

Louisiana Board of Ethics
LaSalle Building - First Floor
617 North 3rd Street
Baton Rouge, Louisiana

December 18, 2009
9:00 a.m. (LaBelle Room)

GENERAL

Consent Agenda, Consent Opinions
&
Items Requiring No Board Action

- G14. Docket No. 08-442**
Publication of a consent opinion regarding an employee of the Department of Veteran's Affairs regarding a potential nepotism violation at the LTC Hospital.
- G15. Docket No. 08-879**
Publication of a consent opinion regarding the Mayor of Brusly using the town's generator's during Hurricane Gustav.
- G16. Docket No. 08-1059**
Consideration of an consent opinion regarding an expenditure report filed more than 11 days late by lobbyist Jerline Rhoden.
- G17. Docket No. 08-1062**
Consideration of a consent opinion regarding a lobbyist expenditure report filed more than 11 days late by lobbyist William Rowell.
- G18. Docket No. 08-1063**
Consideration of a consent opinion regarding a lobbyist expenditure report filed more than 11 days late by lobbyist Desmond Browne.

G19. Docket No. 09-942

Consideration of a request for an advisory opinion regarding whether an employee of the Recovery School District in New Orleans (RSD) may become an independent consultant in the RSD providing services she performs as an employee as well as services not currently within the scope of her job description.

G20. Docket No. 09-986

Consideration of a request for an advisory opinion regarding whether an Adjunct Instructor in the School of Social Work may become a Clinical Provider for the Office of Community Services (OCS).

G21. Docket No. 09-988

Request for an advisory opinion regarding (1) whether a former member of the Board of Commissioners of the West St. Mary Parish, Port, Harbor and Terminal District may resign and donate his services to the agency before the expiration of two years and (2) whether such former board member may be reimbursed for direct expenses incurred.

G22. Docket No. 09-999

Consideration of a request for an advisory opinion regarding whether the purchasing agent for St. John the Baptist School Board may issue a purchase order to a company that has a business agreement with the purchasing agent.

G23. Docket No. 09-1017

Consideration of a request for an advisory opinion concerning the Secretary of the Board of Commissioners with a Juvenile Detention Authority working for the Office of Juvenile Justice.

G24. Docket No. 09-1019

Consideration of a request for an advisory opinion concerning whether an employee of the St. John the Baptist Clerk of Court's Office may receive additional compensation for additional duties performed in a separate department within the Clerk's Office.

G25. Docket No. 09-1022

Consideration of a request for an advisory opinion regarding whether the members of the Washington Parish Reservoir Commission are required to file annual personal financial disclosure statements.

G26. Docket No. 09-1026

Consideration of a request for an advisory opinion regarding the propriety of the Mayor of the Town of Abita Springs accepting an honorary membership to the Money Hill Golf and Country Club.

G27. Docket No. 09-1065

Consideration of a request for an advisory opinion regarding whether an employee of the Metropolitan Human Services District may accept employment with an Access to Recovery Provider (ATR).

G28. Docket No. 09-1066

Consideration of a request for an advisory opinion concerning a councilman for the City of Covington being employed by the St. Tammany Parish District Attorney's Office.

G29. Docket No. 09-1068

Consideration of a request for an advisory opinion regarding whether First-In, LLC may enter into an agreement with the Jonesville Volunteer Fire Department (Fire Department) when the Assistant Fire Chief for the Fire Department is employed with First-In, LLC.

G30. Docket No. 09-1070

Consideration of a request for an advisory opinion regarding whether an employee of the Division of Administration, Office of State Lands (OSL), may, upon retirement, be employed by a company which has had cooperative agreements with OSL since October 2004.

G31. Docket No. 09-1076

Consideration of a request for an advisory opinion concerning whether the Monroe Municipal Police Department may solicit and accept donations from private citizens, organizations, and businesses for the purpose of funding a police memorial.

G32. Docket No. 09-1077

Consideration of a request for an advisory opinion regarding whether an employee of the Office of Community Services may provide therapy services to clients of the Office of Juvenile Justice.

G33. Docket No. 09-1084

Consideration of a request for an advisory opinion concerning the spouse of a Winnfield City Police Department lieutenant being employed as a police officer by the department.

General Item

Ethics Board Docket No. BD 2009-942 11/20/2009

RE: Consideration of a request for an advisory opinion regarding whether an employee of the Recovery School District in New Orleans (RSD) may become an independent consultant in the RSD providing services she performs as an employee as well as services not currently within the scope of her job description.

Relevant Statutory Provisions, Advisory Opinions: 1121. 1113A(1)

Comments:

Facts: Ms. Marcia Arceneaux is employed by the Recovery School District in New Orleans (RSD) as an IDEA Compliance and Student Advocate (Special Education). Her major job responsibility is the performance of a Self Review Process within the Direct Run and Charter Schools within the RSD. The Charter Schools may purchase this service from private agencies, but the RSD provides the service without cost. The Review Process entails a one-day visit to the school where student folders are examined for compliance with IDEA, as well as interviews and observations. Reports, preparation, and professional development pertaining to compliance are provided to the system. The budget Ms. Arceneaux works under within IDEA allows for the provision of services approximately two days per week. Although Ms. Arceneaux's job description includes "any other responsibility the Director may assign", time and budget constraints do not allow for the provision of other services.

Ms. Arceneaux would like to operate in the RSD as a consultant within her existing corporation, Educational Support Services, Inc., rather than as an hourly employee of the RSD. Through her company, Ms. Arceneaux would like to provide services she not included under her current job description, specifically Mentoring Services to New Directors of Special Education and services for adolescents in the RSD who may be entering the Juvenile Justice System. In addition, Ms. Arceneaux would like to offer Self Review Processes to all RSD schools.

Issues: May a current employee of the RSD offer Self Review Processes to schools within the RSD through her private company? May such employee offer other services through her company that are not within the scope of her current job description?

Law: Section 1121 states that no former public employee (nor any entity in which the public servant is an officer, director, trustee, partner, or employee) shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction or in an appearance in connection with a transaction in which the former public employee participated at any time during his public employment and which involves his former public employer, or for a period of two years following termination of his public employment, render any service which such former public employee had rendered to the agency during the

term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed. Section 1113A(1) prohibits public servants, or legal entities in which they have a controlling interest, from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

Analysis/Conclusion: Ms. Arceneaux, individually or through her company, would be prohibited from providing Self Review Processes to schools within the RSD for a period of two years after termination of her employment with the RSD because this is the same service she rendered to her agency, the Recovery School District. Ms. Arceneaux may, however, provide the Mentoring Services to New Directors of Special Education and services to the adolescents entering the Juvenile Justice System upon termination of her employment with the RSD as these are not services she renders to the RSD as an IDEA Compliance and Student Advocate. She would be prohibited from providing these services while employed by the RSD as this would constitute a contract with her agency. (DLG)

Recommendations: Adopt proposed advisory opinion.

Date

Ms. Marcia Arceneaux
204 Melrose Dr.
Thibodaux, LA 70301

Re: Board Docket No. 2009-942

Dear Ms. Arceneaux,

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion regarding whether you, a current employee of the Recovery School District in New Orleans (RSD), may offer Self Review Processes to schools within the RSD through your private company as an independent consultant instead of as an employee of the RSD, and whether you may offer other services through your company that are not within the scope of your current job description. You stated that you are employed by RSD as an IDEA Compliance and Student Advocate (Special Education). Your major job responsibility is the performance of a Self Review Process within the Direct Run and Charter Schools within the RSD. The Charter Schools may purchase this service from private agencies, but the RSD provides the service without cost. The Review Process entails a one day visit to the school where student folders are examined for compliance with IDEA, as well as interviews and observations. Reports, preparation, and professional development pertaining to compliance are provided to the system. The budget you work under within IDEA allows for the provision of services approximately two days per week. You further stated that although your job description includes "any other responsibility the Director may assign", time and budget constraints do not allow for the provision of other services.

You also stated that you would like to operate in the RSD as a consultant within your existing corporation, Educational Support Services, Inc., rather than as an hourly employee of the RSD. Through your company, you would like to provide services not included under your current job description, specifically Mentoring Services to New Directors of Special Education and services for adolescents in the RSD who may be entering the Juvenile Justice System. In addition, you would like to offer Self Review Processes to all RSD schools.

The Board concluded, and instructed me to advise you, that you, individually or through your company, would be prohibited by the Code of Governmental Ethics from providing Self Review Processes to schools within the RSD for a period of two years after termination of your employment because this is the same service you render to your agency, the Recovery School District. Section 1121 states that no former public employee (nor any entity in which the public servant is an officer, director, trustee, partner, or employee) shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction or in an appearance in connection with a transaction in which the former public employee participated at any time during his public employment and which involves his former public employer, or for a period of two years following termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was

formerly employed.

The Board also instructed me to inform you that you may provide the Mentoring Services to New Directors of Special Education and services to the adolescents entering the Juvenile Justice System as these are not services you render to the RSD as an IDEA Compliance and Student Advocate. However, you may only provide these services if you are not an employee of the RSD. Section 1113A(1) of the Code Governmental Ethics prohibits a public servant, or members of such public servant's immediate family, or a legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board

2009-942

MARCIA C. ARCENEUX, Ph.D., J.D.
204 Melrose Drive
Thibodaux, LA 70301

Louisiana State Board of Ethics
Att: Tracy Meyer
P.O. Box 4368
Baton Rouge, LA 70821

September 18, 2009

Dear Ms. Meyer:

Referencing our conversation this morning, I am requesting an official opinion from the State Board of Ethics regarding my ability to function as an independent consultant in the Recovery School District: Charter Schools and Direct Run Schools.

Currently, I am employed by the Recovery School District in New Orleans as an IDEA Compliance and Student Advocate (Special Education). My major job description is to perform a Self Review Process within the Direct Run Schools and Charter Schools in the RSD. The Charter Schools do have the option to purchase this service from private agencies; however, the RSD does provide it without cost. This entails a one day visit to the school where student folders are examined for compliance with the IDEA, as well as interviews and observations. Reports, preparation, and professional development pertaining to compliance have been provided to the system.

The budget that I work under (IDEA) provides for approximately 2 days per week of services, however, the hours are flexible and not a requirement. I am not receiving benefits from the RSD. Additionally, the job description provided is large, broad, and vague (e.g., ...and any other responsibility that the Director may assign...). It is simply not possible to provide the services to the schools pertaining to the Self Review Process (major job duty) and other duties that have not surfaced as a specific job requirement on a consistent basis during my employment (1 & 1/2 years).

The Opinion: I would like to operate in the RSD as a Consultant within my existing corporation (Educational Support Services, Inc.) rather than an hourly employee. Several Charter Schools have requested services that I offer specific to the corporation, e.g., Mentoring Services to New Directors of Special Education. This is not a service offered by the RSD. I would also like to provide services to the RSD that were not specific to my existing work scope, e.g., services for adolescents that are in the Alternative School Settings and may be entering the Juvenile Justice System. If possible, I would like to continue to offer Self Review Processes to all RSD schools, but as a consultant and not an hourly employee.

I am an attorney, but I am not legal counsel for the RSD. I do provide guidance to the Director of Special Education, if requested, in the area of IDEA. Additionally, I hold a Ph.D. in special education, and have participated in a variety of discussions and meetings regarding programs; however, not as part of an official job description.

ETHICS ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

2009 SEP 21 PM 4:40

Please consider the situation that I have presented and provide a written opinion on my ability to provide services as a Consultant to the Charter Schools as described above and/or the RSD in a different capacity, e.g., Office of School Management. Additionally, I would like to know if I could continue to work with the Department of Special Education in the Self Review Process.

Your time and guidance today is greatly appreciated. My understanding is that the above situations would be appropriate. However, I am requesting a written opinion for my records and future documentation, if needed.

Yours very truly,

A handwritten signature in black ink that reads "Marcia C. Arceneaux". The signature is written in a cursive style with a large, looping initial "M".

**Marcia C. Arceneaux
204 Melrose Drive
Thibodaux, LA 70301**

**(985) 413-1858
marciaarceneaux@att.net**

General Item

Ethics Board Docket No. BD 2009-986 11/20/2009

RE: Consideration of a request for an advisory opinion regarding whether an Adjunct Instructor in the School of Social Work may become a Clinical Provider for the Office of Community Services (OCS).

Relevant Statutory Provisions, Advisory Opinions: 1111C, 1112

Comments: Paula Davis has been employed as an Adjunct Instructor at the LSU School of Social Work since August of 2000. She serves as Faculty Liaison between the students in their field internship placements and the School of Social Work. None of Ms. Davis' intern sites are OCS offices. Her responsibilities include providing ongoing consultation with field supervisors and student interns regarding problems or concerns and assisting the students in integrating course work with their field experiences. She also assists students in developing learning goals for the semester and works with the students and field supervisors to ensure the field placement is successful for all. This Liaison position is a 25% effort position. Ms. Davis also teaches courses--also considered a 25% effort position.

Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. As long as Ms. Davis does not render services to OCS clients who are eligible to receive these services through the LSU School of Social Work, there is no violation of the Code of Ethics with her service as an OCS Provider. Section 1112 of the Code prohibits a public servant from participating in a transaction in which the public servant has a substantial economic interest. Therefore, Ms. Davis is prohibited from recommending clients of the LSU School of Social Work her private practice. (DLG)

Recommendations: Adopt proposed advisory opinion.

Date

Ms. Paula C. Davis, LCSW
5038 River Meadow Drive
Baton Rouge, La 70820

Re: Ethics Board Docket No. 2009-986

Dear Ms. Davis,

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion regarding whether you, an Adjunct Instructor in the School of Social Work may become a Clinical Provider for the Office of Community Services (OCS). You stated that you have been employed as an Adjunct Instructor at the LSU School of Social Work since August of 2000. You stated that you serve as the Faculty Liaison between the students in their field internship placements and the School of Social Work. None of intern sites are OCS offices. Your responsibilities include providing ongoing consultation with field supervisors and student interns regarding problems or concerns and assisting the students in integrating course work with their field experiences. She also assists students in developing learning goals for the semester and works with the students and field supervisors to ensure the field placement is successful for all. This Liaison position is a 25% effort position. Ms. Davis also teaches courses--also considered a 25% effort position.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit your services as an OCS provider. Section 1111C(1)(a) of the Code prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. However, Section 1111C(1)(a) of the Code will prohibit you from becoming an OCS provider as long as you do not serve the same clients that you serve in your employ with LSU School of Social Work. Additionally, Section 1112 of the Code prohibits a public servant from participating in a transaction in which the public servant has a substantial economic interest. Therefore, you are prohibited from recommending clients serviced through the LSU School of Social Work to your private practice.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board



2009-986

Paula C. Davis, LCSW
5038 River Meadow Drive
Baton Rouge, LA 70820
October 6, 2009

REGISTRATION
CAMPAIGN FINANCE
RECEIVED

2009 OCT -7 AM 9:31

Louisiana Ethics Commission
P.O. Box 4368
Baton Rouge, LA 70821

To Whom It May Concern:

I am applying to become a Clinical Provider on an as needed, contract basis for the Office of Community Services (OCS). In this role, I would be providing counseling services to OCS families and children. Referrals would come from OCS workers. I am requesting an Advisory Opinion because I am also employed part-time by the State of Louisiana.

Since August of 2000, I have been an Adjunct Instructor at the LSU School of Social Work. I serve as a Faculty Liaison between students in their Field Internship placements and the School of Social Work. None of my internship sites are OCS offices and I can request to not serve as liaison for any OCS offices in the future to avoid any possible conflicts of interest. My job responsibilities include providing on-going consultation with field supervisors and student interns regarding problems or concerns, and assisting them in integrating coursework with their field experiences. I also assist students in developing learning goals for the semester and work with students and field supervisors to ensure the field placement is successful for all. This is a 25% effort position. I also teach courses at the School of Social Work. In the Fall, I teach an overview of social work treatment theories and in the Spring, I teach a Mental Health Diagnostic course. This is also considered a 25% effort position.

Please let me know if you have any questions or need further information.

Sincerely,



Paula C. Davis, LCSW

General Item

Ethics Board Docket No. BD 2009-988 12/18/2009

RE: Request for an advisory opinion regarding (1) whether a former member of the Board of Commissioners of the West St. Mary Parish, Port, Harbor and Terminal District may resign and donate his services to the agency before the expiration of two years and (2) whether such former board member may be reimbursed for direct expenses incurred.

Relevant Statutory Provisions, Advisory Opinions: 1121, 1123(30)

Comments:

Facts: The West St. Mary Parish, Port, Harbor and Terminal District (Port) is a political subdivision of the State of Louisiana that it is governed by a nine-member board. Its daily operations are administered through an Executive Director who is selected by a majority vote of the Board of Commissioners.

Issues: May a member of the Board of Commissioners of the Port resign and donate his services to assist in the Port's operations before the expiration of two years? If so, may such former board member receive reimbursement for direct expenses incurred while donating his services to the operation of the Port.

Rules: Section 1121A(2) states that no former member of a board or commission shall, for a period of two years, following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission; however, Section 1123(30) allows a public servant to donate services to his agency.

Analysis/Conclusion: The Code of Governmental Ethics will not prohibit the board member from resigning from the Port Board and subsequently providing uncompensated, volunteer services to the Port Board. Also, reimbursement of direct expenses will not be prohibited as such reimbursement will not constitute compensation or remuneration for the performance of the services. (DLG)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. Eric Duplantis
P.O. Box 238
Franklin, LA 70538

Re: Board Docket No. 2009-988

Dear Mr. Duplantis ,

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion regarding (1) whether a former member of the Board of Commissioners of the West St. Mary Parish, Port, Harbor and Terminal District may resign and donate his services to the agency before the expiration of two years and (2) whether such former board member may be reimbursed for direct expenses incurred. You stated that the West St. Mary Parish, Port, Harbor and Terminal District (Port) is a political subdivision Louisiana that is governed by a nine-member board. Its daily operations are administered through an Executive Director who is selected by a majority vote of the Board of Commissioners.

The Board concluded, and instructed me to inform you that the Code of Governmental Ethics will not prohibit the board member from resigning from the Port Board and subsequently providing uncompensated, volunteer services to the Port Board. Section 1121A(2) states that no former member of a board or commission shall, for a period of two years, following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission; however, Section 1123(30) allows a public servant to donate services to his agency. Also, reimbursement of direct expenses will not be prohibited as such reimbursement will not constitute compensation or remuneration for the performance of the services.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board

2009-988

DUPLANTIS & McNULTY, L.L.P.

Attorneys at Law
Lawless Building
200 Willow Street P.O. Box 238
Franklin, Louisiana 70538
Phone 337-828-5480
Fax 337-828-1160

Eric P. Duplantis
(duplantis@aol.com)

Marsha McNulty

October 8, 2009

Ms. Kathleen Allen
Louisiana Board of Ethics
P O Box 4368
Baton Rouge LA 70821

2009 OCT -9 PM 4:18
FINANCIAL ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

Re: Request For Advisory Opinion
West St. Mary Parish, Port, Harbor And Terminal District

Dear Ms. Allen:

On behalf of the West St. Mary Parish, Port, Harbor and Terminal District (Port), a political subdivision of the State of Louisiana created by R.S. 33:334.31 et seq, I have been asked to seek an advisory opinion on the following issues.

The Port is governed by a nine (9) member Board of Commissioners. The day-to-day operation of our District is administered through an Executive Director (an employee) who in the recent past has been selected by a majority vote of the Board of Commissioners.

The first question posed is whether it would be a violation of the Ethics Code, including R.S. 42:1121(A)(2), for a member of the Board of Commissioners to resign and, before the expiration of two (2) years, donate (without compensation) his services to assisting in the Port's operations.

R.S. 42:1121(A)(2): No former member of a board or commission shall, for a period of two years following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission.

R.S. 42:1123(30) would appear to allow such a donation of services.

R.S. 42:1123: This part shall not include:

(30) A public servant, a legal entity in which he has a controlling interest, or a member of his immediate family, from donating services, movable property, or funds to his agency. Nothing herein shall be construed to allow a public servant to make an appointment of a person which is otherwise prohibited by this Chapter. (emphasis added)

Louisiana Board of Ethics
October 8, 2009
Page 2 of 2

Secondly, while under the above noted hypothetical situation the volunteer would not be compensated --- his services would be donated --- could such a volunteer be reimbursed for direct expenses incurred while donating such time to the operation of the Port?

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Duplantis". The signature is written in a cursive style with a large, sweeping initial "E".

Eric P Duplantis
Legal Advisor
West St. Mary Parish Port
Harbor and Terminal District

General Item

Ethics Board Docket No. BD 2009-999 12/18/2009

RE:

Consideration of a request for an advisory opinion regarding whether the purchasing agent for St. John the Baptist School Board may issue a purchase order to a company that has a business agreement with the purchasing agent.

Relevant Statutory Provisions, Advisory Opinions:

1111C(2)(d)

Comments:**FACTS:**

Peter Montz is the purchasing agent for St. John the Baptist Parish School Board(Board). He received a request to procure two storage buildings for the School District. The lowest quote submitted was from Tuff Sheds Inc. Tuff Sheds Inc. rents a commercial building in St. John the Baptist Parish from BGM3, partnership LLC. Mr. Montz owns one-third interest in M3 Partnership, LLC which owns one-third of BGM3, the company that rents the commercial building to Tuff Sheds. Mr. Montz's brother and father each own one-third of M3 Partnership.

LAW:

Section 1111C(2)(d) of the Code prohibits a public servant from receiving a thing of economic value from a person who has or is seeking a business or financial relationship with the public servant's agency.

ANALYSIS:

There is no violation of the Code if St. John the Baptist Parish School Board accepts the quote from Tuff Sheds and enters into an agreement with Tuff Sheds. Additionally, since BGM3, and not Mr. Montz, is paid for renting the commercial property to Tuff Sheds, a company seeking a business relationship with the Board, there is no violation of the Code if Tuff Sheds Inc. continues to rent the building from BGM3 if Tuff Sheds accepts a purchase order from St. John the Baptist School District. (APB)

Date

Peter Montz
P.O. Drawer AL
Reserve, LA 70084

RE: Ethics Board Docket No. 2009-999

Dear Mr. Montz:

The Louisiana Board of Ethics, at its November 20, 2009 Board meeting, considered your request for an advisory opinion regarding whether St. John The Baptist Parish School Board (Board) may issue a purchase order to Tuff Sheds Inc. for storage buildings where you, as the purchasing agent for the Board, own interest in a company that rents commercial property to Tuff Sheds Inc. You stated that you received a request to procure two storage buildings for the Board. The lowest quote submitted was from Tuff Sheds Inc. Tuff Sheds Inc. rents a commercial building in St. John the Baptist Parish from BGM3, partnership LLC. You own a one-third interest in M3 Partnership, LLC which owns one-third of BGM3, the company that rents the commercial building to Tuff Sheds. Your brother and father each own one-third of M3 Partnership.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit Tuff Sheds Inc. from accepting a purchase order from the Board. Section 1111C(2)(d) of the Code prohibits a public servant from receiving compensation from a person who has or is seeking a business or financial relationship with the public servant's agency. Section 1102(7) of the Code defines compensation as anything of economic value which is paid, loaned, granted, given, donated, transferred or to be paid, loaned, given, donated or transferred for or in consideration of personal services to any person. Since you are not being paid for a personal service that you are providing to Tuff Sheds Inc., there is no violation of the Code if Tuff Sheds Inc. is issued a purchase order for St. John the Baptist School District, nor, is there a violation if Tuff Sheds Inc. continues to rent the building from BGM3.

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 Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

2009-999



St. John the Baptist Parish School Board

Making *A+* Difference: Accountability Assessment Achievement

Gerald J. Keller, Ph.D.
Board President

Patrick H. Sanders
Vice-President

Courtney P. Millet, Ph.D.
Superintendent

BOARD MEMBERS

Russell Jack

District No. 1
P.O. Box 75
Edgard, LA 70049
985-497-8395

Albert Burt, III

District No. 2
P.O. Box 593
Garyville, LA 70051
985-535-2969

Gerald J. Keller, Ph.D.

District No. 3
P.O. Box 347
Reserve, LA 70084
985-536-6570

Patrick H. Sanders

District No. 4
137 E. 31st Street
Reserve, LA 70084
985-536-4247

James R. Madero

District No. 5
7 Holly Drive
LaPlace, LA 70068
985-652-5555

Keith Jones

District No. 6
P.O. Box 952
LaPlace, LA 70069
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Phillip Johnson

District No. 7
1117 Cinclair Loop
LaPlace, LA 70068
985-651-4290

Russ Wise

District No. 8
2131 Marion Drive
LaPlace, LA 70068
985-652-7211

Lowell Bacas

District No. 9
517 Parlange Loop
LaPlace, LA 70068
985-652-6882

Matthew J. Ory

District No. 10
640 S. Golfview Drive
LaPlace, LA 70068
504-915-0849

Clarence Triche

District No. 11
1614 Main Street
LaPlace, LA 70068
985-652-6193

October 12, 2009

Louisiana Board of Ethics
PO Box 4368
Baton Rouge, LA 70821

Dear Board:

I am the purchasing agent for St. John the Baptist Parish School Board.

I recently received a request to procure two storage buildings to be used in the district. Per our local policy, I obtained three quotes for this expenditure over \$1,000.00.

The low quote was from Tuff Sheds.

Tuff Sheds rents a commercial building in St. John Parish of which I have a 9% ownership interest.

I am requesting an opinion, based on the aforementioned information, if I can issue a purchase order to Tuff Sheds for the two storage buildings.

Sincerely,

Peter T. Montz, C.P.M.
Purchasing Agent

2009 OCT 12 PM 1:07
REGISTRATION
CAMPAIGN FINANCE
RECEIVED

x 2246

General Item

Ethics Board Docket No. BD 2009-1017 12/18/2009

RE: Consideration of a request for an advisory opinion concerning the Secretary of the Board of Commissioners with a Juvenile Detention Authority working for the Office of Juvenile Justice.

Relevant Statutory Provisions, Advisory Opinions:

Comments:

FACTS:

Donna Desoto is employed as a Juvenile Probation Officer for the Office of Juvenile Justice, in the Avoyelles Parish, Alexandria Region. She also serves as a member of the Board of Commissioners of the Central Louisiana Juvenile Detention Facility Authority (Authority). The Authority was created in 1997 by statute to construct and operate a pre-adjudication detention facility in one of the seven member parishes. The Authority will be constructed in Grant Parish. Ms. Desoto serves as the Authority's Secretary and, at the request of the judges in the area, coordinates the placement of children in re-adjudication detention.

ISSUE:

May Ms. Desoto continue to serve on the Board of the Authority while employed by the Office of Juvenile Justice?

LAW:

The advisory request seeks guidance as to laws which are not under the jurisdiction of the Ethics Board.

ANALYSIS:

Ms. Desoto's request presents a question of dual office holding. The dual office holding laws are under the jurisdiction of the Louisiana Attorney General. (MDD)

Recommendations:

Adopt the proposed advisory opinion.

Date

Ms. Donna Desoto
P.O. Box 153
Marksville, LA 71351

RE: Ethics Board Docket No.: 2009-1017

Dear Ms. Desoto:

The Louisiana Board of Ethics, at its December 11, 2008 meeting, considered your request for an advisory opinion concerning whether you may continue to serve as the Secretary and a member of the Board of Commissioners of the Central Louisiana Juvenile Detention Facility Authority (Authority), while you are employed as a Juvenile Probation Officer in the Office of Juvenile Justice. You indicated that you are a Juvenile Probation Officer for the Office of Juvenile Justice, in Avoyelles Parish, Alexandria Region. You also serve as member of the Board of Commissioners of the Authority. The Authority was created in 1997 by statute to construct and operate a pre-adjudication detention facility in one of the seven member parishes. The Authority will be constructed in Grant Parish. You serve the Authority as Secretary and, at the request of the judges in the area, coordinates the placement of children in re-adjudication detention.

The Board concluded, and instructed me to inform you that the Code of Governmental Ethics does not prohibit you from being employed by the Office of Juvenile Justice while you serve the Authority as a member and its Secretary.

However, the Board does not have jurisdiction to administer, enforce, or give advice concerning the dual-office holding laws. The Board strongly urges you to contact the Attorney General's Office to answer any questions concerning the dual-office holding laws. The Board issues no opinion as to laws other than the Louisiana Code of Governmental Ethics. If you have any questions, please feel free to contact me at (225)763-8777 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

2009-1017

October 8, 2009

Louisiana Board of Ethics
PO Box 4368
Baton Rouge, Louisiana 70821

2009 OCT 13 PM 4:15

STATE OF LOUISIANA
DEPARTMENT OF REVENUE
RECEIVED

Ladies and Gentlemen:

Please give me your opinion as to whether or not I may continue to serve as a member of the Board of Commissioners of the Central Louisiana Juvenile Detention Facility Authority. The Authority was created in 1997 by Act No. 1445, R.S. 15:1105, to construct and operate a pre-adjudication detention facility in one of the seven member parishes. It is planned for Grant Parish.

I have been a member, representing Avoyelles Parish, since its creation and I presently serve as its Secretary. In addition to the statutory duties of a board member, I presently co-ordinate the placement of children in pre-adjudication detention at the request of the judges in the parishes served by the authority.

I have worked in the juvenile justice field for 16 years and have been a Juvenile Probation Officer for the Office of Juvenile Justice, working out of Avoyelles Parish, Alexandria Region, for 16 years.

All of my efforts for the authority are purely voluntary and for which I receive no pay. In May, 2009, I filed a Personal Financial Disclosure Report with you.

Thank you for considering this request.

Sincerely,


Donna Desoto

General Item

Ethics Board Docket No. BD 2009-1019 12/18/2009

RE:

Consideration of a request for an advisory opinion concerning whether an employee of the St. John the Baptist Clerk of Court's Office may receive additional compensation for additional duties performed in a separate department within the Clerk's Office

Relevant Statutory Provisions, Advisory Opinions:

1113A, 2009-334, 2007-328

Comments:

ISSUE: Whether the an employee of the St. John the Baptist Clerk of Court's office may receive additional compensation for accounting services which are outside of her job description

FACTS: St. John the Baptist Clerk of Court Eliana DeFranchesch requests an advisory opinion about the salary for a current employee, who works as a minute clerk. This employee has also been performing monthly accounting reconciliation services which is in addition to her normal job duties. Ms. DeFranchesch asks whether she can pay her extra money for working in the accounting department, or whether she can must increase her hourly salary and add the accounting services to the employee's job description.

LAW: Section 1113A of the Code of Governmental Ethics prohibits a public servant from entering into a contract, subcontract or other transaction with the public servant's agency.

ANALYSIS: In several past advisory opinions, including 2009-334 and 2007-328, the Board has concluded that no violation of the Code is presented if a public servant's job duties are increased and the salary of the public servant is increased accordingly. However, the public servant is prohibited from entering into a separate contract or transaction with his agency to provide the additional services. Therefore, the job description of the employee may be expanded and her hourly salary may be increased. However, she is prohibited from entering into a separate contract or transaction with the clerk of court's office to perform the additional services. (CDJ)

Recommendations:

Adopt the proposed advisory opinion.

DATE

Ms.. Eliana DeFrancesch, Clerk of Court
St. John the Baptist Parish
P.O. Box 280
Edgard, LA 70049

RE: Louisiana Board of Ethics Docket No. 2009-1019

Dear Ms. DeFrancesch:

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion concerning whether you may give an employee additional compensation for services which are outside the employee's normal job duties. You state that there is an employee in your agency who is a minute clerk, and that she has also been performing the monthly reconciliation for the office accounts. You ask whether or not you may pay her an extra dollar or two hourly for performing these accounting services which are outside of her normal job duties as a minute clerk.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from expanding the employee's job duties to include the duties described and increasing her salary or hourly wages accordingly. Section 1113A of the Code of Governmental Ethics prohibits a public servant from entering into a contract, subcontract, or other transaction under the supervision or jurisdiction of the public servant's agency. Section 1113A would prohibit the employee from entering into a separate contract or transaction with the clerk of court's office to perform the services in question.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. 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 Ethics. If you have any further questions, please contact me at (225) 219-5600 or at (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Courtney D. Jackson
For the Board

2009-1019

CS

ST. JOHN THE BAPTIST PARISH
2393 Highway 18
P.O. BOX 280
EDGARD, LOUISIANA 70049

ELIANA DeFRANCESCH

CLERK OF COURT

Phone No. 504-497-3331
Fax No. 504-497-3972
E-MAIL edefrancesch @ stjohnclerk.org

October 14, 2009

Louisiana Board of Ethics
2415 Quail Dr.
Baton Rouge, La. 70808

2009 OCT 19 PM 4:30
CLERK OF COURT
CAMPAIGN FINANCE
RECEIVED

Dear Sir:

I am requesting an advisory opinion on the following:

My office is currently having an employee furnish the monthly reconciliation for the auditors. It was suggested by one of my employees that I should pay that employee an extra one or two dollars for the accounting portion, since it is an addition to her job description. The employee that does the monthly accounting has been overwhelmed with her current job description and was not able to complete the monthly reconciliation for the fiscal year. I recently hired two part time employees from the Technical Institute to complete the monthly accounting for the year to facilitate our yearly audit.

Would my office violate any ethical rules in paying an employee an extra one or two dollars over his/her hourly salary for additional work done in the office in a different department? Is it considered a bonus?

Also, is there any ethical law that prohibits an employee from working in more than one department?

I have spoken to my auditors and they suggested I ask for a written opinion on this matter by the Attorney General and the Ethics Board. They stated that the part time employees hired for the monthly accounting reconciliation was an appropriate measure for the situation.

Thank you in advance for your assistance.

Sincerely,



Eliana DeFrancesch

Courtney Jackson (ETHICS)

From: Eliana DeFrancesch [edefrancesch@stjohnclerk.org]
Sent: Thursday, November 12, 2009 2:59 PM
To: Courtney Jackson (ETHICS)
Subject: written request on ethics
Attachments: image001.jpg

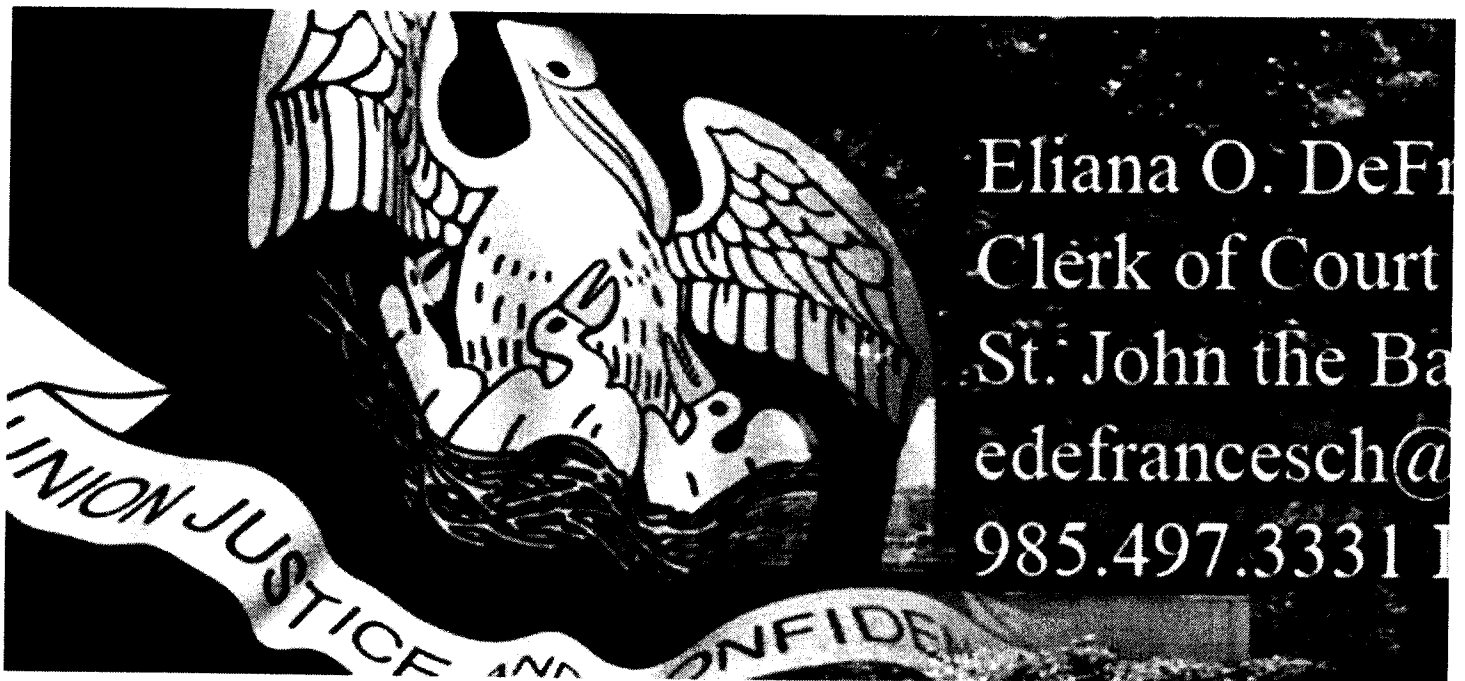
Courtney:

This is to confirm our conversation on today in reference to clarifying my request for an ethics opinion on the payment of an employee an additional one to two dollars per hour for additional duties that she/he may provide during the month.

Example: the person in question is currently a minute clerk. She also has been doing the monthly accounting reconciliation of the office accounts. My question is can I pay her an extra two dollars for the time she works on the accounting or do I have to increase her hourly pay and add the accounting to her duties?

Thank you for your assistance.

Eliana



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2009-334

Created By: Kathleen Allen on 05/06/2009 at 10:58 AM

Category: Ethics Advisory Opinions

Caption: An advisory opinion concerning the Acadia-St. Landry Hospital Administrator providing legal services for the hospital.

May 6, 2009

F. Douglas Wimberly
Cloyd, Wimberly & Villemarette, L.L.C.
P. O. Box 53591
Lafayette, LA 70505

Re: Ethics Board Docket No. 2009-334

Dear Mr. Wimberly:

The Louisiana Board of Ethics, at its April 29, 2009 meeting, considered your request for an advisory opinion submitted on behalf of your client, Acadia-St. Landry Hospital Service District. F. Peter Savoy, III is employed as the Administrator/Director of Acadia-St. Landry Hospital. Mr. Savoy is a full-time employee of the hospital. Mr. Savoy is also an attorney. The hospital would like to have Mr. Savoy provide collection services for the hospital, in his capacity as an attorney.

Section 1113A of the Code of Governmental Ethics prohibits a public servant from entering into a contract or transaction that is under the supervision or jurisdiction of his agency. Mr. Savoy's agency is the Acadia-St. Landry Hospital. Section 1111A(1) provides that "[n]o public servant shall receive anything of economic value, other than **compensation** and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position."

In your request, you asked the following questions: 1) Can the employment agreement between the hospital and Mr. Savoy be amended to add the **additional** duties of managing and performing collection services on a contingency fee basis? If yes, can the services be performed in his capacity as an attorney using his law firm's letterhead rather than as administrator? 2) Can the hospital enter into a separate agreement with Mr. Savoy to retain his law firm to perform the collection services on a contingency fee basis?

The Board concluded, and instructed the staff to inform you, that the Code of Governmental Ethics prohibits Mr. Savoy from entering into a separate contract to provide the collection services for the hospital. Section 1113A of the Code prohibits Mr.

Savoy from entering into a contract that is under the supervision or jurisdiction of his agency, which is the Acadia-St. Landry Hospital.

However, the Board concluded that the Code would not prohibit the hospital from amending the employment agreement with Mr. Savoy to increase his duties to provide for the collection services and to increase his salary accordingly, provided he did not use the law firm's letterhead. Therefore, Mr. Savoy could receive **additional compensation** in the form of **additional** salary to provide the services. However, the provisions of the Ethics Code do not address the propriety of making such payments on a contingency fee basis. Mr. Savoy should contact the Attorney General's Office regarding the propriety of such payments.

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

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board

/ka



2007-328

Created By: Wendy Ingram on 05/15/2007 at 02:03 PM

Category: Ethics Advisory Opinions

Caption: An advisory opinion that the Code of Governmental Ethics does prohibit an employee of the City of Donaldsonville from entering into a contract with the City of Donaldsonville to administer grants for the City.

May 11, 2007

Mr. Charles S. Long
Long & Long
Post Office Box 312
Donaldsonville, Louisiana 70346

Re: Ethics Board Docket No. 2007-328

Dear Mr. Long:

The Louisiana Board of Ethics, at its May 10, 2007 meeting, considered your request for an advisory opinion as to whether the City of Donaldsonville can pay the project coordinator, Carl Capone, additional money for administering any grants that the Donaldsonville City Council would authorize the City to acquire. You stated that Mr. Capone is presently receiving a salary of \$1,000 per month as project coordinator for the City of Donaldsonville.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Carl Capone from receiving the additional compensation from the City for the administering of grants if the City expanded Mr. Capone's duties as a city employee to include administering grants and increased his salary. However, Section 1113A of the Code prohibits a public servant from bidding on or entering into any contract, subcontract or other transaction which is under the supervision or jurisdiction of his agency. Therefore, Mr. Capone would be prohibited from entering into a contract with the City of Donaldsonville, his agency, to administer the grants for the City.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

General Item

Ethics Board Docket No. BD 2009-1022 12/18/2009

RE: Consideration of a request for an advisory opinion regarding whether the members of the Washington Parish Reservoir Commission are required to file annual personal financial disclosure statements.

Relevant Statutory Provisions, Advisory Opinions: 1124.2.1

Comments:

FACTS:

The Washington Parish Reservoir Commission was created by La R.S. 38:3087.191. The Commission does have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year.

LAW:

Section 1124.2.1 requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year.

Section 1124.2.1(D)(1)(A) of the Code defines a board or commission as (i) each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government; (ii) each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of this Paragraph, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government.

ANALYSIS:

Since the Commission was created by statute and the Commission has the authority to expend \$10,000 or more in funds, the Commission is required to file personal financial disclosure statements. (TKM)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. E. B. Dittmer, II
Talley, Anthony, Hughes & Knight, L.L.C.
2250 7th Street
Mandeville, Louisiana 70471

Re: Ethics Board Docket No. 2009-1022

Dear Mr. Dittmer:

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion as to whether the members of the Washington Parish Reservoir Commission are required to file annual personal financial disclosure statements. You stated that the Commission was created by La R.S. 38:3087.191. You further stated that the Commission has the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year. You stated that the funds are held by the Louisiana Department of Transportation. Prior to entering into contracts, the Commission must obtain permission from the Louisiana Department of Transportation to enter into the contract. Then, the Commission must submit another request for funds to pay for the contractual services.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would require the members of the Washington Parish Reservoir Commission to file annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code. Section 1124.2.1 requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year.

Section 1124.2.1(D)(1)(A) of the Code defines a board or commission as (i) each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government; (ii) each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of this Paragraph, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government.

Since the Washington Parish Reservoir Commission was created by statute and has the authority to expend \$10,000 or more in funds, the Commission members are required to file

annual personal financial disclosure statements pursuant to Section 1124.2.1 of the Code. The forms and information sheets can be found on the Board's website at www.ethics.state.la.us.

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 Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

Original

2009-1022

TALLEY, ANTHONY, HUGHES & KNIGHT, L.L.C.

A LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

BASCOM D. TALLEY, Jr. (1916-1971)
R. BRADLEY LEWIS
E. B. DITTMER II *
CHARLES M. HUGHES, JR. **
PAUL S. HUGHES
CRAIG J. ROBICHAUX **
THERESA A. ROBERTSON

www.tahk.net

PLEASE REPLY TO:
Mandeville

MANDEVILLE, LA OFFICE:
2250 7th STREET
MANDEVILLE, LA 70471
(985) 624-5010
FAX (985) 624-5306

BOGALUSA, LA OFFICE:
322 COLUMBIA STREET
BOGALUSA, LA 70429-0340
(985) 732-7151
FAX (985) 732-1664

GARY HANES
JOCELYN R. GUIDRY
RYAN G. DAVIS

WRITER'S EMAIL ADDRESS:

ebd@tahk.net

OF COUNSEL

October 1, 2009

WRITER'S VOICEMAIL EXTENSION:

MARTHA L. JUMONVILLE

*A LIMITED LIABILITY COMPANY
**A PROFESSIONAL CORPORATION

PLEASE RESPOND TO
MANDEVILLE ADDRESS
2009 OCT 13 PM 4:08
REGISTRATION
LA DEPARTMENT OF TRANSPORTATION
FINANCE

James D. "Buddy" Caldwell
Attorney General, State of Louisiana
P. O. Box 94005
Baton Rouge, Louisiana 70804

Dear General Caldwell:

I represent the Washington Parish Reservoir Commission, which was established under R.S. 38:3087.191. Mr. Huey Pierce, Chairman of the Commission, has asked me to request an opinion from the Attorney General with respect to the applicability of the financial disclosure requirements of R.S. 42:1124.2.1 to members of the Commission. Specifically, the statute requires financial disclosure of "each member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year." Mr. Pierce advises the following:

- a). Commissioners of the Washington Parish Reservoir Commission are not paid, and, in fact, *cannot* be paid, pursuant to the statute creating the Commission. All members serve on a completely volunteer basis, receiving no compensation from the State or any other public or private body for the work they do under the auspices of the Commission.
- b). Washington Parish Reservoir Commission *does* have the authority to expend \$10,000.00 per year. The monies allocated for our project by the Legislature are held by the LA Department of Transportation. Prior to contractual allocation of monies we obtain approval from the LA Department of Transportation to contract service. As our Commission incurs approved expenses, we submit a second request for funds to the LA Department of Transportation, and the Department releases the exact amount of needed funds to the Commission. We then pay our vendors accordingly. Subsequently, we are audited by an independent Certified Public Accountant whose purpose is to attest to the fact that we spent the money as approved.

RECEIVED

OCT 15 2009

CIVIL DIVISION

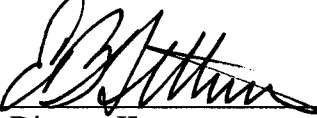
The question thus presented is whether under these facts and circumstances the Commission "has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year" such that its members are subject to the disclosure requirements of the statute.

If further information is needed, please advise.

With kind regards, I am

Yours truly,

TALLEY, ANTHONY, HUGHES & KNIGHT, L.L.C.

By:  _____
E. B. Dittmer II

EBDII/kpw

cc: Mr. Huey Pierce

PART XXVI. WASHINGTON PARISH RESERVOIR DISTRICT

§3087.191. Creation

There is hereby created a recreation and water conservation and reservoir district to be known as the "Washington Parish Reservoir District" for the purpose of creating, maintaining, and operating a single reservoir in Washington Parish as provided in this Part. For purposes of this Part, the term "reservoir" shall mean and include only a single lake or reservoir that has been created by the district or which the district has proposed to create in Washington Parish.

Acts 2003, No. 71, §2, eff. May 28, 2003; Acts 2005, No. 307, §1, eff. June 29, 2005.

§3087.192. Location

A. The district shall be comprised of the area of Washington Parish.

B. At the site of the single reservoir the district has created or has proposed to create, the district may make available on suitable land acquired by purchase, donation or lease the following improvements:

(1) Golf courses, playgrounds, picnic grounds, grounds for parks, and any and all other developed facilities to accommodate the public.

(2) Access to proposed improvements.

(3) Economic development areas for retirement communities, marinas, and other economic development interests in the reservoir district necessary to create, build, maintain, and operate said improvements.

(4) Rights-of-way to provide for public utilities and road infrastructure.

C. Any land initially acquired by the district but not developed by the district shall be returned to the prior property owner upon reimbursement of the amount originally paid to the prior owner by the district.

Acts 2003, No. 71, §2, eff. May 28, 2003; Acts 2005, No. 307, §1, eff. June 29, 2005.

§3087.193. District as political subdivision and body corporate; purpose and powers

A. The district shall be a political subdivision of the state of Louisiana and shall have for its purpose the development of the wealth and natural resources of the district by the conservation of soil and water for agricultural, recreational, commercial, industrial, and sanitary purposes. The creation and maintenance of reservoirs within the district shall be for such purposes. The district shall also have as one of its purposes economic development for the district.

B.(1) The district shall constitute a body corporate in law with all powers, rights, privileges, and immunities of a corporation. It may sue and be sued; buy and sell; negotiate and execute contracts; and incur debts and issue negotiable bonds in payment thereof under and in accordance with law. It may acquire by purchase, donation, or lease every type and specie of property, including servitudes and rights-of-use, necessary to its purpose and may lease, build, operate, and maintain any works or machinery designed to accomplish the purposes of the district. The district may acquire by expropriation only property that is to be used (a) for the maximum pool of water at the high water pool stage as determined by the district for a single reservoir to be located in Washington Parish and (b) for ingress to and egress from such a single reservoir as is necessary to construct, safely maintain, and operate such a single reservoir. However, in lieu of purchasing the property, the district may obtain a flood servitude or flowage easement, upon a one-time payment of a negotiated amount, on that land located between the normal pool stage and the maximum flood elevation as determined by the district. It may create an economic development corporation pursuant to R.S. 33:9020 et seq.

(2)(a)(i) Any expropriation exercised pursuant to this Subsection shall, except as provided in this Paragraph, be conducted pursuant to the general expropriation provisions for expropriation by the state or its political subdivisions contained in Part I of Title 19 of the Louisiana Revised Statutes of 1950.

(ii) Prior to purchasing property or exercising its right of expropriation, the district shall have the property appraised by an independent appraiser licensed in the state of Louisiana to determine the amount of compensation to be paid the landowner for his property. If an agreement as to compensation cannot be reached between the district and the landowner, then either party may exercise his right to a jury trial under Article I, Section 4 of the Constitution of Louisiana to determine the amount of compensation to be paid.

(b)(i) If a residential mobile home, as defined in R.S. 9:1149.2, is located on land to be taken by the district through expropriation, the district shall make every reasonable effort to relocate the existing residential mobile home to a location within the district as close as practicable to its current location, unless the owner receives the amount due him as allowed by law.

(ii) If a private residence has been built on land to be taken by the district through expropriation, the district shall make every reasonable effort to accommodate the owner of the residence by payment of compensation and by providing a parcel of land equal in value to the parcel of land where the existing home was located and as near as practicable to its current location unless another location is specified by the owner.

C. Pursuant to and in accordance with any statewide laws for the management, protection, or regulation of surface water, the district shall have complete control over the supply of fresh water made available by its facilities, which shall be administered for the benefit of the persons residing or owning property within the district, and if it should be for the benefit of the district, it may sell such water for irrigation, municipal, and industrial uses both within and outside the district.

D. The district shall constitute an agency of the state of Louisiana designed to carry out an essential governmental function of the state. The district shall be exempt from state and local sales and use taxation. It may cooperate and contract with the government of the United States or any department or agency thereof and accept grants and donations of property, money, and anything of value. It may cooperate with the state of Louisiana or any political subdivision, department, agency, or corporation of

the state for the construction, operation, and maintenance of facilities designed to accomplish the purpose for which the district is created on any basis including the matching of funds and by participating in projects authorized by any federal or state law as it shall see fit.

Acts 2003, No. 71, §2, eff. May 28, 2003; Acts 2005, No. 307, §1, eff. June 29, 2005.

8009-1033

TM



State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

October 9, 2009

2009 OCT 13 PM 4:08

COMMISSION ON ETHICS
CAMPAIGN FINANCE
RECEIVED

Mr. Louis Simon
Ethics Administrator
Board of Ethics for Elected Officials
P.O. Box 4368
Baton Rouge, LA 70821

Dear Mr. Simon:

Enclosed please find correspondence from Mr. E. B. Dittmer, II, Attorney at Law, 2250 7th Street, Mandeville, LA 70471. This inquiry involves issues pertinent to the Louisiana Code of Ethics. As this matter is within your jurisdiction, I am forwarding this correspondence to you for your response.

This office would appreciate any effort by your office to expedite this matter.

Very truly yours,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY:


KENNETH C. DEJEAN
GENERAL COUNSEL

KCD:arg

cc: Mr. E. B. Dittmer, II

General Item

Ethics Board Docket No. BD 2009-1026 12/18/2009

RE:

Consideration of a request to withdraw a request for an advisory opinion regarding the propriety of the Mayor of the Town of Abita Springs accepting an honorary membership to the Money Hill Golf and Country Club.

Relevant Statutory Provisions, Advisory Opinions:

1111A(1); 1115

Comments:

FACTS: Louis Fitzmorris is the Mayor of Abita Springs. He has been offered an honorary membership to the Money Hill Golf and Country Club and is requesting an opinion on whether his acceptance of the membership is prohibited under the Code of Ethics. He states that although Money Hill has an Abita Springs address it is located outside the corporate limits of Abita Springs. He states the membership is being offered to him because he is the Mayor of Abita Springs and that Abita Springs does not have any contractual or other business or financial relationship with the Country Club.

APPLICABLE LAW: Section 1111A(1) prohibits a public servant from receiving a thing of economic value, other than compensation or benefits from his governmental entity to which he is duly entitled for the performance of his official duties and responsibilities. Section 1115 prohibits a public servant from receiving any thing of economic value from any person that has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

Mayor Fitzmorris requested that his request for an opinion be withdrawn, he states he has not and will not accept the membership. (AMA)

Recommendations:

Allow withdrawal of the opinion.

Alesia Ardoin

From: Louis Fitzmorris [louis.fitzmorris@townofabitasprings.com]
Sent: Friday, December 04, 2009 3:23 PM
To: Alesia Ardoin
Subject: Re: Address

Alesia

Please accept this email requesting my withdrawl for an opinion on whether I could accept a membership from Money Hill Golf and Country Club. I have decided not to accept this membership. Please contact me if you should need any additional information.

Mayor Louis Fitzmorris

On Fri, Dec 4, 2009 at 3:13 PM, Alesia Ardoin <Alesia.Ardoin@la.gov> wrote:

2009-1026



Town of Abita Springs

OFFICE OF THE MAYOR

LOUIS FITZMORRIS
MAYOR

October 14, 2009

Louisiana Board of Ethics

P.O. Box 4368

Baton Rouge, LA 70821

2009 OCT 27 PM 4: 08
ELECTIONS DIVISION
CAMPAIGN FINANCE
RECEIVED

To Whom It May Concern:

I am requesting an advisory opinion from the Ethics Board regarding an honorary membership being offered to me by the Money Hill Golf and Country Club. It is my understanding that I would receive the same benefits available that a regular member would receive. For example green fees would be free but I would have to pay the cart fee. Money Hill has an Abita Springs address but it is located outside the corporate limits of Abita Springs, therefore I have no jurisdiction over this entity.

Please advise me as soon as possible as to whether I can accept this honorary membership. Please contact me at (985) 264-5724 if you should need any further information. Thank you for your time and consideration

Sincerely,

Mayor Louis Fitzmorris

General Item

Ethics Board Docket No. BD 2009-1065 12/18/2009

RE: Consideration of a request for an advisory opinion regarding whether an employee of the Metropolitan Human Services District may accept employment with an Access to Recovery Provider (ATR).

Relevant Statutory Provisions, Advisory Opinions: 1111C(1)(a), 1111C(2)(d), 1112

Comments:

FACTS:

Lorraine McCaskill is employed with Metropolitan Human Service District at Chartres Pontchartrain Behavioral Health Clinic(Clinic). At the Clinic , clients are served in the area of mental health, addictive disorders and developmental disabilities. Ms. McCaskill is also employed by the church she attends as a clinical coordinator and supervisor of counselors. The church runs a faith-based residential drug treatment program. Ms. McCaskill's church has applied to become an Access to Recovery provider (ATR). Ms. McCaskill would like to know whether she may continue employment at the Church if the church becomes an ATR provider.

LAW:

Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Section 1111C(2)(d) of the Code prohibits a public servant from being paid for services by a person with a business, financial, or contractual relationship with his agency. Section 1112 of the Code prohibits a public servant from participating in a transaction in which a person that the public servant is employed has a substantial economic interest.

ANALYSIS:

As long as the Clinic does not have an contractual or business relationship with the church, nor does Ms. McCaskill treat clients at the church who may receive treatment at the Clinic, or does she refer clients of the Clinic to the church, there is no violation of the Code if she is employed with the church. (APB)

Recommendations: Adopt proposed advisory opinion.

Date

Lorraine McCaskill
P.O. Box 870654
New Orleans, LA 70127

RE: Ethics Board Docket No. 2009-1065

Dear Ms. McCaskill:

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion regarding whether you, as an employee of the Metropolitan Human Service District at Chartres-Pontchartrain Behavioral Clinic (the Clinic), may continue employment with your church after the church becomes an Access to Recovery provider (ATR provider). You stated that you are currently employed with the Clinic. At the Clinic, clients are served in the area of mental health, addictive disorders and developmental disabilities. You are also employed by the church you attend as a clinical coordinator and supervisor of counselors. The church runs a faith-based residential drug treatment program. Your church has applied to become an Access to Recovery provider (ATR). You would like to know whether an Ethics violation will exist if you continue employment at the Church if the church becomes an ATR provider.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit your continued employment with the church. Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Section 1111C(2)(d) of the Code prohibits a public servant from being paid for services by a person with a business, financial, or contractual relationship with his agency. Section 1112 of the Code prohibits a public servant from participating in a transaction in which a person that the public servant is employed has a substantial economic interest. As long as you do not treat clients at the church who may receive treatment at the Clinic, nor do you refer clients of the Clinic to the church, nor is there a contractual or business relationship between the Clinic and the church, there is no violation of the Code if you are employed with the church.

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 Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

2009-1065

REGISTRATION
CAMPAIGN FINANCE
RECEIVED

2009 OCT 29 PM 1:21

P. O. Box 870654
New Orleans, Louisiana 70127

October 20, 2009

Louisiana Board of Ethics
2415 Quail Drive
Baton Rouge, Louisiana

TO WHOM IT MAY CONCERN:

I am requesting an ethical decision on the following. My name is Lorraine McCaskill; I am a social worker (LCSW) by profession. To date, I have worked for the state in the area of mental health for approximately twenty-two years or more via the Medial Center of Louisiana @ New Orleans, Charity Hospital. Since hurricane Katrina, I have worked at several state facilities (Central State Hospital, Southeast Louisiana Hospital and New Orleans Adolescent Hospital.) Presently, I'm employed with Metropolitan Human Services District @ Chartres-Pontchartrain Behavioral Health Clinic. At the clinic we serve consumers in the area of mental health, addictive disorders/co-occurring disorders and developmental disabilities.

The ethical issue is the church I attend has a faith based residential drug treatment program that has been in existence for roughly sixteen years or more. Recently, they applied for funds via ATR (Access To Recovery) by way of the Office of Addictive Disorders. My role with the program is clinical coordinator and supervision of counselors by virtue of my professional experience. I have checked with both Office of Addictive Disorders and State Board of Social Work staff and they advised me based on their knowledge that my involvement did not violate any ethical standards. However, I was told if anyone presents to the residential program with mental health issues I should not provide services to them but refer them to the appropriate behavioral health clinic.

Please respond .

Sincerely,


Lorraine McCaskill, LCSW

General Item

Ethics Board Docket No. BD 2009-1066 12/18/2009

RE: Consideration of a request for an advisory opinion concerning a councilman for the City of Covington being employed by the St. Tammany Parish District Attorney's Office.

Relevant Statutory Provisions, Advisory Opinions: 1113A, 1111C(2)(d), 1112, 1102(16)

Comments:

ISSUE: (1) May Covington City Councilman Mark Sacco continue to be employed as an investigator by the St. Tammany District Attorney's Office, and (2) May he participate as either councilman or investigator in matters regarding the Covington Police Department.

FACTS: Mark Sacco, formerly a banker, changed professions after being elected to the Covington City Council and is now employed as an investigator by the St. Tammany Parish District Attorney's Office. As an investigator with the District Attorney's office, one of his job functions is to seek information from the Covington Police Department. As councilman, Mr. Sacco participates in the confirmation of the appointment of the police chief and setting the budget for the police department.

LAW: Section 1113A prohibits a public servant from entering into a transaction under the supervision or jurisdiction of his agency. Section 1111C(2)(d) prohibits a public servant from receiving any thing of economic value from a person from whom the public servant would be prohibited from receiving a gift pursuant to Section 1115. Section 1112 prohibits a public servant from participating in a transaction in which he, or a person by which he is employed, has a substantial economic interest. Section 1102(16) defines "person" as an individual or legal entity other than a governmental entity, or an agency thereof.

ANALYSIS: The Code of Governmental Ethics does not prohibit Councilman Mark Sacco from being employed by the St. Tammany Parish District Attorney's Office, as the district attorney's office is not a part of his agency, the City of Covington, and is not a "person" as defined by Code, because it is a governmental entity. Section 1112B of the Code also does not prohibit Councilman Sacco from participating as councilman or investigator in matters involving the Covington Police Department, as Mark Sacco does not have a personal substantial economic interest in the matters involving the police department, such as the appointment of the police chief, and setting the budget for the police department, and because neither the police department nor the district attorney's office is a "person" as defined by the Code.

CONCLUSION: The activity conducted by Councilman Sacco does not present a violation of the Code; however, a separate opinion should be requested from the Attorney General's Office regarding the application of the dual employment statutes to the employment in question. (CDJ)

Recommendations: Adopt the proposed advisory opinion

DATE

Mayor Candace Watkins
City of Covington
P.O. Box 778
Covington, LA 70434

RE: Louisiana Board of Ethics Docket No. 2009-1066

Dear Mayor Watkins:

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion concerning whether Covington City Councilman Mark Sacco may continue to be employed by the St. Tammany Parish District Attorney's Office, and if so, whether he may participate in matters regarding the City of Covington Police Department. You state that Councilman Sacco is employed as an investigator with the district attorney's office, and in that capacity, he has been asked to seek information from the police department. You further state that as a councilman, he participates in the confirmation of the appointment of the police chief and sets the budget for the police department.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Mark Sacco from continuing his employment with the St. Tammany Parish District Attorney's Office. Section 1113A prohibits a public servant from entering into a transaction under the supervision or jurisdiction of the public servant's agency, and Section 1111C(2)(d) prohibits a public servant receiving any thing of economic value for services rendered to or for a person from whom the public is prohibited from receiving a gift pursuant to Section 1115. The St. Tammany Parish District Attorney's Office is not a part of Councilman Sacco's agency, the City of Covington. Additionally, pursuant to Section 1102(16) of the Code, the district attorney's office is not a "person," because it is a governmental entity.

The Board further concluded, and instructed me to inform you, that the Code of Governmental Ethics does not prohibit Mark Sacco from participating in matters regarding the City of Covington Police Department, either as a councilman or as an investigator for the district attorney's office. Section 1112A of the Code prohibits a public servant from participating in a transaction involving the governmental entity in which he has a substantial economic interest. Section 1112B(3) prohibits a public servant from participating in a transaction involving the governmental entity in which a person in which he is officer, director, trustee, partner or employee has a substantial economic interest. There is no conflict of Section 1112 of Code of Ethics presented by the situation as described.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. 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 Ethics. If you have any further questions, please contact me at (225) 219-5600 or at (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

2009-1066



Candace Watkins
Mayor

REGISTRATION
CAMPAIGN FINANCE
RECEIVED

City of Covington
Louisiana

2009 NOV -9 AM 8:56
317 N. Jefferson Street
P.O. Box 778
Covington, Louisiana 70434
985-892-1811
Fax 898-4723

October 19, 2009

Louisiana Board of Ethics
Louisiana Ethics Administration Program
PO Box 4368
Baton Rouge, LA 70821

RE: Mark Sacco

Dear Ladies and Gentlemen of the Board:

I write as the Mayor of Covington, in St. Tammany Parish, seeking an advisory opinion regarding the following situation:

The Honorable Mark Sacco currently serves as an elected City Councilman representing District C in Covington. At the time of his election he was employed as a banker. After assuming his Council position, Mr. Sacco changed professions and is now employed as an Investigator for the St. Tammany Parish District Attorney's Office. In his capacity as an Investigator, Mr. Sacco has been asked by his employer to seek information from the City of Covington Police Department. In his capacity as City Councilman, Mr. Sacco participates in the confirmation of the appointment of the Police Chief and sets the budget for the City of Covington Police Department. Is Mr. Sacco prohibited from personally transacting this sort of business with a department of the municipality over which he is also a legislator? If so, may he continue his employment with the St. Tammany Parish District Attorney so long as he does not investigate crimes occurring within Covington City limits or with which the Covington Police Department is involved?

We are eager to provide this advice to our Police Department as well as to Mr. Sacco so that we may all know the bounds within which he may operate.

Respectfully yours,

Candace B. Watkins
Mayor

Cc: Honorable Mark Sacco
Honorable W. T. "Trey" Blackall
Chief Richard Palmisano
Deborah Cunningham Foshee, City Attorney

W.T. "Trey" Blackall III
Councilman-at-Large
Matthew "Matt" T. Faust
Councilman-at-Large
Frances R. Dunn
Councilwoman, District "A"
Clarence Romage
Councilman, District "B"
Mark K. Sacco
Councilman, District "C"
Martin J. "Marty" Benoit
Councilman, District "D"
Lee S. Alexius
Councilman, District "E"
Office: 985-898-4722
Fax: 985-898-4718
Email: council@covla.com

General Item

Ethics Board Docket No. BD 2009-1068 12/18/2009

RE: Consideration of a request for an advisory opinion regarding whether First-In, LLC may enter into an agreement with the Jonesville Volunteer Fire Department (Fire Department) when the Assistant Fire Chief for the Fire Department is employed with First-In, LLC.

Relevant Statutory Provisions, Advisory Opinions: 1111C(2)(d), 82-02D

Comments:

FACTS:

First-In, LLC is an emergency equipment supplier that sells a full line of fire service apparatus. Stephen Mophett is a salesman for First-In and Assistant Fire Chief for the Jonesville Volunteer Fire Department (Fire Department). Mr. Mophett is also a member of the Jonesville Board of Alderman. The Fire Department is governed by the Jonesville Volunteer Fire Department Board (Fire Department Board). All purchasing and administrative decisions of the Fire Department are made by the Fire Chief and the Fire Department Board. The Jonesville Board of Alderman selects two individuals to serve on the Fire Department Board.

ISSUE: May First-In, LLC sell equipment to the Fire Department while Mr. Mophett serves as Assistant Fire Chief of the Fire Department and as a member of the Jonesville Alderman Board?
Yes

LAW:

Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking a business or contractual relationship with the public servant's agency. Ethics Board Docket No. 82-02D creates an exception to Section 1111C(2)(d) of the Code when the following factors are met: (1) the employee must be a 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. This exception only applies to public servants who are existing employees of the person or entity that has or is seeking a business or financial relationship with the public servant's agency. Section 1112 of the Code prohibits a public servant from participating in transactions with his agency in which his employer has a substantial economic interest.

ANALYSIS:

Based on the facts given, Mr. Mophett is a salesman for First-In, LLC. He does not appear to be an officer, director, trustee or partner in the company. Therefore, as long as Mr. Mophett is a salaried employee, with no controlling interest in First-In, LLC, whose salary is unaffected by the agreement between First-In, LLC and the Fire Department, there is no violation of the Code if he continues his employment with First-In, LLC while First-In, LLC enters an agreement with the Fire Department. Additionally, to avoid a violation of Section 1112 of the Code, Mr. Mophett, as Assistant Fire Chief, should recuse himself from all matters involving First-In, LLC. (APB)

Recommendations: Adopt proposed advisory opinion.

Date

Linda Perez Clark
P.O. Box 3513
Baton Rouge, LA 70821

RE: Ethics Board Docket No. 2009-1068

Dear Ms. Clark:

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion regarding whether First-In, LLC may enter into an agreement to sell merchandise to the Jonesville Volunteer Fire Department, where an employee of First-In, LLC serves as the Assistant Fire Chief for the Jonesville Volunteer Fire Department and a member of the Jonesville Alderman Board. You stated First-In, LLC is an emergency equipment supplier that sells a full line of fire service apparatus. Stephen Mophett is a salesman for First-In and Assistant Fire Chief for the Jonesville Volunteer Fire Department (Fire Department). Mr. Mophett is also a member of the Jonesville Board of Alderman. The Fire Department is governed by the Jonesville Volunteer Fire Department Board (Fire Department Board). All purchasing and administrative decisions of the Fire Department are made by the Fire Chief and the Fire Department Board. The Jonesville Board of Alderman selects two individuals to serve on the Fire Department Board.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit First-In, LLC from entering into an agreement with the Fire Department when the Assistant Fire Chief for the Fire Department is an employee of First-In, LLC and an alderman for the Town of Jonesville. Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value from a person who has or is seeking a business or contractual relationship with the public servant's agency. Ethics Board Docket No. 82-02D creates an exception to Section 1111C(2)(d) of the Code when the following factors are met: (1) the employee must be a 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. This exception only applies to public servants who are existing employees of the person or entity that has or is seeking a business or financial relationship with the public servant's agency. Section 1112 of the Code prohibits a public servant from participating in transactions with his agency in which his employer has a substantial economic interest.

Based on the facts given, Mr. Mophett is a salesman for First-In, LLC. He does not appear to be an officer, director, trustee or partner in the company. Therefore, as long as Mr. Mophett is a salaried employee, with no controlling interest in First-In, LLC, whose salary is unaffected by the agreement between First-In, LLC and the Fire Department, there is no violation of the Code if he continues his employment with First-In, LLC while First-In, LLC enters an agreement with the Fire Department. Additionally, to avoid a violation of Section 1112 of the Code, Mr. Mophett, as Assistant Fire Chief, should recuse himself from all matters involving First-In, LLC.

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 Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

DRAFT

KEANMILLERKEAN MILLER HAWTHORNE D'ARMOND McCOWAN & JARMAN LLP
ATTORNEYS AT LAWLINDA PEREZ CLARK, PARTNER
225 389 3714, DIRECT FAX 225 215-4114
LINDA.CLARK@KEANMILLER.COM

November 3, 2009

Louisiana Ethics Administration Program
P.O. Box 4368
Baton Rouge, Louisiana 70821RE: Advisory Opinion
Our File No.: 20314-02009 NOV -4 PM 3:18
RECEIVED
LOUISIANA ETHICS ADMINISTRATION

Dear Members of the Board of Ethics:

This is a request for an advisory opinion pursuant to La. R.S. 42:1134 from the Louisiana Board of Ethics. The undersigned represents First-In, LLC, domiciled at 508 W 159th St, Galliano, LA 70354-3534, which respectfully requests an advisory opinion based on the following facts.

Factual Background and Issues Presented

First-In, LLC is an emergency equipment supplier that sells a full line of fire service apparatus. Additionally, First-In, LLC distributes fire, law enforcement, and EMS safety equipment.

First-In, LLC employs Mr. Stephen Mophett on a full-time basis as a salesman. Mr. Mophett is the Assistant Fire Chief for the Jonesville Volunteer Fire Department (the "JVFD"). The JVFD is governed by a five (5) person board (the "JVFD Board"), two (2) of whom are elected by the Catahoula Parish Police Jury (the "Police Jury"), two (2) by the Town of Jonesville Board of Alderman, and one by the JVFD Board itself.

Although the JVFD Board has authorized a payment of \$50 per month to the Assistant Chief of the JVFD, Mr. Mophett has chosen to refuse that compensation. He has received in the past a \$15 stipend per structure fire from the JVFD Board, but will decline such payments in the future.

Mr. Mophett has no authority over any JVFD administrative matters. Rather, all administrative and purchasing decisions are made by the JVFD Chief, the Captain and the JVFD Board.

November 3, 2009

Page 2

Mr. Mophett also serves as a member of the Town of Jonesville Board of Alderman. As noted above, the Alderman elect 2 individuals to the JVFD Board.

First-In, LLC may desire to enter into a contract with the JVFD for the sale of fire trucks and fire safety equipment and services to the JVFD. Before entering into any such contract, First-In, LLC requests two advisory opinions, as set forth below:

First Issue Presented

First-In, LLC seeks an opinion regarding its ability to sell to the JVFD, notwithstanding that Mr. Mophett is a volunteer firefighter of the JVFD and the Assistant Chief of the JVFD. In this regard, reference is made to La. R.S. 42:1112-1113, which prohibits public servants from entering into contractual arrangements with their respective agencies. La. R.S. 42:1113 reads in pertinent part:

A. (1) 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.

Notwithstanding the above cited statute, the legislature has provided a number of exceptions to this statute. Specifically La. R.S. 42:1123 (35) is applicable to the present matter and appears to allow First-In, LLC to enter into contracts with the JVFD under the circumstances described above. That statute sets forth the following exception to the above-restriction:

Any volunteer fireman or uncompensated law enforcement officer or legal entity in which he has an interest from bidding on or entering into a contract, subcontract, or other transaction under the supervision and jurisdiction of his agency; provided that the volunteer fireman or uncompensated law enforcement officer shall receive no compensation or thing of economic value for his service as a volunteer fireman or uncompensated law enforcement officer, that the volunteer fireman or uncompensated law enforcement officer shall not be an agency head, and that the volunteer fireman or uncompensated law enforcement officer shall not participate on behalf of his agency in any capacity regarding such contract, subcontract, or other transaction.

November 3, 2009

Page 3

Previous advisory opinions issued by the Louisiana Board of Ethics have also stated that volunteer firefighters are not prohibited from transacting business with their respective fire departments. Specifically, Opinions 2006-117 and 2007-408 both state that volunteer firefighters are not prohibited from entering into contracts with their respective departments as long as the volunteer firefighter is uncompensated, does not hold an agency head position, and does not participate on behalf of the agency regarding the contract.

Based on these issues and in light of the foregoing facts, First-In, LLC submits that Mr. Mophett's capacity as a volunteer firefighter and Assistant Chief of the JVFD does not prohibit him from selling, through his employer, First-In, LLC, to the JVFD.

Second Issue Presented

First-In, LLC further seeks an opinion regarding its ability to sell to the JVFD, notwithstanding that Mr. Mophett serves on the Town of Jonesville Board of Alderman. The Board of Alderman has no control over administrative and purchasing decisions of the JVFD. Rather, as noted above, those decisions are made by the JVFD Chief, Captain and JVFD Board.

Considering that Mr. Mophett does not directly serve on the JVFD Board, and only on the Town of Jonesville Board of Alderman, is it permissible for First-In, LLC to contract with the JVFD?

First-In, LLC respectfully requests the above advisory opinions from this Board.

Should you need any further information to respond to this request, please do not hesitate to contact me.

Very truly yours,



Linda Perez Clark

General Item

Ethics Board Docket No. BD 2009-1070 12/18/2009

RE: Consideration of a request for an advisory opinion regarding whether an employee of the Division of Administration, Office of State Lands (OSL), may, upon retirement, be employed by a company which has had cooperative agreements with OSL since October 2004.

Relevant Statutory Provisions, Advisory Opinions: 1121

Comments:

Facts: Mr. John Evans is currently employed by the Division of Administration, Office of State Lands (OSL), as Head of the Titles-Surveys & GIS Section. He would like to be employed by IAP World Services (IAP) after he retires in January 2010. IAP provides technical services to the United States Dept. of Interior, United States Geological Survey, National Wetlands Research Center (USGS). USGS has had a Cooperative Agreement with OSL since October 2004.

The OSL is comprised of three sections: Records, Titles-Surveys & GIS Section, and Land and Water Bottom Management. The Records Section is the custodian of historical land title records and the State Lands and Buildings (SLABS) inventory. The Land and Water Bottom Management Section is responsible for the proprietary aspects of managing state lands. The Titles-Surveys & GIS Section is responsible for water bottom ownership determinations and providing technical surveying expertise to state agencies on a case-by-case basis.

As the head of the Titles-Surveys & GIS Section, Mr. Evans' job duties include, but are not limited to:

- Research of historical maps and survey field notes, current survey maps, written reports, lawsuits, etc., to provide technical surveying expertise to determine State ownership of water bottoms for mineral leasing activities, oyster leasing activities, public access issues, pipeline rights of way, campsite and water bottom leases, Corps of Engineers permit applications and applications to reclaim property lost to erosion.
- Miscellaneous administrative duties including, but not limited to, hiring and training employees, employee evaluation, approving employee payroll and expense accounts.
- Provision of technical surveying, land title expertise, and testimony to the Attorney General's Office and other legal consultants.
- Technical review of permit applications and boundary agreements.

Since 2004, USGS has completed two projects for OSL, and a third project is in the initial phase. The first project was completed on June 2008, and Mr. Evans was part of a team that reviewed the work product submitted by USGS. The second project was completed in June 2009, but it involved the Records section so Mr. Evans did not participate in this project. The third project is in the initial phases and pertains to geographic information and technical support in the mapping

of properties sold by OSL after 1921. This project is to be reviewed by the head of the Records Section, so again Mr. Evans is not participating.

Mr. Evans future job duties with IAP, as subcontractor for USGS, would be limited to plotting property descriptions contained in Acts of Sale from OSL after 1921 in conjunction with the project currently being performed by USGS for the Records Section of OSL. Mr. Evans will not be performing services related to his current job duties as an employee of the Titles-Surveys & GIS Section.

Issue: May Mr. Evans be employed by IAP as a subcontractor for the current USGS project and other USGS projects that do not involve water bottom issues or the Titles-Surveys & GIS Section of OSL.

Law: Section 1121B(1) states that no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction or in an appearance in connection with a transaction in which the former public employee participated at any time during his public employment and which involves his former public employer, or for a period of two years following termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

Analysis/Conclusion: The Code of Governmental Ethics will not preclude Mr. Evans from accepting employment from IAP with regard to the ongoing USGS project since this project is in under the supervision of the Records Section, a division of OSL in which Mr. Evans does not participate, and he has had no other involvement in the project. Mr. Evans may also work on other USGS projects as long as they do not involve transactions that he participated in during his employ with OSL. (DLG)

Recommendations: Adopt proposed advisory opinion.

Date

Mr. John P. Evans, Jr. P.L.S.
7028 Lake Comite Drive
Baton Rouge, LA 70818

Re: Board Docket No. 2009-1070

Dear Mr. Evans,

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion regarding whether you, an employee of the Division of Administration, Office of State Lands (OSL), may, upon your retirement, be employed by a company which has had a Cooperative Agreement with OSL since October 2004. You stated that you are currently employed by the Division of Administration, Office of State Lands (OSL), as Head of the Titles-Surveys & GIS Section. You would like to be employed by IAP World Services (IAP) after you retire in January 2010. IAP provides technical services to the United States Department of Interior, United States Geological Survey, National Wetlands Research Center (USGS). USGS has had a Cooperative Agreement with OSL since October 2004.

The OSL is comprised of three sections: Records, Titles-Surveys & GIS Section, and Land and Water Bottom Management. The Records Section is the custodian of historical land title records and the State Lands and Buildings (SLABS) inventory. The Land and Water Bottom Management Section is responsible for the proprietary aspects of managing state lands. The Titles-Surveys & GIS Section is responsible for water bottom ownership determinations and providing technical surveying expertise to state agencies on a case-by-case basis.

As the head of the Titles-Surveys & GIS Section, your job duties include, but are not limited to:

- Research of historical maps and survey field notes, current survey maps, written reports, lawsuits, etc., to provide technical surveying expertise to determine State ownership of water bottoms for mineral leasing activities, oyster leasing activities, public access issues, pipeline rights of way, campsite and water bottom leases, Corps of Engineers permit applications and applications to reclaim property lost to erosion.
- Miscellaneous administrative duties including, but not limited to, hiring and training employees, employee evaluation, approving employee payroll and expense accounts.
- Provision of technical surveying, land title expertise, and testimony to the Attorney General's Office and other legal consultants.
- Technical review of permit applications and boundary agreements.

Since 2004, USGS has completed two projects for OSL, and a third project is in the initial phase. The first project was completed on June 2008, and you were part of a team that reviewed the work product submitted by USGS. The second project was completed in June 2009, but it involved the

Records section so you did not participate in this project. The third project is in the initial phases and pertains to geographic information and technical support in the mapping of properties sold by OSL after 1921. This project is to be reviewed by the head of the Records Section, so again you are not participating.

You further stated that your future job duties with IAP, as subcontractor for USGS, would be limited to plotting property descriptions contained in Acts of Sale from OSL after 1921 in conjunction with the project currently being performed by USGS for the Records Section of OSL. You will not be performing services related to your current job duties as an employee of the Titles-Surveys & GIS Section.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would will not preclude you from accepting employment from IAP with regard to the ongoing USGS project since this project is under the supervision of the Records Section, a division of OSL in which you do not participate, and you have had no other involvement in the project. You may also work on other USGS projects as long as they do not involve transactions that you participated in during is employ with OSL. Section 1121 states that no former public employee (nor any entity in which the public servant is an officer, director, trustee, partner, or employee) shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction or in an appearance in connection with a transaction in which the former public employee participated at any time during his public employment and which involves his former public employer, or for a period of two years following termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Deidra L. Godfrey
For the Board

2009-1870

October 30, 2009

Louisiana Ethics Administration Program
P.O. Box 4368
Baton Rouge, LA 70821

2009 NOV -4 PM 3:21

RECEIVED
FINANCE
OPERATION

Dear Sir:

I plan to retire from state service in January 2010. I am currently employed by the Division of Administration, Office of State Lands (OSL), as Head of the Titles - Surveys & GIS Section. I am requesting an advisory opinion regarding my possible future employment with IAP World Services (IAP). IAP provides technical services to The United States Department of the Interior, United States Geological Survey, National Wetlands Research Center (USGS). USGS has had a Cooperative Agreement with OSL since October, 2004.

OSL is comprised of three sections: Records, Titles - Surveys & GIS and Land and Water Bottom Management. The Records Section is the custodian of historical land title records and the State Lands and Buildings (SLABS) inventory. The Titles - Surveys & GIS Section is responsible for water bottom ownership determinations and providing technical surveying expertise to state agencies on a case by case basis. The Land and Water Bottom Management Section is responsible for the proprietary aspects of managing state lands.

As Head of the Titles - Surveys & GIS Section, my job duties include:

- Research of historical maps and survey field notes, current survey maps, written reports, lawsuits, etc. to provide technical surveying expertise to determine State ownership of water bottoms for mineral leasing activities, oyster leasing activities, public access issues, pipe line rights of way, campsite and water bottom leases, Corps of Engineers permit applications and applications to reclaim property lost to erosion.
- Miscellaneous administrative duties including hiring and training of employees, employee evaluation, establishing work priorities, assignment of special projects, approving employee payroll and expense accounts, vehicle expense and maintenance logs, etc.
- Provide technical surveying and land title expertise to the Attorney General's Office and other legal consultants on matters relating to ongoing or potential litigation and title controversies on state property and water bottom issues. Provide testimony and depositions as an expert witness for the Attorney General's Office representing various State agencies.
- Provide technical review of permit applications and boundary agreements for the Land and Water Bottom Management Section of the State Land Office.
- Coordinate activities of GIS employees and Field Survey employees.

Louisiana Ethics Administration Program

October 30, 2009

Page 2

- Certify with signature and professional seal, surveys performed by the State Land Office.
- On rare occasions, review and management of contracts employing contractual technical experts concerning State Lands and water bottom matters on a case by case basis.

Since 2004, USGS has completed two projects for OSL and a third project is in the initial phase. These projects include:

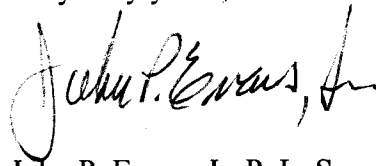
- Geographic information and technical support in the identification and mapping of state claimed waterbottoms and the development of programs to automate activities of the Titles – Surveys & GIS Section of OSL. This project was completed in June 2008. As Head of the Titles – Surveys & GIS section, I was part of a team that reviewed the work product submitted by USGS. However, I did not negotiate the contract between USGS & OSL, nor did I approve or authorize any invoices for payment to USGS for this project.
- Geographic information and technical support in the mapping of state owned or leased lands contained in the SLABS inventory. The SLABS inventory is maintained by the Records section of OSL. This project was completed in June 2009. The Head of the Records Section reviewed the work product submitted by USGS. I did not participate in this project because I am not an employee of the Records Section. I did not negotiate the contract between USGS & OSL, nor did I approve or authorize any invoices for payment to USGS for this project.
- Geographic information and technical support in the mapping of properties sold by OSL after 1921. Mineral rights are reserved by the State in all sales of property after 1921. The Records section of OSL is the official custodian of these transactions. USGS is in the initial phase of this project. The Head of the Records section will review the work product submitted by USGS. I am not participating in this project because I am not an employee of the Records Section. I did not negotiate the contract between USGS & OSL, nor will I approve or authorize any invoices for payment to USGS for this project.

My possible future job duties with IAP, as a subcontractor for USGS, would be limited to plotting property descriptions contained in Acts of Sale from OSL after 1921 in conjunction with the current USGS project being performed for the Records Section of OSL. I will not be certifying survey maps, performing water bottom ownership determinations for USGS/IAP, nor will I be supervising USGS or OSL personnel. I do not make use of the records that I would be reviewing for IAP/USGS in the day to day performance of my current job duties. As a USGS subcontractor, I would be providing services to a section of OSL in which I am not currently involved.

Louisiana Ethics Administration Program
October 30, 2009
Page 3

In conclusion, I am requesting an advisory opinion regarding my possible future employment with IAP as subcontractor for the current USGS project and any other USGS projects that do not involve water bottom issues or the Titles – Surveys & GIS Section of OSL. I do not believe that this request is in conflict with the Ethics Code because I will not be providing the same services to the State while a subcontractor for USGS that I am currently providing to the State through my employment at OSL.

Very truly yours,

A handwritten signature in black ink that reads "John P. Evans, Jr." with a stylized flourish at the end.

John P. Evans, Jr. P. L. S.
7028 Lake Comite Drive
Baton Rouge, LA 70818

General Item

Ethics Board Docket No. BD 2009-1076 12/18/2009

RE: Consideration of a request for an advisory opinion concerning whether the Monroe Municipal Police Department may solicit and accept donations from private citizens, organizations, and businesses for the purpose of funding a police memorial.

Relevant Statutory Provisions, Advisory Opinions: 1115, 1111A(1)

Comments:

ISSUE: May the Monroe Police Department solicit and accept donations for a public police memorial dedicated to officers killed in the line of duty?

FACTS: Chief of Police Ron Schleuter of the Monroe Police Department requests an advisory opinion as to whether the Department can solicit funds from private citizens, organizations and business in the community, including those that have, may, or currently conduct business with the Monroe Police Department or the City of Monroe. The funds collected will go towards constructing a memorial for officers killed in the line of duty, and the memorial will be accessible to the public.

LAW: Section 1115 of the Code of Governmental Ethics prohibits a public servant. from soliciting or accepting any thing of economic value from a person that has, or is seeking to have, a business, contractual or other financial relationship with the public servant's agency, that conducts operations or activities which are regulated by the public servant's agency, or that has substantial economic interests that may be affected by the performance or nonperformance of the public servant's job duties. Section 1111A(1) prohibits a public employee for receiving any thing of economic value for the performance of his public job duties.

ANALYSIS: Section 1115 would prohibit any public employee of the Monroe Police Department from soliciting or accepting any donation or other thing of economic value from a person that has, or is seeking to have a business, contractual, or other financial relationship with the Monroe Police Department, that is regulated by the Monroe Police Department, or who has substantial economic interests that may be affected by the performance or nonperformance of the public employee's job duties. Employees soliciting such donations would not be receiving any thing of economic value for the performance of their job duties, therefore, no violation of Section 1111A(1) is prohibited. The employees of the police department may solicit funds from private citizens, business or organizations that are not prohibited source pursuant to Section 1115.
(MDD)

Recommendations: Adopt the proposed advisory opinion.

DATE

Mr. Ronald E. Schleuter, Chief of Police
Monroe Police Department
P.O. Box 1581
Monroe, LA 71210-1581

RE: Louisiana Board of Ethics Docket No. 2009-1076

Dear Mr. Schleuter:

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion concerning whether the Monroe Police Department may solicit and accept donations from private citizens, organizations, and businesses in the community, for the purposes of funding a police memorial. You state that the memorial will be dedicated to Monroe police officers killed in the line of duty, and that the memorial would be accessible to members of the public.

The Board concluded, and instructed me to inform you, that Section 1115 of Code of Governmental Ethics prohibits any public servant of the Monroe Police Department from soliciting or accepting any donation or other thing of economic value from any business, individual, or organization that has, or is seeking to have, a business, contractual or other financial relationship with the Monroe Police Department, that conducts operations or activities which are regulated by the Monroe Police Department, or who has substantial economic interests that may be affected by the performance or nonperformance of a public servant's job duties with the Monroe Police Department. The Code of Ethics would not prohibit public employees of the Monroe Police Department from soliciting or accepting donations for the memorial from other businesses, individuals or organizations which are not prohibited sources pursuant to Section 1115.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. 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 Ethics. If you have any further questions, please contact me at (225) 219-5600 or at (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board



Monroe Police Department

Post Office Box 1581

Monroe, Louisiana 71210-1581

(318) 329-2600 - Fax (318) 329-2610



Ronald E. Schleuter
Chief of Police

James E. Ma
Mayor

November 5, 2009

2009 NOV - 5 PM 3:47

REGISTRATION
CAMPAIGN FINANCE
RECEIVED

Herbert W. Otwell
Assistant Chief of Police
(318) 329-2501

Quentin D. Holmes, Sr.
Administrative Assistant
(318) 329-3950

Identification/Records
Major Gaye N. Barnes
(318) 329-2259

Investigative
Major Donald R. Bartley
(318) 329-2517

Patrol
Major James T. Fried
(318) 329-2606

Patrol-Assistant
Major Tom Torregrossa
(318) 329-2615

Special Operations
Major Billy Kemp
(318) 329-2641

Louisiana Board of Ethics

We are requesting an opinion regarding whether or not a Municipal Police Department can solicit and accept donations from private citizens, organizations and businesses in the community, including business the Department, and/or the City has conducted business with, is currently conducting business with, or may conduct business with in the future, for the purpose of funding a police memorial. The memorial will be dedicated to Monroe Police Officers killed in the line of duty and would be accessible to members of the public.

In addition, we are requesting an opinion regarding whether or not a Municipal Police Department can solicit and accept donations from private citizens, organizations and businesses in the community, including businesses the Department, and/or the City has conducted business with, is currently conducting business with, or may conduct business with in the future, for the purpose of holding an awards banquet for members of area law enforcement agencies.

We would appreciate a response as quickly as possible. Thank you for your time and consideration in this matter.

Sincerely,

Ronald E. Schleuter.
Chief of Police

ld



2008-628

Created By: Elizabeth Sanders on 07/14/2008 at 11:11 AM

Category: Ethics Advisory Opinions

Caption: an advisory opinion concerning the Animal Control Department of Baton Rouge Parish **soliciting** funds to build a new **animal** adoption and education center.

July 2, 2008

Hilton Cole, Director
Animal Control Department of EBRP
2680 Progress Road
Baton Rouge, LA 70807

RE: Ethics Board Docket No. 2008-628

Dear Mr. Cole:

The Louisiana Board of Ethics, at its June 26, 2008 Board meeting, considered your request for an advisory opinion regarding whether the **Animal** Control Department of Baton Rouge City/Parish (ACD) may **solicit** funds to build a new **animal** adoption and education center. The East Baton Rouge Parish **Animal** Control Department is devoted to providing residents of East Baton Rouge Parish with accurate and helpful information about caring for and owning **animals**.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit the ACD from **soliciting** funds to build a new **animal** adoption and education center. Section 1115 of the Code prohibits **public** servants from **soliciting** any thing of economic value from a person who has or is seeking to have a business, contractual, or financial relationship with the **public** servant's agency. Therefore, as long as the person or business in which the ACD is **soliciting donations** does not have or is not seeking to have a business, contractual, or financial relationship with the ACD, or is regulated by the ACD, or has a substantial economic interest which can be substantially affected by the performance of the employees' duties, the **solicitation** is not prohibited.

Additionally, there appears to be no ethical issues presented with the compensation of an employee from the funds collected by the ACD, the accrual of interest on the account which holds the **solicited** funds, or persons placing their names on **donations** made to the ACD. Once the funds are deposited into the ACD's account, the funds become the

property of ACD and the ACD is free to disburse the funds as they deem appropriate.

The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 763-8777 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Aneatra P. Boykin
For the Board

.....

General Item

Ethics Board Docket No. BD 2009-1077 12/18/2009

RE: Consideration of a request for an advisory opinion regarding whether an employee of the Office of Community Services may provide therapy services to clients of the Office of Juvenile Justice.

Relevant Statutory Provisions, Advisory Opinions: 1111A, 1111C(1)(a), 1112, 2009-795, 2009-066

Comments:

Facts: Ms. Chetia Thibodeaux is employed with the Department of Social Services (DSS), Office of Community Services (OCS) as a Child Welfare Specialist IV (Supervisor). She is not currently working as a supervisor of child welfare, but she has been working with Information Technology Department of DSS for the last three years with the ACCESS project developing a statewide automated child welfare information system. Mr. Thibodeaux has no direct contact with individuals serviced by OCS.

Ms. Thibodeaux is a Licensed Professional Counselor (LPC) and a Licensed Marriage and Family Therapist (LMFT), and she would like to provide therapy services to children and families under the supervision of the Office of Juvenile Justice (OJJ).

Issue: Whether Ms. Thibodeaux, an employee of OCS, may provide therapy services to clients of the OJJ.

Law: Section 1111A prohibits a public servant from receiving any thing of economic value for the performance of his job duties other than the compensation and benefits from the governmental entity to which he is duly entitled. Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

Analysis/Conclusion: Neither Section 1111A nor Section 1111C(1)(a) of the Code would not prohibit Ms. Thibodeaux from providing therapy services to children and families under the supervision of the OJJ as long as she does not serve the same clients who would be able to receive the same services through OCS. Also, Section 1112 prohibits Ms. Thibodeaux from referring clients of the OCS to receive services she renders to OJJ clients. (DLG)

Recommendations: Adopt proposed advisory opinion.

Date

Ms. Chetia Thibodeaux, LPC, LMFT
1933 Wildlife Dr.
Baton Rouge, LA

Re: Board Docket No. 2009-1077

Dear Ms. Thibodeaux,

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion regarding whether you, an employee of the Office of Community Services may provide therapy services to clients of the Office of Juvenile Justice. You stated that you are employed with the Department of Social Services (DSS), Office of Community Services (OCS) as a Child Welfare Specialist IV (Supervisor). You also stated that you are not currently working as a supervisor of child welfare, but you have been working with Information Technology Department of DSS for the last three years with the ACCESS project developing a statewide automated child welfare information system. You stated that you have had no direct contact with individuals serviced by OCS. You are a Licensed Professional Counselor (LPC) and a Licensed Marriage and Family Therapist (LMFT), and you would like to provide therapy services to children and families under the supervision of the Office of Juvenile Justice (OJJ).

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics would not prohibit you from providing therapy services to children and families under the supervision of the OJJ. Section 1111A prohibits a public servant from receiving any thing of economic value for the performance of his job duties other than the compensation and benefits from the governmental entity to which he is duly entitled. Section 1111C(1)(a) prohibits a public servant from receiving any thing of economic value from an outside source for the performance of services which are devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Neither of these sections will prohibit you from providing therapy services to children and families under the supervision of the OJJ as long as you do not serve the same clients who would be able to receive the same services at OCS. Also, Section 1112 prohibits you from referring clients of the OCS to receive services you render to OJJ clients.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

2009-1077

Chetia Thibodeaux, LPC, LMFT
1933 Wildlife Dr.
Baton Rouge, LA 70816

November 3, 2009

LOUISIANA ETHICS ADMINISTRATION PROGRAM
P.O. Box 4368
Baton Rouge, Louisiana 70821

Dear Sirs,

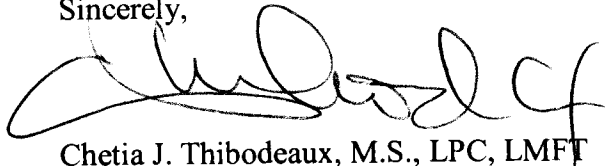
This request is for an opinion regarding an ethical dilemma that is not addressed in the policies of the agency for which I am currently employed. I am employed with the Department of Social Services (DSS), Office of Community Services (OCS) as a Child Welfare Specialist IV (Supervisor). I am not currently working in the capacity as a supervisor of child welfare but have been working with the Information Technology department of DSS for the last three years. My primary role has been with the ACCESS project developing a statewide automated child welfare information system. I have no direct contact with individuals served by OCS.

Because my education and professional training has primarily been in the area of family issues, and I am a Licensed Professional Counselor (LPC) and Licensed Marriage and Family Therapist (LMFT), I would like to provide therapy services to children and families. My goal is to provide in-home therapy services to children and families under the supervision of the Office of Juvenile Justice (OJJ).

I would like to submit a request to OJJ to provide services to the clients that they serve that do not have any involvement with OCS. Because both agencies are state agencies and there may be individuals who may have been served by both OCS and OJJ, my request is for this issue to be addressed in a forum that will provide the most clear and concise recommendation. Please provide an opinion on whether it is an ethical infraction for an OCS employee to provide therapy services to an OJJ client.

Thank you for your time.

Sincerely,



Chetia J. Thibodeaux, M.S., LPC, LMFT

2009 NOV -5 PM 3:58

LOUISIANA ETHICS ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

General Item

Ethics Board Docket No. BD 2009-1084 12/18/2009

RE: Consideration of a request for an advisory opinion concerning the spouse of a Winnfield City Police Department lieutenant being employed as a police officer by the department.

Relevant Statutory Provisions, Advisory Opinions: 1119A, 1112B(1)

Comments:

ISSUE: May the spouse of a lieutenant of the Winnfield City Police Department be employed as a police officer for the department.

FACTS: Angie Curry has been employed by the Winnfield City Police Department as a dispatcher. She would like to become a full time police officer. Mrs. Curry's husband, Charles Curry, is employed as a lieutenant with the police department. The police department is headed by an elected police chief. Mr. Curry does not have the authority to hire or fire any employees of the police department, and there would be other officers between himself and his wife in the chain of command. However, there are times when he would be the ranking officer in a situation in which she may be involved in, and she would be the only female officer covering domestic violence cases, and he is the lead detective.

LAW: Section 1119A prohibits an immediate family member of an agency head from being employed in his agency. Section 1112B(1) prohibits a public servant from participating in a transaction involving the governmental entity in which any member of his immediate family has a substantial economic interest.

ANALYSIS: As lieutenant, Charles Curry is not the agency head of the Winnfield City Police Department. Therefore, Section 1119A would not prohibit Angie Curry from being employed by the police department. Section 1112B(1) would prohibit Charles Curry from participating in any transaction involving the police department in which Angie Curry has a substantial economic interest, including promotions and salary. Section 1112B(1) would not prohibit Charles Curry from serving as a detective in a domestic violence case covered by Angie Curry, because Angie Curry would not have a substantial economic interest in the transaction. (MD)

Recommendations: Adopt the proposed advisory opinion

DATE

Ms. Sarah Junkin
Winnfield City Council, District 3
P.O. Box 271
Winnfield, LA 71483

RE: Louisiana Board of Ethics Docket No. 2009-1084

Dear Ms. Junkin:

The Louisiana Board of Ethics, at its December 18, 2009 meeting, considered your request for an advisory opinion concerning whether the Winnfield City Police Department may employ Angie Curry as a full time police officer. You state that Ms. Curry's husband, Charles Curry, is employed by the police department as a lieutenant. You state that Mr. Curry does not have any powers to hire and fire employees of the police department, and that **there would be other officers between Charles and Angie Curry in the chain of command.** You also state there would be times when Charles Curry would be the ranking officer in a situation in which Angie Curry may be involved, and that Angie Curry would be the only female officer covering domestic violence cases, and that Charles Curry would be the lead detective in such cases.

The Board concluded, and instructed me to inform you, that Section 1119A of the Code of Governmental Ethics would not prohibit Angie Curry from being employed as a full time police officer by the Winnfield City Police Department. Section 1119A of the Code prohibits an immediate family member of an agency head from being employed by his agency. As lieutenant, Charles Curry is not the agency head of the Winnfield City Police Department. Accordingly, Section 1119A would not prohibit Angie Curry from being employed by the police department.

The Board further concluded, and instructed me to inform you, that Section 1112B(1) of the Code would prohibit either Angie Curry or Charles Curry from participating in transaction in which the other has a substantial interest, such as matters regarding salary or promotion. Section 1112B(1) prohibits a public servant from participating in a transaction involving the governmental entity in which any member of his immediate family has a substantial economic interest. Section 1112B(1) would not prohibit Charles Curry from serving as detective in a domestic violence case to which Angie Curry may be assigned, as Angie Curry would not have a substantial economic interest in the case itself.

The Board issues no opinion as to laws other than the Code of Governmental Ethics. 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 Ethics. If you have any further questions, please contact me at (225) 219-5600 or at (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Michael Dupree
For the Board

2009-1084

ETHICS ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

2009 NOV 10 AM 8:14

October 23, 2009

Louisiana Ethics Administration Program
P. O. Box 4368
Baton Rouge, LA 70821

Gentlemen:

As a member of the City Council of the City of Winnfield, I would like to respectfully ask your opinion regarding a specific situation and how it is affected by the laws regarding nepotism.

A current employee of the Winnfield City Police Department, a dispatcher, would like to become a full time police officer. She has passed the Civil Service exam. This woman's husband is a lieutenant for the department. He does not have any powers to hire or fire employees and there are other officers between himself and his wife in the chain of command.

The dilemma is: (a) there will be times when he is the ranking officer in a situation she may be involved in, and (b) she would be our only female officer covering domestic violence cases and he is our lead detective.

The best interests of the city are my only concern. An official opinion in this matter would be greatly appreciated.

Sincerely,



Sarah Junkin
Winnfield City Council, District 3
P. O. Box 271
Winnfield, LA 71483
(318)623-1500

Organizational Chart

