

[DATE]

Dane S. Ciolino  
18 Farnham Pl  
Metairie, Louisiana 70005

Re: **Docket No. 2024-573**  
**Advisory Opinion**

Dear Mr. Ciolino,

The Louisiana Board of Ethics, at its meeting on October 4, 2024, considered your advisory opinion request, submitted on behalf of your client, as to whether the Code of Governmental Ethics (“Code”) permits Stephen Landry to own race horses while serving as the Executive Director of the Louisiana State Racing Commission.

#### FACTS PROVIDED

The Louisiana Racing Commission is a state agency responsible for regulating horseracing and pari-mutuel wagering in Louisiana. This regulation is accomplished through the issuance of licenses to racetracks, off-track wagering parlors, horse trainers, owners, training centers, vendors, and others. The Commission may grant, refuse, suspend, or withdraw licenses to horse owners or fine a licensee for a violation.

Mr. Stephen Landry was appointed as Executive Director of the Louisiana Racing Commission in February of 2024, taking office in March 2024. The Executive Director constitutes an administrative and advisory position for the commissioners, and Mr. Landry is not a voting member of the commission. Prior to his appointment, he was and still is a 1/3 owner of two racehorses and a 50% owner of a third racehorse. Prior to Mr Landry’s March start date, he was assured by the Chairman of the Commission, Ed Koehl, that he could perform the duties of this position while also owning racing horses.

The law is silent as to whether the Executive Director may own horses. House Bill 840 was just passed this year providing for ownership of racehorses by members of the Louisiana State Racing Commission. Act 639 was signed by the Governor on June 11, 2024, and went into effect on August 1, 2024. The new law significantly changes the old law and provides that any member of the commission may be an owner of racehorses that participate in any race meeting licensed by the commission. Prior law mandated that three members of the commission shall be owners of racehorses which participate in any race meeting licensed by the commission. See La. R.S. 4:144B(20)(b). Otherwise, members of the commission were prohibited from directly or indirectly owning racehorses which participate in any race meeting licensed by the commission. In addition commission members are not prohibited from owning a horse that sired or bred a racehorse that

participates in a race meeting licensed by the commission or from participating in a breeder or stallion award See La R.S. 4:144B(4).

## LAW

**La. R.S. 42:1113A(1)(a):** No public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

**La. R.S. 42:1102(2)(a).** "Agency" means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity.

**La. R.S. 42:1102(16).** "Person" means an individual or legal entity other than a governmental entity, or an agency thereof.

**La. R.S. 42:1102(18)(a).** "Public employee" means anyone, whether compensated or not, who is:

- (i) An administrative officer or official of a governmental entity who is not filling an elective office.
- (ii) Appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof.
- (iii) Engaged in the performance of a governmental function.
- (iv) Under the supervision or authority of an elected official or another employee of the governmental entity.

**La. R.S. 42:1102(19).** "Public servant" means a public employee or an elected official.

**La. R.S. 42:1102(20.1).** "Service" means the performance of work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property.

**La. R.S. 42:1102(23).** "Transaction involving the governmental entity" means any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know:

- (a) Is, or will be, the subject of action by the governmental entity.
- (b) Is one to which the governmental entity is or will be a party.
- (c) Is one in which the governmental entity has a direct interest. A transaction involving the agency of a governmental entity shall have the same meaning with respect to the agency.

## ANALYSIS

As the Executive Director of the Louisiana Racing Commission, Mr. Landry is a public servant pursuant to La. R.S. 42:1102(19). His agency is the Louisiana Racing Commission pursuant to La. R.S. 42:1102(2)(a).

Pursuant to La. R.S. 42:1113A, Mr. Landry is prohibited from entering into any contract, subcontract, or other transaction under the jurisdiction or supervision of the Louisiana Racing Commission.

The Louisiana Racing Commission is a state agency responsible for regulating horseracing and pari-mutuel wagering in Louisiana. This regulation is accomplished through the issuance of licenses to horse owners, and others. The Commission may grant, refuse, suspend, or withdraw licenses to horse owners or fine a licensee for a violation.

Applying for a license from the Louisiana Racing Commission is a transaction under the agency's supervision or jurisdiction. Therefore, Mr. Landry is prohibited by La. R.S. 42:1113A from applying for a license from the Louisiana Racing Commission.

## CONCLUSION

The Louisiana Board of Ethics concluded and instructed me to inform you that the Code prohibits Mr. Landry from entering into any contract, subcontract, or other transaction under the jurisdiction or supervision of the Louisiana Racing Commission.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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Mallory A. Guillot  
For the Board