her late registration as a Legislative/Executive/Local lobbyist. On motion made, seconded and unanimously passed, the Board reduced the late fee to \$600 and declined to waive the late fee.

Mr. T. Bradley Keith appeared before the Board in connection with a request in Docket No. 17-888 for a waiver of the \$1,500 late fee assessed for filing a late registration and for the \$1,500, \$1,500, and \$550 late fees assessed against him for the late filing of the February, March and April, 2017 expenditure reports. After hearing from Mr. Keith, on motion made, seconded and unanimously passed, the Board waived \$500 of the \$1,500 in connection with the late registration

assessment and suspended the remaining \$1,000 late fee conditioned upon future compliance with the Code of Governmental Ethics and waived the \$1,500, \$1,500, and \$550 late fees. Board Member Leggio recused himself.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-905 for a waiver of the \$2,500 late fee assessed against Marlin N. Gusman, a candidate for Orleans Parish Sheriff in the October 14, 2017 election, for filing his 180-P campaign finance disclosure report 102 days late. On motion made, seconded and unanimously passed, the Board deferred the matter to the November meeting.

Mr. John Bagneris, a candidate for State Representative, District 100, Orleans Parish in the October 24, 2015 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 17-963 for a waiver of the \$2,000 late fee assessed against him for filing his EDE-G campaign finance disclosure report 577 days late. After hearing from Mr. Bagneris, on motion made, seconded and unanimously passed, the Board declined to waive the \$2,000 late fee but suspended the entire late fee conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Derrick Edwards, a candidate for State Treasurer in the October 14, 2017 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 17-997 for a waiver of the \$2,100 late fee assessed against him for filing his 90-P campaign finance disclosure report 21 days late. After hearing from Mr. Edwards, on motion made, seconded and unanimously passed, the Board waived the late fee.

Mr. Bryan Jeansonne, report preparer for the LA Republican Judiciary PAC, Inc., appeared

before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request in Docket No. 17-998 for a waiver of the \$3,000 late fee assessed against the committee; the committee's chairperson, Scott Wilfong; and the committee's treasurer, Jerry Arbour, for filing the 40-G campaign finance disclosure report 42 days late. After hearing from Mr. Jeansonne, on motion made, seconded and unanimously passed, the Board deferred the matter to the November meeting.

The Board considered a request in Docket No. 17-1007 for a waiver of the \$2,500 late fee assessed against Stephen Juan Ortego, State Representative, for filing his 2015 Tier 2 Annual personal financial disclosure statement 30 days late. On motion made, seconded and unanimously passed, the Board deferred the matter.

Representative Major Thibaut, an agent employed by New York Life Insurance Company, appeared before the Board in connection with a request for an advisory opinion in Docket No. 17-1122 regarding the receipt of compensation from his clients, who are also vendors of Pointe Coupee Parish, if he is elected as Pointe Coupee Parish President. After hearing from Representative Thibaut, on motion made, seconded and unanimously passed, the Board concluded the following:

(1) Life Insurance Policies and Investments - Representative Thibaut sells life insurance policies and investments for which he receives commissions directly from the company who issues the policy. Some commissions are paid in full at the time the policy is written, while other companies spread the commissions out over several years. He also receives commissions at the time of the policy renewal. The contract is between the clients and the life insurance company, and the clients do not pay Representative Thibaut directly for his services. He has identified some of his life

insurance clients as vendors of Pointe Coupee Parish. The Code of Governmental Ethics would not prohibit Representative Thibaut, while serving as Pointe Coupee Parish President, from continuing to receive renewal commissions for the life insurance policies and investments he sold prior to taking office. However, once he assumes office, Representative Thibaut would be prohibited by Section 1111C(2)(d) of the Code of Governmental Ethics from receiving compensation for selling new policies or products to vendors, or an individual seeking to become a vendor, of Pointe Coupee Parish;

(2) Property & Casualty Insurance and Health Insurance - For property and casualty, as well as individual and group health insurance, most of the work is performed by an outside agency, of which Representative Thibaut has no control or ownership. He refers clients to the outside agency, who then recommends products and services to the clients. The clients pay the outside agency directly. He receives a commission from the outside agency, but does not provide services or products directly to the clients. He has identified some of these clients as vendors of Pointe Coupee Parish. The Code of Governmental Ethics would not prohibit Representative Thibaut from receiving compensation from the outside agency for a referral of a client who is a vendor of Pointe Coupee Parish, provided that the referral occurred prior to his taking office as Parish President. Representative Thibaut would be prohibited by Section 1115A(1) of the Code of Governmental Ethics, after he takes office as Parish President, from receiving compensation indirectly, through the commission from the outside agency, when the compensation is in connection with a new referral of a

vendor, or potential vendor, of Pointe Coupee Parish; and,

(3) Blue Cross Blue Shield Agent of Record - Representative Thibaut is currently the Blue Cross Blue Shield agent of record for the Pointe Coupee Hospital Service District ("District"). Along with an outside agency, he receives commissions from Blue Cross Blue Shield in connection with the District's use of Blue Cross Blue Shield as their insurance provider. The District provides no compensation directly to him as the agent of record. The District was created by ordinance of the Pointe Coupee Parish Police Jury, whose members also serve on the District's Board. The District would fall under the agency of the Parish President. Representative Thibaut would not be prohibited from receiving compensation from Blue Cross Blue Shield as a result of contracts entered into by Blue Cross Blue Shield and the District prior to his taking office as Parish President. However, once he takes office as Parish President, he would be prohibited by Section 1111C(2)(d) of the Code of Governmental Ethics from receiving compensation from Blue Cross Blue Shield as a result of any new contract with the District. Additionally, since the District is a part of his agency as Parish President, Representative Thibaut would be prohibited by Section 1111E(1) of the Code of Governmental Ethics from receiving compensation from Blue Cross Blue Shield as the agent of record, as he would be assisting Blue Cross Blue Shield with a transaction involving his agency. Representative Thibaut would be required to file an annual financial disclosure statement by May 15th of each year pursuant to Section 1114 of the Code of Governmental Ethics.

The Board recessed at 10:37 a.m. and resumed back into general business session at 10:53

a.m.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G16-G49 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 staff recommendations on items G16-G49, excluding Items G18, G26, G31, G36 and G44, taking the following action:

Approved the disqualification plan in Docket No. 17-156 submitted by Mayor Richie Broomfield, Village of Dodson, pursuant to Section 1123(22) of the Code of Governmental Ethics providing that Mayor Richie Broomfield will not participate in any transactions involving his father's business.

Adopted an advisory opinion in Docket No. 17-833 concluding that members of the Louisiana Beef Industry Council (LBIC) would be prohibited from voting or approving funds to be disbursed or reimbursed to any organization on which they serve as an officer or vice president. However, members who do not serve in any capacity as described in Section 1112B(3) of the Code of Governmental Ethics within their appointing organization would not be prohibited from voting or approving funds to be disbursed or reimbursed to their appointing organization. The position of vice president is considered an officer position within an organization. LBIC members serving in the capacity as members of executive committees or representing a district are not considered officers with respect to Section 1112B(3) of the Code of Governmental Ethics. The above described prohibition on certain LBIC members participation based upon their position as an officer in their respective appointing authorities would apply to any transaction, including the presentation of a

project for funds or reimbursement from the LBIC, in which their appointing authorities has a substantial economic interest.

Adopted an advisory opinion in Docket No. 17-884 concluding that no violation of the Code of Governmental Ethics is presented by the daughter, Caroline Forbes, of Patrick Forbes, Executive Director of the Office of Community Development (OCD), accepting employment with SBP, a private non-profit that helps repair homes after a disaster, provided she does not assist in any matter involving the OCD. The Board further advised that if Caroline Forbes accepts employment with SBP, she will be required to file an annual financial disclosure statement by May 15th of each year pursuant to Section 1114 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 17-885 concluding that no violation of the Code of Governmental Ethics is presented by Dr. Sarah Michaels and Cynthia Harrison, employees of the City of New Orleans Mosquito Control Department, receiving compensation for providing training courses for the American Mosquito Control Association (AMCA), since the AMCA has no contractual, financial, or business relationship with the Mosquito Control Department and the AMCA is not regulated by the department and has no economic interests which may be affected by Dr. Michaels's and Ms. Harrison's performance of their public duties. The Board further advised that since Dr. Michaels's and Ms. Harrison's attendance at the AMCA training sessions is not related to their public employment, they are not prohibited by Section 1111A of the Code of Governmental Ethics from receiving compensation, including travel and accommodations, from the AMCA to provide training sessions.

Adopted an advisory opinion in Docket No. 17-897 concluding that members of the Vermilion Parish Tourist Commission, are not required to file Annual personal financial disclosure

statements, since the Vermilion Parish Tourist Commission was created by the Vermilion Parish Police Jury and the population of Vermilion Parish as of the 2010 census was 57,999 and since the Tourist Commission is excluded from the definition of "board or commission" under Section 1124.2.1D(1)(b)(ii) of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 17-898 concluding that no violation of the Code of Governmental Ethics is presented by Ronnika Allen, Youth Career Advisor with the City of New Orleans, accepting employment with a private organization that has been awarded a contract by the City of New Orleans to perform the services that Ms. Allen performed for the City, since the Board has historically concluded that when unique circumstances occur, such as the privatization of governmental services such as those performed by Ronnika Allen, Section 1121 of the Code of Governmental Ethics does not prohibit the former employee from being employed by a private entity, since their former agency no longer provides such services, provided the former employee did not participate in the governmental entity's decision to privatize the facilities.

Adopted an advisory opinion in Docket No. 17-899 concluding that no violation of the Code of Governmental Ethics is presented by Jason F. DeGruy, Director of Youth Workforce Initiatives for JOB1 with the City of New Orleans, accepting employment with a private organization that has been awarded a contract by the City of New Orleans to perform the services that Mr. DeGruy performed for the City, since the Board has historically concluded that when unique circumstances occur, such as the privatization of governmental services such as those performed by Jason DeGruy, Section 1121 of the Code of Governmental Ethics does not prohibit the former employee from being employed by a private entity, since their former agency no longer provides such services, provided the former employee did not participate in the governmental entity's decision to privatize the

facilities.

Adopted an advisory opinion in Docket No. 17-900 concluding that no violation of the Code of Governmental Ethics is presented by Trinissa Reff, Youth Career Advisor Team Lead with the City of New Orleans, accepting employment with a private organization that has been awarded a contract by the City of New Orleans to perform the services that Ms. Reff previously performed for the City, since the Board has historically concluded that when unique circumstances occur, such as the privatization of governmental services such as those performed by Trinissa Reff, Section 1121 of the Code of Governmental Ethics does not prohibit the former employee from being employed by a private entity since their former agency no longer provides such services, provided the former employee did not participate in the governmental entity's decision to privatize the facilities.

Adopted an advisory opinion in Docket No. 17-901 concluding that the medical science liaisons employed by Tris Pharma, Inc. are not required to register as lobbyists until an expenditure occurs, since the definition of lobbyist requires an expenditure and advised that they must register within five days of any such expenditure.

Adopted an advisory opinion in Docket No. 17-907 from John White, State Superintendent of the Louisiana Department of Education (LDE), regarding the employment of his wife, Katherine Westerhold, by Relay Graduate School (RGS) in New Orleans concluding the following:

(1) Whether John White is prohibited from receiving a thing of economic value, through his wife's compensation, from RGS? Generally, Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Superintendent White from receiving a thing of economic value, through his wife's compensation, from RGS while RGS has contractual, financial, or other business relationships with LDE, and while he

serves as the agency head for LDE. However, the exception in 82-02D would apply to his wife, as she is a salaried employee whose compensation is unaffected by the RGS contracts with LDE, she owns no interest in RGS, and is not an officer, director, trustee, or partner in RGS. Thus, her continued employment and receipt of compensation is not prohibited; and,

(2) Whether John White is prohibited from participating in any transactions involving RGS? Since Ms. Westerhold's compensation is unaffected by the RGS contracts, she does not have a substantial economic interest in the BESE provider approval or the grant award transactions between RGS and BESE/LDE. As a result, Superintendent White is not prohibited from participating in these transactions; and,

(3) What are the disclosure requirements under Section 1114 of the Code of Governmental Ethics? Ms. Westerhold would be required to file a disclosure statement pursuant to Section 1114 of the Code of Governmental Ethics each year by May 15th since she receives compensation from RGS, when RGS has a contract, subcontract, or other transaction under the supervision or jurisdiction of her husband's agency, LDE. The Board further advised that Ms. Westerhold is prohibited by Section 1113A(1)(a) of the Code of Governmental Ethics from entering into any transactions with LDE or BESE on behalf of RGS.

Adopted an advisory opinion in Docket No. 17-908 concluding that no violation of the Code of Governmental Ethics is presented by Andreanecia M. Morris serving on the Louisiana Housing Corporation (LHC) while being employed by HousingNOLA and serving as a board member of the Greater New Orleans Housing Alliance (GNOHA) and Housing Authority of New Orleans (HANO),

since none of those entities have a financial or business relationship with the LHC. The Board further advised that, if in the future, any of those entities decides to pursue a transaction with the LHC, Ms. Morris should seek an additional advisory opinion at that time.

Adopted an advisory opinion in Docket No. 17-965 concluding that no violation of the Code of Governmental Ethics is presented by Newton Savoie, an Assistant District Attorney for the St. John the Baptist Parish District Attorney's Office, contracting to provide sales tax litigation services to the St. John the Baptist Parish School Board through his private law firm, Savoie & Savoie, since he is not providing legal services devoted substantially to his job duties and responsibilities as an Assistant District Attorney for the St. John the Baptist Parish District Attorney's Office.

Approved the disqualification plan in Docket No. 17-966 submitted by East Baton Rouge Sheriff Sid Gautreaux, III, regarding a mother and daughter employed within the sheriff's office, since Shedira Sensley was employed in the Communications Division for more than one year prior to her mother, Eleanore Stewart, becoming Captain of the Communications Division and the disqualification plan presented is sufficient to remove any potential participation violations on the part of Ms. Stewart.

Adopted an advisory opinion in Docket No. 17-968 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit LaQuanda M. Jackson, a health inspector in the Retail Food Program within the Department of Health and Hospitals (DHH), from receiving compensation to teach food safety classes to individuals associated with food establishments seeking a Food Safety Certificate in Louisiana, since her agency, the Retail Food Program within DHH, issues Food Safety Certificates to all food establishments in Louisiana. The Board further advised that no violation of the Code of Governmental Ethics would be presented by Ms. Jackson teaching

food safety classes to members of the public outside of Louisiana, since she would not be assisting a person in a transaction involving DHH or one in which she participates as an employee of DHH.

In connection with the disqualification plan in Docket No. 17-970 submitted by Sheriff "K.P." Gibson, Acadia Parish, regarding his brother serving as Chief Deputy of the Acadia Parish Sheriff's Office while he serves as the Sheriff of Acadia Parish, instructed the staff to advise Sheriff Gibson that since he is an elected official and not a public employee, no disqualification plan is required to be filed and further advised that if a transaction in which Kelly Gibson has substantial economic interest arises in the future, an advisory opinion request should be submitted before taking any action.

Declined to render an advisory opinion Docket No. 17-971 from Lafourche Parish Government relative to dual employment and dual office holding, since no ethics issues were presented, and further instructed the staff to refer the requestor to the Attorney General's Office which has jurisdiction over the dual office holding provision.

Adopted an advisory opinion in Docket No. 17-980 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Kerry Thompson, a Commissioner for the Caldwell Parish Recreational District, from receiving anything of economic value, including compensation, from Russell-Moore Lumber while Russell-Moore Lumber has, or is seeking to have, a contractual or other business or financial relationship with the District and while Mr. Thompson serves as a Commissioner for the District. The Board further concluded that Section 1117 of the Code of Governmental Ethics would prohibit Russell-Moore Lumber from giving or paying anything of economic value, including compensation, to Kerry Thompson, while Russell-Moore Lumber has, or is seeking to have, a contractual or other business or financial relationship with the District and

Mr. Thompson serves as a Commissioner of the District.

Declined to render an advisory opinion in Docket No. 17-982 from Washington Parish Gas Utility District #2 relative to a board member employed as a Regional Sales Coordinator for AFLAC insurance, which has contracted with employees of the Utility District, since the issue involved past conduct.

Approved the disqualification plan submitted in Docket No. 17-983 regarding Lowell Duhon, Chief Administrative Officer of Lafayette City-Parish Consolidated Government, being removed from transactions involving his son, Manny Duhon, or his son's employer, Grant Street Dance Hall, since the submitted disqualification plan will eliminate any potential violations of Section 1112 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 17-988 concluding that no violation of the Code of Governmental Ethics is presented by Joel Davidson serving as a member of the Holy Angels Board of Directors within two years of his termination from the Louisiana Department of Health (LDH), since he is not receiving any compensation for his service. However, the Board further advised that Section 1121B of the Code of Governmental Ethics would prohibit Mr. Davidson from receiving compensation from Holy Angels for two years from June 4, 2017 for assisting it in any transaction he participated while he was employed LDH.

Adopted an advisory opinion in Docket No. 17-989 concluding that based on the facts presented, no violation of the Code of Governmental Ethics would be presented by Jack "Bump" Scaggs, a member of the Bossier Parish Police Jury, continuing to serve as the COO of the Coordinating and Development Corporation (CDC) or being promoted to CEO of the CDC. However, the Board further advised that Mr. Scaggs' opinion request may present an issue associated

with the Louisiana Dual Office-Holding laws, which are under the jurisdiction of the Attorney General.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 17-1002 submitted by Michael Zummer regarding his potential employment as the Chief Internal Auditor for Plaquemines Parish, since Mr. Zummer has declined the position of Internal Auditor for Plaquemines Parish.

Adopted an advisory opinion in Docket No. 17-1027 concluding that Section 1121B of the Code of Governmental Ethics would prohibit Travis Johnson, for two years following his termination from the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), Office of Technology Services (OTS) and Statewide Interoperability Executive Committee (SIEC), from assisting Motorola Solutions, Inc. in any transaction that he participated in while employed by OTS, GOHSEP, or SIEC including but not limited to the purchase or sale of antennas for emergency cache radios.

Adopted an advisory opinion in Docket No. 17-1028 concluding that based on the facts presented, no violation of the Code of Governmental Ethics would be presented by David Jarrell purchasing two pieces of property from St. Bernard Parish while he is employed as an Assistant District Attorney for the 34th JDC in the Civil Division, since Mr. Jarrell will not have to transact business with the parish on any issue that the Civil Division would be required to provide services in order for him to purchase the property.

Adopted an advisory opinion in Docket No. 17-1035 concluding that no violation of the Code of Governmental Ethics is presented by officers of the Goodwood Homesites Civic Association also serving as Commissioners of the Goodwood Homesites Crime Prevention and Neighborhood

Improvement District.

Declined to render an advisory opinion in Docket No. 17-1036 regarding the appointment of Brenda English as an Alderman for the Village of Athens, since Ms. English has already been appointed as an Alderman for the Village of Athens and this request concerns past conduct. However, the Board advised that Ms. English must file the required financial disclosure statement pursuant to Section 1114 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 17-1037 concluding that no violation of the Code of Governmental Ethics would be presented by the employment of Leighann Hall as a police officer with the Village of Georgetown, provided that Councilman Jonathon Spurgeon, the landlord of Leighann Hall, recuses himself pursuant to Section 1120 of the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 17-1065 with respect to whether Madere & Sons Marine Rental, LLC or its subsidiary Deep South Oilfield Construction (Deep South) may contract with Plaquemines Parish Government or serve as a subcontractor on a contract issued by Plaquemines Parish Government while Charlie Burt serves as a Plaquemines Parish Council member and is employed by Madere & Sons Marine Rental, LLC (Madere), concluding that Madere & Sons Marine Rental, LLC or its subsidiary Deep South Oilfield Construction would not be prohibited from contracting with Plaquemines Parish Government or serving as a subcontractor on a contract issued by the parish while Charlie Burt serves as a Council member for the parish, since Charlie Burt has no ownership interest in either company and is not personally entering into any of the contracts with the parish or its contractors. Additionally, Mr. Burt would not be prohibited from receiving compensation from Madere/Deep South under his current employment and status within the company. Ethics Board Docket No. 82-02D provides an exception to Section 1111C(2)(d) of the

Code of Governmental Ethics when the following factors are met: 1) the employee must be salaried or wage-earning employee; 2) the employee's salary must remain substantially unaffected by the contractual relationship; 3) the public servant must own less than a "controlling interest" in the company; and 4) the public servant must be neither an officer, director, trustee, nor partner in the company. Based on the information provided, Mr. Burt meets these factors and his continued employment is not prohibited. However, the Board further advised that Mr. Burt would be required to recuse himself from voting on any matters with the Plaquemines Parish Government involving Madere/Deep South or any other person in which Madere/Deep South has substantial economic interest while he is employed by Madere/Deep South. Finally, Mr. Burt would be required to file a personal financial disclosure statement by May 15th of each year while Madere/Deep South has a contractual, financial, or business relation with Plaquemines Parish Government or any person who Madere/Deep South derive a thing of economic value who has a contractual, financial, or business relation with Plaquemines Parish Government.

Adopted an advisory opinion in Docket No. 17-1082 concluding that no violation of the Code of Governmental Ethics is presented by David B. Ellis, an elected member of the Mandeville City Council, participating on behalf of his employer, Arthur J. Gallagher & Company, in the procurement of services to St. Tammany Fire Protection District #4 (District), since the District is considered a separate agency from the Mandeville City Council because it was created by the St. Tammany Parish Council. Therefore, it would not present a violation of the Code of Governmental Ethics if Mr. Ellis submits a Request for Proposal on behalf of Gallagher and continues his employment with Gallagher if it is awarded a contract with the District.

Adopted an advisory opinion in Docket No. 17-883 concluding that no violation of the Code

of Governmental Ethics would be presented by Mark Ludke, a teacher at C.E. Byrd High School, operating Mark's Driving Academy while he is employed by the Caddo Parish School System to teach Civics and Driver Education. However, the Board further advised that Sections 1111C(1)(a) and 1111C(2)(d) of the Code of Governmental Ethics would prohibit Mr. Ludke from receiving compensation from any student at C.E. Byrd High School, or any other person whom he has given any other classroom instruction while employed by C.E. Byrd High School, since the students he teaches have a substantial economic interests which may be substantially affected by the performance or nonperformance of his official duties as a teacher at C.E. Byrd High School. These individuals fall within the persons described in Section 1115B(2) of the Code of Governmental Ethics. As such, Mr. Ludke would be prohibited from receiving any compensation from them either through Mark's Driving Academy or any other means. Further, Section 1111C(1)(a) of the Code of Governmental Ethics would prohibit Mr. Ludke from providing Driver's Education services to any student he taught through his position at C.E. Byrd High School.

Adopted an advisory opinion in Docket No. 17-906 concluding that Section 1113A of the Code of Governmental Ethics would prohibit Geni Wyatt, Human Resource Administrator for the Grant Parish Police Jury, from operating a vending machine in the courthouse where Grant Police Jury employees' offices are located, since while there is no written contract with the Grant Parish Police Jury, Geni Wyatt would be entering into a verbal contract or other agreement with Grant Parish if she placed the vending machine inside the courthouse.

Declined to render an advisory opinion in Docket No. 17-967 submitted by Gene Daigle, chairman of the Church Point Housing Authority, regarding Attorney Brad Thomas Andrus, since the question presents no issues under the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 17-981 concluding that base on the fact presented, no violation of the Code of Governmental Ethics would be presented by Mayor Joe Peoples, City of Westwego, hiring Doyle Guidroz as the City Electrical Inspector if the city intends to use Mr. Guidroz's business, Sparky's Electrical, to perform electrical work for the city, since Mr. Guidroz's business, Sparky's Electrical, would not be transacting with his agency, the City of Westwego Code Enforcement Department.

Approved the disqualification plan submitted in Docket No. 17-1033 by LSU President, F. King Alexander, regarding Dr. Ghali Ghali, Chancellor of the LSU Health Sciences Center in Shreveport, since the disqualification plan is sufficient to remove Dr. Ghali from participating in any contract involving a third party in which he has a prohibited conflict of interest pursuant to Section 1112 of the Code of Governmental Ethics.

In connection with an Answer submitted in Docket No. 17-1011 by Ricky James Broussard, a former member of the Vermillion Parish School Board, District H, in response to a Notice of Delinquency he received requesting that he file a 2016 Tier 2 Annual personal financial disclosure statement, instructed the staff to advise Mr. Broussard he is required to file a 2016 Tier 2 Annual personal financial disclosure statement, since he did not resign until April 30, 2016 and was required to file a 2016 Tier 2 Annual personal financial disclosure statement for the year following the termination of his office and that failure to file may result in the assessment of late fees.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the September 14-15, 2017 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board

considered an Ethics Adjudicatory Board Order in Docket No. 13-1219 regarding the assessment of additional penalties under Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act against Michael Grimmer, a candidate for Livingston Parish President in the October 22, 2011 election, who failed to file his 2012 Supplemental campaign finance disclosure report on February 15, 2013. On motion made, seconded and unanimously passed, the Board instructed the staff to assess an additional \$10,000 penalty in accordance with Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered an Ethics Adjudicatory Board Order in Docket No. 14-482 regarding the assessment of additional penalties under Section 1505.4A(4)(a)and(b) of the Campaign Finance Disclosure Act against Michael Grimmer, an unsuccessful candidate for Livingston Parish President in the October 22, 2011 election, who failed to file his 2013 Supplemental campaign finance disclosure report by February 15, 2014. On motion made, seconded and unanimously passed, the Board instructed the staff to assess an additional \$10,000 penalty in accordance with Section 1505.4A(4)(b) of the Campaign Finance Disclosure Act.

The Board considered a proposed consent opinion in Docket No. 17-1419 Mike Crawford, an employee of the East Baton Rouge Sheriff's Office, receiving Disney points from a vendor of the Sheriff's Office to receive discounted Disney lodging during a vacation. On motion made, seconded and unanimously passed, the Board deferred the matter.

The Board considered a proposed consent opinion in Docket No. 15-1040 regarding Glenn LeBlanc, owner of LeBlanc Pest Control, contracting for pest control services with the City of Broussard, while Sarah Hebert, his sister-in-law, was employed by the City of Broussard. On motion

made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Glenn LeBlanc agrees that a violation of Section 1113A of the Code of Governmental Ethics occurred by entering into a contract to provide pest control services for the municipal buildings in the City of Broussard, including police department buildings, fire stations, City Hall, the community center and a maintenance building, while his sister-in-law, Sarah Hebert, was employed as a clerk in the City of Broussard's Clerk's Office and in which Mr. LeBlanc agrees to pay a fine of \$800 and dismissed the charges against Mr. LeBlanc.

The Board considered a proposed consent opinion in Docket No. 16-883 regarding Sandra Gonzalez, former employee of the South Central Louisiana Human Services Authority, entering into a contract, within two years from the date of her retirement, to provide the same services she provided during her employment. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Sandra Gonzalez, a former employee of the South Central Louisiana Human Services Authority, agrees that a violation of Section 1121B of the Code of Governmental Ethics occurred by entering into a contract, within two years of the termination of her employment with the South Central Louisiana Human Services Authority, to provide the same services she provided while employed with the South Central Louisiana Human Services Authority and a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by receiving compensation for services provided to patients at the START Corp. at a time when the START Corp. had a contractual relationship with the South Central Louisiana Human Services Authority and Ms. Gonzalez was an employee of the South Central Louisiana Human Services Authority and in which Ms. Gonzalez agrees to pay a fine of \$1,500.

The Board considered a proposed consent opinion in Docket No. 16-1009 regarding Margie

Davis, former member of the Board of Aldermen for the Town of Richwood, being appointed to fill a vacancy. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Margie Davis, a former member of the Richwood Board of Aldermen, agrees that a violation of Section 1121A(2) of the Code of Governmental Ethics occurred by virtue of her appointment by the Richwood Board of Aldermen to the interim position of member of the Richwood Board of Aldermen within two years following the termination of her service on the Richwood Board of Aldermen and in which Ms. Davis agrees to pay a fine of \$500 to be payable in five \$100 monthly increments on August 1, 2017, September 1, 2017, October 1, 2017, November 1, 2017 and December 1, 2017 and that in the event of a failure to pay, the Board may file suit to compel immediate payment of any balance due.

The Board considered a request for an advisory opinion in Docket No. 17-895 whether waste material from the construction site on the grounds of the Louis Armstrong New Orleans International Airport may be disposed of on land owned by a company, MHI Investments, LLC, in which a member of the New Orleans Aviation Board, Gary Smith, has an ownership interest. On motion made, seconded and passed by a vote of 6 yeas by Board Members Brandon, Dittmer, Leggio, McAnelly, Michiels and J. Smith and 4 nays by Board Members Lavastida, Meinert, Mouton-Allen and L. Smith, the Board concluded that based on the facts presented, the exception contained in Section 1123(30) of the Code of Governmental Ethics applies and allows MHI Investments, LLC to donate its services of accepting waste material on its vacant land to the Louis Armstrong New Orleans International Airport, provided it does not later sell the waste material.

The Board considered the proposed 2018 calendar for meetings of the Louisiana Board of Ethics. On motion made, seconded and unanimously passed, the Board approved the proposed 2018

meeting schedule.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to take action on the requests for “good cause” waivers of late fees assessed against candidates and committees included in the Campaign Finance Waiver Chart en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on the items in the Campaign Finance Waiver Chart taking the following action:

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

Docket No. 17-616 from Jimmie Randle of a \$400 late fee, a \$320 late fee and a \$200 late fee;

Docket No. 17-677 from Joseph Pitre of three (3) \$1,000 late fees and two (2) \$400 late fees;

Docket No. 17-904 from the Thomas Jefferson Fund of a \$200 late fee; and,

Docket No. 17-969 from Joseph Bouie, Jr. of a \$200 late fee.

The Board unanimously rescinded the late fee assessed against the following:

Docket No. 17-538 from Greater Baton Rouge HBA Build PAC of a \$3,000 late fee; and,

Docket No. 17-1034 from John D. Mouton of a \$600 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 17-891 for a waiver of the \$1,000 and \$700 late fees assessed against Joseph D. Little, a candidate for State Treasurer in the October 14, 2017 election, for filing his 180-P and 90-P campaign finance disclosure reports were filed 106 and 7 days late, respectively.

On motion made, seconded and unanimously passed, the Board declined to waive the \$1,000 late fee in connection with the 180-P campaign finance disclosure report but suspended \$700 conditioned upon future compliance with the Campaign Finance Disclosure Act and declined to waive the \$700 late fee in connection with the 90-P campaign finance disclosure report but suspended \$400

conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment of the late fees totaling \$600 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. 17-969 for a waiver of the \$1,200 late fee assessed against Joseph Bouie, Jr., a candidate for Council Member at Large, Division 1, Orleans Parish, in the October 14, 2017 election, for filing his 180-P campaign finance disclosure report 104 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,200 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. 17-999 for a waiver of the \$2,500 late fee assessed against Derrick O'Brien Martin, a candidate for Mayor, City of New Orleans, in the October 14, 2017 election, for filing his 90-P campaign finance disclosure report 52 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee but suspended \$2,200 conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

The Board considered a request in Docket No. 17-894 for a waiver of the \$50 late fee assessed against Lisa Graybill for the late filing of the June 2017 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the \$50 late fee, since it was Ms. Graybill's first late filing and she had no activity.

The Board considered a request in Docket No. 17-903 for a waiver of the \$50 late fee assessed against Julie Ann Vinson for the late filing of the June 2017 Lobbying Expenditure Report. On motion made, seconded and unanimously passed, the Board waived the \$50 late fee, since it was Ms. Vinson's first late filing and she had no activity.

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 No. 17-974, taking the following action:

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

Docket No. 17-959 from Ezekiel Anderson, Jr. of a \$1,500 late fee;
Docket No. 17-960 from Melinda Bourgeois of a \$2,500 late fee;
Docket No. 17-961 from Darren Brackens of a \$1,500 late fee;
Docket No. 17-962 from Travis Franks of two (2) \$1,500 late fees;
Docket No. 17-973 from David Krull of a \$1,500 late fee;
Docket No. 17-978 from Nettie Brown of a \$1,500 late fee;
Docket No. 17-1004 from Somer Lance of a \$1,500 late fee;
Docket No. 17-1009 from Phillip Sparaco of a \$1,500 late fee;
Docket No. 17-1010 from Darrell Vande Ven of a \$1,500 late fee;
Docket No. 17-1015 from Dave Young of a \$1,500 late fee; and,
Docket No. 17-1019 from Willis Penix of a \$100 late fee.

The Board considered a request in Docket No. 17-892 for a waiver of the \$1,500 late fee assessed against Porter Roosevelt, Epps Chief of Police, West Carroll Parish, for filing his amended 2014 Tier 3 Annual personal financial disclosure statement 205 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the

Code of Governmental Ethics.

The Board considered a request in Docket No. 17-893 for a waiver of the \$1,500 late fee assessed against Brian Sterling Hevrin, a member of the Ida Board of Alderman, Caddo Parish, for filing his amended 2015 Tier 3 Annual personal financial disclosure statement 142 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 17-972 for a waiver of the \$1,500 late fee assessed against Maria Sly George, International Charter School of New Orleans, for filing her 2014 Tier 3 Annual personal financial disclosure statement 412 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 17-1005 for a waiver of the \$1,500 late fee assessed against Douglas Ray Lenard, member of the Municipal Gas Authority, for filing his amended 2015 Tier 2.1 Annual personal financial disclosure statement 49 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 17-1006 for a waiver of the \$1,500 late fee assessed against Alexis James Morrow Jr., a member of the Vinton Harbor and Terminal District, for filing his amended 2015 Tier 2.1 Annual personal financial disclosure statement 47 days late.

On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 17-1008 for a waiver of the \$1,500 late fee assessed against Margaret W. Vienne, a member of the Cane River Waterway Commission, for filing her amended 2015 Tier 2.1 Annual personal financial disclosure statement 76 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 17-1012 for a waiver of the \$950 late fee assessed against Robert L. McGee, Mamou Chief of Police, Evangeline Parish, for filing his 2015 Tier 3 Annual personal financial disclosure statement 19 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$950 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 17-1013 for a waiver of the \$1,500 late fee assessed against James Rodney Hutchins, a member of the Tensas Basin Levee District, for filing his 2015 Tier 2.1 Annual personal financial disclosure statement 189 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$650 conditioned upon future compliance with the reporting requirements under 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. 17-1014 for a waiver of the \$500 late fee assessed against Rhonda Matthews, a member of the East Feliciana Parish School Board, District 3, Division 3, for filing her 2015 Tier 3 Annual personal financial disclosure statement 10 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 17-1016 for a waiver of the \$1,500 late fee assessed against Donna Jennings, a member of the Livingston Parish Convention and Visitors Bureau, for filing her 2015 Tier 2.1 Annual personal financial disclosure statement 59 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered a request in Docket No. 17-1017 for a waiver of the \$200 late fee assessed against Gary Lee Kreigh, Arise Academy Charter School, Orleans Parish, for filing his amended 2015 Tier 3 Annual personal financial disclosure statement 4 days late. On motion made, seconded and unanimously passed, the Board waived the \$200 late fee, since it was Mr. Kreigh's first late filing and he only failed to disclose the name of the charter school board.

The Board considered a request in Docket No. 17-1018 for a waiver of the \$50 late fee assessed against James David Kircus, Downsville Charter School, for filing his amended 2015 Tier 3 Annual personal financial disclosure statement 1 day late. On motion made, seconded and unanimously passed, the Board declined to waive the \$50 late fee but suspended the entire late fee conditioned upon future compliance with the reporting requirements under the Code of

Governmental Ethics.

The Board considered a request in Docket No. 17-974 for a waiver of the \$1,500 late fee assessed against Kayla Michelle Henry, Gueydan Chief of Police, Vermilion Parish, for failing to file her 2015 Tier 3 Annual personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board deferred the matter.

The Board considered a request in Docket No. 17-890 for a waiver of the \$1,500 late fee assessed against James Thomas, a member of the Washington Parish Hospital Service District, for filing his R.S. 42:1119B(2)(b)(ii) disclosure statement 95 days late. On motion made, seconded and unanimously passed, the Board waived the \$1,500 late fee, since it was Mr. Thomas' first late filing.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 15-1262 for reconsideration of a waiver of the \$1,400 late fee assessed against Louisiana Association of Health Plans, for filing the July 2015 Monthly campaign finance disclosure report 7 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,400 late fee but suspended \$900 conditioned upon future compliance with the Campaign Finance Disclosure Act and provided payment is made within 30 days. If the payment is not received in 30 days, the full amount becomes due and owing.

The Board unanimously adjourned at 11:47 a.m.

Secretary

APPROVED:

Chairman

