

**NOTICE OF INTENT**

**Department of Civil Service  
Board of Ethics**

Late Filings (LAC 52:I.1211)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has initiated rulemaking procedures and is proposing to adopt a Rule regarding the suspension of late filing fees.

**Title 52**

**ETHICS**

**Part I. Board of Ethics**

**Chapter 12. Late Filings**

**§1211. Late Filing; Suspension**

A. When the board suspends a late fee based on one or more conditions and the late filer does not comply with the condition, the failure to comply with the condition is called the “triggering event.”

B. When a triggering event occurs, the portion of the late that was suspended shall be immediately due and owing. At that time, the staff shall send a demand letter to the late filer advising the late filer of the “triggering event” and that the suspended portion of the late fee is now due and owing, and failure to pay will result in collection procedures being pursued.

C. If a triggering event does not occur within eight years after the board suspended the late fee, the suspended portion of the late fee is waived in full.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 49:

**Family Impact Statement**

The proposed Rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed Rule changes have no known impact on poverty, as described in R.S. 49:973.

**Small Business Analysis**

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:978.5.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

**Public Comments**

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on April 10, 2023.

Kathleen M. Allen  
Ethics Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Late Filings**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule provides that if a filer is assessed a late fee that the Board of Ethics suspends in whole or in part based on future compliance with the filing requirements, and it has been more than eight years from the suspension, the suspended amount shall not be due and owing. This is because such a judgment would not be collectible within 10 years of the finality of the judgment. The Board agreed upon the period of eight years given the length of time since a prior violation and the time delays that would be needed to demand and execute a judgment on the suspended portion. The estimated cost to implement the proposed rule change is \$215 in FY 22-23, which includes the cost to publish the Notice of Intent and the proposed rule in the State Register.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule could have an unknown impact on revenue collections to the state, as there is potential for collection of suspended late fees in future fiscal years beyond the scope of this impact statement.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed action could result in directly affected persons having to pay late filing fees to the extent suspended fees are imposed or reassessed.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no anticipated effect on competition and employment.

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