

Ethics Quarterly

Selected Opinions of the Louisiana Board of Ethics

April 2007

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ETHICS

PROHIBITED TRANSACTIONS

Farrell Chatelain, the husband of an employee of the Child Support Enforcement Division of the Orleans Parish District Attorney's Office, violated Section 1113A of the Code of Governmental Ethics by serving as a real estate broker for the lease of office space by the Child Support Enforcement Division while his wife worked there. A penalty of \$10,000 was assessed against Mr. Chatelain. §1113A **No. 2004-514**

Sammy's Air Conditioning & Refrigeration, a business owned by Sammy Higginbotham, the husband of Church Point Town Clerk Amber Higginbotham, violated Section 1113A of the Code by performing compensated repair services for the Town of Church Point while his wife served as its clerk. A penalty of \$200 was assessed against Sammy's Air Conditioning. §1113A **No. 2005-362**

The son of the general manager of the Greater New Orleans Expressway Commission may work for a consulting firm which has a contractual relationship with the Expressway Commission since the son will not be entering into transactions with the Expressway Commission. The Ethics Board advised that Section 1114 of the Code requires immediate family members of public servants to disclose income that is received from any person who has bid on, entered into, or is any way financially interested in a contract, subcontract, or other transaction under the supervision or jurisdiction of the public servant's agency. §1113A; §1114 **No. 2006-821**

No violations of the Ethics Code are presented if an employee of Abbeville General Hospital runs for and wins a seat on the Vermilion Parish Police Jury, since the employee will have been working for the hospital prior to her prospective service as a police juror. §1113A **No. 2006-906**

The owner of a convenience store which sells lottery tickets is prohibited from serving on the Louisiana Lottery Board, and members of the immediate family of an appointee to the Lottery Board may not enter into

contracts to sell lottery tickets. §1112B(1); §1113B **No. 2006-967**

An automotive company may contract with the Bossier Parish EMS even though the son-in-law of an employee of the Bossier EMS works for the automotive company, since the son-in-law does not more than a 25% interest in the automotive company. §1112C; §1113 **No. 2006-1057**

Two Krotz Springs gas stations, which are owned by the father and father-in-law of board members of St. Landry Parish's Fire Protection District No. 1, respectively, are barred from continuing to sell fuel to the Fire Protection District. §1113B **No. 2006-1067**

A newly-elected member of the Red River Parish School Board may continue to provide services to the School Board under a federally-funded grant, since the contract was entered into prior to her election to the School Board. However, once the contract expires on June 30, 2007, the School Board member may not renew the contract. §1113A; §1114 **No. 2006-1070**

The law firm of a member of the Alexandria Municipal Fire and Police Civil Service Board can provide contractual legal services to the City of Alexandria, as long as the firm does not do any legal work for the City which involves the Fire and Police Civil Service Board. §1113B **No. 2007-022**

A state senator may enter into a professional services contract with the Kenner Housing Authority because housing authorities are autonomous units of local government, not state instrumentalities. §1113D; §1114.1; BD 2005-365 **No. 2007-093**

PARTICIPATION

Representative Arthur Morrell violated Section 1112 of the Code by proposing a concurrent resolution in the House of Representatives which sought to modify rules used by the Department of Health and Hospitals in dealing with suspended mental health rehabilitation providers while Representative Morrell was providing compensated legal services to six of the fourteen mental health providers that were suspended at that time. A fine of \$5,000 was

assessed against Representative Morrell. §1112 **No. 2004-532**

A lawn care company owned by an incoming member of the Mooringsport Town Council may continue to contract with the Town of Mooringsport since the contract has been in effect since July 2004. However, the company may not renew the contract when it expires in June 2007, and the new council member may not participate in any transactions involving his company which come before the Town Council. If any such transactions are considered by the Town Council, the councilman may recuse himself or vote and file a disclosure statement with the Ethics Board pursuant to Section 1120 of the Code. §1112; §1113; §1120 **No. 2006-925**

NEPOTISM

Joy Young violated Section 1119A of the Code by virtue of her employment with the Prairie Road Water District at a time when her sister, Ann Cannon, was the office manager for the Water District. A penalty of \$500 was assessed against Ms. Young, and the Board ruled that either she or Ms. Cannon must terminate her employment with the Water District. §1119A **No. 2005-547**

A park attendant for the Sabine River Authority, who is married to the Authority's maintenance manager, may continue to work for the Authority because she was employed there for at least one year prior to her marriage. However, Section 1112 of the Code prohibits her husband from participating in any personnel matters concerning her employment, including evaluations or recommendations for promotions or pay raises. §1112; §1119 **No. 2006-1033**

The son of a member of the Livingston Parish Council may be employed by an architectural firm that contracts with the Livingston Parish Council, but he is prohibited from working on projects for the Livingston Parish Government on behalf of his employer. The son must file, pursuant to Section 1114 of the Code, a disclosure statement with the Ethics Board which notes the amount of income he derives from his employer while his father is on the Parish Council. §1113; §1114; §1119 **No. 2007-044**

OUTSIDE SERVICES & ACTIVITIES

Representative Arthur Morrell violated Section 1111E(2)(a) of the Code by receiving compensation for providing legal services and assistance to the Right Start Academy and Preschool and Divine Concepts, Inc., in proceedings before the Department of Social Services and the Department of Health and Hospitals, respectively. A fine of \$2,000 was assessed against Representative Morrell for these violations. §1111E; §1112 **No. 2004-532**

Senator Charles D. Jones violated Section 1111E when he received compensation for assisting the Farmerville North Villa Development in transactions with the Louisiana Housing Finance Agency and failing to file a sworn written disclosure statement with the Ethics Board prior to or at least ten days after the initial assistance was rendered. A fine of \$5,000 was assessed against Senator Jones. §1111E **No. 2004-853**

A sewer maintenance worker employed by the Village of Pioneer is barred from working for and renting his backhoe to an individual who has a contractual relationship with the Village of Pioneer. §1111C(2)(d) **No. 2006-926**

No Ethics Code violations are presented by the continued employment of the wife of the Mayor of Shreveport with a non-profit corporation that receives funds from the City of Shreveport because the wife is a regular salaried employee of the non-profit, she is not an officer or director of the company, her salary is not affected by her employer's relationship with the City of Shreveport, and she does not own more than 25% of the nonprofit. However, she is barred by Section 1113A of the Code from providing services on behalf of her employer to the City of Shreveport, and she must disclose the income she receives from the nonprofit pursuant to Section 1114. §111C(2)(d); §1113A; §1114 **No. 2006-973**

Section 1111C(2)(d) of the Code prohibits both the Secretary of the Department of Wildlife and Fisheries and a company he owns from providing compensated services to private clients who submit applications to the Department of Wildlife and Fisheries, and Section 1113A bars the Secretary and his company from representing clients in matters before the Department. §1111C(2)(d); §1113A **No. 2006-1020**

A company owned by an officer of the Eunice Police Department, which provides pre-employment background checks, can conduct business with other departments of the City of Eunice because the policeman does not perform or participate in pre-employment background checks or law enforcement training as part of his official duties with the Police Department. §1111C(1)(a); §1113A **No. 2007-019**

POST EMPLOYMENT

The Chief of the Elton Police may be re-employed by the Elton Police Department as an Assistant Chief after his term as Chief of Police ends. §1121A(1) **No. 2006-921**

Two members of the Vermilion Parish School Board may not be hired, for a period of two years following the expiration of their terms as school board members, as teachers or administrators for the Vermilion School Board. The Board determined that the exception contained in Section 1123(31) of the Code did not apply in this situation since Vermilion Parish has a population of more than 36,000 persons and the exception does not apply to

administrative positions. §1121A(2) **No. 2006-924**

The City Attorney for the City of Shreveport is prohibited from assisting a law firm, for compensation, in transactions involving his former agency for two years after the termination of his public service. Section 1121C of the Code prohibits the law firm for which the former City Attorney will work from assisting its private clients, for compensation, for two years in transactions in which the City Attorney participated while he was employed by the City of Shreveport. §1121A; §1121C **No. 2006-943**

An alderwoman for the Town of Lutcher may not accept the position of administrative assistant to the Mayor of Lutcher for a period of two years following the end of her service on the Lutcher Board of Aldermen. §1121A(2) **No. 2006-993**

PROHIBITED PAYMENTS AND GIFTS

Carolyn Caldwell, Clerk of Court for Madison Parish, violated Section 1111A(1) of the Code by receiving things of economic value, including airfare, hotel accommodations, and meals paid for by the Madison Parish Clerk of Court's Office to which she was not entitled as part of her regular compensation and benefits. A fine of \$10,500 was assessed against Ms. Caldwell. §1111A(1) **No. 2005-697**

Roger Richard, Executive Director of the Greater Baton Rouge Port Commission, violated Section 1115 of the Code by using a condominium owned by the wife of Tom Lange, Senior Vice President of Associated Terminals, L.L.C., at a time when the Port Commission had a contractual relationship with Associated Terminals. Associated Terminals violated Section 1117 by allowing Mr. Richard to stay in the condominium in question. Penalties of \$1,000 each were assessed against Roger Richard and Associated Terminals. §1115; §1117 **No. 2006-113**

Dow Chemical Company violated Section 1117 by providing a free flight on its regularly-scheduled employee commuter shuttle to employees of the Louisiana Community and Technical College System to Lake Jackson, Texas for meetings with Dow officials and observations of a training program at a Texas technical college. A penalty of \$2,500 was assessed against Dow. §1117 **No. 2006-352**

Employees of the Department of Environmental Quality may not accept cash prizes at a conference hosted by the Louisiana Solid Waste Association because they would be attending the conference in order to obtain required continuing education credits. §1111A **No. 2006-945**

WAFB Channel 9 in Baton Rouge may not award a new

car or the cash equivalent to teachers employed by the East Baton Rouge Parish School System as part of a "teachers that make a difference" campaign. §1111A(1) **No. 2006-998**

A state employee may not accept a gift certificate to a local restaurant as a door prize while attending a meeting of the Baton Rouge Oracle Users Group because she will be going to the meeting in her capacity as a state employee. §1111A(1) **No. 2006-1039**

Police officers for the Port of New Orleans' Harbor Police Department may not participate in a home giveaway program sponsored by a New Orleans bank, because the home would be given specifically for the purpose of aiding a harbor police officer. Section 1111A(1) of the Code prohibits public employees from receiving any thing of economic value other than the compensation and benefits to which they are duly entitled as part of their salaries. §1111A(1) **No. 2006-1085**

UNIQUE CIRCUMSTANCES

A member of the St. Landry Parish Economic Development District may donate the use of his bulldozer and an operator to the Economic Development District in order to make improvements to a parcel of land owned by the Economic Development District because Section 1123(30) of the Code allows public servants to donate services, movable property, or funds to their agencies. §1123(30) **No. 2006-944**

No violations of the Ethics Code are presented by the magistrate judge for the City of Kenner providing car wash services, through a business he owns, to patrol vehicles owned by the Kenner Police Department since Section 1167 of the Code mandates that all judges are governed exclusively by the provisions of the Code of Judicial Conduct, which is administered by the Judiciary Commission. §1167 **No. 2006-947**

The stepdaughter of a member of the Winnfield City Council may be employed as a department head by the City of Winnfield because stepchildren do not fall under the definition of "immediate family members" contained in the Ethics Code. §1102(13); §1119 **No. 2006-994**

A newly-elected member of the Homer Town Council may continue to serve as a member of the board of directors for the Claiborne Boys and Girls Club, which has a cooperative endeavor agreement with the Town of Homer, because Section 1123(1) of the Code allows public servants to participate in the affairs of charitable, religious, nonprofit educational, public service, or civic organizations so long as no compensation is received for such services. §1123(1) **No. 2007-017**

UPCOMING FILING DEADLINES

All "major office" level candidates (those running for state-wide offices, the state Supreme Court, the Courts of Appeal, the BESE Board, the Public Service Commission, or any other office with an election district whose population is greater than 250,000 persons) in the October 2007 election must file their 180th Day Prior to the Primary Election reports ("180-P") **by April 23, 2007**, and their 90th Day Prior to the Primary Election reports ("90-P") **by July 23, 2007**.

Filing schedules for 2007 elections may be viewed on our website at www.ethics.state.la.us/sched.htm.

Please note that the advisory opinions rendered by the Board of Ethics are based upon the particular facts presented. As such, the scope of each opinion is limited to the parties and facts involved in each case. However, the opinions may serve as a general guide to other individuals similarly situated. You may always seek an advisory opinion specific to your situation by writing to the Board at:

**2415 Quail Drive, Third Floor
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*You may always seek **informal** advice from the staff attorneys for the Board. Call (225) 763-8777 or, toll free, 1-800-842-6630, Monday through Friday, 8:00 a.m. until 4:45 p.m., CST.*

ADDITIONAL INFORMATION

If you would like to schedule a **free** seminar about the Code of Governmental Ethics, the Campaign Finance Disclosure Act, or the Lobbyist Disclosure Act, please contact Michael Dupree at (225) 763-8777 or 1-800-842-6630.

If you would like to request an advisory opinion from the Board of Ethics, regarding a particular ethical concern you may encounter, send your request, signed and in writing, to the Louisiana State Board of Ethics, 2415 Quail Drive, Third Floor, Baton Rouge, Louisiana, 70808.

Ethics Quarterly is produced and published by the Louisiana Ethics Administration to highlight selected cases addressed by the Louisiana Board of Ethics. Specific questions with regard to a particular situation or issue should be directed to the Ethics Administration's office at 2415 Quail Drive, Third Floor, Baton Rouge, Louisiana, 70808, or phone (225) 763-8777 or 1-800-842-6630. One hundred copies of this public document were published in this first printing at a cost of \$200.00. The total cost of this document, including reprints, is \$200.00. This material was printed in accordance with standards for printing by state agencies established pursuant to La. R.S. 43:31.



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