

LOUISIANA BOARD OF ETHICS
MINUTES
September 2, 2022

The Board of Ethics met on September 2, 2022 at 9:02 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Baños, Bryant, Colomb, Couvillon, Grand, Lavastida, Roberts, Scott and Speer present. Board Members Ellis and Grimley were absent. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Carolyn Abadie Landry; and Counsel Tracy Barker, David Bordelon, LaToya Jordan, Suzanne Mooney and Charles Reeves.

Commissioner Jay Dardenne and Marella A. Houghton, CPA, appeared before the Board on an advisory opinion request in Docket No. 22-499 regarding post-employment restrictions as it pertains to Marella A. Houghton, a current employee of the Division of Administration who previously served as designee of Commissioner Dardenne on the Louisiana Firefighters' Retirement System's Board of Trustees. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Ms. Houghton from being employed by the Louisiana Firefighters' Retirement System's Board of Trustees since she was not sworn in and no oath was filed with the Secretary of State, as expressly required by La. R.S. 11:2260(A)(5), the Board determined that she did not serve as a member of the Retirement System Board of Trustees for the purpose of the Code of Governmental Ethics.

The Board considered a request for reconsideration of an advisory opinion in Docket No. 22-501 issued to Jeff Reynolds, former Vice-Chancellor at the LSU Health Sciences Center in Shreveport. On motion made, seconded and unanimously passed, the Board allowed the withdrawal of the request for reconsideration of the advisory opinion.

On motion made, seconded and unanimously passed, the Board agreed to take action on items G3-G22 en globo subject to any items being removed from the en globo listing for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items G3-G22, excluding items G8, G11, G16, G18, G19 and G22 taking the following action:

The Board considered an advisory opinion request in Docket No. 22-356 from Christopher Wolff, an employee of the IT Department of the City of New Orleans, regarding potential consulting work outside of his public employment. On motion made, seconded and unanimously passed, the Board declined to render an advisory opinion, since Mr. Wolff has not responded to requests for information regarding the specific potential conflicts of interest.

The Board declined to render an advisory opinion in Docket No. 22-407 regarding potential violations if an owner of several nighttime businesses accepts a position as Director of the Office Nighttime Economy for the City of New Orleans, since more information is needed.

The Board considered an advisory opinion request in Docket No. 22-459 regarding the application of the post-employment restrictions in the Code of Governmental Ethics that apply to former West Feliciana High School Assistant Principal, Matt Paxton. On motion made, seconded and unanimously passed, the Board concluded that Section 1121B(1) of the Code of Governmental Ethics will not prohibit Mr. Paxton from rendering mental health services to the School District, since he never provided any mental health services to the School District while an employee.

The Board accepted the withdrawal of an advisory opinion request in Docket No. 22-460 regarding a councilmember of Livingston Parish being appointed to an administrative position in the Office of the Parish President, and the Parish President being appointed to an administrative position by his successor.

The Board considered an advisory opinion request in Docket No. 22-461 regarding the employment of a retired certified teacher of St. Tammany Parish School Board while her sister serves as a School Board member. On motion made, seconded and unanimously passed, the Board

concluded that hiring Ms. Margaret O'Connell as a substitute teacher in the St. Tammany Parish school system does not pose an issue under the Code of Governmental Ethics, provided that Elizabeth Heintz does not participate in any transactions involving Ms. O'Connell and the School Board.

The Board accepted the withdrawal of an advisory opinion request in Docket No. 22-465 from James Knight, on behalf of the Town of Franklinton, as to whether the daughter of the Franklinton Town Clerk may bid on adjudicated property through the Town's tax sales, since the opinion is no longer needed.

The Board considered an advisory opinion request in Docket No. 22-477 regarding whether New Orleans City police officers, who are members of the Crescent City Lodge #2 of the Fraternal Order of Police, are required to file disclosure statements pursuant to Section 1115.2 of the Code of Governmental Ethics disclosing the receipt of travel and lodging from the Crescent City Lodge #2 of the Fraternal Order of Police to attend conferences of the National Fraternal of Police in the discharge of their duties as lodge delegates for the Crescent City Lodge #2 of the Fraternal Order of Police. On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics does not require New Orleans City Police Officers, who are members of the Crescent City Lodge of the Fraternal Order of Police, the Louisiana Lodge of the Fraternal Order of Police, and the National Fraternal Order of Police, to file disclosure statements regarding the receipt of reimbursement for travel to conferences they are attending in their capacity as members of the aforementioned listed organizations.

The Board considered an advisory opinion request in Docket No. 22-480 for Denise G. Miller, regarding whether the Code of Governmental Ethics would prohibit her from continuing to serve as Secretary for the Evergreen Fire Protection District while her husband, Kevin Miller, serves on the District's Board of Commissioners. On motion made, seconded and unanimously passed, the Board concluded that based on the facts presented, the Code of Governmental Ethics does not prohibit

Denise G. Miller from continuing to serve as Secretary for the District until completion of her term or until December 2022 while her husband, Kevin Miller serves as the Chairman for the Board of Commissioners.

The Board approved the submitted disqualification plan in Docket No. 22-484 involving Robert Barrentine, Chief Operating Officer of Calcasieu Parish School Board, and his wife, Dielle Barrentine, the employee of the school board.

The Board approved the submitted disqualification plan in Docket No. 22-485 involving Shannon LaFargue, Superintendent of Calcasieu School Board, and his wife, Angela LaFargue, an employee in the Accounting and Budget Department.

The Board considered an advisory opinion request in Docket No. 22-500 from former Orleans Parish Schools Superintendent Henderson Lewis Jr., Ph.D regarding the application of the post-employment restrictions in the Code of Governmental Ethics following his employment with the Orleans Parish School Board (OPSB). On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Dr. Henderson Lewis, Jr. or his consulting company from rendering services to Type 1, 3, or 3B charter schools in New Orleans, provided those services will not involve in any way his former agency, OPSB.

The Board considered an advisory opinion request in Docket No. 22-503 as to whether the Code of Governmental Ethics would prohibit Debra Savoie, member of the Iberia Parish School Board, from providing compensated services to the Iberia Medical Center while the Iberia Medical Center administers the Hospital Community Outreach Program. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Debra Savoie from accepting employment with the Iberia Medical Center while serving as a member of the Iberia Parish School Board, and while the Iberia Medical Center provides its outreach program

to the School District, as long as Ms. Savoie is not the hospital employee introducing or monitoring the outreach program at the School District on behalf of the hospital.

The Board considered an advisory opinion request in Docket No. 22-518 regarding an Arcadia Councilman sitting on the board of a bank that transacts business with the Town of Arcadia. On motion made, seconded and unanimously passed, the Board concluded that Rita Desai would not be prohibited from serving as a member of the board of Louisiana National Bank if she is elected to the Town Council of Arcadia, since the exception found in La. R.S. 39:1233.1 applies. However, Ms. Desai must file the necessary disclosures with the Board of Ethics in accordance with Section 1114 of the Code of Governmental Ethics and La. R.S. 39:1233.1. Furthermore, she must recuse herself from participating in matters before the Town Council in which the Louisiana National Bank has substantial economic interest; and, each time she recuses herself from such matters, she must file the required disclosure with the Board of Ethics.

The Board considered an advisory opinion request in Docket No. 22-525 as to whether the Code of Governmental Ethics would prohibit Department of Children and Family Services (DCFS) employees from receiving compensation from a person who leases property to DCFS; and, whether a DCFS employee may accept employment from the property owner (Landlord) after termination of her employment. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics prohibits Ariella Carter, an employee of the Catahoula DCFS office, from receiving compensation to perform janitorial services for Landlord, and prohibits Landlord from making such payments to Ms. Carter. Additionally, Ms. Carter may provide services to Landlord after she terminates her employment with the Catahoula office of DCFS provided Ms. Carter did not participate in those matters during her employment with DCFS and did not perform those services for the Catahoula office of DCFS.

The Board considered an advisory opinion request in Docket No. 22-463 submitted by Donald G. Womack, regarding whether the Code of Governmental Ethics would prohibit Top Hand Oilfield Services ("Top Hand") and Womack Brothers, LLC ("Womack Brothers") from being inspected by the Louisiana Department of Conservation ("LDC") if other Conservation Enforcement Agents perform the required inspections. On motion made, seconded and unanimously passed, the Board concluded that Top Hand and Womack Brothers may continue to bid on and enter into OSR Program Act 404 Projects, provided that those projects are not located within the Monroe District of the Office of Conservation. Further, the Code of Governmental Ethics does not prohibit Top Hand or Womack Brothers from providing services to companies who are subject to inspection by the Office of Conservation, as long as another Conservation Enforcement Agent performs the required inspections. Finally, if the sons receive compensation from Top Hand and Womack Brothers in connection with services that involve inspections by the Monroe District, they must annually file income disclosure statements pursuant to Section 1114A of the Code of Governmental Ethics.

The Board considered an advisory opinion request in Docket No. 22-478 on behalf of Orleans Parish Sheriff Susan Hutson as to whether Timothy David Ray is prohibited from contracting with the Orleans Parish Sheriff's Office ("OPSO") while his mother, Deborah Chatman, is employed by OPSO. On motion made, seconded and unanimously passed, the Board declined to render an advisory opinion.

The Board considered an advisory opinion request in Docket No. 22-502 submitted by Fire Chief Christopher Bourgeois, regarding whether the Code of Governmental Ethics would prohibit a Captain employed by the Schriever Fire Protection District as Office Manager from maintaining his rank as Captain after the District's planned reorganization of the Schriever Volunteer Fire Department ("Department"). On motion made, seconded and unanimously passed, the Board concluded that

based on the facts presented, the provisions of the Code of Governmental Ethics do not address whether the Office Manager Captain may maintain his rank after the Department's reorganization.

The Board considered an advisory opinion request and the request for approval of a disqualification plan in Docket No. 22-504 regarding the new CEO of Collegiate Academics, Jerel Bryant, employing his wife, Sorya Verjee, as Chief Talent Officer. On motion made, seconded and unanimously passed, the Board concluded that the hiring of Mr. Bryant as CEO of Collegiate does not pose an issue under the Code of Governmental Ethics. Therefore, Ms. Verjee can continue her employment at Collegiate, provided that Mr. Bryant does not participate in any transactions in which Ms. Verjee has a substantial economic interest. The Board also approved the disqualification plan.

The Board considered a disqualification plan in Docket No. 22-505 from Livingston Collegiate Academy, regarding Akeem and Ahmad Langham. On motion made, seconded and unanimously passed, the Board adopted the approved disqualification plan as amended.

The Board considered the withdrawal of an advisory opinion request in Docket No. 22-530 from Heather Hendrix, candidate for District Judge, 17th Judicial District Court, Division "A", Lafourche Parish in the November 8, 2022 election, related to contributions from and expenditures to other campaigns. On motion made, seconded and unanimously passed, the Board allowed the withdrawal of the advisory opinion request.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the August 4th and 5th, 2022 meetings.

The Board considered the proposed consent opinions in Docket No. 21-139 regarding Rowdy Gaudet and Emergent Method, LLC relating to violations of Sections 1111C(2)(d) and 1117 of the Code of Governmental Ethics, respectively. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinions for Rowdy Gaudet and Emergent Method, LLC.

The Board considered a 2023 proposed calendar for meetings of the Louisiana Board of Ethics. The Board proposed changing the April meeting to a one-day meeting on Wednesday April 5, 2023. The Calendar will be officially adopted at the next meeting.

Kathleen Allen presented an Administrator's Report to the Board on the following:

1. Detailed report on staff's research efforts on crypto-currency in response to HR 180 of the 2022 Regular Legislative Session. There will be a meeting on HR 180 on September 15, 2022 before the House and Governmental Affairs Committee.
2. Report on Campaign Finance Seminar to be conducted online by staff on September 12, 2022 whose target audience is candidates for the November election.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 22-506 regarding a \$2,500 campaign finance late fee assessed against Juana Marine-Lombard, an unsuccessful candidate for Judge, Criminal District Court, Section A, Orleans Parish in the October 20, 2007 election, whose 2020 Supplemental campaign finance disclosure report was filed 115 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 22-507 regarding the \$3,000 campaign finance late fee assessed against United Ballot and its committee's chairperson, Christopher Williams, whose 10-P report for the November 3, 2020 election was filed 56 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board considered a hospital disclosure waiver request in Docket No. 22-371 submitted by Karen Collins, a member of the Lafourche Parish Hospital Service District No. 1 d/b/a Lady of the Sea General Hospital, regarding a \$1500 late fee assessed for filing her 2021 Hospital Disclosure

Statement 318 days late. On motion made, seconded and unanimously passed, the Board suspended all of the \$1,500 late fee based on future compliance with the reporting requirements under the Code of Governmental Ethics.

The Board considered an untimely waiver request in Docket No. 22-263 to reconsider its decision to decline to waive a \$500 campaign finance late fee assessed against Roger Z. Toney, an unsuccessful candidate for Mayor, Town of Ball, Rapides Parish, in the October 12, 2019, whose 30-P campaign finance disclosure report was filed 21 days late. On motion made, seconded and unanimously passed, the Board declined to reconsider the untimely waiver request.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request to reconsider the decision in Docket No. 22-019 regarding its decision to decline to waive the \$2,000, \$780 & \$720 campaign finance late fees assessed against, Joshua Cathedrale Lewis, an unsuccessful candidate for Mayor, City of Lake Charles, Calcasieu Parish in the March 20, 2021 election, whose 30-P, 10-P and 10-G campaign finance disclosure reports were filed 34, 13 and 12 days late, respectively. On motion made, seconded and unanimously passed, the Board reaffirmed its prior decision to reduce each late fee to \$600 based pm Rule 1205C of the Campaign Finance Disclosure Act and declined to waive the entirety of the late fees.

The Board took a recess from 10:34 A.M. to 10:44 A.M.

Board Member Colomb asked to reconsider Docket No. 22-507 and was recused from voting on Docket No. 22-507.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a waiver request in Docket No. 22-507 regarding the \$3,000 campaign finance late fee assessed against United Ballot and its committee's chairperson, Christopher Williams, whose 10-P report for the November 3, 2020 election was filed 56 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

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

The Board considered an advisory opinion request in Docket No. 22-468 regarding whether a member of the East Baton Rouge City Parish Council may receive a thing of economic value for services render to Franciscan High School at a time when Franciscan High School administers a work study program through FBR Work Study Program, Inc. that places students with the East Baton Rouge City Parish Government. On motion made, seconded and unanimously passed, the Board concluded that the Code of Governmental Ethics does not prohibit Rowdy Gaudet, while serving as an East Baton Rouge Metropolitan Councilmember, from receiving compensation from his employment with Franciscan High School if FBR Work Study Program, Inc. enters into a contractual or business relationship with the Baton Rouge Metropolitan Airport and the Mayor President's Office to sponsor students for the Corporate Work Study Program.

The meeting adjourned at 11:02 A.M.

Secretary

APPROVED:

Chairwoman